

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 NOV 21 P 12: 24

1. Minutes of the City Council Meeting, November 5, 2012.
2. PUBLIC HEARING On the Application from David Scarfo, agent for T-Mobile, for Special Permit for minor upgrades to existing telecom site located at 342 Lincoln St, Order No. 12-1005191.
3. Communication from the Mayor re: Permission to Address the City Council re: Concerns Pertinent to Sewer Issues.
4. Communication from the Mayor re: Collector's Office transfer request in the amount of \$4,631.00 which moves funds from Collector to Contract Services and Temporary Clerk to fund temporary help.
5. Communication from the Mayor re: Public Library Grant from the Massachusetts Board of Library Commissioners awarded to the City in the amount of \$12,500.00 to fund a program called "Conservation Circles" which provides an opportunity for English language learners to practice their skills and learn about services the library provides.
6. Communication from the Mayor re: Emergency Performance Grant (EMPG) from the Massachusetts Emergency Management Agency awarded to the City in the amount of \$11,250.00 which reimburses the City for costs associated with local emergency preparedness training, equipment and software upgrades.
7. Communication from the Mayor re: Temporary Appointment of Michael Berry as the Parking Clerk Hearing Officer for the next 60 days due to the resignation of Kim Gaudette.
8. Communication from the Mayor re: appointments of Kim Beauchemin, James David Elmore and Sandra Pirie-St. Amour to the Arts Lottery Council for terms expiring on August 23, 2015.
9. Communication from the Mayor re: New Senior Center Proposal.
10. Communication from the Mayor re: Senior Center transfer request in the amount of \$500,000.00 from Undesignated Funds to Senior Center to fund costs associated with design and engineering plans for a new Senior Center.
11. Proposed Zoning Amendment, Sections 650-5.B and 650-17, from Council President Pope.
12. Application for Special Permit, Hancock Associates, on behalf of CMS Inc. for construction of a new 2,400 sq. ft. office building on nonconforming property at 379 South St.
13. Communication from Attorney Bergeron, on behalf of 54 Main St., LLC to Withdraw without Prejudice Application for Special Permit, Dunkin Donuts, 54 Main St., Order No. 12-1005152A.
14. Communication from Kristin Regan re: Permission to Park on City Property at the top of Emmett St.
15. Communication from Public Employee Retirement Administration Commission (PERAC) re: FY14 Appropriation.
16. Communication from Nobis Engineering, Inc. re: Immediate Response Action (IRA) Plan and Completion Report, formerly Jenney Gasoline Station site, 25 E. Main St.
17. Communication from Carl Aquilina, Site Acquisition Lead, SAI Communications re: Radio Frequency Energy Report, for Special Permit, Marlborough Hospital, 157 Union St., Order No. 11-1002976D.
18. Notice of Filing and Public Hearing, Department of Public Utilities.
19. Minutes, Planning Board, September 24, & October 15 & 23, 2012.
20. CLAIMS:
 - A. Bonnie Beland, 58 Emmet St., other

REPORTS OF COMMITTEES:



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

NOVEMBER 5, 2012

Regular meeting of the City Council held on Monday, NOVEMBER 5, 2012 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Pope, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 9:24 PM.

ORDERED: That the Minutes of the City Council Meeting, OCTOBER 15, 2012, **FILE AS AMENDED**; adopted.

ORDERED: That the Recognition of the 2012 Cultural Exchange Members as Honorary Citizens of the City of Marlborough, **FILE**; adopted.

ORDERED: That the World Diabetes Day, **FILE**; adopted.

ORDERED: That the Certification of Free Cash in the amount of \$8,285,429.00, **FILE**; adopted.

ORDERED: That the School Department Supplemental Budget Request in the amount of \$2,581,967.00 for additional FY13 funding, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Other Post-Employment Liability (OBEP) transfer request in the amount of \$2,000,000.00 which moves funds from Undesignated to Stabilization-OPEB to partially fund OPEB, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 10000-35900 \$2,000,000.00
Undesignated Fund

TO:

Acct. # 83600-32726 \$2,000,000.00
Stabilization-OPEB

ORDERED: That the Marlborough Economic Development Corporation transfer request in the amount of \$277,099.00 which moves funds from Economic Development to MEDC Funding to fund their operations and special projects for the remainder of the fiscal year, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 27000099-42440 \$277,099.00
Economic Development

TO:

Acct. # 11740006-53950 \$277,099.00
MEDC Funding

ORDERED: That the Hurricane Sandy transfer request in the amount of \$100,000.00 which moves funds from Undesignated to Hurricane Sandy to fund overtime and increased manpower, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900 \$100,000.00
Undesignated Fund

TO:

Acct. # 11990006-53023 \$100,000.00
Hurricane Sandy

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the State 911 Department Support and Incentive Grant from the Executive Office of Public Safety and Security awarded to the City in the amount of \$99,805.00 to offset personnel costs associated with the dispatching center as well as technical enhancements to 911 services; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the State 911 Department Training and EMD Grant from the Executive Office of Public Safety and Security awarded to the City in the amount of \$41,818.00 to offset personnel costs associated with the dispatching center as well as overtime costs associated with meeting mandated Emergency Dispatching Protocols; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby refers to the **FINANCE COMMITTEE** the Emergency Management Grant from the Massachusetts Emergency Management Agency awarded to the City in the amount of \$9,000.00 to replace radios and equipment in the Emergency Operations Center; adopted.

ORDERED: That the Bigelow School Lease Agreement, Order No. 12-1005181, **MOVED TO ITEM #38B**; adopted.

ORDERED: That the proposed Tax Increment Financing (TIF) Agreement for Quest Diagnostics, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Inter-Municipal Agreement for Advancement of The Assabet River Rail Trail ("the ARRT IMA"), by and between the Town of Hudson, the City of Marlborough, the Town of Stow, the Town of Maynard, and the Town of Acton, as approved by the City Council in Order No. 00-8821A on November 13, 2000, and as timely extended on behalf of the City by the then-Mayor on August 23, 2007 with a term expiration date of December 31, 2012, is hereby confirmed; and Further that, pursuant to M.G.L. c. 40, § 4A, the Mayor is hereby authorized to execute a five (5)-year extension to the ARRT IMA with a term expiration date of December 31, 2017, as per the ARRT IMA extension agreement attached hereto, **APPROVED**; adopted.

ORDERED: That pursuant to M.G.L. c. 40, § 4A, this Intermunicipal Agreement approved by the City Council of Marlborough and the Selectmen of the Town of Sudbury, (the "Parties"), is hereby entered into and is effective from 5th day of November, 2012 by and between the City of Marlborough ("Marlborough") and the Town of Sudbury ("Sudbury") in accordance with the following terms:

1. Purpose And Duties: This agreement contractually enables Gary Brown, the Director of Marlborough's Veterans' Services Department (the "Director") to perform the duties of such office for Sudbury. The Director will maintain separate accurate and comprehensive records of all services performed for Sudbury.
2. Term: The term of this agreement shall be from November 7, 2012 and shall continue for a period thereafter not to exceed eight (8) weeks until December 26, 2012.
3. Location and Time of Services: The Director shall perform his duties in an office to be provided by Sudbury. The Director will provide such duties during regularly scheduled business hours on one (1) day per each week for the term of this agreement.
4. Salary and Benefits: The Director shall be an employee of Marlborough, and his salary and benefits will be paid by the City of Marlborough. Sudbury agrees to pay to Marlborough the amount of two-hundred dollars (\$200.00) per week, by check made payable to the City of Marlborough, c/o Comptroller, 140 Main Street, Marlborough, MA 01752, for the duration of this agreement.
5. Distribution of Benefits to Veterans: It is understood and agreed that the distribution of benefits payments to Veterans in Sudbury under M.G.L. c. 115 shall be paid by the Treasurer of Sudbury.
6. Amendments: The Parties may modify this Agreement only by a writing signed by both Parties.

APPROVED; adopted.

ORDERED: That the Suspension of the Municipal Aggregation Program, **FILE**; adopted.
Councilor Ossing abstained

ORDERED: That the downtown area in the City of Marlborough has officially earned designation by the Massachusetts Cultural Council as a cultural district, **FILE**; adopted.

ORDERED: That the Reappointment of John Sahagian to the Zoning Board of Appeals for a period of five years expiring May 5, 2017 and Ralph Loftin as an alternate member for a term of two years expiring from date of City Council approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Special Permit from T-Mobile, 157 Union St., in proper legal form, **MOVED TO ITEM #40**; adopted.
Councilors Tunnera and Robey abstained

ORDERED: That the Special Permit from Sprint, 75 Donald Lynch Blvd., in proper legal form, **MOVED TO ITEM #41**; adopted.

ORDERED: That the Special Permit from Sprint, 860 Boston Post Rd. East, in proper legal form, **MOVED TO ITEM #42**; adopted.

ORDERED: That the record owner (“the Licensee”) of 61 Emmett Street, Marlborough, Massachusetts, identified as Map 81, Parcel 126 of the Marlborough Assessors Maps, is hereby granted by the City of Marlborough (“the Licensor”) a license (“the License”) to encroach on and occupy a portion of the right of way layout for Emmett Street located to the northwest of the driveway to said 61 Emmett Street (“the Affected Portion of the Emmett Street ROW”), as shown on a plan entitled, “As Built Site Plan, 61 Emmett Street, Marlborough, MA, Scale 1"=20', Date: August 15, 2012, Addit.: August 22, 2012” (“the Plan”), for the sole purpose of extending a concrete block retaining wall into the said right of way. No changes to the surface conditions and use of the Affected Portion of the Emmett Street ROW, other than those shown as existing on the Plan, shall be made by the Licensee unless previously approved through formal site plan approval and written authorization from the Commissioner of Public Works.

This License is subject to all other uses which the Licensor may from time to time make of the Affected Portion of the Emmett Street ROW, including but not limited to a temporary one-year license granted by the Marlborough City Council (Order No. 11-1004017, X-0309919A) on December 19, 2011, subject to further Council approval one year from said date, to the record owners of 56 Emmett Street for the sole purpose of parking at or near the Affected Portion of the Emmett Street ROW, as shown on a plan entitled, “Plan of Land in Marlborough, Massachusetts, to be Licensed to Richard F. and Jane A. Sullivan, for Parking, #56 Emmett Street, Prepared by: City of Marlborough Department of Public Works, Engineering Division (BWT), Scale: 1" = 20', January 2002.”

This License is further subject to Mass. Gen. Laws c. 86, § 3.

The Licensee, its successors and assigns hereby agree to indemnify and hold harmless the Licensor, including its officers, employees and agents, from any damage that may be caused by the Licensor, including its officers, employees and agents, to said retaining wall insofar as it encroaches on and occupies the Affected Portion of the Emmett Street ROW; as well as from any damage or injury to property or person that may arise in connection with the said retaining wall’s encroachment on and occupation of the Affected Portion of the Emmett Street ROW.

APPROVED; adopted.

ORDERED: That the following notification from the City Clerk re: 2012 State 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 **STATE ELECTION** will be held in the polling locations as noted below on **NOVEMBER 6, 2012** as follows: Electors of President and Vice President, Senator in Congress, Representative in Congress, Councillor, Senator in General Court, Representative in General Court (Thirteen and Fourth Middlesex District), Clerk of Courts, Register of Deeds and Sheriff.

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, 8 Newton St. (corner of Main/Newton Sts.), rear
WARD THREE: Prec. 2	Raymond J. Richer School, 80 Foley Rd., Cafetorium
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, 8 Newton St. (corner of Main/Newton Sts.), rear
WARD SIX: Prec. 1 and 2	ILT Charles W. Whitcomb School, 25 Union St., Library
WARD SEVEN: Prec. 1 and 2	Hildreth School Gymnasium, 85 Sawin St.

ORDERED: That the Communication from Attorney Bergeron re: Notice of Representation (City Council Order No. 91-3822A), Breazzano Properties Corp., **FILE**; adopted.

ORDERED: That the Communication from Attorney Bergeron re: Notice of Representation (City Council Order No. 91-3822A), Heritage Hill Townhouses Condominium Association, **FILE**; adopted.

ORDERED: That the Communication from Attorney Bergeron re: Request for Transfer of Real Estate referred to as Old Lakeside Ave, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from Attorney Lombardo on behalf of Cumberland Farms Inc., to **WITHDRAW WITHOUT PREJUDICE** Application for Special Permit to construct a convenience store with gasoline sales on subject parcels, Order No. 12-1005081D, **APPROVED**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, DECEMBER 17, 2012**, as date for a **PUBLIC HEARING** for the Application for Special Permit from Cumberland Farms Inc., 412 & 418 Maple St. and Walker St. to construct a convenience store with gasoline sales on the subject parcels and to operate new facility from 5:00 AM to midnight, refer to **URBAN AFFAIRS COMMITTEE, AND ADVERTISE**; adopted.

ORDERED: That the Minutes, Planning Board, September 10, 2012 **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, September 25, 2012, **FILE**; adopted.

ORDERED: That the Communication from Commerce Insurance Co, on behalf of Edward McManus, refer to **LEGAL DEPARTMENT**; adopted.

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

- A. Sisters of St. Catherine, 197 Pleasant St., other
- B. Joy Esper, 39 Parker Rd., Framingham, pothole or other road defect
- C. Joao B. Silveira, 31 Blake St. #5, pothole or other road defect
- D. Ana Carolina Pinto, 165 Broadmeadow Rd. #1, pothole or other road defect

Suspension of the rules requested – granted

ORDERED: That the att'd spreadsheets pertinent to the Police Department transfer request in the amount of \$75,985.00 which will move funds from Reserve for Salaries to various accounts to fund the Police Patrol Officers Association contract, **APPROVED**; adopted.

Suspension of the rules requested – granted

ORDERED: That the Appointment of Ronald Saloman and Elizabeth Evangelous to the Board of Registrars, with expiration dates of April 1, 2015 and April 1, 2014 respectively, **APPROVED**; adopted.

ORDERED: That the Police Department transfer request in the amount of \$42,576.00 which moves funds from Fringes to Sick Leave and Patrolman to fund benefits associated with the retirement of a Police Department employee, **APPROVED**; adopted.

FROM:

Acct. # 11990006-51500	\$42,576.00
Fringes	

TO:

Acct. # 12100003-51920	\$23,949.00
Sick Leave Buy Back	
Acct. # 12100001-50420	\$18,627.00
Patrolman	

ORDERED: That the Appointment of Mr. Shawn McCarthy to the Planning Board for a term of five years concluding on February 6, 2017, **APPROVED**; adopted.

ORDERED: That the Reappointments of Jim Confrey and Brenda Costa to the Council on Aging for a period of four years expiring on May 2, 2016, **APPROVED**; adopted.

ORDERED: That the Appointment of Mr. Stephen Zepf to the Youth Commission whose term will expire three years from date of approval, **APPROVED**; adopted.

ORDERED: That the Reappointment of Sheila Brecken to the Council on Aging for a period of four years to expire on May 2, 2016, **APPROVED**; adopted.

ORDERED: That, based on a vote taken by the Marlborough School Committee to transfer the Bigelow School from the School Committee to the City, as set forth in item 4A of the attached minutes of the School Committee meeting held on July 26, 2012, the City Council of the City of Marlborough hereby transfers to itself, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, §15A, the care, custody, management and control of the Bigelow School for the purpose of disposition by lease, **APPROVED**; adopted.

Councilor Elder read a disclosure statement noting that he owns a Youth Sports League in which he rents space from Bigelow School for the basketball leagues. He further noted that he has no financial gain regarding the long-term lease of Bigelow School.

Yea: 11 – Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram & Robey

ORDERED: That the City Council of the City of Marlborough, having transferred to itself the care, custody, management and control of the Bigelow School for the purpose of disposition by lease, as set forth in Order No. 12-1005181A, hereby declares, pursuant to Mass. Gen. Laws c. 30B, § 16(a), that the Bigelow School is available for disposition by lease, and hereby authorizes the Mayor, by simple majority vote pursuant to Mass. Gen. Laws c. 40, § 3, as amended, to execute a lease of the Bigelow School to Assabet Valley Collaborative ("AVC"), subject to the terms and conditions recited in the letter attached hereto and dated September 20, 2012 from AVC Executive Director Cathy Cummins to the Mayor, **APPROVED**; adopted.

Yea: 11 – Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram & Robey

ORDERED: That the review of the new curbside trash pick-up program, **FILE**; adopted.

**DECISION ON AN APPLICATION TO MODIFY
SPECIAL PERMIT**

T-MOBILE NORTHEAST LLC (OMNIPOINT HOLDINGS, INC.)

CITY COUNCIL ORDER NO. 12-1005150C

Re: 157 Union Street

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 01-9204C, submitted by T-Mobile Northeast LLC, having a usual place of business at 15 Commerce Way, Suite B, Norton, MA 02766 as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is T-Mobile Northeast LLC (Omnipoint Holdings, Inc.), with its principal office located at 12920 SE 38th Street, Bellevue, WA 98006 (hereinafter, "the Applicant").
2. On October 22, 2001, the City Council granted to Omnipoint Holdings, Inc., Division of VoiceStream Wireless, Inc., a special permit to locate and operate a wireless communications facility at the existing building located at 157 Union Street, Marlborough, MA (hereinafter, "the Original Special Permit"). In 2006, Omnipoint Holdings, Inc. converted into a limited liability company named T-Mobile Northeast LLC. The Original Special Permit is recorded at the Middlesex South District Registry of Deeds in Book 34097, Page 279. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 43, Lot 56 (hereinafter, "the Site"). The owner of record for the Site is Marlborough Hospital.

3. Through its Application for a Special Permit to Modify an Existing Wireless Communication Facility (hereinafter, "the Application"), the Applicant seeks permission to allow the replacement of six (6) panel antennas currently located on the smokestack next to Marlborough Hospital. Applicant also seeks to remove six (6) existing GSM TMA's (Tower Mounted Amplifiers) and remove coax cables, and install hybrid cables and one (1) future site support cabinet within the Applicant's existing lease area (hereinafter, "the Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Site Name: BS489/Marlboro Hospital, 157 Union Street, Marlborough, MA 01752, Middlesex County, Site Number: 4BS0489B" by Advance Engineering Group, P.C. dated 6/29/12 and last revised 7/31/12, a copy of which was provided in the Special Permit Application (hereinafter, "the Plans").
4. The Applicant is a lessee of the Site's owner for purposes of the Application.
5. The Proposed WCF Project is located in the Residential (A-3) Zoning District. Wireless communication devices are allowed by grant of special permit in the Residential (A-3) Zoning District.
6. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on September 24, 2012, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

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

A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.

B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.

C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 9:**

- 1) The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Modified Special Permit, as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
- 2) All plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant as part of the Application, as amended, are herein incorporated and become a part of this Modified Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
- 3) Applicant shall comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of the Applicant's WCF.
- 4) The issuance of this Modified Special Permit may be further subject to Site Plan Review. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall be further conditions attached to this Modified Special Permit.

- 5) Applicant shall minimize the visual impacts of the Proposed WCF Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application.
- 6) Failure to pay in a timely manner the annual sum of One Thousand Five Hundred (\$1,500.00) dollars to the City of Marlborough Open Space Account #100-2410-44515, as conditioned in the Original Special Permit, shall constitute a violation of the Modified Special Permit. Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
- 7) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant. If any liquid or hazardous material is used by Applicant in conjunction with the temporary generator, Applicant must employ a secondary containment system.
- 8) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; iii) shall provide measurements of the

actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.

