

REGULAR MEETING  
SEPTEMBER 13, 2010

IN CITY COUNCIL  
ABSENT:

CONVENED:  
ADJOURNED:

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2010 SEP -9 P 5: 04

1. Minutes of the City Council Meeting, August 23, 2010.
2. CONTINUED PUBLIC HEARING On the Petition from Massachusetts Electric Co. and Verizon New England Inc. to install new P.5 and relocate P.4 on Madison St., Order No. 10-1002649.
3. PUBLIC HEARING On the Application for amended Special Permit from Attorney Gadbois, on behalf of Fore Kicks II Inc., seeking to allow the applicant to serve alcoholic beverages on Site for the following reasons, Order No. 10-1002645:
  - To be competitive with similar recreation centers within the market area;
  - To attract state and national events;
  - To attract larger regional clients;
  - To accommodate clients who desire to hold fund raising events for its teams;
  - To accommodate clients who desire to hold private parties for its teams;
  - To attract adult teams to participate in adult leagues.
4. Communication from the Mayor re: Council on Aging Formula Grant in the amount of \$38,255.00 which provides supplemental support to local funding for personnel, programming and expenses.
5. Communication from the Mayor re: Fire Department transfer requests in the amount of \$2,447.82 to move funds from Firefighter to Additional Overtime and \$641.89 to move funds from Fire Captain to Additional Overtime necessary to fund coverage for an injured employee.
6. Communication from the Mayor re: following transfers to offset the bond requests:
  - Transfer in the amount of \$386,491.00 from various debt service accounts to various capital outlay accounts. This transfer is necessary to fund various departmental equipment needs.
  - Transfer in the amount of \$1,091,080.00 from various debt service accounts to DPW Equipment. This transfer will fund DPW equipment.
  - Transfer in the amount of \$198,675.00 from various debt service accounts to DPW Projects. The transfer will fund city sidewalk construction.
  - Transfer in the amount of \$346,168.00 from BAN City Int. to IS Equipment. This transfer will fund the purchase of equipment in the Information Technology Dept.
7. Communication from the Mayor re: DPW Retirement Benefits transfer requests in the amount of \$22,082.00 to move funds from Fringes to Sick Leave Buy Back and \$2,261.00 to move funds from Fringes to Longevity to fund benefits associated with an employee's retirement.
8. Communication from the Mayor re: transfer request in the amount of \$30,000.00 to move funds from BAN City Int. to Recreation to fund the master plan and design for Memorial Beach.
9. Application for Special Permit from Attorney Bergeron, on behalf of 110 Pleasant LLC., to alter, extend and change use of an existing former factory building located at 110-118 Pleasant St., to contain 17 garden-style residential condominium units and 1 business office.
10. Minutes, Conservation Commission, June 3, July 8, and July 22, 2010.
11. Minutes, Zoning Board of Appeals, August 31, 2010.
12. Minutes, Traffic Commission, July 27, 2010.
13. Minutes, Planning Board, July 26, 2010.

## 14. CLAIMS:

- A. Freida Silva, 72 Millham St., other property damage

## REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

**From Personnel Committee**

15. **Order No. 10-1002639 - Reappointment of reappointment of Walter Bonin to the License Commission for a six-year term from date of approval. Recommendation of the Personnel Committee is to approve the reappointment of Walter Bonin to the License Commission for a six year term from date of approval 3-0.**

**From Rules Committee**

16. Proposed Rule #1: Meetings of Standing Committees shall not be held on any Election Day. **Recommendation of the Rules Committee is to approve proposed Rule #1, 3-0.**
17. Proposed Rule #2: A majority of all the members of each Standing Committee shall constitute a quorum. The affirmative vote of at least 3 members of each Standing Committee consisting of 5 members, and of at least 2 members of each Standing Committee consisting of 3 members, shall be necessary to adopt any recommendation to the full City Council. **Recommendation of the Rules Committee is to approve proposed Rule #2, 3-0.**

**From Finance Committee**

18. **Order No. 10-1002636 – Transfer \$27,098.49 from Fringes to Head Clerk.** The Finance Committee reviewed the Mayor's letter dated July 21, 2010 requesting a transfer of \$27,098.49 from the Fringes Account to the Head Clerk account to pay budgeted expenses associated with an employee's retirement. **Recommendation of the Finance Committee is to approve the transfer 3-0.**
19. **Order No. 10-1002635 – Rescind Frye Land Bond.** The Finance Committee reviewed the Mayor's letter dated July 21, 2010 requesting the Frye Land bond in the amount of \$495,000.00 (Order No. 04-100540) be rescinded as the bond is no longer necessary. **Recommendation of the Finance Committee is to approve rescinding the bond 3-0.**
20. **Order No. 10-1002634 – FY11 Supplemental Budget Reduction of \$1,161,759.00.** The Finance Committee reviewed the Mayor's letter dated July 22, 2010 requesting the FY11 Supplemental Budget Reduction of \$1,161,759.00 of debt service for the refunded 1999 and 2001 General Obligation Bonds associated with school construction. The Mayor and Comptroller stated that the final documentation from the State was received after the FY11 budget was approved. The Comptroller identified that the FY11 Cherry sheets will be reduced by a similar amount. Therefore, reducing the FY11 budget by \$1,161,759.00 will result in a net zero change to the taxpayer at the tax classification hearing. **Recommendation of the Finance Committee is to approve the reduction of \$1,161,759.00 from the FY11 budget 3-0.**

**From City Council**

21. **Order No. 10-1002657 - All municipal vehicles be marked with the official city seal and numbered on the back for identification purposes. Recommendation of the City Council is to table until September 13, 2010.**



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

**Lisa M. Thomas  
140 Main St.**

**Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723**

**AUGUST 23, 2010**

Regular meeting of the City Council held on Monday, AUGUST 23, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 9:55 p.m.

ORDERED: That the minutes of the City Council Meeting July 26, 2010, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING on the Petition from Massachusetts Electric Co. and Verizon New England Inc. to install new P.5 and relocate P.4 on Madison St., Order No. 10-1002649, **OPEN AND CONTINUE HEARING WITHOUT ANY EVIDENCE BEING HEARD TO THE SEPTEMBER 13, 2010 MEETING**; adopted.

ORDERED: Now being the time set for the CONTINUED PUBLIC HEARING on the Application for Wireless Special Permit from Attorney Valeriani, on behalf of Verizon Wireless, to permit, construct, operate and maintain a Wireless Communication Facility consisting of a 130' antenna-monopole-tower at 800 Bolton St., all were heard who wish to be heard, hearing recessed at 8:30 p.m.; adopted.

**Councilors Present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy, & Landers.**

ORDERED: Now being the time set for the PUBLIC HEARING on the Application from MetroPCS Massachusetts LLC, to install a telecommunications facility onto an existing building at 157 Union St., all were heard who wish to be heard, hearing recessed at 8:45p.m.; adopted.

**Councilors Present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Clancy, & Landers.**

**Councilor Seymour abstained**

ORDERED: Now being the time set for the PUBLIC HEARING On the Application for Special Permit from Attorney Bergeron on behalf of Crosspoint Associates, seeking a 24 hour drive-thru window in connection with a banking institution at 133 East Main St., all were heard who wish to be heard, hearing recessed at 9:00 p.m.; adopted.

**Councilors Present: Ossing, Vigeant, Pope, Levy, Ferro, Elder, Tunnera, Seymour, Clancy, & Landers.**

**Councilor Delano abstained**

ORDERED: That the along with the City Council's approval of the FY 11 operating budget, a recommendation of adopting of Section 4, Chapter 73 of the Acts of 1986 which allows for the doubling of all exemptions offered in the City to qualified residents (i.e. Elderly, Blind, Disabled Vets) as provided by Massachusetts law in which the City would absorb any associated costs through the overlay account, **APPROVED**; adopted.

ORDERED: That the City's participation in the Massachusetts Interlocal Insurance Association (MIIA) rewards program, **FILE**; adopted.

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ORDERED: That the appointment of Jennifer Crawford-Claro to the position of Council on Aging Director for a three year term from date of approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the appointment of Colleen Hughes to the Marlborough Planning Board for a term to expire the first Monday in February, 2015, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the reappointments of Lee Thompson and Joseph DelGenio to the Fort Meadow Commission for three year terms from date of approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the following notification from the City Clerk re: 2010 State Primary Election Call, **FILE**; adopted.

CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK

That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **STATE PRIMARY ELECTION** will be held in the polling locations as noted below on **SEPTEMBER 14, 2010**, as follows: Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Auditor, Representative in Congress, Councillor, Senator in General Court, Representative in General Court, District Attorney, and Sheriff.

THE POLLS WILL OPEN AT 7:00 A.M. AND WILL CLOSE AT 8:00 P.M.

POLLING LOCATIONS ARE AS FOLLOWS:

- WARD ONE: Prec. 1 and 2 Francis J. Kane School, 520 Farm Rd.,
- WARD TWO: Prec. 1 and 2 Francis J. Kane School, 520 Farm Rd.,
- WARD THREE: Prec. 1 Masonic Hall, 8 Newton St. (corner of Main/Newton Sts.), rear
- WARD THREE: Prec. 2 Raymond J. Richer School, 80 Foley Rd.,
- WARD FOUR: Prec. 1 and 2 Boys & Girls Club, 169 Pleasant St.,
- WARD FIVE: Prec. 1 Senior Center, 250 Main St.,
- WARD FIVE: Prec. 2 Masonic Hall, 8 Newton St. (corner of Main/Newton Sts.), rear
- WARD SIX: Prec. 1 and 2 1LT Charles W. Whitcomb School, 25 Union St., Library
- WARD SEVEN: Prec. 1 and 2 Hildreth School Gymnasium, 85 Sawin St.

ORDERED: That the following proposed City Code Amendment Draft Orders pertinent to Junk Dealers License, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 377, ENTITLED "JUNK AND SECOND HAND DEALERS LICENSES," AS FOLLOWS:

Chapter 377 is hereby amended by deleting section 377-1 in its entirety and replacing it with the following:

377-1. License Required; **License Revocation.**

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- A. No person shall be a **collector of**, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals, rags or secondhand articles unless licensed by the City Council, which may grant licenses as it may determine.
- B. **Said licenses may be revoked or suspended at pleasure by the City Council.**
- C. **Upon revocation of such license, the City Clerk shall note the revocation upon the face of the record thereof, and shall give written notice to the licensee as provided under M.G.L. c. 140, § 205.**

Further, Chapter 377 is also hereby amended by adding the following new sub-Section:

**377-10: Enforcement; Penalties**

**Whoever acts as a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals, rags or second hand articles without a license, or in any other place or manner than that designated in his license or after notice that his license has been revoked, or acts in violation of any rule, regulation, restriction or condition regarding such license shall be subject to a fine of \$100.00 per day for each and every day the violation continues after issuance of a Notice of Violation by the Building Inspector of his designee, who may enforce this section by non-criminal disposition pursuant to the provisions of M.G.L. c. 40, § 21D. All fines are payable to the City of Marlborough through the City Clerk's office.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 315, ENTITLED "ENFORCEMENT," AS FOLLOWS:

Chapter 315 is hereby amended by adding the following new sub-section to part B of section 315-2, Noncriminal Disposition:

Ordinance/Violation (Chapter/Section)	Penalty	Enforcing Agent
30) Junk And Second Hand Dealers Licenses, Ch. 377	\$100	Building Inspector or his designee

ORDERED: That the grant of easement to Massachusetts Electric Company for the Westerly Wastewater Treatment Plant, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

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ORDERED: That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to Clear Wireless LLC, a Nevada Limited Liability Company ("Clearwire") located at 4400 Carillon Point, Kirkland, WA 98033, in the amount of \$25,000.00 for the first year of the lease, increasing annually by three (3%) on each anniversary of the Rent Commencement Date, subject to the approval of the Commissioner of Public Works as to the proposal and the location on the tower at the site, and the approval of a Special Permit by the City Council pursuant to the applicable Articles and Sections of the Marlborough Zoning Ordinance; and it is FURTHERED ORDERED: that, if and when a Special Permit is approved, the Mayor is then authorized to negotiate a lease, subject to obtaining all necessary permits and licenses, with Clearwire for the placement of antennas on the water tank along with associated wires and ground equipment at the Fairmount Hill Water Tank site, located at 115 Onamog Street, Marlborough, MA 01752, shown on Assessors' Map 81, Parcel 238. Said municipal property has been declared available for disposition by City Council Order No. 01-9384, refer to **WIRELESS COMMUNICATIONS COMMITTEE**; adopted.

ORDERED: That the Application for Special Permit from Attorney Bergeron, on behalf of Global Montello Group Corp., to amend Special Permit Order No. 02-9612C pertinent to a new owner, Global Montello Group Corp., and modify Condition 5 to allow Global to have the convenience store located on premises operated by its subsidiary, Alliance Energy, LLC, refer to **BUILDING INSPECTOR**; adopted.

