

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2013 APR -4 P 1:06

1. Minutes of the City Council Meeting, March 25, 2013.
2. PUBLIC HEARING On the Application for Special Permit, Bohler Engineering on behalf of McDonald's Restaurant, to improve the aesthetics and operational efficiencies of their restaurant which includes updates to the drive-thru at 155 Boston Post Road West, Order No. 13-1005341.
3. Communication from the Mayor re: Employee Retirement transfer requests in the amount of \$96,569.40 which moves funds from and to various accounts as noted on the attached spreadsheet to cover costs associated with the retirement of three employees.
4. Communication from the Mayor re: Reappointments of Eric Asman and Joyce Torelli to the Community Development Authority for terms of three years expiring from the date of confirmation by the City Council.
5. Communication from the Mayor re: Appointment of Mitchell Gorka to the Zoning Board of Appeals for a term of three years expiring from the date of confirmation by the City Council.
6. Communication from the City Solicitor Rider re: Construction Materials Service, Inc. Special Permit in proper legal form, Order No. 12/13-1005236D.
7. Communication from the Public Facilities Director, John Ghiloni, re: Massachusetts School Building Authority, Statement of Interest Filing.
8. Communication from Retirement Director, Margaret Shea, re: Consideration of Cost-of-Living Adjustment (COLA).
9. Communication from MEDC Operations Director, Tim Cummings re: Wayside Overlay District.
10. Communication from the Planning Board re: Favorable Recommendation of Zoning Amendment, Order No. 12/13-1005267A.
11. Application for Fuel Storage Permit, Bunker Floor Supply, 289 Elm St., for storage of 2,844 gallons of flammable liquids and 23,500 gallons of combustible liquids as noted on attached spreadsheets.
12. Communication from Attorney Gadbois, re: Submission of a draft of a Master Concept Plan and Development Agreement for the Results Way Mixed Use Overlay District, Order No. 12-1005154C, adopted December 17, 2012.
13. Notice of Filing and Public Hearing, Department of Public Utilities.
14. Minutes, Planning Board, March 11, 2013.
15. Minutes, Traffic Commission, February 26, 2013.
16. Communication from Hanover Insurance Group on behalf of Ann Mills, 47 Boudreau Ave.
17. Communication from Hoefle Phoenix Gormley & Roberts, P.A. on behalf of Helen Crowe and Thomas McGovern, 65 High St., Exeter, New Hampshire.
18. CLAIMS:
  - A. Paul Tanzi, 27 Beaman Lane, residential mailbox claim 2(a)
  - B. Richard Kelleher, 38 Millham St., pothole or other road defect
  - C. Marie Bijou, 48 Washington St., Hudson, pothole or other road defect
  - D. Magdi Alfred, 14 South St., other property damage
  - E. Evan Goduco, 657 Elm St., residential mailbox claim 2(a)
  - F. Donna Waterman, 55 Teller St., residential mailbox claim 2(a)
  - G. Lisa Colleton, 28A Blaiswood Ave., other property damage

- H. Mr. & Mrs. Nowakowski, 30 Fowler St., other property damage
- I. Karen Brunetti, 16 Eagle Dr., Douglas, pothole or other road defect
- J. John Flynn, 351 West Hill Rd., other property damage

**REPORTS OF COMMITTEES:**

19. **ORDERED:** That the Operations and Oversight Committee work with the Marlborough Economic Development Corporation to receive quarterly reports in the form of a presentation before the committee on the progress of the MEDC and other items of interest regarding economic development in order to update the Marlborough City Council and the citizens of Marlborough. ....Submitted by Council President Pope

**UNFINISHED BUSINESS:****From Veteran Affairs Committee**

20. **Order No. 13-1005349A** – Communication from the Mayor re: proposed Inter-Municipal Agreement (IMA) that would create the Marlborough-Sudbury Regional Veterans District, with the Marlborough Veterans Agent serving as Director of the Veterans Services for this district.

The Veterans' Affairs Committee reviewed the Mayor's letter dated 2/21/13 requesting to enter into a one year agreement with the Town of Sudbury to create a new Veteran Service District sharing a Veterans Agent and adding a new administration assistant to help the Veterans Agent.

The admin position would be funded and an employee of the Town of Sudbury while the Veterans Agent of Marlborough would continue to be an employee of the City of Marlborough. Additionally, the Town of Sudbury would pay the City of Marlborough \$883.50 per month towards the compensation of the Veterans Agent.

Several language changes were suggested for the proposed agreement and after much praise and appreciation for our Veterans Agent and the fine work provided to both the City of Marlborough and the Town of Sudbury over the past several months of temporary assistance, the committee makes the following recommendation:

**Recommend approval of the agreement to the full City Council. VOTE 3-0**

**From Urban Affairs Committee**

21. **Order No. 12/13-1005236D** - Application for Special Permit by Hancock Associates on behalf of Construction Materials Inc. (CMS) for construction of a new 2,400 s.f. office building on nonconforming property at 379 South Street.  
-REFER TO URBAN AFFAIRS AND PLANNING BOARD  
PUBLIC HEARING: JANUARY 7, 2013

The Chair thanked the petitioner for forwarding the rendering and floor plans of the building and specific and general specifications/Epoch Homes, attached herewith to report.

Councilor Clancy questioned the petitioner regarding the foundation and the second floor.

The Chair read the proposed conditions included in the draft decision submitted by petitioner.

The Solicitor noted minor changes he would include during his legal review.

Motion made by Councilor Clancy, seconded by the Chair, to recommend approval of the special permit with proposed conditions as discussed. **The Chair will ask for a suspension of the rules to forward the decision to the Solicitor to be placed in proper form for the April 8, 2013 agenda. Vote 5-0**



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

**Lisa M. Thomas  
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Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723**

**MARCH 25, 2013**

Regular meeting of the City Council held on Monday, MARCH 25, 2013 at 8:03 p.m. in City Council Chambers, City Hall. City Councilors Present: Pope, Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 9:42 PM.

**ORDERED:** That City Council President recognized Boy Scout Troop 41 for their Citizenship and Community Merit Badges, **FILE**; adopted.

**ORDERED:** That the minutes of the City Council Meeting MARCH 11, 2013, **FILE**; adopted.

**MOTION** made by Councilor Clancy to move Item 4 to Item 1AA - Carries.

**ORDERED:** That the Recognition of New Firefighter Recruits, **FILE**; adopted.

**ORDERED:** It is moved, in conformance with the provisions of sections 21(a)(3) of the General Laws of the Commonwealth, and that the City Council conduct an executive session for the purpose of discussing strategy with respect to litigation, as an open meeting may have a detrimental effect on the litigating position of the City, and the chair hereby declares that an open meeting may have that effect. The executive session will also be held in conformance with section (a)(7) of said Chapter 30A for the purpose of complying with or acting under Suffolk Construction v. DCAM, 449 Mass. 444 (2007), by seeking and obtaining legal advice from the City's Special Counsel. It is further moved and stated that the City Council will re-convene in open session after the executive session, **APPROVED**; adopted.

