

1. Minutes of the City Council Meeting, April 5, 2010.
2. PUBLIC HEARING: On the Petition from Massachusetts Electric Co. and Verizon New England, Inc. to relocate P.22 and P.23 on Forest St. due to a city road widening project, Order No. 10-1002498.
3. PUBLIC HEARING: On the Petition from Massachusetts Electric Co. and Verizon New England, Inc. to relocate P.35 and P.37 3' ± from present location to back of sidewalk due to a city road widening project on Forest St., Order No. 10-1002500.
4. PUBLIC HEARING: On the Petition from Massachusetts Electric Co. and Verizon New England, Inc. to install new P.48 45' ± west of existing P.48 and install intermediate P.47-50 120' ± west of existing P.47 for the purpose of moving P.48 out of the proposed future road entrance on Forest St., Order No. 10-1002499.
5. PUBLIC HEARING: On the proposed Zoning Change from Moss Development, to request that City Council amend Chapter 650 of the Code of the City of Marlborough, by adding, in the Table of Lot Area and Yard Requirements for Open Space Development that is part of section 650-28.E(3), after the words "Lot area (square feet)", a Note to read as follows:"For Open Space Developments of more than 50 acres, the required Lot area may be reduced by as much as 50%, but not below 8,000 square feet per lot, provided that, in that case, the Common Open Space required pursuant to Sec. 650-28.F(6) shall be not less than 50% of the total site."
6. Communication from the Mayor re: Police transfer request in the amount of \$61,808.63 which moves funds as follows for expenses associated with an employee's retirement:
 - \$4,715.00 from Fringes to Police Lieutenant,
 - \$25,785.00 from Fringes to Sick Leave Buy Back,
 - \$31,308.63 from Undesignated Fund to Sick Leave Buy Back.
7. Communication from the Mayor re: Fire transfer request in the amount of \$7,637.56 from Firefighter to Gross Overtime to fund coverage for an injured employee.
8. Communication from the Mayor re: Central MA Regional Library Grant awarded to the Public Library in the amount of \$1,000.00 from the Central Massachusetts Regional Library System to develop a Playaway collection for the library.
9. Communication from the Mayor re: Council on Aging (COA) Program Coordinator Grant.
10. Communication from the Mayor re: Renaming of the 4-7 School to 1LT Charles Willis Whitcomb School.
11. Communication from Councilor Ferro re: proposed Amendment to Zoning Ordinance, Chapter 650.
12. Communication from the Department of Conservation and Recreation re: Sudbury Public Access Plan update.
13. Communication from NSTAR Gas Company re: Condensed Financial Return for year 2009.
14. Communication from David Renzi and Linda Renzi Senecal re: donated contents of the Renzi Shoe Repair shop formerly located at 12 Main St.
15. Application of Andrew Youngman, d/b/a Arch Stanton, LLC, for Junk Dealer's license at 225 Cedar Hill St., 3rd Floor.
16. Communication from Andy Candiello, on behalf of Metro PCS Massachusetts, LLC, re: request to extend time limitations to install a Telecommunications Facility onto the existing utility pole at 257 Donald Lynch Blvd. to May 26, 2010 at 11:00 PM, Order No. 10-1002416A.
17. Minutes, Planning Board, March 22, 2010.
18. CLAIMS:
 - A. April Lehrman, 25 Balcom Rd., other
 - B. Joseph Bartulis, 3 Waterview Ter., Southboro, pothole or other road defect
 - C. Downtown Marlboro, LLC, 17 Weed St., other property damage and/or personal injury
 - D. David Giblin, 84 Ruggles St., Westborough, pothole or other road defect
 - E. Marybeth Fantasia, 23 Walcott Cir., pothole or other road defect
 - F. Carol Schwab, 2E Rotherham Way, Hudson, pothole or other road defect

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Personnel Committee

19. **Order No. 10-1002431 – Reappointment of Barbara Fenby to the Planning Board for a term of five years expiring the first Monday in February 2015.** Note: Edward Coveney remains in Committee. **Recommendation of the Personnel Committee is to approve 2-0.**

From City Council

20. **Order No. 10-1002467B - 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 540, ENTITLED “SOLID WASTE,” AS FOLLOWS:**

Section 540-20, entitled “Issuance of stickers,” is hereby amended by adding thereto a new subsection F:

- F. There shall be no annual fee for stickers issued to Marlborough residents who are disabled American veterans. Any Marlborough resident claiming status as a disabled American veteran, in addition to presenting a Massachusetts motor vehicle registration to prove Marlborough residence, shall also present proof of membership in the Disabled American Veterans or other suitable documentary proof of both veteran and disabled status.

Recommendation of the City Council is to table until April 26, 2010.

21. **Order No. 10-1002473 – Bond Request in the amount of \$4,000,000.00 for partial construction of the new sewer services in the Sudbury St. area. Recommendation of the City Council is to refer to Finance Committee with instructions to report its recommendations, if any, to the full City Council by the April 26, 2010 meeting.**
22. **Order No. 10-1002472A – Capital Bond request for FY2010. Recommendation of the City Council is to refer to Finance Committee with instructions to report its recommendations, if any, to the full City Council by the April 26, 2010 meeting.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
APRIL 5, 2010**

Regular meeting of the City Council held on Monday, APRIL 5, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Elder, Juare, Seymour, Clancy and Landers. Meeting adjourned at 9:06 p.m.

ORDERED: That the minutes of the City Council Meeting March 22, 2010, **FILE**; adopted.

ORDERED: That the transfer request in the amount of \$10,000.00 from Fuel & Lubricants to Repair/Maintenance Supplies, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 14001406-54830 \$10,000.00

Fuel & Lubricants

TO:

Acct. # 14001406-54810 \$10,000.00

Repair/Maintenance Supplies

ORDERED: That the intradepartmental requests from the Department of Public Facilities totaling \$106,915.00 intended to supplement funding in certain accounts from other accounts with anticipated surpluses, refer to **FINANCE COMMITTEE**; adopted.

**CITY OF MARLBOROUGH
BUDGET TRANSFERS --**

DEPT:	DATE:	FY:			
	31-Mar-10	2010			
Available Balance	Amount	FROM ACCOUNT:	Amount	TO ACCOUNT:	Available Balance
\$53,980	\$1,245.00	11920008 52250 Heating Oil	\$1,245.00	11920003 51920 Sick Leave Buyback	\$1,758
	Reason:	surplus due to decrease in cost of oil		Funds needed due to retirement	
\$53,980	\$2,670.00	11920008 52250 Heating Oil	\$2,670.00	11920003 50560 Custodian	\$51,108
	Reason:	surplus due to decrease in cost of oil		Funds needed to cover salary deficit for custodian due to transfer for of account	
\$53,980	\$8,000.00	11920008 52250 Heating oil	\$8,000.00	11920003 50292 Building Maint Craftsman	\$73,102
	Reason:	surplus due to decrease in cost of oil		Funds needed due to retirement	
\$98,475	\$25,000.00	11920008 53420 Telephone services	\$25,000.00	11920008 52466 Fire Station	\$8,511
	Reason:	surplus due to credit from Verizon		Funds needed due to renovations of Station 2	
\$858,100	\$25,000.00	11920008 52120 Electricity	\$25,000.00	11920008 52466 Fire Station	\$8,511
	Reason:	surplus due to decrease costs/usage of electricity		Funds needed due to renovations of Station 2	
\$858,100	\$45,000.00	11920008 52120 Electricity	\$45,000.00	11920008 53999 Other Services	\$57,999
	Reason:	surplus due to decrease costs/usage of electricity		Funds needed for Walker Building	

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ORDERED: That the following transfer requests from the Department of Public Works as follows:

Transfer in the amount of \$10,100.00 from Sr. Tr. Chemist to Pumping Station Maintenance. This transfer will provide needed funds to cover unanticipated expenses resulting from the extreme rains of March 14 and March 15, 2010. As you are aware, the Governor recently declared a state of emergency in our region. The City anticipates applying for any eligible reimbursement funds.

Transfer in the amount of \$1,200.00 from Sr. Tr. Chemist to Interim Foreman. The transfer is necessary to cover DEP staffing requirements during an employee illness, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 60080001-50890 \$10,100.00
Sr. Tr. Chemist

Acct. # 60080001-50890 \$1,200.00
Sr. Tr. Chemist

TO:

Acct. # 60080006-55660 \$10,100.00
P.S. Maintenance

Acct. #60081003-51470 \$1,200.00
Interim Foreman

ORDERED: That the Communication from City Solicitor, Donald Rider re: Special Permit, JAM Enterprises, LLC, Sonic Restaurant, 230 Boston Post Rd. West in proper legal form, Order No. 09/10-1002361B, **MOVED TO AGENDA ITEM #31**; adopted.

ORDERED: That the Communication from the Assistant City Solicitor, Cynthia Panagore Griffin, re: Special Permit, New England Sports Center, 121 Donald Lynch Blvd., Order No. 10-1002448A, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, MAY 10, 2010** as a date for a **PUBLIC HEARING** requested by Attorney David Gadbois, on behalf of The Gutierrez Co., to amend the Zoning Map of the City of Marlborough, established by Chapter 650, Zoning Article III, Establishments of Districts Section 650-8 "Boundaries Established; Zoning Map". Said map is amended by extending the Business District shown on the City of Marlborough Massachusetts Zoning Map by including in said Business District all of Map78, Parcels 12, 38, and 39 and Map 89, Parcel 77 of the City of Marlborough Massachusetts Assessor's Map, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE**; adopted.

(Attorney Gadbois provided Exhibit A- Proper Language for Ad)

ORDERED: That the request dated March 31, 2010 from David P. Gadbois, attorney for The Gutierrez Company as agent for Marlborough/Northborough Land Realty Trust, for a further extension of a sewer permit for property known as Devonshire at 495 Center, located between Forest Street and Hayes Memorial Drive, previously extended on October 2, 2008 for an additional 18 months therefrom, **APPROVED** for an additional 18 months, based upon the following conditions:

1. The sewer connection is limited to 56,000 gpd;
2. The sewer connection shall lapse if the connection is not made within 18 months after the date of final approval of this further extension; and
3. If the total volume is not needed by the permit holder, the surplus shall be returned to the City of Marlborough; adopted.

ORDERED: That the Communication from Attorney Bergeron re: Toll Brothers, Country Club Estates approval of the adjustment of the boundary of the right-of-way so as to include the new land being conveyed, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, APRIL 26, 2010** as a date for a **PUBLIC HEARING** requested by Attorney Arthur Bergeron, on behalf of Moss Development, to request that City Council amend Chapter 650 of the Code of the City of Marlborough, by adding, in the Table of Lot Area and Yard Requirements for Open Space Development that is part of section 650-28.E(3), after the words "Lot area (square feet)", a Note to read as follows:

"For Open Space Developments of more than 50 acres, the required Lot area may be reduced by as much as 50%, but not below 8,000 square feet per lot, provided that, in that case, the Common Open Space required pursuant to Sec. 650-28.F(6) shall be not less than 50% of the total site."

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE**; adopted.

(Attorney Bergeron provided Attachment 1- Proper Language for Ad)

ORDERED: That there being no objection thereto set **MONDAY, MAY 10, 2010** as date for a **PUBLIC HEARING** on the Application for Proposed Comprehensive Special Permit to allow preservation and adaptive reuse of the Walker home on Framingham Rd. while also allowing construction of 17 new homes, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the minutes, Planning Board, March 8, 2010, **FILE**; adopted.

ORDERED: That the minutes, Traffic Commission, February 23, 2010, **FILE**; adopted.

