



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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SEPTEMBER 8, 2014

Regular meeting of the City Council held on Monday, SEPTEMBER 8, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Clancy, Irish, and Landers. Meeting adjourned at 8:49 PM.

Council President Pope requested a moment of silence in remembrance of Specialist Brian Arsenault of Northborough who sacrificed his life in service to our country in Afghanistan.

ORDERED: That the minutes of the City Council meeting AUGUST 25, 2014, **FILE**; adopted.

ORDERED:

**ACCEPTANCE OF LAYOUT AND EMINENT DOMAIN ORDER OF TAKING
OF WAYS AND EASEMENTS IN THE CARISBROOKE I SUBDIVISION AND
IN THE CARSBROOKE II SUBDIVISION**

I. CARISBROOKE I SUBDIVISION

WHEREAS, at a meeting of the City Council of the City of Marlborough held this ____ day of _____ 2014 it is ordered the City Council, having determined and adjudicated that the common convenience and necessity requires that certain existing private ways in the subdivision known as Carisbrooke I, being laid out in the location hereinafter described, and having complied with all the requirements of law relating thereto, become public ways, did on the ___ day of _____ 2014 lay out such ways under provision of law and it was voted following the report of said layout, to accept such ways as laid out; and

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity, including for the protection of the health, welfare, and safety of the residents of Marlborough, require that the land described herein be taken in fee; and

WHEREAS, the City Council of the City of Marlborough has determined that the taking of the fee by Eminent Domain in, on, under, over, across and through the herein described land, is necessary and reasonable to carry out the aforementioned purpose; and

WHEREAS, all preliminary requirements have been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapters 82 and 79 and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, do hereby adopt an Order of Taking of land on behalf of said City of Marlborough. By such order, we take by Eminent Domain the fee in the land of those certain ways in the subdivision known as Carisbrooke I, including the streets named Harper Circle, Hawkins Lane, Prendiville Way, Stetson Drive, and Woodcock Lane, the sidewalks and curbs, and the utilities therein and thereunder said streets including water, sewer, and drain lines and appurtenant structures, as described on the plans accompanying this Order entitled as follows:

“Plan of Municipal Easements In Marlborough, Massachusetts on Farrington Lane, Prepared For The City of Marlborough, Sheet 1 of 2, scale: 1 inch = 40 feet, date: _____”, recorded herewith as Plan _____ of 20__;

“Plan of Revised Drainage Easements on Farrington Lane & Woodcock Lane Marlborough, Massachusetts, Lot A, Lot 63, Lot 64, Lot 65, Lot 83, Lot 84, Prepared For The City of Marlborough, scale 1” = 40 Feet, by Thompson Liston Associates, Inc., date: _____”, recorded herewith as Plan _____ of 20__;

“Acceptance Plan Land In Marlborough, Massachusetts of Harper Circle And Municipal Easements, Prepared For The City of Marlborough, scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., date: _____”, recorded herewith as Plan _____ of 20__;

“Acceptance Plan Land In Marlborough, Massachusetts of Hawkins Lane And Municipal Easements, Prepared For The City of Marlborough, scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., date: _____”, recorded herewith as Plan _____ of 20__;

“Acceptance Plan Land In Marlborough, Massachusetts of Prendiville Way And Municipal Easements, Prepared For The City of Marlborough, Sheet 1 of 2, scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., date: _____”, recorded herewith as Plan _____ of 20__;

“Acceptance Plan Land In Marlborough, Massachusetts of Prendiville Way And Municipal Easements, Prepared For The City of Marlborough, Sheet 2 of 2, scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., date: _____”, recorded herewith as Plan _____ of 20__;

“Acceptance Plan Land In Marlborough, Massachusetts of Stetson Drive And Municipal Easements, Prepared For The City of Marlborough, scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., date:[_____”, recorded herewith as Plan _____ of 20__;

“Acceptance Plan Land In Marlborough, Massachusetts of Woodcock Lane And Municipal Easements, Prepared For The City of Marlborough, scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., date: _____”, recorded herewith as Plan _____ of 20__;

The total land area being taken in fee for the purposes of a public way or public ways consists of approximately 327,681 SF. For title, the assumed owners of the roadways, owners of lots from which the roadway parcels are taken, and the Middlesex County South Registry references are as follows:

<u>Assumed Owner & Name of Street(s)</u>	<u>Middlesex Registry</u>		
	<u>Book</u>	<u>Page</u>	<u>Cert. (if any)</u>
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.			
Harper Circle	16413	352	N/A
	16860	277	N/A
	17581	418	N/A
	16754	44	N/A
	16892	271	N/A
Woodcock Lane Registered portion			172695 177320
	PL 5374L	993 145	
Recorded portion	16398	133	
	17046	348	
	16562	41	
	16508	559	
Hawkins Lane Registered portion			172695
PL 2370C	993	145	
Recorded portion	16552	486	
	17268	139	
	16723	338	
Prendiville Way			172695 177320
PL 5374L	993	145	
Stetson Drive			172695 177320
PL 2370C	993	145	
N/F Alison Crouse & Gregory Garson 36 Harper Circle			
Portion of Harper Circle (to centerline)	47717	98	

N/F Karen M. Chesler & Robert P. Rivet
142 Prendiville Way

Portion of Prendiville Way	232260
(to centerline) LC Lot 65 PL 5374L 993 145	

N/F Julie Shepherd & Brian Shepherd
35 Prendiville Way (LC Lot 77)

Portion of Prendiville Way	227238
(to centerline) LC Lot 77 PL 5374L 993 145	

All trees, structures, and appurtenances therein, thereunder, and thereon are expressly included in this Taking.

The ownership of said parcels and each of them are supposed to be as stated herein, but said fee or rights of way and each of them are hereby taken whether the ownership is as stated above or otherwise. We determine that no damages have been sustained by the owners of the land and utilities so taken.

IT IS ALSO HEREBY ORDERED, that the City Council of the City of Marlborough by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapters 82 and 79 and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, do hereby adopt an Order of Taking of land on behalf of said City of Marlborough, the City Council of the City of Marlborough by virtue of the authority and the power conferred by the City Charter and by the applicable provisions of Chapters 82 and 79 of the Massachusetts General Laws and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, do hereby adopt an Order of Taking of land on behalf of said City of Marlborough.

By such order, we take by Eminent Domain the all of the permanent easements located in the Carisbrooke I subdivision, which include without limitation drainage, flowage, headwall maintenance, and utility easements (which include more than one type of the easements listed herein in combination), including but not limited to sewer easements, for the purposes of access, laying, operating, altering, constructing, maintaining, replacing, operating, altering, repairing, removing, and changing the size of and replacing drains for the passage of storm and surface waters under, over and through said easements, as described above on the plans accompanying this Order.

All trees and structures and appurtenances therein, thereunder, and thereon are expressly included in this Taking.