ORDERED: That the application of Best Buy Stores, LP for Junk Dealer's license at 769 Donald Lynch Blvd, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Petition from Massachusetts Electric Company and Verizon New England Inc. to install intermediate pole on Cook Lane P.19-50 for the purposes of feeding a new urd, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Planning Board, June 28, 2010, **FILE**; adopted.

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

- A. 1<sup>st</sup> Church of Marlboro, 37 High St., other property damage
- B. Charlene Milton, 15 Clearview Dr., pothole or other road defect

Reports of Committees:

Councilor Delano reported the following out of the Personnel Committee:

**Order No. 10-1002639 - Reappointment of reappointment of Walter Bonin to the License Commission for a six-year term from date of approval. Recommendation of the Personnel Committee is to approve the reappointment of Walter Bonin to the License Commission for a six year term from date of approval 3-0.**

Councilor Pope reported the following out of the Rules Committee:

Proposed Rule #1: Meetings of Standing Committees shall not be held on any Election Day. **Recommendation of the Rules Committee is to approve proposed Rule #1, 3-0.**

Proposed Rule #2: A majority of all the members of each Standing Committee shall constitute a quorum. The affirmative vote of at least 3 members of each Standing Committee consisting of 5 members, and of at least 2 members of each Standing Committee consisting of 3 members, shall be necessary to adopt any recommendation to the full City Council. **Recommendation of the Rules Committee is to approve proposed Rule #2, 3-0.**

Councilor Ossing reported the following out of the Finance Committee:

**Order No. 10-1002637 – Transfer \$2,000.00 from Library Director to Professional and Technical Services.** The Finance Committee reviewed the Mayor's letter dated July 20, 2010 requesting the transfer of \$2,000.00 from the Library Director's account to Professional and Technical Services account to fund part time help during the search for the new Library Director. The Mayor requested that this order be returned since it was not required. **Recommendation of the Finance Committee is to return the order to the Mayor 3-0.**

**Order No. 10-1002636 – Transfer \$27,098.49 from Fringes to Head Clerk.** The Finance Committee reviewed the Mayor's letter dated July 21, 2010 requesting a transfer of \$27,098.49 from the Fringes Account to the Head Clerk account to pay budgeted expenses associated with an employee's retirement. **Recommendation of the Finance Committee is to approve the transfer 3-0.**

**Order No. 10-1002635 – Rescind Frye Land Bond.** The Finance Committee reviewed the Mayor's letter dated July 21, 2010 requesting the Frye Land bond in the amount of \$495,000.00 (Order No. 04-100540) be rescinded as the bond is no longer necessary. **Recommendation of the Finance Committee is to approve rescinding the bond 3-0.**

**Order No. 10-1002634 – FY11 Supplemental Budget Reduction of \$1,161,759.00.** The Finance Committee reviewed the Mayor's letter dated July 22, 2010 requesting the FY11 Supplemental Budget Reduction of \$1,161,759.00 of debt service for the refunded 1999 and 2001 General Obligation Bonds associated with school construction. The Mayor and Comptroller stated that the final documentation from the State was received after the FY11 budget was approved. The Comptroller identified that the FY11 Cherry sheets will be reduced by a similar amount. Therefore, reducing the FY11 budget by \$1,161,759.00 will result in a net zero change to the taxpayer at the tax classification hearing. **Recommendation of the Finance Committee is to approve the reduction of \$1,161,759.00 from the FY11 budget 3-0.**

The Finance Committee continued the discussion on the following capital bond packages:

- Order No. 10-1002472A – FY10 Capital Bond Package - \$21,156,388
- Order No. 10-1002473A – Sudbury Street Bond for \$4,000,000
- Order No. 10-1002474 – DPW Equipment Bond for \$1,236,280

Attachment 1 identifies each bond, the amount, and the Finance Committee recommendations based on the July 12 and 19, 2010 Finance Committee meetings.



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The Mayor and Comptroller provided several scenarios regarding the projected payments for the \$12,121,584 bonds that have received preliminary Finance Committee approval. Scenario 3 involved using the \$283,004 in previously approved bonds, plus the funds available from the WWTP debt service (\$1,301,962), school debt service (\$18,901) and short term interest savings for not funding all of the FY10 bonds in the FY11 budget (\$505,449). These funds could be used to reduce the Finance Committee approved FY10 bonds. These funds would be used to fully fund the Equipment Bond, Technology Bond and DPW Equipment Bond resulting in a bond request of \$10,014,841.

The Finance Committee agreed to meet again with the full Finance Committee to go over these results as well as the July 12 and July 19, 2010 meetings on the capital bond requests.

The Mayor provided the following status regarding the Finance Committee request for information from the July 19, 2010 Finance Committee meeting:

- Provide the impact on the FY11 BAN accounts if the bond total for FY11 is \$12,121,584. **STATUS: Potential to use \$505,449 to offset bonds**
- Provide the impact on the water and sewer bill that includes the Westerly Treatment Plant, the water and sewer bonds in Attachment 1 and estimate for the Easterly Treatment Plant. **STATUS: Projected at a 33.43% increase or an additional \$1.14 to the existing \$3.14 rate. This does not include the Easterly Treatment Plant upgrades.**
- Provide the projected debt service if the bonds in Attachment 1 are approved on the debt service for FY12 to FY32. **STATUS: The Comptroller provided three scenarios for Finance Committee review.**
- Provide the status of the existing bonds to determine if any of the funds can be used to offset the FY10 bond request. **STATUS: The Mayor identified \$283,004 in previously approved bonds that could be used to offset the FY11 capital bond request.**
- Provide the impact of refinancing the school bond of \$9,580,170. Identify the funds that will be available for potentially offsetting the FY10 bond request. **STATUS: See order number 10-1002634 above.**

The Finance Committee agreed to table the bond discussion in order for Councilors to review the information received at this meeting.

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**ATTACHMENT 1**  
**FY10 Capital Bonds**  
**Summary of Finance Committee Recommendation**

<b>Bond Number Description</b>	<b>Bond Amount (\$)</b>	<b>Finance Committee Recommendation (\$)</b>	<b>Reduction (\$)</b>	<b>Comments</b>
<b>1. Department Equipment</b>	445,388	389,504 App 5 - 0	55,884	Mayor requested the vehicles for the Code Enforcement, Veterans and IT be removed from the bond.
<b>2. Street Construction</b>	9,886,000	3,240,000	6,646,000	Approve the items that can be completed in 2011 on the DPW spreadsheet
<b>3. Sidewalk Construction</b>	1,100,000	200,000	900,000	Approved various sidewalk repair only.
<b>4. Sewer Construction</b>	1,535,000	475,00	1,060,000	See list of projects in meeting minutes
<b>5. Water Meters</b>	200,000	200,000 App 5 - 0	0	Will purchase 1142 meters at \$175 per meter
<b>6. Water</b>	3,716,000	1,626,000	2,090,000	See list of projects in meeting minutes
<b>7. Parks</b>	864,000	Tabled 5 - 0		
<b>8. Design</b>	80,000	Tabled 5 - 0		
<b>9. Computers</b>	350,000	350,000 App 5 - 0		
<b>10. Buildings</b>	2,980,000	2,750,000 App 5 - 0	230,000	\$30,000 for DPW generator not required. \$200,000 for Walker Building tabled pending discussions with mayor
<b>11. DPW Equipment</b>	1,236,280	1,091,080	145,200	Excludes 4 pickup trucks and one van
<b>12. Sudbury Street</b>	9,943,000	1,800,000	8,143,000	First phase of project
<b>Total</b>	<b>32,335,668</b>	<b>12,121,584</b>	<b>19,270,084</b>	Does not include the Parks and Design bonds that were tabled

**Suspension of the Rules requested - granted**

**NOTICE OF DECISION  
GRANT OF SPECIAL PERMIT**

In City Council  
Order No. 10-1002624B

Application of:  
Verizon Wireless  
400 Friberg Parkway  
Westborough, MA 01581

Locus:  
Marlborough Westerly Wastewater Treatment Plant (WWTP)  
303 Boundary St.  
Map 76, Parcel 1 & 2

**DECISION**

The City Council of the City of Marlborough voted to Grant a Special Permit to Verizon Wireless (Bell Atlantic Mobile of Massachusetts Corporation, Ltd. and Cellco Partnership) for the installation and operation of a Wireless Communications Facility (WCF) at 303 Boundary Street, located inside a Water Supply Protection District, pursuant to Article VI, Section 650-24, based on the Findings of Facts and Conditions attached hereto.

Decision filed: **September 1, 2010**

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on **September 1, 2010**.

**APPEALS**

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

**VERIZON WIRELESS  
303 BOUNDARY STREET, MARLBOROUGH  
SPECIAL PERMIT (WATER SUPPLY PROTECTION DISTRICT)  
FINDINGS OF FACT AND CONDITIONS**

The City Council of the City of Marlborough hereby grants the application for a Special Permit to Bell Atlantic Mobile of Massachusetts Corporation, Ltd., and Cellco Partnership, d/b/a Verizon Wireless, to construct a Wireless Communications Facility ("WCF") in Zone A of the Water Supply Protection District, as provided in this Decision and subject to the following Findings of Facts and Conditions.

- 1) Bell Atlantic Mobile of Massachusetts Corporation, Ltd., and Cellco Partnership, d/b/a Verizon Wireless, having a business address of 400 Friberg Parkway, Westborough, Massachusetts, 01581, and is hereinafter referred to as the "Applicant".
- 2) The Applicant responded to a request for proposals (RFP) issued by the City of Marlborough's Procurement Office for the lease of city-owned land at the Westerly Waste-Water Treatment Plant ("WWTP") for the installation of a WCF. The Applicant was later issued a notice of award by the City's Procurement Office and a notice to proceed with the applicable permitting process, including this Special Permit process. Applicant is a prospective lessee to the City of Marlborough.
- 3) The WWTP is a large tract of wooded land, consisting of 11 acres (Map 76, Lot 1) and 152 acres (Map 76, Lot 2), located at 303 Boundary Street, adjacent to Millham Reservoir. The existing municipal use at the City's WWTP is located in an RR Zone (Rural Residential), and the table of uses lists WCFs as allowed by wireless special permit in the RR Zone.
- 4) The Applicant on or about June 24, 2010, filed with the City Clerk of the City of Marlborough an application for a Special Permit under the provisions of Article VI, Section 650-24 and pursuant to the procedures specified in Article VIII, Section 650-59, of the Marlborough Zoning Ordinance.
- 5) In connection with the special permit application, Applicant filed a Summary Impact Statement, certified list of abutters, filing fee and twenty (20) copies of the site plan.
- 6) The Site Plan was certified by 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 and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing for the permit application and the City Clerk caused to be advertised said date in the Metrowest Daily News and sent notice of said hearing to abutters entitled to notice under law.

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8) The Marlborough City Council, pursuant to MGL C.40A, held a public hearing on July 26, 2010, concerning the said application. The hearing was opened and closed at that meeting.

9) Applicant's attorney presented testimony at the public hearing detailing the application, described the WCF development and its location and described the equipment to be stored inside the Applicant's locked and secured shelter and the long distance from Millham Reservoir (350 feet).

10) Applicant provided further written and oral documentation to the City Council's Urban Affairs Committee regarding the location, installation and operation of the proposed project, including the proposed locked/secured equipment shelter building and related site modifications.

11) Applicant provided the Urban Affairs Committee with the final site plans previously approved by the City Council in connection with the special permit for the WCF pursuant to Section 650-25, entitled Engineering Plans and Drawings prepared by SFC Engineering Partnership, Manchester, New Hampshire, entitled "Marlborough West" and dated September 29, 2009, with a most recent revision date of February 23, 2010, (the "Plans"). The application and support documentation and engineering plans show that the Applicant's WCF is to consist of a 150-foot monopole-type tower. The WCF will also include an approximately 50 x 50 foot fenced compound area (approximately 2,500 square feet) enclosing the Applicant's 12 x 30 foot equipment/generator shelter, propane tank and accessory equipment, along with future equipment areas for the other wireless carriers. An area for parking vehicles and for electric and telephone utility equipment is shown on the outside of the fenced compound. The Applicant's WCF is to be located at the rear of the City's WWTP and the Applicant shall install and maintain a twenty-foot wide (20-foot) gravel-covered roadway leading from Boundary Street to the fenced compound, with electric and telephone utilities to be run underground from Boundary Street to the Applicant's WCF. The Engineering Drawings show the elements of this project that are in Zone A of the Water Supply Overlay District.

12) Applicant stated that all equipment associated with the WCF, except for the tower structure and an above-ground 500 gallon propane tank and HVAC units attached to the equipment shelter, shall be operated and maintained and monitored inside the Applicant's locked 12 x 30 equipment shelter which shall be monitored by monthly inspections and by Applicant's 24-hour Network Operations Center for security and temperature conditions.

