

REGULAR MEETING  
OCTOBER 29, 2007

IN CITY COUNCIL  
ABSENT:

CONVENED:  
ADJOURNED:

1. Minutes, City Council Meeting, October 15, 2007.
2. Welcome ceremony for our Japanese students from our sister city of Akiruno Japan.
3. PUBLIC HEARING: On the petition of 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.
4. PUBLIC HEARING: On the communication from the Council President re: proposed amendment to Section 200-17 "Table of Uses" of the City's Zoning Ordinance.
5. Communication from the Mayor re: request for Executive Session.
6. Communication from the Mayor re: transfer request in the amount of \$1,400,000.00.
7. Communication from the Mayor re: City Auditor's reports relative to certification of free cash.
8. Application from NSTAR to relocate existing Vaults in Maple St. with state of the art equipment and to provide non interruptible access to Marlborough Fire Department's parking facility.
9. Application for Special Permit from Sprint Wireless Broadband Company LLC, to modify the existing wireless facility located at 75 Donald Lynch Blvd.
10. Communication from Marlborough Veterans Council re: coordinating this year's Veterans Day parade.
11. Communication from David B. Perini, Commissioner of the Executive Office for Administration and Finance, Division of Capital Asset Management, re: surplus state owned real property located in the City of Marlborough.
12. Comprehensive Wastewater Management Plan and Environmental Impact Report Phase IV re: Assabet River Consortium.
13. Minutes, Traffic Commission, September 25, 2007.
14. CLAIMS:
  - Norman Bennett, 84G Crystal Brook Way, vehicle damage
  - Mary Giorgi, 270 Mechanic St., property damage

#### REPORTS OF COMMITTEES:

15. ORDERED: That all orders before the City Council and its committees shall become null and void and have no effect at the end of the two-year legislative session; provided, however, that this rule shall not apply to any order pertaining to an application for a special permit or for an amendment to a special permit already issued, which order the City Council shall take final action upon at its earliest convenience after the start of the new two-year legislative session so as to comply with the statutory requirement that such action be taken within ninety days, as may from time to time be extended, after the date of the relevant public hearing.  
.....Submitted by Councilor Pope

#### UNFINISHED BUSINESS:

##### From Finance Committee

16. **Order No. 07-1001664** – “Transfer \$1,000,000 from the Health Care Trust Fund to the Stabilization Fund.” The FINCOM met to discuss the Mayor’s letter dated September 5, 2007 to approve the transfer of \$1,000,000 from the Health Care Trust Fund to the Stabilization. This is the second in a series of transfers to replenish the funds used to cover the health care fund deficit in December 2003. To date, two transfers totaling \$1,600,000 have been transferred (including this one). There is a balance of \$2.2 million remaining to be transferred. The balance is expected to be transferred by the end of 2008.  
**Recommendation of the Finance Committee is to approve 5-0.**

17. **Order No. 07-1001642A** – “Accept \$10,000 Gift from Mr. Valchius” - The FINCOM met to discuss the memo from Commissioner LaFreniere to the Mayor dated September 10, 2007 that addressed concerns raised by the FINCOM at the August 27, 2007 FINCOM meeting. **Recommendation of the Finance Committee is to approve 4-1 (Ferro opposed)** to accept the gift, thank Mr. Valchius for the generous donation, and allow the DPW Commissioner to approve the expenditure of these funds for tree replacement.

**From City Council**

18. **Order No. 07-1001647A** –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. **Tabled September 24, 2007.**  
**NOTE: 2/3 VOTE REQUIRED TO AUTHORIZE THE QUITCLAIM DEED.**
19. **Order No. 07-1001647-1A** That that the proposed permanent sewer easement regarding 107 Phelps St., be accepted to allow the city to maintain the relevant sewer truck line. **Tabled September 24, 2007.**  
**NOTE: A SIMPLE MAJORITY IS NEEDED TO ACCEPT THE PROPOSED PERMANENT SEWER EASEMENT.**



**CITY OF MARLBOROUGH**  
**OFFICE OF CITY CLERK**  
Lisa M. Thomas  
140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
(508)460-3775 FAX (508)624-6504  
OCTOBER 15, 2007

Regular meeting of the City Council held on Monday October 15, 2007 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Pope, Vigeant, Katz, Ferro, Juairé, Schafer, Webster, Clancy and Towle. Councilor Ossing was absent. Meeting adjourned at 9:55 p.m.

- ORDERED: Minutes, City Council meeting, September 24, 2007, **FILE**; adopted.
- ORDERED: That October is Breast Cancer Awareness Month whereby the City of Marlborough and the American Cancer Society are teaming up to join forces to fight cancer, **FILE**; adopted.
- ORDERED: That the presentation from representatives of Verizon and Comcast with update regarding local access television for Verizon Fios in the City of Marlborough – requested by President Vigeant, **TABLED** until the December 17, 2007 City Council Meeting; adopted.
- ORDERED: Now being the time set for the **PUBLIC HEARING** on the petition of 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., **TABLED** until the October 29, 2007 agenda; **IN PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: Now being the time set for the **PUBLIC HEARING** on the petition of Mass Electric to install stub pole #82-84 to support existing pole #82 on Farm Rd., all were heard who wish to be heard, hearing adjourned at 8:50 p.m.; **IN PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: Now being the time set for the **PUBLIC HEARING** on the communication from Attorney Arthur B. Bergeron, on behalf of 890 Post Rd., LLC, who owns the real property shown on Assessors Map 62 Parcels 1 and 24 requesting zone line changes, all were heard who wish to be heard, hearing adjourned at 8:55 p.m.; **IN URBAN AFFAIRS COMMITTEE**; adopted.
- ORDERED: Now being the time set for the **PUBLIC HEARING** on the communication from Attorney Arthur B. Bergeron, on behalf of 890 Post Rd., LLC, who 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, all were heard who wish to be heard, hearing adjourned at 9:25 p.m.; **IN URBAN AFFAIRS COMMITTEE**; adopted.

1-2

ORDERED: That the following budget transfer in the amount of \$115,000.00 for the Hemenway sidewalk project, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 83600-11515 \$115,000.00

Stabilization

TO:

Acct. # 19300006-58514 \$115,000.00

DPW Projects

ORDERED: That the following transfer of \$1230.00 to provide funding for overtime payroll relative to evening and weekend inspections of DPW roadway and parking lot construction work, **APPROVE** adopted..

FROM:

Acct. # 14001101-50710 \$1230.00

Jr. Civil Engineer

TO:

Acct. # 14001103-51310 \$1230.00

OT Regular

ORDERED: That the following transfer totaling \$15,200.00 from Reserve for Salaries to Clothing, and from Custodian to Overtime accounts, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11990006-58720 \$3,200.00

Reserve for Salaries

TO:

Acct. # 11920003-51940 \$3,200.00

Clothing

FROM:

Acct # 11920001-50560 \$12,000.00

Custodian

TO:

Acct # 11920001-51300 \$12,000.00

Overtime

ORDERED: That a revision to the Council on Aging's recently received formula grant amount of \$34,430 has been increased to \$35,523, due to a per elder allotment increase as an addendum, to Item #9 on the July 23, 2007 agenda, **APPROVE** funding the difference of \$1093 for the Council on Aging; adopted. **Councilor Levy abstained.**

ORDERED: That Tricia Richard of the Marlborough Fire Department receive the maximum salary step commensurate with her experience and overall length of service, refer to **FINANCE COMMITTEE**; adopted. **Councilor Juairé filed a letter of disclosure with the City Clerk office.**

ORDERED: That Officer Richard R. Gaudette and Officer Ronald J. Ney have been promoted to the position of Police Sergeant, **FILE**; adopted.

/ - 3

ORDERED: That the communication from the Mayor re: the Marlborough Community Development Authority, **FILE**; adopted.

