

1. Minutes, City Council Meeting, September 10, 2007.
2. PUBLIC HEARING: On the application of Ming Wang to convert the former State Armory Building located at 358-364 Lincoln St., into 12 residential condominiums.
3. PUBLIC HEARING: On the application of First Student Inc. for outdoor storage of vehicles (school buses) on Hayes Dr.
4. Communication from the Mayor re: status update of closing the FY07 books.
5. Communication from the Mayor re: budget transfer in the amount of \$84,157.17 required for the newly settled Police Patrol Officers' contract.
6. Communication from the Mayor re: amending existing licensing agreement between the owner(s) of the property at 19 Weed St. and the City of Marlborough.
7. Communication from the Mayor re: commencement of Passport Processing on October 14, 2007.
8. Communication from City Solicitor re: Fairbanks Development LLC amended special permit in legal form.
9. Communication from Council President re: proposed amendment to Section 200-17, "Table of Uses" of the City's Zoning Ordinance.
10. Communication from Department of Housing and Community Development re: range of services and assistance to communities seeking help on how to revitalize their downtowns through the Department's Massachusetts Downtown Initiative (MDI).
11. Communication from the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, Department of Environmental Protection, re: reviewing Water Management Act (WMA) permits every five years.
12. Communication from Attorney Aldo Cipriano re: real property transfer and exchange off of Bolton St., Lakeview/Bolton St. Realty LLC, and the City of Marlborough.
13. Communication from Massachusetts Development Finance Agency re: preliminary approval to issue a revenue bond on behalf of Hillside School., Inc.
14. Petition from Mass Electric to install stub pole #82-84 to support existing pole #82 on Farm Rd. in Marlborough.
15. Minutes, Traffic Commission, July 24, 2007.
16. TransReport, September 2007
17. CLAIMS:

Scott Ruth, 36 Hayden St., property & vehicle damage

REPORTS OF THE COMMITTEE

UNFINISHED BUSINESS:

From City Council

18. **Order No. 07-1001663** - At the September 10, 2007 meeting, the Mayor requested that the City Council allow Don Cusson, the City's Emergency Management coordinator to speak at the September 24th meeting for the purpose of providing an update on the City's R911 system.

From Personnel Committee

19. **Order No. 07-1001645** - Communication from Mayor Stevens with reappointment of Rosalind Baker as Director of Human Services, ex.8/27/10. **Recommendation of the Personnel Committee is to approve 3-0.**

From Legislative and Legal Affairs Committee

20. **Order No. 07-1001459** - SPECIAL ACT submitted by Mayor Stevens to establish the Term of the Office of the City Solicitor and the confirmation and removal process for the required steps needed to create a Charter Change. **Recommendation of the Legislative and legal Affairs Committee is to have the Legal Department and the House Council draft the necessary language to effect this change and report back to City Council for final approval. Approve 2-1 (Ferro).**

21. **Order No. 07-1001646 – X 1001067** - Communication from the Mayor that the City of Marlborough grant a temporary utility easement to be executed by the Mayor on behalf of the City to Massachusetts Electric Co. aka NGRID, as described in the Grant of Temporary Easement, Christopher Heights, 84 Chestnut Street, Marlborough, MA for the purposes of installing, constructing, reconstructing, repairing, replacing, adding to, maintaining and operating an overhead system and an underground system for electric service to the buildings constructed or proposed to be constructed by the Christopher Heights of Marlborough Limited Partnership pursuant to a February 14, 2006 ground lease between the City and the Christopher House of Marlborough Limited Partnership, said temporary utility easement to be for a period concurrent with the term of said ground lease, and to be recorded at Middlesex So District Registry of Deeds. **Recommendation of the Legislative and Legal Affairs Committee is to grant the easement. Approve 3-0.**

22. **Order No. 07-1001647** - That the Communication from the Legal Department with request by James J. and Noel M. Cain to purchase all of the city's right, title and interest in a certain parcel of land abutting their property at 107 Phelps Street, together with proposed quitclaim deed. **Recommendation of the Legislative and Legal Affairs Committee is to authorize the Mayor to convey the property and grant a Quitclaim Deed with Fee Interest for a minimum price of \$9,725. Approve 3-0. .**

NOTE: 2/3 VOTE REQUIRED TO AUTHORIZE THE QUITCLAIM DEED.

23. **Order No. 07-1001647-1** That that the proposed permanent sewer easement regarding 107 Phelps St., be accepted to allow the city to maintain the relevant sewer truck line. **Recommendation of the Legislative and Legal Affairs Committee is to accept a permanent sewer easement. Approve 3-0.**

NOTE: A SIMPLE MAJORITY IS NEEDED TO ACCEPT THE PROPOSED PERMANENT SEWER EASEMENT.

24. **Order No. 07-1001597** - Communication from Mayor Stevens requesting that the City Council adopt Chapter 73, section 4 of the Acts of 1986 which allows for doubling of all exemptions offered in the City to qualified residents (i.e. Elderly, Blind, Disabled Vets) as provided by Massachusetts Law. **Recommendation of the Legislative and Legal Affairs Committee is to Approve 3-0.**



CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
(508)460-3775 FAX (508)624-6504
SEPTEMBER 10, 2007

Regular meeting of the City Council held on Monday September 10, 2007 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Katz, Ferro, Juaire, Schafer, Webster, Clancy and Towle. Meeting adjourned at 9:01 p.m.

ORDERED: Minutes, City Council meeting, August 27, 2007, **FILE**; adopted.

ORDERED: Now being the time set for the **PUBLIC HEARING** on the application of Ms. Electric to install manhole and duct locations on Donald J. Lynch Blvd, all were heard who wish to be heard, hearing adjourned at 8:02 p.m., **IN PUBLIC SERVICE COMMITTEE**; adopted.

ORDERED: Now being the time set for the **PUBLIC HEARING** on the application Fairbanks Development, LLC to amend special permit adopted December 19, 2005 re: Artist Loft Housing with adjacent gallery/restaurant space, all were heard who wish to be heard, hearing adjourned at 8:10 p.m. **IN URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: Now being the time set for the **PUBLIC HEARING**: regarding the Sign Ordinance by the Sign Ordinance Review Committee, all were heard who wish to be heard, hearing adjourned at 8:48 p.m., **TABLE**; adopted.

ORDERED: That Don Cusson, the City's Emergency Management coordinator speak at the September 24th meeting for the purpose of providing an update on the City's R911 system, **FILE**; adopted.

ORDERED: That the following transfer of \$1,000,000.00 from Health Insurance Trust to Stabilization account, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 870-59610

\$1,000,000.00

Health Insurance Trust

TO:

Acct. # 836000-11515

\$1,000,000.00

Stabilization

ORDERED: That the Chapter 43D Technical Assistance Grant in the amount of \$150,000.00 from the Commonwealth's Executive Office of Housing and Economic Development Permit Regulatory Office – Interagency Permitting Board be shared equally by the City and the Marlborough 2010 Corporation, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That Attorney Peter R. Barbieri, requests to withdraw **without prejudice** the Special Permit of Carlos Ferriera to construct a five unit townhouse at 69 South St., **APPROVE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 15, 2007** as date for a **PUBLIC HEARING** on the communication from Attorney Arthur B. Bergeron, on behalf of 890 Post Rd LLC, which owns the real property shown on assessors Map 62 Parcels 1 and 24. Parcel 1 which extend from the Boston Post Rd. North to the City's Easterly Wastewater Treatment Plant, is bisected by a zone line, making the rear of the property, which is landlocked, borders the Treatment Plant, and is zoned Rural Residential, useless. Pursuant to General Laws Chapter 40A, Section 5, the client is requesting that the rear part of the land shown on Assessors Map 62 Parcel 1 be rezoned from Rural Residential to Business, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 15, 2007** as date for a **PUBLIC HEARING** on the communication from Attorney Arthur B. Bergeron, on behalf of 890 Post Rd LLC, which owns the real property shown on assessors Map 62 Parcels 1 and 24. All of parcel 24 and part of Parcel 1 are located in a Business zone. Pursuant to General Laws Chapter 40A sec. 5, the client is requesting that the Zoning Ordinance be amended by:

- 1) adding to Section 200-17 a new Business Use, entitled "New Motor Vehicle Sales and Service (41)" to be allowed by Special permit in a Business Zone, and
- 2) adding to Sec. 200-18 a new Subsection 41, to read as follows;

"(41) New Motor Vehicle Dealership Sales and Service

New motor vehicle sales, and related service and used vehicle sales, by an entity which has a valid dealership agreement to sell vehicles on behalf of a known manufacturer of new motor vehicles, provided that said dealership shall, as a condition of operation, be appropriately licensed by the Marlborough License Commission pursuant to Mass General Laws."

Because the client's land would be affected by this change, the client is entitled to request it pursuant to General Laws Chapter 340A sec. 5, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 15, 2007** as date for a **PUBLIC HEARING** on the petition by NSTAR to install 2000' of 8.00" plastic gas main as a system improvement to supply the Regency @ Assabet Ridge Development off Fitchburg St. and Crowley Dr. in Marlborough, refer to **PUBLIC SERVICES COMMITTEE**; adopted

ORDERED: That the minutes of the Planning Board, January 29, February 12, February 26, March 12, March 26, April 9, April 23, 2007, **FILE**; adopted.

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

Councilor Clancy reported the following out of the Personnel Committee:

Order No. 07-100-1645 –The reappointment of Rosalind Baker as Director of Human Services, to expire August 27, 2010. **Recommendation of the Personnel Committee is to approve 3-0.**

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

Order No. 07-1001459 – re: **SPECIAL ACT** submitted by Mayor Stevens to establish the Term of the Office of the City Solicitor and the confirmation and removal process for the required steps needed to create a Charter Change. **Recommendation of the Legislative and Legal Affairs Committee is to have the Legal Department and the House Council draft the necessary language to effect this change and report back to City Council for final approval. Approve 2-1 (Ferro).**

Order No. 07-1001646 – X 1001067 – re: That the City of Marlborough grant a temporary utility easement to be executed by the Mayor on behalf of the City to Massachusetts Electric Co. aka NGRID, as described in the Grant of Temporary Easement, Christopher Heights, 84 Chestnut Street, Marlborough, MA for the purposes of installing, constructing, reconstructing, repairing, replacing, adding to, maintaining and operating an overhead system and an underground system for electric service to the buildings constructed or proposed to be constructed by the Christopher Heights of Marlborough Limited Partnership pursuant to a February 14, 2006 ground lease between the City and the Christopher House of Marlborough Limited Partnership, said temporary utility easement to be for a period concurrent with the term of said ground lease, and to be recorded at Middlesex So District Registry of Deeds. **Recommendation of the Legislative and Legal Affairs Committee is to grant the easement. Approve 3-0.**

Order No. 07-1001647 (DEED) – Re: Communication from the Legal Department with request by James J. and Noel M. Cain to purchase all of the city's right, title and interest in a certain parcel of land abutting their property at 107 Phelps Street, together with proposed quitclaim deed. **Recommendation of the Legislative and Legal Affairs Committee is to authorize the Mayor to convey the property and grant a Quitclaim Deed with Fee Interest for a minimum price of \$9,725. Approve 3-0. Note: 2/3 vote required to authorize the quitclaim deed.**

Order No. 07-100647-1 (EASEMENT) – Re: proposed permanent sewer easement to allow the city to maintain the relevant sewer truck line. **Recommendation of the Legislative and Legal Affairs Committee is to accept a permanent sewer easement. Approve 3-0. Note: a simple majority vote to accept the proposed permanent sewer easement.**

14

Order No. 07-1001597 That the City Council adopt Chapter 73, section 4 of the Acts of 1986 which allows for doubling of all exemptions offered in the City to qualified residents (i.e. Elderly, Blind, Disabled Vets) as provided by Massachusetts Law. **Recommendation of the Legislative and Legal Affairs Committee is to approve 3-0.**

ORDERED: That the communication from Boston Scientific Corporation requesting extension of time for Sewer Connection Permit, 55 Boston Scientific Way – Mayor to provide sewer extension impact on TIF, **APPROVE**; adopted.

ORDERED: That the following transfer of \$51,000 relative to the Hemenway Street sidewalk installation project, **APPROVE**; adopted.

FROM:

Acct. # 83600-32713 \$51,000.00
Stabilization Hemenway St. Sidewalks

TO:

Acct. # 19300006-58514 \$51,000.00
DPW Projects

ORDERED: That the City of Marlborough accept a donation in the amount of \$10,000 from Robert Valchuis for tree restoration relative to his Farm Rd. subdivision project, be and is herewith refer back to **FINANCE COMMITTEE**; adopted.