13) Applicant stated that there are no water or sewer connections to the WCF and the electric and telephone utilities shall be routed underground pursuant to the Applicant's WCF Special Permit. The WCF is unmanned with infrequent vehicle trips to the site during daytime hours. Access to the WCF shall be restricted by a locked gate off of Boundary Street.

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

A) The City Council finds that Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council as they pertain to the Application.

B) The City Council finds that the proposed use of the site, subject to the conditions imposed below, will be in harmony with the general purposes and intent of the zoning ordinance, in that it is a WCF on city-owned land on a large and remote tract of land a long distance from residential properties (1,000 feet) and long distance from Millham Reservoir (350 feet), and that there are no significant negative impacts upon abutters. The proposed use of the site, subject to the conditions imposed below, will not be in conflict with the public health, safety, convenience and welfare and will not be detrimental or offensive. The City Council further finds that, subject to the permit conditions enumerated herein, the proposed use will not have an adverse impact on the Marlborough water supply.

C) The City Council has reviewed the uses in this proposal that will be located in Zone A of the Water Supply Protection District and finds that the use, though located in Zone A, is not prohibited by the Water Supply District regulations and will not have an adverse impact on the water supply district, provided that the permit conditions imposed below are complied with.

D) The City Council, pursuant to its authority under MGL C.40A §9 and under Chapter 650 of the Marlborough City Code, GRANTS the Applicant a Special Permit to allow a WCF on the premises, (the "Project"), SUBJECT TO THE FOLLOWING CONDITIONS:

1) Compliance With Building Regulations. Construction of all structures on the site is to be in accordance with all applicable building codes in effect in the City of Marlborough and Commonwealth of Massachusetts. The Project shall be constructed, maintained and operated according to the specifications, terms, and conditions of the Applicant's Special Permit Application and Engineering Plans and Drawings prepared by SFC Engineering Partnership, Manchester, New Hampshire, entitled "Marlborough West" and dated September 29, 2009, with a most recent revision date of February 23, 2010, (the "Plans") filed with the Urban Affairs Committee during the application/hearing process. All other terms, conditions, requirements, approvals, drawings and renderings required hereunder are made a part of and incorporated herein as a condition of the issuance of this Special Permit.

2) Compliance With Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review, in accordance with the City of Marlborough Ordinance, prior to the issuance of the actual Building Permit; provided, however, that the Building Commissioner may issue a building permit prior to the completion of site plan review regarding work which, in his opinion, will not be affected by said site plan review. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall be further conditions attached to the Special Permit and no Occupancy Permit shall be issued until all conditions are complied with by the Applicant. Subsequent Site Plan Review shall be consistent with the Conditions of this Special Permit and Plans submitted, reviewed and approved by the City Council as the Special Permit granting authority. Any changes to the plans which alter the traffic patterns within the site, require the removal of landscaping, reduce the overall green space of the

Project, or add any new element in Zone A other than the landscaping, will require subsequent approval by the City Council.

3) Application and Documents. All plans, drawings, site evaluations and documentation provided by the Applicant as part of this Special Permit Application are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same.

4) Compliance with Local, State and Federal Laws. The Applicant agrees to comply with all rules, regulations and ordinances of the City of Marlborough, Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of Applicant's facility, except pursuant to the terms of this Special Permit.

5) Incorporation of Plans and Drawings. All terms, conditions, requirements, approvals, plans, and drawings provided by the 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 part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council. The Site Plan referred to in this condition is part of the Plans referred to in Condition #1 above.

6) Improvements Installed Prior to Certificate of Occupancy. All site improvements, except those specified on the plans approved on site plan review, that have been shown in renderings and/or are conditions of this Special Permit will be installed prior to the issuance of any temporary or permanent occupancy certificate. If all other work is completed between Oct. 1 and June 1, any landscaping plants will be required to be installed by June 1. Applicant agrees that the permanent maintenance of the landscaping and the other site improvements is an ongoing condition of this Special Permit.

7) Equipment Shelter Secured and Monitored: All equipment associated with the WCF, except for the tower structure and an above-ground 500 gallon propane tank and HVAC units attached to the equipment shelter, shall be operated and maintained and monitored inside the Applicant's locked 12 x 30 equipment shelter which shall be monitored by monthly inspections and by Applicant's 24-hour Network Operations Center for security and temperature conditions.

8) Unmanned and Secured Facility: There shall be no water or sewer connections to the WCF and the electric and telephone utilities shall be routed underground pursuant to the Applicant's WCF Special Permit. The WCF shall be unmanned with infrequent vehicle trips to the site during daytime hours. Access to the WCF shall be restricted by a locked gate off of Boundary Street.

9) Operation and Maintenance of Battery Racks. The back-up batteries used by the Applicant for uninterrupted power supply shall be Northstar type NSB170FT batteries or similar battery, designed as non-spill, sealed, valve-regulated and fiberglass-mat. The batteries shall be stored in rack systems inside the locked shelter with regular maintenance checks. Any unused or malfunctioning batteries shall be immediately removed and properly disposed.

10) Auxiliary generator propane tank. The Applicant's propane tank shall be fastened to a concrete base with appropriate inspection permitting by the Fire Department.

11) Compliance With Related Permit. Applicant has also applied-for and obtained a special permit, pursuant to Section 650-25, to construct a WCF in a Rural Residence District. Any conditions attached to the approval of that special permit are also incorporated herein and made a part hereof. The Applicant's WCF shall be installed, operated and maintained in conformance with the City Council Special Permit for the WCF (09/10-1002161F) dated March 22, 2010, and recorded at Middlesex South Registry, Book 54647, page 262.

12) Recordation. In accordance with the provisions of MGL C.40A, § 11, the Applicant 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, before a Building Permit is issued.

**Yea: 11- Nay: 0**

**Yea: Delano, Ferro, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Vigeant, Levy**

**Suspension of the Rules requested - granted**

**ORDERED:** That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to Clear Wireless LLC, a Nevada Limited Liability Company ("Clearwire") located at 4400 Carillon Point, Kirkland, WA 98033, in the amount of \$25,000.00 for the first year of the lease, increasing annually by three (3%) on each anniversary of the Rent Commencement Date, subject to the approval of the Commissioner of Public Works as to the proposal and the location on the tower at the site, and the approval of a Special Permit by the City Council pursuant to the applicable Articles and Sections of the Marlborough Zoning Ordinance; and it is **FURTHERED ORDERED:** that, if and when a Special Permit is approved, the Mayor is then authorized to negotiate a lease, subject to obtaining all necessary permits and licenses, with Clearwire for the placement of antennas on the water tank along with associated wires and ground equipment at the Fairmount Hill Water Tank site, located at 115 Onamog Street, Marlborough, MA 01752, shown on Assessors' Map 81, Parcel 238. Said municipal property has been declared available for disposition by City Council Order No. 01-9384, **APPROVED;** adopted.

**Suspension of the Rules requested - granted**

**ORDERED:** That the reappointments of Diane Halper, Larry Wenzell, Cheryl Desautels, Jackie DiBuono and Ruth Crowell & appointment of Joan Toohey to the Arts Lottery Council with a three year term upon approval, **APPROVED;** adopted.



**Suspension of the Rules requested - granted**

ORDERED: That the following amended TIF agreement by and between the City of Marlborough and Boston Scientific Corporation, refer to **Finance Committee**; adopted.

**WHEREAS**, the City of Marlborough, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, having a principal place of business at City Hall, 140 Main Street, Marlborough, MA 01752, (hereinafter called the "City"), acting through its City Council which designates and delegates to the City Council President the authority to execute this agreement with Boston Scientific Corporation, a Delaware corporation with a principal place of business at One Boston Scientific Place, Natick, MA 01760 (hereinafter called the " Company")(the "Amendment") which amends the Tax Increment Financing Agreement entered into by the City and the Company dated as of May 25, 2006 (the "Agreement");

**WHEREAS**, the Company has completed Phase 1 of the Project as described in the Agreement (the "Facility"), and the Project has been approved by the Massachusetts Economic Assistance Coordinating Council (the "EACC") as a Certified Project;

**WHEREAS**, the Company had reached an employment level of 669 jobs at the Facility as of the date the Facility was approved as a Certified Project;

**WHEREAS**, the Agreement sets forth employment targets for the Company at the Facility and an adjustable schedule of Exemption Percentages fluctuating with the Company's level of employment at the Facility;

**WHEREAS**, the Exemption Percentage has been adjusted from year to year according to the terms of the Agreement to the satisfaction of the City and the Company;

**WHEREAS**, the Massachusetts Office of Business Development, as the staff representative of the EACC, has expressed concerns that the Company's employment level at the Facility for Fiscal Year 2008 did not meet the requirements of the statutes and regulations applicable for the Massachusetts Economic Development Incentive Program (the "EDIP") pursuant to which the Agreement is authorized and governed; and

**WHEREAS**, the City and the Company have agreed to clarify any possible ambiguities in the Agreement relating to the employment level requirements and provisions of the Agreement.

**NOW THEREFORE**, the City and The Company, in consideration of the promises contained herein, hereby agree as follows:

1. The Agreement, this Amendment and the Certified Project have been, and shall continue to be governed by the General Laws and regulations of the EDIP that existed at the time the Project received certification by the EACC (the "Governing Law").

2. The minimum level of permanent, full-time jobs at the Facility shall remain at 669. The definition of "permanent, full-time jobs" for purposes of determining if the Company has met this requirement shall be determined pursuant to the Governing Law and shall not include Contract Employees, as defined hereafter, working at the Facility but not directly employed by the Company.
3. For purposes of measuring current employment at the Facility used to determine the correct Exemption Percentage, from year to year, Company employees and third party employees providing services to the Company ("Contract Employees") based at the Facility and performing services to the Company, and earning on an annual basis at least \$25,000 shall all be counted.
4. In addition to the 669 permanent full-time positions described in Section 2 above, the Company will make commercially reasonable efforts to create and maintain at least 331 new full-time positions by December 31, 2010, and to maintain a 50/50 ratio of Company full-time permanent Employees and Contract Employees for the new positions, however there will not be less than 35 new permanent full-time Company Employees.
5. The City and the Company, have been, and remain, as of the date of this Amendment, in compliance with the terms of the Agreement and the provisions of the Governing Law.
6. All other terms and conditions of the Agreement shall remain in full force and effect and any terms herein shall have the same meaning as in the Agreement.

ORDERED: That the City Council request the Procurement Officer to issue an RFP for the municipal property now or formerly known as "Site #21Old Landfill Hudson Street" to be used for wireless purposes and further that the Wireless Communications Committee study all other municipal sites for possible locations for wireless purposes, refer to **WIRELESS COMMUNICATION COMMITTEE AND CHIEF PROCUREMENT OFFICER**; adopted.

ORDERED: That the reappointment of Diane Smith to the position of City Auditor which expires three years from date of confirmation, **APPROVED**; adopted.

**Councilor Seymour abstained**

ORDERED: That all municipal vehicles be marked with the official city seal and numbered on the back for identification purposes, **TABLED UNTIL SEPTEMBER 13, 2010**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 27, 2010** as date for a **PUBLIC HEARING** on the Application for Wireless Special Permit from Clear Wireless LLC, to modify wireless communication facility at 115/109 Onamog St., refer to **WIRELESS COMMUNICATION COMMITTEE AND ADVERTISE**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:55 p.m.; adopted.



# IN CITY COUNCIL

*L*

Marlborough, Mass., AUGUST 23, 2010

## ORDERED:

That the PUBLIC HEARING on the Petition from Massachusetts Electric Co. and Verizon New England Inc. to install new P.5 and relocate P.4 on Madison St., Order No. 10-1002649. be and is herewith **OPEN AND CONTINUE HEARING WITHOUT ANY EVIDENCE BEING HEARD TO THE SEPTEMBER 13, 2010 MEETING .**

**Councilors Present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy, & Landers.**

(IN PUBLIC SERVICES COMMITTEE)

ADOPTED

ORDER NO. 10-1002649



# IN CITY COUNCIL

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JULY 26, 2010

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

## ORDERED:

That there being no objection thereto set **MONDAY, SEPTEMBER 13, 2010** as date for a **PUBLIC HEARING** on the amended Special Permit from Attorney Gadbois on behalf of Fore Kicks II Inc., seeking to allow the applicant to serve alcoholic beverages on Site for the following reasons:

- To be competitive with similar recreation centers within the market area;
- To attract state and national events;
- To attract larger regional clients;
- To accommodate clients who desire to hold fund raising events for its teams;
- To accommodate clients who desire to hold private parties for its teams;
- To attract adult teams to participate in adult leagues;
- To accommodate families who desire to hold private functions such as birthday parties, Christmas parties, bat mitzvahs and similar type private events, be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

**Councilor Elder abstained**

ADOPTED

ORDER 10-1002645



# 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

*Nancy E. Stevens*  
MAYOR

*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. LaRose*  
EXECUTIVE SECRETARY

September 9, 2010

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

RE: Council on Aging Formula Grant

Honorable President Vigeant and Councilors:

The Marlborough Council on Aging has received notification of a formula grant appropriation in the amount of \$38,255.00 from the Executive Office of Elder Affairs. This yearly grant is based on the federal census for seniors over the age of sixty. The grant provides supplemental support to local funding for personnel, programming and expenses. Details of the grant are provided for your review.