- 9) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Modified Special Permit to the Building Inspector's office when the Applicant applies for the building permit, as well as a copy to the City Council's office and to the City Solicitor's office.

Yea: 8 - Nay: 1 – Abstain: 2

Yea: Delano, Jenkins, Elder, Clancy, Landers, Ossing, Pope, & Oram

Nay: Tunnera

Abstained: Seymour & Robey

**DECISION ON AN APPLICATION TO MODIFY
SPECIAL PERMIT**

SPRINT

CITY COUNCIL ORDER NO. 12-1005092D

Re: 75 Donald Lynch Blvd.

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 97-7271B, submitted by Sprint, having a usual place of business at 1 International Blvd., Suite 800, Mahwah, NJ, as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is Sprint (hereinafter, "the Applicant").

2. On December 8, 1997, by Order No. 97-7271B, the City Council granted to Sprint Spectrum L.P. d/b/a Sprint PCS, a special permit to install nine (9) antenna and three (3) ancillary equipment cabinets at the base of the AT&T monopole of the property located at 75 Donald Lynch Boulevard, Marlborough, MA (hereinafter, "the Original Special Permit"). The Original Special Permit is recorded at the Middlesex South District Registry of Deeds in Book 28034, Page 518. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 13, Parcel 2 (hereinafter, "the Site"). The owner of record for the Site is the Albert D. Bombard, with ATT Tower being the owner of the monopole.
3. Through its Application for Modification of Special Permit for a Wireless Communication Facility (hereinafter, "the Application"), as amended by the Applicant at the Marlborough City Council's September 10, 2012 public hearing, the Applicant seeks permission to replace six (6) of the currently installed CDMA antenna with three (3) Sprint Vision antennas onto an existing wireless communication facility; add six (6) remote radio heads onto an existing wireless communication facility; replace one (1) GPS mounted to the tower; replace two (2) cabinets with two (2) BBU cabinets, and install one (1) MM-BTS equipment cabinet and install a fiber distribution box within the existing lease area; and remove all existing CDMA coax cables and replace with four (4) hybrid cables connecting the antennae to the existing equipment (hereinafter "Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Sprint Vision, Site Number: BS03XC502, Site Name: AT&T Marlborough, Site Address: 75 Donald Lynch Blvd., Marlborough, MA 01752" by Atlantis Group, dated 5/16/2012, a copy of which was provided in the Special Permit Application (hereinafter, "the Plans").
4. The Applicant is a lessee of the Site's owner for purposes of the Application.
5. The proposed WCF is located in the Limited Industrial Zoning District. Wireless communication devices in the Limited Industrial Zoning District are allowed by grant of special permit.
6. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable Rules of the Rules and Regulations.
9. The City of Marlborough City Council opened a public hearing on the Proposed WCF Project on September 10, 2012, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.

10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

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

A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.

B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.

C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 10:**

1. Applicant agrees to comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts, and the federal government as they may apply to the construction, maintenance and operation of Applicant's Proposed WCF Project.
2. The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Modified Special Permit as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance. All plans and photo renderings which have been filed by Applicant are hereby incorporated and become part of this Modified Special Permit.

3. The issuance of this Modified Special Permit is further subject to Site Plan Review, in accordance with the City of Marlborough's ordinance, prior to the issuance of the actual building permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall be further conditions attached to this Modified Special Permit and no occupancy permit shall be issued until all conditions are complied with by Applicant.
4. All conditions set forth in the Original Special Permit are applicable to this Modified Special Permit.
5. Failure to pay in a timely manner the annual sum of One Thousand Five Hundred (\$1,500.00) dollars to the City of Marlborough Open Space Account #100-2410-44515 shall constitute a violation of the Modified Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
6. Applicant shall provide landscaping around the equipment cabinets at the Site to adequately shield them from view.
7. Applicant shall maintain and keep the Site in good repair, neat, clean and free from all debris.
8. Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant. If any liquid or hazardous material is used by Applicant in conjunction with the temporary generator, Applicant must employ a secondary containment system.

9. As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.
10. In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Modified Special Permit to the Building Inspector's office when the Applicant applies for the building permit, as well as a copy to the City Council's office and to the City Solicitor's office.

Yea: 11- Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram & Robey

**DECISION ON AN APPLICATION TO MODIFY
SPECIAL PERMIT****SPRINT****CITY COUNCIL ORDER NO. 12-1005093D**

Re: 860 Boston Post Road

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 05-100942A, submitted by Sprint, having a usual place of business at 1 International Blvd., Suite 800, Mahwah, NJ, as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is Sprint (hereinafter, "Applicant").
2. On December 19, 2005, by Order No. 05-100942A, the City Council granted to Sprint Spectrum LP, A Delaware Limited Partnership, a special permit to construct and operate a 15' monopole extension to the then-previously approved 120' wireless tower, and to install on that extension up to twelve (12) panel antennas and associated equipment in a fenced compound area, on the property located at 860 Boston Post Road, Marlborough, MA (hereinafter, "the Original Special Permit"). The Original Special Permit is being recorded herewith at the Middlesex South District Registry of Deeds. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 61, Parcel 16 (hereinafter, "the Site"). The owner of record for the Site is the City of Marlborough.
3. Through its Application for Modification of Special Permit for a Wireless Communication Facility (hereinafter, "the Application"), as amended by the Applicant at the Marlborough City Council's September 10, 2012 public hearing, the Applicant seeks permission to replace six (6) of the currently installed CDMA antenna with three (3) Sprint Vision antennas onto an existing wireless communication facility; add six (6) remote radio heads onto an existing wireless communication facility; replace one (1) GPS mounted to the tower; replace one (1) CDMA cabinet with two (2) BBU cabinets, and install one (1) MM-BTS equipment cabinet and install a fiber distribution box within the existing lease area; and remove all existing CDMA coax cables and replace with four (4) hybrid cables connecting the antennae to the existing equipment (hereinafter "Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Sprint Vision, Site Number: BS54XC929, Site Name: Verizon/Easterly Treatment Plant, Site Address: 860 Boston Post Road, Marlborough, MA 01752" by Salient Architects, LLC, dated 9/22/11, a copy of which was provided in the Special Permit Application (hereinafter, "the Plans").
4. The Applicant is a lessee of Verizon Wireless for purposes of the Application.

5. The Proposed WCF Project is located in part in the Rural Residential Zoning District, and in part in the Business Zoning District. Wireless communication devices are allowed by grant of special permit in both Zoning Districts.
6. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable Rules of the Rules and Regulations.
9. The City of Marlborough City Council opened a public hearing on the Proposed WCF Project on September 10, 2012, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

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

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.

C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 13:**

1. Applicant agrees to comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts, and the federal government as they may apply to the construction, maintenance and operation of Applicant's Proposed WCF Project.
2. The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Modified Special Permit as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance. All plans and photo renderings which have been filed by Applicant are hereby incorporated and become part of this Modified Special Permit.
3. The issuance of this Modified Special Permit is further subject to Site Plan Review, in accordance with the City of Marlborough's ordinance, prior to the issuance of the actual building permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall be further conditions attached to this Modified Special Permit and no occupancy permit shall be issued until all conditions are complied with by Applicant.
4. All conditions set forth in the Original Special Permit are applicable to this Modified Special Permit.
5. Failure to pay in a timely manner the annual sum of One Thousand Five Hundred (\$1,500.00) dollars to the City of Marlborough Open Space Account #100-2410-44515 shall constitute a violation of the Modified Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
6. No installation work shall be performed by Applicant or its contractors without the supervision of an appropriate individual designated by the Commissioner of the City of Marlborough's Department of Public Works. Additionally, the MDPW will conduct a final inspection of the installation work within fifteen (15) days of completion of the installation.

7. Pursuant to Chapter 650-25F of the Marlborough Zoning Ordinance, Applicant shall indemnify the City of Marlborough regarding the installation, maintenance and operation of Applicant's equipment at the Site, and Applicant shall provide the City's Legal Department with a certificate of liability insurance naming the City as an additional insured.
8. Applicant shall provide landscaping around the equipment cabinets at the Site to adequately shield them from view.
9. Applicant shall not install any asphalt on the Site or the adjacent City-owned premises.
10. Applicant shall maintain and keep the Site in good repair, neat, clean and free from all debris.
11. Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant. If any liquid or hazardous material is used by Applicant in conjunction with the temporary generator, Applicant must employ a secondary containment system.
12. As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades.

The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.

13. In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record both the Original Special Permit, as well as this Modified Special Permit, in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of both the recorded Original Special Permit as well as the recorded Modified Special Permit to the Building Inspector's office when the Applicant applies for the building permit, as well as a copy of both special permits to the City Council's office and to the City Solicitor's office.

Yea: 11- Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram & Robey

ORDERED: At President Pope's request to recess at 9:20 PM and returned to open meeting at 9:22 PM, **APPROVED**; adopted.

ORDERED: That the Public Acceptance of Dufrense Drive, refer to **LEGAL DEPARTMENT AND PLANNING BOARD**.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:24 PM.



IN CITY COUNCIL

OCTOBER 15, 2012

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **MONDAY, NOVEMBER 26, 2012**, as date for a **PUBLIC HEARING** for the Application for Special Permit from T-Mobile for minor upgrades to existing telecom site at 342 Lincoln St., be and is herewith refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 12-1005191



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2012 NOV 21 A 11: 32
140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 21, 2012

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Permission to Address the Council

Honorable President Pope and Councilors:

I respectfully request a few minutes at the beginning of the City Council meeting to provide you with an update on issues of concern related to sewer issues and neighboring communities.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2012 NOV 21 A 11:32
140 Main Street
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Patricia Bernard
EXECUTIVE SECRETARY

November 21, 2012

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Transfer Request – Collector's Office

Honorable President Pope and Councilors:

I respectfully submit for your approval the following transfer request:

- 1) Transfer in the total amount of \$4,631.00 from 11440001-50042 (Collector) to the following accounts:
 - a.) \$3,500.00 to 11440004-53140 (Contract services)
 - b.) \$1,131.00 to 11440002-50586 (Temporary Clerk)

This transfer request is precautionary in nature and will fund the associated costs necessary to hire temporary help in the absence of a department employee.

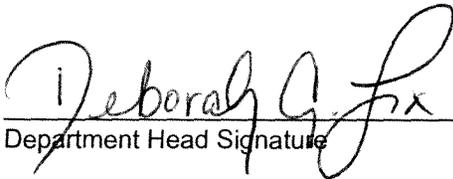
Sincerely,

Arthur G. Vigeant
Mayor

TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT			TO ACCOUNT			AMOUNT AVAIL	
		ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	
			Collector				Collector		
\$ 48,256.00	\$ 4,631.00	11440001	50042	Collector	\$ 3,500.00	11440004	53140	Contract Services	\$ -
					\$ 1,131.00	11440002	50586	Temp Clerk.	
					\$ 4,631.00				

Reason: To hire temporary help during employee absence



 Department Head Signature

Available funds

Salary Requirement for the rest of FY 13

Collector \$ 9,108.68 7 weeks @1301.24
 \$ 32,531.20 26 Weeks @ 1251.20

 \$ 41,639.88 Total Required

 \$ 49,557.62 Balance as of 11/8/2012

 \$ 7,917.74 Available as of 11/8/2012

Cost for temp

Cost of Temp 20 per hour \$ 3,500.00
 four wks
 35 hr/wk

Half time 17 hr/wk \$ 1,130.85
 3 weeks

Requested transfer amount **\$ 4,630.85**



City of Marlborough

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CITY OF MARLBOROUGH

Office of the Mayor

2012 NOV 21 A 11:32 140 Main Street
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Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 21, 2012

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Public Library Grant Acceptance

Honorable President Pope and Councilors:

The Massachusetts Board of Library Commissioners has awarded the Marlborough Public Library a grant in the amount of \$12,500.00 to fund a program called "Conversation Circles" that provides an opportunity for English language learners to practice their skills and learn about the services the library provides to the community.

I respectfully seek your acceptance of this worthy grant. Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Marlborough Public Library
35 West Main Street
Marlborough, MA 01752
Phone 508-624-6900 FAX 508-485-1494
IDD 508-460-3610

Margaret Cardello
Director

November 16, 2012

Dear Mayor Vigeant,

The Library seeks approval from the City Council of a grant we have received from the Massachusetts Board of Library Commissioners in the amount of \$12,500. These grant funds will allow us to provide a series of Conversation Circles to the community. These groups provide an opportunity for English language learners to practice their language skills and to learn about library services for them and their families.

If you need any additional information about the grant, please let me know.

Thank you for your assistance.

Sincerely,

Margaret Cardello

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Marlborough Public Library DATE: 11/16/2012

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Margaret Cardello

NAME OF GRANT: Conversation Circles

GRANTOR: Federal funds administered by the Massachusetts
Board of Library Commissioners

GRANT AMOUNT: \$12,500

GRANT PERIOD: 2 Years (10/2012 - 09/2014)

SCOPE OF GRANT/
ITEMS FUNDED Grant funds will be used to conduct a series of conversation groups for those
who want to improve their English language skills. Funds will also be allocated to
work with local agencies that serve this population in order to promote the
groups and to translate information about the library into other languages.

IS A POSITION BEING
CREATED: NO

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? NO

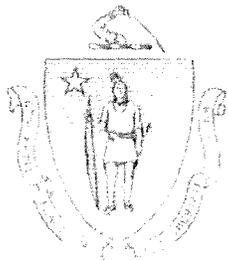
IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS TO
BE USED:
We will also improve our collection of library materials that are used to support
English language skill development.

ANY OTHER EXPOSURE TO CITY? NO
NO

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: _____

**DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT**



Commonwealth of Massachusetts Board of Library Commissioners

98 North Washington Street • Suite 401 • Boston, MA 02114
617 725-1860 • 800 952-7403 (in state only) • Fax: 617 725-0140

August 3, 2012

Margaret Cardello
Marlborough Public Library
35 West Main Street
Marlborough, MA 01752

Dear Margaret:

On October 1, 2012 your LSTA FY2013 grant project "Conversation Circles" for \$12,500.00 is scheduled to begin. Pursuant to the Massachusetts Board of Library Commissioners approval of your project and any subsequent discussions with MBLC staff, you will find the following materials which pertain to the administration of your grant.

- ✓ two copies of the Agreement
- ✓ three copies of the Commonwealth of Massachusetts Standard Contract
 - one Contractor Authorized Signatory Listing
 - one Disbursement Form
 - one CIPA Certification form (selected libraries only)
 - one Federal Funding Accountability Transparency Act (FFATA) (selected libraries only)

Please do not alter or edit the enclosed documents in any manner. If any information needs to be changed, please contact me.

Please read the Agreement and the Standard Contract, and if you have any questions about the stipulations of the grant, inquire immediately. All copies of the Agreement, the Standard Contract, and the Contractor Authorized Signatory Listing form should be signed by your organization's designated signatory and forwarded to me for the MBLC Director's signature. Please note that the dates on which you sign these documents must be signed, not typed. One copy of the signed Agreement and the Standard Contract will be returned to you. At the same time, you should submit two signed copies of the Disbursement Form, requesting payment of funds to cover the first half of the grant year.

In this packet, you will receive a Grants Management Manual, which goes over this information in a more detailed manner.

Your "Conversation Circles" project is a year grant. The end of your contract will be September 30, 2014. You are required to submit periodic report forms (April 15 and October 15) for each year of

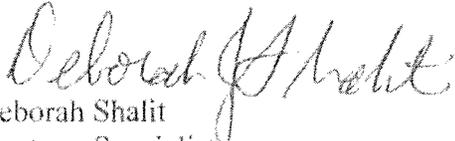
your project. For two year grants you will submit four reports. You can discuss the budget of your project and the disbursement schedule with your consultant. But, once your contract is signed, the allocated amount per fiscal year cannot be changed. Your project is budgeted to receive a total of \$12,500.00 with \$4,550.00 budgeted for FY13 and \$7,950.00 budgeted for FY14.

To clarify any questions you may have about your project, it is most important that you should read the Manual or to contact your consultant, Shelley Quezada. The Manual will be a guide for grant administrative procedures and should be referred to throughout the project year.

During the course of your project, any changes you wish to make in your budget or program plan must be submitted to your consultant in writing. The changes will be approved or disapproved, and written notice forwarded to confirm these actions.

Please return all copies of the Agreement, the Standard Contract, the Contractor Authorized Signatory Listing, Disbursement form, CIPA Certification form, and FFATA form attention: Deborah Shalit, LSTA contract by September 4, 2012.

Sincerely yours,


Deborah Shalit
Contract Specialist



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 NOV 21 A 11:32

140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 21, 2012

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Emergency Management Grant Acceptance

Honorable President Pope and Councilors:

The City of Marlborough was recently awarded an Emergency Management Performance Grant (EMPG) in the amount of \$11,250.00 which reimburses us for the costs associated with local emergency preparedness training and emergency management equipment and software upgrades.

I respectfully seek your acceptance of this grant. Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Emergency Management

696 CONCORD ROAD
MARLBOROUGH, MASSACHUSETTS 01752-5617
TEL. (508) 481-1933 ■ FACSIMILE (508) 460-3795 ■ TDD (508) 460-3610
CELL (508) 726-1088 ■ PAGER (978) 803-2061

Don Cusson
EMERGENCY MANAGEMENT
DIRECTOR
dcusson@marlborough-ma.gov

Mayor, Arthur G. Vigeant
140 Main St. City Hall
Marlborough, MA 01752

November 14th, 2012

Honorable Mayor Vigeant;

Enclosed is a copy of an EMPG 2011 Grant needed to go to the Council for adoption. As you can see it is 2011 funds to be used for three planning meetings and a Drill with Marlborough Hospital.

These funds are to be used to better prevent terrorism; protect critical infrastructures; and enhance mitigation, response, or recovery efforts, National Preparedness System and National Preparedness Goals. Also an up-grade to the EMA Computer system.

The project time line is three planning meetings, prior to a drill in April 2013, with an AAR, (After Action Report) in June, 2013.

Thank you very much and if there are any questions please call or email at any time.

Respectfully,

Donald E. Cusson
Donald E. Cusson

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Executive Office of Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at www.mass.gov/osc under Guidance For Vendors - Forms or www.mass.gov/osd under OSD Forms.