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

- A. Leanne Doherty, 28 Upland Rd., other
- B. Lauren Medeiros, 37 Mohican Path, pothole or other road defect
- C. Albert Tambolleo, 47 Emer Rd., residential mailbox claim 2(b)
- D. Amy Lombard, 18 Williamsburg Ct. #12 Shrewsbury, pothole or other road defect
- E. Bill Wing, 86 Graham Path., residential mailbox claim 2(b)
- F. Robert Nicholas, 24 Giasson St. #3, Hudson, pothole or other road defect
- G. Hector Simosa, 87 Stetson Dr., pothole or other road defect
- H. Hongjiang Li, 82 Barton Dr., Sudbury, pothole or other road defect
- I. Steve Smith, 155 Milk St. #14, Westborough, pothole or other road defect
- J. Harold Morse, 5 Red Spring Rd., pothole or other road defect

Reports of Committees:

Councilor Delano reported the following out of the Personnel Committee:

Order No. 10-1002431 – Reappointment of Barbara Fenby to the Planning Board for a term of five years expiring the first Monday in February 2015. Note: Edward Coveney remains in Committee. **Recommendation of the Personnel Committee is to approve 2-0. to approve 2-0 subject to a favorable report from Chief Leonard. Councilor Clancy was absent.**

Suspension of the Rules requested - granted

ORDERED: That the appointments of Christine Seymour and Penny Aber-Kahn to the City Scholarship Committee for a term of three years from date of confirmation, **APPROVED**; adopted.

Councilor Seymour abstained

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 Massachusetts Electric Company located at 40 Sylvan Road, Waltham, MA 02451, in the amount of \$42,500.00 annually with a lump sum payment equal to years 1-5 in the amount of \$212,500.00 due upon execution of a lease, increasing annually by three (3%) for years 6-15 on each anniversary of the Rent Commencement Date, subject to the approval of the Director of Public Facilities as to the proposal and the location on the tower at the site, **APPROVED**; adopted.

Suspension of the Rules requested - granted

ORDERED: That the Mayor is hereby authorized to negotiate a lease, subject to obtaining all necessary permits and licenses, with Massachusetts Electric Company for the placement of antennas on the Sligo Hill Water Tank along with associated wires and ground equipment at the site, located at 97 Arnold Street, Extension, Marlborough, MA 01752, shown on Assessors' Map 68, Parcel 80. Said municipal property has been declared available for disposition by City Council Order No. 96- 6861A, **APPROVED**; adopted.

Suspension of the Rules requested - granted**Councilor Juairé read a disclosure statement.**

DECISION ON AN APPLICATION TO AMEND
SPECIAL PERMIT # 94-5460B AS PREVIOUSLY AMENDED BY CITY COUNCIL
ORDER NO. 04-100359 ON MAY 10, 2004

The City Council of the City of Marlborough hereby Grants the Application for Amendment to Special Permit # 94-5460B as previously amended by City Council Order # 04-100359 to Quad Rink Limited Partnership/New England Sports Management Corporation, General Partner, 84 South Street, Carlisle, MA 01741 and H. Larue Renfroe, Trustee of Donald Lynch Boulevard Realty Trust u/d/t dated December 23, 1994 recorded in the Middlesex South District Registry of Deeds in Book 25093 Page 467, both having a place of business at 84 South Street, Carlisle, MA 01741 as provided in the Decision and subject to the following Procedural Findings, Findings of Facts and Conditions:

PROCEDURAL FINDINGS

1. New England Sports Management Corporation, General Partner of Quad Rink Limited Partnership, and H. Larue Renfroe, Trustee of Donald Lynch Boulevard Realty Trust u/d/t dated December 23, 1994 each having a place of business at 84 South Street, Carlisle, MA 01741 are hereinafter collectively referred to as the "Applicant."
2. H. Larue Renfroe, Trustee of Donald Lynch Boulevard Realty Trust, is the owner of property located at 121 Donald Lynch Boulevard as well as certain contiguous land in the Town of Hudson (hereinafter referred to as the "Site"). Said property is further described in a deed recorded in the Middlesex South District Registry of Deeds in Book 24458 Page 324.
3. The Applicant, on or about February 4, 2010, filed with the City Clerk of the City of Marlborough an Application for Amendment to Special Permit # 94-5460B, herein referred to as the "Application."
4. On May 23, 1994 the City Council granted the Applicant a Special Permit to construct a multi-sport facility consisting of up to four major activity areas. The activity areas are known as "rinks." Notice of Grant of Special Permit # 94-5460B is recorded in the Middlesex South District Registry of Deeds in Book 25042 Page 572. Said Special Permit (hereinafter referred to as "Special Permit") was amended on May 10, 2004 by City Council Order No. 04-100359. The amended Special Permit herein after will be referred to as "Amended Special Permit." Notice of the Amended Special Permit was recorded in the Middlesex South District Registry of Deeds in Book 43009 Pages 25.

5. The Application is authorized under the provisions of Chapter 650 (Zoning) of the Code of the City of Marlborough, Article V Section 650-17 Table of Uses and 18 Conditions for Uses A (23) Recreation Centers. The reason for the Application is to amend the Amended Special Permit to allow the construction and use of an additional sixth rink at 121 Donald Lynch Boulevard (the Project) to be used under the provisions of the Amended Special Permit as further amended hereby.
6. The Application filed with the City Clerk on February 4, 2010 consisted of the following: (a) Application Fee in the amount of \$500.00; (b) 3 (three) original copies of the Application for Amendment to Special Permit # 94-5460B; (c) Certification of Delivery of copies of application to City of Marlborough Departments and Office of the City Council; (d) Certification of Payment of Municipal Taxes; (e) Preliminary Site Plans in accordance with Chapter 650 Article VIII Section 650-59 Paragraph C. (5); (f) Application outlining the project; (g) Special Permit Application Certification by Planning Department; (h) Certified copies of Abutters' Lists for the City of Marlborough and the Town of Hudson; (i) Special Permit-Summary Impact Statement; (collectively the "Documents"). Twelve sets of Documents were delivered to the City Council and one set each to the Police Chief, the Fire Chief, the City Planner, the Building Inspector, the City Engineer and the Conservation Officer, all in accordance with Chapter 650, Article VII Section 200-59 of the Zoning Code of the City of Marlborough. The documents are incorporated herein and become part of this Decision.
7. The Applicant filed with the Application a Certificate of Completeness of Application on a form signed by the City Planner for the City of Marlborough as having complied with the provisions of Chapter 650 (Zoning Code) Article VII Section 650-59, C. (7) (a), (b), and (c).
8. In accordance with the Rules and Regulations of the City Council and Massachusetts General Laws Chapter 40A Sections 9 and 11, the City Council established March 8, 2010 at 8:00 PM as a date and time for a public hearing on the Application, caused a notice of said hearing and the date thereof to be advertised on February 16th and 23rd in the Metrowest Daily News and caused said notice to be mailed to those entitled thereto. Proof of advertisement and mailing has been submitted to the City Clerk to be placed with the Application documents.
9. The Marlborough City Council held a public hearing on the Application on March 8, 2010 at 8:00 PM in accordance with the published notice, (the Public Hearing). The hearing was opened and closed on said date.
10. The Applicant presented a parking and traffic analysis and testimony at the Public Hearing detailing the construction and use of a sixth major activities area (Project), its impact upon municipal services, the neighborhood traffic, parking, drainage and such issues as the City Council and members of the public deemed appropriate. Members of the public had the opportunity to testify at the public hearing. Some members of the public spoke in favor of the project, some spoke against, some had questions, and some commented without stating a position for or against the project.

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11. The Applicant provided written and oral documentation and testimony to the City Council and the City Council's Urban Affairs Committee regarding the development of the Site, the drainage, traffic, parking, safety considerations during and after construction, affect on nearby wetlands water and sewer use, the design and construction of the sixth rink to include operational considerations during and after construction, handicap accessible issues, the economic impact on the community, impacts on the abutter to the east of the project, and mitigation of impacts.

BASED UPON THE ABOVE THE CITY COUNCIL OF THE CITY OF MARLBOROUGH MAKES THE FOLLOWING FINDINGS AND CONDITIONS:

- A. The City Council finds that it may amend Special Permit # 94-5460B as previously amended (Amended Special Permit) subject to terms and conditions as it deems necessary and reasonable to protect the citizens of the City of Marlborough.
- B. The City Council finds the Application for Amendment to Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough or Massachusetts General Laws Chapter 40A, et. seq.
- C. The City Council finds that the proposed use of the Site for the Project is an appropriate use and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough. The construction of the Project will compliment the existing business uses in the City of Marlborough and surrounding communities, and will enhance the development goals of the City and the region by providing additional services, increased employment opportunities, increased recreational opportunities, positive impact on the hospitality resources of the City, and a continuation and expansion of a positive asset to the City of Marlborough.
- D. The Site Plan, as submitted and as may be amended by the Site Plan Review Committee during the site plan review process, provides for improvements which will protect the environment, and not have adverse impacts to the community. Those improvements are drainage, lighting, and better control of trash and litter. The City Council makes this determination subject to the completion and adherence by the Applicant to the approved site plan by the Site Plan Review Committee, an order of conditions as may be issued by the City of Marlborough Conservation Commission, and the conditions more fully set forth herein.
- E. The Applicant has complied with all the procedural rules and regulations of the City Council of the City of Marlborough, Chapter 650 (Zoning Code) of the City of Marlborough and Massachusetts General Laws Chapter 40A Sections 9 and 11.

GRANT OF AMENDMENT TO SPECIAL PERMIT

- F. The City Council of the City of Marlborough pursuant to its authority under Chapter 650 (Zoning Code) of the Code of the City of Marlborough and Massachusetts General Laws Chapter 40A, GRANTS to the Applicant an Amendment to Special Permit # 94-5460B to construct a sixth rink to be used as a multi-sport facility as set forth in the Amended Special Permit, in the Application, and as per the plans submitted to the City Council, and subject to the following conditions:
1. The Amended Special Permit # 94-5460B is hereby affirmed, is deemed to be in full force and effect and applies to the Project without change or modification, except as provided for in the Application, the Site Plans and other conditions herein stated.
 2. Unless modified by the provisions hereof, all conditions outlined in Paragraph 4. (a) through (z) of the Special Permit and conditions 3 through 11 of the Amended Special Permit shall apply to the Project. Where reference is made to the issuance of the Special Permit, it shall also refer to the issuance of the Amended Special Permit.
 3. **Construction of the Project:** (a) Construction of the project is subject to the same conditions and limitations as provided in Condition 4. (a) of the Special Permit, except that reference is made to the site plan dated January 21, 2010 and revised on February 4, 2010 and March 22, 2010 and prepared by GLM Engineering Consultants, Inc., which site plan was filed with the Application. (b) The construction site will be fenced as approved by Site Plan Review. (c) To ensure the safety of patrons, employees and the general public during all phases of the construction of the Project, the Applicant will develop a modified emergency exit plan during site plan review and implement the same as a condition hereof. (d) Applicant shall, prior to issuance of the building permit for the project, provide a payment to the City of Marlborough Inspectional Services Fund in the amount of five thousand (\$5,000.00) dollars to offset the increases in costs associated with the Project. The City shall expend said funds as needed to contract for temporary staff, materials, supplies and equipment so as to enable the Inspections Staff to provide adequate, timely supervision to the Project.
 4. **Parking Areas:** Four hundred ninety (490) parking spaces shall be provided as shown on the Site Plan.
 5. **Lighting for Parking Lots:** (a) Exterior parking lot lighting shall not spill onto abutting residential property. (b) Reflectors shall be utilized and configured to mitigate light from entering abutting residential property. (c) Exterior parking lot lighting shall be extinguished each day no later than 1:00 A.M. local time, except for any security lighting required by the Marlborough Police Department.