ORDERED: That the following transfer request in the amount of \$210,000.00 which will move funds from Stabilization to the newly established Stabilization-Affordable Housing Account. **Recommendation of the Finance Committee is to approve the transfer in the reduced amount of \$52,500.00, APPROVED;**

adopted

FROM:

Acct. # 83600-32925 \$52,500.00
Stabilization Fund

TO:

Acct. # 83600-32718 \$52,500.00
Stabilization – Affordable Housing

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned 9:01 p.m., **FILE**; adopted.

2



IN CITY COUNCIL

Marlborough, Mass., AUGUST 20, 2007

ORDERED:

That there being no objection thereto set **MONDAY, SEPTEMBER 24, 2007** as date for a **PUBLIC HEARING** on the application for special permit from Ming Wang to convert former State Armory building into twelve residential condominiums in a Business B/Residence C zoned lot, be and is herewith referred to **URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 07-1001649



IN CITY COUNCIL

Marlborough, Mass., AUGUST 20, 2007

ORDERED:

That there being no objection thereto set **MONDAY, SEPTEMBER 24, 2007** as date for a **PUBLIC HEARING** on the application for special permit from First Student Inc., regarding outdoor storage of vehicles (school buses), be and is herewith referred to **URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 07-1001650



City of Marlborough
Office of the Mayor

140 Main Street
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4

Nancy E. Stevens
MAYOR

Karen H. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

September 19, 2007

Council President Arthur G. Vigeant
Marlborough City Council
Marlborough City Hall – 2nd Floor
140 Main Street
Marlborough, MA 01752

Attached please find correspondence from City Auditor, Diane Smith, which provides a status update with respect to the closing of the FY07 books. As you will note, Ms. Smith anticipates concluding this process by October 22, 2007.

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

Sincerely,

Nancy E. Stevens
Mayor

42



CITY OF MARLBOROUGH

Office of the City Auditor

140 Main St.

Marlborough, MA 01752

508.460.3774

MEMORANDUM

TO: Mayor Nancy E. Stevens
FROM: Diane Smith, City Auditor
DATE: September 19, 2007
RE: FY07 End of Year Close Timeline

Attached for your review please find a timeline for the necessary steps to close the FY07 books and submit all required paperwork and reports to the state for free cash certification.

As you will note all reporting of disbursements and receipts have been completed along with the cash reconciliation through June.

The remaining steps involved in closing the books will be completed as projected on the timeline and the end of year reports and paperwork will be submitted to the state for certification no later than October 22, 2007. I will be speaking with our representative at the Division of Local Services to let them know of our time frame and our tax rate hearing date so that they will work with us to get free cash certified prior to that date.

If you have any questions please feel free to contact me directly.

Cc: Thomas Abel, Comptroller/Treasurer

FY07 END OF YEAR CLOSE TIMELINE

9/19/2007

43

		DATE COMPLETED FY2007 EOY
JULY	2nd	completed
	11th	completed
	13th	completed
	17th	completed
	23th	completed
	24th -27th	completed
AUG	31st	completed
SEPT	10th	completed
	19th	completed
	30th	completed
OCT	1st thru 15th	completed
DEC	3rd	completed

Auditor and Collector reconcile receivable thru June 07

Final FY07 Invoices submitted to Auditors Office by departments

Final FY07 Accounts Payable Warrant Processed

FY07 Open Purchase Order List sent to Depts

Depts return Open PO List with FY07 Carryforwards

Auditor reviews carryforwards

Treasurer's Office reports FY06 non-check (wire) disbursements and receipts for May 07

Treasurer's Office reconciles bank statements and Cash balances thru May 07

Final School Accrued Summer payroll posted to ledger

Treasurer's Office reports FY06 non-check (wire) disbursements and receipts for June 07

Treasurer's Office reconciles bank statements and Cash balances thru June 07

Revenue ledger and expenditure ledger closed

Auditor reviews/reconciles all general ledger funds/accounts including but not limited to: payroll withholding accounts, due to/from accounts, bond payable accounts, statement of indebtedness w/Treasurer, OFU/OFS.

General Ledger Closed, reports prepared for State (balance sheet, detail fund balances, cash reconciliation, year end checklist info, undesignated fund balance proof, Collector/Auditor receivable reconciliation report, capital projects detail report, detail trial balance (all funds), Snow & Ice data sheet)

Statement of Indebtedness from Treasurer

Health Insurance Incurred but not reported from Treasurer

Submit all paperwork to State for free cash certification

Once paperwork is submitted to the state they will request additional info and approval typically takes 3-4 weeks after the submission date.

Tax Rate Hearing- City Council



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Office of the Mayor

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5
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Karen A. Kisty
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Diane C. Halper
EXECUTIVE SECRETARY

September 19, 2007

Council President Arthur G. Vigeant
Marlborough City Council
Marlborough City Hall – 2nd Floor
140 Main Street
Marlborough, MA 01752

Honorable President Vigeant and Councilors:

Attached herewith please find a budget transfer request in the amount of \$84,157.17 which represents funding required for the newly settled Police Patrol Officers' contract. These monies will be transferred from "Fringes"(Account No. 11990006-51500) to various salary-related accounts to provide for this final union contract agreement.

This award confirms that the City's wage and plan design pattern, which were negotiated without the need for litigation with all other unions in the City, were both fiscally responsible and fair to the employees. The City has also made gains with respect to exposure/liability for officers out on IOD in this further illustration of the City's "quid pro quo" approach to collective bargaining.

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

Sincerely,

Nancy E. Stevens
Mayor

TRANSFER REQUEST

Police Officers Contract

FROM ACCOUNT		TO ACCOUNT					
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DISCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DISCRIP	AMOUNT AVAIL
\$ 351,704.92	\$ 84,157.17	11990006	51500 Fringes	\$ 62,974.57	12100001	50420 Police Officers	\$ 1,657,176.45
				\$ 1,242.36	12100003	51226 FRST RESPOND	\$ 57,538.44
				\$ 2,109.24		51430 LONG	\$ 102,020.61
				\$ 8,164.71		51440 EDU INCT	\$ 414,592.87
				\$ 1,827.42		51450 NIGHT DIF	\$ 78,888.74
				\$ 4,964.48		51490 HOLIDAY	\$ 187,322.59
				\$ 2,193.99		51920 SLBB	\$ 129,798.53
				\$ 680.40		50435 Spec Pay	\$ 25,722.80
				\$ 84,157.17		Total	

Reason: To fund first year of Police Officers labor Contract

52



City of Marlborough
Office of the Mayor

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Marlborough, Massachusetts 01752
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Nancy E. Stevens
MAYOR

Karen H. Kisty
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EXECUTIVE SECRETARY

September 20, 2007

Council President Arthur G. Vigeant
Marlborough City Council
Marlborough City Hall – 2nd Floor
140 Main Street
Marlborough, MA 01752

Re: 19 Weed Street;
Request to amend License to Encroach

Honorable President Vigeant and Councilors:

Attached herewith is a proposed Council Order to further amend an existing license agreement between the owner(s) of the property at 19 Weed Street and the City of Marlborough. I have provided copies of the original License to Encroach and subsequent amendment to that agreement dated October 7, 1996 and July 14, 1997 respectively.

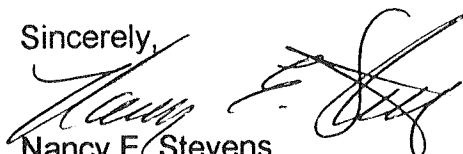
If approved by your body, this amendment would permit the owner(s) of this property to remove the existing faux brick façade treatment on the building and replace it with real brick. This amendment to the license agreement is necessary because the real brick would protrude beyond the property line and into the public way layouts of Court Street and Weed Street.

This request has been reviewed and approved by Commissioner of Public Works, Ron LaFreniere.

Please note that the Order as proposed would hold harmless the City of Marlborough from all damage claims to the new brick façade due to normal use and maintenance of the sidewalk areas adjacent to the building.

Please feel free to contact me should you have any questions or concerns.

Sincerely,


Nancy E. Stevens,
Mayor

Cc: Donald V. Rider
Richard H. Baldell

Thomas P. Temple
Ronald M. LaFreniere

IN CITY COUNCIL

62



Marlborough, Mass _____, 20

ORDERED:

That the License to Encroach granted to the record owner of 19 Weed Street by the Marlborough City Council by Order No. 96-6696A, dated October 7, 1996 (copy attached) and amended by Order No. 96-6996B dated July 14, 1997 (copy attached) is hereby further amended to permit the owner to encroach and occupy a portion of the layout of Court Street and Weed Street with a new brick façade treatment to be applied to the exterior of the existing building.

Further,

That the owners of the property at 19 Weed Street shall hold the harmless the city of Marlborough from all claims of damage to the new brick façade as a result of the normal use and maintenance of the sidewalk areas adjacent to the building within Court Street and Weed Street.

63



IN CITY COUNCIL

Marlborough, Mass. OCTOBER 7, 1996 19

ORDERED:

LICENSE TO ENCROACH

Subject to Site Plan Approval, the record owner of 19 Weed Street, Marlborough, Massachusetts is hereby authorized to encroach on and in to the layout of Court Street and/or Weed Street by placement of certain footings in connection with expansion of the building located at 19 Weed Street, all as shown on a Plan to be attached hereto and made a part hereof.

Yea: 11 - Nay: 0

Yea: Agoritsas, Hunt, LeDuc, Vigeant, Lashmit, Peltekis, Emond, Jusseaume, Evangelous, Oram, Zomar

ADOPTED

In City Council

Order No. 96-6696A

Adopted October 7, 1996

Approved by Mayor

J Michael McGorty

Date: October 19, 1996

A TRUE COPY

ATTEST:

City Clerk

64



IN CITY COUNCIL

Marlborough, Mass., ~~JULY 14, 1997~~ 19

ORDERED:

That the communication from Joseph Ferro, Doowops, to amend License to Encroach, 19 Weed Street, be and is herewith amended as follows:

ORDERED:

That the License to Encroach granted to the record owner of 19 Weed Street by the Marlborough City Council by Order No. 96-6696A, dated October 7, 1996 be amended to permit the construction of a handicap access ramp within the layout of Weed Street. Design and construction of said access ramp shall be in accordance with the Americans with Disabilities Act (ADA) and the requirements of the Marlborough Building Department and Department of Public Works.

Yea: 10 - Nay: 0 - Absent: 1

Yea: Lashmit, Peltekis, Emond, Jusseaume, Evangelous, Oram, Zomar, Hunt, LeDuc, Vigeant

Absent: Agoritsas

ADOPTED
In City Council
Order No. 96-6996B
Adopted July 14, 1997

Approved by Mayor
J. Michael McGorty
Date: July 24, 1997

A TRUE COPY
ATTEST:

J. Michael McGorty
City Clerk



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
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7
Nancy E. Stevens
MAYOR

Karen A. Kisty
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Diane C. Halper
EXECUTIVE SECRETARY

September 19, 2007

Council President Arthur G. Vigeant
Marlborough City Council
Marlborough City Hall – 2nd Floor
140 Main Street
Marlborough, MA 01752

Honorable President Vigeant and Councilors:

Please be advised that, as of October 14th, the City of Marlborough will be equipped to allow for the processing of US passports. Personnel department representatives, E. Susan Ellis and Mary Ward; City Collector, Deborah Puleo; Legal Department paralegal, Katherine Kimber; and Mayor's Office staff, Diane Halper and Karen Kisty, will be completing the necessary training either on-line or through participation in classes at the Boston Passport Agency over the course of the next several weeks.

I have attached supplemental materials for informational purposes only for your further review. You may address any inquiries to City Comptroller, Tom Abel who is coordinating this effort.

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

Sincerely,

Nancy E. Stevens
Mayor



72

United States Department of State
Washington, D.C. 20520
Bureau of Consular Affairs
Passport Services
Office of Field Operations
Customer Service Division

August 31, 2007

Thomas J. Abel, Comptroller/Treasurer
Marlborough City Hall
Office of the Comptroller/Treasurer
140 Main Street
Marlborough, MA 01752

Dear Mr. Abel:

Passport Services is pleased to welcome you, Eileen Ellis, Mary Ward, Deborah Puleo, Katherine Kimber, Karen Kisty and Diane Halper as passport application Acceptance Agents for the U.S. Department of State. The enclosed Certificate of Designation has been issued to your office and authorizes the individuals endorsed by you and specifically named in this letter, who have successfully completed training, to accept applications on behalf of Passport Services. Your Acceptance Facility identification number is 101135.

Patricia Rourke, the Customer Service Manager (CSM) at the Boston Passport Agency, will help ensure your successful participation in the Program. If you have any questions, or wish to discuss training and ordering supplies, she may be reached [REDACTED]

Should your office require additional staff to accept passport applications, you will need to endorse and submit a completed *Acceptance Agent Changes* form to your Regional CSM to request approval in advance (See *Qualifications for Public Sector Employees* as reference). In addition, any changes to your facility's public or private contact information should be recorded on an *Acceptance Facility Changes* form and submitted to your Regional CSM. Enclosed you will find a sample of each of these forms.