ORDERED: That the communication from the City Solicitor re: confirmatory vote on fire station, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the following notification from the City Clerk re: 2007 Biennial Municipal Election Call, **FILE**; adopted. That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **BIENNIAL MUNICIPAL ELECTION** will be held in the polling locations as noted below on **NOVEMBER 6, 2007** as follows:

Mayor, four City Councilors-at-Large, Ward Councilors, three School Committee members and Assabet Valley Regional Vocational High School representative.

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

POLLING LOCATIONS ARE AS FOLLOWS:

WARD ONE: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd,
WARD TWO: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd,
WARD THREE: Prec. 1	Masonic Hall, 208 Main St (corner of Main/Newton Sts),
WARD THREE: Prec. 2	Raymond J. Richer School, 80 Foley Rd,
WARD FOUR: Prec. 1 and 2	Boys & Girls Club, 169 Pleasant St,
WARD FIVE: Prec. 1	Senior Center, 250 Main St,
WARD FIVE: Prec. 2	Masonic Hall, 208 Main St (corner of Main/Newton Sts),
WARD SIX: Prec. 1 and 2	Marlborough Middle (Intermediate) School, 25 Union St, Library
WARD SEVEN: Prec. 1 and 2	Hildreth School Gymnasium, 85 Sawin St

ORDERED: That the communication from the Massachusetts State Lottery Commission re: Keno license application for Marlborough Fish and Game Club, **FILE**; adopted.

ORDERED: That the minutes of the Traffic Commission meeting of August 28, 2007, **FILE**; adopted.

ORDERED; That the minutes of the Conservation Commission, April 6, May 4, May 18, June 1, June 15, July 6, July 20, 2006, & March 1, March 15, 2007, **FILE**, adopted.

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

#### **REPORTS OF COMMITTEES:**

Councilor Webster reported the following out of the Finance Committee:

**Order No. 07-1001664** – “Transfer \$1,000,000 from the Health Care Trust Fund to the Stabilization Fund.” The FINCOM met to discuss the Mayor’s letter dated September 5, 2007 to approve the transfer of \$1,000,000 from the Health Care Trust Fund to the Stabilization. This is the second in a series of transfers to replenish the funds used to cover the health care fund deficit in December 2003. To date, two transfers totaling \$1,600,000 have been transferred (including this one). There is a balance of \$2.2 million remaining to be transferred. The balance is expected to be transferred by the end of 2008.

**Recommendation of the Finance Committee is to approve 5-0.**

/ - 4

**Order No. 07-1001642A** – “Accept \$10,000 Gift from Mr. Valchius” - The FINCOM met to discuss the memo from Commissioner LaFreniere to the Mayor dated September 10, 2007 that addressed concerns raised by the FINCOM at the August 27, 2007 FINCOM meeting. **Recommendation of the Finance Committee is to approve 4-1 (Ferro opposed)** to accept the gift, thank Mr. Valchius for the generous donation, and allow the DPW Commissioner to approve the expenditure of these funds for tree replacement.

**Suspension of the Rules requested – granted; adopted.**

ORDERED: That the City Council **APPROVE** as recommended by the Finance Committee, the following transfer of \$84,157.17 from Fringes to various salary related accounts; adopted.

FROM:

Acct. # 11990006-51500 \$84,157.17

Fringes

TO:

Acct. # 12100001-50420 \$62,974.57

Police Officers

Acct. # 12100003-51226 \$1,242.36

First Respond

Acct. # 12100003-51430 \$2,109.24

Long

Acct. # 12100003-51440 \$8,164.71

Edu Inc

Acct. # 12100003-51450 \$1,827.42

Night Dif

Acct. # 12100003-51490 \$4,964.48

Holiday

Acct. # 12100003-51920 \$2,193.99

SLBB

Acct. # 12100003-50435 \$680.40

SLBB

**Suspension of the Rules requested – granted; adopted.**

ORDERED: That the City Council **APPROVE** as recommended by the Finance Committee, 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 to be shared equally by the City and the Marlborough 2010 Corporation; adopted.

ORDERED: DECISION ON A SPECIAL PERMIT FINDINGS OF FACT AND RULINGS CITY COUNCIL ORDER NO. 07-100931C

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.

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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 MSRDL 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:

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

B) The City Council finds that the 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.

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.



1-7

- 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, 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

1-8

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 15<sup>th</sup> residential condominium unit, and Seven Thousand Five Hundred (\$7,500) Dollars shall be paid upon the sale of the 29<sup>th</sup> 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.

Yea: 10 – Nay: 0 – Abstained: 0 – Absent: 1

Yea: Katz, Ferro, Schafer, Juair, Webster, Clancy, Towle, Pope, Vigeant, Levy

Absent: Ossing

**ORDERED:** That the WI-FI and its impact on the City's wireless communications; be and is herewith **APPROVE** with the following **MOTION: that the WI-FI network continue to move forward subject to the following:**

- 1) Request for Proposal be issued for the construction of a communications pole at the Westerly Wastewater Treatment Plant;
- 2) That notification be given to the ward 3 councilor prior to a WCF installation taking place in the Forest Street area;
- 3) That the City Council be updated regarding any antennae location that will require rent prior to entering into any rental agreement for such locations;
- 4) That the City Council be updated regarding possible alternatives to the current Fairmount Hill water tank site;

1-9

- 5) That the WI-FI Team update the City Council within the next sixty (60) days regarding the progress of the above items; adopted.

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

*Agenda Oct 29-**2-1***Thomas, Lisa**

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**From:** Halper, Diane  
**Sent:** Thursday, September 13, 2007 3:53 PM  
**To:** City Council  
**Cc:** Thomas, Lisa  
**Subject:** For Council President Vigeant

City Council President Vigeant;

The Japanese students from our sister city of Akiruno, Japan will be arriving on Monday, October 29, 2007. The City Council is having a meeting that evening. It is the only meeting you will be having during their visit.

I would like to request that the visitors be recognized and greeted by the Mayor and City Council, as in the past, at the beginning of the October 29<sup>th</sup> meeting.

Thank you for your consideration of this request.

*Thank you, Diane Halper*

*Welcome ceremony for our Japanese students from our sister city of Akiruno Japan.*

3-1



# IN CITY COUNCIL

Marlborough, Mass., OCTOBER 15, 2007

ORDERED:

Now being the time set for the PUBLIC HEARING on the petition of 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., be and is herewith **TABLED** until the October 29, 2007 agenda.

(PUBLIC SERVICES)

ADOPTED

ORDER NO.07-1001668*A*

4-1



# IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 24, 2007

ORDERED:

That there being no objection thereto set **MONDAY, OCTOBER 29, 2007** as date for a **PUBLIC HEARING** on the communication from the Council President re: proposed amendment to Section 200-17 "Table of Uses" of the City's Zoning Ordinance be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE.**

ADOPTED

ORDER NO. 07-1001677



5-1

*City of Marlborough*  
*Office of the Mayor*

RECEIVED  
OCT 25 2007  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

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

*Nancy E. Stevens*  
MAYOR

*Karen H. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

October 25, 2007

Arthur Vigeant, President  
Marlborough City Council  
City Hall

RE: Request for Executive Session

Dear President Vigeant and Members:

I hereby request the opportunity to meet with you in executive session during your scheduled Council meeting of October 29, 2007. I am requesting this meeting for the purpose of discussing strategy with respect to collective bargaining and/or litigation, as an open meeting may have a detrimental effect on the collective bargaining and/or litigating position of the City of Marlborough.

I have enclosed a proposed Council order reflecting this request, which is in conformance with the terms and conditions set forth in Mass. Gen. Laws c. 39, § 23B(3).

Thank you for your attention to this matter.