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6. **Project Plans and Specifications:** (a) The Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Applicant's Special Permit Application, as amended during the application/hearing process before the City Council and/or the Urban Affairs Committee, and in compliance with the Conditions of the Grant of Special Permit and Amended Special Permit. (b) All Plans, photo renderings, site evaluations, briefs and other 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, unless otherwise altered by the City Council. (c) Notwithstanding condition (a) and (b) hereof, engineering changes may be made to said plans by the Site Plan Review Committee so long as said changes do not change the use of the Site as approved herein, increase the impervious area of the Site, reduce the green area or increase the size of the building shown on the plan.
7. **Planting of Additional Vegetation:** In order to mitigate the amount of light going on to the abutting residential property from vehicles using the parking lot, Applicant shall plant a sufficient amount of coniferous trees and evergreen shrubs to block the light from hitting the nearby house and to catch any debris or litter that might blow from the parking lot towards the said residential property. Said plantings will be placed at the crest and on the slope of the hill. Applicant will replace existing damaged trees and shrubs. All plantings will be approved by the Site Plan Review Committee, including but not limited to species, location and quantity, during the site plan review process. Applicant will maintain said plantings for the life of the Special Permit.
8. **Granite Curbing:** In order to provide a stop for vehicles parking in the east parking lot, Applicant will install vertical granite curbing, with no less than a 6 inch reveal, along the east side of the site.
9. **Parking of Buses:** When there are more than three buses at one time utilizing Applicant's parking facilities, they shall park in the off-site parking facilities provided by the Applicant.
10. **Formal Parking and Pedestrian Movement Plan:** (a) Applicant will submit to the Site Plan Review Committee for its review and approval a formal Parking and Pedestrian Movement Plan to be used during major events when off-site parking is utilized. Said plan shall be updated as conditions warrant such an update. (b) Applicant will provide off-site parking sufficient to accommodate overflow parking.

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11. **Review of Parking and Traffic:** Twelve months following the opening of Rink 6, Applicant will return to the Site Plan Review Committee to review the parking and traffic considerations. If the Site Plan Review Committee determines a need to adjust the parking and traffic considerations, Applicant will submit an amended site plan for approval of the Site Plan Review Committee.
12. **Scheduling of Tournament Games:** When games with high spectator interest are played, the schedule of games will be at least forty minutes apart to minimize parking and traffic congestion.
13. **Walkways:** Applicant will construct a sidewalk starting from the end of the current sidewalk at the front entrance to the Site at Donald Lynch Boulevard and extending to the driveway. Applicant will mark a cross walk across the driveway to the front lawn in front of the building. Applicant will also construct a walkway across the lawn to the current, marked cross walk which leads to the building.
14. **Handicap Accessibility:** In addition to fulfilling its obligations to provide handicapped accessibility as required under state and federal law, the Applicant will also provide handicapped accessibility to and within facilities and spaces associated with Rink 6 which will be accessed by the public, including its locker rooms.
15. **Exterior Camera and Signage:** Applicant will install a security camera with recording capabilities on the east side of Rink 6 for the purpose of observing and recording activities which take place in the east parking lot. Applicant will also install signage at the east parking lot which prohibits loitering.
16. **Exterior Property Maintenance:** In modification of the condition stated in Paragraph 4. (u)(ii) of the Special Permit, the Applicant will inspect the entire Site on a daily basis, pick up any litter thereon, and appropriately discard the same. At the end of the business day, Applicant will visually inspect the entire Site to ensure that all employees and patrons have left the parking areas.
17. **Detention Basin:** In modification of the condition stated in Paragraph 4. (e) of the Special Permit, Applicant will inspect the on-site detention basin not less than annually with respect to sedimentation accumulation, and will expeditiously give copies of the annual report(s) to the City Engineer and Conservation Officer. To the same extent, if such reports indicate the need for sediment removal, the Applicant shall remove the same.

18. **Catch Basin:** In modification of the condition stated in Paragraph 4. (f) of the Special Permit, the Applicant will install the catch basin with sump(s) and inverted outlet(s) as more fully shown on the Site Plan. The Applicant will monitor the catch basin on a semi-annual basis, and will expeditiously give copies of the semi-annual reports to the City Engineer. The Applicant will clean the catch basins annually, or at more frequent intervals as determined by the City Engineer.
19. **Signage:** The locations and design of any new signage shall be reviewed and approved during Site Plan Review in accordance with the sign ordinance of the City of Marlborough without variance therefrom. Notwithstanding the foregoing, in no event shall the signage contain so-called message board or LCD components. It is a further condition that the location of the signage shall not be substantially different than that shown on the plans submitted herewith allowing, however, for minor changes in the field so as to avoid any conflicts with existing City infrastructure.
20. In accordance with the provisions of Mass. Gen. Laws 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, and said recording shall be made before a Building Permit is issued. Upon said recording, Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office and to the City Solicitor's office.
21. The issuance of the Special Permit is further subject to detailed technical Site Plan Review in accordance with Chapter 270 of the City of Marlborough Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit and no Occupancy Permit shall be issued until Applicant has complied with all conditions. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review shall be further conditions attached to this Special Permit, and any violations of such Site Plan Review conditions shall be violations of this Special Permit leading to its possible revocation by the City Council. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plan submitted, reviewed and approved by the City Council as the special permit granting authority. Any changes to the Plan which alter the traffic patterns or landscaping, or reduce the overall green space of the Project, will require subsequent approval by the City Council.

Yea: 11- Nay: 0

Yea: Delano, Ferro, Elder, Juairé, Seymour, Clancy, Landers, Ossing, Pope, Levy & Vigeant

1/2

ORDERED: That the application for Junk Dealer's License for Steven Weener, d/b/a Thriftboro for 344 Boston Post Rd., **APPROVED**; adopted.

ORDERED: That the application for Junk Dealer's License for Igal Ismaili, d/b/a I & P USA Corporation for the Solomon Pond Mall, **APPROVED**; adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 540, ENTITLED "SOLID WASTE," AS FOLLOWS:

Section 540-20, entitled "Issuance of stickers," is hereby amended by adding thereto a new subsection F:

F. There shall be no annual fee for stickers issued to Marlborough residents who are disabled American veterans. Any Marlborough resident claiming status as a disabled American veteran, in addition to presenting a Massachusetts motor vehicle registration to prove Marlborough residence, shall also present proof of membership in the Disabled American Veterans or other suitable documentary proof of both veteran and disabled status.

ADVERTISED AND PLACED ON APRIL 5, 2010 AGENDA; **TABLED UNTIL APRIL 26, 2010**; adopted.

ORDERED: That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures of \$1,200,000.00 in excess of available appropriation for snow and ice removal for fiscal year 2010, **APPROVED**; adopted.

ORDERED: That the transfer request in the amount of \$92,907.39 which moves funds from Insurance Proceeds Over 20K to Public Facilities Capital Outlay pertinent to damage to the Marlborough High School chillers, **APPROVED**; adopted.

FROM:

Acct. # 2700099-48470 \$92,907.39

Insurance Over 20K

TO:

Acct. # 19300006-58467 \$92,907.39

Public Facilities

ORDERED: That the Fire Department transfer request in the amount of \$51,003.96 which moves funds for sick leave buy back associated with an employee's retirement as follows:

- \$13,790.40 from Fringes to Fire Chief
- \$13,137.60 from Fringes to SLBB
- \$12,364.26 from Interest Ban to SLBB
- \$11,711.70 from Undesignated Fund to SLBB

APPROVED; adopted.

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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
			General Government				Fire		
\$ 154,750.95	\$ 13,790.40	11990006	51500	Fringes	\$ 13,790.40	12200001	50130	Fire Chief	\$ 36,983.72
	\$ 13,137.60	11990006	51500	Fringes	\$ 13,137.60	12200003	51920	Sick Leave BB	\$ 22,039.74
\$ 378,123.00	\$ 12,364.26	17520006	59254	Interest Ban	\$ 12,364.26	12200003	51920	Sick Leave BB	\$ -
\$ 2,569,850.00	\$ 11,711.70	10000	35900	Undesignated Fund	\$ 11,711.70	12200003	51920	Sick Leave BB	
					\$ 51,003.96				

Reason: To fund benefits associated with employees retirement.

Councilor Delano requested to be recorded in opposition

ORDERED: That the transfer request in the amount of \$37,500.00 which moves funds from Undesignated to Open Space Stabilization for the purpose of moving the City's wireless antennae receipts for FY2009, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900 \$37,500.00
Undesignated Funds

TO:

Acct. # 83600-32918 \$37,500.00
Stabilization – Open Space

ORDERED: That the transfer request in the amount of \$12,239.06 which moves funds from Firefighter to Gross OT to fund coverage for an injured employee, **APPROVED**; adopted.

FROM:

Acct. # 12200001-50450 \$12,239.06
Firefighter

TO:

Acct. # 12200003-51300 \$12,239.06
Gross Overtime

ORDERED: That the Weights and Measures transfer request in the amount of \$300.00 which moves funds from Contract Services to Instate Travel to fund the cost of projected travel, **APPROVED**; adopted.

FROM:

Acct. # 12440004-53140 \$300.00
Contract Services

TO:

Acct. # 12440006-57100 \$300.00
Instate Travel

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ORDERED: That the DPW transfer request in the amount of \$43,000.00 which moves funds from Undesignated for multiple emergency repair incidents as detailed in the attached documentation, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -											
DEPT: PUBLIC WORKS:		FROM ACCOUNT:				FISCAL YEAR: 2010				TO ACCOUNT:	
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Reason:	Available Balance	
\$2,569,650	\$18,000.00	10000	35900	Undesignated Fund	\$18,000	61090003	51310	Overtime - W & S	Emergency incidents have stressed this account to the point where additional funds are needed. Note: This account was heavily impacted by the Bolton St. and Hosmer St. main breaks.	\$27,419	
\$2,569,650	\$3,500.00	10000	35900	Undesignated Fund	\$3,500	60080003	51380	OT W/S Police	Heavy demand placed on account due to numerous main and service leaks. Note: account is used in conjunction with Water Police OT account.	\$0	
\$2,569,650	\$10,000.00	10000	35900	Undesignated Fund	\$10,000	61090006	54620	Maint. Trench	Needed to resurface numerous W&S trenches. Extensive water main and service breaks over winter.	\$508	
\$2,569,650	\$5,000.00	10000	35900	Undesignated Fund	\$5,000	61090006	55710	Water Maint.	Extensive number of service/main break repairs	\$1,946	
\$2,569,650	\$1,500.00	10000	35900	Undesignated Fund	\$1,500	61090006	52467	R & M Water	Extensive number of service/main break repairs	\$1,454	
\$2,569,650	\$5,000.00	10000	35900	Undesignated Fund	\$5,000	61090006	55750	Water Service Const.	Extensive number of service/main breaks repairs	\$110	
Totals	\$43,000.00				\$43,000						

