



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

**AUGUST 24, 2015**

Regular meeting of the City Council held on Monday, AUGUST 24, 2015 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish and Landers. Meeting adjourned at 9:09 PM.

**ORDERED:** That the Minutes of the City Council meeting JULY 27, 2015, **FILE**; adopted.  
**Councilor Oram abstained.**

**ORDERED:** That the **PUBLIC HEARING** On the Application for Sign Ordinance Permit from Alan Micale, Ayoub Engineering, Inc., on behalf of Nouria/Shell Station, 413 Lakeside Ave., Order No. 15-1006262, all were heard who wish to be heard, hearing recessed at 8:06 PM.

**Councilors Present: Clancy, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish & Landers.**

**ORDERED:** That the **PUBLIC HEARING** On the Application for Special Permit from Attorney Gadbois on behalf of Charter Foods North, LLC, to operate a Taco Bell restaurant with a drive-thru facility at 773 Boston Post Rd. East, Order No. 15-1006282A, all were heard who wish to be heard, hearing recessed at 8:31 PM.

**Councilors Present: Clancy, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, & Landers.**

**ORDERED:** That the Communication from the Mayor regarding submission of applications to the Massachusetts Permit Regulatory Office to designate several Marlborough properties as 43D Priority Development Sites to now include the following sites:

17 East Main Street

15 East Main Street

15 Sawin Street

Refer to **URBAN AFFAIRS COMMITTEE**; adopted.

**ORDERED:** Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Summer Youth Jobs Grant in the amount of \$1,350.00 from Attorney Healey's Summer Youth Jobs Program; adopted.

ORDERED: That the LFB's TIF, constructing a pharmaceutical upstream commercial clarification facility consisting of the following 3 documents, attached hereto, **APPROVED**; adopted.

1. City Council Resolution
2. The Economic Development Incentive Program (EDIP) Local Incentive Only Application
3. The TIF Agreement

ORDERED: That the Communication from Anthony Andronico, LSP re: Notice of Release Notification Form and Permanent Solution Statement for 1 D'Angelo Dr., refer to **CONSERVATION OFFICER**; adopted.

ORDERED: That the Communication from Brian Lawlor, PE on behalf of Atlantic-Marlborough Realty, LLC re: submission of plans for an open space trail system within the Marlborough Hills mixed-use development, refer to **OPEN SPACE COMMITTEE**; adopted.

ORDERED: That the Minutes, Conservation Commission, June 18, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, July 13, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Fort Meadow Commission, September 18, 2014 & May 21, 2015, **FILE**; adopted.

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

- a. Christine Coody, 195 East Main St., Apt 84, other property damage.
- b. Maureen King, 11 Ellis Ave., other property damage
- c. Mikeoll Echeverria, 26 Centre St., Roxbury, pothole or other road defect.
- d. Waseem Naqvi, 54 Butler Circle, residential mailbox claim 2(a)
- e. Paul Butcher, 143 Chestnut St., other property damage

#### Reports of Committees:

Councilor Landers reported the following out of the Public Services Committee:

Meeting Name: City Council Public Services Committee

Date: August 18, 2015

Time: 6:45 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 6:58 PM

Adjourned: 7:59 PM

Present: Chairman Landers; Public Services Committee Members Councilors Clancy and Irish; and Councilor Robey

Reports of Committees cont'd:

**Order No. 15-1006284: Application for Livery License, Jose Heredia, d/b/a Alex Transportation, 110 Boston Post Road East.** Police Chief Leonard approved the CORI report for Jose Heredia and had no objection to his application for a livery license. Jose Heredia required a livery license for a Business Certificate to operate as a livery driver. He owned a 2015 Toyota Highlander that will be garaged at 110 Boston Post Road East in Marlborough and planned to primarily transport passengers to and from Logan Airport. **Motion made by Councilor Clancy, seconded by Chair, to approve the livery license for Jose Heredia. The motion carried 3-0.**

**Order No. 15-1006264A: Petition of Eversource Energy to install 1200' of 6" IP plastic gas main as a system improvement on Ames Street from Nickerson Road running Northwesterly to Reilly Way.** JoAnne O'Leary, Community Relations Representative for Eversource Energy, explained the project's time frame would be approximately three weeks for Eversource or its contractors to tie into the eight-inch existing gas main on Glen Street. They plan utilization of police details with at least one open lane during construction. The staging area will be done through their contractor in accordance with standards issued by the City of Marlborough Department of Public Works.