We encourage you – and our mutual customers - to visit our website at travel.state.gov. This is the only official site for U.S. passport information. If your facility has its own website, the enclosed *How to Include U.S. Passport Acceptance Facility Information on Your Website* recommends linking to travel.state.gov as the one way to ensure customers always get current passport information. And, please feel free to announce your designation to local media; a sample release is enclosed.

Thank you for providing U.S. citizens with convenient, complete, customer-friendly service. While decisions on actual passport issuance are the exclusive responsibility of Passport Services, your contribution is vital to the issuance process. We look forward to a successful and long partnership with your office.

Sincerely,

Gretchen A. Schuster
National Customer Service Manager
Passport Services

Enclosures: as stated

cc: P. Rourke, CSM - Boston Regional Passport Agency

K. Wheeler- Stanley Associates



BUREAU OF CONSULAR AFFAIRS

PASSPORT SERVICES

Department of State
Washington, D.C.

Certificate of Designation

PASSPORT AGENT

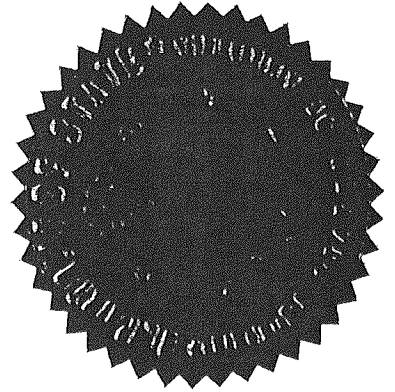
Marlborough City Hall, Office of the Comptroller/Treasurer

Marlborough, Massachusetts

is hereby designated as an agent of the Department of State for the purpose of accepting applications for passports and administering oaths in connection therewith. This designation will remain in effect only during assignment to a position requiring such authorization.

Date August 31, 2007

Grethen Schuster for
DEPUTY ASSISTANT SECRETARY
FOR PASSPORT SERVICES



13



**U.S. Department of State
Bureau of Consular Affairs
Passport Services**
**Passport Application Acceptance Program
Qualifications and Requirements
for Public Sector Employees**

Qualifications:

- Employee of an officially designated acceptance facility;
- U.S. citizen or national;
- Age 18 or older;
- Permanent employee (not temporary, ad hoc, contractual, nor volunteer); and
- Criminal history:
 - » Free of any Federal or State felony conviction;
 - » Free of any misdemeanor conviction for crimes related to breach of trust or moral turpitude, e.g., embezzlement, identity theft, misappropriation, document fraud, drug offense, or dishonesty in carrying out a responsibility involving public trust.

Requirements:

- Courteous and professional in serving customers and
- Trained to follow procedures and practices as detailed in the current *Passport Agent's Reference Guide (PARG)*, newsletters, and notices, including:
 - » Upholding legal responsibilities as an Acceptance Agent - By signing applications Acceptance Agents certify that: customers have personally appeared; presented ID (as documented); taken the oath; and that Agents have personally witnessed customers signing their applications.
 - » Not releasing passport application information to anyone other than the customer and Passport Services, nor retaining copies of executed Applications. Customers and applications are protected under the Privacy Act of 1974.
 - » Not participating in any relationship nor delivering another service that could be perceived as a conflict-of-interest.



**U.S. Department Of State
Bureau of Consular Affairs
Passport Services
Passport Application Acceptance Program
PART II: #4B—Acceptance Agent Changes**

Additional Acceptance Agents Requested

Directions

- A. The Facility Manager requesting additional Acceptance Agents needs to ensure that all employees named meet *Agent Qualifications and Requirements* as outlined in PART I, #3, pg. 5.
- B. Please print or type each employee's name in Column I and have the employee sign to the right in Column II.
- C. In Column III, list the proof of U.S. citizenship seen by the Facility Manager to document each employee's U.S. citizenship/nationality.

Column I Employee's Name (Type or Print)	Column II Employee's Signature	Column III U.S. Citizenship/Nationality Document* - U.S. Birth Certificate or - Naturalization/Citizenship Certificate or - U.S. Passport or - Consular Report of Birth Abroad

*Consult the Regional Passport Agency Customer Service Manager for citizenship/nationality questions.

Remove Former Acceptance Agents

1. _____ 2. _____ 3. _____
 4. _____ 5. _____ 6. _____

As Facility Manager, I certify that _____, _____,
FACILITY NAMEFACILITY ID NUMBER

 FACILITY ADDRESS

Is in compliance with all Personnel Requirements for Public Sector Employees: Training and Information Requirements; Acceptance Agents' Names, Signatures, and U.S. Citizenship/Nationality Documentation; and that I fulfill all Responsibilities of Facility Manager for the Passport Application Acceptance Program.

PRINT FACILITY MANAGER'S NAME & TITLESIGNATUREDATE



U.S. Department Of State
Bureau of Consular Affairs
Passport Services
Passport Application Acceptance Program
PART II: #4A--Acceptance Facility Changes

Date _____ Please Check One: Non-Postal () or Postal ()
Facility Name _____ Facility ID Number _____
Facility Street Address _____
Facility Mailing Address (if different) _____

Please only report changed information. Submit to Passport Agency Regional CSM.

PUBLIC CONTACT INFORMATION

Phone _____ Fax _____ Email _____
Passport Hours of Operation: Mon. _____ Tues. _____ Wed. _____
Thurs. _____ Fri. _____ Sat. _____ Sun. _____
Closed during lunch? _____ If so, hours closed? _____
Are appointments required? _____ If so, phone _____
Handicap accessible? _____ Photos on-site? _____ Photos nearby? _____

PRIVATE CONTACT INFORMATION FOR PASSPORT AGENCY USE

This information will not be given to the public.

Facility Manager's Name and Title _____
Phone _____ Fax _____ Email: _____
Passport Program Manager (if different) _____
Phone _____ Fax _____ Email: _____
Other Contact Info for Passport Agency Use _____

POSTAL FACILITIES ONLY *This information will not be given to the public.*

District Retail Office _____
Address: _____
District Retail Manager's Name (DRM): _____
Phone _____ Fax _____ Email: _____



Post a link to travel.state.gov

It will ensure that our mutual customers always have up-to-date passport information.

Passport Services recognizes the critical role of Acceptance Facilities in assisting the public with international travel. To be sure that together we are doing all we can for our mutual customers, please post a link on your facility's website to travel.state.gov, the only official website for:

- ✓ Downloadable Application Forms
- ✓ Current Requirements and Fees
- ✓ Travel Warnings
- ✓ Consular Information Sheets (on every country in the world)...

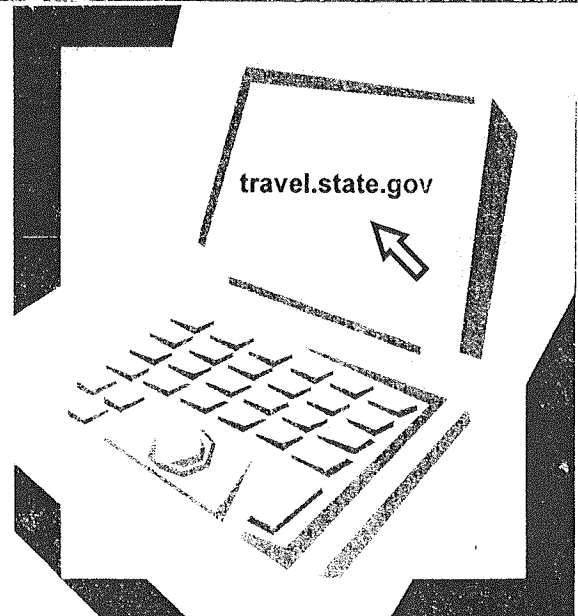
As well as your facility's location & hours of application acceptance!

Keep Customers Up-to-date !

Post a link

on your facility's Internet website to

travel.state.gov



"A wealth of passport and travel information!"

78

Sample Media Release

Use Facility's Letterhead

For Immediate Release

Insert Date

Contact Information:

Name

Title

Phone

Email

City/Office Name now Accepts Passport Applications

City/Office Name is pleased to announce that it now accepts passport applications on behalf of the U.S. Department of State. U.S. citizens planning international travel may apply for their passports on insert days from insert time to insert time at insert location/address.

Optional – Insert a quote from the Facility's Director or other official spokesperson making the announcement.

For application forms, information on documentation required, fees, and a wealth of other passport and international travel information, visit the only official website for passport information – travel.state.gov.



City of Marlborough
Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

KATHERINE M. KIMBER
PARALEGAL

September 20, 2007

Arthur Vigeant
President
Marlborough City Council

RE: Order 05-100931B
Application for Amended Special Permit
Fairbanks Development LLC - Renaissance Lofts
406 Lincoln Street

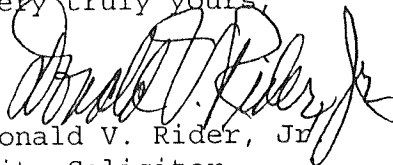
Dear President Vigeant and Members:

Pursuant to Chapter 200-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application for an amended special permit submitted by Fairbanks Development LLC for Renaissance Lofts at 406 Lincoln Street in Marlborough.

I am enclosing a tracked version as well as a clean version of the proposed amended special permit. I have incorporated the changes in the conditions reviewed and approved by the Urban Affairs Committee. Consistent with those changes, I have also deleted the second provision set forth in Attachment #1, which came to my attention after the Committee's meeting but which I have since reviewed with Chairman Pope. Lastly, I have revised the Procedural Findings and the Findings of Fact, as requested by the Committee.

With these revisions having been made, I certify that the Council's proposed decision is in proper legal form.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosures
cc: Deborah Fairbanks

83

AMENDED SPECIAL PERMIT
FINDINGS OF FACT AND CONDITIONS

Procedural Findings

1) Fairbanks Development LLC, a Massachusetts limited liability company having its principal place of business at 8 College Ave., Arlington, MA, is hereinafter referred to as the Applicant.

2) The Applicant is the owner of certain parcels of real property located on Lincoln St. The parcels shown on the Marlborough Assessors Maps as Map 69 Parcels 106, 276, 88, 89, 90, 108 and 109.

3) The Applicant, on or about Dec. 19, 2005, was granted a Special Permit by the City Council of the City of Marlborough by Order No. 05-100931A. Said permit is recorded in the MSRD in Book 48275, Page 122 and in Book 1321, Page 85, Certificate #236988.

4) The Applicant on or about July 19, 2007 filed with the City Clerk of the City of Marlborough an application for an amendment to the Special Permit. Applicant is requesting changes to the language of the Special Permit.

5) Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing for the permit application and the City Clerk caused to be advertised said date in the MetroWest News and sent notice of said hearing to abutters entitled to notice under law.

6) The Marlborough City Council, pursuant to MGL Ch 40A, held a public hearing on Sept. 10, 2007 concerning the said application. The hearing was opened and closed at that meeting.

7) The amended procedural findings specified in sections 2, 3, 4, 5, 6 and 7 of this Amended Special Permit supplement those made in the original Special Permit; the procedural findings made in the original Special Permit are incorporated by reference herein. Finding of fact E) of this Amended Special Permit supplements finding of fact E) made in the original special permit; the findings of fact made in the original Special Permit are incorporated in full herein. The amended conditions specified in sections 7, 11, 12, 13 and 23 and Attachment #1 of this Amended Special Permit replace those of the original Special Permit; all other conditions of the original Special Permit survive its amendment herein.

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

~~Deleted: PROPOSED~~

~~Deleted:~~ Applicant is the proposed purchaser of certain parcels of real property located on Lincoln St. The parcels shown on the Marlborough Assessors Maps as Map 69 Parcels 108 and 109 are now owned by Eugene H. Mongeau, Trustee of 9M Realty Trust. The parcels shown as Map 69 Parcels 106, 276 and 88 are now owned by Eugene H. Mongeau. The parcels shown as Map 69 Parcels 89 and 90 are now owned by Thomas W. Boulay and Albert Carbone.

~~Deleted:~~ The Applicant, on or about Aug. 25, 2005, filed with the City Clerk of the City of Marlborough an application for a special permit under Sec. 200-12(B). Applicant is requesting a special permit to convert the use of the existing structure located on Map 69 Lots 108 and 109 from its current manufacturing use to proposed artist live/work space. According to the proposal, as amended, all three floors of the existing facility would be converted to twenty-nine (29) condominium units, portions of the basement area would be converted to work space and storage areas, and the current loading docks and loading/unloading area would be converted to gallery space. Appli... [1]

~~Deleted:~~ In connection with the permit application, Applicant filed a Needs and Impact Statement, certified list of abutters, filing fee and thirteen (13) copies of the Site Plan.

~~Deleted:~~ 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.

~~Deleted:~~ Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing for the permit application and the City Clerk caused to be advertised said date in the MetroWest News and sent notice ... [2]

~~Deleted:~~ The Marlborough City Council, pursuant to MGL Ch 40A, held a public hearing on Sept. 26, concerning the said application. The hearing was opened and closed at that meeting.