CONTRACTOR LEGAL NAME: CITY OF MARLBOROUGH	COMMONWEALTH DEPARTMENT NAME: Mass. Emergency Management Agency MMARS Department Code: CDA, Emergency Management Agency
Legal Address: (W-9, W-4,T&C): 140 MAIN ST MARLBOROUGH MA 01752-3812	Business Mailing Address: 400 Worcester Road, Framingham, MA 01702
Contract Manager: Director Donald Cusson	Billing Address (if different):
E-Mail: dcusson@marlborough-ma.gov	Contract Manager: Jeff Timperi
Phone: (508) 726-1088 Fax: N/A	E-Mail: jeff.timperi@state.ma.us
Contractor Vendor Code: VC6000192111	Phone: 508-820-2019 Fax: 508-820-2030
Vendor Code Address ID (e.g. "AD001"): AD__ (Note: The Address ID must be set up for EFT payments.)	MMARS Doc ID(s): CT-CDA-FY13EMPG110000MARLB RFR/Procurement or Other ID Number: FFY2011 EMPG Grant
<p style="text-align: center;"><u>X</u> NEW CONTRACT</p> PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> <u>Statewide Contract</u> (OSD or an OSD-designated Department) <input type="checkbox"/> <u>Collective Purchase</u> (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> <u>Department Procurement</u> (Includes State or Federal grants <u>815 CMR 2.00</u>) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <u>Emergency Contract</u> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach <u>Employment Status Form</u> , scope, budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification, scope and budget)	<p style="text-align: center;">___ CONTRACT AMENDMENT</p> Enter Current Contract End Date <u>Prior</u> to Amendment: ____, 20__ Enter Amendment Amount: \$ _____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> <u>Amendment to Scope or Budget</u> (Attach updated scope and budget) <input type="checkbox"/> <u>Interim Contract</u> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach any updates to scope or budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification and updated scope and budget)
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> <u>Commonwealth Terms and Conditions</u> ___ <u>Commonwealth Terms and Conditions For Human and Social Services</u>	
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> <u>Rate Contract</u> (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> <u>Maximum Obligation Contract</u> Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$11250.00	
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through <u>EFT</u> 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: ___agree to standard 45 day cycle ___statutory/legal or Ready Payments (G.L. c. 29, § 23A); <u>X</u> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) Funding for this grant is provided through the FFY2011 Emergency Management Performance Grant, the Catalog of Federal Domestic Assistance (CFDA) number is 97.042. The community intends to conduct an exercise	
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 2. may be incurred as of ____, 20__, a date <u>LATER</u> than the <u>Effective Date</u> below and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 3. were incurred as of ____, 20__, a date <u>PRIOR</u> to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.	
CONTRACT END DATE: Contract performance shall terminate as of <u>June 30, 2013</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.	
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <u>Commonwealth Terms and Conditions</u> , this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in <u>801 CMR 21.07</u> , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.	
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>Arthur S. Vigourt</u> Date: <u>11/16/11</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Arthur S. Vigourt</u> Print Title: <u>Mayor</u>	AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>David Mahr</u> Print Title: <u>Chief Fiscal Officer</u>

**411,
NOTICE OF GRANT AWARD**

DEPARTMENT: Emergency Management DATE: 11/14/2012

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Donald E. Cusson

NAME OF GRANT: EMPG

GRANTOR: MEMA

GRANT AMOUNT: \$11,250.00

GRANT PERIOD: 12/17/2012 --- 6/30/2013

SCOPE OF GRANT/
ITEMS FUNDED There are three planning meetings
These are with EMS, Fire<Police,DPW
SWAT Team.
Also a new computer/upgrade for EMA Director.

IS A POSITION BEING
CREATED: NO

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? NO

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS
TO BE USED:

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: No

**DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT**



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY



MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY

400 Worcester Road Framingham, MA 01702-5399

Tel: 508-820-2000 Fax: 508-820-2030

Website: www.mass.gov/mema

Deval L. Patrick
Governor

Kurt N. Schwartz
Director

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary

**Federal Fiscal Year (FFY) 2011
US DHS/FEMA Emergency Management Performance Grant (EMPG)
Application for Grant Funding (AGF)**

Overview

Through this AGF, the Massachusetts Emergency Management Agency (MEMA) will be accepting applications from municipalities and Federally-recognized Tribes with local emergency management departments for FFY 2011 EMPG Funding.

MEMA plans to, via this grant process, make available approximately \$2.2M to eligible entities.

This document provides a brief overview of the FFY 2011 EMPG and specific guidance for entities applying for funds. The information included here does not provide complete details of the EMPG, its allowable and unallowable activities, equipment or costs. The applicant is responsible for ensuring that its proposed project fully complies with the federal and State guidance for the EMPG. Links to the federal guidelines for this program and other pertinent documents that must be consulted when preparing the application are found within this document.

MEMA will conduct five general informational sessions regarding this AGF. Attendance at these sessions is optional. The same information will be presented at each session. The sessions will be held on:

MEMA Region III

July 30th 2012 from **10-11** - MEMA Agawam
1002 Suffield St Agawam

MEMA Region III

July 30th 2012 from **6pm-7pm** - MEMA Agawam
1002 Suffield St Agawam

MEMA Region IV

July 31st 2012 from **9-10** -Holden Public Safety Building
1370 Main St Holden

MEMA Region I

August 2nd 2012 from **10-11** - MEMA Tewksbury
365 East St Tewksbury

MEMA Region II

August 8th 2012 from **10-11** - MEMA Bridgewater
12-I Rear Administration Rd Bridgewater

Submission Process

Completed applications - using the Template found on pgs 3-11 - must be received no later than 9/28/12.

Completed applications must be emailed to your respective MEMA Regional Contact (see below).

MEMA Region I: Mikael Main, Mikael.Main@state.ma.us , 978-328-1500

MEMA Region II: James Mannion, james.a.mannion@state.ma.us , 508-427-0400

MEMA Region III: Bruce Augusti, bruce.augusti@state.ma.us , 413-750-1400

MEMA Region IV: Jeff Zukowski, jeffrey.zukowski@state.ma.us , 413-750-1400

Late applications will not be accepted; hand-written applications will not be accepted.

Application for Grant Funding Template

Please use this Template. Please provide response to each section (as applicable) in the appropriate spaces below. If the proposal contains an interoperable communications component, then the entire Template must be completed.

Applications should be based on an identified gap, and not at the prompting of a vendor that stands to benefit from the awarding of a grant.

1. Entity submitting this Application for Grant Funding

Community: Marlborough 01752
Point of Contact Name: Donald E. Cusson
Address: 696 Concord Road
Marlborough, MA. 01752
Office Telephone: 508-481-1933 Cell 508-726-1088
Fax: 508-460-3795
24 hr Telephone: 508-485-2323
Email Address: dcusson@marlborough-ma.gov

2. Project Period

Estimated start date (month/date/year): 12-4-2012
For planning purposes only, you may use a planned start date of 12/3/12.

Estimated end date (month/date/year): 6-30-2013
All Projects must be completed by 6/30/13.

3. Project Summary

Using the format below, please provide below a clear and comprehensive summary (**1 ½ pages maximum**) that includes response to the following:

- a) the proposed project;
- b) why this is needed, and how this need was identified;
- c) how funds, if awarded, will further Goals/Objectives of the DHS/FEMA National Preparedness System and National Preparedness Goal;¹
- d) how funds, if awarded, will be used to help the community: better prevent terrorism; protect critical infrastructure; or enhance mitigation, response, or recovery efforts (applicants should review the National Preparedness System and National Preparedness Goal);
- e) expected outcomes; and
- f) how outcomes may be measured.

IMPORTANT: All costs must be allowable under the FFY 2011 EMPG grant program. Please refer to pgs 13-14 ('Allowable Costs' and 'Unallowable Costs') of this AGF for detail on what is/is not allowable.

¹ Information on the National Preparedness System may be found on-line here: http://www.fema.gov/pdf/prepared/nps_description.pdf; the National Preparedness Goal may be found on-line here: <http://www.fema.gov/pdf/prepared/npg.pdf>. Applicants may also review MEMA's Developing FFY 2011 EMPG Applications document.

PROJECT SUMMARY (1 ½ pages maximum):

- a.) The City of Marlborough and Marlborough Hospital desire to combine resources and expertise to run a dual location active shooter drill. The primary location will allow the law enforcement agencies as well as City resources to deal with a domestic violence shooting, while the Hospital will deal with a second assailant from the primary scene arriving and taking a hostage at the hospital. This will test the Hospital's newly created Active Shooter and Shelter In Place procedures. The Hospital will use its ASPR grant to fund the Hospital side of the drill. The Active Shooter portion at both locations will be lead by the Central Massachusetts Law Enforcement Council's SWAT Team. The Hospital's response will be lead by the Hospital Command Center utilizing their Incident Command System. The goals will be: (1) to have a local response to the event at the remote location; and (2) have both an internal response by staff to sheltering and evacuating mock patients and deal with the shooter/hostage situation. Command staff will transition from Single Command mode to Unified Command at the Hospital. At this time, the Hospital is not aware of any other facility of its size or within Central Mass that has done an active shooter drill of this magnitude utilizing law enforcement and a simulated shooter scenario.
- b.) Domestic Violence occurs once every 9 seconds in the US. It is a highly injurious crime that results in 3 murders a day nationwide. Hospital violence from patients and staff has increased 3 fold over 5 years ago, The Hospital, which used to be considered a haven for safety is now listed as an industry facing an increase in violence. Hospitals cannot screen patients and must treat as needed, so they can often be dealing with an assailant before they are aware of the dangers. While staff is not trained to take down or subdue a violent person, they do increasingly need training as to how to stay safe, evacuate safely, shelter in place and most importantly work with the police providing a safe end to the situation. As part of the Hospital's annual HVA(Hazard Vulnerability Assessment) as required by DPH as well as the joint Commission for Accreditation of Hospitals, an active shooter situation has been identified as a needed area of training and testing. With the recent shooting at Danbury Hospital earlier in 2012, it has become more evident that every hospital faces this risk and the smaller ones with less resources need to be prepared at all times. The Hospital is fortunate to have a very close working relationship with both local and state law enforcement agencies.

The police face the added barriers of many innocent victims, many who cannot move on their own or be in mental or physical condition to keep themselves safe due to their current medical condition or level of sedation or anesthesia. This means that the police may have to make many decisions as to response tactics at a millisecond notice due to human lives that are at stake and the goal to terminate the shooter or shooting actions and obtain the release of the hostage.

- c.) The funds will be used to allow the police to practice responding to a domestic violence situation that escalates and results in an injured assailant fleeing the scene, arriving the hospital, escalating in behavior and taking a security guard hostage. Through the use of trained SWAT members, simulation trained mock victims and using Incident Command, the involved agencies will be able to practice field as well as Hospital response procedures.

d.) Expected outcomes include:

- No injury or illness to any players or spectators
- Testing, improving and updating of the Hospital's response plans
- Identification of additional training needed by all agencies
- Identification of unknown gaps or needs not previously identified as this opportunity has never been tested before
- The ability to share the drill experience, lessons learned and procedures with other hospitals and law enforcement agencies at regional, state and/or national conferences or via publications

e.) The Homeland Security Exercise and Evaluation Process (HSEEP) will be utilized to create and facilitate the exercise as designed by a contracted MEP (Master Exercise Practitioner) and the exercise will be evaluated and outcomes measured by HSEEP trained contract evaluators. The After Action and Improvement Plan meeting will share results with participating agencies to allow them to move forward with any improvements identified.

4. Funding Amount

Amount of EMPG funding: \$ 11,250.00

MEMA uses a population-based funding formula to determine award amounts. Award amounts may vary from year to year based upon available funding. Please refer to FFY 2011 EMPG Funding-Appendix A for your community's proposed award amount.

5. Match

a.) Cost and Match funds: \$ 11,250.00 (NOTE: Marlborough Hospital will cover all their own costs for planning meetings, supplies and staff under their ASPR grant, but these are not included in match funds since they are federally funded dollars)

b.) COST

Quabbin Healthcare Consulting, Inc.	\$ 8,500.00
Food services and venue rental for drill day	\$ 1,200.00
EMD Computer upgrade/replace	\$ 1,550.00

MATCH

In kind funds: CMLEC services & equipment (Avgas \$50 hour x 4 hours x 10 officers)	\$ 2000.00
Funds from Marlborough Safety Training fund to cover City staff training costs & Cost of CMEMS ambulance bus	\$ 8,000.00
City staff time for 3 planning meetings	\$ 600.00
EMD hours for logistics to set up the drill, phone calls, meetings	\$ 150.00
Patriot Ambulance participation on the drill	\$ 500.00

c.) Explanation of Match sources:

- CMELC will cover their own costs for the team as well as all their own equipment.
- Marlborough Safety Training Fund is private dollars from areas businesses that have an interest in public safety and assist the City with raining and emergency response and preparedness costs. They will cover the cost of the Marlborough Officers as well as the cost of the Central Mass EMS ambulance Bus taking part in the training.
- City staff time is the portion of dollars from on-duty officers, EMS and fire who will attend the planning meetings, 1-2 representatives from each for three 2-hour meetings
- EMD hours are a portion of dollars from the EMD salary
- Patriot Ambulance will cover their own costs to participate in the drill and attend planning meetings

d.) The match funds will occur between 12/1/12 and 6/30/13.

6. Interoperable Communications Investment Proposal (ICIP)

If your Project has an interoperable communications component, please complete the following table on pgs 7-9: NOT APPLICABLE

If your Project does NOT have an interoperable communications component, you DO NOT have to complete the following table on pgs 7-9.

ICIP Overview

Interoperable communications projects improve the sharing of electronic information (voice, data, images, video), via radio, internet, microwave, computers, fiber optics. Interoperable Communications projects may include the purchase or modifications of radios, transmission towers and other communications related equipment. Interoperability projects may also include efforts related to communications training and exercises, education and outreach, programming radios, development of Standard Operating Procedures.

When completing the ICIP table, applicants should provide a clear description of the 'Interoperability Problem'. **As an example:**

Problem: Although Mutual Aid Agreements are in place between the applicant and its four neighboring towns for public safety support during emergencies, the towns have no common radio frequencies or Standard Operating Procedures so, radio communications cannot occur amongst the disparate radios during an emergency.

Background Information / Investment Description: It was learned during a multiple alarm chemical fire that responders from the five mutual aid towns were unable to communicate directly with each other effectively. Subsequently, a consultant was hired to develop an interoperable communications plan that assessed the communications gaps and recommended solutions. This project seeks to implement the plan by replacing 30 incompatible portable radios, reprogramming all remaining (220 portable and 15 fixed) radios, conducting 3 training classes for the use of the equipment and the Standard Operating Procedures and conducting 1 table top exercise that will include all 5 towns that are included in the Mutual Aid Agreements.

Interoperable Communications Investment Proposal

Please complete all sections except for the shaded areas.

Shaded areas will be completed by the SIEC and the Statewide Interoperability Coordinator (SWIC).

Date Received by the SWIC:	Control #	Proposed Federal Funding Source:	Proposed Federal Funding Amount: \$
Committee Referred to:		Committee Chairperson:	
Investment Name:	Applicant Organization:	Applicant Signature:	
Investment Summary			
Statewide Communications Plan (SCIP) Goals addressed by this investment (please circle all that apply)		<input type="checkbox"/> Governance <input type="checkbox"/> SOP <input type="checkbox"/> Technology	<input type="checkbox"/> Training & Exercise <input type="checkbox"/> Usage
Project Start Date:	Project End Date:	Is an Environmental & Historic Preservation (EHP) review required for this project?	
Applicant Contact Name:	Phone:	Email:	Address:
Review Status			SIEC Member Signature
			Date
Assigned to Committee			
Estimated Review Date			
Committee Recommendation to the Executive Management Committee	Approval	Denial	Amend
Executive Management Committee Recommendation	Approval	Denial	Amend
SIEC Recommendation	Approval	Denial	Amend
Applicant notified of Recommendation			

Communications Interoperability Problem Description-		
Background Information / Detailed Investment Description-		
Expected Outcomes- Describe the communications interoperability gaps that will be addressed		
SCIP Goal- Identify each SCIP goal that this investment will support and describe how that support will be accomplished. See Appendix B for a listing of SCIP goals.	Goal	Describe support
	Governance	
	SOP	
	Technology	
	Training & Exercise	
	Usage	
Ownership- Identify the proposed owners of all assets procured with this investment (add additional lines as needed)	Organization	Asset Description
Usage Plan- Describe the usage plan for the equipment / project		

Disciplines- <ul style="list-style-type: none"> Identify each responder discipline that will enhance its communications interoperability from this investment Describe the interoperability enhancement 		
	Discipline	Enhancement
Please use the following abbreviations to represent the corresponding discipline:	LE - Law Enforcement; EMS - Emergency Medical Services; EMA - Emergency Management Agency; FS - Fire Service; HZ – HAZMAT; PW - Public Works; PH - Public Health; GA – Governmental Administrative; PSC - Public Safety Communications; HC - Health Care; O-Other	
Multi-Jurisdictional Interoperability- All investments must provide interoperability between two or more jurisdictions. Identify each jurisdiction that will achieve interoperability from this investment.		

7. Budget Detail

The Budget must align with your Project Summary and equal your proposed funding amount.

All costs must be identified below. Insert additional rows if needed. For equipment, list the EMPG Authorized Equipment List (www.rkb.us) Reference number.

Applicants may include up to, but no more than, five (5) % of their request for 'Management and Administration' (M&A) costs. M&A activities are those defined as directly relating to the management and administration of EMPG funds, such as financial management and monitoring. Applicants are reminded to be mindful of supplanting and/or dual compensation.

Cost Category (Planning, Equipment, Training, Exercises, M&A)	Description	AEL #	Quantity	Unit Cost	Total
Planning	Initial Planning meeting		1	\$	\$ 1500.00
	Mid Planning Meeting		1	\$	\$ 500.00
	Final Planning Meeting		1	\$	\$ 500.00
	Drill		1	\$	\$ 5000.00
	After Action Meeting		1	\$	\$ 1000.00
Exercise	Drill		1	\$	\$
	Venue/Food/water for drill		60	\$20.00	\$ 1,200.00
Equipment	EMD computer upgrade	04HW-01- INHW	1	\$ 1550.00	\$ 1550.00
GRAND TOTAL					\$ 11,250.00

8. Milestones

Milestone	Tasks/Activities	Start Date	Completion Date
1	Initial Planning Meeting	12-17-12	1-21-13
2	Mid Planning Meetings – several needed	2-25-13	2-25-13
3	Final Planning Meeting	3-1-13	4-30-13
4	Drill – date to be finalized at planning mtg	4-3-13	5-30-13
5	AAR/IP meeting and submit report date to be determined based upon the drill date	6-1-13	6-30-13

9. EHP Review

Is a formal Environmental & Historic Preservation (EHP) review required for this project?

NOT APPLICABLE

If yes, please note here reasons why.

If no, please provide a brief reason why a formal review is not required.

Please refer to FEMA Informational Bulletins #271 and #329 for further detail.

If EHP review is required, MEMA will work with successful applicants to develop their 'EHP Screening Memo'. This Memo does not need to be submitted with the application.

General Guidance for Applicants

Applicants do not need to provide response to this section.

1) Non-Supplanting

Federal grant funds must supplement state or local initiatives and **shall not replace (or supplant)** funding appropriated from State and local governments with their Federal grant funding.

2) Specificity

Specificity in your 'Project Summary'. To the extent applicable -- follow the 'Who, What, When, Where, Why, and How' approach.

*Who (specifically) is benefiting from this proposal, and who is implementing?
What (specifically) is being proposed? (Define the project and its scope)
When will the project(s) begin and end?
Where will any equipment be housed?
Why is this project important? How was this determined?
How will the project be implemented?*

Please note that these questions above are provided as a guide. For instance, a proposal stating "two generators will be procured" does not provide enough detail.