Chairman Landers read through the List of Standard Petition Conditions:

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired before work commences-material and equipment is not to be parked/stockpiled within the city right of way.
3. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
4. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
5. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
6. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
7. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
8. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

In addition to the standard conditions, the following condition applies:

1. The plans that are provided for review appear to be approximately to scale, but do not show easements or other underground infrastructure. Any infrastructure to be located within the paved portion of the road is subject to final approval by DPW after being marked in the field.

Reports of Committees cont'd:

**Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the petition of Eversource Energy to install 1200' of 6" IP plastic gas main as a system improvement on Ames Street. The motion carried 3-0.**

**Motion made by Councilor Clancy, seconded by Councilor Irish, to request a suspension of the rules at the next regular City Council meeting for approval of the petition. The motion carried 3-0.**

**Order No. 15-1006237A: Petition of Eversource to install 160' of 2" IP plastic gas main as a system improvement to 7 Corey Road.** Chairman Landers confirmed with JoAnne O'Leary, Community Relations Representative for Eversource Energy, the resident at 7 Corey Road hoped to complete the work by winter. Ms. O'Leary stated the project is approximately 3-5 days in duration as the work along the road itself will be about 1.5 days and the remaining work is done off the roadway.

List of Standard Petition Conditions:

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired before work commences-material and equipment is not to be parked/stockpiled within the city right of way.
3. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
4. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
5. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
6. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
7. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
8. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

**Motion made by Councilor Clancy, seconded by Chair, to approve the petition of Eversource to install a gas main as a system improvement to 7 Corey Road. The motion carried 3-0.**

**Motion made by Councilor Irish, seconded by Councilor Clancy, to request a suspension of the rules at the next regular City Council meeting for approval of the petition. The motion carried 3-0.**

Reports of Committees cont'd:

**Order No. 15-1006263A: Petition of National Grid to install 3" conduit and install new #2 AL cable throughout Miles Standish residential development along the route of the existing cable due to numerous cable failures.** Jack Saraiva and Pat Scanlon appeared on behalf of National Grid and explained the project. Currently, the cable is sitting directly in soil and those conditions accelerate deterioration. By installing conduit along the sidewalks and running cable through the conduit they hope to alleviate the outages that plague the area. The project will take approximately three years for completion of the project in its stages.

Chairman Landers read through the List of Standard Petition Conditions:

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired before work commences-material and equipment is not to be parked/stockpiled within the city right of way.
3. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
4. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
5. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
6. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
7. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
8. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

In addition to the standard conditions, the following conditions apply:

1. After all utilities are marked in the field, minor modifications to this plan may be necessary. Any infrastructure to be located within the paved portion of the road, or where it conflicts with City infrastructure, is subject to final approval by DPW.
2. It is National Grid's responsibility to ensure that all necessary private easements are in place prior to construction and that all private property be repaired properly when construction is complete.
3. There are a number of ground mounted transformers proposed as part of this project. Most of these transformers are located at property lines in an effort to minimize aesthetic impacts to homes. Several transformers are proposed closer to homes or in front of homes. National Grid should provide an explanation of why these transformers are required to be located at these locations and provide visual screening as possible.

Reports of Committees cont'd:

**Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the petition of National Grid to install 3" conduit and install new #2 AL cable throughout Miles Standish residential development along the route of the existing cable. The motion carried 3-0.**

**Motion made by Councilor Clancy, seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 7:59 PM.**

Councilor Delano reported the following out of the Urban Affairs Committee:

Meeting Name: City Council Urban Affairs Committee

Date: August 18, 2015

Time: 5:00 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 5:00 PM

Adjourned: 5:54 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Clancy, Landers, and Tunnera; Councilors Elder and Robey

Absent: Councilor Page

Also Present: Sandra Austin, Attorney; Michael Coffman and Jonathan Coffman, Mammoth Development Company, LLC; Michael Malynowski, Allen & Major Associates, Inc.; and Priscilla Ryder, Conservation Officer, City of Marlborough

**Order No. 15-1006283: Application for Site Plan Permit from Attorney Gadbois on behalf of Mammoth Development Company, LLC, to purchase property at 70 Simarano Drive to construct and use the site as a day care center.** The Urban Affairs Committee met with Attorney Sandra Austin and representatives of Mammoth Development Company for a discussion of a proposed day care center at 70 Simarano Drive. The proponents provided an overview of the project and the site plan which showed the building and its location on the site, as well as parking and access to the site from Simarano Drive. The committee reviewed the Site Plan Approval Final Conditions with minor changes made for clarity. **Motion made by Councilor Clancy, seconded by Chair, to approve as amended. The motion carried 4-0.**