As outlined in MGL, Chapter 44, Section 53A, I am recommending that the City Council approve the expenditure of these funds for the purposes outlined. I respectfully request your approval this evening which will enable senior instruction to proceed without delay.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosures



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**City of Marlborough**  
**Council on Aging and Senior Center**

250 Main Street  
Marlborough, MA 01752  
Tele (508) 485-6492 Fax (508) 460-8726

September 8, 2010

TO: Mayor Nancy E. Stevens

I am submitting documentation for the Marlborough Council on Aging's FY11 Formula Grant award from the Executive Office of Elder Affairs, Commonwealth of Massachusetts, in the amount of \$38,255.00. This is a yearly grant award based on the federal census of the number of seniors over the age of 60 per individual town and city in Massachusetts. It provides supplemental funding for programming and expenses to those 60 and over in each community.

I request that this grant be approved expeditiously in order to begin to fund our instructors.

Thank you for your consideration.

John S. Gracey  
Interim Executive Director  
Marlborough Council on Aging

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**CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD**

DEPARTMENT: Council on Aging DATE: 8-Sep-10

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: John S. Gracey, Interim Executive Director

NAME OF GRANT: FY11 Formula Grant

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$38,255

GRANT PERIOD: FY11

SCOPE OF GRANT/  
ITEMS FUNDED Annual State Formula Grant based on U.S. Census for services to seniors 60+  
multiple specialized fitness instructors and programs  
staff transportation, conferences  
equipment & dues  
toner cartridges for specialized dept. printer  
volunteer recognition

IS A POSITION BEING  
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? \_\_\_\_\_

ARE MATCHING CITY  
FUNDS REQUIRED? NO

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

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

ANY OTHER EXPOSURE TO CITY?  
NO

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: \_\_\_\_\_  
URGENT

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

## Allocation by Municipality

**Municipality**  
**Elders**  
**aged**  
**60+ per**  
**Census**  
**FY2011**  
**FY11 Formula**  
**Grant:**  
**Payment 1**

Hopkinton	1,239	\$8,673	\$4,336.50
Hubbardston	369	\$3,500	\$1,750.00
Hudson	2,977	\$20,839	\$10,419.50
Hull	1,834	\$12,838	\$6,419.00
Huntington	279	\$3,500	\$1,750.00
Ipswich	2,609	\$18,263	\$9,131.50
Kingston	1,955	\$13,685	\$6,842.50
Lakeville	1,480	\$10,360	\$5,180.00
Lancaster	985	\$6,895	\$3,447.50
Lanesborough	492	\$3,500	\$1,750.00
Lawrence	9,054	\$63,378	\$31,689.00
Lee	1,289	\$9,023	\$4,511.50
Leicester	1,644	\$11,508	\$5,754.00
Lenox	1,489	\$10,423	\$5,211.50
Leominster	7,105	\$49,735	\$24,867.50
Leverett	253	\$3,500	\$1,750.00
Lexington	7,248	\$50,736	\$25,368.00
Leyden	91	\$3,500	\$1,750.00
Lincoln	1,145	\$8,015	\$4,007.50
Littleton	1,276	\$8,932	\$4,466.00
Longmeadow	3,514	\$24,598	\$12,299.00
Lowell	14,486	\$101,402	\$50,701.00
Ludlow	4,098	\$28,686	\$14,343.00
Lunenburg	1,505	\$10,535	\$5,267.50
Lynn	14,407	\$100,849	\$50,424.50
Lynnfield	2,577	\$18,039	\$9,019.50
Malden	9,941	\$69,587	\$34,793.50
Manchester	1,132	\$7,924	\$3,962.00
Mansfield	1,938	\$13,566	\$6,783.00
Marblehead	4,085	\$28,595	\$14,297.50
Marion	1,162	\$8,134	\$4,067.00
<b>Marlborough</b>	<b>5,465</b>	<b>\$38,255</b>	<b>\$19,127.50</b>
Marshfield	3,248	\$22,736	\$11,368.00
Mashpee	3,053	\$21,371	\$10,685.50
Mattapoisett	1,359	\$9,513	\$4,756.50
Maynard	1,683	\$11,781	\$5,890.50
Medfield	1,530	\$10,710	\$5,355.00
Medford	11,929	\$83,503	\$41,751.50
Medway	1,478	\$10,346	\$5,173.00
Melrose	5,459	\$38,213	\$19,106.50
Mendon	608	\$4,256	\$2,128.00
Merrimac	889	\$6,223	\$3,111.50
Methuen	8,208	\$57,456	\$28,728.00
Middleborough	2,663	\$18,641	\$9,320.50
Middlefield	71	\$3,500	\$1,750.00
Middleton	1,018	\$7,128	\$3,563.00



# COMMONWEALTH OF MASSACHUSETTS - STANDARD CONTRACT FORM

This form, to be used for New Contracts and Contract Amendments/Renewals, is jointly issued and published by the Executive Office for Administration and Finance (EAF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) for use by all Commonwealth Departments. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors should only complete sections marked with a "X". For instructions and hyperlinks (italic), please view this form at: [www.mass.gov/eac](http://www.mass.gov/eac) under *Guidance For Vendors - Forms* or at [www.mass.gov/eac](http://www.mass.gov/eac) under *OSD Forms*.



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→ <b>Contractor Legal Name (and d/b/a):</b> CITY OF MARLBOROUGH → <b>Local Address (from W-9):</b> 140 MAIN ST MARLBOROUGH, MA 01762 → <b>Payment Remittance Address (from W-9):</b> → <b>Contract Manager:</b> Jack Gracey	<b>Department MMARS Alpha Code and Name:</b> ELD: Executive Office of Elder Affairs <b>Business Mailing Address:</b> One Ashburton Place, 5th Floor <b>Billing Address (if different):</b> Boston, MA 02108 <b>Contract Manager:</b> Emmett Schmanow
→ <b>E-Mail Address:</b> jgracey@marlborough-ma.gov → <b>Phone:</b> 508-485-8492	<b>E-Mail Address:</b> emmett.schmanow@state.ma.us Phone: 817-222-7471
→ <b>Fac:</b> → <b>TTY:</b>	Fax: 817-727-8368 TTY: 1-800-872-0166
→ <b>State of Incorporation (if a corporation) or "N/A":</b> N/A → <b>Vendor Code:</b> VC8000182112	<b>MMARS Doc ID#:</b> CT ELD 11COA17000000002011 <b>RFP/Procurement or Other ID Number (if applicable):</b> Grant Award
<b>MMARS Object Code:</b> PO1	<b>Accounting Funding Contract:</b> 9110-9002

## XX NEW CONTRACT

**COMPENSATION (Check only one):**  
 **Total Maximum Obligation of this Contract \$** 638,253.00  
 **Rate Contract (Attach details of rates) units and any calculations:**

The following **COMMONWEALTH TERMS AND CONDITIONS** for this Contract has been executed and filed with CTR (Check only one):  
 Commonwealth Terms And Conditions  
 Commonwealth Terms And Conditions For Human And Social Services

**PROCUREMENT OR EXCEPTION TYPE (Check one option only):**  
 Single Department Procurement/Single Department User Contract  
 Single Department Procurement/Multiple Department User Contract  
 Multiple Department Procurement/Limited Department User Contract  
 Statewide Contract (OSD or an OSD-designated Department)  
 Grant (as defined by 815 CMR 2.00)  
 Emergency Contract (attach justification)  
 Contract Employee (Complete Employment Status Form)  
 Collective Purchase (attach OSD approval)  
 Legislative/Legal Exemption (attach authorizing language)  
 Other (Specify and attach documentation):

**ANTICIPATED START DATE:** July 01, 2010. (Enter the Date Contract Obligations may begin. Review Certification for Effective Date Below prior to entry.)  
**CONTRACT END DATE:** June 30, 2011

## CONTRACT AMENDMENT/RENEWAL

ENTER **CURRENT CONTRACT START AND END DATES** (prior to amendment)  
 Current Start Date: \_\_\_\_\_ Current End Date: \_\_\_\_\_

**COMPENSATION (Check Either, "No Compensation Change", "Maximum Obligation" or "Rate change". ATTACH Amended Scope and Budget to support Amendment.)**  
 NO Compensation Change (Skip to "OTHER" section below and select change)  
 Redistribute Budget Line Items (No Maximum Obligation Change)  
 Maximum Obligation Change.  
 a) Current Total Contract Maximum Obligation: \_\_\_\_\_  
 (Total Contract Maximum Obligation, including all prior amendments.)  
 b) Amendment Amount ("+" or "-"): \_\_\_\_\_  
 c) **NEW TOTAL CONTRACT MAXIMUM OBLIGATION:** \_\_\_\_\_  
 Rate Changes to Rate Contract

**OTHER (Check option, explain under "Brief Description" below, and attach documentation.)**  
 Amend Duration Only (No Compensation or Performance Change)  
 Amend Scope of Services/Performance Only (no budget impact.)  
 Interim Contract (Temporary Extension to complete new Procurement)  
 Other: (Describe Details and Attach documentation):

**ANTICIPATED START DATE:** \_\_\_\_\_ (Enter the Date Amendment Obligations may begin. Review Certification for Effective Date Below prior to entry.)  
**NEW CONTRACT END DATE:** \_\_\_\_\_

→ **PROMPT PAYMENT DISCOUNTS:** Contractor has agreed to the following Prompt Pay Discounts for the listed Payment Issue Dates. See Prompt Payment Discount Policy.  
 % Within 10 Days  % Within 15 Days  % Within 20 Days  % Within 30 Days OR, Check off the following if:  
 Contractor either claims hardship, or chooses not to provide PPD, or compensation is not subject to prompt pay discounts (grants, non-commodity or non-service compensation)

**BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT:** This contract is to locally distribute a formula grant award to the Councils on Aging of the municipalities of the Commonwealth. The award amount is determined by a census-based allocation of available grant funding. Funds may support Council on Aging activities as identified in the annually published COA Formula Grant Guide. The activity performance period for this award is 7/1/2010 - 6/30/2011. The municipality will complete a final fiscal report accounting for how these grant funds were applied. Ongoing eligibility for formula grant funding is contingent on satisfactory prior year performance.

**CERTIFICATIONS:** Notwithstanding verbal or other representations by the parties, or an earlier Start date listed above, the "Effective Date" of this Contract or Amendment shall be the latest date this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, a listed Contract or Amendment Start Date specified above, or the date of any required approvals. By executing this Contract/Amendment, the Contractor makes, under the pains and penalties of perjury, all certifications required under the attached Contractor Certifications, and has provided all required documentation noted with a "X", or shall provide any required documentation upon request, and the Contractor agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein, including the terms of the applicable Commonwealth Terms and Conditions available at [www.mass.gov/eac](http://www.mass.gov/eac) under *Guidance For Vendors - Forms* or at [www.mass.gov/eac](http://www.mass.gov/eac) under *OSD Forms*, the terms of the attached Instructions, the Request for Responses (RFR), solicitation (if applicable) or other authorization, the Contractor's response to the RFR or solicitation (if applicable), and any additional negotiated performance or budget provisions. The terms of this Contract shall survive its termination for the purpose of resolving any claim, dispute or other Contract action, or for effectuating any negotiated representations and warranties. **THE PARTIES HEREBY ALSO CERTIFY THAT (Check one option only):**

- the Contractor has NOT incurred any obligations triggering a payment obligation for dates prior to the Effective Date of this Contract or Amendment; OR
- any obligations incurred by the Contractor prior to the Effective Date of this Contract or Amendment (for which a payment obligation has been triggered) are intended to be part of this Contract/Amendment and shall be considered a final Settlement and Release of these obligations which are incorporated herein, and upon payment of these obligations, the Contractor forever releases the Commonwealth from any further claims related to these obligations.