**Yea: 11- Nay: 0**

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

**MOTION** made by Councilor Clancy to move Item 3 before Item 2 - Carries.

**ORDERED:** That the **PUBLIC HEARING** On the Application for Special Permit from Tower 16 Inc., on behalf of AT&T Wireless LLC, to modify an existing telecommunications tower at 75 Donald Lynch Blvd, X-96/97-6754F, Order No. 13-1005342, all were heard who wish to be heard, hearing recessed at 8:50 p.m.; adopted.

**Councilors Present: Ossing, Pope, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy & Landers.**

ORDERED: That the **PUBLIC HEARING** On the Application for Fuel Storage License, Partners HealthCare System, Inc., off of Forest Street, Order No. 13-1005343, all were heard who wish to be heard, hearing recessed at 9:19 p.m.; adopted.

**Councilors Present: Ossing, Pope, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy & Landers.**

ORDERED: That the Public Service Internship Program transfer request in the amount of \$25,000.00 which moves funds from Loan Origination Fee to Summer Employment Initiative which will allow the City to hire a maximum of twenty college interns for the remainder of FY2013 and to allow advertising well in advance of summer breaks, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 60019906-58891	\$25,000.00
Loan Origination Fee	

TO:

Acct. # 11210003-51250	\$25,000.00
Summer Employment Initiative	

ORDERED: That the Comptroller's transfer request in the amount of \$6,176.00 which moves funds from Bond Issue Expense to Widows Pensions, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11330006-57850	\$6,176.00
Bond Issue Expense	

TO:

Acct. # 11940006-51860	\$6,176.00
Widows Pensions	

ORDERED: That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures up to \$1,850,000.00 in excess of available appropriation for snow and ice removal for fiscal year 2013, **APPROVED**; adopted.

ORDERED: That the Communication from the Mayor regarding Final Regional Veterans District-Inter-Municipal Agreement (IMA), moved to **REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Reappointment of Police Chief Leonard for a term of four years to expire on the date of confirmation by City Council, refer to **PERSONNEL COMMITTEE**; adopted.

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

1. Section 650-5, entitled “Definitions; Word Usage,” is hereby amended by adding to said Section the following definition:

**MEDICAL MARIJUANA TREATMENT CENTER:** A not-for-profit entity, as defined by Massachusetts law only, registered under Massachusetts law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers, shall be deemed a “Medical Marijuana Treatment Center” and subject to the temporary moratorium under Section 650-32 of this ordinance.

2. A new Section 650-32, entitled “TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS,” is hereby added, as follows:

**650-32 TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS**

- A. Purpose.

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the acquisition, cultivation, possession, processing (including development of related products such as food, tinctures, aerosols, oils, or ointments), transference, transportation, sale, distribution, dispensing, and administering of marijuana, products containing marijuana, related supplies, or educational materials, for medical purposes. The law provided that it became effective on January 1, 2013 and that the Massachusetts Department of Public Health (“MDPH”) is required to issue regulations regarding the law’s implementation within 120 days of the law’s effective date. Currently under the City’s Zoning Ordinance, a medical marijuana treatment center is not a permitted use in the City, and any regulations to be promulgated by MDPH are expected to provide guidance to the City in regulating medical marijuana, including medical marijuana treatment centers. The regulation of medical marijuana treatment centers raises novel and complex legal, planning, and public safety issues, and the City needs time to study and consider the regulation of such centers and those issues, as well as to address the potential impact of MDPH regulations on local zoning and to undertake a planning process to consider amending the Zoning Ordinance regarding the regulation of such centers and other uses related to such regulation. The City intends to adopt a temporary moratorium on the use of land and structures in the City for the purpose of medical marijuana treatment centers, so as to allow the City sufficient time to engage in a planning process to address the effects of such use, and to enact ordinances in a manner consistent with sound land use planning goals and objectives.

## B. Temporary Moratorium.

For the reasons sets forth above, and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for a medical marijuana treatment center. In no case shall the acquisition, cultivation, possession, processing (including development of related products such as food, tinctures, aerosols, oils, or ointments), transference, transportation, sale, distribution, dispensing, and administering of marijuana, products containing marijuana, related supplies, or educational materials, for medical purposes be considered accessory to any use permitted in the City. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the City shall undertake a planning process to address the potential impacts of medical marijuana in the City, shall consider MDPH regulations regarding such centers and related uses, and shall consider amending its Zoning Ordinance to address the impact and operation of such centers and related uses.

Be and is herewith refer to **PLANNING BOARD AND ADVERTISE PUBLIC HEARING FOR APRIL 22, 2013**.

**Councilor Oram requested to be recorded in opposition to the proposed Ordinance as it reads: "moratorium shall be in effect through June 30, 2014".**

ORDERED: That the Communication from the City Solicitor Rider regarding Boston Scientific's proposed Zoning Ordinance amendment in proper legal form, moved to **Item 24**; adopted.

ORDERED: That the Communication from the City Solicitor Rider regarding Cumberland Farms Special Permit, 412 & 418 Maple St., in proper legal form, moved to **Item 25**; adopted.

ORDERED; That the Communication from the Planning Board re: Acceptance of Dufrense Dr. as a Public Way, Order No. 12/13-1005153B, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Agreement to Extend Time Limitations on the Application for Special Permit from Logical Partners, LLC to extend time limitations for construction of three Townhouse Condominium Units at 126 Pleasant St. to May 15, 2013 until 5:00 PM, **APPROVED**; adopted.

ORDERED: That the Application for Junk Dealer's License, Michael Komapovsky, d/b/a Aarus Art Gallery, 305 Lincoln St, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Planning Board, February 25, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Recreation Commission, February 13, 2013 **FILE**; adopted.

ORDERED: That the Minutes, Board of Assessors, March 6, 2013, **FILE**; adopted.

ORDERED: That the Communication from Liberty Mutual Insurance on behalf of H. Theresa Dangelo, 18 Airport Rd., North Grafton, refer to the **LEGAL DEPARTMENT**; adopted.