The total land area being taken for permanent easements is approximately as shown on said aforementioned plans. For title, the assumed holders of the easements and the Middlesex County South Registry references are as follows:

**Assumed Holder of Easement Street Name Middlesex Registry
(& Fee Owner, If Registered) & Address Book Page Cert. (if any)**

Farrington Lane

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	31	17009	570	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	41	18224	570	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	51	15905	049	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	65	16374	089	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	81	6594	079	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	82			174417
N/F Brian Hendrix & Gail Hendrix LC Lot 18 PL 2370C	993	145		232654
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	106	16545	193	
N/F Steven M. Burnett & Monica M. Burnett LC Lot 19 PL 2370C	993	145	221168	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	122	16552	148	
N/F Frederick M. Ferris & Ann M. Ferris LC Lot 20 PL 2370C	993	145	197220	

Harper Circle

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	27	16413	352		
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	45	16860	277		
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	49	17581	418		
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	24	16754	044		
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	36	16964	418		
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	10	16892	271		
N/F Joseph F. Delano & Lisa A. Delano	LC Lot 67 PL 5374L	993	145	194911	

Hawkins Lane

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	40	16552	486	930515	
N/F John D. Condon & Elaine M. Condon	LC Lot 25 PL 2370C	993	145	198072	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	62			233839	
N/F Michael G. Huether & Colleen M. Heuther	LC Lot 26 PL 2370C	993	145	257189	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	80	16552	478		

Prendiville Way

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 36	174418
N/F Doug L. Kratzer & Carrie-Ann M. Farrell LC Lot 58 PL 5374L 993 145	241413
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 142	176909
N/F Robert P. Rivet & Karen M. Chesler LC Lot 65 PL 5374L 993 145	232260
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 141	175083
N/F Paul G. Bamberg & Cherry F. Bamberg LC Lot 71 PL 5374L 993 145	193219
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 127	173204
N/F Debra Conrad Gigas LC Lot 72 PL 5374L 993 145	206970
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 113	175242
N/F James P. Sweeney & Christine L. Sweeney LC Lot 73 PL 5374L 993 145	254633
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 91	175244
N/F Jeffrey S. Cernak & Christine M. Cernak LC Lot 74 PL 5374L 993 145	231272
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 55	174094
N/F Mary P. Meany & Kevin M. Meany LC Lot 76 PL 5374L 993 145	228860

Stetson Drive

Paul M. Zarella &
 Frederick K. Heim,
 FDBA Gristmill Construction, Inc. 12 175917
 N/F Lawrence R. Lewis &
 Barbara G. Lewis, Tr.
 Barbara G. Lewis
 1995 Revocable Trust LC Lot 21 PL 2370C 993 145 203755
 N/F Ronald Lewis &
 Barbara G. Lewis, Tr.
 Ronald Lewis
 1995 Revocable Trust LC Lot 21 PL 2370C 993 145 203755

Paul M. Zarella &
 Frederick K. Heim,
 FDBA Gristmill Construction, Inc. 28 174094
 N/F Frank E. Wadas &
 Barclay M. Wadas LC Lot 22 PL 2370C 993 145 220189

Woodcock Lane

Paul M. Zarella &
 Frederick K. Heim,
 FDBA Gristmill Construction, Inc. 29 16398 133 172695
 N/F Ronald F. Hall &
 Patricia Hall LC Lot 68-PL 5374L 993 145 179134

Paul M. Zarella &
 Frederick K. Heim,
 FDBA Gristmill Construction, Inc. 9 1005 133 229949
 N/F Anton P. Teodorescu
 & Mariana Teodorescu LC Lot 69 PL 5374L 993 145 192025

Paul M. Zarella &
 Frederick K. Heim,
 FDBA Gristmill Construction, Inc. 36 24118 003

Paul M. Zarella &
 Frederick K. Heim,
 FDBA Gristmill Construction, Inc. 48 1652 041

The ownership of said parcels and each of them are supposed to be as stated herein, but said permanent easements and each of them are hereby taken whether the ownership is as stated above or otherwise.

II. CARISBROOKE II SUBDIVISION

WHEREAS, at a meeting of the City Council of the City of Marlborough held this ___ day of _____ 2014 it is ordered the City Council, having determined and adjudicated that the common convenience and necessity requires that certain existing private ways in the subdivision known as Carisbrooke II, being laid out in the location hereinafter described, and having complied with all the requirements of law relating thereto, become public ways, did on the ___ day of _____ 2014 lay out such ways under provision of law and it was voted following the report of said layout, to accept such ways as laid out; and

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity, including for the protection of the health, welfare, and safety of the residents of Marlborough, require that the land described herein be taken in fee; and

WHEREAS, the City Council of the City of Marlborough has determined that the taking of the fee by Eminent Domain in, on, under, over, across and through the herein described land, is necessary and reasonable to carry out the aforementioned purpose; and

WHEREAS, all preliminary requirements have been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapters 82 and 79 and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, do hereby adopt an Order of Taking of land on behalf of said City of Marlborough. By such order, we take by Eminent Domain the fee in the land of those certain ways in the subdivision known as Carisbrooke II, including the streets named Belmore Place, Sheffield Terrace, Littlefield Lane, Flint Drive, Farrington Lane, Hamilton Circle, Haskell Lane, and Graham Path as described on Exhibit "A" attached herewith and further described on the plans accompanying this layout entitled as follows:

"Plan of Acceptance of Belmore Place And Municipal Easements, Marlborough, Massachusetts, scale: 1 inch = 40 feet, date: June 14, 1999", recorded herewith as Plan _____ of 20___;

"Plan of Acceptance of Sheffield Terrace And Municipal Easements, Marlborough, Massachusetts, scale: 1 inch = 40 feet, date: June 14, 1999", recorded herewith as Plan _____ of 20___;

"Plan of Acceptance of Littlefield Lane And Municipal Easements, Marlborough, Massachusetts, scale: 1 inch = 40 feet, date: June 14, 1999", recorded herewith as Plan _____ of 20___;

"Plan of Acceptance of Flint Drive And Municipal Easements, Marlborough, Massachusetts, scale: 1 inch = 40 feet, date: June 14, 1999", recorded herewith as Plan _____ of 20___;

"Plan of Acceptance of Farrington Lane And Municipal Easements, Marlborough, Massachusetts scale: 1 inch = 40 feet, date: June 14, 1999", recorded herewith as Plan _____ of 20___;

“Plan of Acceptance of Hamilton Circle And Municipal Easements, Marlborough, Massachusetts, scale: 1 inch = 40 feet, date: June 14, 1999”, recorded herewith as Plan _____ of 20__;

“Plan of Acceptance of Haskell Lane And Municipal Easements, Marlborough, Massachusetts, scale: 1 inch = 40 feet, date: June 14, 1999”, recorded herewith as Plan _____ of 20__; and

“Plan of Acceptance of Graham Path And Municipal Easements, Marlborough, Massachusetts, scale: 1 inch = 40 feet, date: June 14, 1999”, recorded herewith as Plan _____ of 20__.