3) Budget Section: All costs must be allowable under the EMPG

Allowable cost information may be found in the FFY 2011 EMPG grant guidance and/or Authorized Equipment List.

The FFY 2011 EMPG Guidance may be found on FEMA's website here:

<http://www.fema.gov/government/grant/empg/index11.shtm>

The Authorized Equipment List may be found on-line here:

<https://www.rkb.us/mel.cfm?subtypeid=549>

Important: all equipment must be allowable under the EMPG; applicants should ensure that the AEL number provided is specific to the EMPG grant.

4) Grammar Counts

We are requesting concise proposals that provide adequate detail and are written clearly so the review team can provide appropriate review. Hand-written applications will not be accepted.

5) Allowable Costs

For further detail on allowable costs, please refer to the FFY 2011 EMPG Guidance. In general, EMPG funds may be spent in the following areas:

- Planning
- Organizational
- Equipment
- Training
- Exercises
- Construction/Renovation (**Note: this is limited to the principal EOC and will always require an EHP review prior to activity**)

6) Unallowable Costs

For further detail on unallowable costs, please refer to the FFY 2011 EMPG guidance. In general, EMPG funds will not support the following:

- Weapons and ammunition
- Hiring of first responders
- Supplanting

Applicants with questions may contact their respective MEMA Regional Office and/or MEMA Local Coordinator. Applicants may also contact Jeff Timperi (Jeff.Timperi@state.ma.us; 508.820.2019)



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 NOV 21 A 11:32

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

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 21, 2012

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Parking Clerk

Honorable President Pope and Councilors:

With the resignation of Kim Gaudette as the Parking Clerk Hearing Officer, there is a significant backlog of hearings that need to be attended to. I have appointed my Executive Aide, Michael Berry, as the Parking Clerk on a temporary basis for the next 60 days to ensure we get caught up before a long term solution is put into place.

I want to thank Ms. Gaudette for her service and wish her well in future endeavors.

Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor



RECEIVED
CLERK'S OFFICE
OF MARLBOROUGH

2012 NOV 21 A 11:32

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
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 21, 2012

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Cultural Council Appointments

Honorable President Pope and Councilors:

I wish to appoint the following individuals to the Arts Lottery Council, each for a term of three years: Kim Beauchemin, James David Elmore, and Sandra Pirie-St.Amour. Each individual has demonstrated a serious interest in volunteering their time to encourage and promote the arts in our community. The terms of these appointments will expire on 8 / 23 / 2015.

The Arts Lottery Council acts as the Local Cultural Council for the City of Marlborough. The terms of each appointment is regulated by M.G.L. Chapter 10, Section 58 which states "Members of the local and regional cultural council shall be appointed for staggered terms of three years and any such member shall not be appointed to more than two consecutive terms."

In previous years, terms of the appointees have varied from one to three years. After some research and consulting with the Mass. Cultural Council, it is clear that we must adhere to the three year appointment statute for this particular committee.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor



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2012 NOV 21 A 11:32

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
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 21, 2012

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: New Senior Center Proposal

Honorable President Pope and Councilors:

After many years of belabored and protracted discussions, I am pleased to seek your partnership on a new proposal for a new senior center.

As you know, the best location for a new senior center has always been the most debated aspect of this initiative. Over the past couple of years, our community considered many ideas for suitable locations that included the conversion of city-owned facilities, the purchasing of private property for new construction, and the purchasing of a privately owned building for renovation. These ideas and many more were each given careful consideration and took into account a site's accessibility, build ability, and, most importantly, financial feasibility.

I am pleased to propose that we build a new senior center facility in the northeast section of Ward Park, off of Granger Boulevard. For your edification, I have included a map which highlights this general location. This locale will enable us to:

- Provide a downtown location with an ease of access off Granger Boulevard
- Build on city owned property, allowing us to avoid costly land purchases
- Allow for at least 70 – 100 parking spaces
- Conveniently located near field and track space, allowing our seniors the opportunity to have more recreational activities and events outdoors.

The next step in this process is to move forward with an appropriation for design and engineering costs. Tonight's agenda will feature a corresponding transfer request for this purpose.

I anticipate the construction of this facility not to exceed a total cost of \$7 million, including design and engineering costs. I will have a precise figure for you once the design and engineering have been completed.

In addition, we are required to have a Designer Selection Board who will be responsible for issuing and reviewing RFP's for a Project Manger to oversee the project and an architect to

design the new facility. This board will review proposals and make recommendations to my office as to which firms are best qualified to move this project forward in a timely manner.

I wish to inform you that Public Facilities Director John Ghiloni will chair the Designer Selection Board that will also consist of DPW Commissioner Ron LaFreniere, Assistant City Solicitor Cynthia Panagore-Griffin, Chief Procurement Officer Beverly Sleeper, and Executive Aide Michael Berry.

Once that process is concluded, we will need to establish a Building Committee whose charge will be to oversee the construction of this new facility and work with the city's Project Manager to ensure our resources are being put to their highest and best use.

I intend on the composition of this committee being made up of the following individuals:

Public Facilities Director John Ghiloni, Executive Aide Michael Berry, Council on Aging Chairman Jim Confrey, Mr. Joe Trella, and a representative of the City Council to be appointed by President Trish Pope.

Additionally, I believe it necessary to establish a Senior Center Advisory Committee to help guide us on the specific amenities, furnishings, and facility needs of our new senior center. In addition to having COA Director Jennifer Claro on this committee, I am seeking another representative of the City Council to be appointed by President Trish Pope to serve alongside with residents of the senior community.

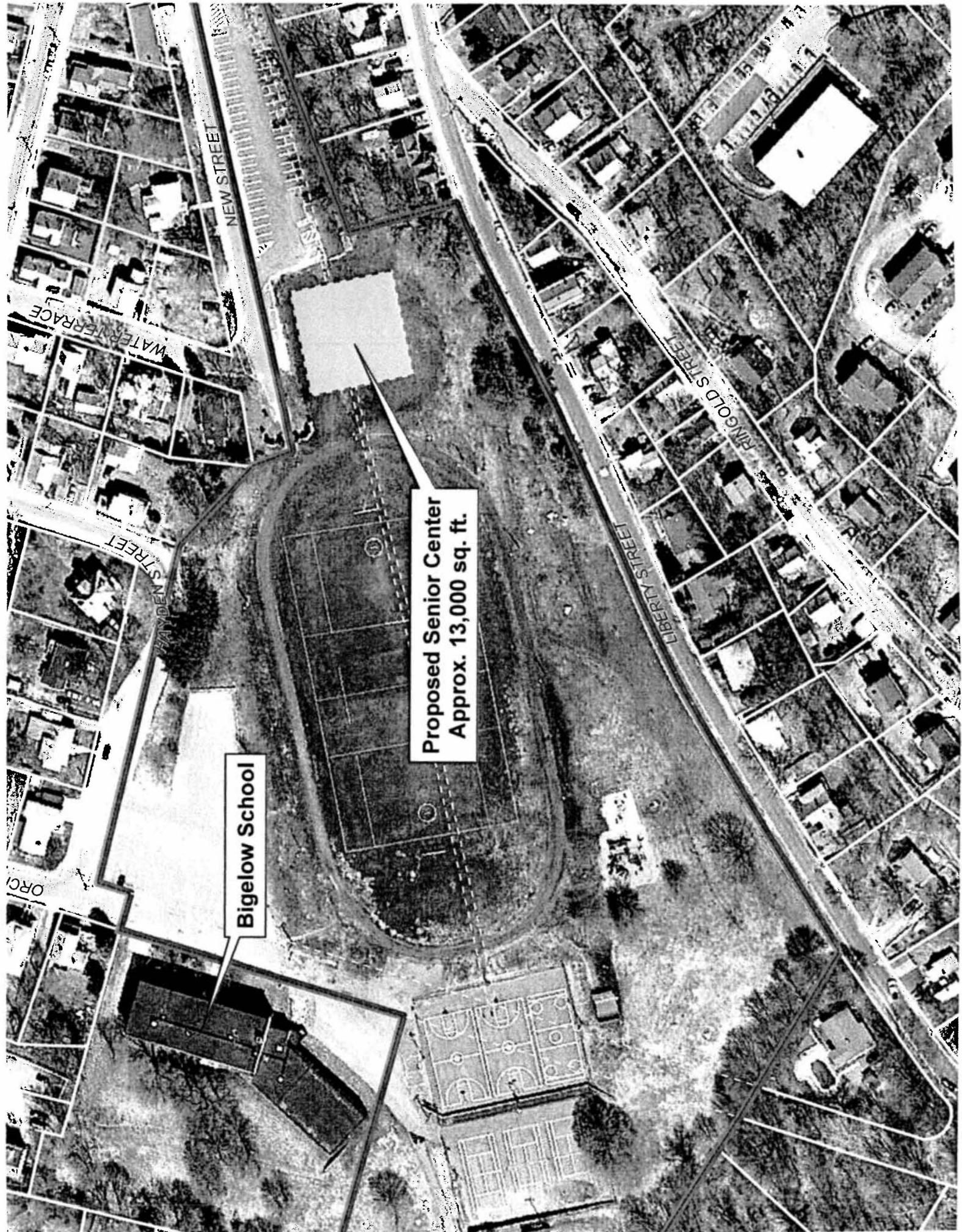
When construction gets underway next year, I expect that some youth sports and recreational programs will be temporarily displaced. I intend on working with these programs to develop short and long term solutions to this problem with the eventual goal of making significant improvements to the infrastructure and recreational field space at Ward Park.

I want to give a special thanks to City Council President Trish Pope for her counsel and partnership throughout this process. Our senior population has patiently waited for this moment for a long time. I look forward to working with you to see this project through to completion and giving our seniors a new place they can call their own.

Sincerely,



Arthur G. Vigeant
Mayor



Proposed Senior Center
Approx. 13,000 sq. ft.

Bigelow School

NEW STREET

WATER TERRACE

HAYDEN STREET

LIBERTY STREET

RINGOLD STREET

ORCI



City of Marlborough

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Office of the Mayor

2012 NOV 21 A 11:32 140 Main Street
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www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 21, 2012

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Transfer Request – Senior Center Design & Engineering

Honorable President Pope and Councilors:

As outlined in previous correspondence, I am seeking your support for the following transfer request:

- 1) Transfer in the amount of \$500,000.00 from 10000-35900 (Undesignated Fund) to 19300006-53045 (Senior Center).

This transfer request will fund the associated costs necessary to complete the design and engineering plans of a new senior center.

Sincerely,

Arthur G. Vigeant
Mayor

TRANSFER REQUEST

FISCAL YEAR: 2013

Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
<u>\$8,185,429.00</u>	<u>\$500,000.00</u>	<u>10000</u>	<u>- 35900</u>	<u>Undesignated Fund</u>	<u>\$500,000.00</u>	<u>19300006</u>	<u>- 53045</u>	<u>Senior Center</u>	<u>\$0.00</u>

Reason: To fund the design and engineering costs of a new senior center



PROPOSED CITY COUNCIL ORDER

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended by amending the Zoning Ordinance as follows:

1. Adding to Section 650-5.B a definition for “Data Storage/Telecommunications Facility”, in alphabetical order, as follows:

DATA STORAGE/TELECOMMUNICATIONS FACILITY

A building for the operation, monitoring, and maintenance of data storage computers, telecommunications equipment and ancillary equipment, including appurtenant office space.

2. Adding to the Table of Use Regulations, Section 650-17, a category for “Data Storage/Telecommunications Facilities” under “Industrial Uses”, as follows:

	Zoning District Abbreviations										
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I
Industrial Use											
Data storage/ telecommunications facilities	N	N	N	N	N	N	N	N	N	Y	Y

3. Adding to Section 650-48.A a new item (15) as follows:

- (15) Data storage/telecommunications facilities shall provide one parking space for each 2,500 square feet of building area; provided, however, that the site plan for a data storage/telecommunications facility shall provide an area labeled as “Reserve Parking Area” on the site plan, to be maintained as existing natural vegetation or as landscaped area, said Reserve Parking Area to be sufficient in size to accommodate the parking requirements in existence at the time for an office use at the site.

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 2012 NOV 21 A 10:17

HANCOCK ASSOCIATES

Thursday, October 25, 2012

Patricia Pope, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, Massachusetts 01752

Subject: Special Permit Application - Construction Materials Service Inc.
Proposed Office Building on a Nonconforming Property
379 South Street

Dear Council President:

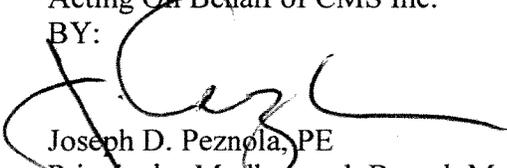
Hancock Associates, acting on Behalf of Construction Materials Service Inc., hereby submits a complete application to the City Council under Article V Chapter 650, Section 12 Nonconforming Uses. The proposal calls for the construction of a two story office building on a pre-existing nonconforming property located at 379 South Street. The proposed 2,400 square foot building shall be allowed only by grant of a Special Permit by the City Council. The following items are attached and should be considered part of this application:

- Application to City Council for Issuance of Special Permit
- Special Permit-Summary Impact Statement
- Filing Fee Check in the amount of \$500.00
- Certification of Completeness of Application
- City Clerk Form
- Certification of Payment Municipal Tax Return
- Certified List of Abutters
- Site Plan of Land dated 5-25-12, by Hancock Associates.

We respectfully request the Council accept the application and schedule the matter for Public Hearing. Should you have any questions or comments, please do not hesitate to contact me at 508-460-1111.

Sincerely,
Hancock Associates,
Acting On Behalf of CMS Inc.

BY:


Joseph D. Peznola, PE
Principal – Marlborough Branch Manger

DANVERS, MA
185 Centre Street
Danvers, MA 01923
Phone: (978) 777-3050
Fax: (978) 774-7816

MARLBOROUGH, MA
315 Elm Street
Marlborough, MA 01752
Phone: (508) 460-1111
Fax: (508) 460-1121

CHELMSFORD, MA
227 Chelmsford Street
Chelmsford, MA 01824
Phone: (978) 244-0110
Fax: (978) 244-1133

SALEM, NH
P.O. Box 205
Salem, NH 03079
Phone: (603) 898-4701

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

RECEIVED
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CITY OF MARLBOROUGH

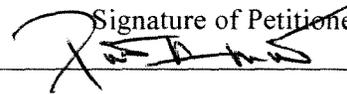
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1. Name and address of Petitioner or Applicant:
Construction Materials Service Inc.
2. Specific Location of property including Assessor's Plate and Parcel Number.
379 South Street, Map 93, Lot 10
3. Name and address of owner of land if other than Petitioner or Applicant:
**David & Mary Ann Mauro Trustees, C&M realty Trust
P.O. Box 1, Marlborough Ma 01752**
4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)
Prospective Owner and Lessee
5. Specific Zoning Ordinance under which the Special Permit is sought:
Article V Chapter 650 Paragraph 12 Sub-paragraph _____
6. Zoning District in which property in question is located:
Residence A-1
7. Specific reason(s) for seeking Special Permit
Special permit for construction of a new 2,400sq.ft. office building on a nonconforming property

8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HERewith AND MADE PART OF SAID PETITION.

Signature of Petitioner or Applicant


Address: **379 South Street
Marlborough, MA**

Telephone No. **508-481-0011**

Date: 10/31/12

LIST OF NAMES AND ADDRESS OF ABUTTERS AS
REQUESTED ON THE APPLICATION FOR SPECIAL PERMIT OF:

Construction Materials Service Inc.

(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF
MARLBOROUGH UNDER CHAPTER 200, ZONING, OF THE CODE OF THE CITY OF
MARLBOROUGH.

(Abutters as defined in Section 3.H of the Rules and Regulations of Application/petition for Special Permit
by the City Council under the Marlborough Zoning Ordinance.)

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: **Construction Materials Services Inc.** Address: **379 South Street**

Project Name: **Construction Materials Services Inc.** Address: **379 South Street**

1. PROPOSED USE: (describe) **Office Building**
2. EXPANSION OR NEW: **New**
3. SIZE: floor area: **1,200 s.f.** (1st floor) **2,400 s.f.** (all floors)
buildings: **One** stories: **Two** lot area: **3.3 acres**
4. LOT COVERAGE: **50%±** Landscaped area: **1,780sq.ft.**
5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: **6-8** Peak period: **10-12**
6. TRAFFIC:
 - (A) Number of vehicles parked on site:
During regular hours: **6-8** Peak period: **10-12**
 - (B) How many service vehicles will service the development and on what schedule?
One (1) supply delivery truck per week, one (1) trash pick-up per week and one.
7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? **Exterior wall mount lights on the building only.**
8. NOISE:
 - (A) Compare the noise levels of the proposed development to those that exist in the area now.
Slight increase in passenger vehicle noise
 - (B) Described any major sources of noise generation in the proposed development and include their usual times of operation.
No noise generation on daily basis. May have emergency generator for power outages.
9. AIR: What sources of potential air pollution will exist at the development? **None.**
10. WATER AND SEWER: Describe any unusual generation of waste.
No unusual generation of waste, site will utilize existing dumpster.
11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? **None.**



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall

140 Main St.

Marl borough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 624-7504 TTD (508) 460-3610

President and Members City Council

Date: **03-05-09**

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: **Construction Materials Service Inc.**

Project Use Summary: **2,400sq.ft. Office Building**

Project Street Address: **379 South Street**

Plate: **93**

Parcel: **10**

Applicant/Developer Name: **Construction Materials Service Inc.**

Plan Date: **10/25/12**

Revision Date: ---

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Rule 6; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,

Michael Mendoza

Director of Planning

Fee: \$500.00

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**



**Lisa M. Thomas
City Clerk**

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal tax returns and paid all Municipal taxes required under law.

A handwritten signature in black ink, appearing to read 'R. Thomas', is written over a horizontal line.

Signature of Applicant

Attorney on behalf of Applicant, if applicable

The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.

A handwritten signature in black ink, appearing to read 'Deborah G. Fox', is written over a horizontal line.

Tax Collector

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CITY OF MARLBOROUGH

2012 NOV 21 A 11: 36

Brian R. Falk
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
bfalk@mirickoconnell.com
t 508.929.1678
f 508.983.6256

November 20, 2012

Councilor Patricia Pope, President
City Council
City Hall
140 Main Street
Marlborough, MA 01752

Re: Request for Leave to Withdraw Without Prejudice;
54 Main Street LLC (Dunkin Donuts) Special Permit Application

Dear President Pope:

In accordance with § 650-59(C)(11) of the Zoning Ordinance of the City of Marlborough, my client 54 Main Street LLC hereby requests leave to withdraw without prejudice its application for a special permit for a restaurant drive-through window.

Through the City Council's public hearing and an Urban Affairs Committee meeting on this application, the applicant listened carefully to feedback from Councilors, City Officials, and neighbors. Since then, we have had numerous discussions with the Police Chief, Fire Chief, and City Engineer regarding various alternative site configurations intended to make the project a better fit.