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

- A. Robert Emsley, 60 Emer Rd., pothole or other road defect
- B. Ralph Martino, 126 Ferrecchia Dr., other property
- C. David Ha, 123 Union St. other property damage
- D. Kayla Bennett, 39 Lincoln St. Hudson, pothole or other road defect
- E. Patricia A. McClay, 49 Teller St., residential mailbox claim 2(b)
- F. Alan Liverman, 13 Graham Path, residential mailbox claim 2(b)
- G. Angelo & Anna Puzella, 146 Barnard Rd., residential mailbox claim 2(b)
- H. Jessica Pameneau, 181 Boston Post Rd, E. lot 38, pothole or other road defect

Reports of Committees:

Councilor Jenkins reported the following out of Veterans' Affairs Committee:

**Present: Chairman Jenkins, Veterans' Affair Committee members Councilor Ossing and Councilor Seymour. Also present were Councilors Clancy, Landers, Robey, Oram, Elder, and Council President Pope.**

**Order No. 13-1005349** – Communication from the Mayor re: proposed Inter-Municipal Agreement (IMA) that would create the Marlborough-Sudbury Regional Veterans District, with the Marlborough Veterans Agent serving as Director of the Veterans Services for this district.

The Veterans' Affairs Committee reviewed the Mayor's letter dated 2/21/13 requesting to enter into a one year agreement with the Town of Sudbury to create a new Veteran Service District sharing a Veterans Agent and adding a new administration assistant to help the Veterans Agent.

The admin position would be funded and an employee of the Town of Sudbury while the Veterans Agent of Marlborough would continue to be an employee of the City of Marlborough. Additionally, the Town of Sudbury would pay the City of Marlborough \$883.50 per month towards the compensation of the Veterans Agent.

Several language changes were suggested for the proposed agreement and after much praise and appreciation for our Veterans Agent and the fine work provided to both the City of Marlborough and the Town of Sudbury over the past several months of temporary assistance, the committee makes the following recommendation:

**Recommend approval of the agreement to the full City Council. VOTE 3-0**

Councilor Elder reported the following out of Urban Affairs Committee:

**Order No. 12/13-1005236** - Application for Special Permit by Hancock Associates on behalf of Construction Materials Inc. (CMS) for construction of a new 2,400 s.f. office building on nonconforming property at 379 South Street.

-REFER TO URBAN AFFAIRS AND PLANNING BOARD

PUBLIC HEARING: JANUARY 7, 2013

The Chair thanked the petitioner for forwarding the rendering and floor plans of the building and specific and general specifications/Epoch Homes, attached herewith to report. Councilor Clancy questioned the petitioner regarding the foundation and the second floor. The Chair read the proposed conditions included in the draft decision submitted by petitioner. The Solicitor noted minor changes he would include during his legal review.

Motion made by Councilor Clancy, seconded by the Chair, to recommend approval of the special permit with proposed conditions as discussed. **The Chair will ask for a suspension of the rules to forward the decision to the Solicitor to be placed in proper form for the April 8, 2013 agenda. Vote 5-0**

**Suspension of Rules requested – granted**

ORDERED: That the Communication from the Planning Board regarding Favorable recommendation of Boston Scientific's proposed Zoning, moved to **Item 24**; adopted.

**Suspension of Rules requested – granted**

ORDERED: That the Application for Special Permit from 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., refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR THE APRIL 8, 2013 CITY COUNCIL MEETING**; adopted.

ORDERED: That the Department of Public Works mid-year transfer request, which moves funds from and to various accounts noted on the spreadsheet, to fund line items associated with employee promotions, interim/temporary promotions due to absences and vacancies, and police overtime associated with water and sewer maintenance and repair, **APPROVED**; adopted.

CITY OF MARLBOROUGH --BUDGET TRANSFERS --										
DEPT:		PUBLIC WORKS				FISCAL YEAR: 2013				
FROM ACCOUNT:		TO ACCOUNT:								
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$4,220	\$1,500	14001103	51440	Educational Incentive	\$1,500	14001103	51310	Overtime-Regular	\$134	
	Reason:	CBA payment did not need to be paid					Overtime associated with the spring/summer construction			
\$127,605	\$11,409	60085001	50850	Sewer Tr. Pit. Operator-W	\$11,409	14001303	51310	Overtime-Regular	\$13,529	
	Reason:	Vacancy in position since beginning of FY 13					Based on historical data to complete FY 13			
\$127,605	\$8,000	60085001	50850	Sewer Tr. Pit. Operator-W	\$8,000	14001303	51470	Interim Foreman	\$697	
	Reason:	Vacancy in position since beginning of FY 13					Based on historical data to complete FY 13			
\$127,605	\$1,000	60085001	50850	Sewer Tr. Pit. Operator-W	\$1,000	14001403	51470	Interim Foreman	\$183	
	Reason:	Vacancy in position since beginning of FY 13					Funds needed to cover remainder of FY 13			
\$127,605	\$5,000	60085001	50850	Sewer Tr. Pit. Operator-W	\$5,000	14001406	54810	Rep./Maint Supplies-Veh.	\$36,043	
	Reason:	Vacancy in position since beginning of FY 13					Anticipated cost needed for parts and supplies for vehicle repairs to complete FY 13			
\$144,738	\$30,000	14001501	50690	Foreman	\$30,000	14001503	50740	Equipment Operators	\$241,127	
	Reason:	Vacancy in position since beginning of FY 13					Line item funded position prior to foreman promotion			
\$135,639	\$6,400	60081001	50850	Sewer Tr. Pit. Operator-E	\$6,400	14001503	51470	Interim Foreman	\$0	
	Reason:	Vacancy in position since beginning of FY 13					Funds needed to cover remainder of FY 13			
\$135,639	\$2,000	60081001	50850	Sewer Tr. Pit. Operator-E	\$2,000	14001506	54630	Tree Planting	\$2,064	
	Reason:	Vacancy in position since beginning of FY 13					Funds needed to cover planting on Hudson St. and Granger Blvd.			

CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT:		PUBLIC WORKS				FISCAL YEAR:		2013	
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$135,639	\$6,000	60081001	50850	Sewage Tr. Plt. Operator-E	\$6,000	60080003	51380	Overtime W&S-Police	\$0
	Reason:	Vacancy in position since beginning of FY 13				Anticipated amount required to complete FY 13			
\$135,639	\$1,000	60081001	50850	Sewer Tr. Plt. Operator-E	\$1,000	60080005	54810	Repair&Maint. Supp/Veh-Sewer	\$604
	Reason:	Vacancy in position since beginning of FY 13				Anticipated amount required to complete FY 13			
\$135,639	\$3,500	60081001	50850	Sewer Tr. Plt. Operator-E	\$3,500	60081003	51310	Overtime - E	\$6,377
	Reason:	Vacancy in position since beginning of FY 13				Needed because of CBA-comp. time buyback			
\$127,605	\$3,700	60085001	50850	Sewer Tr. Plt. Operator-W	\$3,700	60085003	51310	Overtime-W	\$4,966
	Reason:	Vacancy in position since beginning of FY 13				Needed because of CBA-comp. time buyback			
\$267,405	\$4,000	61090001	50740	Equipment Operators	\$4,000	61090003	51380	Overtime W/S Police	\$0
		Retirement / resignation				Anticipated amount required to complete FY 13			
\$267,405	\$860	61090001	50740	Equipment Operators	\$860	61090003	51990	Meal Allowances	\$1,973
		Retirement / resignation				Anticipated amount required to complete FY 13			
\$267,405	\$15,000	61090001	50740	Equipment Operators	\$15,000	61090006	54620	Maintenance-Trenches	\$28,852
		Retirement / resignation				Anticipated amount required to complete FY 13			
\$61,124	\$10,000	60080001	50630	Assistant Commissioner	\$10,000	61090006	54810	Rep/Maint Supplies	\$137
		Vacancy in position at beginning of FY 13				Anticipated cost to cover FY 13			
\$61,124	\$4,959	60080001	50630	Assistant Commissioner	\$4,959	61090006	55720	Hydrant Maintenance	\$5,409
	Reason:	Vacancy in position at beginning of FY 13				Anticipated cost to cover FY 13			
\$135,639	\$10,000	60081001	50850	Sewage Tr. Plt. Operator-E	\$10,000	61090006	55750	Water Service Constr.	\$1,127
	Reason:	Vacancy in position since beginning of FY 13				Anticipated amount required to complete FY 13			

ORDERED: That the Assessor transfer request in the amount of \$20,000.00 & \$10,000.00 which moves funds from Principal Assessor to Professional & Technical Services and from Senior Assessor to Professional & Technical Services respectively, which will fund contracted appraisal services for the 4<sup>th</sup> quarter of FY2013, **APPROVED**; adopted.

FROM:

Acct. # 11410001-50160 \$20,000.00  
Principal Assessor

TO:

Acct. # 11410004-53180 \$20,000.00  
Professional & Technical Services

FROM:

Acct. # 11410001-50170 \$10,000.00  
Senior Assessor

TO:

Acct. # 11410004-53180 \$10,000.00  
Professional & Technical Services

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, **APPROVED**; adopted.

FROM:

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

TO:

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

ORDERED: THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING THERETO AS FOLLOWS:

1. That Sec. 650-40(F) be amended by adding thereto the following new subsection 11:

“(11) Bridges, walkways or passageways, no longer than 200 feet in length, enclosed or otherwise, connecting buildings located on different lots in a Limited Industrial district shall not thereby violate any lot setback provision of any building or buildings connected by said structures.”

2. That Section 650-48(C)(1) be amended by adding thereto, at the end thereof, the following sentence:

“In a Limited Industrial district, the parking shall be provided within 500 feet of the building or structure to be served, in the building lot, on any lot under the same ownership, or on any lot subject to an easement to the owner of said building to be served which, in the opinion of the Building Commissioner, causes said parking to be available for the purposes of this section.”

3. That Section 650-47(F) be amended by adding thereto the following subsection 5:

“(5) In a Limited Industrial district, the side yard landscaping requirement shall not apply to side yard or rear yard lines that bisect parking lots, if both lots are in common ownership or if there are parking easements that, in the opinion of the Building Commissioner, adequately allow for parking in one lot by persons using the other lot.”

**APPROVED**; adopted.

**First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.**

ORDERED: That the Application for Special Permit, Cumberland Farms Inc., 412 & 418 Maple and Walker St. to construct a convenience store with gasoline sales on the subject parcels to operate new facility, Order No. 12-1005220A, be and is herewith deemed constructively granted by operation of law, MGL C. 40A, Section 9, therefore no action will be taken by City Council. The Fuel Storage permit is still pending before the Urban Affairs Committee.

**ORDERED:** We, the City Council of Marlborough, Massachusetts hereby endorse the objective of the Marlborough Economic Development Master Plan which is:

*To take strategic action to improve economic opportunities for Marlborough residents and businesses leading to the stabilization of the Marlborough residential tax rate over the long term by increasing commercial values.*

Furthermore, the Marlborough City Council will use all available means to support this effort by creating the conditions that will allow our city to successfully promote local business expansion and retention, attract high quality companies, and encourage targeted synergistic development.

City leaders have long understood that it is essential to gradually lower commercial tax rates in order for our city to remain economically competitive well into the future without causing injury to our residential taxpayers by shifting excessive tax burdens onto them.

We recognize that development using smart growth principles is the only long-term solution, and this will require a concerted, focused, and sustained effort within our city. By agreeing upon a strategic vision, then swiftly adopting bold and creative action plans we will be able to lay the groundwork necessary to achieve our long term goals, while fashioning a more vibrant and enjoyable city in which to work, play, stay and live.

The Marlborough City Council stands ready to take the necessary action to turn the great potential of this already successful city into reality. We are committing to think strategically and to make our evaluations based on whether each economic decision will support our overall economic plan. We will encourage and support projects to further our objectives and reject those deemed incompatible.

We are committed to do everything possible to help our businesses, large and small, to recruit and retain their most valuable resource – their employees. The importance of this objective cannot be overstated and requires a multitude of recreational opportunities for them, including the ability to walk or bike to work, the establishment of more after work and weekend dining and entertainment options. It is clear that we must endorse the types of housing that appeal to the young professionals our businesses need to thrive. We need to establish targeted mixed use zones that will accommodate these critical building blocks of our future.

As a body, we shall request that all public entities remain clearly focused on supporting this initiative, including the Mayor, City Council, Planning Board, Board of Health, Conservation Commission, Board of Assessors, Site Plan Review Committee, Community Development Authority, Licensing Board, Zoning Board of Appeals as well as all municipal departments.

Marlborough is blessed with an envious business location and our previous planning and infrastructure decisions have greatly enhanced our attractiveness. We believe that we can significantly augment these advantages by continuing to listen to our businesses, with focused leadership from the Mayor and City Council, and the harmonious support of all elements of our city structure leading to a very bright future for the residents and businesses of our great city.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that GRAVES LANE be accepted as a public way

From GRAVES LANE To Terminus

and the associated easements be accepted as municipal easements as shown on plans thereof and as hereinafter described:

DESCRIPTION

Being shown as Graves Lane on a plan of land entitled "The Residences of Oak Crest Definitive Subdivision Record Plan; Total Concept Builders, LLC, 32 Frye Road, Bolton, MA 01740; Last Revision Date: January 19, 2006; Scale: 1"=40'; Inland Surveying, Inc. dba Zanca Land Surveying, 16 Gleasondale Road, Suite 1-2, Stow, Massachusetts 01775," recorded at Middlesex South District Registry of Deeds as Plan No. 552 of 2006.