The total land area being taken in fee for the purposes of a public way or public ways is approximately as shown on said plans. For title, the assumed owners of the roadways, owners of lots from which the roadway parcels are taken, and the Middlesex County South Registry references are as follows:

<u>LC</u>	<u>Assumed Owner In Fee & Name of Streets</u>	<u>Middlesex Registry</u>		
<u>Lot No.</u>	<u>Certificate (if any)</u>	<u>Book</u>	<u>Page</u>	
153	Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. Hamilton Circle, Littlefield Lane, Belmore Place, Graham Path, Haskell Lane, Sheffield Terrace	1016	170	177320
50	Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. Portions of Graham Path and Farrington Lane	1016	170	177320
154	Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. Portion of Belmore Place	1048	156	183706
	Paul M. Zarella & Frederick K. Heim FDBA Gristmill Construction, Inc. Flint Drive	19264	534	

All trees, structures, and appurtenances therein, thereunder, and thereon are expressly included in this Taking.

The ownership of said parcels and each of them are supposed to be as stated herein, but said fee or rights of way and each of them are hereby taken whether the ownership is as stated above or otherwise. We determine that no damages have been sustained by the owners of the land so taken.

IT IS ALSO HEREBY ORDERED, that the City Council of the City of Marlborough by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapters 82 and 79 and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, do hereby adopt an Order of Taking of land on behalf of said City of Marlborough, the City Council of the City of Marlborough by virtue of the authority and the power conferred by the City Charter and by the applicable provisions of Chapters 82 and 79 of the Massachusetts General Laws and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, do hereby adopt an Order of Taking of land on behalf of said City of Marlborough.

By such order, we take by Eminent Domain all of the permanent easements located in the Carisbrooke II subdivision, which include without limitation drainage, flowage, headwall maintenance, and utility easements (which include more than one type of the easements listed herein in combination), including but not limited to sewer easements, for the purposes of access, laying, operating, altering, constructing, maintaining, replacing, operating, altering, repairing, removing, and changing the size of and replacing drains for the passage of storm and surface waters under, over and through said easements, as described above on the plans accompanying this Order.

All trees and structures and appurtenances therein, thereunder, and thereon are expressly included in this Taking.

The total land area being taken for permanent easements is approximately as shown on said aforementioned plans. For title, the assumed holders of the easements and the Middlesex County South Registry references are as follows:

<u>Assumed Holder of Easement</u> <u>(& Fee Owner, If Registered)</u>	<u>Street Name</u> <u>& Address</u>	<u>Middlesex Registry</u> <u>Book Page Cert. (if any)</u>
<u>Belmore Place</u>		
Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	22	187141
N/F LeRoy Jackson & Cynthia Jackson	LC Lot 103 PL 5374R	1016 170 219785
Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	38	187141
N/F Thomas Gatzunas & Taslene Gatzunas	LC Lot 102 PL 5374R	1016 170 250651
Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	56	187141
N/F Victor Terra & Katherine Terra	LC Lot 106 PL 5374R	1016 170 247404

Farrington Lane

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	151			183478
N/F Patrick O'Brien & Debra O'Brien LC Lot 32 PL 2370F		1016 170		217400
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	167			183478
N/F Kevin Paquin & Karen Paquin LC Lot 34 PL 2370F		1016 170		195263
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	199			183478
N/F Dianne K. McHugh LC Lot 38 PL 2370F		1016 170		223216
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	215			183478
N/F Kartik Raghupathi & Nicole Wedick LC Lot 39 PL 2370F		1016 170		247265

Flint Drive

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	7	19264	559	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	8	19333	258	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	26	20463	470	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	38	20580	205	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	52	9931	566	

Graham Path

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 12			183478
N/F Beth Kelly LC Lot 126 PL 5374R	1016 170		235619
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 13			186365
N/F Daniel Ortiz & Marni H. Ortiz LC Lot 130 PL 5374R	1016 170		234572
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 26			183478
N/F Craig K. Campbell & Donna M. Baldiserri LC Lot 131 PL5374R	1016 170		226886
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 85	1926	559	
			183478
N/F Joseph N. Joyce & Nancy C. Joyce LC Lots 137 and 37 PL 5374R	1016 170	213149	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 86			183478
N/F William Wing & Virginia Wing LC Lot 135 PL 5374R	1016 170		225818
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 104			183478
N/F Joseph Haberberger & Katherine Haberberger LC Lots 136 and 36 PL 5374R	1016 170	208693	

Hamilton Circle

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	65		188596
N/F John Jewett & Isabel Jewett	LC Lot 148 PL 5374R	1016 170	217311
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	74		189261
N/F Joanne Gravina	LC Lot 147 PL 5374R	1016 170	192265
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	77		177320
N/F Joseph Grimaldo	LC Lot 149 PL 5374R	1016 170	188660
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	89		189261
N/F Kenneth Brown & Ann Gillespie	LC Lot 150 PL 5374R	1016 170	250537
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	101		177320
N/F Robert Davis & Susan Davis	LC Lot 152 PL 5374R	1016 170	186555

Haskell Lane

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	11		192357
N/F Gala Del C. Moreno & Jorge Moreno	LC Lot 140 PL 5374R	1016 170	229649
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	32		192357
N/F Jeffrey Koester & Laura Koester	LC Lot 139 PL 5374R	1016 170	211134

Littlefield Lane

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 28 N/F Regiane Santos De Medeiros LC Lot 107 Plan 5374R 1016 170 248198	183880
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 37 N/F Chanchala Patil LC Lot 108 PL 5374R 1016 170	183510 249486
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 46 N/F Mariusz Krawiec & Beata Sweryda-Krawiec LC Lot 109 PL 5374R 1016 170	183510 238535
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 61 N/F Karl Andersson & Karrie Henighan LC Lot 110 PL 5374R 1016 170	183880 235220
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 62 N/F Yamata Akihito & Maria Akihito LC Lot 111 PL 5374R 1016 170	183510 216918
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 82 N/F Greg Mitrakas, Tr., Littlefield Realty Trust LC Lot 112 PL 5374R 1016 170	183880 250977
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 91 N/F Richard Santos & Ellen Santos LC Lot 113 PL 5374R 1016 170	183479 233760
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 101 N/F George Jensen & Donna Jensen LC Lot 115 PL 5374R 1016 170	183479 207800

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	102		183880
N/F Terry Saunders & Jane Saunders	LC Lot	114 PL 5374R 1016 170	250652
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	119		183880
N/F David McCarthy & Patricia McCarthy	LC Lot 117	PL 5374R 1016 170	222971
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	163		183478
N/F Elaine B. Dohan & Lawrence J. Dohan	LC Lot 123	PL 5374R 1016 170	253907
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	178		183478
N/F Brad Higgins & Sandra Higgins	LC Lot 124	PL 5374R 1016 170	237666
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	203		183478
N/F Richard Fredette & Sandra Fredette	LC Lot 128	PL 5374R 1016 170	212682
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	225		189261
N/F Theodore Faigle	LC Lot 129	PL 5374R 1016 170	229376

Sheffield Terrace

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	30		
N/F Gail Lauter	LC Lot 101	Plan 5374R 1016 170	249022
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	33		
N/F Donald Watson & MaryEllen Deering	LC Lot 100	Plan 5374R 1016 170	241279