Sincerely,

Nancy E. Stevens  
Mayor

Enclosure

ORDERED:

It is moved, in conformance with the provisions of § 23B(3) of Chapter 39 of the General Laws of the Commonwealth, that the City Council conduct an executive session for the purpose of discussing strategy with respect to collective bargaining and/or litigation, as an open meeting may have a detrimental effect on the collective bargaining and/or litigating position of the City of Marlborough. It is further moved and stated that the City Council will re-convene in open session after the executive session.





EIVE  
OCT 25 2007  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*City of Marlborough*  
*Office of the Mayor*

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

6-1

*Nancy E. Stevens*  
MAYOR

*Karen H. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

October 24, 2007

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

Honorable President Vigeant and Councilors:

Attached herewith please find a transfer request in the amount of \$1,400,000 from Account No. 870-59610 (General Fund Health Insurance Trust) to Account No. 836000-11515 (Stabilization). This represents the third transfer and will result in a balance of \$800,000 remaining to complete the loan repayment in full. It is anticipated that this remaining balance will be repaid before the close of FY08.

As confirmed in the arbitrator's award handed down in August,, the City was within its rights to repay the loan made to the Healthcare Trust Fund, and I am please that, due to sound financial planning, the full \$3.8M repayment issue will be settled quickly.

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

Sincerely,

Nancy E. Stevens  
Mayor

# TRANSFER REQUEST

FROM ACCOUNT		TO ACCOUNT	
AVAILABLE BALANCE	AMOUNT	AMOUNT	ACCOUNT AMOUNT AVAIL
\$ 3,032,333.00	\$ 1,400,000.00	\$ 1,400,000.00	\$ 3,657,771.06
	870	836000	11515
	59610		Stabilization
	Trans to Gen Fund		
	Health Ins Trust		

Reason: See request from Mayor



*City of Marlborough*  
*Office of the Mayor*

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

7-1

*Nancy E. Stevens*  
MAYOR

*Karen A. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

October 24, 2007

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

Honorable President Vigeant and Councilors:

As noted in the attached memorandum from City Auditor, Diane Smith, the reports relative to certification of free cash were picked up by the DOR on October 22<sup>nd</sup>; it is anticipated that notice of approval should be received in 3-4 weeks.

In addition, the FY07 Schedule A is close to completion with submittal to the Commonwealth by October 31<sup>st</sup>.

The process this year has been without issue and has been completed in a most timely fashion. I would like to thank Ms. Smith and the entire finance team – the Collector, Assessor, Comptroller, Auditing staff – for their thorough preparation.

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

Sincerely,

Nancy E. Stevens  
Mayor



## 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: October 24, 2007  
RE: FY07 End of Year Close Timeline Update

---

Our representative at the Division of Local Services, Andrew Nelson, came in on Monday, October 22<sup>nd</sup> and picked up all reporting for the certification of free cash. Approval typically takes 3 – 4 weeks after submission.

The FY2007 Schedule A is 95% complete and will be submitted by the October 31<sup>st</sup> due date.

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

Cc: Thomas Abel, Comptroller/Treasurer

8-1



157 Cordaville Road  
Southborough, MA 01772

To: City Consul  
140 Main Street  
Marlboro, Ma 01752

NSTAR Gas planning to relocate existing Vaults in Maple Street with state of art equipment and also to provide non interruptible access to Marlboro Fire department parking facility.

Attached drawings will show the new location, we have applied to the Marlboro Engineering department for permit after three month review they requested we submit to the City consul for review. It is essential to install this gas Vaults this year to maintain reliable gas flow since the old vaults in bad shape and need replacement

Please review and approved

If you have any questions please contact me at 339-222-0968

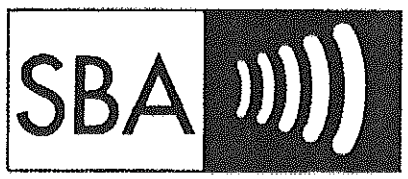
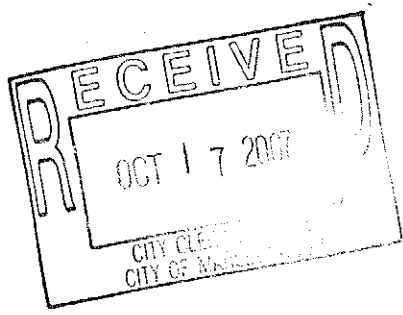
Sincerely,  
*Shoukry Ibrahim*  
Shoukry Ibrahim, P.E.  
Principal engineer  
NSTAR Gas

**Shoukry F. Ibrahim, P.E.**  
Principal Engineer  
157 Cordaville Road, Southborough, MA 01772



508-305-6956  
NSTAR Gas  
One NSTAR Way  
Westwood, MA 02090-9230  
Cell: 339-222-0968  
Email: shoukry.ibrahim@nstar.com

9-1



October 15, 2007

Lisa Thomas  
City of Marlborough  
140 Main St  
Marlborough, MA 01752

**RE: *Sprint Wireless Broadband Company LLC Special Permit application to modify the existing wireless facility located at 75 Donald Lynch Blvd, Marlborough, MA 01752 – (BS01YC415).***

Dear Ms. Thomas:

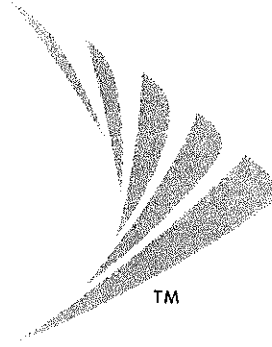
Thank you very much for your assistance regarding the matter referenced above. Enclosed for your review are (20) Special Permit application packages to modify the existing Sprint PCS wireless facility located at the address referenced above.

If you have any questions or concerns regarding this information, please do not hesitate to contact me anytime.

Best regards,

Margaret Smith  
Agent for Sprint-Nextel  
(518)893-6098 desk  
(518)588-9800 cell  
(518)691-8220 fax  
msmith@airosmithdevelopment.com

**Sprint**<sup>®</sup>



Together with Nextel

# **4G Mobile Broadband**

**Project Narrative  
for  
Special Permit Application**

**STATEMENT IN SUPPORT OF APPLICATION  
FOR  
PERSONAL WIRELESS SERVICE FACILITY  
CO-LOCATION**

**APPLICANT:** Sprint Wireless Broadband Company LLC, 9 Crosby Drive, Bedford, MA 01730

**SITE ADDRESS:** 75 Donald Lynch Blvd., Marlborough, MA 01752  
Middlesex County – Sprint Site (BS01YC414)

**PARCEL ID:** Map 13, Lot 2

**LANDOWNER:** Albert Bombard, 76 Donald Lynch Blvd., Marlborough, MA 01752

This statement is in support of Sprint Nextel’s application to for a special permit for a personal wireless service facility co-location.

**I. INTRODUCTION**

Sprint Nextel is one of the nation’s leading providers of communications services, with over 54 million customers. Sprint offers a variety of wireless services, including: telephone; internet and email access; text, photo, and video messaging; and music, video, and game downloads.

Sprint was founded in 1899 and began offering local telephone service in Kansas, and by the mid 1970’s, had established itself as the nation’s largest independent local telephone provider. In the 1980’s, Sprint entered the long distance market, offering the nation’s first digital fiber optic network known for its “pin drop” quality of service. In the 1990’s, Sprint expanded into the wireless arena and built the first nationwide wireless PCS network.

In 2005, Sprint merged with Nextel. Nextel was founded in 1987 and revolutionized the wireless industry with its innovative technology, which permitted cellular, paging, and two-way radio communications in one device. Nextel is best known for its “walkie talkie” wireless devices that operate on its enhanced SMR network.

In August of 2006, Sprint Nextel announced its plans to develop and deploy the first 4<sup>th</sup> generation (“4G”) nationwide broadband mobile network that will support advanced wireless broadband services for computing, portable multimedia, and other consumer electronic devices. Specifically, this network will provide consumers with high-speed internet access whether they go at a cost comparable to traditional wireline broadband providers.