**Motion made by Councilor Clancy, seconded by Chair, to adjourn. The motion carried 4-0. The meeting adjourned at 5:54 PM.**

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: August 18, 2015

Time: 6:30 PM

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 6:32 PM

Adjourned: 6:53 PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Elder and Irish; Councilors Clancy, Delano, Landers and Robey

Reports of Committees cont'd:

**Order No. 15-1006280: The Appointment of David Morticelli to the Community Development Authority for a term of two years to expire from date of City Council approval.** Recommendation of the Personnel Committee is to approve the appointment of David Morticelli to the Community Development Authority (CDA). **Motion made by Councilor Elder, seconded by Councilor Irish to approve the appointment. The motion carried 3-0.**

**Order No. 15-1006279: The Reappointment of Brian Doheny as Comptroller/Treasurer for a term of three years.** Recommendation of the Personnel Committee is to approve the reappointment of Brian Doheny as Comptroller/Treasurer. **Motion made by Councilor Elder, seconded by Chair to approve the reappointment. The motion carried 3-0.**

**Motion made by Councilor Elder, seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 6:53 PM.**

### **Suspension of the Rules requested-granted**

**ORDERED:** That the Petition of Eversource Energy to install 1200' of 6" IP plastic gas main as a system improvement on Ames St. from Nickerson Rd. running Northwesterly to Reilly Way, **APPROVED WITH THE FOLLOWING STANDARD CONDITIONS;** adopted.

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired before work commences-material and equipment is not to be parked/stockpiled within the city right of way.
3. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
4. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
5. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
6. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
7. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
8. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

### **AND FOLLOWING CONDITION:**

In addition to the standard conditions, the following condition applies:

1. The plans that are provided for review appear to be approximately to scale, but do not show easements or other underground infrastructure. Any infrastructure to be located within the paved portion of the road is subject to final approval by DPW after being marked in the field.

**Suspension of the Rules requested-granted**

ORDERED: That the Petition of Eversource to install 160' of 2" IP plastic gas main as a system improvement to 7 Corey Road, **APPROVED WITH THE FOLLOWING STANDARD CONDITIONS**; adopted.

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired before work commences-material and equipment is not to be parked/stockpiled within the city right of way.
3. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
4. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
5. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
6. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
7. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
8. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

**Suspension of the Rules requested-granted to allow the following Communication to be read into record and to allow the Mayor to speak.**

ORDERED: That the Communication from the Mayor re: Hudson Street Landfill, **REFER TO THE MAYOR TO REPORT BACK TO CITY COUNCIL WHEN FIRST PHASE OF PROJECT IS COMPLETED**; adopted.  
**Councilor Elder recused.**

ORDERED: That pursuant to Section 14 of Chapter 40 of the General Laws of Massachusetts, the City does hereby accept title, by gift of deed of conveyance from Anne P. Mercer to a certain parcel of vacant land, located at 704 Robin Hill Street, also known and numbered as Map 39, Parcel 30 on the Assessors' Map of the City of Marlborough, said parcel containing .663 acres or 28,883 square feet, more or less, said deed to be recorded at the Middlesex County South Registry of Deeds, **APPROVED**; adopted.



ORDERED: That the City Council of the City of Marlborough, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers to the Conservation Commission of the City of Marlborough for conservation purposes, including increasing open space, preserving vistas, providing wildlife habitat, and enabling future passive and active recreational opportunities, the care, custody, management, and control of to a certain parcel of vacant land, located at 704 Robin Hill Street, also known and numbered as Map 39, Parcel 30 on the Assessors' Map of the City of Marlborough, said parcel containing .663 acres or 28,883 square feet, more or less, pursuant to Mass. Gen. Laws c. 40, § 8C, **APPROVED**; adopted.

**Yea: 10 – Nay: 0**

**Yea: Ossing, Oram, Robey, Delano, Page Elder, Tunnera, Irish, Clancy, & Landers**

ORDERED: That the Reappointment of Ron Saloman to the Board of Registrars for a term to expire three years from date of City Council approval, **APPROVED**; adopted.

ORDERED: That the Reappointments of Kim Beauchemin, James David Elmore and Sandra Pirie-St. Amour to the Arts Lottery Council for terms to expire three years from effective date of August 24, 2015, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:09 PM.