Paul M. Zarella &
 Frederick K. Heim,
 FDBA Gristmill Construction, Inc. 65
 N/F Nicholas Tolan &
 Nicole Tolan LC Lot 96 Plan 5374R 1016 170 254479

Paul M. Zarella &
 Frederick K. Heim,
 FDBA Gristmill Construction, Inc. 66
 N/F Michael Kovacs &
 Tolice Lovacs LC Lot 97 Plan 5374R 1016 170 254882

Paul M. Zarella &
 Frederick K. Heim,
 FDBA Gristmill Construction, Inc. 84
 N/F Robert Mahaney &
 Lisa Mahaney LC Lot 95 Plan 5374R 1016 170238673

Paul M. Zarella &
 Frederick K. Heim,
 FDBA Gristmill Construction, Inc. Being a portion of 83 177320
 N/F Ravenswood Properties, Inc.
 627 Sudbury Street
 Marlborough, MA 01752 LC Lot 94 Plan 5374R 1016 170 251318

The ownership of said parcels and each of them are supposed to be as stated herein, but said permanent easements and each of them are hereby taken whether the ownership is as stated above or otherwise.

AWARD OF DAMAGES

We determine that the total damages sustained by the owners, being Paul M. Zarella and Frederick K. Heim, FDBA Gristmill Construction, Inc., of the land and utilities so taken by this Eminent Domain Order of Taking Of Ways And Easements In The Carisbrooke I Subdivision And In The Carisbrooke II Subdivision are as agreed to between the City and said owners, being in the amount of \$114,999.00. We also determine that the total damages sustained by the owners of the land so taken in the Carisbrooke I subdivision, being that portion of Harper Circle located directly in front of 36 Harper Circle to the centerline of the way, being N/F Alison Crouse and Gregory Garson; that portion of Prendiville Way located directly in front of 142 Prendiville Way, to the centerline of the way, being N/F Karen M. Chesler and Robert P. Rivet; and that portion of Prendiville Way located directly in front of 35 Prendiville Way, to the centerline of the way, being N/F Julie Shepherd and Brian Shepherd; to be in the amount of \$1.00 for each of said owners.

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; 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 care, management and control to the Department of Public Works of the City of Marlborough for the purposes of accessing, laying, operating, altering, constructing, plowing, maintaining, replacing, operating, altering, repairing, and other municipal purposes, all of the streets and easements within the Carisbrooke I and Carisbrooke II subdivisions, including the utilities, structures, appurtenances, sidewalks, curbs, and other things identified in the Order of Acceptance of Layout And Eminent Domain Taking Of Ways And Easements In The Carisbrooke I Subdivision And In The Carisbrooke II Subdivision, Order Number 14-1005945-1 refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That pursuant to Section 77C of Chapter 60 of the General Laws of Massachusetts, the City does hereby accept title, by deeds of in lieu of foreclosure, from Frederick Heim of 60 Carver Hill Road, Marlborough, Middlesex County, MA, and Paul Zarella, of 115 Fox Run, Sudbury, Middlesex County, MA, formerly doing business as Gristmill Construction, Inc., certain parcels of land as described herein, as follows:

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 23, Parcel95A, being approximately 0.0157254 acres, and located on Hanlon Drive; and

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel67, being approximately 1.034 acres, and located on the corner of Slocumb Lane and Stetson Drive; and

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel84, being approximately 18.4 acres, and located off of Woodcock Lane.

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED:

DEED IN LIEU OF FORECLOSURE

We, FREDERICK HEIM of 60 Carver Hill Road, Marlborough, Middlesex County, MA, and PAUL ZARELLA, of 115 Fox Run, Sudbury, Middlesex County, MA, formerly doing business as Gristmill Construction, Inc.,

for consideration paid and in full forgiveness of the present outstanding tax liability on the herein conveyed properties

hereby grant, transfer and deliver unto the City of Marlborough, a municipal corporation having a principal address of City Hall, 140 Main Street, Marlborough, MA, ("Grantee") with Quitclaim covenants

All of our right, title and interest in and to the fee in those certain parcels described as follows:

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 23, Parcel 95A, being approximately 0.0157254 acres.

Being the same premises conveyed to Gristmill Construction, Inc. by deed recorded in the Middlesex South Registry of Deeds at Book 12951, Page 719, and shown as Parcel A on a plan entitled "Plan of Revised Lots in Marlborough, Mass. Owned By Various Owners, scale: 1"=40", dated January 17, 1977" which plan is recorded with the Middlesex South Registry of Deeds as Plan No. 478 of 1977;

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 67, being approximately 1.034 acres.

Being the same premises conveyed to Gristmill Construction, Inc. by deed recorded in the Middlesex South Registry of Deeds at Book 1019, Page 106 and shown as Lot 10 on Sheet 2 of plans entitled "Gristmill Estates III Definitive Plan of Lots, scale: 1"=100", dated August 24, 1984" which plan is recorded with the Middlesex South Registry of Deeds as Plan No. 1454 of 1984; and

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 84, being approximately 18.4 acres.

Being the same premises conveyed to Gristmill Construction, Inc. by deed recorded in the Middlesex South Registry of Deeds at Book 1016, Page 170 and shown as Lot 141 on Sheet 18 of plans entitled "Definitive Carisbrooke II Plan of Land in Marlborough, Massachusetts, Prepared for Gristmill Construction, Inc., 910 Boston Post Road,

Marlborough, Mass., dated March 13, 1987," which plan is recorded with the Middlesex South Registry of Deeds as Plan No. 1079 of 1988.

WITNESS our hand and seal this _____ day of _____, _____.

By: _____
Frederick Heim

By: _____
Paul Zarella

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, before me, the undersigned notary public, personally appeared the above named FREDERICK HEIM, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person personally known to me, whose name is signed on the proceeding document and acknowledged to me that he signed it voluntarily and for its stated purpose.

, Notary Public
My Commission Expires:

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, before me, the undersigned notary public, personally appeared the above named PAUL ZARELLA, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person personally known to me, whose name is signed on the proceeding document and acknowledged to me that he signed it voluntarily and for its stated purpose.

 , Notary Public

My Commission Expires:

That the 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 recreational opportunities in conjunction with existing and proposed public passive recreational amenities, the care, custody, management, and control of the following parcels, pursuant to Mass. Gen. Laws c. 40, § 8C:

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 23, Parcel 95A, being approximately 0.0157254 acres, and located on Hanlon Drive; and

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 67, being approximately 1.034 acres, and located on the corner of Slocumb Lane and Stetson Drive; and

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 84, being approximately 18.4 acres, and located off of Woodcock Lane.

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from the Mayor re: SCRPT Program Informational Update, **FILE**; adopted.

ORDERED: MARLBOROUGH DOWNTOWN VILLAGE DISTRICT ZONING

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

- I. Chapter 650, is hereby amended by inserting in paragraph B. of § 650-5, entitled “Definitions, word usages”, the following new definitions:

Artist Studios/Live/Work Gallery Space

The use of all or a portion of a structure for both habitation and work by persons engaged in the creation, manufacture or assemblage of commercial graphic arts; fine arts, including but not limited to painting, printmaking, sculpting, or ceramics; art and document restoration; the performing and visual arts, including but not limited to dance, choreography, photography or filmmaking, or the composition of music (but not to include Adult Entertainment). Sales of artist-created work are also permitted in a portion of the space.