### AUTHORIZING SIGNATURE FOR THE CONTRACTOR:

→ X: \_\_\_\_\_ Date: \_\_\_\_\_  
 (Signature and Date Must Be Handwritten At Time of Signature)

### AUTHORIZING SIGNATURE FOR THE DEPARTMENT:

X: \_\_\_\_\_ Date: \_\_\_\_\_  
 (Signature and Date Must Be Handwritten At Time of Signature)  
 Print Name: Peter J. Tieman  
 Print Title: Director of Administration and Finance

Attachment B - COA Formula Grant Budget - FY 2011

Non-Personnel Cost Category	Municipal Funding	Fed. Census (A) x 0.50/elder	Fed. Census (B) x 7.00/elder	OPTIONAL Fed. Census x 7.50/elder	NOTES
Staff/Volunteer Transport	OPTIONAL	(see Art. D)	(see Art. D)	(see Art. D)	
Client Transportation					
Rent/Mortgage	\$7,200.00				Secure & retain contracts/agreements.
Utilities					
Renovations/Construction (Include estimates)					Retain quotes/estimates. Note completion date.
Repairs and Maintenance	\$125.00				
Equipment/Furnishings					55" HDTV; Upgrade Sound System in Main Hall
Supplies - Office	\$750.00	\$750.00	\$750.00		
Operating Expenses	\$750.00				
Facility Maintenance					
Printing/Copy (non-newsletter)		\$4,243.00	\$4,243.00		Other representative items, costs. Toner for high volume printer - staff/programming
Postage					
Dues	\$100.00	\$1,000.00	\$1,000.00		MCOA ELD to be recognized as supporting this activity.
Newsletter Printing					
Conference/Education Training (Board/Staff)		\$1,000.00	\$1,000.00		See maximums at page 7 of EOEA-PH-04-07
Volunteer Recognition		\$1,500.00	\$1,500.00		Training offered/Supervision provided Maximum allowed recognition is \$150/yr with Formula \$
Contractors/Other		\$6,240.00	\$6,240.00		Clinic Nurse - VNA Contract
Subtotal (P 2)	\$8,925.00	\$15,483.00	\$18,215.00	\$0.00	
Sub Total (P 1)	\$182,721.30	\$20,040.00	\$20,040.00	\$0.00	
TOTALS - (P 1 & P 2)	\$191,646.30	\$35,523.00	\$38,255.00	\$0.00	See ATT. D for Formula totals. FY2010 ATT 8 2402





# City of Marlborough

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

## Office of the Mayor

2010 SEP -9 P 3:58  
140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

*Nancy E. Stevens* 5/1  
MAYOR

*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. LaRose*  
EXECUTIVE SECRETARY

September 8, 2010

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

RE: Fire Transfer Request

Honorable President Vigeant and Councilors:

Attached herewith are the following transfer requests:

Transfer in the amount of \$2,447.82 moving funds from account number 12200001-50450 (Firefighter) to account number 12200003-51300 (Additional Overtime).

Transfer in the amount of \$641.89 moving funds from account number 12200001-50800 (Fire Captain) to account number 12200003-51300 (Additional Overtime). The transfer is necessary to fund coverage for an injured employee.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosure

52

### TRANSFER REQUEST

FROM ACCOUNT

TO ACCOUNT

AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIPTION	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIPTION	AMOUNT AVAIL
\$ 2,508,109.04	\$ 2,447.82	12200001	50450 Firefighter	\$ 2,447.82	12200003	51300 Additional OT	\$ 43,507.37
\$ 216,315.16	\$ 641.89	12200001	50800 Fire Capt	\$ 641.89	12200003	51300 Additional OT	
	<b>\$ 3,089.71</b>		<b>Total</b>	<b>\$ 3,089.71</b>			

Reason: To fund 111F (injury) payments for Firefighters



# City of Marlborough

## Office of the Mayor

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

140 Main Street

Marlborough, Massachusetts 01752

2010 SEP - 9 11:01 AM  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

*Nancy E. Stevens*  
MAYOR

*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. LaRose*  
EXECUTIVE SECRETARY

September 9, 2010

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

RE: Transfer Requests – Capital Outlay

Honorable President Vigeant and Councilors:

At the request of the Finance Committee, I am submitting various transfers to offset the bond requests that are before you. As you know, these actions will reduce the actual amount of the bond and allow us to purchase equipment and fund sidewalk projects outright. In addition, these transfers will save the City the interest associated with these bonds, thus lowering the overall cost of the equipment and projects.

Summaries for the attached transfers are as follows:

Transfer in the amount of \$386,491.00 from various debt service accounts to various capital outlay accounts. This transfer is necessary to fund various departmental equipment needs.

Transfer in the amount of \$1,091,080.00 from various debt service accounts to DPW Equipment account number 19300006-58731. This transfer will fund DPW equipment.

Transfer in the amount of \$198,675.00 from various debt service accounts to DPW Projects account number 19300006-58514. The transfer will fund city sidewalk construction.

Transfer in the amount of \$346,168.00 from account number 1752006-59254 (BAN City Int.) to account number 19300006-58618 (IS Equipment). This transfer will fund the purchase of equipment in the Information Technology Dept.

As always, Comptroller/Treasure Tom Abel, Auditor Diane Smith and I will be available to answer any questions you may have.

Sincerely,

Nancy E. Stevens, Mayor  
Enclosure

62

## TRANSFER REQUEST

FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
			<b>Debt Service</b>			<b>Capital Outlay</b>	
\$ 210,882.00	\$ 109,000.00	60075106	58961 Inter. WWTP	\$ 109,000.00	19300006	58731 DPW Equipment	\$ 100,437.00
	\$ 18,000.00	60075106	58961 Inter. WWTP	\$ 18,000.00	19300006	58467 Public Facilities	\$ -
	\$ 49,000.00	60075106	58961 Inter. WWTP	\$ 49,000.00	19300006	58508 Police Vehicles	\$ 112,000.00
	\$ 34,882.00	60075106	58961 Inter. WWTP	\$ 34,882.00	19300006	58512 Fire Equip	\$ -
\$ 111,391.00	\$ 28,622.00	60075206	59050 BAN Sewer Int	\$ 28,622.00	19300006	58512 Fire Equip	\$ -
	\$ 82,769.00	60075206	59050 BAN Sewer Int	\$ 82,769.00	19300006	58630 School Equip	\$ -
\$ 470,418.00	\$ 64,218.00	17520006	59254 BAN City Int.	\$ 64,218.00	19300006	58630 School Equip	\$ -
				\$ 386,491.00			

Reason: To Fund Departmental Equipment

63

### TRANSFER REQUEST

FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
			Debt Service			Capital Outlay	
\$ 403,187.00	\$ 346,168.00	17520006	59254 BAN City Int	\$ 346,168.00	19300006	58618 IS Equip	\$ -
				\$ 346,168.00			

Reason: To Fund Departmental Equipment



64

### TRANSFER REQUEST

FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
			<b>Debt Service</b>			<b>Capital Outlay</b>	
\$ 27,019.00	\$ 26,134.00	17520006	59254 BAN City Int	\$ 26,134.00	19300006	58514 DPW Projects	\$ -
\$ 45,000.00	\$ 45,000.00	13860006	59254 BAN School Int	\$ 45,000.00	19300006	58514 DPW Projects	\$ -
\$ 18,901.00	\$ 18,901.00	13850006	58948 1999 School Int	\$ 18,901.00	19300006	58514 DPW Projects	\$ -
\$ 108,640.00	\$ 108,640.00	61075206	59080 BAN Water Int	\$ 108,640.00	19300006	58514 DPW Projects	\$ -
				\$ 198,675.00			

Reason: To Fund Sidewalk Construction

65

### TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT			TO ACCOUNT			AMOUNT AVAIL	
		ORG CODE	OBJECT DESCRIP	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT DESCRIP		ACCOUNT DESCRIP
\$ 878,006.00	\$ 878,006.00	60071106	59961	Princ WWTP	\$ 878,006.00	19300006	58731	DPW Equipment	\$ 100,437.00
\$ 423,956.00	\$ 213,074.00	60075106	58961	Inter. WWTP	\$ 213,074.00	19300006	58731	DPW Equipment	\$ 100,437.00
					\$ 1,091,080.00				

Debt Service

Capital Outlay

Reason: To Fund Departmental Equipment



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OF MARLBOROUGH

SEP -9 P 3:58

*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

*Nancy E. Stevens* 1  
MAYOR

*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. LaRose*  
EXECUTIVE SECRETARY

September 8, 2010

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

RE: Transfer Request – Retirement Benefits, DPW

Honorable President Vigeant and Councilors:

Attached herewith are the following transfer requests:

Transfer in the amount of \$22,082.00 from account number 11990006-51500  
(Fringes) to account number 14001303-51920 (Sick Leave Buy Back)

Transfer in the amount of \$2,261.00 from account number 11990006-51500  
(Fringes) to account number 61090003-51430 (Longevity).

This transfer request is necessary to fund benefits associated with an employee's retirement. These funds were previously budgeted in the fringe account for this purpose.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosure

# TRANSFER REQUEST

FROM ACCOUNT		TO ACCOUNT		
AVAILABLE BALANCE	AMOUNT	AMOUNT	AMOUNT AVAIL	
	ORG CODE	OBJECT ACCOUNT DESCRIP	ORG CODE	OBJECT ACCOUNT DESCRIP
		<b>General Government</b>		<b>DPW Water Service Fund</b>
\$ 80,012.00	11990006	51500 Fringes	61090003	51920 Sick Leave BB
\$ 2,261.00			61090003	51430 Longevity
\$ 24,343.00				

Reason: To fund benefits associated with employees retirement



*City of Marlborough*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*Office of the Mayor*

2010 SEP -9 P 3:57 140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

*Nancy E. Stevens*  
MAYOR

*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. LaRose*  
EXECUTIVE SECRETARY

September 9, 2010

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

RE: Transfer Request –Recreation Design

Honorable President Vigeant and Councilors:

At the request of the Finance Committee, I am submitting for your approval the following transfer request:

Transfer in the amount of \$30,000.00 from account number 17520006-59254  
(BAN City Int.) to account number 19300006-58718 (Recreation).

This transfer request will fund the master plan and design at Memorial Beach.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosure

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### TRANSFER REQUEST

FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
			Debt Service			Capital Outlay	
\$ 57,019.00	\$ 30,000.00	17520006	59254 BAN City Int	\$ 30,000.00	19300006	58718 Recreation	\$ -

Reason: To Fund Recreation Design \$ 30,000.00

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# MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2010 SEP -8 P 4: 24

91  
**Arthur P. Bergeron**  
Mirick O'Connell  
100 Front Street  
Worcester, MA 01608-1477  
abergeron@mirickoconnell.com  
t 508.929.1652  
f 508.463.1385

September 8, 2010

**HAND DELIVERED**

Lisa M. Thomas, City Clerk  
City of Marlborough  
City Hall  
140 Main Street  
Marlborough, MA

Re: Special Permit Application

Dear Ms. Thomas:

I represent the applicant, 100 Pleasant LLC. Enclosed is Special Permit Application with respect to the property located 100-118 Pleasant Street, including the Planning Department Certification, certified abutters list and check payable to the City in the amount of \$650.00.

I have also included three sets of plans for your office together with certification of the distribution of the remaining 20 sets as required.

Very truly yours,



Arthur P. Bergeron

APB/cbo  
Enclosures

cc: Police Chief (w/enc - 1 set)  
Fire Chief (w/enc - 1 set)  
City Engineer (w/enc - 1 set)  
City Planner (w/enc - 1 set)  
Conservation Officer (w/enc - 1 set)  
Building Inspector (w/enc - 1 set)  
Office of the City Council (w/enc - 14 sets)  
Mr. Stas Burdan

---

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

92

**CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK**

**APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT**

1. Name and address of Petitioner or Applicant:

110 Pleasant LLC, P.O. Box 650056, West Newton, MA 02465

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

110-118 Pleasant Street; Map 68, Parcels 462-463

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

SA Pleasant LLC  
55 South Bradford Street, North Andover, MA 01845

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

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

Article IV Section 650-12 Paragraph B Sub-paragraph \_\_\_\_\_

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

Residence B

7. Specific reason(s) for seeking Special Permit

to alter, extend and change the use of an existing former factory  
building so that it will contain 17 garden-style residential  
condominium units and 1 business office.

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  
Arthur P. Bergeron, Esq.

Address: Mirick O'Connell  
100 Front Street  
Worcester, MA 01608-1477

Date: 9/8/10  
City Clerk's Office

Telephone No. (508) 791-8500  
(Attorney for 110 Pleasant LLC)



CITY OF MARLBOROUGH  
CONSERVATION COMMISSION

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

MINUTES

June 3, 2010 (Thursday)  
2010 SEP - 8 P 3 34 Memorial Hall, 3<sup>rd</sup> Floor, City Hall

Members Present: Edward Clancy-Chairman, Michele Higgins, and Lawrence Roy; John Skarin, and Priscilla Ryder-Conservation Officer

Absent: Dennis Demers, David Williams, and Allan White,

**7:00 PM meeting began**

**Public Hearings**

Request for Determination of Applicability

153 Wayside Inn Rd. – John Lacerra

To construct an above ground pool within 100 ft. of wetlands.