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ORDERED: That the DPW transfer request in the amount of \$44,450.00 to supplement funding in certain accounts out of other accounts that have anticipated surplus funding as detailed, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT: PUBLIC WORKS:					FISCAL YEAR: 2010				
Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
\$58,882	\$2,200.00	60080001	50890	Sr. Chemist	\$2,200	14001303	51470	Interim Foreman-Streets	\$1,15
	Reason:	Funds available due to retirement				Higher than expected use of this line item due to early retirement.			
\$232,368	\$2,000.00	61090001	50740	Equipment Operator	\$2,000	14001305	55310	Highway Constr. Mater.-Streets	\$1,75
	Reason:	Funds available due to Workman's Comp Injuries				Estimated additional funding needed to address post-winter repairs to streets city wide.			
\$58,882	\$1,800.00	60080001	50890	Sr. Chemist	\$1,800	14001305	55310	Highway Constr. Mater.-Streets	\$1,75
	Reason:	Funds available due to retirement				Estimated additional funding needed to address post-winter repairs to streets city wide.			
\$232,368	\$10,000.00	61090001	50740	Equipment Operator	\$10,000	14001306	55440	Drain Maint.-Streets	\$13,61
	Reason:	Funds available due to Workman's Comp Injuries				Estimated additional funding needed to address a number of drainage system repairs.			
\$29,096	\$1,500.00	61090001	50680	General Foreman	\$1,500	14001503	51470	Interim Foreman - Forestry, Parks & Cemeteries	\$4,33
	Reason:	Funds available due to resignation				Higher than expected use of this line item due to extended recuperation from surgery.			
\$77,494	\$10,000.00	14001101	50710	Engin.-Junior Civil Engin.	\$10,000	14001303	51310	Overtime - Streets	\$5,68
	Reason:	Funds available due to resignation				Projected cost to complete FY-10			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$232,368	\$3,000.00	61090001	50740	Equipment Operator	\$3,000	14001503	51310	Overtime-Forestry, Parks & Cemeteries	\$2,104
	Reason:	Funds available due to Workman's Comp Injuries				Projected cost to complete FY-10			
\$58,882	\$2,000.00	60080001	50890	Sr. Chemist	\$2,000	14001503	51310	Overtime-Forestry, Parks & Cemeteries	\$2,104
	Reason:	Funds available due to retirement				Projected cost to complete FY-10			
\$232,368	\$5,000.00	61090001	50740	Equipment Operator	\$5,000	14001305	55310	Highway Constr. Mater.-Streets	\$1,752
	Reason:	Funds available due to Workman's Comp Injuries				Repair of roadway deficiencies in various wards			
\$29,096	\$1,200.00	61090001	50680	General Foreman	\$1,200	14001305	55310	Highway Constr. Mater.-Streets	\$1,752
	Reason:	Funds available due to resignation				Repair of roadway deficiencies in various wards			
\$29,096	\$4,000.00	61090001	50680	General Foreman	\$4,000	61090006	55720	Hydrant Maint.	\$2,124
	Reason:	Funds available due to resignation				Additional monies needed to maintain hydrants			

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CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: PUBLIC WORKS

FISCAL YEAR: 2010

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$77,494	\$1,500.00	14001101	50710	Engin.-Junior Civil Engin.	\$1,500	14001103	51310	Engin.-Overtime Regular	\$71
								Multiple roadway and water replacement contracts will be active Spring 2010 - \$1,500 equates to 34 hours at the inspectors overtime rate	
		Reason: Funds available due to resignation							
\$77,494	\$250.00	14001101	50710	Engin.- Junior Civil Engin.	\$250	14001104	53150	Advertising	\$
								Additional funding equates to two (2) newspaper advertisements for roadway and water projects.	
		Reason: Funds available due to resignation							

ORDERED: That the DPW transfer in the amount of \$14,000.00 which moves funds from Undesignated to OT-Forestry, Parks and Cemeteries to meet the projected OT costs for the remainder of FY2010, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900 \$14,000.00
Undesignated Funds

TO:

Acct. # 14001503-51310 \$14,000.00
Overtime-Forestry, Parks, & Cemeteries

ORDERED: That the Water Conservation Grant awarded to DPW in the amount of \$38,000.00 from the Department of Environmental Protection which provides funding for the purchase of a data-logger as noted in MGL, Chapter 44, Section 53A, funds are to be used for the purposes outlined, **APPROVED**; adopted.

ORDERED: That the FY2010 State 911 Department Training Grant awarded to the Police Department in the amount of \$14,574.00 from the Executive Office of Public Safety and Security which provides funding for training expenses as noted in MGL, Chapter 44, Section 53A, funds are to be used for the purposes outlined, **APPROVED**; adopted.

ORDERED: That the FY2010 State 911 Department Support and Incentive Program Grant awarded to the Police Department in the amount of \$84,195.00 from the Commonwealth of Massachusetts which provides funding for the purchase of a new fire alarm receiving and alerting system, equipment integration costs and public safety dispatcher salaries as noted in MGL, Chapter 44, Section 53A, funds are to be used for the purposes outlined, **APPROVED**; adopted.

ORDERED: That the Traffic Enforcement and Equipment Grant awarded to the Police Department in the amount of \$13,000.00 from the Office of Public Safety and Security for the purpose of traffic enforcement OT as well as the purchase of traffic enforcement equipment as noted in MGL, Chapter 44, Section 53A, funds are to be used for the purposes outlined, **APPROVED**; adopted.

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to JAM Enterprises, LLC, 7 Ashley Court, Lynnfield, MA for a restaurant with drive-through facilities, in connection with a proposed stand-alone restaurant, as provided in this Decision and subject to the following Findings of Facts, Rulings and Conditions.

FINDINGS OF FACT

1. JAM Enterprises, LLC is hereinafter referred to as "Applicant."
2. Applicant is a party to a contract calling for the acquisition of the premises to be known and numbered as 230 Boston Post Road West, Marlborough, Massachusetts containing 1.19 acres +- and to be shown on the Marlborough Assessor's Maps as Map 89, Parcel 77A, as further described by the metes and bounds shown on a conceptual site plan ("the Plan") numbered "CPT4" and entitled "Conceptual Site Plan, Proposed Sonic, Boston Post Road, Marlborough, Mass.," drawn by Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA 01880, scale 1"=20', dated October 19, 2009, last revised March 16, 2010, and consisting of one page (hereinafter the "Site"). Applicant proposes to construct a stand-alone restaurant facility with drive-through on the Site ("the Project").
3. Applicant, by and through its attorney, Donald L. Conn, Jr., has filed with the City Clerk of the City of Marlborough an application for Special Permit ("Special Permit Application" or "Application"). Pursuant to Section 200, ¶ 14(B) of the Zoning Ordinance of the City of Marlborough (2008 Code), Applicant is seeking permission for the drive-through facility.
4. The Site is located in a Business zone as determined by the Zoning Map of the City of Marlborough.
5. In connection with the Special Permit Application, Applicant has submitted a document entitled, "Traffic Information, Proposed Sonic Drive-Through Restaurant, Boston Post Road (Route 20), Marlborough, Massachusetts" submitted by Hayes Engineering, a certified list of abutters, filing fees, and a conceptual site plan numbered "CPT4" and entitled "Conceptual Site Plan, Proposed Sonic, Boston Post Road, Marlborough, Mass.," drawn by Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA 01880, scale 1"=20', dated October 19, 2009, last revised March 16, 2010, and consisting of one page.
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 for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for public hearing on the application for a Special Permit and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

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8. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, held a public hearing on the Application on January 11, 2010.
9. Applicant presented testimony at the public hearing detailing the application, describing its impact upon municipal services, the neighborhood, and traffic.

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

- A. The Applicant has complied with all the procedural rules and regulations of the City Council of the City of Marlborough and Chapter 200 (Zoning Code) of the City of Marlborough and Massachusetts General Laws Chapter 40A, Sections 9 and 11.
- B. The City Council finds the Application for the Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough, or of Massachusetts General Laws c. 40A.
- C. The City Council finds that the proposed use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided hereinafter. The City Council makes these findings subject to the completion and adherence by Applicant, its affiliates, successors and/or assigns to the conditions more fully set forth hereinafter.
- D. The City Council, pursuant its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough, hereby GRANTS Applicant a Special Permit to construct and operate drive-through restaurant services as shown on the Plan filed, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding upon Applicant, its affiliates, successors and/or assigns:
 1. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and Commonwealth of Massachusetts and shall be built consistent with the Plan.
 2. The issuance of the Special Permit is further subject to detailed technical Site Plan Review in accordance with Chapter 270 of the City of Marlborough Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit and no Occupancy Permit shall be issued until Applicant has complied with all conditions. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to this Special Permit, and any violations of such Site Plan Review conditions shall be violations of this Special Permit leading to its possible revocation by the City Council. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plan submitted, reviewed and approved by the City Council as the special permit granting authority. Any changes to the Plan which

alter the traffic patterns or landscaping, or reduce the overall green space of the Project, will require subsequent approval by the City Council.

3. Applicant agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of Applicant's facility.
 - a. Without limiting the foregoing, this condition includes the requirement that Applicant, its affiliates, successors and/or assigns conform the Site and the Project to the Massachusetts Environmental Policy Act ("MEPA") as determined by the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs ("EEA"). Any changes, alterations, modifications or amendments required in order to conform with MEPA as determined by EEA shall require that Applicant, its affiliates, successors and/or assigns apply forthwith to the City Council in order to amend this Special Permit.
 - b. Likewise without limiting the foregoing, this condition includes the requirement that Applicant, its affiliates, successors and/or assigns conform the Site and the Project to the Commonwealth of Massachusetts Department of Transportation ("MassDOT"). Any changes, alterations, modifications or amendments required in order to conform with MassDOT shall require that Applicant, its affiliates, successors and/or assigns apply forthwith to the City Council in order to amend this Special Permit.
4. The locations and design of signage shall be reviewed and approved during Site Plan Review in accordance with the sign ordinance of the City of Marlborough without variance therefrom. Notwithstanding the foregoing, in no event shall the signage contain so-called message board or LCD components. It is a further condition that the location of the signage shall not be substantially different than that shown on the plans submitted herewith allowing, however, for minor changes in the field so as to avoid any conflicts with existing City infrastructure.
5. The location and placement of pavement markings and traffic directional signage, and all other traffic-related issues, shall be reviewed and approved during Site Plan Review in accordance with the applicable rules and regulations of the City of Marlborough.
6. All illuminations of individual parking lot light fixtures shall not exceed 200-watt fixtures. Deflectors shall be utilized and configured to mitigate light from entering abutting properties.
7. Snow storage and removal is to be maintained and conducted on-Site by Applicant, its affiliates, successors and/or assigns in accordance with the requirements of Site Plan Review. Applicant, its affiliates, successors and/or assigns shall provide off-Site snow removal as required and if deemed necessary by the City of Marlborough Commissioner of Public Works.

8. There shall be no overnight parking at the Site.
9. All catch basins shall be installed in accordance with plans to be reviewed and approved at Site Plan Review. The catch basins shall be monitored by Applicant, its affiliates, successors and/or assigns on a semi-annual basis with reports given to the City Engineer annually. The catch basins are to be cleaned by Applicant, its affiliates, successors and/or assigns annually, or at more frequent intervals as determined necessary by the City Engineer.
10. Applicant, its affiliates, successors and/or assigns agrees to plant and maintain the Project landscaping as shown on plans to be reviewed and approved at Site Plan Review.
11. The drive-through window shall employ a pedestal speaker system of a quality that seeks to minimize the noise emanating from the speaker system and with full compliance with the noise ordinance of the City of Marlborough. The drive-through audio speakers also shall not produce noise at the Site's property line greater than that which would be allowed at the Site's property line in accordance with the noise ordinance of the City of Marlborough.
12. Applicant, its affiliates, successors and/or assigns agrees to screen the Project's trash area. Applicant, its affiliates, successors and/or assigns further agrees that the dumpsters located on Site will be covered. No trash pickup shall occur weekdays before 7:00 AM or after 6:00 PM or at any time during weekends.
13. Applicant, its affiliates, successors and/or assigns agrees that the Site will be subject to City Council review of the traffic configuration after one-year from the issuance of the Occupancy Permit to determine whether any alterations need to be made to the entrances and egresses to the Site to accommodate traffic flow and ensure public safety and agrees to make changes in compliance with the recommendations of the Marlborough Department of Public Works, the Marlborough Police Department and the Marlborough Traffic Commission.
14.
 - a. All plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant as part of this Special Permit Application and as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
 - b. Notwithstanding condition a. hereof, engineering changes may be made to said plans by the Site Plan Review Committee so long as said changes do not change the use of the Project as approved herein, or materially increase the impervious area of the Project, reduce the green area, alter traffic flow or increase the size of the building shown on the plan.

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15. In connection with all improvement work within public right-of-ways which requires a street opening permit, the City Engineer shall be provided by Applicant, its affiliates, successors and/or assigns with a schedule of work and the construction procedures to be utilized prior to the commencement of such work. To the extent a police detail is required for such improvements, the Applicant, its affiliates, successors and/or assigns, and not the City of Marlborough, will bear the costs of any police detail for any work performed within or associated with the public way.