## **II. PROJECT DESCRIPTION**

Sprint Nextel is currently expanding its growing broadband network into the City of Marlborough. This expansion will benefit residents, businesses, and visitors by expanding their access to wireless broadband services.

Sprint PCS currently has six (6) panel antennas mounted at 119' AGL on the existing monopole located at 75 Donald Lynch Blvd. Sprint PCS is seeking a Minor modification to a Special Permit from the City Council to modify the existing site to add: three (3) WiMAX antennas at the same elevation (one antenna per side), six (6) lines of coax cable that will be routed inside the monopole, one (1) GPS antenna on the existing ice bridge, and (2) cabinets in the existing fenced-in equipment compound.

Enclosed in this application package is a photo simulation of the proposed modification. As the pictures indicate, the proposed modification will have very little impact on the current conditions at the site.

## **III. COMPLIANCE WITH SPECIAL PERMIT STANDARDS**

Outlined below are the Special Permit requirements from the City of Marlboro Zoning bylaw and a description of how the proposed modification meets the specified requirements.

### **§ 200-20 Wireless Communications Facilities**

#### **E. DEVELOPMENT REQUIREMENTS.**

1. Any proposed Tower must be of the minimum height necessary to accommodate the use and in any event shall not be more than one hundred ninety (190') feet in height, notwithstanding any other provisions to the contrary of this Chapter.

The proposed modification includes adding (3) antennas at 119' AGL and (1) GPS antennas at on the existing ice bridge.

2. The applicant shall arrange to fly a balloon of at least three (3') feet in diameter at the maximum height of the proposed Tower at least once before the first public hearing. The date, time and location of the flight shall be advertised by the Applicant at least fourteen (14) days, but not more than twenty-one (21) days, before the flight in a newspaper of general circulation in the City.

This application is for a modification to an existing site. This section is not applicable.

3. Visual impacts of Towers and Communications Devices must be minimized by use of appropriate paint and/or screening.

The proposed antennas will be of similar size and appearance to the existing. The cabinets will be located behind the existing fence.

- 4. Applicants must, as part of its application for a Special Permit for a Tower, submit evidence from the Federal Aviation Administration (FAA) demonstrating that said FAA has studied and approved the proposed Tower and its location. If lighting is required by the FAA, the provisions of subsection E.12 of this Section shall prevail.

This application is for a modification to an existing site. This section is not applicable.

- 5. The siting of Towers shall be such that the view of the Tower from other areas of the City shall be as minimal as possible and shall be screened from abutters and residential neighbors to the extent feasible.

This application is for a modification to an existing site. This section is not applicable.

- 6. Shared use of Towers by commercial telecommunications carriers is required unless such shared use is shown by substantial evidence to be not feasible.

This application is for a modification to an existing site. This section is not applicable.

- 7. All Towers shall be designed to accommodate the maximum number of presently interested users which is technologically practical. If the number of interested users is less than five, the Applicant shall submit substantial evidence to support such an assertion. All Towers shall be designed so that, if additional users require said location, the existing tower can be expanded or replaced with the minimum of technical difficulty and disturbance to neighbors, and shall be subject to the obligation of the Applicant to cause or allow such expansion or replacement on terms that are commercially reasonable to the additional users at any time following the granting of the initial Special Permit.

This application is for a modification to an existing site. This section is not applicable.

- 8. Every Tower must be set back from the property line of the lot on which it is located, or from a point beyond said lot line but extending only over land for which written permission has been received, for a distance at least equal to the height of the Tower. For any land held by any person or entity other than the United States, the Commonwealth of Massachusetts, or an agency or political subdivision thereof, said written permission shall be evidenced by an easement covering the area in question and recorded in the South Middlesex Registry of Deeds or South Middlesex Land Registration Office.

The existing and proposed equipment meet setback.

- 9. No portion of Communications Devices located on a building shall exceed fifteen (15') in height above the roof line of the building.

This application is for a modification to an existing site located on a monopole. This section is not applicable.

- 10. Communications Devices shall be situated on or attached to a building or structure in such a manner that they are screened whenever possible, shall be painted or otherwise colored to minimize their visibility, and shall be integrated into such structures or buildings in a manner that blends with the structure or building. Free standing antennas or dishes shall be landscaped, screened and painted in a manner so as to minimize visibility from abutting streets and residents.

The existing and proposed antennas are of similar size and appearance. The proposed modification will have little to no visual impact on the existing conditions on site. See attached photo simulation.

- 11. Fencing shall be provided to control access to all WCF which include Towers.

The existing equipment compound is fenced in. The proposed (2) cabinets will be located within the fenced area.

- 12. All Towers must comply with all Federal Aviation Administration Rules and Regulations. Notwithstanding the requirement to comply with Rules and Regulations, any Tower that would be required to install flashing lights or strobe lighting shall not be permitted.

No lighting is existing or proposed.

- 13. All Towers shall be at least one hundred fifty (150') feet from existing residential buildings.

This application is for a modification to an existing site.

- 14. Accessory buildings and or storage sheds shall not exceed two (2) stories in height; no more than three hundred (300) square feet in floor area shall be available for each user; any buildings or storage sheds added to a site must be attached to and abut the original building or storage shed and must be compatible in appearance.

The existing and proposed ground equipment is outside cabinets mounted on a steel frame. The proposed cabinets do not exceed 70" in height.

- 15. The maximum amount of vegetation shall be preserved.

The proposed modification will not impact existing vegetation.

9-9

**RF ENGINEERING AFFIDAVIT**

License Agreement ("Agreement") dated October 2, 2007

Licensee: Sprint Wireless Broadband Company LLC.

Sprint Site ID: BS01YC414-A

Site Address (System): 75 Donald Lynch Blvd, Marlborough, MA 01752

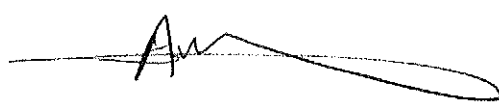
The undersigned hereby state the following in support of the application by Sprint Wireless Broadband Company LLC, hereafter referred to as Sprint WBC, to co-locate at approximately Hundred and Sixteen (116) feet above ground level (AGL) on an existing Monopole and construct a related equipment shelter at the property located at 75 Donald Lynch Blvd, Marlborough, MA 01752 (hereinafter the "Site").

1. I am a Radio Frequency Engineer employed by Sprint WBC, with an office located at 9 Crosby Drive, Bedford, MA.01730
2. My primary responsibilities include radio frequency design and planning in the State of Massachusetts, including such areas as the city of Franklin and surrounding communities.
3. I have thoroughly reviewed the radio frequency engineering studies, reports and computer models prepared by Sprint WBC with respect to the Site.
4. Sprint WBC is licensed by the Federal Communications Commission (hereinafter "FCC") to provide wireless broadband communication services by building a network of communication sites using World Interoperability for Microwave Access (WiMAX) technology. This technology, also referred to as IEEE 802.16, utilizes digital transmission to improve the quality and number of available services including, without limitation, Voice and Data Services such as Internet and email access, voice over IP and other data applications.
5. In order to build out its network and meet customer demand for Wireless Broadband Services, Sprint WBC must have in place a system of 'cell sites' to serve portable wireless communication handsets and mobile telephones. A typical cell site, such as the one proposed, consists of three panel antennas mounted to a building, tower, church or other structure. The antennas are connected to radio operating equipment housed at or near the structure.
6. To maintain effective, reliable and uninterrupted service, there must be a continuous series of cell sites located within close proximity to each other so as to overlap in a system comparable to a honeycomb pattern. If there is no cell site available to accept/receive the signal, network service to the mobile telephone/data service will terminate involuntarily. Accordingly, the overlap of coverage is necessary for the signal to transfer from one cell site to another cell site seamlessly and without involuntary termination.
7. A number of factors determine the distance between cell sites, including, but not limited to, topography, physical obstructions, foliage, antenna height and line-of-sight.