Mrs. Kathleen Lacerra was present and requested a permit to install an above ground pool. The area is already a lawn and no trees would need to be removed, however some minor grading to flatten the yard will be required. The work is 30+ feet away from the wetland. Ms. Ryder confirmed that she had inspected the site and found no issues of concern. Mrs. Lacerra also noted that she'd like to remove 2-3 large pine trees behind the house that are leaning towards the house. The Commission determined that the pool and tree removal would not impact the wetland. The hearing was closed and the Commission voted unanimously 4-0 to issue a negative Determination with standard conditions to include. 1) Notification of Conservation Officer before and after work is complete; 2) installation of erosion controls if necessary and removal of 2-3 trees behind the house.

Amend Notice of Intent (DEP 212-998) – Continuation of Public Hearing

714 Farm Rd. - Robert Valchuis

Proposes to amend the approved plans for the over 55 Condo Project by relocating 2 units to the rear of the site and converting the open surface detention basin to an underground detention system.

At the applicants request prior to the meeting, the Commission continued this hearing to the June 17<sup>th</sup> meeting.

Abbreviated Notice of Resource Area Delineation (Continuation of Public Hearing)

93 Framingham Rd. - Melanson Development Group, Inc.

Requesting a review and confirmation of the Bordering Vegetated Wetland boundary located on the site.

At the applicants request prior to the meeting, the Commission continued this hearing to the June 17<sup>th</sup> meeting.

Amend Notice of Intent (Continuation – Minor amendment)

DEP 212-1060 – Post Road Auto Parts

Re-design of storm water drainage system at 785 Boston Post Rd. near wetlands.

Jean Rabelo, of Post Road Auto Parts, explained that they have a revised plan entitled Storm Drainage Improvement – Sheets 1 thru 5, 785 Boston Post Rd. Marlborough, MA 01752, Prepared by Relco Engineering, Signed and stamped by Patrick Sylvander and Peter A. Munk P.E. Dated 4/15/2010, Signed 5/11/2010, which addresses the drainage issues discussed previously, regarding drainage, infiltration and swale design. Ed Clancy read the letter from the project engineer explaining the new drainage design. There will be two separate pipes leaving the site one from Post Road Auto Parts and the second from Waste Management PRTR. Chairman Clancy asked for the City Engineer Tom Cullen's comments before closing the hearing to ensure he agrees with the revised plan. Ms. Ryder indicated she would share the new plan with him and get his comments prior to the next meeting. The Commission continued the hearing to June 15<sup>th</sup> and asked that a draft Order be provided at that meeting as well. Ms. Ryder indicated she'd provide same.

**Presentation**

- Community Preservation Act (CPA) presentation by Karin Paquin and Barbara Early. Both Barbara Early, president of the Marlborough CPA and Karin Paquin a member of MCPA were present and provided a power point overview of the Community Preservation Act and the benefits it would provide to a community like Marlborough. They explained that it is a charge on a tax bill that is set aside to pay for open space, recreation land, historic preservation and affordable housing. The presentation took 20 minutes. The Commission asked questions about how much would be charged to a tax bill and it amounts to \$50+ for the average household. Ms. Higgins said she expected it to be much more, and thought it was a great idea. Mr. Clancy also said he liked the idea and was supportive of it. Mr. Skarin and Mr. Roy also indicated they were in favor of the proposal. The Commission thanked Ms. Paquin and Mrs. Early for their time and indicated they would provide a letter from the Commission lending support to this CPA effort.

**Certificates of Compliance**

- DEP 212-748 and 212-695 635 Stow Rd. - Ms. Ryder indicated that the site is fine, however some deed language is still forth coming, and the lawyers indicated they'd have the deed language in the next day or two. The Commission voted unanimously 4-0 to issue a full Certificate of Compliance for both the subdivision and individual house Orders of Conditions for this lot and asked Ms. Ryder to hold it until deed language was provided.
- DEP 212-60 6 Turner Ridge Rd. (Lot 28) - Ms. Ryder explained that this house was being sold and apparently no Certificate of Compliance was ever issued on this very old lot. She indicated she inspected the lot and the wetlands have been protected over the years. The commission voted unanimously 4-0 to issue a full Certificate of Compliance for this lot.
- DEP 212-1070 Detention basin I – off of DiCenzo Blvd. & Settlers Lane- There is still some work to be done at the detention basin, including removal of erosion control and stabilizing around the headwalls. Also, confirmation from the City Engineer Tom Cullen

is required. Ms. Ryder will convey to Fafard Real Estate Development Inc. that when these items are completed the request for Certificate can be reconsidered.

**Correspondence/Other Business**

- Purple Loosestrife beetles – ideas for release locations – SVT has worked with Marlborough High School to raise beetles and now needs areas, 1 acre or more, of purple loosestrife for release - The Commission discussed several locations including, Shoestring Hill, Sudbury Reservoir area, or Shaunessey Land off Pleasant St. along sewer line. Ms. Ryder will investigate and provide a location for SVT to release the beetles. The Commission indicated that any release area was acceptable to them as long as the land owner was also in agreement.
- Ft. Meadow weed survey update- The weed survey for Ft. Meadow will be conducted on Friday June 4<sup>th</sup> if anyone wants to join.
- Flood repair projects to be done by DPW shortly:
  1. Review Emergency Certificates for Holts Grove Pond outlet repair;
  2. Brigham St. culvertsThe Commission requested that Tom Temple provide more information about these repairs for the next meeting.
- “Pulling together grant”- The Sudbury Valley Trustees will be submitting a grant for application for the control of invasive plants including the phragmites that is growing in the wetland next to Old Concord Rd. near the old Beaver Dam. Suggested control of the invasive plants has been with herbicide.

The following correspondence was reviewed and voted to accept and place on file:

- Letter to Steve Flynn, Sepracor, dated May 26, 2010 RE: Tree and vine maintenance in wetland area.
- Letter from Knox Trail Council, dated May 1, 2010 RE: 2010 Hudson Marlborough Good Scout Award Dinner
- Letter to Desi Manousarides, dated May 27, 2010 RE: Wetland violation - \$25, Fill near wetland area without permit at 159 Langelier Lane

**Adjournment** - There being no further business, the meeting was adjourned at 8:40 PM

Respectfully submitted,

  
Priscilla Ryder  
Conservation Officer

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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

CITY OF MARLBOROUGH  
CONSERVATION COMMISSION

104

2010 SEP -8 P 3: 34

MINUTES

July 8, 2010  
Memorial Hall, 3<sup>rd</sup> Floor, City Hall

Members Present: Edward Clancy-Chairman, David Williams, Allan White, Lawrence Roy, Michele Higgins, John Skarin, Dennis Demers, and Priscilla Ryder-Conservation Officer

Absent: None

(Note: Due to a lack of a quorum the July 1<sup>st</sup> meeting was cancelled and rescheduled to this July 8<sup>th</sup> meeting date)

**7:00 PM Public Hearings**

Notice of Intent

25 Cullinane Dr. – Peter DiTammoso owner

Proposes to remove existing house and replace with a new house next to Ft. Meadow.

Mr. DiTamasso was present and explained that he wants to remove the existing house and replace it with a new house to be located at 25 Cullinane Dr. next to Ft. Meadow Reservoir. The house and deck have all been designed to be outside the 30 ft. Flood Plain and Wetland Protection District. The house will be a two story house with a walk out basement. He wants to add a garage and new driveway which will be quite a bit higher than the existing driveway and will be almost level with the roadway. He explained that the existing house is quite run down and needed too much work to renovate. Tom Dipersio, his engineer, produced the plans entitled: Proposed Site Plan of Land in Marlborough, MA, Prepared by Thomas Land Surveyors, dated June 9, 2010. The Commission asked about the area to the left of the house that shows as a gravel driveway. Mr. DiTamasso indicated he'd like to maintain that existing access. However, the Commission noted that the slope would be quite steep and determined that it would be best for this area to be loamed and seeded. The Commission discussed the crushed stone driveway and asked if this would cause siltation to the lake and if the grading on the road would direct water to the driveway or not. Mr. Clancy asked Ms. Ryder to confirm with Engineering and Building departments whether a gravel driveway would be acceptable.

Several neighbors were present and expressed the following concerns – all the neighbors were from across the street (but unfortunately names were not provided). Questions raised were: There has been storage of construction materials, wood splinters and lots of other vehicles over the years. Is there any

contamination from oils or vehicle fluids on the site? How high will be building be and where will the roofline sit.

The Commission determined that several conditions regarding checking for any oil or hazardous spills, protecting trees to be saved, determining stockpile locations, stabilize soil under the deck, providing foundation drain on the plans, and requiring a pre-construction meeting to inspect site before work begins should be considered. Because, some information on the gravel driveway is needed, the Commission continued the hearing until July 22, 2010. Ms. Ryder was asked to draft a set of conditions for that meeting.

Abbreviated Notice of Resource Area Delineation (Continuation of Public Hearing)  
93 Framingham Rd. - Melanson Development Group, Inc.  
Requesting a review and confirmation of the Bordering Vegetated Wetland boundary located on the site.

Bruce Saluk was present to represent the owners. He provided a revised plan titled Existing Conditions Walker Brook village, 93 Framingham Rd. Marlborough, MA, Prepared by Bruce Saluk & Assoc., Stamped by Bruce Saluk R.L.S. and P.E. dated revised 6-28-2010 which shows the wetland boundary changes discussed at the previous meeting. He also presented a 4 page report showing the results of the Stream Stats program on the "West Branch Brook" which intersects the intermittent stream which runs behind the majority of the property. The Commission reviewed the report presented and noted that the "West Branch Brook" per the stream stats is considered a River at this point and therefore, the Riverfront area would apply. Mr. Saluk asked whether this would affect the status of 340 Maple St. project where the brook was found not to be a River. The Commission noted that this is new information and going forward any further development on that lot would be looked at through the rivers regulations. However, already permitted projects would not be affected.

Mr. Saluk was asked to add the Riverfront Area onto the final plan for approval at the next meeting on July 22, 2010. The Commission continued the hearing to the next meeting.

#### **Draft Order of Conditions**

- DEP 212-998 - 714 Farm Rd. - Robert Valchuis - Amend Notice of Intent [Note: John Skarin abstained and provided a disclosure that he sometimes works for Mr. Valchuis, but would not be working on this project. Dennis Demers and Allen White abstained from this discussion as they may both work on this project.]

The Commission members had received the draft Order of Conditions for the above noted project. They voted 4-0 (Mr. Demers, Mr. White and Mr. Skarin abstained) to issue the Order of Conditions as drafted and amended.

### **Certificate of Compliance**

- DEP 212-340 - 38 Flint Dr. (Lot 51) – Full Certificate - Ms. Ryder noted that all is in order for this old Order of Conditions, and the wetlands look fine. The Commission voted 7-0 to issue a full Certificate of Compliance for this lot.

**Ratify Emergency Certification** – Holts Grove pond repair- Ms. Ryder explained that over the past few rain storms and the storms this past spring, the dam at Holts Grove was washed out and has left the pond almost dry. Mr. Clancy and Ms. Ryder met with the DPW crew earlier in the week to discuss the repairs and determined an Emergency Certificate should be issued to ensure the repairs happen soon. Repairs will include re-establishing the dam, removing debris washed into the brook, and removing excess sand and silt which was washed into the pond. The Commission reviewed the Emergency Certificate and vote unanimously 4-0 to ratify it.

### **Discussion**

- Photo ID for Conservation Commission - Ms. Ryder noted that any members who wish to have a photo ID from the City to use when doing inspections of sites can do so at the Personnel Department.
- Division of Fisheries and Wildlife – “Draft” License Agreement – Flagg Brook Wildlife Mgt. area.- The Commission reviewed the draft agreement and discussed the use of mountain bikes and hunting. It was determined that Ms. Ryder will find out what the hunting criteria is on Fish & Wildlife land from Pat Huckering at DFW. She will report back at the next meeting.
- Desert Natural Area – Bridge project to begin July 10<sup>th</sup>.- Ms. Ryder explained that Hunter Loveland an eagle scout will be building the bridge and removing glossy buckthorn at the “beaver” dam area of the Desert Natural area on July 10<sup>th</sup>.

### **Correspondence**

**The following correspondence was accepted unanimously and placed on file:**

- Letter to Planning Board dated June 18, 2010 RE: Shoestring Hill-preliminary subdivision plans
- Letter to Marlborough CPA (Community Preservation Act), dated June 21, 2010 RE: Community Preservation Act.
- Open Meeting Law documents from the Legal Department were distributed for review by the members.

### **Other Business**

- The Massachusetts Water Resource Authority (MWRA) will be filing for a permit to install an ultra violet light treatment facility within a very small portion of the Riverfront Area and Bordering Vegetated Wetland at the Carroll Treatment Plant.
- Ocean Job Lot/ Marshall’s store – a spill from mop and floor resurfacing water had been dumped along the shoreline of the stream. The owners of the property caught them on the surveillance camera and reported the activity to DEP. DEP

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required an LSP be hired. Testing is currently being done, results are pending. We'll be notified when results come through. Immediate cleanup was done.