Bed and Breakfast

An owner-occupied dwelling unit in which 8 or fewer rooms without kitchen facilities are let on an overnight basis, as a temporary sleeping quarters for persons who have their residence elsewhere. Food and beverage service is limited to breakfast for registered, paying overnight guests at no additional cost. The length of occupancy by a registered guest does not exceed 14 days. Hotels, motels, boarding, lodging or rooming houses are not classified as Bed and Breakfast establishments. Extended stay may be permitted beyond fourteen days with the approval of the Building Inspector. Such approval shall be granted only when an occupant has a verifiable employment contract or agreement coincident with the length of stay requested.

Brew Pub

Restaurants which are licensed by the United States Department of Alcohol, Tobacco and Firearms and the Commonwealth of Massachusetts, under the farmer's brewers statutes, to produce and sell beer and/or ale at the location and whose primary business is the sale and preparation of food to be consumed on the premises, but which also produces beer and/or ale on the premises which may be sold wholesale to other establishments, but not more than 20% of the production capacity.

Hotel

An establishment providing lodging for guests on a short-term basis; dining rooms, function rooms and other support services may be included. Access to the individual sleeping rooms is through the lobby and interior corridors. This definition does not include boarding, lodging or rooming houses.

Motel

An establishment providing lodging for guests on a short-term basis; dining rooms, function rooms and other support services may be included. Access to the individual sleeping rooms is directly from parking spaces or by an exterior walkway.

Drive-thru Facilities

The use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-in facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.

Mixed Use

A combination of Permitted (Y) or Special Permit (SP) Residential/Business Uses as listed in the Table of Use Regulations for particular zoning District, on the same lot, arranged vertically in multiple stories of a structure or horizontally adjacent to one another in one or more buildings.

The mix of uses shall be balanced and compatible and shall contribute to a vibrant downtown atmosphere, including a combination of ground floor street front uses such as retail or restaurant.

Ground floors of buildings fronting streets or public access ways shall be reserved for non-residential uses, except as specified below:

Dwelling units shall be allowed on ground floors of buildings if:

- a) The building is set behind another building that has commercial uses on the ground floor, OR
- b) The residential portion of the ground floor if a building is set behind street-front non-residential uses within the same building,

Retail Stores and Services

Establishments offering goods and services, not specifically listed in the Table of Uses, to the public. Sales of a wide variety of goods and services include, but are not limited to: antiques, apparel, books, food, drugstore, sporting goods, and similar; custom services such as tailoring, photography, framing and similar; and services such as banks; dry-cleaning and laundry drop-off stations; hairdressers and barbers; health clubs, gyms, dance or yoga studios; repair services for appliances, shoes, etc; catering and similar. Retail Stores and Services do not include Adult Entertainment; check cashing services; pawn shops; gold exchange shops; medical marijuana facilities or drug treatment facilities.

II. Section 7 of Chapter 650, entitled "Districts Enumerated," is hereby amended as follows:

- (1) By deleting from the first sentence the number "11" and by inserting in place thereof the number "12".
- (2) By inserting at the end of the list of District types, the following:
Marlborough Village District MV

- III. Chapter 650, is hereby amended in § 650-17, entitled “Table of Uses,” as provided in the highlighted portions of Exhibit “A” attached to this order, which Exhibit “A” includes amendments not limited to the following:
- (1) By inserting under the heading entitled “Zoning District Abbreviations” a new zoning district abbreviation as follows: “MV”, and by inserting beneath the new district abbreviation MV the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
 - (2) Under the heading entitled “Residential Use”, by inserting a new Use category as follows: “Artist Studio/Live/Work/Gallery Space”, and by inserting beneath the district abbreviations the letters “N” and “SP” as shown on said Exhibit “A”.
 - (3) Under the heading entitled “Business Use”, by deleting from the Use category entitled “Hotels and motels” the words “and motels”, and by inserting after the word “Hotel” the following number: (41).
 - (4) Under the heading entitled “Business Use”, by inserting the word “Motels”, and by inserting beneath the district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
 - (5) Under the heading entitled “Business Use”, a new Use category as follows: “Mixed Use Development”, and by inserting beneath the district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
 - (6) Under the heading entitled “Business Use”, a new Use category as follows: “Brew Pubs”, and by inserting beneath the zoning district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
 - (7) Under the heading entitled “Business Use”, by inserting new Use categories as follows “Copy shops, newspaper offices”, and by inserting beneath the zoning district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
 - (8) Under the heading entitled “Business Use”, by inserting a new Use category entitled “Drive-thru facilities”, and by inserting beneath the zoning district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
- IV. Chapter 650, is hereby amended by inserting at the end of paragraph A(4) of § 650-18, entitled “Conditions for uses,” the following sentence: The above provision shall not apply to mixed-use or multi-family developments within the Marlborough Village District.
- V. Chapter 650, is hereby amended by inserting in paragraph (31) of § 650-18, entitled “Conditions for uses,” the following new paragraph [6]:
- [6] Within the Marlborough Village District, a Special Permit may be granted to allow for roof-top, sidewalk, or other outdoor restaurant seating that varies the provisions of this section.

- VI. Chapter 650, is hereby amended by inserting after paragraph (40) of § 650-18, entitled “Conditions for uses,” new paragraphs numbered (41), (42), and (43) as follows:
- (41) Hotels within the Marlborough Village District are by right subject to Site Plan Approval by the City Council, with input from Department staff administrative Site Plan Review under § 270-2. See special provisions for Site Plan Review by City Council of Hotels in the Marlborough Village District in § 650-33 (B).
 - (42) Mixed Use development containing multi-family residential and commercial uses shall not be subject to special permit provisions for Multi-Family uses that are a component of the Mixed Use development.
 - (43) A combination of permitted Business Uses is allowed, such as a coffee shop in a bookstore, or a restaurant in a food/wine shop, or entertainment/arcade elements accessory to a restaurant.
- VII. Chapter 650, is hereby amended by inserting a new § 33, entitled “Special Provisions Applicable to the Marlborough Village District (MV)”, as follows:

§ 650-33. Special Provisions Applicable to the Marlborough Village District (MV)

Within the Marlborough Village District (MV), the following provisions govern. Where these provisions conflict with other sections of the Zoning Ordinance, the provisions of this Section shall apply.

A. Purpose and Vision

The purpose of the Marlborough Village District is to implement smart growth principles with development that is compatible with the character of Downtown Marlborough. The Marlborough Village District is envisioned as the hub of community gathering places that reflects and celebrates the existing historic character and enhances the traditional village atmosphere. The vision is to build value and to support our employers with a Downtown that attracts visitors and helps to retain employees while creating new housing opportunities.

B. Site Plan Review

Projects within the Marlborough Village District shall be subject to Site Plan Review as provided in § 270-2, entitled “Site Plan Review And Approval”, of the City Code.