~~Deleted:~~ 8) The Applicant presented testimony at the public hearing detailing the application, describing its impact upon municipal services, the neighborhood and traffic. No individuals in attendance spoke either in favor of or against the proposal. The City Ward Councilor representing the immed... [3]

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

B) The City Council finds that that the current use of the site for manufacturing purposes is a currently nonconforming use that was in effect at the time of the creation of the current zoning provisions regarding the site.

C) The City Council finds that the proposed use would be substantially different from the existing nonconforming use of the site.

D) The City Council finds that the proposed new use would not be substantially more detrimental to the neighborhood than the existing nonconforming use.

E) The City Council, pursuant to its authority under MGL C40A, GRANTS the Applicant an Amended Special Permit to alter the existing structures on the site, and to use them and the related parking areas as not more than twenty-nine (29) artist live/work spaces, with additional work and storage areas and a commercial gallery space as shown on said plans, SUBJECT TO THE FOLLOWING CONDITIONS:

1) Compliance With Building Regulations. Construction of all structures on the site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and Commonwealth of Massachusetts. The Project shall be constructed, maintained and operated according to the specifications, terms, and conditions of the Applicant's Special Permit Application and Site Plan prepared by Deborah Fairbanks dated Aug. 20, 2005 filed with the Special Permit Application, as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee. All other terms, conditions, requirements, approvals, drawings and renderings required hereunder are made a part of and incorporated herein as a condition of the issuance of this Special Permit.

2) Compliance With Site Plan Review. The issuance of the Special Permit is further subject to technical site plan review in accordance with the City of Marlborough ordinance prior to the issuance of the actual Building Permit. Any additional changes, alternations, modifications or amendments as required by Site Plan Review shall be further conditions attached to the Special Permit, and no Occupancy Permit shall be issued until all conditions are complied with by Applicant. Subsequent Site Plan Review shall be consistent with the Conditions of this Special Permit and Plans submitted, reviewed and approved by the City Council as the special permit granting authority. Any significant changes to the plans will require subsequent approval by the City Council.

3) Compliance With Noise Ordinance. The Applicant shall comply with all of the requirements of the Noise Ordinance of the City of Marlborough. The Police Department shall strictly enforce the regulations contained in the Noise Ordinance and promptly respond to complaints lodged by abutters.

4) Completion of Site Improvements Prior to Occupancy. Prior to the issuance of any Occupancy Permit for this Project, Applicant must complete all landscaping and planting installations together with all other site improvements, except that if the Project is completed after October 1 of any year and before May 1 of the following year, all landscaping and planting installation will be completed by May 1 of said following year.

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

6) Incorporation of Plans and Drawings. All terms, conditions, requirements, approvals, plans, and drawings required hereunder are made a part of and incorporated herein as a condition to the issuance of this Special Permit.

7) Preferential Ownership by Artists. Attached hereto as Attachment #1 is language which defines the terms "artist" and "a person engaged in an art-related business," and which provides that preference will be given to a person in purchasing a unit in Renaissance Lofts Condominium when said person is an artist and/or is engaged in an art-related business. Said language, or language that the City Solicitor determines in writing will have a comparable effect, will be made part of the by-laws of the condominium association for the Project. The Applicant shall place a provision within the Master Deed and in each first Unit Deed that said Unit is being conveyed subject to the terms and conditions contained within the Amended Special Permit issued by the Marlborough City Council as Order No. 05-100931B.

Deleted: Ownership by Artists. Attached hereto as Attachment #1 is language proposed by Applicant that defines the term "artist" and requires that the Trustees of the Renaissance Lofts Condominium Association be allowed to review and approve any proposed unit owner as an artist before allowing a transfer of unit ownership, if said transfer would otherwise cause artists to own less than 70% of the units in the condominium. Said language, or language that the City Solicitor determines in writing will have a comparable effect, will be made part of the by-laws of the condominium association for the Project. The Applicant shall place a provision within the Master Deed and in each first Unit Deed that said Unit is being conveyed subject to the terms and conditions contained within the Special Permit issued by the Marlborough City Council as Order Number _____

8) Certain Uses Prohibited. The condominium documents will provide that all artistic uses of the units will meet current building, health and safety codes, and condominium rules and regulations will allow unit owners to be fined for violations of any of these codes.

9) Units for Handicapped Owners. The Proposed Units shown on the plans filed with the City Council as Unit #26 and Unit # 27 will be marketed actively to artists with physical handicaps. In the event that a qualified handicapped buyer agrees to purchase either of the Units, Applicant will adapt the unit for use by the handicapped buyer in accordance with Universal Design criteria at no additional cost to said person.

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10) Parking. The plans currently on file with the Urban Affairs Committee show a total of 65 parking spaces. While the precise configuration of parking spaces can be changed through the Site Plan Approval Process, the plan as finally approved will have no less than 58 parking spaces available to the residents of the 29 condominium units.

11) Limitation on Retail Sales. No unit, except the gallery space units, will be used regularly to conduct retail sales.

12) Conversion of Gallery or Work Space to Living Space Prohibited. All areas shown on the plans on file with the Urban Affairs Committee as “workshop”, “assigned storage” and “gallery space” will remain as areas that cannot be used as residential living space, and cannot be converted to residential space without an amendment of this special permit. While the areas of the residential units shown on the plans on file with the Urban Affairs Committee can be changed, no two units as finally configured can be combined to form one larger unit without an amendment to this special permit. Gallery Unit may be divided into two Units, both to be used as commercial space. The gallery space may be divided into two units, to be used as commercial space.

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13) Rental of Units. No unit of the condominium will be rented through a lease with a term of greater than two years. All leases will require the prior approval of the Board of Trustees, or comparable governing entity, of the condominium association.

Deleted: Ownership by Artists.
Applicant shall, prior to the issuance of the final occupancy permit, verify through an affidavit to the City Planner that at least 21 units of the condominium have been transferred to artists or persons in art-related businesses as those terms are defined in the draft condominium provisions attached hereto as Att #1. Thereafter,

14) Fire Protection. Fire protection systems shall be acceptable in all respects to the City of Marlborough Fire Chief or his designee.

15) Signage. All signage at the subject location shall comply with the existing City of Marlborough sign ordinance, without variance.

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16) Exterior Lighting. Parking lot light fixtures shall not exceed 250 watts. Deflectors shall be utilized and configured to mitigate light from entering abutting properties.

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17) Snow Storage. Snow storage is to be provided on-site. The Applicant may elect to utilize off-site storage. Snowmelt is to be directed toward catch basins.

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18) Maintenance of Parking Areas. Parking areas will be swept and maintained as necessary.

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19) Parking Lot Enforcement. Pursuant to the provisions of General Laws Chapter 90 sec. 18, the Applicant shall submit a written request and grant of authority to the Marlborough Traffic Commission (hereinafter, “the Commission”) to promulgate legally enforceable rules and regulations for the control of on-site traffic and parking. Applicant shall be responsible for providing, installing and maintaining all signage or markings required by the Commission. Such signage or markings shall meet the regulations of the Marlborough Sign Ordinance.

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20) Water and Sewer Service. Water and sewer services provided to the Project shall be subject to the current citywide water and sewer charges subject to annual adjustment by the Commissioner of Public Works. Water and sewer connections shall be subject to a separate approval process and conditions.

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21) Compliance with Permit Conditions. The Project proposed 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 Site Plan Review, and in compliance with the conditions of the grant of the Special Permit.

22) Supplementary Inspectional Fees. The Applicant, at the time of application for a Building Permit shall pay the sum of \$2,500 to the City of Marlborough Inspectional Services Fund to offset the increase in costs associated with the Project construction, including but not limited to staff, materials, equipment and supplies, relative to the permitting, monitoring and inspection of the Project.

23) Recording. The Amended Special Permit shall be recorded at the Middlesex South Registry of Deeds in accordance with the provisions of MGL Chapter 40A sec. 11 prior to the issuance of any Occupancy Permit regarding the project. The Applicant shall be responsible for recording this Amended Special Permit, and shall present evidence to the City Solicitor's office regarding compliance.

24) Affordable Housing. Applicant shall pay to the Affordable Housing Trust, or to such other fund for the benefit of affordable housing as may be directed by the City Council, the sum of Fifteen Thousand (\$15,000) Dollars, of which Seven Thousand Five Hundred (\$7,500) Dollars shall be paid upon the sale of the 15th residential condominium unit, and Seven Thousand Five Hundred (\$7,500) Dollars shall be paid upon the sale of the 29th residential condominium unit.

Attachment #1
RENAISSANCE LOFTS CONDOMINIUM
BY-LAW PROVISION

PREFERENTIAL OWNERSHIP BY ARTISTS AND/OR TO PERSONS
ENGAGED IN AN ART-RELATED BUSINESS

Preference will be given to a person in purchasing a unit in Renaissance Lofts Condominium when said person is an artist and/or is engaged in an art-related business. For the purpose of this by-law provision, the term "artist" shall include choreographers, dancers, architects, landscape architects, urban designers and planners, interior designers, industrial designers, graphic designers, fashion designers, creative writers and literary translators, individual artists working in the film, radio, television, video, theater, conceptual performance, new genres, painting, print making, drawing, photography, sculpture, crafts, musical composers, musicians, mimes and playwrights; and the term "a person engaged in an art-related business" shall include a person engaged in a business related to any of the types of "artists" listed herein.

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Deleted: Preference will be given to purchase a unit in Renaissance Lofts Condominium when said person is an artist or is engaged in an art-related business. For the purpose of these by-laws, the term "artist" shall include choreographers, dancers, architects, landscape architects, urban designers and planners, interior designers, industrial designers, graphic designers, fashion designers, creative writers and literary translators, individual artists working in the film, radio, television, video, theater, conceptual performance, new

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Deleted: genres, painting, print making, drawing, photography, sculpture, crafts, musical composers, musicians, mimes and playwrights.

Deleted: PRE-APPROVAL REQUIRED FOR CONVEYANCE ¶

¶ No Unit Owner may convey title to his or her unit except to a person who is approved by the Trustees. The Unit Owner and/or potential buyer of the unit (hereinafter, the "Buyer") shall submit an application to the Trustees consisting of such documentation, including works by the Buyer, documentation of the Buyer's educational; and professional background, and evidence of the Buyer's participation in professional and other associations, as will demonstrate that the Buyer is an Artist. After consideration of the foregoing application, Trustees shall, in their sole discretion, either approve or deny the application. Upon approval by the Trustees, the Trustees shall give written authorization, in recordable form, for the transfer to the Buyer. No unit will be conveyed to a person unless either (a) said person is an artist or is engaged in an art-related business, or (b), following the purchase by the proposed purchaser, at least 70% of the units will be owned by persons who are artists or in an art-related business.

87

AMENDED SPECIAL PERMIT
FINDINGS OF FACT AND CONDITIONS

Procedural Findings

- 1) Fairbanks Development LLC, a Massachusetts limited liability company having its principal place of business at 8 College Ave., Arlington, MA, is hereinafter referred to as the Applicant.
- 2) The Applicant is the owner of certain parcels of real property located on Lincoln St. The parcels shown on the Marlborough Assessors Maps as Map 69 Parcels 106, 276, 88, 89, 90, 108 and 109.
- 3) The Applicant, on or about Dec. 19, 2005, was granted a Special Permit by the City Council of the City of Marlborough by Order No. 05-100931A. Said permit is recorded in the MSRD in Book 48275, Page 122 and in Book 1321, Page 85, Certificate #236988.
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- 5) Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing for the permit application and the City Clerk caused to be advertised said date in the MetroWest News and sent notice of said hearing to abutters entitled to notice under law.
- 6) The Marlborough City Council, pursuant to MGL Ch 40A, held a public hearing on Sept. 10, 2007 concerning the said application. The hearing was opened and closed at that meeting.
- 7) The amended procedural findings specified in sections 2, 3, 4, 5, 6 and 7 of this Amended Special Permit supplement those made in the original Special Permit; the procedural findings made in the original Special Permit are incorporated by reference herein. Finding of fact E) of this Amended Special Permit supplements finding of fact E) made in the original special permit; the findings of fact made in the original Special Permit are incorporated in full herein. The amended conditions specified in sections 7, 11, 12, 13 and 23 and Attachment #1 of this Amended Special Permit replace those of the original Special Permit; all other conditions of the original Special Permit survive its amendment herein.

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

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

88

B) The City Council finds that that the current use of the site for manufacturing purposes is a currently nonconforming use that was in effect at the time of the creation of the current zoning provisions regarding the site.

C) The City Council finds that the proposed use would be substantially different from the existing nonconforming use of the site.

D) The City Council finds that the proposed new use would not be substantially more detrimental to the neighborhood than the existing nonconforming use.