16. Parking areas will be swept and maintained by Applicant, its affiliates, successors and/or assigns as necessary. Pursuant to the provisions of Massachusetts General Laws Chapter 90, § 18, Applicant, its affiliates, successors and/or assigns shall submit, sixty (60) days prior to occupancy of the Project, a written request and grant of authority to the Marlborough Traffic Commission ("the Commission") to promulgate legally enforceable rules and regulations for the control of on-Site and off-Site traffic parking. Applicant, its affiliates, successors and/or assigns shall be responsible for providing, installing and maintaining all signage or markings required by the Commission. Such signage or markings shall meet the standards of the Manual on Uniform Traffic Control Devices.

17.
 - a. The hours of operation for the drive-through operation at the Site shall not exceed the following times: Monday through Sunday, 6 A.M. to 2 A.M.

 - b. The City Council, after one (1) year from the date when the drive-through commences operations, may review and amend the hours of operation for the drive-through.

18. Applicant, its affiliates, successors and/or assigns shall be required to hire a site engineer(s) who shall be competent in stormwater and erosion control management. This credentials of this individual(s) shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's stormwater regulations and the City's stormwater ordinance. This individual(s) shall ensure compliance with the sequence-of-construction plan and the erosion control plan to be reviewed and approved by the Site Plan Review Committee, and, if applicable, with the Order of Conditions issued by the Conservation Commission. The Applicant, its affiliates, successors and/or assigns shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.

19. If the drainage system (during construction and post-construction) constructed by Applicant, its affiliates, successors and/or assigns fails and the failure is the cause of damage to another's property, Applicant, its affiliates, successors and/or assigns shall be responsible to pay the owner of said damaged property the full cost of the repair or replacement of the damaged property. In the event Applicant, its affiliates, successors and/or assigns does not pay for the damage, it shall be a violation of this Special Permit.
20. As it is anticipated that Applicant, its affiliates, successors and/or assigns will need to conduct blasting operations during construction at the Site, Applicant, its affiliates, successors and/or assigns shall be responsible to pay the owner of any property damaged by said blasting the full cost of the repair or replacement of the damaged property. In the event Applicant, its affiliates, successors and/or assigns does not pay for the damage, it shall be a violation of this Special Permit.
21. As it is anticipated that the initial opening of the restaurant will generate higher traffic volumes than during normal operations, Applicant, its affiliates, successors and/or assigns shall meet with the Chief of Police or his designee, the Building Inspector and the Planning Director ("the City traffic officials") at least one (1) month prior to said initial opening in order to review the opening plans for the restaurant, and said plans must be approved in advance by the City traffic officials in order for the restaurant to conduct its initial opening. During the period of its initial opening, Applicant, its affiliates, successors and/or assigns, at its sole expense, must obtain a police detail adequate to maintain safe traffic flow eastbound and westbound on Route 20 during peak periods. Until normal traffic has resumed as determined by the City traffic officials, Applicant, its affiliates, successors and/or assigns must continue to meet with them, at such times as the City traffic officials determine, in order to assess the traffic volumes and associated traffic safety at the Site.
22. This Special Permit is dependent upon the Applicant, its affiliates, successors and/or assigns, reaching agreement with Marlborough/Northborough Land Realty Trust and/or with The Gutierrez Company, its affiliates, successors and/or assigns, for all cross-easements or other permissions necessary for access and infrastructure associated with the Site. If such agreement(s) is/are not reached, this Special Permit shall lapse forthwith.
23. Applicant, its affiliates, successors and/or assigns shall pay to the City of Marlborough an administrative review fee in the amount of \$5000.00 as mitigation of the time devoted by the Building Inspector, the City Engineer and the City Solicitor in resolving issues associated with the Special Permit Application, including those involving zoning, traffic and the drafting of the decision itself which the Zoning Ordinance expressly dictates is placed upon the applicant for a special permit. Said payment shall be made before a Building Permit is issued.

24. Applicant, its affiliates, successors and/or assigns, agrees to conduct a so-called "Job Fair" prior to the grand opening of the Project. Applicant, its affiliates, successors and/or assigns shall coordinate such Job Fair, to the extent feasible, with Marlborough schools and local or regional governmental employment agencies so that Marlborough residents are provided with adequate notice of employment opportunities at the Project. In addition, Applicant, its affiliates, successors and/or assigns shall coordinate a like Job Fair for Marlborough contractors for site- and building-related improvements at the Project, and shall encourage its own contractors to hire Marlborough construction workers for the Project.
25. In accordance with the provisions of M.G.L. c. 40A, § 11, Applicant, its affiliates, successors and/or assigns at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before a Building Permit is issued. Applicant, its affiliates, successors and/or assigns shall also furnish proof of recording to the City Solicitor's Office and the City Council immediately subsequent to recording.

Yea: 11- Nay: 0

Yea: Delano, Ferro, Elder, Juairé, Seymour, Clancy, Landers, Ossing, Pope, Levy & Vigeant

ORDERED: That the reappointment of Debra Puleo as City Collector effective February 1, 2010, **APPROVED**; adopted.

ORDERED: That the appointment of Joyce Torelli to the Community Development Authority to a term which expires June 25, 2012 due to the resignation of Camille Duridas, **APPROVED**; adopted.

ORDERED: That the appointment of Robyn Ripley and reappointments of Nena Bloomquist and Susan Laufer to the Library Board of Trustees for terms of three years expiring February 4, 2013, **APPROVED**; adopted.

ORDERED: That the appointment of Dr. Jay Jahanmir to the Board of Health for a term to expire February 6, 2011, **APPROVED**; adopted.

ORDERED: That the reappointment of Tony Trodella as Chief Assessor for a term of five years effective February 1, 2010, **APPROVED**; adopted.

ORDERED: That the reappointment of Anthony Arruda to the Board of Assessors for a term of three years expiring February 4, 2013, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:06 p.m.; adopted.



IN CITY COUNCIL

2

MARCH 22, 2010

Marlborough, Mass.,

ORDERED:

That there being no objection thereto set **MONDAY, APRIL 26, 2010** as date for a **PUBLIC HEARING** on the Petition from Massachusetts Electric Co. and Verizon New England, Inc. to relocate P.22 and P.23 on Forest St. due to a city road widening project, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER 10-1002498



IN CITY COUNCIL

MARCH 22, 2010

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **MONDAY, APRIL 26, 2010** as date for a **PUBLIC HEARING** on the Petition from Massachusetts Electric Co. and Verizon New England, Inc. to relocate P.35 and P.37 3' ± from present location to back of sidewalk due to a city road widening project on Forest St., be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER 10-1002500

4



IN CITY COUNCIL

MARCH 22, 2010

Marlborough, Mass.,

ORDERED:

That there being no objection thereto set **MONDAY, APRIL 26, 2010** as date for a **PUBLIC HEARING** on the Petition from Massachusetts Electric Co. and Verizon New England, Inc. to install new P.48 45' ± west of existing P.48 and install intermediate P.47-50 120' ± west of existing P.47 for the purpose of moving P.48 out of the proposed future road entrance on Forest St., be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER 10-1002499



IN CITY COUNCIL

APRIL 5, 2010

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **MONDAY, APRIL 26, 2010** as a date for a **PUBLIC HEARING** requested by Attorney Arthur Bergeron, on behalf of Moss Development, to request that City Council amend Chapter 650 of the Code of the City of Marlborough, by adding, in the Table of Lot Area and Yard Requirements for Open Space Development that is part of section 650-28.E(3), after the words "Lot area (square feet)", a Note to read as follows:

"For Open Space Developments of more than 50 acres, the required Lot area may be reduced by as much as 50%, but not below 8,000 square feet per lot, provided that, in that case, the Common Open Space required pursuant to Sec. 650-28.F(6) shall be not less than 50% of the total site."

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE.**

(Attorney Bergeron provided Attachment 1- Proper Language for Ad)

ADOPTED

ORDER 10-1002515



Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

April 14, 2010

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

RE: Transfer Request – Retirement Benefits, Police

Honorable President Vigeant and Councilors:

Attached herewith is a transfer request in the amount of \$61,808.63.00 as detailed below:

Transfer in the amount of \$4,715.00 from account number 11990006-51500 (Fringes) to account number 1210001-50510 Police Lieutenant

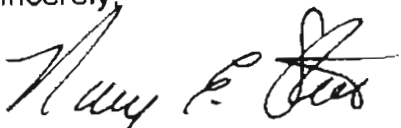
Transfer in the amount of \$25,785.00 from account number 11990006-51500 (Fringes) to account number 12100003-51920 (Sick Leave Buy Back).

Transfer in the amount of \$31,308.63 from account number 1000-35900 (Undesignated Fund) to account number 12100003-51920 (Sick Leave Buy Back).

The transfers will move funds for expenses associated with an employee's retirement.

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

Sincerely,


Nancy E. Stevens
Mayor

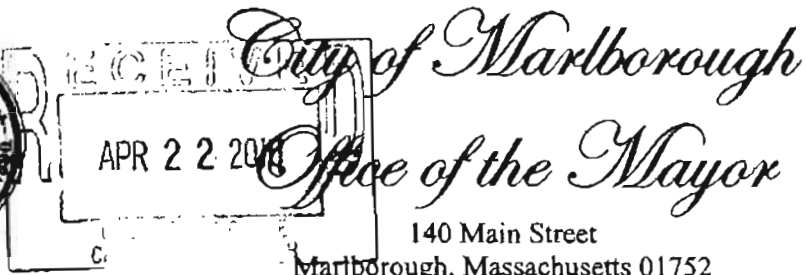
Enclosure

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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
General Government							
\$ 74,212.00	\$ 4,715.00	11990006	51500 Fringes	\$ 4,715.00	12100001	50510 Police Lieutenant	\$ 72,130.00
	\$ 25,785.00	11990006	51500 Fringes	\$ 25,785.00	12100003	51920 Sick Leave BB	\$ -
\$ 2,430,438.30	\$ 31,308.63	10000	35900 Undesignated Fund	\$ 31,308.63	12100003	51920 Sick Leave BB	\$ -
				\$ 61,808.63			

Reason: To fund benefits associated with employees retirement.



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

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Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

April 15, 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 is a transfer request in the amount of \$7,637.56 from account number 12200001-50450 (Firefighter) to account number 12200003-51300 (Gross 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



Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimbex
EXECUTIVE SECRETARY

April 12, 2010

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

RE: Central MA Regional Library Grant

Honorable President Vigeant and Councilors:

The Marlborough Public Library has received a grant in the amount of \$1,000.00 from the Central Massachusetts Regional Library System. The grant will be used to develop a Playaway collection for the library.

Playaway is a self-playing, pre-loaded digital audiobook, which provides a simple way to listen to a book on the go without the need for tapes or CDs.

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.

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
NOTICE OF GRANT AWARD

DEPARTMENT: Library DATE: 4/9/2010

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Salvatore Genovese, Library Director

NAME OF GRANT: Collections Mini Grant

GRANTOR: Central Massachusetts Regional Library System

GRANT AMOUNT: \$1,000.00

GRANT PERIOD: ~~1 year~~ END OF FY 2010

SCOPE OF GRANT/ To purchase library materials.

ITEMS FUNDED Popular fiction titles in the playaway format.

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: Before May 31, 2010

**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**



CENTRAL MASSACHUSETTS REGIONAL LIBRARY SYSTEM

TEL 508.757.4110

FAX 508.757.4370

8 FLAGG ROAD, SHREWSBURY, MA 01545

WWW.CMRLS.ORG

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April 8, 2010

Salvatore Genovese
Marlborough Public Library
35 West Main Street
Marlborough, MA 01752

Dear Sal,

CMRLS is pleased to inform you that your application for the FY10 CMRLS grant program has been funded in the amount of \$1,000. These funds are to be used to develop a Playaway collection for the Library.