Being shown as "Flowage Easement" on a plan of land entitled "Plan of Land Showing Revised Easements at Graves Lane and Daniels Road in Marlborough, Massachusetts; JSB Development, LLC, P.O. Box 572, Acton, Massachusetts 01720; Date: May 17, 2010; Scale: 1" = 20'; Foresite Engineering, Inc., 16 Gleasondale Road, Suite 1-1, Stow, Massachusetts 01775," recorded at Middlesex South District Registry of Deeds as Plan No. 660 of 2010.

Being shown as "Drainage Easement" on a plan of land entitled "Plan of Land Showing Revised Easements at Graves Lane and Daniels Road in Marlborough, Massachusetts; prepared for record owner: JSB Development, LLC, P.O. Box 572, Acton, Massachusetts 01720; Date: May 17, 2010; Scale: 1" = 20'; Foresite Engineering, Inc., 16 Gleasondale Road, Suite 1-1, Stow, Massachusetts 01775," recorded at Middlesex South District Registry of Deeds as Plan No. 660 of 2010.

Plan entitled "Acceptance Plan Of Graves Lane And Municipal Easements In Marlborough, MA; Middlesex County; Date: November 28, 2012; Scale: 1"=40'; Foresite Engineering, Inc., 16 Gleasondale Road, Suite 1-1, Stow, Massachusetts 01775," recorded herewith.

Title to the roadway known as GRAVES LANE and title to all of the easements, including flowage and drainage, as shown on said plans have been granted to the City of Marlborough in a Quitclaim Deed from JSB Development LLC, Acton, Massachusetts, said deed to be recorded herewith at the Middlesex County South Registry of Deeds.

**IT IS THEREFORE ORDERED THAT:**

**GRAVES LANE be accepted as a public way and its associated easements be accepted as municipal easements in the City of Marlborough.**

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:42 PM.



# IN CITY COUNCIL

FEBRUARY 25, 2013

Marlborough, Mass., \_\_\_\_\_

## ORDERED:

That there being no objection thereto set **MONDAY, APRIL 8, 2013**, as date for a **PUBLIC HEARING** for the Application for Special Permit, Bohler Engineering on behalf of McDonald's Restaurant, to improve the aesthetics and operational efficiencies of their restaurant which includes updates to the drive-thru at 155 Boston Post Road West., be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 13-1005341



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CITY OF MARLBOROUGH

*City of Marlborough*  
*Office of the Mayor*

2013 APR -4 A 10:48

140 Main Street

Marlborough, Massachusetts 01752

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

[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

April 4, 2013

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

**Re: Transfer Request – Employee Retirements**

Honorable President Pope and Councilors:

I am submitting for your approval the enclosed transfer request totaling \$96,569.40 associated with the retirement of three employees.

The three employees are from the Assessor's Office, Collector's Office, and Police Department and are afforded these benefits through contractual obligations.

Thank you in advance for your consideration.

Sincerely,

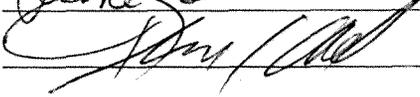
**Arthur G. Vigeant**  
Mayor

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Various		FISCAL YEAR:							
FROM ACCOUNT:		TO ACCOUNT:							
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$454,218.00</u>	<u>\$9,898.00</u>	<u>11990006</u>	<u>51500</u>	<u>Fringe</u>	<u>\$9,898.00</u>	<u>11410002</u>	<u>50550</u>	<u>Head Clerk</u>	<u>\$11,877.00</u>
	Reason:	<u>Retirement Payout of Vacation</u>							
	<u>\$17,816.40</u>	<u>11990006</u>	<u>51500</u>	<u>Fringe</u>	<u>\$17,816.40</u>	<u>11410003</u>	<u>51920</u>	<u>Sick Leave</u>	<u>\$0.00</u>
	Reason:	<u>Retirement Payout Sick Leave</u>							
	<u>\$5,353.00</u>	<u>11990006</u>	<u>51500</u>	<u>Fringe</u>	<u>\$5,353.00</u>	<u>11440002</u>	<u>50770</u>	<u>Senior Clerk</u>	<u>\$13,492.00</u>
	Reason:	<u>Retirement Payout of Vacation</u>							
	<u>\$51,138.00</u>	<u>11990006</u>	<u>51500</u>	<u>Fringe</u>	<u>\$51,138.00</u>	<u>12100003</u>	<u>51920</u>	<u>Sick Leave</u>	<u>\$23,881.00</u>
	Reason:	<u>Retirement Payout Sick Leave</u>							
	<u>\$12,364.00</u>	<u>11990006</u>	<u>51500</u>	<u>Fringe</u>	<u>\$12,364.00</u>	<u>12100001</u>	<u>50820</u>	<u>Sargeant</u>	<u>\$205,937.00</u>
	Reason:	<u>Retirement Payout of Vacation</u>							
	<u>\$96,569.40</u>	<u>Total</u>			<u>\$96,569.40</u>	<u>Total</u>			

Department Head signature: 

Auditor signature: 

Comptroller signature: 



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CITY OF MARLBOROUGH  
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*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](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

April 4, 2013

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

**Re: Community Development Authority Appointments**

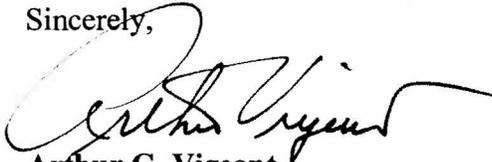
Honorable President Pope and Councilors:

I am pleased to submit for reappointment to the Community Development Authority (CDA) Mr. Eric Asman and Ms. Joyce Torelli. Both members will serve a three year term to expire from the date of confirmation by the City Council.

Eric and Joyce are both active members of our community who consistently demonstrate a commitment to improving the lives and neighborhoods of our residents through their involvement with the CDA. Their passion and experience will continue to be relied upon if the Council chooses to act favorably on their reappointments.

Thank you in advance for your consideration.

Sincerely,

  
Arthur G. Vigeant  
Mayor



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CITY OF MARLBOROUGH

# City of Marlborough

## Office of the Mayor

2013 APR -4 A 10 48

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

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

April 4, 2013

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

### **Re: Zoning Board of Appeals Appointment**

Honorable President Pope and Councilors:

I am pleased to submit Mr. Mitchell Gorka for appointment to the Zoning Board of Appeals (ZBA) for a three year term as a Regular Member from his date of confirmation.