E) The City Council, pursuant to its authority under MGL C40A, GRANTS the Applicant an Amended Special Permit to alter the existing structures on the site, and to use them and the related parking areas as not more than twenty-nine (29) artist live/work spaces, with additional work and storage areas and a commercial gallery space as shown on said plans, SUBJECT TO THE FOLLOWING CONDITIONS:

1) Compliance With Building Regulations. Construction of all structures on the site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and Commonwealth of Massachusetts. The Project shall be constructed, maintained and operated according to the specifications, terms, and conditions of the Applicant's Special Permit Application and Site Plan prepared by Deborah Fairbanks dated Aug. 20, 2005 filed with the Special Permit Application, as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee. All other terms, conditions, requirements, approvals, drawings and renderings required hereunder are made a part of and incorporated herein as a condition of the issuance of this Special Permit.

2) Compliance With Site Plan Review. The issuance of the Special Permit is further subject to technical site plan review in accordance with the City of Marlborough ordinance prior to the issuance of the actual Building Permit. Any additional changes, alternations, modifications or amendments as required by Site Plan Review shall be further conditions attached to the Special Permit, and no Occupancy Permit shall be issued until all conditions are complied with by Applicant. Subsequent Site Plan Review shall be consistent with the Conditions of this Special Permit and Plans submitted, reviewed and approved by the City Council as the special permit granting authority. Any significant changes to the plans will require subsequent approval by the City Council.

3) Compliance With Noise Ordinance. The Applicant shall comply with all of the requirements of the Noise Ordinance of the City of Marlborough. The Police Department shall strictly enforce the regulations contained in the Noise Ordinance and promptly respond to complaints lodged by abutters.

4) Completion of Site Improvements Prior to Occupancy. Prior to the issuance of any Occupancy Permit for this Project, Applicant must complete all landscaping and planting installations together with all other site improvements, except that if the Project is

89

completed after October 1 of any year and before May 1 of the following year, all landscaping and planting installation will be completed by May 1 of said following year.

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

6) Incorporation of Plans and Drawings. All terms, conditions, requirements, approvals, plans, and drawings required hereunder are made a part of and incorporated herein as a condition to the issuance of this Special Permit.

7) Preferential Ownership by Artists. Attached hereto as Attachment #1 is language which defines the terms "artist" and "a person engaged in an art-related business," and which provides that preference will be given to a person in purchasing a unit in Renaissance Lofts Condominium when said person is an artist and/or is engaged in an art-related business. Said language, or language that the City Solicitor determines in writing will have a comparable effect, will be made part of the by-laws of the condominium association for the Project. The Applicant shall place a provision within the Master Deed and in each first Unit Deed that said Unit is being conveyed subject to the terms and conditions contained within the Amended Special Permit issued by the Marlborough City Council as Order No. 05-100931B.

8) Certain Uses Prohibited. The condominium documents will provide that all artistic uses of the units will meet current building, health and safety codes, and condominium rules and regulations will allow unit owners to be fined for violations of any of these codes.

9) Units for Handicapped Owners. The Proposed Units shown on the plans filed with the City Council as Unit #26 and Unit # 27 will be marketed actively to artists with physical handicaps. In the event that a qualified handicapped buyer agrees to purchase either of the Units, Applicant will adapt the unit for use by the handicapped buyer in accordance with Universal Design criteria at no additional cost to said person.

10) Parking. The plans currently on file with the Urban Affairs Committee show a total of 65 parking spaces. While the precise configuration of parking spaces can be changed through the Site Plan Approval Process, the plan as finally approved will have no less than 58 parking spaces available to the residents of the 29 condominium units.

11) Limitation on Retail Sales. No unit, except the gallery space units, will be used regularly to conduct retail sales.

12) Conversion of Gallery or Work Space to Living Space Prohibited. All areas shown on the plans on file with the Urban Affairs Committee as "workshop", "assigned storage" and "gallery space" will remain as areas that cannot be used as residential living space,

8/10

and cannot be converted to residential space without an amendment of this special permit. While the areas of the residential units shown on the plans on file with the Urban Affairs Committee can be changed, no two units as finally configured can be combined to form one larger unit without an amendment to this special permit. Gallery Unit may be divided into two Units, both to be used as commercial space. The gallery space may be divided into two units, to be used as commercial space.

13) Rental of Units. No unit of the condominium will be rented through a lease with a term of greater than two years. All leases will require the prior approval of the Board of Trustees, or comparable governing entity, of the condominium association.

14) Fire Protection. Fire protection systems shall be acceptable in all respects to the City of Marlborough Fire Chief or his designee.

15) Signage. All signage at the subject location shall comply with the existing City of Marlborough sign ordinance, without variance.

16) Exterior Lighting. Parking lot light fixtures shall not exceed 250 watts. Deflectors shall be utilized and configured to mitigate light from entering abutting properties.

17) Snow Storage. Snow storage is to be provided on-site. The Applicant may elect to utilize off-site storage. Snowmelt is to be directed toward catch basins.

18) Maintenance of Parking Areas. Parking areas will be swept and maintained as necessary.

19) Parking Lot Enforcement. Pursuant to the provisions of General Laws Chapter 90 sec. 18, the Applicant shall submit a written request and grant of authority to the Marlborough Traffic Commission (hereinafter, "the Commission") to promulgate legally enforceable rules and regulations for the control of on-site traffic and parking. Applicant shall be responsible for providing, installing and maintaining all signage or markings required by the Commission. Such signage or markings shall meet the regulations of the Marlborough Sign Ordinance.

20) Water and Sewer Service. Water and sewer services provided to the Project shall be subject to the current citywide water and sewer charges subject to annual adjustment by the Commissioner of Public Works. Water and sewer connections shall be subject to a separate approval process and conditions.

21) Compliance with Permit Conditions. The Project proposed 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 Site Plan Review, and in compliance with the conditions of the grant of the Special Permit.

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22) Supplementary Inspectional Fees. The Applicant, at the time of application for a Building Permit shall pay the sum of \$2,500 to the City of Marlborough Inspectional Services Fund to offset the increase in costs associated with the Project construction, including but not limited to staff, materials, equipment and supplies, relative to the permitting, monitoring and inspection of the Project.

23) Recording. The Amended Special Permit shall be recorded at the Middlesex South Registry of Deeds in accordance with the provisions of MGL Chapter 40A sec. 11 prior to the issuance of any Occupancy Permit regarding the project. The Applicant shall be responsible for recording this Amended Special Permit, and shall present evidence to the City Solicitor's office regarding compliance.

24) Affordable Housing. Applicant shall pay to the Affordable Housing Trust, or to such other fund for the benefit of affordable housing as may be directed by the City Council, the sum of Fifteen Thousand (\$15,000) Dollars, of which Seven Thousand Five Hundred (\$7,500) Dollars shall be paid upon the sale of the 15th residential condominium unit, and Seven Thousand Five Hundred (\$7,500) Dollars shall be paid upon the sale of the 29th residential condominium unit.

Attachment #1
RENAISSANCE LOFTS CONDOMINIUM
BY-LAW PROVISION

**PREFERENTIAL OWNERSHIP BY ARTISTS AND/OR TO PERSONS
ENGAGED IN AN ART-RELATED BUSINESS**

Preference will be given to a person in purchasing a unit in Renaissance Lofts Condominium when said person is an artist and/or is engaged in an art-related business. For the purpose of this by-law provision, the term "artist" shall include choreographers, dancers, architects, landscape architects, urban designers and planners, interior designers, industrial designers, graphic designers, fashion designers, creative writers and literary translators, individual artists working in the film, radio, television, video, theater, conceptual performance, new genres, painting, print making, drawing, photography, sculpture, crafts, musical composers, musicians, mimes and playwrights; and the term "a person engaged in an art-related business" shall include a person engaged in a business related to any of the types of "artists" listed herein.



CITY OF MARLBOROUGH
Office of the City Council
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610

September 20, 2007

Marlborough City Council
City Hall
Marlborough, MA

Dear Members of the City Council:

I enclose for the City Council's consideration a proposed amendment to the Zoning Ordinance of the City of Marlborough. The proposed amendment makes clear that all uses not noted in Section 200-17, entitled "Table of Uses," shall be deemed prohibited, with certain limited exceptions.

I urge you to review and approve the proposed amendment. Its passage will enhance the City's Zoning Ordinance.

Thank you for your attention to this matter.

Very truly yours,

Arthur Vigeant
President

Enclosure

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12

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 200, ARTICLE V, SECTION 200-16, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING THERETO, AS FOLLOWS:

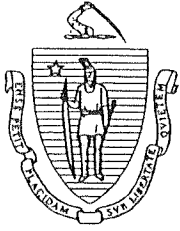
Section 200-16, entitled "Table of Uses, General," is hereby amended by adding at the end of said Section the following language:

- All uses not noted in Section 200-17, entitled "Table of Uses," shall be deemed prohibited, except where so to deem would interfere with or annul any other City of Marlborough ordinance, rule, regulation or permit.

ADOPTED
In City Council
Order No 07-
Adopted

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:



Commonwealth of Massachusetts

DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

Deval L. Patrick, Governor ♦ Timothy P. Murray, Lt. Governor ♦ Tina Brooks, Undersecretary

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RECEIVED
9/10/07

City Council
VR

Massachusetts Downtown Initiative Technical Assistance Site Visit Program Change

The Department's Massachusetts Downtown Initiative (MDI) offers a range of services and assistance to communities seeking help on how to revitalize their downtowns. The primary mission of the MDI is to make downtown revitalization an integral part of community development in cities and towns across the Commonwealth. MDI's guiding principle is that the most effective approach to downtown revitalization is a holistic one that addresses economic and community development needs, and provides a framework of interrelated activities that promote positive change in a downtown to keep it healthy and prosperous.

Through the Technical Assistance Site Visit Program, MDI provides consultant services to address a specific issue related to a community's downtown revitalization efforts.

Program Changes and Application Deadline

In the past interested communities were invited to submit an application for assistance after a site visit by MDI staff. In FY08 the competitive application process has a December 6, 2007 deadline.

Application Categories and Program Description

Applications will be accepted in the following categories:

- **Business Improvement Districts (BID):**
Requests for assistance may address any aspect of creating or maintaining a BID, including but not limited to: review of the proposed district, development of a local strategy for BID implementation, assistance with creating a BID Memorandum of Understanding, and creation of a petition.
- **Creative Economy:**
Requests for assistance may address any element in establishing and strengthening a downtown's or town center's use of the creative economy, including but not limited to: inventorying of creative economy partners, identifying an organizational model for these partners, activity identification for maximum economic impact, and analysis of sites for live/work space for artists.
- **Design:**
Requests for assistance may address any design issue related to downtown or town center revitalization, including but not limited to: preliminary design guidelines, sign and facade program design, and concepts for streetscape design.
- **Economics of Downtown:**
Requests for assistance may address any economic development issue related to downtown or town center revitalization, including but not limited to: a review of market areas for the downtown, feasibility studies, building reuse and business development.
- **Housing:**
Requests for assistance may address any aspect of determining how to increase the housing in the downtown or town center, including but not limited to: a housing plan, market analysis for suitable

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102
types of housing, zoning recommendations, parking regulations, and second story development assistance.

- **Parking:**

Requests for assistance may address any aspect of parking management, including, but not limited to: inventorying existing parking, analysis of existing and future parking needs, and a parking management plan.

- **Way finding/Branding (Streetscape Improvements):**

Requests for assistance may address any aspect of developing a public way finding system and the creation of a distinguishable image or logo that carries through the various streetscape elements, including but not limited to: creation of public design elements that will be used throughout the downtown, way finding plan, cost analysis for implementation, and branding of a downtown through historic elements.

Requests for assistance outside of the aforementioned categories will be considered based on the availability of funds. In the event that all funds are not expended, applications may continue to be accepted.

Eligibility

All *non-entitlement* Community Development Block Grant (CDBG) communities are eligible to apply. Note that Exhibit 1 is the list of **entitlement** communities.

Application Criteria

The following criteria will be used in the review of applications:

- Complete description of issue to be addressed;
- Evidence of strong public/private partnership;
- Positive outcomes as a result of assistance; and
- Demonstration of a community's ability to begin implementation of recommended action(s) within one to three months of completion of Technical Assistance Site Visit.

Award Amounts

The technical assistance provided is limited. Consultant services up to \$7,000 per award will be provided. This assistance is generally able to address one aspect of a larger issue. For example, a recent award to the Town of Lee examined the needed parking for development of a key building in the town center. The final report formulated several design scenarios for the parking lot to the rear of the building and incorporated parking needs for adjacent buildings. It also outlined the steps and funds needed to follow up on the recommendations. As a result of the assistance, the community has a potential tenant for the building and has identified state and private funding sources to bring the project to completion.

Application Submittal

Completed applications must be received no later than 5:00 pm on December 6, 2007.