From those discussions we have devised a revised site plan that will (i) increase the queuing capacity of the drive-through lane from 6 vehicles to 10 vehicles, and (ii) allow large delivery trucks to park and unload on-site without the need to reverse in or out of the property. This new configuration would also improve the site's parking area and include enhanced pedestrian access. The project would still involve the replacement of the existing structure with a smaller building that is more complimentary to the neighborhood, improvements to the landscaped area, and the replacement of the sidewalk along Cotting Avenue.

In order to proceed with this new site configuration, we must seek additional variances from the Zoning Board of Appeals. If we obtain those additional variances, we would then submit a new application to the City Council for a special permit for a restaurant drive-through window.

MIRICK O'CONNELL

Patricia Pope, President

November 20, 2012

Page 2

We appreciate the feedback and support from the City Council and City Officials, and look forward to presenting our revised plan in the coming months.

Thank you very much for your time and consideration of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be 'BRF', with a long horizontal stroke extending to the right.

Brian R. Falk

BRF/dct

Monday, November 19, 2012

To Marlborough City Counsel:

My name is Kristin Regan and attached is the letter for a parking permit that I submitted last October. Please review the letter and license approval for last year. I would like City Council to consider a longer term and request a provision to No. 1, as it refers to a one-year license. Thank you for your time, please call 774-245-2206 if you have any further questions.

Sincerely,



Kristin Regan

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CITY OF MARLBOROUGH
2012 NOV 19 P 4:09

25

Wednesday, October 26, 2011

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

To Marlborough City Counsel:

2011 OCT 26 P 3:48

My name is Kristin Regan and I am writing this letter to request permission to park on city property at the top of Emmett Street. My husband, Kenneth D. Regan Jr. and I are the homeowners of 56 Emmett Street and only have on-street parking. I am requesting to park on the city property during the winter months so we do not interfere with the removal of snow. There had been a previous parking permit licensed to Jillian Barrile in May of 2003 and was renewed to Richard and Jane A. Sullivan in June of 2006. In looking to get this license renewal I would like to request one change to provision No. 1, as it refers to a one-year license. I would like City Counsel to consider a longer term to avoid going through a renewal yearly. I am looking to get this issue resolved before the first snow falls. I have attached the two previous Counsel Orders that I obtained from the City Clerk. If you have any further questions you can contact me at 774-245-2206. Thank you for taking time to look into this situation.

Sincerely,


Kristin Regan





IN CITY COUNCIL

DECEMBER 19, 2011

Marlborough, Mass.,

ORDERED:

Suspension of the Rules requested - granted

That the portion of the public way identified on a plan entitled, "Plan of Land in Marlborough, Massachusetts, to be licensed to Richard F. and Jane A. Sullivan, 56 Emmett Street for parking, Prepared by: City of Marlborough Department of Public Works, Engineering Division (BWT), Scale: 1" = 20', January 2002," which is attached hereto and incorporated herein by reference, and containing 316.41± square feet, which Order No. 03-9919A declared available for disposition for the sole purpose of parking by the owners of 56 Emmett Street, is herewith approved as a license for the current owners of 56 Emmett Street, Kenneth D. and Kristin L. Regan, Jr., based, however, upon the following conditions:

1. The license shall be on a temporary one-year basis, requiring further City Council approval one year from the date of adoption of this order;
2. The licensees shall utilize the licensed premises for the parking of the vehicle(s) in their household, and they shall not permit the parking of their vehicle(s) on the public way so as to impede snow removal operations conducted by or on behalf of the City of Marlborough;
3. The licensees' use of the portion of the public way approved under this license, each year it is in effect, shall coincide with the period of the City of Marlborough's winter parking ban for that year, and the licensed portion of the public way shall otherwise be available to other neighbors and abutters for parking purposes at other times of the year, especially during the summer months; and
4. The licensees shall indemnify and hold harmless the City of Marlborough from any liability arising as a result of their use of the licensed portion of the public way for parking purposes.

ADOPTED

In City Council

Order No. 11-1004017

X-03-9919A

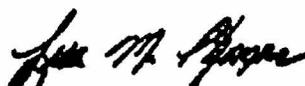
Approved by Mayor

Nancy E. Stevens

Date: December 21, 2011

A TRUE COPY

ATTEST:


City Clerk

PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

DOMENIC J. F. RUSSO, *Chairman*

JOSEPH E. CONNARTON, *Executive Director*

Auditor SUZANNE M. BUMP | ALAN MACDONALD | JAMES M. MACHADO | DONALD R. MARQUIS | ROBERT B. MCCARTHY | GREGORY R. MENNIS

MEMORANDUM

TO: Marlborough Retirement Board
FROM: *Joseph E. Connarton*
Joseph E. Connarton, Executive Director
RE: Appropriation for Fiscal Year 2014
DATE: October 31, 2012

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2012 NOV -5 A 11:39

Required Fiscal Year 2014 Appropriation: **\$7,478,815**

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2014 which commences July 1, 2013.

Attached please find summary information based on the present funding schedule for your system and the portion of the Fiscal Year 2014 appropriation to be paid by each of the governmental units within your system.

If your System has a valuation currently in progress, you may submit a revised funding schedule to PERAC upon its completion. The current schedule is/was due to be updated by Fiscal Year 2015.

If you have any questions, please contact PERAC's Actuary, Jim Lamenzo, at (617) 666-4446 Extension 921.

JEC/jrl
Attachments

cc: Office of the Mayor
City Council
c/o City Clerk

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Marlborough Retirement Board

Projected Appropriations

Fiscal Year 2014 - July 1, 2013 to June 30, 2014

Aggregate amount of appropriation: **\$7,478,815**

Fiscal Year	Estimated Cost of Benefits	Funding Schedule (Excluding ERI)	ERI	Total Appropriation	Pension Fund Allocation	Pension Reserve Fund Allocation	Transfer From PRF to PF
FY 2014	\$7,876,913	\$7,478,815	\$0	\$7,478,815	\$7,478,815	\$0	\$398,098
FY 2015	\$8,187,773	\$7,635,382	\$0	\$7,635,382	\$7,635,382	\$0	\$552,391
FY 2016	\$8,510,659	\$7,794,785	\$0	\$7,794,785	\$7,794,785	\$0	\$715,874
FY 2017	\$8,846,036	\$7,957,043	\$0	\$7,957,043	\$7,957,043	\$0	\$888,993
FY 2018	\$9,194,389	\$8,122,179	\$0	\$8,122,179	\$8,122,179	\$0	\$1,072,210

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

For illustration, we have shown the amount to be transferred from the Pension Reserve Fund to the Pension Fund to meet the estimated Cost of Benefits for each year. If there are sufficient assets in the Pension Fund to meet the Cost of Benefits, this transfer is optional.

Marlborough Retirement Board
 Appropriation by Governmental Unit

Fiscal Year 2014 - July 1, 2013 to June 30, 2014

Aggregate amount of appropriation: **\$7,478,815**

UNIT	Percent of Aggregate Amount	Funding Schedule (excluding ERI)	ERI	Total Appropriation
City of Marlborough	68.05%	\$5,089,334	\$0	\$5,089,334
School Department	30.78%	\$2,301,979	\$0	\$2,301,979
Housing & Community Devel. Authority	1.17%	\$87,502	\$0	\$87,502
UNIT TOTAL	100%	\$7,478,815	\$ 0	\$7,478,815

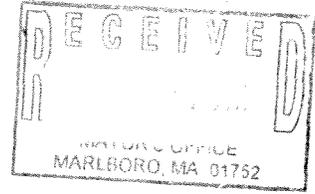
The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.



Engineering a Sustainable Future

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CITY OF MARLBOROUGH

2012 NOV 19 P 4: 19



**City Clerk
Contractor
Legal
Department
Auditor**

November 15, 2012

City of Marlborough
Mayor Nancy Stevens
140 Main Street
Marlborough, MA 01752

Robert Landry
Board of Health
255 Main Street
Walker Building, Room 101
Marlborough, MA 01752

Department of Fire Prevention
215 Maple Street
Marlborough, MA 01752

**Re: Immediate Response Action (IRA) Plan and Completion Report
Former Jenney Gasoline Station Site
25 East Main Street, Marlborough, Massachusetts
MassDEP Release Tracking Number 2-18683**

Dear Sir or Madam:

On behalf of the City of Marlborough, Nobis Engineering, Inc. (Nobis) has submitted and Immediate Response Action (IRA) Plan and Completion Report for the above-referenced Site. The report addresses the status of activities associated with the release of petroleum hydrocarbon compounds and the removal of one underground storage tank (UST), referenced as "Tank #5". A copy of the report is being provided to the City of Marlborough Department of Fire Prevention to meet Massachusetts UST Closure requirements.

Please do not hesitate to contact our office with any questions on this matter.

Very truly yours,

NOBIS ENGINEERING, INC.

Tracey A. Costa, LSP, CHMM. TURP
Project Manager

Cc: Mr. John Ghiloni, City of Marlborough Director of Facilities
MassDEP, Bureau of Waste Site Cleanup



Engineering a Sustainable Future

Nobis Engineering, Inc. | NH | MA | NJ | VT

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CITY OF MARLBOROUGH

November 15, 2012

2012 NOV 19 P 4:19

City of Marlborough
Mayor Nancy Stevens
140 Main Street
Marlborough, MA 01752

Robert Landry
Board of Health
255 Main Street
Walker Building, Room 101
Marlborough, MA 01752

Department of Fire Prevention
215 Maple Street
Marlborough, MA 01752

**Re: Release Abatement Measure (RAM) Status Report
Former Jenney Gasoline Station Site
25 East Main Street, Marlborough, Massachusetts
MassDEP Release Tracking Number 2-17854**

Dear Sir or Madam:

On behalf of the City of Marlborough, Nobis Engineering, Inc. (Nobis) has submitted a Release Abatement Measure (RAM) Status Report for the above-referenced Site. The report addresses the status of activities associated with the release of petroleum hydrocarbon compounds and the removal of one underground storage tanks (UST), referenced as "Tank #7", one above-ground storage tank ("Tank #6"), a hydraulic lift and a hydraulic oil tank. A copy of the report is being provided to the City of Marlborough Department of Fire Prevention to meet Massachusetts UST Closure requirements.

Please do not hesitate to contact our office with any questions on this matter.

Very truly yours,

NOBIS ENGINEERING, INC.

Tracey A. Costa, LSP, CHMM. TURP
Project Manager

Cc: Mr. John Ghiloni, City of Marlborough Director of Facilities
MassDEP, Bureau of Waste Site Cleanup

Client-Focused, Employee-Owned
www.nobiseng.com

Nobis Engineering, Inc.
585 Middlesex Street
Lowell, MA 01851
T (978) 683-0891



Engineering a Sustainable Future

Nobis Engineering, Inc. | NH | MA | NJ | VT

November 15, 2012

City of Marlborough
Mayor Nancy Stevens
140 Main Street
Marlborough, MA 01752

Robert Landry
Board of Health
255 Main Street
Walker Building, Room 101
Marlborough, MA 01752

Department of Fire Prevention
215 Maple Street
Marlborough, MA 01752

**Re: Immediate Response Action (IRA) Plan and Completion Report
Former Jenney Gasoline Station Site
25 East Main Street, Marlborough, Massachusetts
MassDEP Release Tracking Number 2-18681**

Dear Sir or Madam:

On behalf of the City of Marlborough, Nobis Engineering, Inc. (Nobis) has submitted and Immediate Response Action (IRA) Plan and Completion Report for the above-referenced Site. The report addresses the status of activities associated with the release of petroleum hydrocarbon compounds and the removal of three underground storage tanks (USTs), referenced as "Tanks #1-#3". A copy of the report is being provided to the City of Marlborough Department of Fire Prevention to meet Massachusetts UST Closure requirements.

Please do not hesitate to contact our office with any questions on this matter.

Very truly yours,

NOBIS ENGINEERING, INC.

Tracey A. Costa, LSP, CHMM. TURP
Project Manager

Cc: Mr. John Ghiloni, City of Marlborough Director of Facilities
MassDEP, Bureau of Waste Site Cleanup

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585 Middlesex Street
Lowell, MA 01851
T (978) 683-0891



Engineering a Sustainable Future

Nobis Engineering, Inc. | NH | MA | NJ | VT

November 16, 2012

City of Marlborough
Mayor Nancy Stevens
140 Main Street
Marlborough, MA 01752

Robert Landry
Board of Health
255 Main Street
Walker Building, Room 101
Marlborough, MA 01752

Department of Fire Prevention
215 Maple Street
Marlborough, MA 01752

**Re: Release Abatement Measure (RAM) Plan
Former Jenney Gasoline Station Site
25 East Main Street, Marlborough, Massachusetts
MassDEP Release Tracking Number 2-17854**

Dear Sir or Madam:

On behalf of the City of Marlborough, Nobis Engineering, Inc. (Nobis) has submitted a Release Abatement Measure (RAM) Plan for the above-referenced Site. The report addresses the proposed removal of one underground storage tank (UST), referenced as "Tank #8", along with contaminated soil.

Please do not hesitate to contact our office with any questions on this matter.

Very truly yours,

NOBIS ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "Tracey A. Costa". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tracey A. Costa, LSP, CHMM. TURP
Project Manager

Cc: Mr. John Ghiloni, City of Marlborough Director of Facilities
MassDEP, Bureau of Waste Site Cleanup

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585 Middlesex Street
Lowell, MA 01851
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November 13, 2012

Via UPS Ground - 1Z9V0F660399377088

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

RE: City of Marlborough Decision of Special Permit, Order # 11-1002976D (X99-8204B)
Site #: MA3307 Site Address: 157 Union Street, Map 43, Parcel 56

To Whom It May Concern:

As required by condition # 6 of the Decision of Special Permit for the referenced New Cingular Wireless PCS, LLC ("AT&T") Wireless Communications Facility find enclosed the written report of output radio frequency energy for your review.

If you should have any questions please contact the undersigned at 603-560-6185.

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carl Aquilina', written over a horizontal line.

Carl Aquilina
Site Acquisition Lead

Enclosure



MAXIMUM PERMISSIBLE EXPOSURE STUDY

Prepared for:



Site ID: MA3307
Marlborough Hospital
157 Union Street, Marlborough, MA
Middlesex County
42.3553, -71.5547



Conclusion: *The site measurement was 5.755% of FCC Standard for Uncontrolled/General Public Maximum Permissible Exposure (MPE).*

Prepared by: SAI Communications
260 Cedar Hill Street
Marlboro, MA 01752
508-573-5077

Date of Report: October 12, 2012

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1. PURPOSE OF REPORT

SAI Communications conducted Radio Frequency measurements at 157 Union Street, Marlborough, MA on the grounds surrounding the Smokestack housing the AT&T antennas to determine the current RF exposure levels in the surrounding areas after construction/modifications to the site have been made. The measurements collected represent the cumulative power density levels of all RF transmitters in the area, within the frequency range of the equipment used. The FCC has established Maximum Permissible Exposure (MPE) limits for general population exposures and occupational exposures. This report summarizes the Radio Frequency Emission findings in relevance to the FCC compliance standards for limiting human exposure to RF Electromagnetic fields.

SAI field personnel visited this site on October 12, 2012. This report contains a detailed summary of the RF EME analysis for the site, including the following:

- Antenna Inventory at site
- Site Plan with antenna locations

This document addresses the compliance of AT&T's transmitting facilities independently and in relation to any and/or all collocated facilities at the site (if applicable).

2. STATEMENT OF COMPLIANCE

A site is considered out of compliance with the FCC's RF exposure guidelines if there is an area at the site that is accessible to the general public or workers, where RF exposure levels exceed the applicable FCC Maximum Permissible Exposure (MPE) limits. As presented in the sections below, worst-case spatial average for AT&T Site MA3307 indicates that there are no residential accessible ground-level areas at the site where the potential RF-EME field levels associated with AT&T equipment existing at the site exceed the applicable FCC's general public or occupational MPE limits. As such, controlling access to these areas at the site where RF equipment can be found (including fencing and appropriate FCC-required signage) will ensure that the site will remain in compliance with the FCC's RF exposure guidelines.

3. SITE DESCRIPTION & CONFIGURATION (GSM and UMTS)

Below is the current AT&T antenna configuration for the three sectors containing two antennas per sector for a total of six (GSM/UMTS) antennas. On the following pages are the configuration descriptions and A&E drawings that were used to plot the locations for measurements around the perimeter.

3.1 CURRENT GSM and UMTS ANTENNA CONFIGURATION

Sector	Alpha				
1. Complete for each antenna					
A.	Sector (Sector ID)	1	Antenna Centerline (ft AGL)	82	
B.	Antenna Model	800-10122	Dual band Y/N?	Yes	
C.	Length of Antenna (ft)	4ft 3.8in	Antenna Orientation (deg)	30	
D.	Mechanical Downtilt (deg)	0 °	Electrical Downtilt (deg)	0 °	
E.	Notes	None			
2. In addition, complete for rooftop, tower, and water tank antennas					
A.	How is it mounted?	Other	If other, specify	Tower mounted	

Sector	Beta				
1. Complete for each antenna					
A.	Sector (Sector ID)	2	Antenna Centerline (ft AGL)	82	
B.	Antenna Model	800-10122	Dual band Y/N?	Yes	
C.	Length of Antenna (ft)	4ft 3.8in	Antenna Orientation (deg)	150	
D.	Mechanical Downtilt (deg)	0 °	Electrical Downtilt (deg)	0 °	
E.	Notes	None			
2. In addition, complete for rooftop, tower, and water tank antennas					
A.	How is it mounted?	Other	If other, specify	Tower mounted	

Sector	Gamma				
1. Complete for each antenna					
A.	Sector (Sector ID)	3	Antenna Centerline (ft AGL)	82	
B.	Antenna Model	800-10122	Dual band Y/N?	Yes	
C.	Length of Antenna (ft)	4ft 3.8in	Antenna Orientation (deg)	270	
D.	Mechanical Downtilt (deg)	0 °	Electrical Downtilt (deg)	0 °	
E.	Notes	None			
2. In addition, complete for rooftop, tower, and water tank antennas					
A.	How is it mounted?	Other	If other, specify	Tower mounted	