Mitch has served as an alternate member on the ZBA for the past three years and has become familiar with the zoning appeals process. This experience will allow for a smooth transition to being a regular member. Mitch and his family have lived in the City of Marlborough for more than thirty years and continue to be active members of our community.

Thank you in advance for your consideration.

Sincerely,

**Arthur G. Vigeant**  
Mayor



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OF MARLBOROUGH

APR -4 A 9 39

**City of Marlborough**  
**Legal Department**

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

**DONALD V. RIDER, JR.**  
CITY SOLICITOR

**CYNTHIA M. PANAGORE GRIFFIN**  
ASSISTANT CITY SOLICITOR

**BEVERLY J. SLEEPER**  
CHIEF PROCUREMENT OFFICER

**ELLEN M. STAVROPOULOS**  
PARALEGAL

April 3, 2013

Patricia Pope  
President  
Marlborough City Council

RE: Order No. 12/13-1005236D  
Application for Special Permit  
Construction Materials Service, Inc.  
379 South Street, Marlborough

Dear President Pope and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted on behalf of Construction Materials Service, Inc., seeking permission to construct an approximately 2,400 square foot two-story office building on a non-conforming property.

I have enclosed a copy of the proposed decision. I certify that that decision is in proper legal form.

Very truly yours,

Donald V. Rider, Jr.  
City Solicitor

Enclosure

cc: Joseph D. Peznola, P.E., Hancock Associates

**DECISION ON A SPECIAL PERMIT  
CITY COUNCIL ORDER NO. 12/13-1005236E**

**FINDINGS OF FACT AND RULING**

1. **Construction Materials Service, Inc.** is hereinafter referred to as "Applicant".
2. Applicant is a party to contracts calling for the continued lease of the premises known and numbered as 379 South Street, Marlborough, Massachusetts described on Marlborough Assessor's Map 93, Parcel 10 (hereinafter the "Site") and proposes to construct an approximately 2,400 square foot two-story office building (hereinafter the "Project").
3. The Applicant, by and through its site engineer, Hancock Associates, has filed with City Clerk of the City of Marlborough an application for a Special Permit (hereinafter the "Application"). Pursuant to Sections 650-12 of the Zoning Ordinance of the City of Marlborough, the Applicant is seeking permission to construct the office building on a non-conforming property.
4. The Site is located in a Residence A-1 zone as determined by the Zoning Map of the City of Marlborough.
5. In connection with the Special Permit Application, the Applicant has submitted a certified list of abutters, filing fees, an impact statement and twenty-three (23) copies of a detailed site plan entitled "Permit Site Plan of Land;" site address: Construction Materials Service, Inc., 379 South Street, Marlborough, MA; prepared for: Patrick Mauro, 379 South Street, Marlborough, MA; drawn by: Hancock Associates, 315 Elm Street, Marlborough, MA; scale 1"=20', consisting of one sheet dated 10-25-12, revised through 2-21-13. Additionally the Applicant submitted a rendering of the proposed two-story wood-framed office building with floor plans and outline specifications.
6. The site plan was certified by the Building Inspector, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m) of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
7. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for public hearing on the application for a Special Permit and the City Clerk for the City of Marlborough caused notice of the same to advertised and

determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

8. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on January 7, 2013. By Applicant's request approved by the Council on March 11, 2013, the time for the Council to take final action on the Application has been extended to May 8, 2013.

9. The Applicant presented testimony at the public hearing detailing the Application, describing its anticipated impact upon municipal services, the neighborhood and traffic.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS  
AND TAKES THE FOLLOWING ACTIONS**

A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to this Special Permit Application.

B. The City Council finds that the proposed use of the Site is an appropriate use and 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 as provided herein. Further the City Council finds the proposed expanded use of the site, consistent with its current use, and of the structure and site as altered, will not be substantially more detrimental to the neighborhood than the continued use of the existing site and structure. The visual and drainage impacts from the proposed use will be mitigated through the proposed enhancements and location of the proposed building.

C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to construct a 2,400 square foot, two-story office building as shown on the plans filed, as revised, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on Applicant, its successors and/or assigns:

1. Compliance with Building Regulations. Construction and of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and Commonwealth of Massachusetts and shall be built according the site plan entitled "Permit Site Plan of Land;" site address: Construction Materials Service, Inc., 379 South Street, Marlborough, MA; prepared for: Patrick Mauro, 379 South Street, Marlborough, MA; drawn by: Hancock Associates, 315 Elm Street, Marlborough, MA; scale 1"=20', consisting of one sheet, dated October 25, 2012, as revised through February 21, 2013, as and if further amended during the application process.

2. Compliance with Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to this Special Permit and no occupancy certificate shall be issued until all conditions are complied with by the Applicant. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and plans submitted, reviewed and approved by the City Council as the special permit granting authority. Any changes to the plans which alter the traffic patterns or landscaping, or reduce the overall green space of the Project, will require subsequent approval by the City Council.
3. Application and Documents. All plans, drawings, site elevations and documentation provided by the Applicant as part of this Special Permit Application are herein incorporated into and become part of this Special Permit and become conditions and requirements of the same.
4. Compliance with Local, State and Federal Laws. The Applicant agrees to comply with all municipal, state and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Applicant's facility.
5. Incorporation of Plans and Drawings. All terms, conditions, requirements, approvals, plans, and drawings provided by the Applicant as part of this Special Permit Application and as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, including the Permit Site Plan referenced in Condition No. 1 above, are herein incorporated into and become part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
6. Improvements Installed Prior to Certificate of Occupancy. All site improvements that have been shown on renderings and/or the Permit Site Plan are conditions of this Special Permit and will be installed prior to the issuance of any temporary or permanent occupancy certificate; provided, however, that if all other work is completed between October 1, 2013 and June 1, 2014, all landscaping plants will be required to be installed by June 1, 2014. Applicant agrees that the permanent maintenance of the landscaping and other site improvements is an ongoing condition of this Special Permit.