9-8

8. Based on the radio frequency studies, reports and computer models prepared in connection with this project, it is my professional assertion that there is inadequate network service available to Sprint WBC's customers due to a coverage gap within the city of Marlborough, surrounding area and coverage on interstate Highway 495 as well as Highway 290.
  
9. There are currently 4 Sprint WBC proposed sites in Marlborough and around this city. They are, BS01YC827 (1 Mildred Circle, Hudson), BS01YC752 (Ash Street, Marlborough), BS01YC412 (2 Mount Royal Ave, Marlborough) and BS01YC331 (119 Colburn Street, Northborough), do not provide adequate coverage in this important area.
  
10. Based on the radio frequency studies, reports and computer models prepared in connection with this project, it is my further professional opinion that Sprint WBC would be able to alleviate this significant gap in coverage by locating Sprint WBC antennas at an approximate height of Hundred and Sixteen (116) feet AGL on the above referenced property as proposed.
  
11. Without a wireless transmission facility located at or near the Site, the substantial gap in coverage will continue to adversely impact the service that Sprint WBC is able to provide to the residents and business of Marlborough and around the city, and also to individuals traveling through interstate highway 495 and highway 290.
  
12. The proposed wireless broadband communications equipment shall be in compliance with the FCC Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation. It is the responsibility of Sprint to make RF field measurements once this site will be in service in compliance with FCC guidelines.
  
13. The proposed wireless broadband communications equipment will be installed, erected, maintained and used in compliance with all applicable Federal, State and local regulations, including, but not limited to: the radio frequency emissions regulations set forth in the 1996 Federal Communications Act, applicable regulations administered by the Federal Aviation Administration (FAA), and Federal Communications Commission (FCC).
  
14. Based upon the best radio frequency technology available at this time, it is my professional opinion that the proposed Site is at the minimum height that is needed to ensure adequate service to area residents and businesses within the geographic area described above.


Executed this 2nd day of October 2007.



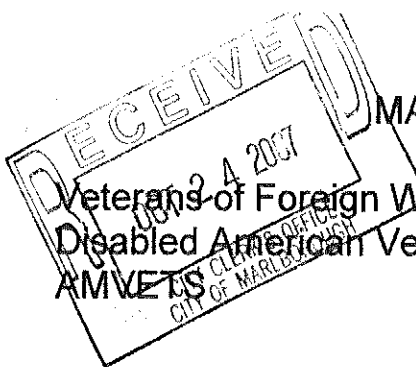
Amr Kharaba

RF ENGINEER, Sprint Wireless Broadband Company LLC.

ROSSELLA S. MERCURI  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
July 30, 2010



10-1



MARLBORO VETERANS COUNCIL

Veterans of Foreign Wars  
Disabled American Veterans  
AMVETS

American Legion  
Italian American Veterans  
World War I

22 October 2007  
Marlboro City Council  
140 Main Street  
Marlboro, MA 01752

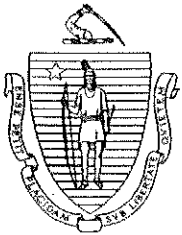
Dear Councilors,

Once again the Marlboro Veterans Council is coordinating this years Veterans Day Parade. The parade will be on Sunday November 11, all participants will meet at John and Maple Street at 9:30 AM. The Parade will start at 10 AM with the usual stops on Main Street. This years guest speaker will be Ms. Barbara McGann, Marlboro Superintendent of Schools, retired Admiral, US Navy.

Sincerely Yours,

Robert Boulay  
Secretary, Marlboro Veterans Council

11-1



# The Commonwealth of Massachusetts

Executive Office for Administration and Finance

Division of Capital Asset Management

One Ashburton Place

Boston, Massachusetts 02108

Tel: (617) 727-4050

Fax: (617) 727-5363

DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

LESLIE KIRWAN  
SECRETARY, ADMINISTRATION  
& FINANCE

DAVID B. PERINI  
COMMISSIONER

October 19, 2007

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

Dear President Vigeant:

Pursuant to the provisions of the Massachusetts General Laws, Chapter 7, Section 40F1/2, the Division of Capital Asset Management and Maintenance (DCAM) hereby gives notice of surplus state owned real property located in the city of Marlborough. At your convenience, I ask that you review the property described on the enclosed pages.

If you believe the property may be suitable for a direct public use, please prepare a brief proposal which includes 1) a description of the proposed use; 2) the expected costs and benefits; and 3) the availability of capital and operating funds to implement said local public uses(s). Direct public uses of property would include, for example, a school, park, utilities, public access or fire station but would not include conveyance by the town, its redevelopment authority or a county of any interest in the property to another party.

In any event, please return Page 2 of this letter to Stephen Andrews, Deputy Director, no later than November 19, 2007. If you have not responded by then, we shall assume you have no interest in the property and shall proceed with the process. Thank you for your consideration of this matter.

Very truly yours,

David B. Perini  
Commissioner

Enc.

- cc: R. LaFreniere, DPW Comm.
- F. Vallarelli, MHD ROWB PMA
- C. Kemp, DCAM OGC DGC
- N. Tsaparlis, DCAM OREM RETM



**RESPONSE PAGE TO THE NOTICE OF SURPLUS STATE-OWNED  
REAL EASEMENT AREA LOCATED IN THE CITY OF MARLBOROUGH**

The following parcel of state-owned easement interests within state-owned land in the city of Marlborough has been determined to be surplus to the needs of the Commonwealth of Massachusetts pursuant to MGL Ch. 7, S. 40F½ and Ch. 81, S. 7E and any conveyance will be for fair market value as determined by an appraisal.

**CITY OF MARLBOROUGH:** One parcel of land, 1,147± linear feet in length, 30± feet in width, totaling 35,696± square feet (the "Easement Area"). The Easement Area is located between the westerly side of Pleasant Street and northerly off of Matheson Drive. Said Easement Area is located within the Remainder of "Parcel A", taken by a Taking Order dated February 17, 1971 for the Route 85 Connector/I-495 intersection in the City of Marlborough. An information page, locus and site maps are also included for reference purposes

\*\*\*\*\*

Please return this page **no later than November 19, 2007** to:

Stephen R. Andrews, Deputy Director  
Office of Real Estate Management  
Division of Capital Asset Management and Maintenance  
One Ashburton Place, Room 1505  
Boston, Massachusetts 02108

- ( ) This office has no direct public use for the Easement Area described on the attached pages.
- ( ) This office has identified a direct public use for said Easement Area. Attached is a proposal summarizing that use.
- ( ) This office recommends that DCAM consider disposition of the Easement Area for a particular use under the management of a local agency. A recommendation for that use is attached.
- ( ) This office requests that DCAM convene a public hearing to determine whether or not any other public agencies have a direct public use for the Easement Area.

AUTHORIZED SIGNATURE: \_\_\_\_\_

NAME (Please Print): \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

***If DCAM does not receive a reply by November 19, 2007, it shall be assumed that you have no interest in the subject real Easement Area and DCAM shall proceed with the disposition process.***



FACT SHEET

SURPLUS STATE-OWNED REAL EASEMENT AREA  
LOCATED IN THE CITY OF MARLBOROUGH

**LOCATION:** The Easement Area is located between the westerly side of Pleasant Street and northerly off of Matheson Drive in the city of Marlborough.

**SHAPE:** One parcel of land, 1,147± linear feet in length, 30± feet in width.

**AREA:** 35,696± square feet.

**FEATURES:** Relatively flat wooded wetlands.

**CURRENT USE:** Vacant highway land used for buffer and open space purposes that was never used for the new interchange with I-495.