Applications can be e-mailed to Elizabeth.Hahn@state.ma.us or mailed to:

Emmy Hahn, Coordinator
MA Downtown Initiative Program
MA Department of Housing & Community Development
100 Cambridge Street
Boston, MA 02114 (No faxes please)

Award Announcements

There will be an initial review of all the applications, and a limited number will be selected for a site visit, prior to making awards. Final awards for the assistance will be made on or before January 25, 2008.

The final product for each award will be used as a case study in a technical assistance workshop in the spring of 2008. The community must attend the workshop and answer questions relating to the project.

Contact

Please direct all questions to Emmy Hahn, MDI Coordinator, at e-mail Elizabeth.Hahn@state.ma.us or 617-573-1364.

EXHIBIT 1

**LIST OF ENTITLEMENT COMMUNITIES IN MASSACHUSETTS
as of Federal Fiscal Year 2007**

- | | |
|----------------|-----------------|
| 1. ARLINGTON | 19. MALDEN |
| 2. ATTLEBORO | 20. MEDFORD |
| 3. BARNSTABLE | 21. NEW BEDFORD |
| 4. BOSTON | 22. NEWTON |
| 5. BROCKTON | 23. NORTHAMPTON |
| 6. BROOKLINE | 24. PEABODY |
| 7. CAMBRIDGE | 25. PITTSFIELD |
| 8. CHICOPEE | 26. PLYMOUTH |
| 9. FALL RIVER | 27. QUINCY |
| 10. FITCHBURG | 28. SALEM |
| 11. FRAMINGHAM | 29. SOMERVILLE |
| 12. GLOUCESTER | 30. SPRINGFIELD |
| 13. HAVERHILL | 31. TAUNTON |
| 14. HOLYOKE | 32. WALTHAM |
| 15. LAWRENCE | 33. WESTFIELD |
| 16. LEOMINSTER | 34. WEYMOUTH |
| 17. LOWELL | 35. WORCESTER |
| 18. LYNN | 36. YARMOUTH |



Downtown Technical Assistance Site Visit Application Form

Massachusetts Downtown Initiative

Community Name: Date of Application:

Principal Contact:

Name: _____ Address: _____

Title: _____

Phone/Fax _____

E-Mail _____

Chief Executive Officer or Chief Elected Official

Name & Title _____ (please print)

Signature _____ (required for submission)

Check the box for the type of assistance being requested:

- Business Improvement District
- Creative Economy
- Design
- Economics of Downtown
- Housing
- Parking
- Way finding/Branding (Streetscape Improvements)

See attached program description for more information relating to the designated topics.

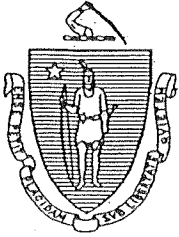
Please provide the following information in a narrative. The narrative should not exceed 3 pages.

- o Description of issue to be addressed.
- o Evidence of strong public/private partnership
- o Positive outcomes as a result of assistance
- o Demonstration of a community's ability to begin implementation of recommended action(s) within one to three months of completion of Technical Assistance Site Visit Program

Please include the following information with your application:

- Downtown/town center target area map.
- List of individuals comprising a downtown organization or committee.

Application Deadline: December 6, 2007



COMMONWEALTH OF MASSACHUSETTS
 EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Central Regional Office, 627 Main Street, Worcester, MA 01608

DEVAL L. PATRICK
 Governor

TIMOTHY P. MURRAY
 Lieutenant Governor

IAN A. BOWLES
 Secretary

LAURIE BURT
 Commissioner

Date: September 7, 2007

Marlborough Department of Public Works
 Attn: Doran Crouse
 135 Neil Street
 Marlborough, MA 01752

City: Marlborough
 PWS Number: 2170000
 WMA Permit #: 9P-2-14-170.01
 Program: Water Management Act
 Action: 5-Year Review Order to Complete

Dear Mr. Crouse:

The Water Management Act (MGL 21G) requires that WMA permits be reviewed every five years. Regulations governing the 5-Year Review of the Water Management Program require all permit holders to apply for review of their permit (310 CMR 36.33(4)). MassDEP has conducted an initial compliance review of the permit issued to the Marlborough Department of Public Works. We have determined that additional information needs to be provided to evaluate compliance with the permit.

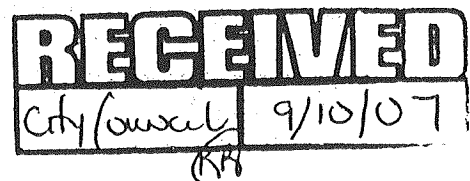
MassDEP requires you complete and return the enclosed 5-Year Review Request Form, together with a response to the attached Order to Complete, by **November 7, 2007**, to: MassDEP, 627 Main Street, Worcester, MA 01608 Attn: Marielle Stone.

If you have any questions concerning the permit review process, please contact Susan Connors of the Drinking Water Program at 508-767-2701 or myself at 508-767-2827. MassDEP looks forward to working with you as we begin to finalize the review of your Water Management permit.

Sincerely,

Marielle Stone
 Section Chief
 Drinking Water Program

Cc: list on back of page



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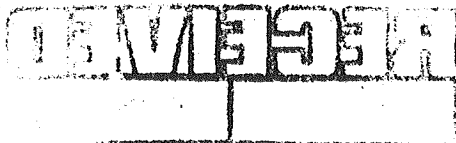
MARLBOROUGH – Marlborough Department of Public Works
WMA Permit 9P-2-14-170.01
Action: 5-Year Review Order to Complete

September 7, 2007
PWS ID 2170000
Cover Letter Page 2 of 2

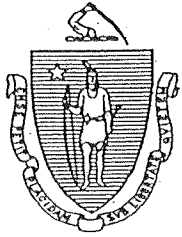
Cc: Marlborough Board of Selectmen,
Alison Field-Juma, OAR, 9 Damonmill Square, Suite 1E, Concord, MA 01742
MWWA, P.O. Box 1064, Acton, MA 01720
Lee Steppacher, Sudbury, Assabet, & Concord Wild and Scenic River, 15 State Street, Boston, MA 02109
Duane LeVangie, MassDEP-WMA-Boston
MassDEP-CERO-Water Management Act File Copy
MassDEP-CERO-Drinking Water Program Correspondence Copy

Enclosures: Order to Complete, 5-Year Review Request Form (Marlborough DPW only), and Water Conservation Plan for
Public Water Suppliers (Marlborough DPW only)

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113



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Central Regional Office, 627 Main Street, Worcester, MA 01608

DEVAL L. PATRICK
Governor

IAN A. BOWLES
Secretary

TIMOTHY P. MURRAY
Lieutenant Governor

LAURIE BURT
Commissioner

ORDER TO COMPLETE
THE 5-YEAR REVIEW FOR PERMITS IN THE CONCORD RIVER BASIN
MASSACHUSETTS WATER MANAGEMENT ACT
M.G.L. c 21G

MARLBOROUGH DEPARTMENT OF PUBLIC WORKS ("MARLBOROUGH")
PERMIT # 9P-2-14-170.01

MassDEP has begun the 5-Year Review of Marlborough's Water Management permit. This Order to Complete is a description of the additional information required to complete the 5-Year Review of your permit. MassDEP may, at its option, agree to a request for an extension of the time allowed to submit all or part of the additional information required, if the request is received in writing by **November 7, 2007**. Please note that failure to respond by the order deadline date could result in enforcement action by MassDEP.

MassDEP is conducting this 5-Year Review to assess the town's compliance with its existing permit conditions and to determine what modifications may be necessary based upon recent water use and recently implemented policy and standards. As part of this permit review and a review of Marlborough's Annual Statistical Reports, MassDEP has determined that Marlborough is not in compliance with its existing permit regarding Special Condition 1 Maximum Authorized Annual Average Withdrawal Volume. This non-compliance issue is described in more detail in the attached order.

Following the completion of the review of your response to this Order to Complete MassDEP will be preparing a draft of the modified permit issued to the City of Marlborough (as opposed to Marlborough DPW) for your review and comment. The new modified permit will be consistent with MassDEP's most recent policy, "Water Management Policy For Permit and Permit Amendment Applications and 5-Year Review", Policy #: BRP/DWM/DW/P04-1, Effective Date: April 2, 2004, and the recently issued guidance, "Guidance Document for Water Management Act Permitting Policy", Guidance # BRP/DWM/DW/G05-01, Effective Date: January 17, 2006. Both documents can be found on MassDEP's website at www.mass.gov/dep/water/laws/policies.htm#wmgt. These documents identify specific standards and conditions that are to be applied to new and existing Water Management permits. A description of these standards as they will apply to the modified permit is described in the following Order to Complete under "Modified Permit Conditions".

Please submit the following requested information and documentation as depicted in bold text.

1. Sign and return the enclosed "Water Management Act Permit 5-Year Review Request" form.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057.

<http://www.mass.gov/dep> • Phone (508) 792-7650 • Fax (508) 792-7621 • TDD # (508) 767-2788

114

EXISTING PERMIT CONDITIONS:

2. Special Condition 1, Maximum Authorized Annual Average Withdrawal Volume

Special Condition 1 specifies the total authorized withdrawal volume registered and permitted to Marlborough as 1.77 million gallons per day (MGD) or 646.05 million gallons per year (MGY). Marlborough's Annual Statistical Reports from 2002 through 2006 show an exceedance of the total authorized volume in 2003 and 2005, 681.488 and 834.110 million gallons, respectively. The exceedance in 2003 is less than the Water Management Act threshold of 0.1 MGD. **Please explain the reason for the 2005 exceedance. Include a description of how Marlborough decides on an annual basis how much water to purchase from MWRA and how much to withdraw from Millham Reservoir.**

3. Special Condition 2, Maximum Authorized Daily Withdrawal Volume

Special Condition 2 required that a new firm yield analysis be performed in order to accurately quantify the firm yield for Millham Reservoir. USGS determined the firm yield of Millham Reservoir in its reports, "Factors affecting Firm Yield and the Estimation of Firm Yield for Selected Streamflow-Dominated Drinking-Water-Supply Reservoirs in Massachusetts" (Firm Yield I) and "Ground-Water Contributions to Reservoir Storage and the Effect on Estimates of Firm Yield for Reservoirs in Massachusetts" (Firm Yield II).

Firm Yield I concluded that the firm yield value for Millham Reservoir was 1.39 MGD. The reservoir was reevaluated in Firm Yield II to include groundwater contribution to the reservoir and the firm yield value was determined to be 1.537 MGD. MassDEP is evaluating how to apply the value from Firm Yield II to Marlborough's WMA permit. **Please provide information on historical reservoir water levels as it relates to the elevation of the intake structure and the reservoir outlet. Specifically, has the water level ever been lower than the intake or the outlet, if so, when? How do the elevations of the intake and the outlet relate to one another (i.e. is the outlet lower than the intake)? Include a description of the outlet structure and how it is controlled and maintained. How was it decided in 2002 to greatly reduce the annual withdrawal from Millham Reservoir?**

Marlborough has the option to request that the firm yield be estimated using the 1980's drought instead of the 1960's drought which would likely result in a higher firm yield value. In order to utilize the higher firm yield value, Marlborough must submit a Drought Management Plan based on the 1992 publication, "Drought Management Planning" from the American Water Works Association along with additional water use data. **If Marlborough is interested in pursuing the 1980's drought option, please indicate so in your response to this Order to Complete.** MassDEP will provide guidance on the process. Please be advised that you would need to apply for a WMA permit amendment in order to utilize a higher firm yield value in the permit.

4. Special Condition 3, Water Conservation Requirements, includes several requirements for water conservation.

Please complete and return the enclosed Water Conservation Plan For Public Water Suppliers. An electronic copy of the plan is available at <http://www.mass.gov/dep/water/con-wrc.doc>. In addition to the questions on this survey, MassDEP also requires that you provide more detailed information on the following items related to water conservation:

115

Metering

According to the Water Conservation Plan completed by Marlborough in 2002, it is reported that 100% of your service accounts are metered, including all public buildings. However you report on the Annual Statistical Reports that 99% of the distribution system is metered. **Please list what service connections Marlborough has that are not metered, estimate their water usage, and report your schedule to meter the remaining unmetered service connections.**

Master meters are required to be calibrated annually. Marlborough reports calibration dates for on the Annual Statistical Reports (ASRs) for 2002 through 2006 as April 2001, February 2003, February 2004, and May 2005. The calibration date on your 2006 ASR is not clear and almost two years passed between calibration dates in 2001 and 2003. **Were meters calibrated in 2002? What was the date of calibration for 2006? Does Marlborough have a program to insure that master meters are calibrated every 12 months?**

Leak Detection

Specifies that a full leak detection survey is to be completed every two years when unaccounted for water (UAW) exceeds 10%. According to information reported on the Annual Statistical Reports, 90% of your system was surveyed in 2002. However, 50% was surveyed in 2004, 44% in 2005, and 11% in 2006. Therefore it took three years to complete a full survey and yet UAW has exceeded 10% every year since 2002. Marlborough's UAW in 2006 was 25%. **Submit a plan with a schedule for the institution of a program to survey the entire system for leaks every year that Marlborough's UAW exceeds 10% through the remainder of this permit period. The plan should identify who will be conducting the survey, the areas to be surveyed, and the timeframes for surveying each area of the system.**

Pricing, Plumbing, and Education

Questions regarding the pricing, plumbing and education requirements are included on the enclosed *Water Conservation Plan For Public Water Suppliers*.