7. Drainage Improvements. Prior to the completion of the Project, and prior to obtaining a certificate of occupancy, Applicant shall make all drainage improvements shown on the Project plans.
8. No Modifications to the Driveway Entrances. No modifications to the existing driveway configuration from South Street to the subject parcel are proposed. No modifications shall be allowed to the driveway as shown on the Site Plan without the Applicant returning to the City Council for modification of this Special Permit.
9. Signage. The locations and design of proposed signage shall be reviewed and approved during Site Plan Review in accordance with the sign ordinance of the City of Marlborough without variance therefrom.
10. Pavement Markings. The location and placement of pavement markings and traffic directional signage shall be reviewed and approved during Site Plan Review in accordance with applicable rules and regulations of the City of Marlborough.
11. Illumination. All illuminations of individual parking lot light fixtures shall not exceed 200-watt fixtures and shall be screened from abutting residential property. Deflectors shall be utilized and configured to mitigate light from entering abutting properties.
12. Street Opening Permit. In connection with the installation of improvements within public right-of-ways, which requires a street opening permit, the City Engineer shall be provided with a schedule of work and the construction procedures to be utilized prior to the commencement of such work. To the extent a police detail is required for such improvements, the Applicant and not the City of Marlborough will bear the costs of any police detail for any work performed within the public way.
13. Trench Permits. All trenching shall be in compliance with Massachusetts law and pursuant to permits issued by the City's Department of Public Work's Engineering Division.
14. In accordance with the provisions of Mass. Gen. Laws c. 40A, § 11, the Applicant, at its expense, shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed. After recording but prior to issuance of a building permit, Applicant shall provide the City Council and the City Solicitor's office with a copy of the recorded Special Permit.

15. Unless the context otherwise clearly requires, all references in the above conditions to "Applicant" shall also refer to Applicant's successors and assigns.
16. Applicant shall add striping to the existing paved area adjacent to the existing building on site for shop employees.
17. If during construction Applicant anticipates construction noise exceeding normal daily noise levels, Applicant shall, at least 48 hours prior to commencing with that portion of the work, so notify the abutters appearing on the Assessor's certified list accompanying the Application.

**Yea:      Nay:      Abstain:**

ADOPTED  
In City Council  
Order No. 12/13-1005236E

---

Signed by City Council President



*City of Marlborough*  
**Public Facilities Department**

FRANK D. WALKER BUILDING  
SUITE 105  
255 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
TEL. (508) 460-3521 FACSIMILE (508) 460-3565

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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
JOHN L. GHILONI  
DIRECTOR  
ANDREW J. WHITE  
ASSISTANT DIRECTOR  
2013 APR -3 P 12:18

March 22, 2013

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

Re: Massachusetts School Building Authority

Dear President Pope and Members:

The Massachusetts School Building Authority requires a Statement of Interest to be filed annually for districts applying for grants under the School Building Assistance Program. The Statement of Interest must be submitted prior to applying for grant funding. We have been following this procedure annually since 2006. These forms are not a request for funding and are not obligating the City of Marlborough to any projects.

A Statement of Interest will be filed for Kane School. A current vote of the City Council is required for the statement of Interest to be valid.

The agenda item of the School Committee for March 12, 2013 is attached as Item 9B. This was a favorable vote by the School Committee. I have also attached a copy of the authorization with the required wording from the MSBA.

If you have any questions or require any additional information, please contact me.

Sincerely,

John L. Ghiloni  
Director

Attachments (2)

cc: Mayor Arthur G. Vigeant

**SCHOOL COMMITTEE**

**Agenda Item #9B**

**ACTION ITEM SUMMARY**

**For School Committee Meeting  
of March 12, 2013**

**SUBJECT: Marlborough Public Schools Statement of Interest (SOI) to the Massachusetts School Building Authority (MSBA)**

Person(s) preparing Agenda Item: Susan Bottan, Business Manager

Listing of Attachments:

1. Format for Statement of Interest vote.
2. Statement of Interest Frequently Asked Questions.

---

**BACKGROUND:** In order to show the support of local officials for the submission of an SOI, MSBA requires votes from the local school committee and the local governing body authorizing the superintendent of schools to submit an SOI. The format for the vote to be taken is provided on the attachment as well as answers to frequently asked questions about the SOI process.

**STATUS:**

**RECOMMENDATION:** Vote to allow superintendent to submit SOI.

Recommended by Business Manager: Susan Bottan



Recommended by the Superintendent: \_\_\_\_\_

ORDERED:

WHEREAS having convened in an open meeting on **April 8, 2013** the **CITY COUNCIL** of the **CITY OF MARLBOROUGH, MA** in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form **BY NO LATER THAN APRIL 10, 2013** for the **KANE ELEMENTARY SCHOOL LOCATED AT 520 FARM ROAD, MARLBOROUGH, MA** which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future to **include THE ELIMINATION OF EXISTING SEVERE OVERCROWDING, THE PREVENTION OF SEVERE OVERCROWDING EXPECTED TO RESULT FROM INCREASED ENROLLMENTS, AND REPLACEMENT OF OR ADDITION TO OBSOLETE BUILDINGS IN ORDER TO PROVIDE A FULL RANGE OF PROGRAMS CONSISTENT WITH STATE AND APPROVED LOCAL REQUIREMENTS, AS DETERMINED IN THE JUDGMENT OF THE AUTHORITY**; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the **City of Marlborough** to filing an application for funding with the Massachusetts School Building Authority, **NOW THEREFORE** the City Council of the City of Marlborough hereby authorizes the Superintendent to submit a Statement of Interest to the Massachusetts School Building Authority for the above-specified project, be and is herewith **APPROVED**.

ADOPTED  
In City Council  
Order No. 13-  
Adopted:

Approved by Mayor  
Arthur G. Vigeant  
Date:

A True Copy,  
ATTEST:

# MARLBOROUGH RETIREMENT BOARD

140 Main Street, City Hall  
Marlborough, Massachusetts 01752-3812

Telephone (508) 460-3760

Fax (508) 481-7814

## Board Members

*Gregory P. Brewster, Chairman*

*Thomas J. Abel*

*Christopher M. Sandini, Sr.*

*Diane Smith*

*William S. Taylor*

March 26, 2013

President and Members  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2013 MAR 26 A 11:32

Dear President and Members:

Please be advised that the Marlborough Retirement Board will consider whether to grant an increased cost-of-living adjustment (COLA) pursuant to M.G.L. Chapter 32, Section 103(i) at its April meeting. The meeting will be held on April 29, 2013 at 4:30 p.m. in the Mayor's Conference Room.

Sincerely,



Margaret R. Shea  
Director



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CITY OF MARLBOROUGH

*Tim Cummings*  
tcummings@marlboroughedc.com

2013 APR -4 A 9 20

April 3, 2013

City Councilor President Trish Pope  
City Council  
140 Main Street 2<sup>nd</sup> FL  
Marlborough, MA 01752

**Re: Wayside Overlay District**

Dear President Pope & Distinguished Councilors:

On behalf of the Marlborough Economic Development Corporation (MEDC) and the steering committee of vested community members of the Wayside Corridor I would like to request the City Council's careful consideration of the enclosed Overlay District drafted by a dedicated group of stakeholders, which you were one, to help improve this area of the City.