(1) Applicability.

- (a) Site Plan Review applies to both as of right and uses available by grant of a special permit within the Marlborough Village District. Site Plan Review applicability includes, but is not limited to new construction of any building or structure; addition to an existing building or structure; increase in area of on-site parking or loading areas. (See § 270-2 (3)).
- (b) Site Plan Review shall be conducted as outlined in § 270-2, except for hotel uses.

(2) Provisions for Hotel Site Plan Review

- (a) Within the Marlborough Village District, all hotel site plan reviews shall be conducted by the City Council. Site plan approval may contain conditions on the design and uses. The occupancy of the hotel may be limited to temporary and short term occupancy, ordinarily and customarily associated with hotel use. The approval may allow that extended stay may be permitted beyond thirty days with approval of the Building Inspector. The extended stay approval may be granted only when an occupant has a verifiable employment contract or agreement coincident with the length of stay requested. Extended stay may permitted where the unit is rented by a business entity for use of its employees (customarily referred to as a Corporate Unit), so long as the occupant is an employee or guest of the business entity.

C. Special Permit Granting Authority

The City Council shall be the Special Permit Granting Authority within the Marlborough Village District.

D. Design Standards:

- (1) The purpose of the following design standards is to promote quality development emphasizing the City's sense of history and desire for contextual, pedestrian-scaled projects. Supporting streamlined development review, design standards are integral to the Marlborough Village District regulations and must be met as part of any Site Plan Review and Approval.
 - (a) To provide additional guidance, the Urban Affairs Committee of the City Council may promulgate more detailed design standards which shall be amendments to this section subject to approval by the City Council.
 - (b) Non-mandatory Design Guidelines which will complement the design standards of this section, and which will provide a guide to the desired appearance and quality of design in the Marlborough Village District, will be available at the Building Department and/or on the official website of the City.
- (2) All Site Plan review and approval applications in the Marlborough Village District shall be subject to the following Design Standards.

(a) Building Scale:

[1] New buildings and/or substantial alterations shall be pedestrian-oriented and shall reflect the community preference for moderate-scale structures that are in harmony with the existing historic brick structures. Building design shall incorporate features to add visual interest while reducing the appearance of bulk or mass. Such features include varied facades, rooflines, roof heights, materials, and architectural details.

[2] Buildings shall relate to the pedestrian scale by:

[a] Including appropriate architectural details to add visual interest along the ground floor of all facades that face streets, squares, pedestrian pathways, parking lots, or other significant pedestrian spaces.

[b] Articulating the base, middle, and top of the facade by cornices, string cornices, step-backs or other similar features.

[c] Continuous lengths of flat, blank walls adjacent to streets, pedestrian pathways, or open spaces are discouraged. Continuous blank walls in excess of 50% of the wall frontage are not allowed. If windows cannot be installed, the façade should include different materials or a design element to vary the frontage.

(b) Roof Form:

[1] Mechanical equipment located on roofs shall be screened, organized and designed as a component of the roof design, and not appear to be a leftover or add-on element.

[2] Adverse impacts on abutters from vents, HVAC, etc. are to be minimized.

(c) Entrances:

[1] For visibility and accessibility, all primary commercial building entrances shall be visible from the right-of-way and the sidewalk, and shall have an entrance directly accessible from the sidewalk.

[2] Doors shall not extend beyond the exterior facade into pedestrian pathways.

[3] Where parking is located to the rear of a building, any rear entrance is to be visible and accessible from the parking lot. Directional signage to the building entrance(s) shall be installed. All entrances are to have sufficient illumination at night time.

(d) External Materials and Appearance:

[1] Predominant wall materials shall be red brick, stone, or pre-cast concrete panels; wood siding may be used where the structures are adjacent to residential districts where the intent is to blend the structure more into the existing neighborhood. If painted, or coated, a non-metallic finish is to be used. Cladding materials should be consistent on all facades with the exception of special design elements such as turrets. Materials designed to “imitate” brick are not permitted.

(e) Acceptable Masonry Construction:

[1] Acceptable masonry construction will be of standard fired clay brick units bonded together with mortar. Acceptable applications include building components such as walls, stairs, columns, arches, planter beds etc.

[2] Utilize bricks which are sound, hard, well burnt with uniform color shape and size.

[3] The bricks should be compact, homogeneous, free from holes, cracks, flaws, air-bubbles, spawls and stone lumps.

[4] Frogged bricks shall be laid with the frogs pointing upwards.

[5] Mortar specifications shall comply with relative ASTM standards.

[6] The properties of masonry units should comply with the requirements of relevant ASTM Standards. Masonry units are classified into the following types: solid, hollow unit, cellular, perforated and frogged.

[7] Awnings and canopies shall be compatible with the architectural style of the building. Colors and patterns used for awnings and canopies shall be subdued and compatible with existing awnings on adjacent buildings, if any.

[8] Except for minor trim, the building shall avoid the appearance of reflective materials such as porcelain enamel or sheet metal. Window panes shall be non-reflective.

[9] Ground floor commercial building facades facing streets, squares, or other significant pedestrian spaces shall contain transparent windows encompassing a minimum of 35% of the facade surface.

(f) Landscaping and Sidewalk Amenities:

To the maximum extent possible projects shall provide pedestrian-friendly amenities, such as outdoor seating, patios, porches or courtyards. Window boxes are encouraged. Large windows that open up to provide the experience of “open air dining” are encouraged. Site landscaping shall be maximized. Links/sidewalks designed to connect Granger Street parking areas with adjacent developments are encouraged to further the goal of providing safe pedestrian access to businesses within downtown Marlborough.

(g) Service Areas, Utilities and Equipment:

Service and loading areas and mechanical equipment and utilities shall be unobtrusive or sufficiently screened so that they are not visible from streets or primary public open spaces and shall incorporate effective techniques for noise buffering from adjacent uses.

(h) Vehicle and Pedestrian Features:

Vehicle, pedestrian and bicycle features shall be designed to promote connectivity. Curb cuts shall be minimized.

(i) Parking:

To maintain a pedestrian-friendly environment, motor vehicle parking spaces shall be located behind or beside buildings wherever possible. Parking located directly between the building and the street alignment shall be discouraged.

(j) Bicycle Parking:

Bicycle parking shall be provided for all new development, and shall be located as close as possible to the building entrance(s). Any property required to have bicycle parking may establish a shared bicycle parking facility with any other property owner within the same block.

(k) Sustainable Building Design:

It is desirable that new buildings incorporate green building techniques (such as those developed by the U.S. Green Building Council).

(l) Historic District:

Proposed structures or alterations to existing structures within any Historic District shall be allowed the design waivers under § 650-29 but shall otherwise be as consistent as possible with both the Historic District (as determined by the Marlborough Historic District Commission) and these Design Review criteria.

(m) Other Historic or Landmark structures:

Historic structures not in the Historic District but which contribute to the character of the Marlborough Village District shall to the maximum extent possible be preserved.

E. Parking Requirements for the Marlborough Village District**(1) General Parking Requirements:**

The following provisions are applicable within the Marlborough Village District.