- Mauro Farm subdivision is beginning construction of the roadway. Preconstruction meeting has been held. So far so good.
- Berlin Rd. - New Hope Church - has hired a consultant to help with the design. They had inquired whether they could amend the existing Order of Conditions or would need to file new permit. The Commission determined that a new permit should be filed since this is additional – not pipe related work. Ms. Ryder will convey this to the applicants.
- Notification has been received that the transfer of the 53 Acres of MassHighway Land has been conveyed to the Div. of Fish and Wildlife. A license agreement between DFW and the Conservation Commission is now being drafted, so that the Commission can manage and maintain the trails on this site.

**Meetings** – Next Conservation Commission meetings – July 22<sup>nd</sup> and August 5<sup>th</sup>, 2010 (Thursdays).

**Adjournment**

Respectfully submitted,



Priscilla Ryder  
Conservation Officer

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RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
CITY OF MARLBOROUGH CONSERVATION COMMISSION

2010 SEP -8 P 3:34 MINUTES

July 22, 2010  
Memorial Hall, 3<sup>rd</sup> Floor, City Hall

Members Present: Edward Clancy-Chairman, David Williams, Allan White, Dennis Demers, Priscilla Ryder-Conservation Officer

Absent: Lawrence Roy, Michele Higgins, John Skarin,

**7:00 PM**  
**Public Hearings:**

Request for Determination of Applicability:  
MA Water Resources Authority- Map 115 Parcel 10; D'Angelo Dr.- Solar panel installation

Richard Kirby from LEC Environmental Consultants; Richard Waitt and Lori Ribeiro from Meridian Associates Inc, and Paul Rullio from the MWRA were present. Mr. Kirby made a presentation to explain the project which will be the installation of a 2.2 acre solar array field with 2,420 panels, 3x5 feet each. The work in the buffer zone includes the installation of electric conduits into existing electric structures. One is near the open channel just within the Riverfront Area; the second area is at the entrance of the guard house where the electric wires need to connect to the existing utility pole. All work is temporary in nature; trenches will be dug then filled, loamed and seeded. All areas will be restored to their previous grades and stability. All catch basins near work areas will be equipped with silt sacs and filter mitts will be used instead of haybales. The Commission determined this was acceptable. The Commission asked about the duration of the project. The project will be installed this fall and be in operation in the winter. The conduit work should only take 2-3 days to install. Power generated will be exported to the grid and MWRA will be credited for energy generated.

The Commission having no further questions closed the hearing and voted unanimously 4-0 to issue a negative Determination with standard conditions. Standard conditions include 1) Notification of Conservation Officer before work is to begin and to have erosion controls inspected; 2) Stabilize all exposed areas when work is complete; and 3) Notify the Conservation Officer when work is complete for a final inspection.



Notice of Intent (Continuation of Public Hearing)

25 Cullinane Dr. – Peter DiTommaso

Proposes to remove existing house and replace with a new house next to Ft. Meadow.

Peter DiTommaso and his wife were present. Mr. DiTommaso presented a plan titled Proposed Site Plan of Land in Marlborough, MA, Prepared by Thomas Land Surveyors, dated June 9, 2010. Chairman Clancy noted that the last outstanding item noted from the previous meeting was that the Commission wanted confirmation from the City Engineer and Building Inspector that the gravel driveway was acceptable. Ms. Ryder explained that both Tim Collins and Steve Reid had expressed concern about the gravel driveway, but as long as it met the “dust free and durable surface” criteria, it would be OK. Ms. Ryder said she added a condition in the draft Order allowing Mr. Reid to make that determination, but if gravel didn’t work; other durable surface would be fine.

Abutter Christopher O’Keeffe of 39 Cullinane Dr. expressed concern about drainage flowing from 25 Cullinane onto his property. The Commission said this can be conditioned to make sure that it does not occur. He also expressed concerns about contamination of the site given the past storage of large construction and recreational vehicles. The Commission noted that this could be conditioned and will be inspected prior to demolition and also after demolition prior to construction. If any contamination is evidenced then the applicant will need to see that it is cleaned up.

There being no more questions the Chairman closed the hearing. The Commission reviewed the draft Order of Conditions (DEP 212-1074) provided by Ms. Ryder. Minor amendments were made. The Commission voted unanimously 4-0 to issue the Order of Conditions as drafted and amended.

Request for Determination of Applicability

75 Violetwoods Circle – Anil Ichalkaranje

To add a deck next to wetlands onto the back of their house at 75 Violetwoods Circle

Mrs. Sharmila Ichalkaranje was present and explained that she wants to add a 12’ x 17’ deck to the back of her house at 75 Violet wood Circle. The closest point to the wetland will be 25 feet. All excess material not used to backfill will be removed from the site. Ms. Ryder noted that she has inspected the site and the work will be well outside the wetland area and within the existing grassed back yard. No issues were noted or raised.

Hand drawn plan by the applicant onto a plan of the condominium, dated 6/28/2010 is in the file

The Chairman closed the hearing and the Commission voted unanimously 4-0 to issue a negative Determination with standard conditions (as noted above).

Abbreviated Notice of Resource Area Delineation (Continuation of Public Hearing)  
93 Framingham Rd. - Melanson Development Group, Inc.  
Requesting a review and confirmation of the Bordering Vegetated Wetland boundary located on the site.

Ms. Ryder noted that Bruce Saluk has provided a revised plan titled Existing Conditions Walker Brook Village, 93 Framingham Rd., Marlborough, MA 01752, Prepared by Bruce Saluk & Assoc., Stamped by Bruce Saluk R.L.S. and P.E. Dated: 3/31/2010 (last revised 7/16/2010) which now includes the Riverfront Area as discussed at the previous meeting.

The Chairman closed the hearing and the Commission voted unanimously 4-0 to issue the Order of Resource Area Delineation to include the revised plan; noting that Bordering Vegetated Wetland and Riverfront area exists on the site as shown on the revised plan.

#### **Certificates of Compliance**

- DEP 212-1070 DiCenzo Blvd. detention basin- The rip rap is quite small at the outlets and hasn't been tested by a rain event. Ms. Ryder noted that she and the City Engineer do not recommend issuance at this time until this has been proven to work. The Commission continued this time to the next meeting August 5, 2010.
- DEP 212-226 66 Andrews Rd. (Lot 12) - Ms. Ryder noted that this subdivision Order was released many years ago, but apparently not recorded. The Commission voted unanimously 4-0 to re-issue a Certificate of Compliance for this Order of Conditions.

#### **Discussion/Other Business**

- Division of Fisheries and Wildlife – “Draft” License Agreement – Flagg Brook Wildlife Mgt. area.- Ms. Ryder explained that she is still waiting to hear back from Fish and Wildlife on the draft provided. Hopefully a final document can be reviewed sometime in August.
- MassDOT Poison Ivy Spraying on Rte. 20 /I-495 overpass- Ms. Ryder explained that the Commission received a letter dated August 5, 2010, from MassDOT, RE: 21 Day Notice of Spraying – Poison Ivy along Rte 20, providing notice that they will be spraying the sidewalk area along Rte. 20 for Poison Ivy per their Veg. Management Plan and within the Water Supply Protection District. The Commission agreed this would be OK and asked Ms. Ryder to provide comment to that effect back to Mass DOT.
- Holts Grove Pond- An Emergency Certificate was issued which will expire on July 30<sup>th</sup>; however, prices to do the repair have come in higher than expected, so

10/11

additional funding needs to be sought before work can be completed. Ms. Ryder will follow up with Mr. Temple on the current timeframe.

- Minehan Lane Pond outlet repair- The DPW has discovered a collapse of the pipe installed several years ago which will need to be repaired. Ms. Ryder will write up an Emergency Certificate to be ratified at the next meeting.
- Piccadilly Pub- Ms. Ryder noted that there was some dirty water discharging into the catchbasin at the 587 Bolton St. restaurant, she is working with the restaurant managers, Board of Health and City Engineer to determine cause and require cleanup.

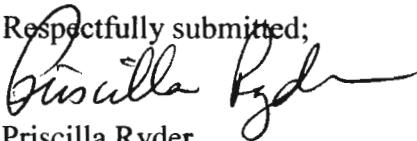
**Correspondence**

None

**Adjournment**

There being no further business the meeting was adjourned at 8:20 PM

Respectfully submitted;



Priscilla Ryder  
Conservation Officer



# City of Marlborough Zoning Board of Appeals

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3768 Facsimile (508) 460-3747

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Minutes  
August 31, 2010

Applicant - Kenneth Baker  
2010 SEP - 8 10 3 39  
Location: 80 Upland Rd.

ZBA Case # 1391-2010

Parcel in question is located next to 80 Upland Rd. being Map 19, Parcel 76

**Members present:** James Natale-Chairman, John Sahagian, Lynn Faust, Mitchell Gorka and Robert Page

The public hearing was opened on August 31, 2010, at 7:00 p.m. on the 3<sup>rd</sup> floor, Memorial Hall, with the reading of the legal ad by Board Member, John Sahagian. Also present was Atty. Aykanian who represented the applicant Kenneth Baker. Secretary Susan Brown also noted that Councilor Edward Clancy was in the audience.

The Chairman apologized to the audience that there was an omission in the legal ad. (The omission is "The existing lot frontage is 50 ft. vs. the minimum required 100 ft.") Therefore, there is a flaw in the legal ad and notices to abutters.

The Chairman stated that there will be no testimony heard this evening and suggested the hearing be continued to September 28<sup>th</sup>, 2010 at 7:00 p.m. allowing ample time for another placement of the legal ads and mailing notices to abutters.

A motion was made by James Natale, seconded by Lynn Faust and with a vote of 5-0 to continue the hearing to Sept. 28<sup>th</sup>, 2010 at 7:00 p.m.

Respectfully submitted.

Susan Brown – Secretary  
Zoning Board of Appeals

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

Traffic Commission

The Regular Meeting of the Traffic Commission was held on Tuesday, July 27th, 2010 at 10:05 a.m. in City Council Committee Room, City Hall. Members present: Chairman Police Chief Mark Leonard, Vice Chairman – DPW Commissioner Ronald LaFreniere and City Clerk Lisa Thomas. Also present: City Engineer Thomas Cullen, Asst. Civil Engineer Tim Collins and City Councilor Ed Clancy (arrived approx. 10:20am) Minutes taken by: Karen Lambert, MPD Records Clerk.

**1- Minutes**

The minutes of the Traffic Commission meeting of Tuesday, June 29th, 2010.

MOTION was made, seconded, duly VOTED:

To APPROVE. (Lisa Thomas abstaining as not present at prior meeting.)

**2-New Business**

**2a. Review of nighttime commercial vehicle exclusion on Stevens Street.**

Chief Leonard reviewed the fact that an 18 wheeler cannot make the turn near State Street without crossing the center line. Tom Cullen contacted the Massachusetts DOT (formerly MHD) via e-mail requesting that they reconsider a truck exclusion on a section of Stevens Street due to this fact. Engineering presented a large map to the Commission which outlined the "Proposed Commercial Vehicle Exclusion between East Main and Union Street" along with a copy of Section 11A-9, Heavy Commercial Vehicle Exclusion, from the MUTCD Website. The DOT responded via e-mail that "heavy commercial vehicle volume is a minimum warrant that must be met for a 24-hour truck exclusion to be considered." Unless the volume has increased the DOT would not approve a 24 hour exclusion. They would, however, consider a specific nighttime exclusion. Chief Leonard advised that the complaints that he has received have all concerned daytime issues. Ron agreed with the Chief that it appears to be more of a daytime problem. The Commission went on to discuss whether the issue was worth pursuing. They discussed the possibility of using signage to create a "preferred truck route" rather than trying to change the regulation and create a specific "truck exclusion". Ron advised that Engineering would have to be creative with advance warning signs that

would push trucks onto East Main. Trucks would be directed to move to the left lane. The DOT, however, would still need to approve the signage.

MOTION was made, seconded, duly VOTED to refer to ENGINEERING to discuss a "preferred route" for truck traffic on Stevens Street with the Massachusetts DOT.

**Additional Item brought up by Councilor Clancy:**

Councilor Clancy brought up the problem with backups on Rte. 290 at Rte. 495. Ron went on to explain that the interchange is under a major redesign project. He referred to it as an "enormous project with significant environmental impact." The State is putting a lot of money into this and the proposal includes a series of bridges and flyers. They recognize the backups on I290 and the accidents on the ramp system. Ron advised that they were not happy with the State's original plan for the project. He indicated that they "have gone on record as opposed to the abbreviated method". They saw it as more of a stop gap than a correction. Engineering referred to the new proposal as "a great design".

**3-Old Business**

**3k. Rawlins Ave. parking restrictions.**

Lisa Thomas noted that the minutes from the meeting on June 29<sup>th</sup> indicated that the Commission approved 3 new amendments for Rawlins Ave., however, she did not receive copies for advertisement. Chief Leonard advised that he thought he had already forwarded them and would send them by e-mail. Lisa asked if he could condense them into one advertisement to save on cost. The Chief advised that he would do this.