Outdoor Water Use

Questions regarding outdoor water use restrictions are included on the enclosed *Water Conservation Plan For Public Water Suppliers*. **In addition, please provide information on the following:**

- a. A list of all municipal recreation fields that are irrigated and indicate whether they are serviced with private wells or as part of Marlborough's distribution system. Are fields connected directly to the system metered? Describe the operation of the irrigation system, including the size of the irrigated areas, the time of day and frequency of watering and whether the irrigation systems are operated automatically or manually and if they have moisture sensors.
- b. In Marlborough's 2002 Water Conservation Plan it is stated that Marlborough has an outside water use restriction bylaw. **Submit a copy of this bylaw.**

MODIFIED PERMIT CONDITIONS

MassDEP will be modifying the Marlborough's Water Management permit, subject to the recently issued policy, referenced above. The standards and conditions of the modified permit will be based upon the degree of stress that has been identified by the Water Resources Commission for the basin where Marlborough's sources are located. As identified in the December 13, 2001 report "Stressed Basins in Massachusetts" the Marlborough's sources are located in the portion of the Concord River Basin that is

identified as being under “medium stress” based upon the United States Geological Survey (USGS) gage on the Assabet River at Marlborough (Station #01097000) and the Concord River in Lowell (Station #01099500). Since the basin is under medium stress the modified permit will have conditions that will require the following, at a minimum:

- Residential water use no greater than 65 gallons per capita per day;
- Unaccounted for water no greater than 10%;
- Limits on non-essential outside water use; and
- Offset Feasibility Studies for permittees that exceed the baseline withdrawal volume (Baseline) established for each permittee.

Please submit the following requested information and documentation as depicted in bold text.

5. Residential Gallons per Capita Day (RGPCD) and Unaccounted for Water (UAW)
Marlborough’s total residential volume was not available for 2002 through 2005. Residential use for 2006 was 54 gallons per capita day.

Marlborough’s unaccounted for water has been high since 2002, most notably 25% in 2004 and 2006. Marlborough reported 454 million gallons of unaccounted for water in 2006. Reducing your UAW to 10% could amount to a water savings of approximately 279 million gallons (0.76 MGD). The reduction in Millham Reservoir’s firm yield value is only 0.233 MGD. Questions regarding Marlborough’s metering and leak detection programs were included previously in the water conservation section. Additionally, please give special consideration to the questions in Sections B, D and E on the enclosed 2000 Water Conservation Plan. These questions may help in determining where is your greatest loss of water. MassDEP offers an annual Water Conservation Grant Program that requires only a 25% match from the applicant. Projects eligible for funding include water audits, leak detection surveys, meter repair and calibration, etc.

6. Summer Limits on Withdrawals
In Marlborough’s 2002 Water Conservation Plan it is stated that Marlborough has an outside water use restriction bylaw. A copy of this bylaw was requested in item 3 above. Under the modified permit, Marlborough may be required to limit summer water withdrawals by either a calendar trigger (May 1 to September 30) or by a streamflow trigger related to the Assabet River at Marlborough USGS gage. MassDEP records show that the last time a restriction was implemented was 1999. **Has Marlborough placed restrictions on outdoor water use since 1999? If so, when and what kind of restrictions?**

7. Water Withdrawals that Exceed Baseline Withdrawal Volumes
Consistent with the new permitting policy, MassDEP has determined that to minimize the impacts of increasing withdrawal volumes in High and Medium stressed basins above what currently occurs, it will require that an offset feasibility study be performed and submitted to MassDEP for review and approval. This requirement is intended to minimize the impact of increased water withdrawals by requiring permit holders to use the most cost effective and locally appropriate method for “keeping water local.” MassDEP has determined there are a wide variety of activities that can return water to the basin or prevent water loss in the basin, such as reduced seasonal or non-essential outside water use, reduced infiltration and inflow, recharge of stormwater, and retrofit of existing development using low impact development principles.

Marlborough will need to prepare the offset feasibility study only if it requests an increase in water withdrawal volume above the amount it currently uses (1.77 MGD, based upon the combined registered and permitted volumes). Marlborough can avoid the requirement to prepare an offset

117

feasibility study by keeping its withdrawal amount at 1.77 MGD. Marlborough should discuss if it will choose to stay within the limit or if an increase above this amount will be requested and why an increase is needed. If the increase above the 1.77 MGD limit is justified, Marlborough should meet with MassDEP to discuss the details of the offset feasibility study.

Beginning with the second full calendar year after the modification of this permit, the town will need to perform an offset feasibility study if the combined volume for sources in the Concord River Basin exceeds the baseline withdrawal volume. There is no response necessary at this time for this permit condition.

8. Raw and Finished Water Withdrawal Volumes

Marlborough's modified permit will require annual reporting of raw and finished water volumes for the entire water system and raw water volumes for individual water withdrawal points. MassDEP uses raw water volume to assess compliance with authorized volumes. Currently, Marlborough reports finished water volume on its ASRs. **Does Marlborough have the ability to meter both raw and finished water volumes?**

12

ALDO A. CIPRIANO
ATTORNEY AND COUNSELLOR AT LAW

277 MAIN STREET
VICTORIA BUILDING
SECOND LEVEL • ATRIUM SUITE
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 485-7245
FAX (508) 485-2304

September 19, 2007

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

RE: Real Property transfer and exchange off of Bolton Street. Lakeview/Bolton St. Realty LLC. and the City of Marlborough

Dear Mr. President and Council Members:

Please note that I continue to represent Dr. Robert Rittenhouse and Gregory Mitrakas Sr. principals of Lakeview/Bolton Street Realty LLC.

As you may recall there is pending before your legislative assembly a petition for rezoning a portion of land owned by Lakeview so as to allow the subsequent application for a building permit. Since that petition for a zoning change was heard it has become clear that residents of Blaiswood Avenue were concerned about the proximity of the proposed medical office building to their neighborhood. After much additional discussion and meetings with city officials it is evident that a relocation of the project to the southerly side of the existing one story medical facility on Bolton Street is the best solution.

This would require the acquisition of a portion of land owned by the City of Marlborough behind the existing pump station, and, for permanent buffer purposes, the exchange and transfer of the Lakeview vacant parcel to the City behind Blaiswood Avenue.

A conceptual plan as to the proposed medical office building relocation is attached hereto.

Accordingly, on behalf of Lakeview/Bolton Street Realty LLC, we would petition and request the city council's consideration of a real property exchange and transfer of that parcel designated parcel B, shown on such plan and consisting of 3.13 acres, for Lakeview's parcel designated parcel A and consisting of 2.48 acres all of which is more particular displayed on the attached plan. We have also furnished a running description of both parcels A and B for subsequent conveyancing purposes.

122

It is the belief by both Dr. Rittenhouse and Mr. Mitrakas that this exchange will benefit the Blaiswood Avenue neighborhood, in preservation of open space, and the city of Marlborough in the construction of a new medical office building to better serve the residents of the City.

We thank you for your consideration and await the opportunity to discuss this matter in more detail at any assigned subsequent meeting of the City Council.

Respectfully submitted,



Aldo A. Cipriano, Esq.

AAC:is

CC: Dr. Robert Rittenhouse
Mr. Gregory Mitrakas Sr.

123

PARCEL A

Beginning at the southeasterly corner of the parcel at other land of Lakeview Realty Trust and the City of Marlborough,

thence running S60-54-37W 149.09 feet by the wall and land of City of Marlborough to a point,

thence running S59-08-02W 58.91 feet by the wall and land of City of Marlborough to a point,

thence running S61-17-54W 92.18 feet by the wall and land of City of Marlborough to a point,

thence running S57-52-11W 67.96 feet by the wall and land of City of Marlborough to a point,

thence running S60-09-20W 72.51 feet by the wall and land of City of Marlborough to a point,

thence running S62-49-04W 44.31 feet by the wall and land of City of Marlborough to a point,

thence running S58-34-33W 32.95 feet by the wall and land of City of Marlborough to a point to the center of a proposed street,

thence running N30-45-55W 90.42 feet to a point at land of the estate of Walter Morse,

thence running N59-14-05E 120.00 feet by land of Morse to a point in the center of a proposed street,

thence running N30-45-55W 50.00 feet by the center of a proposed street to a point,

124

thence running S59-14-05W 120.00 feet by land of Morse to a point in the center of a proposed street

thence running N30-45-55W 53.54 feet by the center of a proposed street to a point in the center of a proposed street,

thence running N08-11-38E 162.58 feet by the center of a proposed street to a point,

thence running S81-48-22E 10.00 by a proposed street to a point

thence running N59-14-05E 10.00 feet to the center of a proposed street

thence running S30-45-55E 150.35 feet by the center of a proposed street to a point,

thence running N59-14-05E 120.00 feet by a proposed street, and land of Gary & Heather Everett to a point in the center of a proposed street,

thence running N30-45-55W 100.00 feet by the center of a proposed street to a point,

thence running N59-14-05E 240.00 feet by a proposed street, land of Jair P.Pereira, a proposed street and land of Charles L. & Lynne D. Ripley to a point in the center of a proposed street,

thence running S30-45-55E 74.63 feet by the center of a proposed street to a point at other land of Lakeview/Bolton St.Realty,LLC,

thence running S36-49-49W 63.81 feet by other land of Lakeview/Bolton St.Realty, LLC to a point,

thence running S60-06-07E 200.07 feet by other land of Lakeview/Bolton St.Realty,LLC to the point and place of beginning.

Containing, according to said plan, 2.48 acres

125

PARCEL B

Beginning at the northeasterly corner of the property at other land of the City of Marlborough and the Lakeview/Bolton St.Realty,LLC,

thence running S32-37-49E 92.80 feet by other land of the City of Marlborough to a point,

thence running S16-05-34W 101.25 feet by other land of the City of Marlborough to a point,

thence running S57-05-06E 159.49 feet by other land of the City of Marlborough to a point,

thence running S23-01-04E 108.42 feet by other land of the City of Marlborough to a point,

thence running S46-15-16W 172.06 feet by other land of the City of Marlborough to a point,

thence running S80-33-52W 94.78 feet by other land of the City of Marlborough to a point,

thence running N57-05-06W 154.00 feet by other land of the City of Marlborough to a point,

thence running N11-02-45W 72.90 feet by other land of the City of Marlborough to a point,

thence running N57-05-06W 154.20 feet by other land of the City of Marlborough to a point,

thence running N08-33-22W 86.60 feet by other land of the City of Marlborough to a point at land of the Lakeview/Bolton St.Realty,LLC,

126

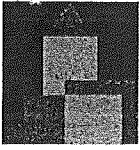
thence running N61-17-54E 59.77 feet by a wall and land of Lakeview/Bolton St.Realty,LLC to a point,

thence running N59-08-02E 58.91 feet by the wall and land of Lakeview/Bolton St.Realty,LLC to a point,

thence running N60-54-37E 164.34 feet by the wall and land of Lakeview/Bolton St.Realty,LLC to a point,

thence running N60-41-19E 67.14 feet by land of Lakeview/Bolton St.Realty,LLC to the point and place of beginning.

Containing, according to said plan, 3.13 acres



MASSDEVELOPMENT

13

160 Federal Street
Boston, Massachusetts

September 17, 2007

02110

Tel: 617-330-2000

800-445-8030

Fax: 617-330-2001

617-451-3429

Barbara Fenby
Planning Board Chair
City of Marlborough
140 Main Street
Marlborough, MA 01752

Dear Ms. Fenby:

www.massdevelopment.com

On September 11, 2007 the Massachusetts Development Finance Agency gave preliminary approval to issue a revenue bond on behalf of Hillside School, Inc. The proposed project would be located in Marlborough, Massachusetts at the address(es) listed on the attached summary included for your information. The bond would be issued pursuant to Chapter 23G and 40D of the General Laws.

The Agency's policy is to advise the appropriate local and regional planning agencies to ascertain the relationship of a proposed project to any existing state, local or regional comprehensive plan.

The purpose of this letter is to notify you of the project and to request that you advise in the event that the proposed project conflicts with an existing local or regional comprehensive plan. If you would like further information on the project, or if you would like the Agency to consider any comments you may have, please give me a call.