All funds must be expended by June 30, 2010. Please remember to include the Central MA Regional Library System in any promotional materials you produce.

Thanks for submitting an application for this program. We are glad to be able to fund this project.

Sincerely,

Margaret Cardello
Assistant Regional Administrator



City of Marlborough

APR 22 2010

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. Kimber
EXECUTIVE SECRETARY

April 16, 2010

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

RE: Council on Aging (COA) Program Coordinator

Honorable President Vigeant and Councilors:

As you are aware, the COA budget includes a 19 hour per week nursing position. Despite repeated efforts to hire a skilled nursing professional, the position has remained unfilled. In order to provide the essential services to address the medical needs of Marlborough seniors, the Council on Aging has maintained senior care services by contracting with VNA Care Network. The nurse is paid utilizing funds provided through state formula grants. Unfortunately, this is the same grant funding that pays for the services of a 19 hour per week program coordinator. As a result of the fund diversion, there is insufficient remaining grant money to fund the program coordinator position.

Following a detailed review of options, for the upcoming FY11 budget, we would like to propose the following remedy:

- Remove the 19 hour per week nurse position from the COA budget
Current nurse (19 hrs per week x \$25.00/hr x 53 pay periods = \$25,175.00)
- Replace the funded nursing position with a 19 hr per week program coordinator
Program Coordinator (19 hrs per week x \$18.00/hr x 53 pay periods = \$18,126.00)

This proposal would result in a total savings of \$7,049.00 in the FY11 budget. For your review, I have attached a new salary ordinance for the Program Coordinator position. With your approval, this ordinance becomes effective July 1. For your reference, I have also attached a job description for the program coordinator.

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
Marlborough, Massachusetts 01752**

IN CITY COUNCIL

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT
THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED
BY ADDING TO CHAPTER 32, COMPENSATION SCHEDULE, THE FOLLOWING:

TITLE	EFFECTIVE DATE	Salary
Program Coordinator (Part Time)	7/1/2010	\$ 18.00 Per Hour

City of Marlborough
Marlborough, MA 01752

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COUNCIL ON AGING & SENIOR CENTER
POSITION DESCRIPTION

POSITION: Program Coordinator

The Program Coordinator is responsible for the development and management of the Council on Aging and Senior Center programs, including but not limited to: classes, activities, presentations and special events; publicity of programs and events is included in job duties. Develop and maintain community resources to support programming. Serve as a liaison to corporate volunteer programs and coordinate projects.

DUTIES AND RESPONSIBILITIES:

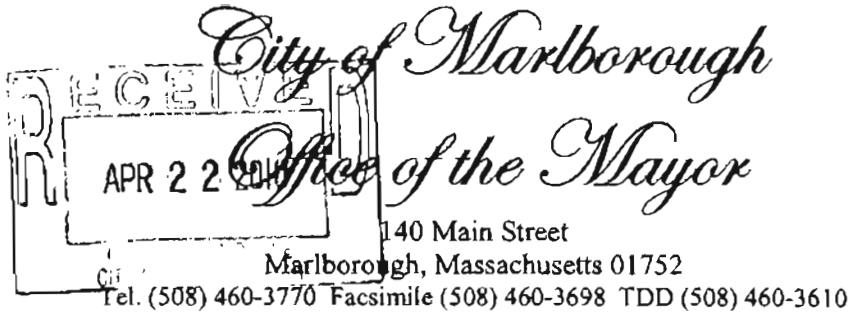
- Develop, facilitate and/or coordinate social and educational programming, including presentations and major events
- Oversee publicity of Council on Aging and Senior Center programs and events
- Act as a liaison with community resources and corporate volunteer programs which support the Senior Center's program goals
- Research funding sources to support programs, including but not limited to grants
- Any additional duties as requested by Executive Director

QUALIFICATIONS:

- Commitment to the importance of social, educational, and wellness to seniors overall well being
- Professional manner with excellent organizational and communication skills – written and verbal
- Ability to initiate establish relationships with community resources; skill at networking
- Computer skills, including Microsoft Word and the Internet; ability to learn quickly and produce professional documents

SUPERVISION

Supervised by Council on Aging Executive Director



Nancy E. Stevens 10,
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

April 15, 2010

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

RE: Order to Rename 4-7 School

Honorable President Vigeant and Councilors:

In response to the enclosed letter from the Marlborough Veteran's Council and in accordance with Section 172-1 of the Marlborough City Code, I respectfully request your approval of the attached order. The previously named 4-7 School located at 25 Union Street in Marlborough will be henceforth known as the 1LT Charles Willis Whitcomb School.

While my office and the City Council received requests to add the word "Middle" or "Junior High" to the school name, the Superintendent and School Committee felt that in order to maintain configuration flexibility, the name should stand alone without an additional designation.

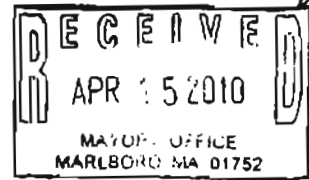
As always, please feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor

Enclosures

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VETERAN'S COUNCIL



Marlborough, MA 01752

April 15, 2010

Mayor Nancy E. Stevens
City Hall
140 Main Street
Marlborough, MA 01752

Dear Mayor Stevens,

The Marlborough Veteran's Council has met and discussed in length the naming the Marlborough 4-7 School after a Marlborough veteran killed in action in service to our nation. The vote was unanimous and will now be re-named as 1LT Charles Willis Whitcomb School to honor Lieutenant Whitcomb.

Charles Whitcomb mustered in the 13th Massachusetts Volunteer Infantry Regiment as a Sergeant in Company 1 on July 16, 1861. He was commissioned as a 2nd Lieutenant on November 28, 1862. Lieutenant Whitcomb was killed in action on May 8, 1864 in Spotsylvania, Virginia at 22 years of age. He was posthumously promoted to 1st Lieutenant. Prior to his military service, he was a shoemaker.

The Veteran's Council will be happy to coordinate with you, the City Council and the School Committee a time and date to formally dedicate the school in honor of Lieutenant Whitcomb's ultimate service to the United States and the City of Marlborough.

Sincerely yours,

Wayne Stanley
President

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ORDERED:

Be it ordained by the City Council of the City of Marlborough that the 4-7 School located at 25 Union Street shall be named after 1st Lt. Charles Willis Whitcomb, a resident of Marlborough killed in action in 1864 during the Civil War Battle of Spotsylvania Courthouse, and that it shall henceforth be known as the 1LT Charles Willis Whitcomb School.

ADOPTED
In City Council
Order No. 10-
Adopted

Approved By Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:

//

ORDERED:

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

- 1. Section 650-14, entitled "Use regulations applicable in all districts," is hereby amended by deleting therefrom subsection B(2) in its entirety.
- 2. Section 650-17, entitled "Table of Uses," is hereby amended by amending in said section, under "Business Uses," the business use entitled, "Drive-in facilities," which henceforth shall not be regulated by special permit in the B and CA zoning districts, but instead shall be regulated as follows:

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

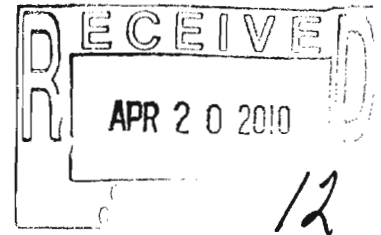
- 3. Section 650-17, entitled "Table of Uses," is hereby amended by amending in said section, under "Business Uses," the business use entitled, "Restaurant with drive-in or drive-thru facilities," which henceforth shall not be regulated by special permit in the B and CA zoning districts, but instead shall be regulated as follows:

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

ADOPTED
In City Council
Order No. 10-
Adopted

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:



April 7, 2010

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

Dear Council Members:

The Department of Conservation and Recreation Division of Water Supply Protection is charged with protection of the metropolitan Boston water supply watershed system. The Sudbury and Foss Reservoirs are the emergency source water supplies in this system, acting as a reserve drinking water supply for over 2.2 million people. DCR is required, as part of its comprehensive water protection program, to develop plans for managing and protecting these reservoirs and associated watershed lands.

One such plan is the *Sudbury Public Access Plan*. This plan, originally developed in 1994 and later updated in 2002, details the agency's policies on public use of these resources in your town. As part of the development of the 2002 update, DCR (MDC at the time) put together a committee of local residents and officials to meet and review alternatives prior to the development of a draft plan. There were some significant changes made at that time, most notably expansion of the areas where public access is allowed.

It is time to once again update the *Sudbury Public Access Plan*. DCR is not anticipating any significant changes to current policies regarding public access. Instead of re-convening a committee to discuss the very limited revisions to the plan, the Division of Water Supply Protection has chosen to initiate review directly with municipal boards and officials. A copy of a draft plan developed by DCR is enclosed for your review and comment. The intention is to allow for municipal evaluation prior to issuing a draft plan for public comment and subsequently holding a public hearing.

Copies of this letter and draft plan are also being sent to your community's Planning Board, Recreation Commission, and Conservation Commission. Please feel free to share this draft with other local Boards that you may want to review the document. I would ask that you provide comments to my office by April 30, 2010.

If there are any questions, please feel free to contact me at 508-792-7806 or email to john.scannell@state.ma.us.

Sincerely,

John M. Scannell
Regional Director

c. Planning Board, Conservation Commission, Recreation Commission

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation
180 Beaman Street
West Boylston, MA 01583
508-792-7423 508-792-7805 Fax
www.mass.gov/dcr



Deval L. Patrick
Governor

Timothy P. Murray
Lt. Governor

Ian A. Bowles, Secretary, Executive
Office of Energy & Environmental Affairs

Richard K. Sullivan, Jr., Commissioner
Department of Conservation & Recreation

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DEPARTMENT OF Public Utilities

This statement is filed in accordance with Chapter 164, Section 84A

CONDENSED FINANCIAL RETURN

FOR YEAR ENDED DECEMBER 31, 2009

NSTAR GAS COMPANY

FULL NAME OF COMPANY

800 BOYLSTON STREET

LOCATION OF PRINCIPAL BUSINESS OFFICE

BOSTON, MA 02199

STATEMENT OF INCOME FOR THE YEAR

Item	Current Year	Increase or (Decrease) from Preceding Year
OPERATING INCOME		
Operating Revenues	475,991,977	(\$72,197,037)
Operating Expenses		
Operation Expense	379,784,970	(77,623,300)
Maintenance Expense	9,588,277	453,323
Depreciation Expense	20,647,262	1,653,084
Amortization of Utility Plant	2,105,550	(130,809)
Amortization of Regulatoru Debits	4,400,960	(774,724)
Amortization of Investment Tax Credit	(186,736)	0
Taxes other than Income Taxes	13,569,496	948,793
Income Taxes	4,634,793	1,180,253
Provisions for Deferred Federal Income Taxes	8,263,266	(739,478)
Federal Income Taxes Deferred In Prior Years..(Credit)	-	200,000
Total Operating Expenses	442,807,837	(74,832,858)
Net Operating Revenues	33,184,140	2,635,822
Income from Utility Plant Leased to Others	-	-
Other Utility Operating Income	-	-
Total Utility Operating Income	33,184,140	2,635,822
OTHER INCOME		
Income from Mdse. Jobbing & Contract Work	-	-
Income from Nonutility Operations	176,747	74,623
Nonoperating Rental Income	257,844	(1,562)
Interest and Dividend Income	89,691	(2,165)
Miscellaneous Nonoperating Income	10,254	(4,739,441)
Total Other Income	534,537	(4,668,545)
Total Income	33,718,676	(2,032,723)
MISCELLANEOUS INCOME DEDUCTIONS		
Miscellaneous Amortization	-	-
Other Income Deductions	336,887	(238,112)
Total Income Deductions	336,887	(238,112)
Income Before Interest Charges	33,381,789	(1,794,611)
INTEREST CHARGES		
Interest on Long-Term Debt	6,736,000	0
Amortization of Debt Discount and Expense	34,480	-
Amortization of Premium on Debt-Credit	-	-
Interest on Debt to Associated Companies	429,082	(2,403,814)
Other Interest Expense	1,197,199	361,951
Interest Charged to Construction-Credit	(61,145)	71,308
Total Interest Charges	8,335,616	(1,970,555)
Net Income	\$25,046,172	175,943