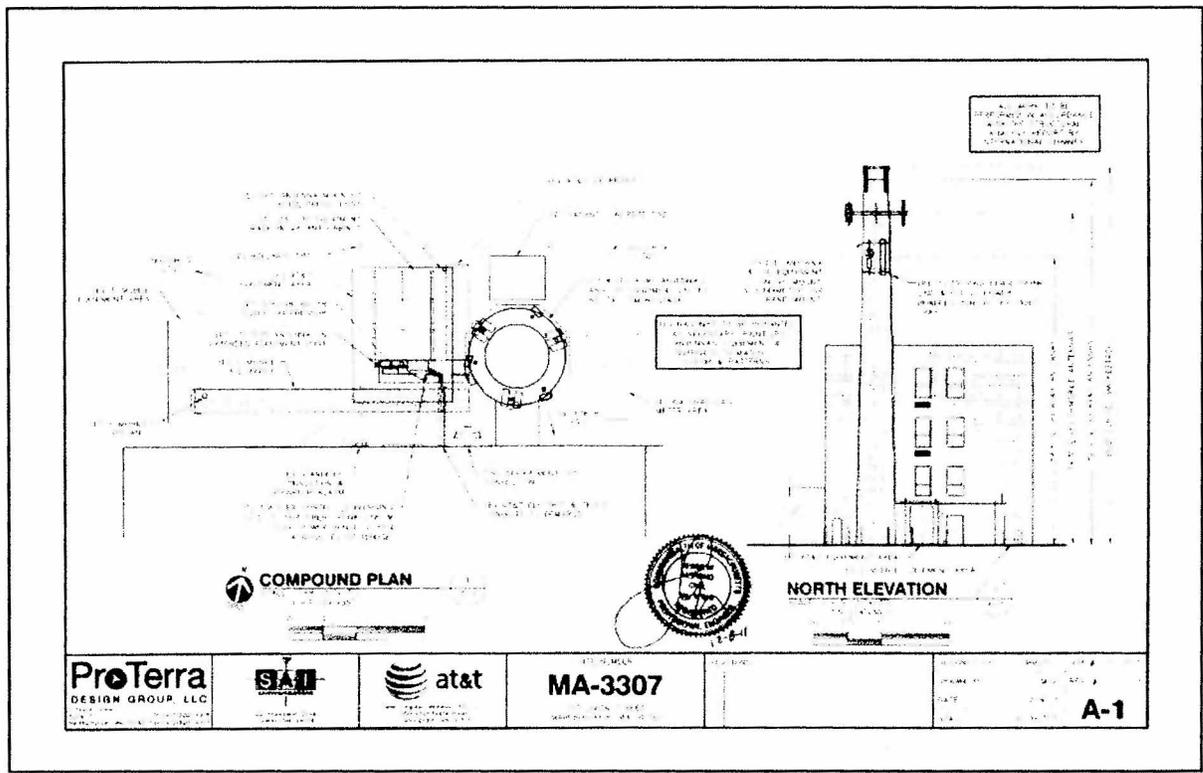
3.2 CURRENT LTE ANTENNA CONFIGURATION

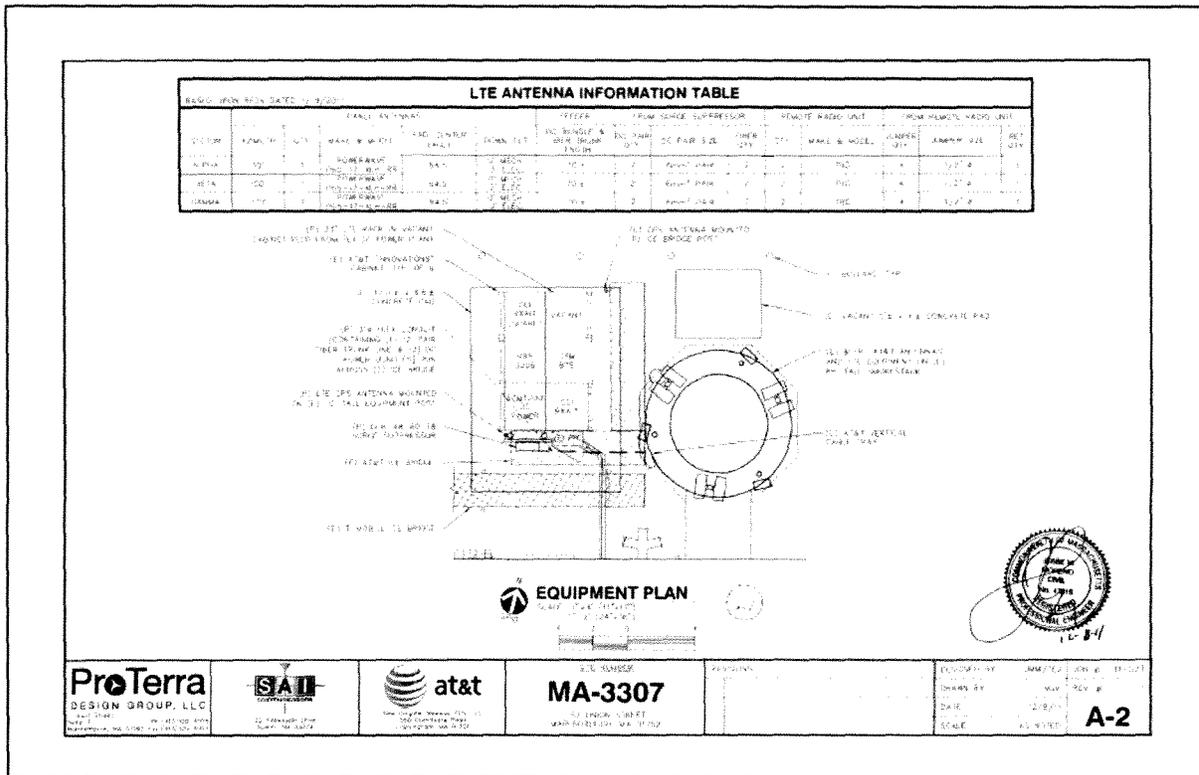
This site currently houses 3 AT&T LTE antennas on the smokestack at 157 Union Street, Marlborough, MA. There are three Sectors (A, B, and G) at the site, with one (LTE) antenna installed in each.

Sector	1 (alpha)	2 (beta)	3 (gamma)
Antennas present	1	1	1
Current antenna model	P65-17-XLH-RR	P65-17-XLH-RR	P65-17-XLH-RR
Current antenna azimuth	30	150	270
Current center line (ft)	64	64	64

Access to this site is limited to authorized personnel only. It is locked with no access into any equipment area. Access is not granted without a key or access code. As such, the general public will be unable to access any equipment at this site including antenna areas without authorization from AT&T.

3.3 E&A DIAGRAMS





4. **FCC GUIDELINES**

The FCC has established maximum permissible exposure limits for human exposure to RF-EMF fields (i.e., the MPE limits), based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) and adopted by the American National Standards Institute (ANSI). Limits for localized absorption are based on recommendations of both ANSI/IEEE and NCRP.

The FCC guidelines incorporate two separate tiers of exposure limits based upon the situation in which the exposure occurs and/or the status of the individuals who are subject to exposure: (1) occupational/controlled exposure limits (for workers), and (2) general public/uncontrolled exposure limits for members of the general public.

Occupational/controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/ controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general public/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

General public/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

The FCC, in responding to the Telecommunications Act of 1996, issued ET Docket 93-62 which prescribed rules regarding the environmental effects of RF emission and to modify Title 47 parts 1, 2, 15, 24 and 97. The FCC established two levels for Maximum Permissible Exposure (MPE), the General Public/Uncontrolled limits and the Occupational/Controlled limits. The MPEs are presented in the Table 1 and Table 2, respectively below.

Table 1. MPE Limits for General Population/ Uncontrolled Exposure				
Frequency Range (MHz)	Electric Field Strength (V/m)	Magnetic Field Strength (A/m)	Power Density (mW/cm ²)	Averaging Time for E ² , H ² , or S (Minutes)
0.3 – 1.34	614	1.63	(100)*	30
1.34 -30	824/f	2.19/f	(180/f ²)*	30
30 – 300	27.5	0.073	0.2	30
300 – 1500	--	--	f/1500	30
1500– 100,000	--	--	1.0	30
f = frequency in MHz		* = Plane wave equivalent power density		

TABLE 1: General population/uncontrolled exposures apply in situations in which the general public may be exposed, or in which persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or can't exercise control over their exposure.

Table 2. MPE Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (V/m)	Magnetic Field Strength (A/m)	Power Density (mW/cm ²)	Averaging Time for E ² , H ² , or S (Minutes)
0.3 – 3.0	614	1.63	(100)*	6
3.0 – 30	1842/f	4.89/f	(900/f ²)*	6
30 – 300	61.4	0.163	1.0	6
300 – 1500	--	--	f/300	6
1500– 100,000	--	--	5.0	6
f = frequency in MHz		* = Plane wave equivalent power density		

TABLE 2: Occupational/controlled limits apply in situations in which persons are exposed as a consequence of their employment provided those persons are fully aware of the potential for exposure and can exercise control over their exposure. Limits for occupational/controlled exposure also apply in situations when an individual is transient through a location where such occupational/controlled limits apply provided he or she is made aware of the potential for exposure.

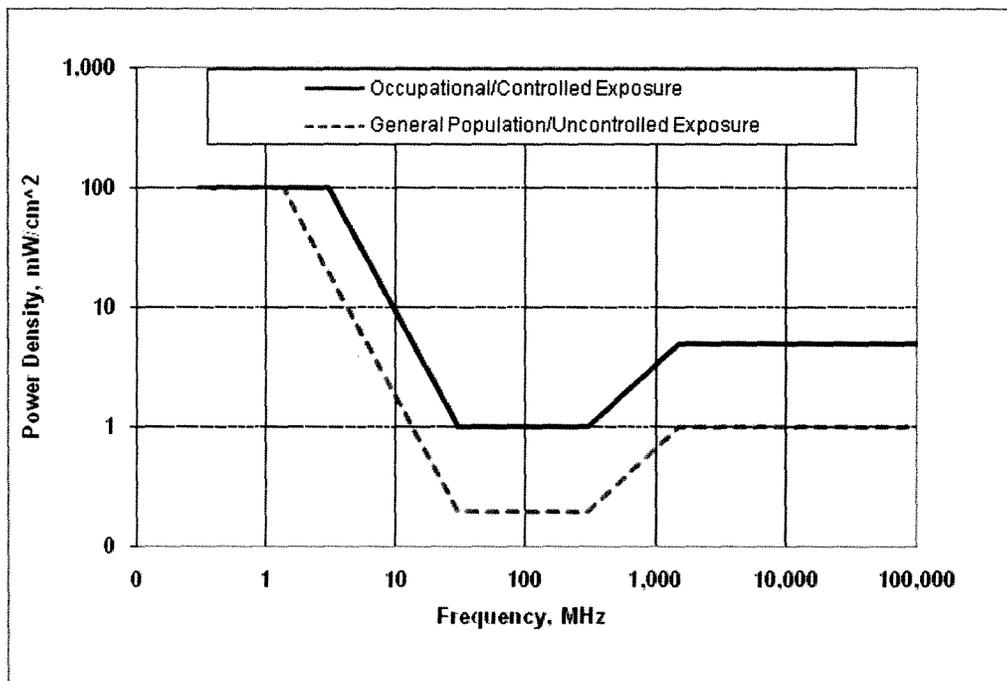
5. FCC RF EXPOSURE LIMITS

Table 1 and Figure 1 (below), which the FCC has provided in its guidance document "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields," OET Bulletin 65, Edition 97-01 (OET Bulletin 65), summarize the FCC MPE limits for human exposure to

RFEME fields. These limits are conservatively designed to provide a substantial margin of safety. They vary by frequency to take into account the different types of equipment that may be in operation at a particular facility, and are "time-averaged" to reflect different exposure durations for controlled and uncontrolled exposures.

The FCC MPE limits are measured in terms of power density, which represents the rate of power flow (mW) over a unit surface area (cm²). The FCC has established a general public/uncontrolled MPE limit of 1 milliwatt per square centimeter (mW/cm²) and an occupational/controlled MPE of 5 mW/cm² for equipment operating in the 1900 MHz frequency range. For equipment operating at 850 MHz, the general public/uncontrolled MPE limit is 0.57 mW/cm² and the occupational/controlled limit is 2.83 mW/cm². For the frequency ranges of interest, the MPE limits established in OET Bulletin 65 are mirrored by the Radiofrequency Exposure Limits in the Massachusetts Department of Public Health regulations, 105 CMR 122.000.

The Personal Communications Service (PCS) facility that AT&T has installed at the site operates within a frequency range of 700-1900 MHz. Such facilities typically consist of (1) electronic transceivers (the radios or cabinets) that are connected to wired telephone lines; (2) coaxial cables that connect the transceivers to antennas; and (3) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for ground-level exposure to the general public or workers at a site to applicable FCC MPE levels.



Graph of Maximum Permissible Exposures. Occupational/Controlled and General Population/Uncontrolled MPE's are functions of frequency.

6. FIELD SURVEY RESULTS

The measurement positions conducted at 157 Union Street, Marlborough, MA are shown on the aerial photo of the surrounding area below. Contained on the next page is a table summarizing the post-construction power density measurements recorded at the points indicated. The measurements presented were taken on the grounds surrounding the smokestack.

Monitoring was performed using a Narda NBM550 Electromagnetic Radiation Survey Meter, Serial #B-0552 with a Narda EA5091 Shaped Probe with a frequency range of 300kHz- 50GHz. The meter was last calibrated on January 25, 2011. This meter was programmed to measure the total power density for all electromagnetic radiation within the 300kHz-50GHz frequency range and report the power density as a percent of the FCC's controlled MPE. This reading represents all carriers present.

Again, no spatially averaged readings greater than 5.755% of the FCC's uncontrolled or general public MPE were encountered.

6.1 MEASUREMENT LOCATIONS

- Positions measured around the site are identified below in the aerial photo:



6.1.1 MEASUREMENT RESULTS

Measurement Position	Readings recorded on 10/12/2012	
	SPATIAL AVERAGED MEASUREMENTS (% MPE Std, Controlled Population)	SPATIAL AVERAGED MEASUREMENTS (% MPE Std, Uncontrolled Population)
1	0.0096	0.048
2	0.318	1.59
3	0.8233	4.1165
4	1.151	5.755
5	0.9127	4.5635
6	0.9664	4.832
7	0.8733	4.3665
8	0.7665	3.8325
9	0.5514	2.757
10	0.4001	2.0005
11	0.3925	1.9625
12	0.5488	2.744
13	0.2807	1.4035
14	0.397	1.985
15	0.1693	0.8465
16	0.0653	0.3265
17	0.2209	1.1045
18	0.3565	1.7825
19	0.4344	2.172
20	0.4104	2.052

Based upon protocols presented in AT&T's RF Exposure Policy guidance document, dated March 31, 2009, and additional guidance provided by AT&T.

No additional Signage or Barriers are required at this time.

8. EQUIPMENT USED FOR MEASUREMENTS

The following calibrated NARDA equipment was used for the measurements contained in this report. Calibration certification documents for probe and meter are located on the last pages of this document.

Meter Manufacturer: <i>NARDA Microwave</i>	Probe Manufacturer: <i>NARDA Microwave</i>
Model: <i>NBM-550</i>	Model: <i>EA5091</i>
S/N: <i>B-0552</i>	S/N: <i>01046</i>
Calibration Due Date: <i>1/25/2013</i>	Calibration Due Date: <i>1/25/2013</i>

The probe used was a shaped probe which will give an aggregate reading of all transmitted RF Energy detected by the instrument by internally correcting for the different frequency/threshold limits and accurately measures the percent of MPE. The shaped probe has a frequency range of 300 KHz-50 GHz.

9. CONCLUSION

SAI has prepared this RF-EME Compliance Report for the AT&T Communications equipment existing at AT&T Site MA3307, located at 157 Union Street, Marlborough, MA. As presented in the preceding sections, worst-case spatial average levels for AT&T Site MA3307 indicates that there are no accessible ground level areas at the site where the potential RFEME field levels associated with the AT&T equipment existing at the site exceed the applicable FCC general public or occupational MPE limits.

The measurements, recorded on October 12, 2012, revealed the worst-case spatial average measured value to be 5.755% on the grounds surrounding the smokestack. Which is in compliance with FCC MPE limits for uncontrolled/general public as outlined in the FCC OET Bulletin 65.

The ground areas in the vicinity of 157 Union Street, Marlborough, MA were surveyed and found to be within the mandated uncontrolled/General Population limits for Maximum Permissible Exposure (MPE), as delineated in the FCC's Radio Frequency exposure rules.

10. STATEMENT OF CERTIFICATION

I certify to the best of my knowledge that the statements contained in this report are true and accurate. The measurements were obtained with properly calibrated equipment using techniques in compliance with Federal Communications Commission OET Bulletin 65 and FCC ET Docket No. 93-62.



Daniel Hamman, RF Field Technician
SAI Communications, Inc

October 12, 2012

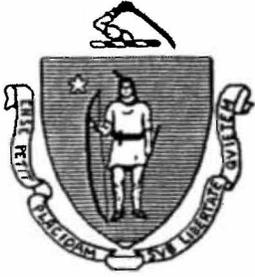
Date

11. SITE PHOTOS



12. SITE SURVEY INFORMATION

Surveyor Name	Daniel Hamman	Survey Date	10/12/2012
SITE INFORMATION			
157 Union Street Marlborough MA 01752		Middlesex County MA3307 42.3553, -71.5547	
MONITOR INFORMATION		PROBE INFORMATION	
Model #	NBM-550	Model #	EA5091
Serial #	B-0552	Serial #	1046
Calibration Date	1/25/2011	Calibration Date	1/25/2011
Next Recommended Calibration Date	1/25/2013	Next Recommended Calibration Date	1/25/2013
CLIMATE INFORMATION			
Temperature	52		
Sunny/Overcast/Cloudy	Clear		
Windy/Mild Breeze/No Wind	No Wind		
Next Recommended Rainy/Drizzle/Foggy/Snowy	N/A		
Other Noteworthy weather factors that might influence readings (Lightning)	None		
ACCESS INFORMATION			
Type of Facility	Smokestack on Hospital Campus		
Property Owner and Contact Number	Marlborough Hospital		
Who manages Access (e.g. security, landlord, no one)	AT&T		
How is access managed? (locks, sign-in, etc)	Locked Shelter		
Ease of access, in general (e.g. ease of breaching any access physical controls)	Cannot access without key		



The Commonwealth of Massachusetts

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DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING AND PUBLIC HEARING

D.P.U. 12-105

November 5, 2012

Petition of NSTAR Gas Company, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2013 through 2015.

On November 2, 2012, NSTAR Gas Company ("Company"), filed with the Department of Public Utilities ("Department") a petition for approval of a three-year energy efficiency plan, covering calendar years 2013 through 2015 ("Three-Year Plan"). The Company filed its Three-Year Plan pursuant to An Act Relative to Green Communities, Acts of 2008, c. 169, § 11 ("Green Communities Act"), and Investigation by the Department of Public Utilities on its own Motion into Updating its Energy Efficiency Guidelines Consistent with An Act Relative to Green Communities, D.P.U. 08-50 (2008); D.P.U. 08-50-A (2009); D.P.U. 08-50-B (2009); D.P.U. 08-50-C (2011); D.P.U. 08-50-D (October 19, 2012). The Department has docketed this matter as D.P.U. 12-105.

The Green Communities Act requires the Commonwealth's electric and gas distribution companies, and municipal aggregators with certified efficiency plans ("Program Administrators") to develop energy efficiency plans that provide for the acquisition of all available energy efficiency and demand reduction resources that are cost-effective or less expensive than supply. G.L. c. 25, § 21. To accomplish this goal, Program Administrators are required to develop three-year energy efficiency plans, in consultation with the Energy Efficiency Advisory Council ("Council"), and submit such plans to the Department. G.L. c. 25, § 21. Once a plan is submitted, the Green Communities Act requires the Department to: (1) consider the plan; (2) provide an opportunity for interested persons to be heard in a public hearing; and (3) within 90 days after the submission of the plan, issue a decision on the plan that ensures that all energy efficiency and demand reduction resources that are cost-effective or less expensive than supply have been identified and captured by the Program Administrator. G.L. c. 25, § 21.