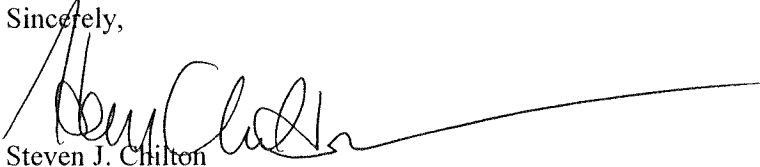
DEVAL PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RANCHO C. KIRBALL
Chairman

ROBERT L. CULVER
President/CEO

Sincerely,


Steven J. Chilton
Senior Vice President

Enclosure: Summary

cc: Davis, Malm & D'Agostine P.C.
One Boston Place
Boston, MA 02108
Attn: Ken Michiewicz, Esq.

SJC/kh

132

Meeting Date: 09/11/2007

HILLSIDE SCHOOL, INC.

REQUEST: To assist the applicant in financing a non-profit project, approval of the proposed project for a MassDevelopment 501(c)(3) Tax-Exempt issue is requested.

Borrower:
Hillside School, Inc.
404 Robin Hill Road
Marlborough, MA 01752

User(s):
Same.

PROJECT LOCATION: 404 Robin Hill Road
Marlborough, MA 01752

PROJECT: Proposed is expansion and renovation of the Hillside School Academic Center; renovations of dormitory buildings which include 60 beds; renovation of farm facilities; ground renovations; improvements to employee housing and expansion of the dining hall and kitchen, and deferred maintenance. The School also plans to refinance an outstanding MassDevelopment tax-exempt revenue bond issued in 2001 to finance the Academic Center and a Sovereign Bank term loan which financed various dormitory and related campus projects.

GUIDELINE ISSUES: None.

BOND AMOUNT: \$12,000,000

EMPLOYMENT: Existing Jobs: 60
New Jobs: 0

INSTITUTION: Originally established in 1901, the Hillside School is an independent boarding and day school for boys, attending grades 5-9. For over 100 years, Hillside has provided educational and residential services to boys who need to develop their academic and social skills while building self-confidence and maturity.

The 200-acre school is located in a rural section of Marlborough, MA and includes a working farm. The school is approximately 40 miles west of downtown Boston. Hillside accommodates both traditional learners who want a more personalized education, and those boys with learning differences and/or attention problems.

133

PUBLIC PURPOSE
BENEFIT:

This project will allow the Hillside School to better serve its student body in providing a quality education.

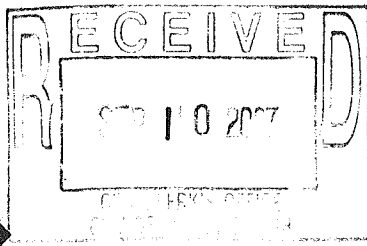
PRINCIPALS:

David Beecher

BOARD ACTION:

Make the statutory findings and approve the resolution Authorizing Official Action for a MassDevelopment 501(c)(3) Tax-Exempt Bond.

Massachusetts Electric
A National Grid Company



14

September 6, 2007

To the City Council
Marlborough, Massachusetts

Council Members:

Enclosed you will find a Petition for Pole Locations on Farm Road, Marlborough (Plan # 2007-112).

Description: Install new solely owned stub pole # 82-84 to support existing pole # 82.

If you have any questions regarding this petition please contact Linda Hagan our petition clerk @ 508-482-1024 or myself at the number provided below.

Respectfully yours,

A handwritten signature in black ink, appearing to read "B. Schuster".

Brian Schuster
Manager of Distribution Design
(508) 482-1251

BS/lh
Enclosures

245 South Main Street
Hopdale, MA 01747-1499
508-482-1000

PETITION FOR POLE LOCATIONS **CITY COPY**

142

Hopedale, MA 01747

September 6, 2007

To the City Council
of the City of Marlborough, Massachusetts

MASSACHUSETTS ELECTRIC COMPANY requests permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:-

Farm Road.... One (1) pole location

Install new solely owned stub pole # 82-84 to support existing pole # 82.


Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked:

MASSACHUSETTS ELECTRIC COMPANY

Plan No. **2007-112** Dated: **08/10/2007**

Your petitioner agrees to reserve space for one cross arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used exclusively for municipal purposes.

MASSACHUSETTS ELECTRIC COMPANY

By: 

Brian Schuster
Manager of Distribution Design



**CITY OF MARLBOROUGH
OFFICE OF TRAFFIC COMMISSION
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
Lisa M. Thomas
City Clerk**

Traffic Commission

The Regular Meeting of the Traffic Commission was held on Tuesday, July 24, 2007 at 10:05 a.m. in City Council Committee Room, City Hall. Members present: Chairman Police Chief Mark Leonard, Vice Chairman-DPW Commissioner Ronald LaFreniere, Fire Chief David Adams, City Planner Al Lima and City Clerk Lisa M. Thomas. Also present: City Engineer Thomas Cullen, Timothy Collins, Engineering Division.

1- Minutes

That the minutes of the Traffic Commission meeting of June 26, 2007.

A MOTION was made, seconded, duly VOTED:

To APPROVE .

2-New Business

2B. Communication from Patty Babcock re: signage request on Muir Way.

Patty Babcock, 38 Muir Way, spoke regarding her concerns of speeding on her street which is a cul-de-sac.

A MOTION was made, seconded, duly VOTED to refer to DPW for possible signage on Muir Way:

To APPROVE.

2A. Communication from Doreen Howes re: Parking issues on Huntington Ave; Rt. 20 traffic concerns:

Motion: was made, seconded, duly VOTED to move agenda item 3G-Communciation from Doreen Howes, re: signage at Prospect St @ Cashman St. and take up with item 2A. APPROVE.

A MOTION was made, seconded, and duly VOTED to refer both items to DPW for warrant analysis:

To APPROVE.

2C. Communication from Michael Beyranevand, re: request to install speed bumps on roadways within Williamsburg Height (behind Home Depot),
A MOTION was made, seconded, duly VOTED to refer to Site Plan Review:
To APPROVE.

2G. Communication from Mayor Stevens, re: Traffic signal at Pleasant St. fire station.
A MOTION was made, seconded, and duly VOTED to refer to DPW for warrant analysis and refer to Engineering for light design:
To APPROVE.

Motion was made, seconded, duly VOTED to move agenda item **3I**-Request from Mayor Stevens: Warrants for signalization on Rt. 20 @ Phelps St., and Farm Rd. @ Phelps St. A MOTION was made and duly VOTED:
To TABLE.

Motion was made, seconded, duly VOTED to move agenda **3E**-Parking issues on Washington St. near DEC.
MOTION was made and duly VOTED:
To TABLE.

2D. Communication from Jim Lozouski, re: Intersection of Algosi Rd. and Stevens St.
A MOTION was made, seconded, duly VOTED to refer to Police Department for Enforcement:
To APPROVE.

2E. Sight easement issue on Stevens St. @ Oakcrest Ave. (Tree planted within City's sight easement?)
A MOTION was made, seconded, duly VOTED to refer to Engineering:
To APPROVE.

2F. Communication from Peter Grahm, re: "Do Not Enter" sign on Walnut St. @ Rt. 20.
A MOTION was made, seconded, duly VOTED to request the City Engineer replace the current sign with "No Left Turn" sign:
To APPROVE

3-Old Business

3A. Donald Lynch Blvd. speed study.
MOTION was made and duly VOTED:
To TABLE.

3B. Long term oversized vehicle ordinance.
MOTION was made and duly VOTED:
To TABLE.

3C. Windsor St. municipal parking lot – parking limits.

A MOTION was made, seconded, and duly VOTED to:

- Designate the Windsor St. lot as a Municipal Parking Lot,
- Repeal old regulation of two-hour parking limit for Municipal Off-Street parking,
- Adopt new regulation and designate all Off-Street Municipal Parking lots as all-day, unless otherwise restricted,

To APPROVE and put in proper form.

3D. Communication from Councilor Schafer, re: Truck exclusion on Brigham St.

MOTION was made and duly VOTED:

To TABLE.

3F. Communication from councilor Clancy, re: Fowler St. traffic issue.

MOTION was made and duly VOTED:

To ACCEPT & FILE.

3H. Request from Councilor Towle on behalf of David Garvey, re: Stop sign request on Simpson Rd. @ Miles Standish.

MOTION was made, seconded, duly VOTED to request the DPW restripe rumble strip on Simpson Rd. @ Miles Standish and refer to Police Department for enforcement:

To APPROVE

3J. Request to restrict parking on D'Angelo Dr. and St. Martin Dr.

MOTION was made and duly VOTED:

To TABLE.

3K. Marlborough High School parking plan.

MOTION was made and duly VOTED:

To TABLE.

That there being no further business of the Traffic Commission held on this date adjourned at 12:15 p.m.

Respectfully submitted,
Lisa M. Thomas, City Clerk

THE NEWSLETTER OF THE BOSTON REGION METROPOLITAN PLANNING ORGANIZATION

**SOUTH WEYMOUTH
NAVAL AIR STATION
CERTIFICATE**

Page 2

**MPO OBLIGATED
PROJECTS LIST**

Page 3

MPO ACTIVITIES

Page 3S

MASSHIGHWAY HOTLINE

Page 4

MEETING CALENDAR

For the most recent information on the following public meetings and others that may have been scheduled after TRANSREPORT went to press, go to www.bostonmpo.org or call (617) 973-7119.

**AT THE STATE
TRANSPORTATION
BUILDING, 10 PARK
PLAZA, BOSTON**

September 18 (Tuesday)

MBTA Rider Oversight Committee.
Conference Rooms 1, 2, and 3.
5:00 PM

September 20 (Thursday)

Boston Region MPO Transportation
Planning and Programming
Committee. Conference Room 4.
10:00 AM

September 26 (Wednesday)

Access Advisory Committee to the
MBTA. Conference Rooms 2 and
3. 1:00 PM

October 4 (Thursday)

Boston Region MPO Transportation
Planning and Programming
Committee. Conference Room 4.
10:00 AM

October 10 (Wednesday)

Regional Transportation Advisory
Council Freight Committee.
Boston Region MPO Conference
Room, Suite 2150. 1:00 PM

Regional Transportation Advisory
Council. Conference Room 4.
3:00 PM

October 18 (Thursday)

Boston Region MPO Transportation
Planning and Programming

Calendar continued on p. 2

MPO Adopts Program of Transportation Projects

The Boston Region Metropolitan Planning Organization (MPO) approved the federal fiscal years (FFYs) 2008–2011 Transportation Improvement Program and Air Quality Conformity Determination (TIP) at their August 16 meeting. The TIP approval is a culmination of a nine-month process of gathering project information, evaluating projects, and

conducting extensive public outreach.

The new TIP document, which contains a compilation of state and federally funded highway projects and federally funded transit projects, lists over \$2.4 billion worth of projects for the Boston region in FFYs 2008 through 2011.

Approximately \$1.1 billion

The MPO is planning Walkable Community Workshops for September and October in Framingham, Hudson, Lexington, and Norwell. See page 2 for details.

will fund transit projects, \$561 million will fund road, highway, and bridge con-

• TIP Adoption *cont. on p. 3*

Transportation Finance in Massachusetts: An Unsustainable System

The second report from the Transportation Finance Commission will soon be released, detailing the painful steps necessary to fix our crumbling transportation infrastructure. The first report was sobering. It identified:

- An estimated shortfall of \$10.5 billion over the next 20 years for highways, bridges, and local roads
- A shortfall estimated to range from \$4.8 billion to \$9 billion over the same period for MBTA operations and capital expenditures
- The expectation that our revenues will decline from current levels, in dollars or real value or both

Trying to fix these gaps through current funding mechanisms isn't working. For example, the past three MBTA fare increases do not begin to close the gap in T funding, and the planned increases in tolls for the Metropolitan Highway System will not generate enough money to pay the debt service and also operate and maintain the critical roadways included in this system. Revenue shortfalls for transportation infrastructure exist across all modes and impact every community in the region.

The public can see high-profile examples of the maintenance crisis at the Long-fellow Bridge and Storrow

Drive and is already experiencing its impacts in the form of potholes and deteriorating pavement on local roads. In the meantime, other states have learned to their sorrow the cost of deferred maintenance.

The members of the MPO are painfully aware that adequate funding to maintain and operate our existing transportation system is an essential but missing component of the commonwealth's well-being. At the current rate of implementation, many projects currently in design may not be completed for 20 years or more.

These delays result in project costs' increasing through

• Financing Crisis *cont. on p. 4*

The members of the Boston Region MPO: Executive Office of Transportation, Cities of Boston, Newton, Salem, and Somerville, Federal Highway Administration, Federal Transit Administration, Massachusetts Bay Transportation Authority, Massachusetts Bay Transportation Authority Advisory Board, Massachusetts Highway Department, Massachusetts Port Authority, Massachusetts Turnpike Authority, Metropolitan Area Planning Council, Regional Transportation Advisory Council, Towns of Bedford, Framingham, and Hopkinton