**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 until next meeting. Chief Leonard advised that the new Ward 4 Councilor, Rob Tunnera, was sworn in last night. The Commission had talked about discussing this issue with the new councilor before any further action was taken. The Chief has had a brief conversation with Councilor Tunnera and will invite him to the next meeting in August.

**3d) Traffic Commission rules and regulations update.**

MOTION was made, seconded, duly VOTED:

To TABLE until the Commission can determine how to handle this project.

**3e) Communication from Kevin Flynn, re: Grant of Authority to enforce traffic regulations at CDA (Community Development Authority) senior housing locations.**

MOTION was made, seconded, duly VOTED:

To TABLE

**3f. Request for protected left turn signal for eastbound traffic on Lincoln St. @ Bolton St.**

Tim Collins presented a proposed timing sequence for this intersection. He explained how the actual interval will remain the same; however, a portion of the "green time" will be set aside for a protected left turn (with a green arrow). Ron tried to explain it more simply by saying, for example, if the whole phase from green to yellow to red took 35 seconds. It would still take 35 seconds, however, would include a green arrow (for the left turn) in that same timeframe. It will be similar to the signal at Lincoln and Pleasant. Another signal head for the green arrow will be added. There is no room for a separate left turn lane, however, a short protected left arrow will at least allow for the first few vehicles to be able to take a left, if necessary, so they don't have to hold up the whole queue. Councilor Clancy commented that this was a great idea that was worth trying. He knows there are problems with backups at that left turn. The handout with the timing sequence had an error and was collected and returned to Engineering for correction. They will forward a revised copy.

MOTION was made, seconded, duly VOTED to refer to ENGINEERING to amend the existing traffic control signal in accordance with the diagram.

**3g. Lincoln Street parking near Cross Street.**

Chief Leonard asked if Tim had sent him the dimensions for the proposed regulation. Tim advised that he had already sent it but the Chief did not recall seeing it. He passed out a copy of the notice distributed to neighboring parties indicating the change in the current "no parking regulation". Chief Leonard asked if the Commission could vote on the revised regulation (which would allow for one parking spot in front of Bouvier's Pharmacy) as the wording will be as indicted in the DPW's notice. Chief Leonard will prepare the regulation and the DPW can install the appropriate signs next week. Tim also indicated that the crosswalks have been painted and they are working on blocking out the double yellow line.

MOTION was made, seconded, duly VOTED to APPROVE the revised regulations as indicated in the notice and map from the DPW. Chief Leonard will advise Phil Bouvier.

- 1) Amendment #1 – repeals existing regulation "No parking anytime – Lincoln Street, North Side.
- 2) Amendment #2 – allows for one parking space in front of Bouvier's Pharmacy.

**3h. Parking restriction on Langelier Lane.**

Chief Leonard prepared the proper amendments to the Rules and Regulations for a vote based on the specifications provided by Engineering:

MOTION was made, seconded, duly VOTED:

To APPROVE the amendment DELETING the existing parking restriction on Langelier Lane.

MOTION was made, seconded, duly VOTED:

To APPROVE the amendment restricting parking at the end of Langelier Road. (The portion of the road that extends from the cul-de-sac to the Mt. Ward trail head.

**3i. Parking restriction on Harrison Place.**

Chief Leonard prepared the proper amendments to the Rules and Regulations for a vote based on the specifications provided by Engineering. .

MOTION was made, seconded, duly VOTED:

To APPROVE the amendment DELETING the existing parking restriction on Harrison Place.

MOTION was made, seconded, duly VOTED:

To APPROVE the amendment which prohibits all parking on the West side of Harrison Place. (Note: parking now prohibited on both sides of Harrison Place)

**Side Note:**

Lisa Thomas brought up the issue of advertisements. She commented that Councilor Vigeant asked her about the advertizing costs in other papers. Ron asked about using the internet to advertise rather than the newspapers. Lisa said that she wanted to do this a long time ago but has been met with resistance. She contacted Representative Gregoire about this issue to see if she could get something started. It would require the passage of a bill. Representative Gregoire was looking for a precedent. Lisa advised that there is no other city or town in MA that advertises online.

That there being no further business of the Traffic Commission held on this date, meeting adjourned at 11:02 a.m.

Respectfully submitted,  
Karen L. Lambert - Records Clerk, MPD

**List of documents and other exhibits used at the meeting:**

**- Meeting Agenda for Tuesday, July 27, 2010**

**-Includes the following attachments:**

- \*New City of Marlborough Meeting Posting Notice
- \*Minutes from meeting of 6/29/10
- \*E-mail chain from Ron LaFreniere to Chief Leonard re: Marlborough: Stevens Street Truck Exclusion, dated 7/20/10 (Also includes various e-mails between Tim Cullen and Joseph Frawley of the MA DOT re: same)



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\*DPW Notice advising as to the changes in the parking regulations on Hemenway Street.

**-Regulations to amend the Rules and Regulation of the Traffic Commission**

\*2 for Langelier Lane

\*2 for Harrison Place

**- Additional Handouts:**

\*Copy of page 11, Section 11A-9 Heavy Commercial Vehicle Exclusion form MUTCD Website

\*DPW Notice advising as to the changes in the parking restrictions on Lincoln St., includes a map on the reverse side.

*City of Marlborough*  
*Commonwealth of Massachusetts*

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2010 AUG 24 A 11: 58  
**PLANNING BOARD**

Barbara L. Fenby, Chair  
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

**PLANNING BOARD MINUTES**

July 26, 2010

7:00 PM

The Planning Board for the City of Marlborough met on Monday, July 26, 2010 in Memorial Hall, 3<sup>rd</sup> floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Clyde Johnson, Edward Coveney and Sean Fay. Also present: Assistant City Engineer Richard Baldelli.

**CLERK**

Mr. Johnson nominated Mr. Fay to act as clerk pro term.

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

To have Mr. Fay act as clerk pro term.

**MINUTES**

***Meeting Minutes June 28, 2010***

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

To accept and file the minutes of June 28, 2010.

**CHAIRS BUSINESS**

***Steven Kerrigan***

***Resignation***

Mr. Steven Kerrigan sent a letter to Mayor Stevens informing her that he is resigning from the Planning Board as of July 16, 2010. The remaining members agreed that this is a huge loss to the Board.

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

To accept with regret the resignation of Mr. Kerrigan and to send correspondence thanking him for his time with the Planning Board.

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**Dental Associates of Marlborough**  
*Sign Variance Completion Letter*

Dr. Sanjiv Nehra sent correspondence to thank the Planning Board for granting his sign variance. He stated the variance gives him the opportunity to establish his business here in Marlborough and thanked the Planning Board for their time and efforts.

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

To accept and file correspondence.

**APPROVAL NOT REQUIRED PLAN**

**299 Maple Street**  
*JEMS of New England*  
*Resigning*

The City Engineer, Thomas Cullen, has reviewed the ANR plan and finds this plan consistent to the original plan with a new signature block. He has provided a favorable recommendation to sign the plan.

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

To accept and file correspondence.

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

To endorse plan of land believed to be Approval Not Required of JEMS of New England, Inc. of 1 Dix Street, Worcester, MA 01609. Name of Engineer: Engineering Design Consultants, Inc., 32 Turnpike Road, Southborough, MA 01772. Deed of property recorded in South Middlesex Registry of Deeds book 615, page 84. Location and description of property: located at 299 Maple Street property shown on Assessors map 93, parcels 36 and 37.

**Bolton Street**  
*Resigning of Plan*

Mr. Baldelli presented to the Board the ANR for Bolton Street that was approved in late 2009 by the Planning Board. The City's Legal Team noticed that there were two issues wrong with the ANR plan:

- Under Parcel A on the plan are the words "See plan 46794/356" in parentheses, that is not the plan, but the deed
- Deed 46794/356 references a 1977 deed to Robert Rittenhouse from Roy. G Graveson, which his deed references the 1940's recorded plan for a subdivision on the same parcel, The City Needs a plan reference not a deed reference.

The City Engineer recommended for the Planning Board to endorse the plan.

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

To endorse the ANR Plan known as Bolton Street.

**PUBLIC HEARING**

**SUBDIVISION PROGRESS REPORTS**

**Update from City Engineer**

Mr. Baldelli stated that the developers were working at the Westridge Subdivision by paving the sidewalks, repairing and paving West Hill Road. Mr. Baldelli also stated that work is continuing on Mauro Farm including the detention basins are nearly complete and the clearing has commenced.

### ***Berlin Farms***

#### *Subdivision Extension Request*

Mr. Charles Freeman of Freeman Builders, Inc. is requesting an extension to his subdivision for one year. He stated he is almost completed and a few minor things need to be finished.

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

To accept and file correspondence.

#### *Bond Reduction*

Mr. Freeman is requesting a bond reduction for his subdivision.

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

To accept and file correspondence.

#### *Correspondence from City Engineer*

Mr. Baldelli has reviewed the subdivision file and made the following observations:

- Roadway and infrastructure has been completed and appears to be in good condition;
- Curbing and sidewalk has been completed and appears to be in good condition;
- Detention basin entrance requires remedial work so that it complies with the proposed subdivision plans.

Mr. Baldelli noted the following still needs to be completed:

- Install fencing around detention basin as showed on approved subdivision plans
- Plant roadside trees per Planning Board requirements
- Submit As-built plans, Acceptance Plans and Legal descriptions

Mr. Baldelli also stated that according to the amended covenant indicated that the subdivision will be completed by September 6, 2009. The Developer needs to provide the Planning Board with an updated construction schedule.

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

To accept and file correspondence.

Mr. Fay and Ms. Fenby noticed that the correspondence from the developer was not dated. Also, they would like to invite Mr. Freeman to the next scheduled meeting to discuss the current state of his subdivision.

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

To invite Mr. Freeman of Freeman Builders Inc, to the next regular scheduled meeting.

**Blackhorse Farms, Cider Mill Estates and West Ridge Estates (Fafard Development)**

Carisbrook II/Blackhorse Farms

Mr. Cullen provided a report to the Planning Board that outlines his recommendations for this subdivision. The Chair has asked the members to review the information to discuss at the next meeting.

**PENDING SUBDIVISION PLANS: Updates and Discussion**

**PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS**

**DEFINITIVE SUBDIVISION SUBMISSIONS**

**SCENIC ROADS**

**SIGNS**

**Insert Life Here Temporary Signs**

*Alina Saez*

Insert Life Here Studios is asking for a variance to place an "A" frame sign at 127 Lakeside Ave for their student run play. They received written approval from Ernie Houde of Weichart Realty. They are asking to place the sign from July 27, 2010 and to be removed after the event on August 8, 2010.

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

To accept and file correspondence.

*Ernie Houde*

Ernie Houde of Weichert Realty located at 127 Lakeside Ave had given his permission to allow the temporary sign to be placed for the time period as requested by the Insert Life Here Studios.

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

To accept and file correspondence.

Mrs. Lizotte stated that Ms. Saez had spoken to the Building Commissioner and he stated that a variance from the Planning Board could possibly help out the group in their advertising efforts. Ms. Fenby stated that she was concerned about the public safety aspect of the "A" frame sign blowing over into the street. Ms. Saez stated that they will be bolting down the sign to prevent it from falling over.

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

To allow the sign to be placed from July 27, 2010; removed on August 8, 2010 and to alert Ms. Wilderman about the sign.

The Planning Board felt that this variance to allow the sign by helping the small organization with their play.

**INFORMAL DISCUSSION**

***Marlborough Community Preservation Act***

Ms. Barbara Earley and Ms. Karen Paquin came before the Planning Board to speak about the grassroots effort to start a Community Preservation Act. This Act, which already exists in 142 communities in Massachusetts, would allow the City to protect some of the cultural and natural heritage of Marlborough. The CPA is funded through a surcharge of up to 3% on local property taxes which is derived through transactions at the Registry of Deeds. The State would then match the range from 5% to 100% annually.

The CPA is trying to get the word out and petition the City Council to allow this on the next ballot.

Mr. Johnson stated that he sees this as a positive outlook and would suggest to the other members of the Planning Board to get "behind this one".

***Members***

The Planning Board members discussed sending a letter to the Mayor suggesting new Planning Board members.

**COMMUNICATIONS/CORRESPONDENCE**

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

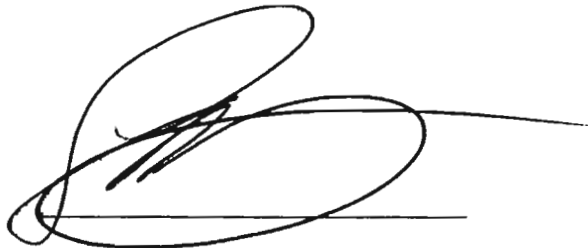
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 8:15 p.m.

**A TRUE COPY**

**ATTEST:**



Sean N. Fay, Acting Clerk