The Company's proposed Three-Year Plan includes energy efficiency programs for residential, low-income, and commercial and industrial customers. The Plan also includes the Company's Residential Conservation Service (RCS) filing. The Company's proposed budget for the three-year period is \$140,399,583 (\$43,400,580 in 2013, \$47,075,719 in 2014, and \$49,923,284 in 2015) and includes a performance incentive and lost base revenues.

If the Company's Three-Year Plan is approved as proposed, the Company states that its proposed rates will have the following effects:

- A typical residential heating customer (R-3) using 131 therms per month could experience a monthly peak bill increase of \$7.16 or 4.5 percent in 2013; \$0.79 or 0.5 percent in 2014; and \$0.87 or 0.5 percent in 2015.
- A typical residential low-income (R-4) customer using 120 therms per month could experience a monthly peak bill increase of \$5.36 or 4.4 percent in 2013; \$0.59 or 0.5 percent in 2014; and \$0.64 or 0.5 percent in 2015; and
- Bill impacts for commercial and industrial customers will vary. These customers should contact the Company for specific bill impact information.

Customers who participate in energy efficiency programs may experience a monthly bill decrease over the duration of the Three-Year Plan. For specific bill impacts, please contact the Company as indicated below.

Copies of the Three-Year Plan are on file at the Department's offices, One South Station - 5th Floor, Boston, Massachusetts 02110 for public viewing during business hours and on the Department's website at <http://www.mass.gov/dpu>. A copy is also on file for public view at the office of NSTAR Gas Company, 800 Boylston Street, Boston, Massachusetts 02199. Any person desiring further information regarding the Three-Year Plan should contact counsel for the Company, John K. Habib, Esq., at (617) 951-1400. Any person desiring further information regarding this notice should contact Jonathan Goldberg or Jennifer Turnbull-Houde, Hearing Officers, Department of Public Utilities, at (617) 305-3500.

The Department will conduct a public hearing to receive comments on the proposed Three-Year Plan. The hearing will take place on **December 5, 2012, 2:00 p.m.** at the Department's offices, One South Station - 5th Floor, Boston, Massachusetts 02110. A procedural conference will follow immediately thereafter. Any person who desires to comment may do so at the time and place noted above or submit written comments to the Department not later than the close of business (5:00 p.m.) on **December 5, 2012**.

Any person who participated in the Council process or whose interests were represented by a member of the Council, and who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **Monday, November 5, 2012**. Any person who did not participate in the Council process or whose interests were not represented by a member of the Council, and who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **Friday, November 16, 2012**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. All responses to petitions to intervene must be filed by the close of business of the second business day after the petition to intervene was filed.

An original and one (1) copy of all written comments or petitions to intervene must be filed with Mark D. Marini, Secretary, Department of Public Utilities, One South

Station - 5th Floor, Boston, Massachusetts 02110, not later than the close of business on the dates noted above. One copy of all written comments or petitions to intervene should also be sent to the Company's attorney, John K. Habib, Esq., Keegan Werlin LLP, 265 Franklin Street, Boston, Massachusetts 02110-3113, and by email, jhabib@keeganwerlin.com.

All documents should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@state.ma.us, and the hearing officers jonathan.goldberg@state.ma.us and jennifer.turnbull@state.ma.us or (2) on a CD-ROM. The text of the e-mail or CD-ROM must specify: (1) the docket number of the proceeding D.P.U. 12-105; (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.

City of Marlborough

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CITY OF MARLBOROUGH, MA

Commonwealth of Massachusetts

2012 NOV -8 P 12:22



September 24, 2012
7:00 PM

PLANNING BOARD

Barbara L. Fenby, Chair
Colleen M. Hughes, Clerk
Philip J. Hodge
Edward F. Coveney
Clyde L. Johnson
Sean N. Fay

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: CLizotte@marlborough-ma.gov

The Planning Board for the City of Marlborough met on Monday, September 24, 2012 in Memorial Hall, 3rd Floor, City Hall 140 Main Street, Marlborough, MA 01752. Members present: Barbara Fenby, Colleen Hughes, Phillip Hodge, Sean Fay, Edward Coveney and Clyde Johnson. Also present: City Engineer Thomas Cullen.

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

To move up section 8 a and b.

SIGNS

Scouting for Food

Mr. Watson is asking on behalf of the Boy Scout of America, to utilize the mobile message signs for their campaign of "Scouting for food" to benefit the Marlborough Community food pantry. Mr. Fay was in support of the scouts using the mobile sign; however the rest of the Board spoke on how the original intent was to use the board for emergency use only.

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

To DENY the request of use of the mobile signs for "Scouting for Food".

Mr. Watson objected to the vote citing prior similar uses and non-enforcement.

The Board also noted that they would entertain use of other materials located throughout the City for this event; however they would still need the Board's approval.

Trombetta's

Charlie Trombetta was asked to speak to the Planning Board regarding their signage at 655 Farm Road. The Chair asked Mr. Trombetta if he was any closer to redesigning their freestanding sign to include all businesses at their location. He stated they were planning to do this soon but that he was not sure what the sign rules allowed. The Board suggested that Mr. Trombetta contact the new Building Commissioner to discuss this further.

Mr. Trombetta referenced other properties in the City with similar signs that have been allowed to continue without enforcement. The Chair stated in response that the City is working to address sign issues city-wide.

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

To move up Agenda item 5b.

Subdivision Progress

Country Club Estates

Correspondence from City Solicitor Rider

The City Solicitor submitted correspondence to the Board and apologized that he could not attend the meeting; however he stated that the attorney for the developer would be in attendance. He stated that he is in discussions with the developer's attorney regarding the "Future Stow Road Taking Line" that is referenced in the subdivision plan, and that Mr. Falk would discuss the matter with the Board to determine if the Board was in favor of a new proposal.

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

To accept and file correspondence.

Mr. Falk, attorney for the developer, suggested taking the matter to the City Council and asking them to make a decision to either pursue the taking or abandon the requirements of the approved plan. However he also suggested that the bond would be tied to the City Council's actions, and if the City Council did not act on the matter, then any agreement that the developer would be willing to sign would require the Board to release the remaining bond.

Mr. Fay stated that it was not an accident or mistake that the bond has remained in place and that the Board made a recommendation that roadways be accepted based upon the developer's representations that they would address the Stow Road taking issue. He stated his position that the only resolution that would be acceptable to him would be one that addressed the three access issues that he raised at the last meeting, and that he thought that the taking of an easement would be more palatable to the owners on Stow Road. He also stated that the developer was ultimately responsible for providing the City with the legal access shown on the accepted plan.

Dr. Fenby asked Mr. Falk if the proposed agreement would require the developer to return to the Board to request release of the bond based on whether or not the City Council acted on the taking. Mr. Falk said that the agreement must provide that release of the Bond would be automatic if the City Council did not proceed with the taking. Dr. Fenby stated that she was opposed to this provision.

Mr. Hodge agreed and stated that he was not in favor of asking the City Council to make a determination and taking the Bond issue out of the hands of the Board.

Ms. Hughes stated she was fine with the action. Mr. Coveney stated that this would not solve anything and Mr. Johnson stated he had mixed emotions.

All the Board members agreed that they want further guidance from the City Solicitor prior to taking any action.

MINUTES

August 27, 2012

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

To accept and file the minutes.

September 10, 2012

On a motion by Mr. Fay, seconded by Ms. Hughes with Mr. Hodge abstaining:

It was duly voted to table the minutes for amendments.

CHAIRS BUSINESS

40B, Briarwood Village, Attorney Arthur Bergeron

It was the Board's understanding that the ZBA was requesting a recommendation concerning the proposed 40B project. The Board asked Attorney Bergeron to give a brief overview the proposed comprehensive permit. Mr. Bergeron stated that there would be 4 apartment buildings with a total of 225 units located on Ames Street. He reviewed for the Board the requested waivers and characterized them as minimal. Mr. Bergeron stated that if the project was approved by the Zoning Board of Appeals, the total of affordable housing units would put the City over their required amount until the year 2030. He also stated that local employers frequently bring up the need for housing for their employees in areas near where they work, particularly for younger workers.

Attorney Bergeron also stated that the Glen Street neighborhood would not see the complex due to the height the buildings and topography of the site.

Mr. Hodge stated he was interested in this project because Marlborough lacks the housing stock for single occupants and starting out families.

The Board was not being asked for a complete technical review of the project, or to take a formal action. A majority of the members did agree to submitting a letter expressing a favorable position on the project on a conceptual basis.

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

To send correspondence to the Zoning Board of Appeals in support.

Mr. Fay stated he did not have enough information to vote in favor or against the proposed development because he did not attend the full presentation at City Council. He stated that he was generally in favor of having developments of this type in commercial areas, but that he was not sure that this proposal fit this criterion due to its proximity to residential neighborhoods. Based on Attorney Bergeron's presentation alone, he was not inclined to vote against sending a favorable opinion to the ZBA.

APPROVAL NOT REQUIRED PLAN

None.

PUBLIC HEARING

Ravenswood, 637 Sudbury St, 7:30pm

The Planning Board of the City of Marlborough held a public hearing on Monday, September 24, at 7:35 p.m. in Memorial Hall, 3rd Floor, City Hall, 140 Main Street, Marlborough on the proposed Subdivision known as "Ravenswood" Members present: Chairperson Barbara L. Fenby, Clerk Colleen Hughes, Philip Hodge, Edward Coveney and Sean Fay. Also present: City Engineer Thomas Cullen.

The Chair introduced all of the members of the board including the City Engineer and the Planning Board Secretary. She advised the audience that everyone should direct questions to her and she will direct the questions to the proponent or others.

Ms. Hughes read the public hearing notice into record.

Notice is hereby given that the **Planning Board** of the City of Marlborough will hold a public hearing on Monday, September 24 at 7:30 P.M., at Memorial Hall, City Hall, 140 Main Street, Marlborough, MA on the following Definitive Subdivision Plan "Ravenswood" subdivision which proposal is herewith published in compliance with the requirements of the M.G.L. 41, §81T and is hereby set forth as follows:

NAME OF SUBDIVIDER: Ravenswood Properties, Inc.
637 Sudbury Street

Marlborough, MA 01752

NAME OF ENGINEER:

**Hancock Associates
15 Fletcher Street, Suite 7
Chelmsford, MA 01824**

LOCATION OF PROPERTY:

**637 Sudbury Street, Between Stone Hill Road
and Concord Street, Map 10, Lot 39 and Map 10
Lot 19C**

A plan of the proposed subdivision is on file in the City Clerk's Office, the Planning Board Office, and the City Engineer's Office and may be seen prior to the public hearing.

Attorney Sem Aykanian provided the Board with an overview of the proposed subdivision. He stated that the proposal was for a 3 lot subdivision, with one lot being that existing home on the property. He stated that the developer is trying to construct an ecologically sound project that includes a private road.

Matt Hamor, Hancock Associates, presented the plan to the Board. The Plan shows the 3 lot subdivision off of Sudbury Street. One lot would have frontage along Sudbury Street and the other two lots would have frontage on the 22' wide private drive. They are looking to do a low impact development with drainage swales on both sides of the street as well as the catch basins as shown on the plan. They are also seeking to only add a gravel sidewalk on only a portion of the subdivision. Mr. Hamor pointed out that they are looking to tie into the sewer trunk line that leads into Mosher Lane. He also mentioned they are currently working with the ConComm commission regarding the wetlands. He also spoke to the Fire Chief regarding the turnaround at the end of the street for fire apparatus and added gravel to a portion of the subdivision to accommodate the fire trucks.

Dr. Fenby asked for a letter written by Code Officer Wilderman

Dear Chairperson Fenby and Members:

It has come to this office's attention that there is a proposed subdivision public hearing before the board this evening for the Ravenswood Subdivision. I would ask that as consideration for this subdivision move forward through the process that sufficient attention is paid to the schedule for construction and the conditions for construction.

This office has received numerous complaints in the past concerning commercial vehicles being parked on residential properties, additional living space being used as rental property and single family homes being used as rooming houses for construction workers for projects other than the pending subdivision. A reminder that despite the potential construction of a small subdivision, in this area

continues to be specifically zoned from the quiet enjoyment of single family zones might be in order.

Thank you for your consideration of this matter. As always, please feel free to contact my office if you any further questions or if we can be any further assistance to you.

Sincerely,

Pamela A. Wilderman
Code Enforcement Officer

Dr. Fenby then asked if anyone was in favor of the project.

In Favor

Frazor Edmondson
661 Sudbury Street

Mr. Edmondson could not attend the meeting, however in a written letter he stated he was in favor of the project.

Richard Nardo
637 Sudbury Street

Mr. Nardo stated he was in favor of the subdivision.

Alicia Nardo
637 Sudbury Street

Ms. Nardo stated she was in favor of the subdivision

With no one else in favor, that portion of the hearing was closed.

In Opposition

Joseph Delano
Ward Councilor

Mr. Delano stated this project was a sham; they took a nice country road and turned the existing home into a "flop house" where they housed their workers. He went on to say that by building a subdivision would bring down the value of home and would ruin the neighborhood.

Ben Resnikoff
1061 Concord Road

Mr. Resinkoff asked about the wetlands on the property. The Chair informed him that the subdivision was before the Conservation Commission and they will have their own hearing. He also asked about the site line issues for the driveway and stated that the road is already dangerous and does not think adding a road would be beneficial.

Zach Shapiro
1039 Concord Road

Mr. Shapiro asked about the borings that were done as well if they have any precaution on the blasting that may be performed. Dr. Fenby stated there is a whole process that would be done prior to any blasting done.

Bill Magner
79 Mosher Lane

Mr. Magner stated he was the previous resident at this address and the drainage was a huge issue. He stated when it rained there were rivers of water from Blanchehette Drive that would flow into his yard and settle in the rear of the property, always a constant flow of water that saturated the grounds around the property. He was not convinced by the plans for drainage and stated that this road was too dangerous to add another road.

Kyle Magner
79 Mosher Lane

Ms. Magner stated that the rain water flowed into that property, that the city's resources were already burdened with enforcement actions on this particular property and that if they allow this subdivision we'd be starting down a slippery slope.

Stacey Resnikoff
1061 Concord Road

Ms. Resnikoff stated there is a huge public safety issue and she also has concerns about the wetlands at this property.

Neal Kunycky
70 Jackson Circle

Mr. Kunycky stated he was opposed for all the reasons his neighbors cited and that he believes the owners are running a commercial business at the property.

Matt Scola
621 Sudbury Street

Mr. Scola stated that he is opposed to this project, he is worried that the catch basins would not catch all the water and would end up saturating his property more. He also stated the propose driveway was too close to his property and his existing well.

John Kennedy
84 Mosher Lane

Mr. Kennedy stated that he was in opposition of the subdivision and stated the roadway was too dangerous.

Dorothy Butler
85 Mosher Lane

Ms. Butler stated she was not in favor of the subdivision.

Frank Collins
54 Hanlon Street

Mr. Collins stated that the safety factor should be taken into concern due to the amount of accidents along the roadway and the water drainage would be an issue as well.

MaryAnn Tunnera
209 Blanchette Drive

Ms. Tunnera is opposed to the plans, she stated it was already a dangerous intersection.

Katherine McCabe
11 Jackson Circle

Ms. McCabe stated it was too dangerous to add more houses.

Mike Dragone
593 Sudbury Street

Mr. Dragone stated it was too dangerous of a road to add more houses.

With no one else speaking in opposition, this portion of the hearing closed.

The Chair asked the Board members if they have any further questions.

Mr. Johnson was concerned about the roadway length and if the fire trucks could access the turnaround. Mr. Hamor stated he spoke to the Fire Chief and the ladder truck would be able to turn around, and in fact they are adding gravel to a portion of the turnaround to help the trucks just in case they are not able to do a complete turnaround. Mr. Johnson stated this could be a problem in to the winter months.

Mr. Fay asked Mr. Hamor about the proximity of the proposed roadway to the driveway for the neighbors at 621 Sudbury Street. Mr. Fay expressed his concern that the short distance would cause ingress and egress issues for the existing home at 621 Sudbury. Mr. Hamor stated that he did not see this as an issue. Also, Mr. Fay commented that if the turnaround for emergency vehicles was a gravel area, that this would be a problem in the winter months and that the area would deteriorate over time due to repeated plowing, and that it would end up as a muddy mess that emergency vehicles would be unable to use after the developer had finished the project.

Mr. Fay asked the developer's representative to review for the Board the waivers that were being requested. Mr. Hamor reviewed the requested waivers which were:

(WILL INSERT BACK IN BD)

Mr. Hodge stated that a low impact subdivision would be good for the City, but only for the right project. He stated he was skeptical on this project and would like further comments from the Fire Chief regarding the turn around. Mr. Hodge stated that he was generally in favor of low-impact, environmentally friendly developments but that he was reluctant to pursue this type of development on a case by case basis instead of amending the City's rules and regulations

Dr. Fenby stated that they have never approved a roadway this small, that sidewalks all the way around were favored by the Boards even on private roadways and there are no gravel sidewalks.

The Public Hearing closed at 8:30PM.

SUBDIVISION PROGRESS REPORTS

City Engineer Update

Mr. Cullen stated he is in talks with the developer of Lacombe subdivision regarding its completion. He also discussed Blackhorse Farms and the light request has been submitted and has had dialog with NGRID. He also stated that unfortunate NGRID works on their own timetable and no date was given for installation.

The Planning Board also stated that Blackhorse Farms was due to have a few items completed by their next meeting including the bond name change and grading. If work is not completed according to the agreement between the developer and the Board, the developer will be in violation of the conditions imposed by the Board for the granted extension and the Board would discuss appropriate enforcement actions.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SIGNS

Collection Boxes

Ms. Wilderman sent correspondence to the Board regarding the enforcement of the collection boxes. She stated that to enforce the boxes, she needs to contact the owners of the property, because half the time the owners themselves are not aware of the boxes being on their properties. She also stated that the owners of boxes that are located on City property will be notified to remove the boxes immediately.

The Board discussed inviting the new Building Commissioner to introduce them as well as to talk about the sign issues that the City faces. Mrs. Lizotte will send a formal letter to Mr. Mendoza.

UNFINISHED BUISNESS

Master Calendar

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

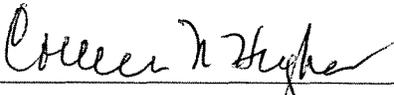
To accept all of the items listed under communications and/or correspondence.

On a motion by Mr. Johnson, seconded by Ms. Hughes was duly voted:

To adjourn at 9:15 p.m.

A TRUE COPY

ATTEST:



Colleen Hughes, Clerk

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

City of Marlborough
Commonwealth of Massachusetts

2012 NOV -8 P 12:22



**October 15, 2012
7:00 PM**

PLANNING BOARD

**Barbara L. Fenby, Chair
Colleen M. Hughes, Clerk
Philip J. Hodge
Edward F. Coveney
Clyde L. Johnson
Sean N. Fay**

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: CLizotte@marlborough-ma.gov

The Planning Board for the City of Marlborough met on Monday, October 15, 2012 in Memorial Hall, 3rd Floor, City Hall 140 Main Street, Marlborough, MA 01752. Members present: Barbara Fenby, Colleen Hughes, Phillip Hodge, Sean Fay and Edward Coveney. Also present: City Engineer Thomas Cullen.