**UTILITIES:** Public and private utilities are available on Pleasant Street.

**FRONTAGE:** Approximately 30± linear feet on Pleasant Street.

**ZONING:** Unknown.

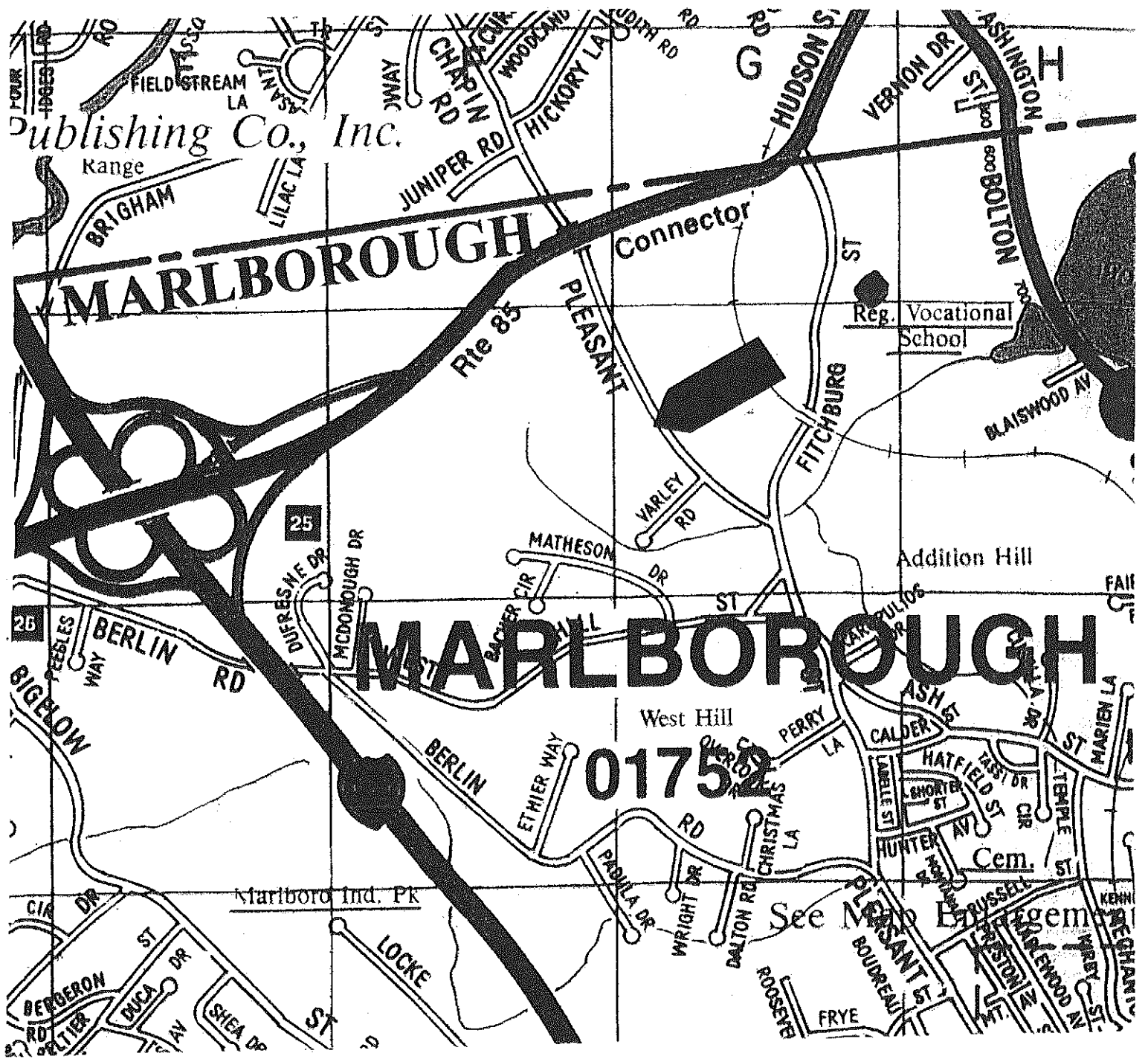
**TERM:** Grant of Easement Deed.

**PLAN:** Enclosed with package.

**LEGISLATION:** MGL Ch. 81, S. 7E.

DISPOSITION CONDITIONS RECOMMENDED BY  
THE EXECUTIVE OFFICE OF TRANSPORTATION

1. None.



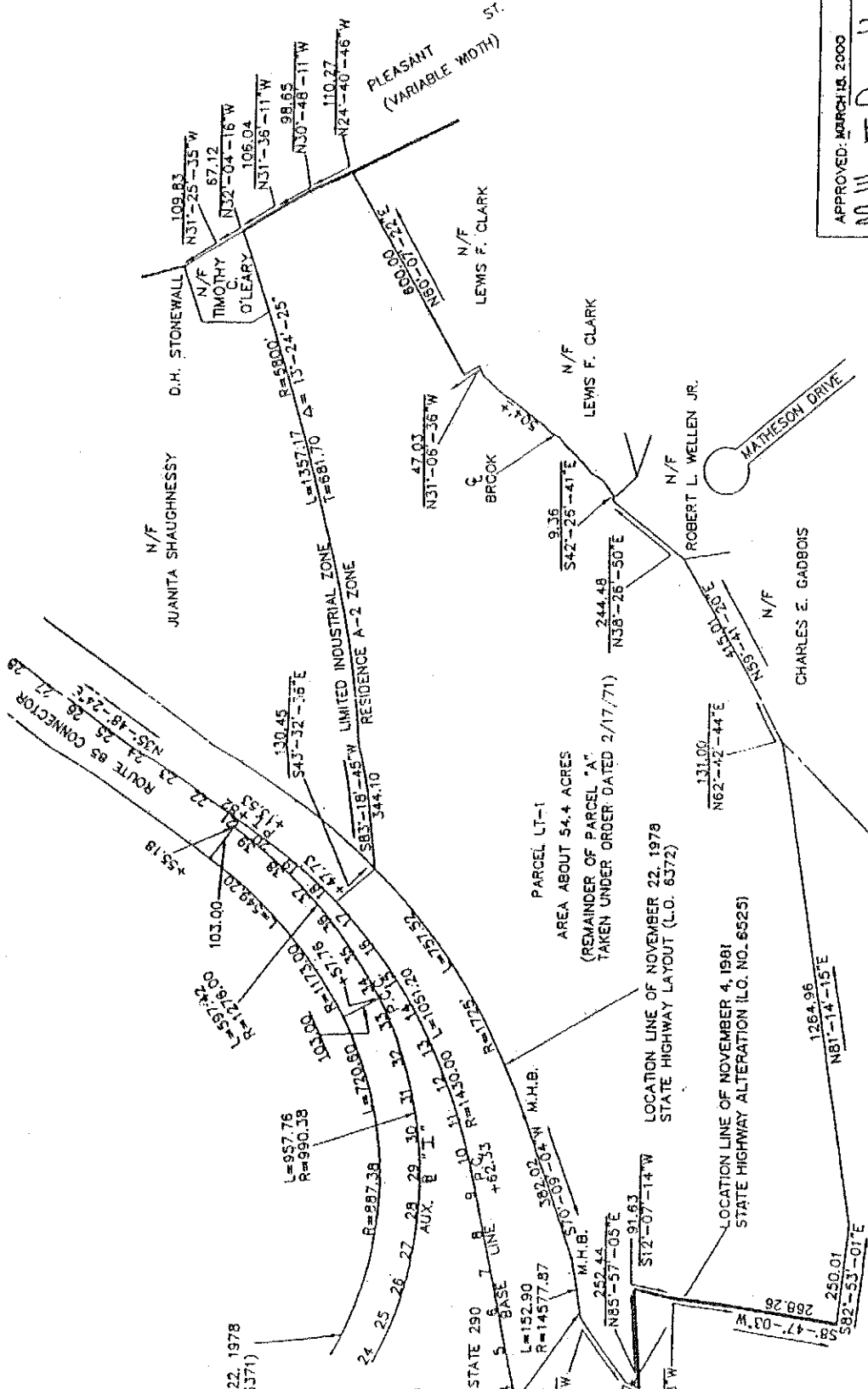
**CITY OF MARLBOROUGH :** One parcel of state highway land, subject to a proposed municipal sewer easement, located between Pleasant Street and Matheson Drive.