(a) Residential Projects:

[1] For Residential and the residential component of Mixed Use projects:

Studio and 1 bedroom units	.75 space per unit
Two bedroom units	1.25 spaces per unit

[2] Spaces in City-owned garages and lots within 1,000 feet of the development can be counted to fulfill the required spaces, with payment-in-lieu required.

(b) Retail, Restaurant, other Business Uses:

[1] Eliminate parking minimums per the existing Off-Street Parking (§ 650-48).

[2] A maximum of 3 spaces per 1,000 sq. ft. for these uses.

(c) Public Assembly:

For legal occupancy of up to 200 persons, no parking required. Over 200 persons legal occupancy, no parking required for the first 200; thereafter, a minimum of 1 space per 6 legal occupants and a maximum of 1 space per 4 legal occupants, except that parking may be reduced by special permit if the developer can show that there is adequate public parking available to service the place of assembly during the time that the facility will be used.

(d) Hotel:

Minimum of .75 spaces, maximum 1.0 spaces per room, no parking required for employees. For hotels with 30 rooms or less, spaces in City-owned garages and lots within 1,000 feet of the development can be counted to fulfill the required spaces, with payment-in-lieu required.

(3) Payment in Lieu of Parking:

In the Marlborough Village District, any new commercial or mixed use structure that is required to provide parking spaces may make payments to the City of Marlborough in lieu of providing for all or part of this on-site required parking.

- (a) Payment made to the City of Marlborough in-lieu of providing some or all of the required off-street parking spaces for a project in the Marlborough Village District (MV) shall be allowed by-right, subject to Site Plan and Design Review.
- (b) A one-time fee to be paid shall be \$10,000 per parking space, which shall be paid prior to the receipt of an occupancy permit.
- (c) Fees in-lieu of parking shall be deposited into the City of Marlborough Downtown Parking Reserve Account to be used solely for expenses related to maintenance and capital repairs to the existing parking garages, improving the utilization of existing parking spaces (e.g., signage, parking management activities), reducing the need for new parking to serve the Marlborough Village District (e.g., bicycle parking, improved transit), or expenses (e.g., land acquisition, design/engineering services and construction costs) related to adding parking spaces. Requests to appropriate funds out of this Reserve Account shall be filed with the City Council and referred to the City Council, which shall have 60 days to forward their comments and recommendations before a City Council vote of the appropriation is taken. Fees collected are not to be used for routine parking lot maintenance, such as sweeping or plowing snow, or for salaries of municipal staff.

(4) Additional Reduction in Parking Requirements:

Required on-site parking may be reduced by 10% if one of the on-site spaces is dedicated to use by a car-share service (such as ZIP Car) and an agreement with a car-share service to place a vehicle at the site is provided as part of the Site Plan Approval process.

F. Heights of Structures:

To encourage redevelopment and re-use of parcels within the Marlborough Village District, minimum and maximum heights are established. Minimum heights shall be 35 feet; maximum height is 70 feet except for where a proposed structure is within 50 feet of a residential lot boundary, where the height limit shall be 52 feet. By grant of a special permit, maximum building height may be increased to 80 feet.

G. Residential Development and Density:

The maximum number of residential units that may be constructed in a calendar year in the Marlborough Village District is one-hundred (100), including units developed as part of a mixed use development. This upper limit may be increased by Special Permit from the City Council.

H. Usable Open Space:**(1) Minimum Open Space:**

The minimum amount of Open Space per residential unit shall be 100 sq. ft. The open space shall be designed as usable for sitting, recreation, etc., and shall not include the required buffer strips/plantings. Up to 50% of the required open space may be placed in the building (recreation rooms, pools); as individual unit balconies large enough for a table and chairs; or on the roof of the structure as a garden or sitting area.

(2) Ground Level Open Space:

All or a portion of ground level open space may be reserved for residents of the development, or available for public use.

(3) Joint Open Space:

Two or more developments may cooperate to share usable open space on one lot, as long as the minimum square footage per unit is maintained, and the joint open space is within 300 ft. of participating developments.

I. Signage:

A. In addition to the provisions of Chapter 526 of the Marlborough City Code, the following regulations apply within the Marlborough Village District. If the provisions of Chapter 526 conflict with this Chapter, the regulations in this Chapter apply.

(1) Display:

The City Council may grant a license to display, on the sidewalk, items for sale in the adjacent business, for example flowers and plant materials. The displays must enhance the pedestrian experience and not detract from the Village character.

(2) Other Business Signs:

To maximize parking and strengthen the business environment, "A" frame valet parking signs may be licensed by the City Council. The City Council may also license restaurant signage designed to allow for short-term parking for "take-out" orders (e.g., 10-15 minutes). These spaces may be shared by two or more establishments.

(3) Projecting (blade) signs:

Within the Marlborough Village District, one projecting sign per establishment shall be permitted by right, provided it meets the standards below. All projecting sign applications shall be subject to Site Plan Review and approval. Projecting signs exceeding these dimensions may be allowed by Special Permit.

- (a) The sign may not exceed six square feet in area (not including the area of the supporting bracket or hanger); the area of a hanging sign with but two (2) parallel display surfaces not over six (6) inches apart shall be determined by the measurement of a single face; for all other configurations, the area of a hanging sign shall be the sum of the areas of all display surfaces.
- (b) For single-story structures, the sign shall not project above the roofline or 18 feet, whichever is lower; for multistory structures projecting signs may not extend vertically above the window sill of the second story;
- (c) The projecting sign must clear sidewalks by at least eight feet from the bottom of the sign and may project no more than four (4) feet from a building or one-third the width of the sidewalk, whichever is less;
- (d) The projecting sign must clear the wall by at least six inches and must project from the wall at an angle of 90°. Angular projection from the corner of a building is prohibited.
- (e) Projecting signs which include 3-dimensional elements may be allowed by Special Permit.

VIII. Chapter 650 is hereby amended by inserting at the end of paragraph (B) of § 650-44, entitled "General off-street requirements", the following sentence: Nothing herein shall prevent owners of abutting properties from jointly setting aside and managing an area for storage of refuse and like matter.

IX. Chapter 650, is hereby amended by inserting into § 650 Attachment 2, entitled "Table of Lot Area, Yards and Height of Structures" as provided in Exhibit "B" attached hereto.
EXHIBIT "B"

X. Chapter 650, is hereby amended by inserting into § 650-47 the following:

- (1) By deleting paragraph E in its entirety and inserting in place thereof the following new paragraph E:

Multi-family dwellings (except multifamily dwellings and mixed use structures in the Marlborough Village District): the minimum width of the required front yard.

(2) By deleting paragraphs [a] and [b] of paragraph [3], entitled “Nonresidential use and districts” in their entirety and inserting in place thereof the following new paragraphs [a] and [b]:

[a] Along Main Street in the Marlborough Village District: 0 feet

[b] Commercial and Automotive Districts, and for all portions of the Marlborough Village District not fronting on Main Street: 10 feet.

(3) By inserting in paragraph E(1)(b) after the words “In nonresidential districts” the followings parenthetical words: (except in the Marlborough Village District).