BALANCE SHEET

Title of Account	Balance End of Year	Title of Account	Balance End of Year
UTILITY PLANT		PROPRIETARY CAPITAL	
Utility Plant.....	729,941,732	CAPITAL STOCK	
OTHER PROPERTY AND INVESTMENTS		Common Stock Issued.....	71,425,000
Nonutility Property.....	4,243,352	Preferred Stock Issued.....	-
Investment in Associated Companies.....	-	Capital Stock Subscribed.....	-
Other Investments.....	6,000	Premium on Capital Stock.....	118,569,287
Special Funds.....	-	Total.....	189,994,287
Total Other Property and Investments	4,249,352	SURPLUS	
CURRENT AND ACCRUED ASSETS		Other Paid-In Capital.....	-
Cash.....	1,549,862	Earned Surplus.....	151,981,261
Special Deposits.....	-	Surplus Invested in Plant.....	-
Working Funds.....	-	Total.....	151,981,261
Temporary Cash Investments.....	-	Total Propriety Capital.....	
Notes and Accounts Receivable.....	38,335,040	341,975,549	
Receivables from Associated Companies.....	46,348,776	LONG-TERM DEBT	
Materials and Supplies.....	37,912,123	Bonds.....	85,000,000
Prepayments.....	1,957,836	Advances from Associated Companies.....	-
Interest and Dividends Receivable.....	-	Other Long-Term Debt.....	-
Rents Receivable.....	-	Total Long-Term Debt.....	85,000,000
Accrued Utility Revenues.....	25,424,229	CURRENT AND ACCRUED LIABILITIES	
Misc. Current and Accrued Assets.....	-	Notes Payable.....	129,900,000
Total Current and Accrued Assets.....	151,527,867	Accounts Payable.....	29,607,116
DEFERRED DEBITS		Payables to Associated Companies.....	1,173,978
Unamortized Debt Discount and Expense.....	502,828	Customer Deposits.....	1,586,696
Extraordinary Property Losses.....	-	Taxes Accrued.....	-
Preliminary Survey and Investigation Charges.....	-	Interest Accrued.....	725,269
Clearing Accounts.....	-	Dividends Declared.....	-
Temporary Facilities.....	-	Matured Long-Term Debt.....	-
Miscellaneous Deferred Debits.....	136,544,198	Matured Interest.....	-
Total Deferred Debits.....	137,047,026	Tax Collections Payable.....	368,493
CAPITAL STOCK DISCOUNT AND EXPENSE		Misc. Current and Accrued Liabilities.....	5,068,206
Discount on Capital Stock.....	-	Total Current and Accrued Liabilities.....	168,429,757
Capital Stock Expense.....	-	DEFERRED CREDITS	
Total Capital Stock Discount and Expense.....	-	Unamortized Premium on Debt.....	-
REACQUIRED SECURITIES		Customer Advances for Construction.....	3,187,895
Reacquired Capital Stock.....	-	Other Deferred Credits.....	71,562,094
Reacquired Bonds.....	-	Total Deferred Credits.....	74,749,989
Total Reacquired Securities.....	-	RESERVES	
Total Assets and Other Debits.....		Reserves for Depreciation.....	249,562,656
\$ 1,022,765,977		Reserves for Amortization.....	12,998,356
		Reserves for Uncollectible Accounts.....	6,065,509
		Operating Reserves.....	10,911,614
		Reserve for Depreciation and Amortization of Nonutility Property.....	(3,197)
		Reserves for Deferred Income Taxes.....	73,075,745
		Total Reserves.....	352,610,682
		CONTRIBUTIONS IN AID OF CONSTRUCTION	
		Contributions in Aid of Construction.....	-
		Total Liabilities and Other Credits.....	\$ 1,022,765,977

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STATEMENT OF EARNED SURPLUS

Account	Amount for Year	Inc/(Dec) from Preceding Year
Unappropriated Earned Surplus (at beginning of period)	142,935,090	8,870,230
Balance Transferred from Income	25,046,172	175,943
Miscellaneous Credits to Surplus	-	-
Miscellaneous Debits to Surplus	-	-
Appropriations of Surplus	-	-
Net Additions to Earned Surplus	25,046,172	175,943
Dividends Declared-Preferred Stock	-	-
Dividends Declared-Common Stock	16,000,000	0
Unappropriated Earned Surplus (at end of period)	151,981,262	9,046,173

ELECTRIC OPERATING REVENUES

Account	Operating Revenues	
	Amount for Year	Inc/(Dec) from Preceding Year
SALES OF ELECTRICITY	\$	
Residential Sales		
Commercial and Industrial Sales		
Small (or Commercial)		
Large (or Industrial)		
Public Street and Highway Lighting		
Other Sales to Public Authorities		
Sales to Railroad and Railways		
Interdepartmental Sales		
Miscellaneous Electric Sales		
Total Sales to Ultimate Consumers		
Sales for Resale		
Less: Provision for Rate Refunds		
Total Sales of Electricity		
OTHER OPERATING REVENUES		
Forfeited Discounts		
Miscellaneous Service Revenues		
Sales of Water and Water Power		
Rent from Electric Property		
Interdepartmental Rents		
Other Electric Revenues		
Total Other Operating Revenues		
Total Electric Operating Revenues	None	None

SUMMARY OF ELECTRIC OPERATION AND MAINTENANCE EXPENSES

Functional Classification	Operation	Maintenance	Total
Power Production Expenses		\$	\$
Electric Generation			
Steam Power			
Nuclear Power			
Hydraulic Power			
Other Power			
Other Power Supply Expenses			
Total Power Production Expenses			
Transmission Expenses			
Distribution Expenses			
Customer Accounts Expenses			
Sales Expenses			
Administrative and General Expenses			
Total Electric Operation and Maintenance Expenses	None	None	None

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GAS OPERATING REVENUES

Account	Operating Revenues	
	Amount for Year	Increase or (Decrease) from Preceding Year
SALES OF GAS		
Residential Sales.....	\$ 301,909,143	\$ (10,541,969)
Commercial and Industrial Sales		
Small (or Commercial).....	113,599,035	(22,249,674)
Large (or Industrial).....	9,341,837	(1,548,905)
Other Sales to Public Authorities.....	9,314,088	(2,018,657)
Interdepartmental Sales.....	-	-
Miscellaneous Gas Sales.....	1,849,292	(14,033,975)
Total Sales to Ultimate Consumers.....	436,013,395	(50,393,180)
Sales for Resale.....	11,764,591	(20,358,114)
Total Sales of Gas.....	447,777,986	(70,751,294)
OTHER OPERATING REVENUES		
Forfeited Discounts-Late Payment Charges.....	400,531	(71,480)
Miscellaneous Service Revenues.....	61,500	(402,585)
Revenues from Transportation of Gas to Others.....	25,657,150	(2,292,808)
Sales of Products Extracted from Natural Gas.....	-	-
Revenues from Natural Gas Processed by Others.....	-	-
Rent from Gas Property.....	666,833	118,310
Interdepartmental Rents.....	-	-
Other Gas Revenues.....	1,427,975	1,202,820
Total Other Operating Revenues.....	28,213,989	(1,445,742)
Total Gas Operating Revenues.....	475,991,976	(72,197,037)

SUMMARY OF GAS OPERATION AND MAINTENANCE EXPENSES

Functional Classification	Operation	Maintenance	Total
Steam Production.....	-	-	-
Manufactured Gas Production.....	-	-	-
Other Gas Supply Expenses.....	317,642,103	-	317,642,103
Total Production Expenses.....	317,642,103	-	317,642,103
Local Storage Expenses.....	862,231	107,147	969,379
Transmission and Distribution Expense.....	16,335,943	9,481,129	25,817,073
Customer Accounts Expense.....	16,977,796	-	16,977,796
Sales Expense.....	2,810,752	-	2,810,752
Administrative and General Expenses.....	25,156,144	-	25,156,144
Total Gas Operation and Maintenance Expenses.....	379,784,970	9,588,277	389,373,247

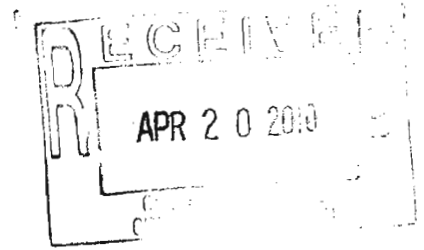
March 31, 2010, I hereby certify that the foregoing statements are full, just and true to the best of my knowledge and belief. This statement is signed under the penalties of perjury.


 Robert J. Weefe, Jr.
 Vice President, Controller and Chief Accounting Officer

12 Main St.
Marlborough MA 01752

5 Paine St.
Wellesley MA 02481

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April 13, 2010

Mayor Nancy Stevens
140 Main St.
Marlborough MA 01752

Dear Mayor Stevens:

In 2004, the Renzi family donated the contents of the Renzi Shoe Repair Shop (1903-2000), located at 12 Main Street, to the City of Marlborough. John Ghiloni and Gary Brown were instrumental in the decision as they felt the city should preserve that close to 100-year-old piece of history for future generations, especially given Marlborough's long history as a shoe city.

At the time of the donation the fire station at the corner of Main St. and Bolton St. was undergoing renovations and the city had planned to display the contents of the shop as a small museum amidst the shops, offices, and restaurant that were planned for that space. Alas, due to the downfall in economic conditions, none of the above ever happened and the fire station was sold. The city still holds the donated contents of Renzi Shoe Repair, which includes, among other things, a beautiful marble shine stand and two chairs.

It has come to our attention that the property on the corner of Sawin St. and East Main St. is now owned by the city. After a conversation with John Ghiloni and Robert Kane, the suggestion was made that a park might be located in that parcel of land and that the Shoe Repair Shop reconstruction might somehow be included in that one day.

We realize that decisions like this take time and money and that there is very little of both of those resources available right now. However, we do hope that the city will consider holding this parcel in reserve for a time in the future when it might be feasible to locate the museum there.

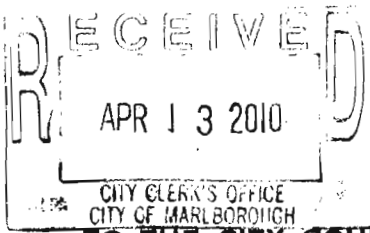
Thank you for your consideration of this important matter.

Sincerely,

Linda R. Senecal David Renzi

David Renzi and Linda Renzi Senecal

Cc: Marlborough City Council



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MARLBOROUGH, MASS. 3/15/2010

TO THE CITY COUNCIL:

The undersigned Arch Stanton, LLC respectfully requests that he be granted a RENEWAL for its Junk Dealer's License.

Arch Stanton is a scrap/precious metals dealer that is seeking to buy broken or unwanted jewelry

P. O. Address 225 Cedar Hill Street 3rd Floor Marlborough, MA 0152

Biz phone #: 508-449-4886

IN CITY COUNCIL

Contact: Andrew Yangman
Biz Add: 225 Cedar Hill St. Marlboro, MA
Home Add: 94 Clements Rd Newton, MA 02458

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Clerk.

phone: 617-733-7090

REPORT ON THE ABOVE PETITION

IN CITY COUNCIL

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The Committee on Public Safety, to whom the above petition was referred, having considered the same, report in favor of granting the same.

[Empty lines for committee report]

Committee

IN CITY COUNCIL

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Accepted and report of committee adopted.

Attest: Clerk.