\*\*\*\*\*

DCAM

LOCUS PLAN

Division of Capital Asset Management and Maintenance  
 One Ashburton Place, 15<sup>th</sup> Floor  
 Boston, Massachusetts 02108



I CERTIFY THAT THIS PLAN  
 PREPARED IN CONFORMITY  
 RULES AND REGULATIONS  
 REGISTERS OF DEEDS OF  
 COMMONWEALTH OF MASS.  
 PAUL A. SHARON #24038  
 REGISTERED LAND SURVEYOR



APPROVED: MARCH 15, 2000  
 [Signature: Matthew J. Amorello]  
 [Signature: Robert L. Wellen Jr.]  
 MASSACHUSETTS DEPARTMENT  
 OF HIGHWAYS  
 CHIEF ENGINEER

THE COMMONWEALTH OF MASSACHUSETTS  
 PLAN OF LAND IN THE  
 MARLBOROUGH  
 MIDDLESEX COUNTY  
 SHOWING LAND TRANSFERRED  
 BY THE DEPARTMENT OF  
 HIGHWAYS  
 MARCH 15, 2000  
 SCALE: 1/200 FEET TO 1  
 [Signature: Carl E. Headburg]

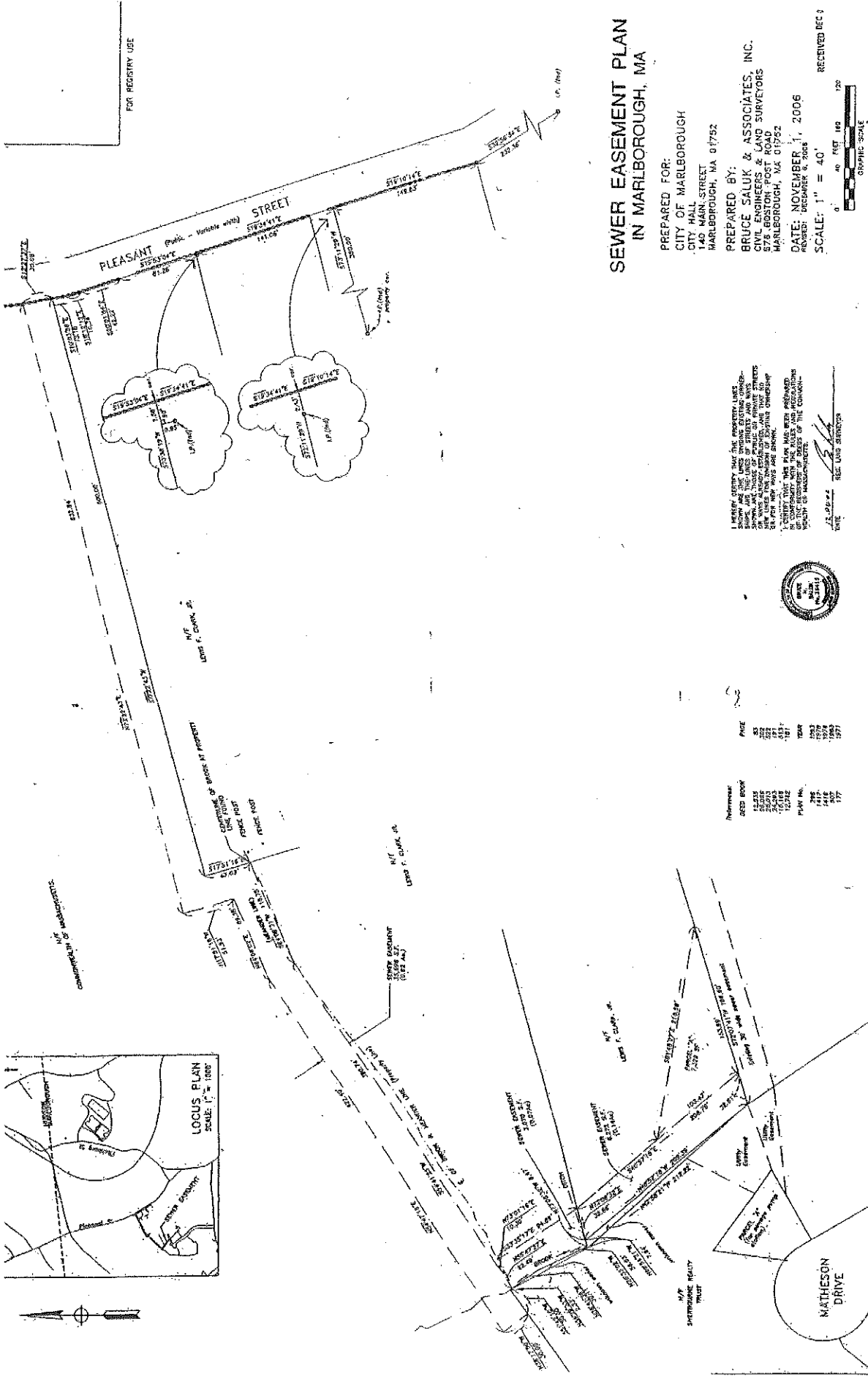
CITY OF MARLBOROUGH : One parcel of state highway land, subject to a proposed municipal sewer easement, located between Pleasant Street and Matheson Drive.

DCAM  
 Division of Capital Asset Management and Maintenance  
 One Ashburton Place, 15th Floor  
 Boston, Massachusetts 02108

SITE PLAN

11-5

11-6



**SEWER EASEMENT PLAN  
IN MARLBOROUGH, MA**

PREPARED FOR:  
CITY OF MARLBOROUGH  
CITY HALL  
140 MAIN STREET  
MARLBOROUGH, MA 01752

PREPARED BY:  
BRUCE SALUK & ASSOCIATES, INC.  
CIVIL ENGINEERS & LAND SURVEYORS  
578 BOSTON POST ROAD  
MARLBOROUGH, MA 01752

DATE: NOVEMBER 1, 2006  
REVISED: DECEMBER 8, 2006  
SCALE: 1" = 40'

RECEIVED DEC 8



FILE #10205.Dwg - Sewer\10205.dwg

I HEREBY CERTIFY THAT THE PROPERTY LINES, SETBACKS, AND THE LINES OF STREETS AND WAYS SHOWN ON THIS PLAN, INCLUDING THE LOCATION OF THE SEWER EASEMENT, ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT I AM A LICENSED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF MASSACHUSETTS.



Reference	GRID BOOK	PRICE
15235	15235	225
15236	15236	225
15237	15237	225
15238	15238	225
15239	15239	225
15240	15240	225
15241	15241	225
15242	15242	225
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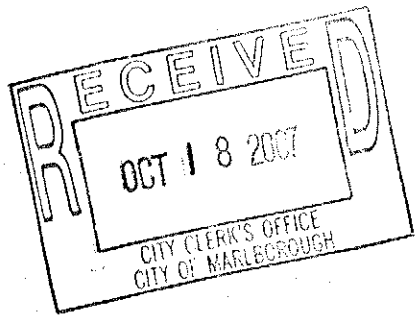
**CITY OF MARLBOROUGH** : One parcel of state highway land, subject to a proposed municipal sewer easement, located between Pleasant Street and Matheson Drive.