(4) By inserting in paragraph F and the words “Side line planting areas are required with the following minimum widths,” the following words: except for where structures are built according to 0-foot side yard setbacks as allowed in the Marlborough Village District.

(5) By inserting at the end of paragraph P of § 47 the following sentence: Within the Marlborough Village District, where significant topographic change or other site conditions on the development lot or the abutting parcel would eliminate the benefits of the above landscaping and screening requirements on the abutting parcels, other more appropriate measures may be approved as part of Site Plan Review and approval.

XI. Chapter 650, is hereby amended by inserting into § 48, entitled “Off-Street parking”, the following:

(1) By inserting beneath the title heading the following paragraph:

Except as may be superseded by the provisions of § 650-33 for the Marlborough Village District, the following provisions apply within all zoning districts in the City of Marlborough.

(2) By inserting at the end of paragraph (A)(6) the following sentences: All new commercial and mixed use buildings shall construct loading facilities. Renovated structures shall provide for loading facilities insofar as possible. Provision for loading facilities will be shown on site plans.

XII. The effective date of these amendments shall be the date of their passage.

That there being no objection thereto set **Monday, October 20, 2014** as a date for a **JOINT PUBLIC HEARING WITH THE PLANNING BOARD**, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Communication from the Commission on Disabilities re: Implementation of a Handicapped Parking Enforcement and Education Program, **FILE**; adopted.

ORDERED: That the Communication from Sudbury Companies Militia & Minute re: Permission to Place a Temporary Sign on City Property, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer’s License, Thomas Zampini, d/b/a Metal Man Recycling, 44 Brook St, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, July 8, & August 19, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, July 17, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, July 29, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, July 15, 2014, **FILE**; adopted.

ORDERED: That the Minutes, License Board, July 30, 2014, **FILE**; adopted.

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

A. Dillon Glynn, 307 Chestnut St., Hudson, MA, pothole or other road defect

Reports of Committees:

There were no Reports of Committees.

ORDERED: That the City Council of the City of Marlborough, for purposes of the conflict of interest law set forth in MGL c. 268A, hereby designates Marlborough School Committee positions as special municipal employees, **DENIED**; adopted.

Councilor Elder recused.

Yea: 7 – Nay: 3 - Abstained: 1

Yea: Delano, Page, Tunnera, Irish, Ossing, Pope & Robey

Nay: Clancy, Landers & Oram

Abstained: Elder

ORDERED: That the City Council of the City of Marlborough, having designated for purposes of the conflict of interest law set forth in MGL c. 268A that Marlborough School Committee positions are special municipal employees, hereby declares, pursuant to MGL c. 268A, § 20(d), that the financial interests of School Committee members Heidi Matthews and Denise Ryan, as set forth in their attached disclosure forms, are exempt from MGL c. 268A, § 20, **FILE**; adopted.

Councilor Elder recused.

ORDERED: That the Communication from Attorney Gadbois re: Site Plan Approval, Hilton Garden Inn, 170 Forest St., **APPROVED**; adopted.

ORDERED: That the Petition of NStar to install 105' of 4" plastic gas main as a system improvement to 31 Wellington St., **APPROVED**; adopted.

ORDERED: That the Petition of NGrid and Verizon to relocate Pole 42 on Church Street and install a new guy Pole 42-84 on Plymouth Street, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, Sergey Yeghiyan d/b/a CTC Gold Refinery, 149 Main Street, **APPROVED**; adopted.

ORDERED: That the Petition of NGrid and Verizon to propose installation of new joint owned stub pole #55-84 on public property, **APPROVED**; adopted. Pole will be set approximately 42' from existing joint owned pole #33. NGrid proposes installation of new joint owned anchor to be set in back of new Pole 55-84 to help support stub pole. Pole 55 currently has tree guy attached from Pole 55 to tree at 479 Hosmer St. that is to be removed. Customer requested to remove the tree guy.

ORDERED: That the IPG Photonics Corporation TIF proposal, consisting of the following 5 documents, attached hereto, **APPROVED**; adopted.

1. The Council Resolution;
2. The Application for the 257 & 259 Cedar Hill Street Economic Opportunity Area (attached to the Resolution as Exhibit 1);
3. TIF Plan (attached to the Resolution as Exhibit 2);
4. TIF Agreement (attached to the Resolution as Exhibit 3);
5. (EDIP) Application (attached to the Resolution as Exhibit 4);

Yea: 11- Nay: 0

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

President Pope requested a recess at 8:26 PM and returned to open meeting at 8:27 PM; adopted.

ORDERED: That the Appointments of Ryan Wambolt and Santiago Vergas as youth appointees to the Youth Commission for terms of one year from date of approval, **TABLED**; adopted.

ORDERED: That the Appointment of Renee Perdicaro to the Cultural Council for a term to expire three years from date of City Council approval, **APPROVED**; adopted.

ORDERED: That the Appointments of Ellen Silverstein to the Board of Assessors for a term of three years to expire from date of City Council approval and Bradford Dunn as the City's Principal Assessor for a three year term, **APPROVED**; adopted.

ORDERED: That the following Reappointments to the Recreation Commission for the following terms, **APPROVED**; adopted.

- Robert Kays for a term to expire three years from date of City Council approval.
- Dennis Zilembo for a term to expire two years from date of City Council approval.
- Brenda Calder for a term to expire three years from date of City Council approval.

ORDERED: That the Appointment of Robin Williams to the Board of Health for a term to expire January 5, 2015, **APPROVED**; adopted.

Reappointment of Pat Winske to Disabilities Commission for a term of three years. Note: McManus, Usinas and Towle reported out of committee on February 25, 2014. **[Pat Winske unable to attend and remains in committee.] No action taken on this item.**

ORDERED: That the Conservation Commission Appointments for the following with noted expiration terms, **APPROVED**; adopted.

- Edward Clancy, for a term to expire on March 6, 2017
- John Skarin, for a term to expire on March 7, 2016.

Councilor Clancy abstained

Reappointment of Susan Laufer to Library Board of Trustees 2/6/17. Note: Ray Hale, Ray Johnson, Robyn Ripley, Janice Merk and Tom Abel reported out of committee on February 11, 2014. **[Susan Laufer unable to attend and remains in committee.] No action taken on this item.**

ORDERED: That the DPW Commissioner and Mayor review the hours of operation of the resident drop-off facility (Transfer Station) to possibly extend the hours until 5PM on Saturdays (currently closes at 3PM sharp), and potentially to explore some Sunday hours as well, **APPROVED**; adopted.

Councilor Landers requested to be recorded in opposition.

ORDERED: That the Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #820, 769 Donald Lynch Blvd., **TABLED UNTIL NEXT CITY COUNCIL MEETING**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #1966, 601 Donald Lynch Blvd., **TABLED UNTIL NEXT CITY COUNCIL MEETING**; adopted.

ORDERED: That the Communication from Jean & Michael Morrisey, 43 Sonia Drive re: Placement of Baby Safe Haven Signs on Police and Fire Department buildings, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:49 PM.