Issued

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**AGREEMENT TO EXTEND
TIME LIMITATIONS**

Date: April 7, 2010

Order No. # 10-1002416

Application for Special Permit from MetroPCS Massachusetts, LLC
Applicant's Name

for Wireless Communications Facility
Purpose

at 257 Donald Lynch Blvd
Location

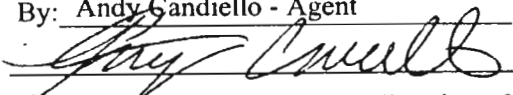
REFER TO Wireless Sub-Committee
Committee

PUBLIC HEARING: February 8th, 2010
Date of Public Hearing

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

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 11:00 p.m. on May 26, 2010.

By: _____
Arthur G. Vigeant, City Council President,
acting on behalf of, and at the direction of,
the special permit granting authority:
Marlborough City Council

By: Andy Gandiello - Agent

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

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City of Marlborough
Commonwealth of Massachusetts



PLANNING BOARD

Barbara L. Fenby, Chair
Steve Kerrigan, Clerk
Philip J. Hodge
Edward F. Coveney
Clyde L. Johnson
Sean N. Fay

PLANNING BOARD MINUTES
March 22, 2010
7:00 PM

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

The Planning Board for the City of Marlborough met on Monday, March 22, 2010 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Steven Kerrigan, Phil Hodge, Edward Coveney, Clyde Johnson and Sean Fay. Also present: City Engineer Thomas Cullen.

Chair Pro-Tem

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

To allow Mr. Fay to act as chair pro-tem.

MINUTES

Meeting Minutes March 8, 2010

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

To accept and file the minutes of March 8, 2010.

CHAIRS BUSINESS

City Council Correspondence
Personnel Committee

The City Council sent correspondence stating that they are sending the appointment of George Stein to the Personnel Committee. If approved, Mr. Stein will serve the remainder of Mr. Hanson's term that will expire in February 6, 2012.

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

To accept and file the correspondence.

Proposed Sign Ordinance

The Proposed Sign Amendment was referred to the Legislative and Legal Affairs Committee for their review.

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

To accept and file correspondence; to ask Councilor Seymour to send notice when the committee will be reviewing the amendment.

APPROVAL NOT REQUIRED PLAN**PUBLIC HEARING****SUBDIVISION PROGRESS REPORTS***Update from City Engineer*

Mr. Cullen stated at this time there is no new report.

Blackhorse Farms, Cider Mill Estates and West Ridge Estates (Fafard Development)
Correspondence from Attorney Roelofs

Attorney Roelofs responded to the letter he received from the Planning Board dated March 11, 2010. He has had only limited discussions with the City Solicitor concerning procedural issues that were in the letter written by him, dated February 22, 2010. He has attempted to reach the City Solicitor, however Mr. Ryder has been out of the office. He stated he will attempt to connect with him when he returns.

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

To accept and file correspondence.

Mr. Fay stated that the Attorneys should continue to discuss this matter and at least have a conference regarding the matters at hand prior to the next Planning Board meeting and to request that Mr. Roelofs and City Solicitor Ruder report to the Board on their progress prior to the next meeting.

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

To ask the Developers, City Engineer and the City Solicitor to continue efforts to identify an amicable solution; place on the agenda for Monday, April 5, 2010.

Correspondence from City Engineer
(Cidermill Estates, West Ridge Estates)
McDermont Way, Goodwin Street and DuFresne Drive
Subdivision Bond Reviews and Recommendations

In his correspondence to the Planning Board, Mr. Cullen has reviewed the current bond status for these subdivisions; he is asking to increase the bonds.

- Cider Mill Estates- Increase bond from \$462,000 to \$581,000.
- West Ridge Estates- Increase bond from \$195,000 to \$246,000.

The assumption has been made by the Engineering Division that the subdivision should be completed within the next two years. Mr. Cullen also noted that the major infrastructure items still

remain (installation of curbing, sidewalks, finish pavement, landscape obligations, misc cleanup, approvable as-builds and approvable acceptance plans).

This was a late addition to the agenda and will be placed on the April 5, 2010.

On a motion made by Mr. Kerrigan, seconded by Mr. Hodge it was duly voted:

To table any action on the bond recommendation until April 5, 2010.

*Correspondence from the City Engineer
Subdivision Bond Review (Blackhorse Farms)
Slocumb Lane*

Mr. Cullen has reviewed the current subdivision bond and is recommending the Planning Board increase the bond amount from \$248,000 to \$334,000. It is the Engineering Departments assumption that the subdivision will be completed within the next two years. He also noted that the subdivision still has many items before completion including curbing, sidewalks, finish pavement, landscaping, misc cleanup, approvable as-built plans and approvable acceptance plans.

This was a late addition to the agenda and will be placed on the April 5, 2010.

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

To table any action on the bond recommendation until April 5, 2010.

The members agreed that the matters related to the above-mentioned subdivisions should continue to appear on the agenda for every meeting until all pending matters are resolved.

Davis Estates (Bouvin Drive)
*Bond Reduction Request
City Engineer Correspondence*

Mr. Baldelli has reviewed the request of reducing the current subdivision bond. The bond is currently at \$187,000 and the Engineering Division stated that the Planning Board should consider reducing the amount to \$176,000 and that the Engineering Division is in a position to make a favorable recommendation to the Board. Also noted in the correspondence is the remaining work to be completed: placement of fencing, landscaping obligations, cleanup, approval of as-built plans, approval of acceptance plans and upon acceptance of the subdivision and easements then the City will take ownership of the decorative lamp posts.

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

To accept and file correspondence; to reduce the current bond from \$187,000.00 to \$176,000.00.

*Detention Basin
Bob Valchuis*

Mr. Valchuis is asking the Planning Board to waive the fencing requirements around his detention basins. He explained the basins were constructed with concrete blocks and provides more of a pond like setting. He also stated that he would erect the standard or decorative fencing if the board desires it. Both Mr. Cullen and Mrs. Lizotte spoke on how the regulations require fencing over anything that is man made and 24 inches of standing water.

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

To refer to the City Engineer and to have him report back at the next meeting.

Trees

Mr. Valchuis stated that he is hoping to have full completion of the subdivision by the fall months of this year. He is asking if it would be possible to forgo the roadside trees due to the fact that if any lots are built upon, there would be damage to the trees. He is asking if it would be possible to put the required amount of \$22,400.00 for a bond that either the homeowner(s) could use or the City's Tree Warden could use for other trees in the vicinity.

By the City's Subdivision Rules and Regulations, it is required to have all items complete including the landscaping requirements prior to subdivision acceptance. If the Planning Board allows a bond, then this would be setting precedence for further subdivisions.

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

To send correspondence to the City Engineer for his opinion; to send correspondence to the City Solicitor if it is possible to create a bond for roadside trees at this subdivision or use by the City Tree Warden and have the City Solicitor report back at the next meeting on April 5, 2010.

Mauro Farms (Cook Lane)
Subdivision Extension Request

Mr. Kerrigan noted the conflict of interest disclosure from Mayor Stevens regarding Mr. Fay's participation.

The Developers are seeking a two year extension. The City Engineer responded to the request from the Planning Board on February 22, 2010 stating that the new subdivision construction schedule is more realistic and an extension should be considered by the Planning Board.

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

To **grant** an extension of the subdivision to March 22, 2012, with a required subdivision status update given in January of 2011.

The Residences of Oak Crest (Graves Lane)
Amended Agreement Request

Mr. Breslouf is requesting an extension of two years for his subdivision. He also sent a current subdivision completion schedule that is required with an extension request. He stated at the present time the six lot subdivision; two houses are currently sold with one under construction. He noted all real estate taxes are current and the anti-blight is in conformance.

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

To accept and file correspondence, to refer the subdivision completion schedule to the City Engineer for his review, and to have the proponent to seek an anti blight letter from the Code Enforcement office and a letter from the Tax Collector that all real estate taxes are to date.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

265A Lakeside Ave, Holiday Inn

Request for Variance

Mr. Kerrigan provided a disclosure of Appearance of Conflict of Interest to the Mayor this afternoon and as well as to the Planning Board Secretary.

Denial Letter

Holiday Inn has just completed an exterior renovation and is in the process of applying for new signage which includes the following signs and dimensions:

- Pylon Sign 49 Sq Ft Previously 212 Sq Ft
- Front Flat wall 322 Sq Ft Previously 537 Sq Ft
- Side Flat wall 110 Sq Ft Previously 266 Sq Ft
- Street Frontage Directional Signs 9 Sq Ft Previously 18 Sq Ft
- Custom Directional Sign 24 Sq Ft Same size

After a full sign review Mr. Stephen Reid stated that the only signs that need a variance are the two flat wall signs (maximum allowed is 150 Sq ft) and the entrance signs (maximum allowed is 4 Sq ft).

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

To accept and file correspondence.

*Correspondence to the Planning Board
3/22/2010*

In preparation for tonight's meeting, Mr. Reid sent correspondence through Mrs. Lizotte, providing the following information:

- Facility is a large hotel, contains about 240 lineal feet of façade width at the main entrance, located on a hill, and roughly 320' from Lakeside Ave with a visible presence along Route 495
- Flat wall calculations are at 360 Sq Ft allowed but with a cap of 100 Sq Ft with two bonuses of a large building plus setback from the street which would allow an additional 50 Sq Ft.
- Free Standing signs are limited to one with a cap of 50 Sq Ft
- Two additional freestanding signs (Entrance Signs) are in excess of the allowed 4 Sq Ft

Mr. Reid stated he was not against the request for variance but due to the size of the requested signs, they would have to seek relief from the Planning Board. He also stated that if the Planning Board does grant a variance, the street address would be placed on the pylon sign to satisfy the E-911 Requirements.

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

To accept and file correspondence.

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GNS Group

Ms. Nancy Forrest from GNS Group and Essie Motameni, general manger of the Holiday Inn, attended the meeting. Ms. Forrest stated that their hardship is the fact that they are sitting on top of the hill and that they are set back from the street. She also stated that from what she has seen, the additional signage is comparable to what already exists at the other hotels in the area. She stated that the Hotel has a variance from the mid 1980's and that they are currently seeking less signage then the current variance.

Mr. Motameni stated that the location of the hotel makes it hard for guests to locate their hotel and that they are losing business because of the signage. He also stated that there are tall trees which prevent the signs from seeing; however they are preparing to do landscaping including scaling back the trees.

Mr. Fay stated that he is aware that the proposed signs are smaller than those allowed under the current variance, but that they applicant had not yet demonstrated any hardship or explained any unique characteristic of the property that would justify relief from the sign ordinance, and that he would not be opposed to granting relief if the applicant presented circumstances that would justify this finding. He also stated that he would prefer Ms. Fenby to weigh in on the matter.

Mr. Kerrigan stated that he believes the case has been made, that they are asking for smaller signs then the current variance allows, that the landscape issue will be taken care of and the overall changes would benefit the hotel.

Mr. Hodge stated he understands that they are asking for less non-conforming signs, but also mentioned that he would like Ms. Fenby to give her opinion since she has worked on sign issues at great length. Both Mr. Coveney and Mr. Johnson agreed with Mr. Hodge.

All members agreed that they would like to see a size comparison between this hotel and the a few others in the surrounding areas.

On a motion by Mr. Hodge, seconded by Mr. Coveney with Mr. Kerrigan opposing, it was duly voted:

To table the variance request until the next meeting.

INFORMAL DISCUSSION

Clean Sweep

Mr. Cullen stated that the Clean Sweep is slated for May 1, 2010 and would appreciate it if everyone "spread the word".

Proposed Change to the Rules and Regulations

Ms. Lizotte will resend the proposed change to the City Planner, City Engineer and the City Solicitor for their opinion and input.

COMMUNICATIONS/CORRESPONDENCE

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

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

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

To adjourn at 9:00 p.m.

A TRUE COPY

ATTEST:

A handwritten signature in black ink, appearing to read 'Steven Kerrigan', is written over a horizontal line. The signature is stylized and cursive.

Steven Kerrigan, Clerk