**SITE PLAN**

**DCAM**

Division of Capital Asset Management and Maintenance  
One Ashburton Place, 15th Floor  
Boston, Massachusetts 02108

12-1



Report

# Comprehensive Wastewater Management Plan and Environmental Impact Report Phase IV – Final Recommended Plan and Final Environmental Impact Report Program Manager’s Report

Prepared for:

**Assabet River Consortium**

- Hudson, Massachusetts
- Marlborough, Massachusetts
- Maynard, Massachusetts
- Northborough, Massachusetts
- Shrewsbury, Massachusetts
- Westborough, Massachusetts
- Westborough Treatment Plant Board

Prepared by:

Earth Tech, Inc.  
 300 Baker Avenue, Suite 290  
 Concord, Massachusetts 01742-2167

October 2007

42647

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Section 1

Section 2

Section 3



**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, September 25, 2007 at 10:10 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,

**1- Minutes**

That the minutes of the Traffic Commission meeting of August 28, 2007.

MOTION was made, seconded, duly VOTED:

To APPROVE.

**2-New Business**

**2C.** Communication from Councilor Schafer, re: request for warning signage on Liberty St. for school bus stop.

MOTION was made, seconded, duly VOTED to refer to DPW for installation of warning signage on Liberty St. for a school bus STOP and have DPW Commissioner look at the possibility of creating a gathering area for students who are waiting for the bus:

To APPROVE .

**2A.** Communication from Councilor Ferro, re: request for blind driveway sign at #10 Greenwood St. & speed limit signage on Edinboro St.

MOTION was made, seconded, duly VOTED to refer to DPW for blind driveway sign at #10 Greenwood St. and refer to Engineering for speed limit signage review on Edinboro St. and refer to Police Chief for enforcement on Edinboro St. via a speed board:

To APPROVE.

**2B.** Communication from Nelson Rivas, re: parking issue on Short St.

MOTION was made, seconded, duly VOTED:

To TABLE.

**2D.** Communication from Paul Brodeur, re: Traffic issues in Ward Park neighborhood.

MOTION was made, seconded, duly VOTED address each issue individually as follows:

1. Remove the restricted hour stipulation from the speed limit signs on Orchard St. so that the 20 mph rule remains in effect at all hours. This involves nothing more than removal of the additional wording since they are on separate signs below the speed limit, FILE:

To APPROVE.

2. Install an additional 20 mph speed Limit sign near the beginning of the park along Hayden St. This will ensure that those leaving the parking area are aware of the reduced speed requirement before rounding the somewhat dangerous blind curve, refer to DPW to make certain that warning signage is up on the curve:

To APPROVE.

3. Install a Stop sign on upper Water St. There is presently no sign and I personally was almost struck by a vehicle coming from upper Water when driving up Hayden St., refer to DPW to make certain a STOP sign is on upper Water St. as regulated:

To APPROVE.

**2E.** Request for crosswalk on Stevens St. @ Andrews Rd.

MOTION was made, seconded, duly VOTED:

To TABLE.

### 3-Old Business

**3A.** Donald Lynch Blvd. speed study.

MOTION was made, seconded, duly VOTED:

To TABLE.

**3B.** Long term oversized vehicle ordinance.

MOTION was made, seconded, duly VOTED:

To TABLE.

**3C.** Windsor St. municipal parking lot regulation.

MOTION was made, seconded, duly VOTED:

To TABLE.

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

MOTION was made, seconded, duly VOTED:

To TABLE.

**3E.** Parking issues on Washington St. near DEC.

MOTION was made, seconded, duly VOTED:

To TABLE.

**3F.** Stop sign regulation on Prospect St.

MOTION was made, seconded, duly VOTED:

To ADVERTISE – (Advertised in MetroWest, October 9, 2007)

13-3

*See following Legal Notice*

A regulation to amend the Rules and Regulations of the Traffic Commission of the City of Marlborough, as amended, thereof entitled VEHICLES AND TRAFFIC, Article VII, Section 50, Schedule VI: "Stop Intersections"

BE IT ENACTED BY THE TRAFFIC COMMISSION OF THE CITY OF MARLBOROUGH AS FOLLOWS:

s. 50 of the Rules and Regulations of the Traffic Commission is hereby amended by ADDING to said schedule the following:

<u>STOP SIGN ON</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF</u>
Prospect Street	Southbound	Cashman & Central Streets

**3G.** Regulation for parking restrictions on D'Angelo Dr. and St. Martin Dr. MOTION was made, seconded, duly VOTED:  
To ADVERTISE – (Advertised in MetroWest, October 9, 2007)

*See following 2 Legal Notices*

A regulation to amend the Rules and Regulations of the Traffic Commission of the City of Marlborough, as amended, thereof entitled VEHICLES AND TRAFFIC, Article VII, Section 53, Schedule IX: "No Stopping, Standing or Parking"

BE IT ENACTED BY THE TRAFFIC COMMISSION OF THE CITY OF MARLBOROUGH AS FOLLOWS:

s. 53 of the Rules and Regulations of the Traffic Commission is hereby amended by ADDING to said schedule the following:

<u>STREET</u>	<u>HOURS</u>	<u>SIDE</u>	<u>LIMITS</u>
D'Angelo Drive	All	Both	Entire Length

A regulation to amend the Rules and Regulations of the Traffic Commission of the City of Marlborough, as amended, thereof entitled VEHICLES AND TRAFFIC, Article VII, Section 53, Schedule IX: "No Stopping, Standing or Parking"

BE IT ENACTED BY THE TRAFFIC COMMISSION OF THE CITY OF MARLBOROUGH AS FOLLOWS:

s. 53 of the Rules and Regulations of the Traffic Commission is hereby amended by ADDING to said schedule the following:

<u>STREET</u>	<u>HOURS</u>	<u>SIDE</u>	<u>LIMITS</u>
St. Martin Drive	All	Both	Entire Length



13-4

**3H.** Marlborough High School Plan.

MOTION was made, seconded, duly VOTED:

To TABLE.

**3I.** Advance green arrow request on Rt. 20 @ Boundary St.

MOTION was made, seconded, duly VOTED:

To TABLE.

**3J.** Municipal off street parking regulation.

MOTION was made, seconded, duly VOTED:

To TABLE.

**3K.** Communication from Patty Babcock, re: signage request on Muir Way.

MOTION was made, seconded, duly VOTED:

To TABLE.

**3L.** Communication from Mayor Stevens, re: Traffic signal at Pleasant St. fire station.

MOTION was made, seconded, duly VOTED:

To TABLE.

**3M.** Stop sign regulation, State St. at Stevens St.

MOTION was made, seconded, duly VOTED:

To ADVERTISE – (Advertised in MetroWest, October 9, 2007)

*See following Legal Notice*

A regulation to amend the Rules and Regulations of the Traffic Commission of the City of Marlborough, as amended, thereof entitled VEHICLES AND TRAFFIC, Article VII, Section 50, Schedule VI: "Stop Intersections"

BE IT ENACTED BY THE TRAFFIC COMMISSION OF THE CITY OF MARLBOROUGH AS FOLLOWS:

s. 50 of the Rules and Regulations of the Traffic Commission is hereby amended by ADDING to said schedule the following:

<u>STOP SIGN ON</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF</u>
State Street	Eastbound	Stevens Street

That there being no further business of the Traffic Commission held on this date adjourned at 12:10 p.m.

Respectfully submitted,  
Lisa M. Thomas, City Clerk

15-1

**Thomas, Lisa**

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**From:** City Council

**Sent:** Thursday, October 25, 2007 4:53 PM

**To:** lthomas@marlborough-ma.gov

**Subject:** For Agenda - October 29, 2007 - Council Rule/end of legislative year v. 40A special permit process

***Ordered: All orders before the City Council and its committees shall become null and void and have no effect at the end of the two-year legislative session; provided, however, that this rule shall not apply to any order pertaining to an application for a special permit or for an amendment to a special permit already issued, which order the City Council shall take final action upon at its earliest convenience after the start of the new two-year legislative session so as to comply with the statutory requirement that such action be taken within ninety days, as may from time to time be extended, after the date of the relevant public hearing.***

***Submitted by Councilor Pope***

***For agenda: 10-29-07***