MINUTES

September 10, 2012

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

To accept and file the meeting minutes.

September 24, 2012

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

To table the meeting minutes.

CHAIRS BUSINESS

None.

APPROVAL NOT REQUIRED PLAN

Memorial Beach Submittal

The City Engineer presented the plan to the Board. He explained they were carving out a portion of the land for the use of the pump house which would be in direct care of the DPW.

Correspondence from the City Engineer

The City Engineer has performed his review and can give a favorable recommendation to endorse the plan.

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

To accept and file correspondence; To accept and endorse a plan of land believed to be Approval Not Required of "Plan of Land" owned by City of Marlborough, 140 Main Street MA, 01752. Name of Engineer: Kevin Healy, PLS, 325 Wood Road, Braintree, MA 02184. Deed of property recorded in Middlesex South Registry of Deeds Book 8061 Page 166, Assessors Map 7 Lot 49.

Phelps Street Submittal

Thomas Dipersio, SR. of Thomas Land Surveying submitted and ANR plan known as Phelps Street for the consideration of carving a portion of land to be an unbuildable lot.

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

To accept and file correspondence, to have the City Engineer review the plan and report back to the Planning Board prior to the next regular scheduled meeting.

PUBLIC HEARING

7:00PM

Results Way Mixed Use Overlay District

NOTICE is hereby given that the Planning Board of the City of Marlborough, Massachusetts will hold a public hearing on Monday October 15, 2012 at 7:00 PM in Memorial Hall 3rd Floor, City Hall 140 Main Street Marlborough, Massachusetts on the Application from Attorney David P. Gadbois to amend the Zoning Code of the City of Marlborough Chapter 650 by adding to Article VI section 650-32 RESULTS WAY MIXED USE OVERLAY DISTRICT in accordance with the following proposed change:

ARTICLE VI

§650-32 – RESULTS WAY MIXED USE OVERLAY DISTRICT

A. Purpose and Objectives

The Results Way Mixed Use Overlay District (herein, also a “RWMUOD”) allows the application of supplemental land use controls within the boundaries of an certain overlay district, subject to City Council approval, as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the Results Way Mixed Used Overlay District are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare, by promoting integrated, pedestrian friendly, mixed use development to allow for the development of housing, retail and workplaces within close proximity of each other consistent with the stated economic development objectives of the City (collectively, herein “Mixed Use Developments” or “MUD”).

For the purposes of this section, the RWMUOD shall be superimposed on the other districts existing at the time that any land in any said underlying district is also included in the RWMUOD. The RWMUOD district is adjacent to Simarano Drive to the west, Forest Street to the north, and Puritan Way and Results Way to the east as indicated on the City Zoning Map and more particularly described in Exhibit “A” annexed hereto and incorporated by reference herein.

For the purposes of the Zoning Ordinance, a “Mixed Use Development” or “MUD” shall include any eligible use set forth in Section D, below, which may be commingled into a single structure or structures with other eligible uses or may be located in separate structures on the site. Accordingly, Mixed Use Developments shall benefit the public health, safety and welfare, through the sharing of parking lots and driveway curb cuts, to minimize the amount of impervious paved parking areas, to reduce traffic congestion, to reduce automobile trips, and accordingly to improve air quality.

B. Authority of Permit Granting Authority

The City Council shall be the Permit Granting Authority for Special Permit and Site Plan Approval in the RWMUOD. In all instances, a development which proceeds under the RWMUOD overlay is subject to Site Plan Approval in accordance §270.2 with the exception that the City Council is the Special Permit Granting Authority for Site Plan approval in the RWMUOD.

The City Council may elect to vary the dimensional and parking requirements of this Section by Special Permit if, in their opinion, such change shall result in a substantially improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.

C. Exclusivity/Control

All uses and provisions of Article V of the Zoning ordinance relating to the underlying zoning district not otherwise impacted by this Section (§650-32 et. seq.) shall continue to

remain in full force and effect provided however that the City Council shall be the Special Permit Granting Authority, if applicable . This Section (§650-32 et. seq.) of the Zoning Ordinance exclusively controls the establishment, development, and design of any MUD undertaken in the RWMUOD and supersedes any other provision of the Zoning Ordinance (except the provision of any other applicable overlay district). In the event of any conflict between the provisions of this Section (§650-32 et. seq.) and any other provision of the Zoning Ordinance, the provisions of this Section shall govern and control.

D. Eligible Uses

Except as specifically set forth below, all uses permitted in the Industrial and Limited Industrial Districts either as of right or by special permit in accordance with §650-17 of the Zoning Ordinance are permitted in the RWMUOD. If a use requires a special permit under §650-17, Table of Use Regulations, such use shall continue to require a special permit under this Section.

- (1) The following additional uses are also permitted BY-RIGHT in the RWMUOD:
 - (a) Research and development
 - (b) Medical office and diagnostic medical laboratories appurtenant to offices of physicians and dentists
 - (c) Research and development including, without limitation, laboratories engaged in research, experimental and testing activities including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, pharmaceuticals, medicine and physics
 - (d) Advanced manufacturing which shall include high technology manufacturing such as, but not limited to, laser technology, robotics, nanotechnology and computer associated design and software development
 - (e) Multifamily dwelling – up to 350 dwelling units within the entire RWMUOD Zoning District including, without limitation, age restricted dwelling units
 - (f) Retail sales and services – up to 75,000sf of gross floor area, up to 10,000sf of gross floor area per establishment
 - (g) Hotels and motels
 - (h) Hotels with conference facilities and commercial uses
 - (i) Car parking lots, garages - "a structure or a group of structures that facilitate the parking of vehicles at ground level, above or below grade and shall include area for the parking vehicles at, above and/or below grade under a building or otherwise integrated into another structure
 - (j) Consumer service establishments
 - (k) Restaurant, café (with or without outside seating and service)
 - (l) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities

- (m) Self-service laundry
 - (n) Dry Cleaning (pick up and drop off only)
 - (o) Drive through facilities associated with retail (e.g. banks; pharmacies) and food services
- (2) The following additional uses are also permitted BY-SPECIAL PERMIT in the RWMUOD:

(a) Multifamily dwelling – more than 350 dwelling units within the entire RWMUOD Zoning District including, without limitation, age restricted dwelling units

(3) The foregoing Sections notwithstanding, the uses set forth as follows are expressly PROHIBITED in the RWMUOD:

- (a) Adult Bookstore, video store, paraphernalia store, movie theatre, live entertainment establishment
- (b) Tattoo and body piercing parlors and shops
- (c) Dye Works
- (d) Biosafety Level 4 laboratories, as defined by the United States Center for Disease Control and Prevention

E. Dimensional Requirements

The RWMUOD shall be subject to the dimensional standards in accordance with Article VII of the Marlborough Zoning Ordinance with the following exceptions:

- (1) The RWMUOD shall consist of one or more lots. There is no minimum acreage requirement for a lot to be a part of the Results Way Mixed Use Overlay District.
- (2) Minimum Lot Frontage measurement shall be no less than fifty (50) feet for any lot wholly located within the boundaries of the RWMUOD.
- (3) Minimum Front Yard measurement shall be no less than thirty (30) feet for any lot wholly located within boundaries of a RWMUOD.
- (4) No less than fifteen (15) feet shall separate the structural side wall of any two or more MUD Structures. No less than fifteen (15) feet shall separate any area behind and or between structures, and fire suppression vehicles shall have clear and adequate access to all structures.
- (5) Maximum building height in RWMUOD shall not exceed 80 feet.
- (6) Maximum Lot Coverage shall be calculated on the entire land area of the RWMUOD and not on an individual lot basis, and shall not exceed 60 percent of the total area of the RWMUOD.

F. Parking and Curb Cut Requirements.

Except as otherwise provided in this section, parking and circulation requirements shall conform with the provisions of Section §650-48 and §650-49 of the Zoning Ordinance.

- (1) General - In the RWMUOD adequate off-street parking shall be provided. The City Council and the applicant shall have as a goal for the purposes of defining

adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the Board shall consider complimentary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in permitted reductions in the parking requirements.

(2) Parking Locations - Parking may be provided at ground level, underground or in a parking garage. Parking garages can be free standing or as part of buildings dedicated to other permitted uses.

(3) Parking Spaces for Each Dwelling Unit - There shall be a minimum of 1.5 parking spaces for each dwelling unit.

(4) Granting of Relief from Parking Regulations - The City Council may waive any of the foregoing requirements or the requirements of Section §650-48 if it makes a finding that to do so will enhance the overall design of the RWMUOD.

G Signage

Except as otherwise provided in this Mixed Use Ordinance, parking and circulation requirements shall conform with the provisions of Chapter 526 of the Marlborough General Code – the Sign Ordinance.

(1) Granting of Relief from Signage Regulations - The City Council may waive any of the requirements of the Sign Ordinance if it makes a finding that to do so will enhance the overall design of the RWMUOD.

H. Application

An application for a Special Permit or Site Plan approval for a Mixed Use Development in the RWMUOD shall comply with the requirements of Section §650-59 et. seq. of the Zoning Ordinance.

I. Standards for Roadways and Drainage

(1) Roadways - RWMUOD roadways to be accepted by the [City] as public ways shall be designed and constructed in accordance with the Rules and Regulations for the Subdivision of Land in the City. Private ways within the RWMUOD, to the extent feasible, shall be constructed using the methods and materials prescribed in the Rules and Regulations for the Subdivision of Land in the City, but shall not be required to conform to the dimensional requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners.

(2) Storm Water Management System - The RWMUOD shall have a storm water management system designed in accordance with the Rules and Regulations for the Subdivision of Land in the City and the Department of Environmental Protection's Storm Water Management Guidelines, as amended.

J. Amendments

After approval, the owner/developer may seek amendments to the approved plan. Minor amendments may be made by a majority vote of the City Council. It shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested amendment is deemed to be major or minor. A major amendment shall require the filing of an application pursuant to Section §650-59 of the Zoning Ordinance.

Attorney David Gadbois introduced the zoning amendment as the former Digital plant that is now own by Atlantic Management. He explained that the owners and the developers have written this overlay to attract new businesses to this area of the City.

Joe Zink, the owner and developer of Atlantic Management, described to the Board on how this concept came about for the 110 acres with approximately 750,000 SF of office space. He noticed while reviewing the possibilities of adding more buildings, there was also a need for residential complexes, overnight accommodations and retail in this vicinity of the City. He also stated that a portion of the existing building had a tenant who is committed to using the space and his company will be sprucing the outside façade. Mr. Zink also went on to say that if the Overlay District is passed, that they would continue to go make the façade improvements.

Dr. Fenby asked Mr. Zink about tying in to the existing walkways and bike paths. Mr. Zink stated that they have already entertained the idea and will be adding the pathways once they get to the more detailed plans.

Bob Buckley of Riemer & Braunstein LLP, created the amendment. He stated that with the City's adopted Master Plan this would be beneficial because of the unique circumstances of the property. It's all owned by one owner, it sits next to a highway and it would be creating a work and live environment which the City does not currently have. Mr. Buckley went on to say that there were only three things they were adding to this zone, residential, biotechnology and nanotechnology fields.

In favor

No one spoke in favor.

In Opposition

No one spoke in opposition.

Ms. Hughes stated that this would be appealing. She also stated that the bike and jogging paths would be an added bonus if they could connect with the existing paths.

Mr. Hodge stated while he is in favor of this project, it just seems like spot zoning due to the exclusive area it would be allowed in. Mr. Buckley responded that you have to start

somewhere. Mr. Gadbois responded that the ordinance would be easy enough to tweak once established.

The Public hearing closed at 7:30.

SUBDIVISION PROGRESS REPORTS

City Engineer Update

Mr. Cullen discussed the Blackhorse Farms subdivision and its stage of completion. He stated the lots of have been leveled and seeded, by the end of November all planting should be completed, granite curbing installed and the sidewalk gravel be completed. He also is hoping to have an updated street lighting plan from NGrid.

Mr. Cullen also updated the Board regarding the Mauro Farm Subdivision stating the installing of granite curbing has started and the graveling of the sidewalks has begun. He also reported that the Residences of Oak Crest subdivision was near completion with the trees and sidewalks being complete.

Country Club Estates

Correspondence from Attorney Falk

Attorney Falk is requesting that the Planning Board postpone any discussion regarding this subdivision until they are able to have an agreement with the City's Law Department.

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

To accept and file correspondence.

Mr. Fay stated that this should not be let go because it could be a bigger issue in the future. He understands the delays in taking the easements were partly the City's responsibility, however in the idea was at one time the easements would be needed otherwise it would have never been an issue. Mr. Fay also stated that he was not in favor of the last discussion with their Attorney Falk regarding letting the City Council decided if the easement was not needed then there would be an automatic rescission of the bond back to the developer.

Ms. Hughes stated that the Department of Public works would have to back any decision the Board made whether to take the easement or not to take the easements.

The City Solicitor commented that they were still in discussions regarding on how to move this forward and how to come to a mutual agreement. He stated he is hoping to have more at the next meeting on October 29, 2012.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SIGNS

UNFINISHED BUISNESS

Master Calendar

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

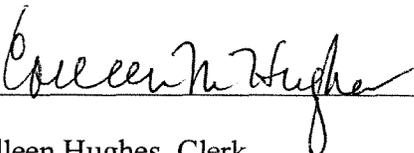
To accept all of the items listed under communications and/or correspondence.

On a motion by Mr. Coveney, seconded by Ms. Hughes was duly voted:

To adjourn at 8:20 p.m.

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ATTEST:



Colleen Hughes, Clerk

City of Marlborough

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Commonwealth of Massachusetts



OCT 23 2012 8 12:22

PLANNING BOARD

Barbara L. Fenby, Chair
Colleen M. Hughes, Clerk
Philip J. Hodge
Edward F. Coveney
Clyde L. Johnson
Sean N. Fay

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October 23, 2012
7:00 P.M.

The Planning Board for the City of Marlborough met in a special meeting on Tuesday, October 23, 2012 in the Mayor's Conference Room, 4th Floor, City Hall, 140 Main Street Marlborough MA 01752. Members present: Chairperson Barbara L. Fenby, Clerk Colleen M. Hughes, Philip J. Hodge, and Sean N. Fay. Due to a scheduling issue, Board Secretary Lizotte was unable to attend. Pamela A. Wilderman filled in as Planning Board Secretary.

SIGNS

Chairperson Fenby opened the meeting at 7:00 P.M. and introduced the topic to be discussed for the special meeting. The Rotary Club of the City of Marlborough is holding a special event on Saturday, October 27, 2012 in conjunction with the City of Marlborough's Household Hazardous Waste Collection day. The club is asking for permission to place two signs on public ways:

- Two A-frame signs placed on the corner of Route 85 (Bolton Street) and Union Street.

The denial letter was read into the record by Clerk Hughes.

Present on behalf of the Rotary Club was past President Elaine McDonald and current president Bonnie Doolin.

Ms. McDonald explained that it was not their intention to violate the ordinance and that there was a misunderstanding regarding the placement of signs on private property. The Rotary Club had previously used the entrance to Marlborough signs but found it inappropriate for a number of reasons:

- Signs are too small to be clearly seen by vehicle traffic.
- Vehicle traffic is usually progressing too fast as those points for signs to be effective
- The signs had to be custom made for each event and the cost was prohibitive.

For those reasons the Rotary chose to have signs made that could easily be re-used with just a change of date. The signs were made by students at Assabet and have been used twice before at similar events during the fall of 2011 and again in the spring of 2012 without any notifications that they were disallowed.

Mr. Fay expressed his continued concern that this is an on-going problem with civic and non-profit organizations that are placing signs in violation of the City's ordinance, all for worthy events. The signs have proliferated and by asking for a variance when many of the signs are already up and in violation puts both the Board and the Code Enforcement Officer in an extremely difficult position. Mr. Fay believes strongly that business owners who run reputable businesses and organizations should know better than to simply place something such as these signs without first checking.

There was a discussion regarding the use of public space vs. private space. There is an often mistaken idea that as long as the property owner has granted permission for the placement of off premise signs there is no need for any further permission from the City. There is also the consideration of the freedom of speech in private spaces but the Board feels that there is certainly a difference between a sign on private property stating a belief or support of an ideal or individual versus a sign advertising an event.

Ms. Fenby suggested that under the circumstances perhaps the private locations where the signs are currently should be notified as well.

Mr. Hodge expressed his opinion that he did not feel that there had been any overt attempt to evade the rules. He stated that it may not be possible amend the existing application to include signs that are not listed on the original.

Ms. Hughes advised that they are not allowed to amend the application and explained to Ms. McDonald and Ms. Doolin that even the scheduling of a special meeting for any purpose is not usually done. A special meeting or granting a variance when they are already in violation would be setting a dangerous precedent. The issue surrounding the special meeting does not have anything to do with the fact that it's an additional evening meeting but rather that the Board regular deals with individual who, for whatever reason, do not have documents ready in sufficient time for a regular meeting, or for people who have been cited for an issue and wish to have the Board validate them by granting variances. To do so at this point would give the appearance that the rules don't matter.

A further discussion took place regarding the sorts of issues that the Board looks at when reviewing requested variances:

- Placement: are the signs located in a manner conducive for reading without creating traffic issues? Are they located so as not to interfere with free passage of either vehicle traffic or pedestrians?
- Security: Are they placed and secured in such a way as to eliminate issues during storm or high wind events (such as this weekend's project tropical storm "Sandy")?
- Effectiveness: Do they adequately project the information required for the event?

Both Ms. Hughes and Mr. Fay expressed concern that the signs currently in place could pose a serious danger to pedestrians if they were to topple during a high wind event thereby jeopardizing liability for not only the event sponsor but the also the private property owner allowing the sign and the City should any such variance be retroactively granted.

All of the Planning Board members in attendance expressed their sincere regret that the situation is such that a viable and important event such as the Rotary's collection effort is being subjected to this scrutiny but unfortunately there are a large number of worthy civic and non-profit organizations and events that could easily claim the same status.

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

To deny the variance allowing two signs at the intersection of Route 85 (Bolton Street) and Union Street and to order that all such signs as may already be placed be removed no later than 3 P.M. on Saturday, October 27, 2012. Further it was voted to advise all of the owners of private properties who have hosted signs of the decision as well as the procedures for further signs.

As an alternative to the very large signs requested in the variance, Ms. McDonald asked about directional signs. The Board felt that small directional signs at the entrances would be warranted to alleviate traffic concerns. They further directed that any directional signs within the location itself, as long as not seen from the roadway, would be appropriate.

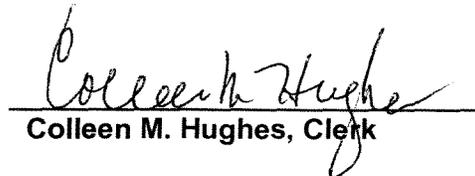
Both Ms. McDonald and Ms. Doolin expressed their sincere regret for putting the Board in a difficult position and assured the Board that every effort would be made in the future to insure that any sign requests would be done in a timely manner. A short discussion was held regarding the sign ordinance itself along with suggestions for future events.

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

To adjourn at 7:45 p.m.

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ATTEST:


Colleen M. Hughes, Clerk