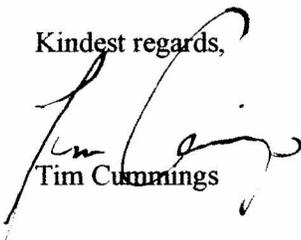
Enclosed, you shall find draft language for your review and consideration, which allows for the Wayside Overlay District.

As you know, this is the culmination of a six month study conducted by Vanasse Hangen Brustlin, Inc. (VHB) where there was an all-day information gathering session conducted on November 15, 2012 soliciting public input and monthly meetings were held by the steering committee to address various topics and issues, which MEDC coordinated. This ultimately led to the development of the enclosed document.

I would like to publicly acknowledge the leadership provide by City Councilors Trish Pope, Joe Delano and Rick Jenkins on this initiative. It was through their leadership and development of a framework that this piece of public policy was made possible.

Thank you for your kind consideration of this request and should you have any questions please do not hesitate to contact me at your earliest convenience.

Kindest regards,



Tim Cummings

**Enclosure:** Exhibit A Wayside Overlay District

# **Exhibit A**

## DRAFT - ZONING PROPOSAL

Based upon the vision for the Wayside District Corridor Plan, the Commercial and Residential Market Assessment prepared by RKG Associates in December 2012, and a review of the Marlborough Zoning Ordinance, it is proposed that a new overlay district be considered to implement the recommendations emanating from this planning effort. The vision for the corridor calls for a mix of retail establishments along with residential developments; establish design criteria for new or redeveloped buildings; create better landscaping and streetscaping along the corridor; and improve access management through interconnections between developments and pedestrian and bicycle access. The goal is to provide for a more pleasing and attractive "gateway" to the City and to better manage traffic flow and parking within the developed parcels fronting on Route 20.

In order to implement the preferred scenario for the Wayside District Corridor Plan, zoning changes will need to be addressed. The zoning districts that fall within or directly adjacent to the Core Study Area include:

- Residence A-1
- Rural Residence
- Business, and
- Limited Industrial

Although the provisions of the existing zoning allow for many of the land uses recommended in the illustrative corridor plan, it does not fully incorporate the type and mix of residential and commercial uses envisioned. Moreover, certain aesthetic and transportation standards are necessary to achieve the overall vision contemplated for the corridor. Such standards will enhance the streetscape, provide buffers between residential and non-residential uses, improve bicycle and pedestrian mobility, regulate parking and site access in a coordinated manner, and encourage sound design principles to new development projects. To that end, the zoning must integrate design and access management standards to achieve the goals of this planning effort.

It is recommended that a new Wayside Overlay District (herein, also after "Wayside OD") be established. It will knit together the four existing zoning districts into one cohesive district designed to implement the vision for the study area. The regulations proposed within the "WOD" would be mandatory for any proposed new development. Specifically, the proposed zoning changes will include the following:

- A revised list of uses allowed by right and by special use permit to include multi-family, commercial, and office uses;
- New dimensional regulations for the overlay district;

- Shared parking allowances where adjacent uses have differing hours of business in order to reduce the amount of land devoted to parking;
- Revised design standards for buildings, parking lots, and streetscapes (including pedestrian and bicycle access); and
- Access management regulations that will control the placement and design of curb cuts in the district.

This is a preliminary draft that requires additional vetting by the City to ensure that the proper procedures, use regulations, dimensional requirements, and other related development standards have been properly applied to the proposed “Wayside OD”.

### §650-34 – WAYSIDE OVERLAY DISTRICT

#### A. Purpose and Objectives

The Wayside Overlay District (herein, also a “Wayside OD”) allows the application of supplemental land use controls within the boundaries of a certain overlay district, subject to City Council approval (hereinafter any reference to City approval shall be deemed to mean approval by the City Council) as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the Wayside 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 enhance the streetscape and design within the new overlay district to further promote livability and quality of life within the district.

For the purposes of this section, the “Wayside OD” shall be superimposed on the other districts existing at the time that any land in any said underlying district is also included in the “Wayside OD”. The “Wayside OD” is *(describe metes and bounds of overlay district – Wilson Street/Farm Road to Wayside Inn Road on the Sudbury Line)*.

#### B. Authority of Permit Granting Authority

The City Council shall be the Permit Granting Authority for Special Permit and Site Plan Approval in the “Wayside OD”. In all instances, a development which proceeds under the “Wayside OD” overlay is subject to Site Plan Approval in accordance §270-2 of the Marlborough City Code.

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. Eligible Uses

- (1) The following uses are also permitted BY-RIGHT in the “Wayside OD”:
- (a) Multi-family dwelling – up to 100 total dwelling units including, without limitation, age restricted dwelling units  
  
[Tie multifamily to a percentage of LU mix 25%/75%, 50/50 etc?] [Set a potential per project limit on unit count?], [Set a requirement for ground floor non residential use only?] [Set a distance for ground floors non residential uses – x distance from Rt 20?]
  - (b) Mixed residential and commercial uses (mixed use development)
  - (c) Recreation center
  - (d) Offices, banks, insurance and financial institutions
  - (e) Medical and dental clinics
  - (f) Retail sales and services – up to 75,000 square feet of total gross floor area
  - (g) Restaurant, café with or without table service (including outside seating and service)
  - (h) Consumer service establishments complimentary to the other principal uses at the property
  - (i) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities
  - (j) Dry cleaning (pick up and drop off only)
  - (l) Car parking garages - a structure or a group of structures that facilitate the parking of vehicles at, above and/or below grade under a building or otherwise integrated into another structure

[Should BY\_RIGHT uses be subject to Site Plan Review?]

- (2) The following additional uses are also permitted BY SPECIAL PERMIT in “Wayside OD”:
- (a) Multifamily dwelling – more than 100 total dwelling units including, without limitation, age restricted dwelling units
  - (b) Retail sales and services – over 75,000 square feet of total gross floor area

- (3) Any uses not listed in Subsections (1) or (2) above are expressly PROHIBITED in the "Wayside OD".

D. Dimensional Requirements

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

- (1) The Minimum Lot Area requirement for "Wayside OD" shall be 5,000 sq. ft.
- (2) Minimum Lot Frontage measurement shall be no less than fifty (50) feet for any lot wholly located within the boundaries of the "Wayside OD".
- (3) Minimum Front Yard measurement shall be no less than thirty (30) feet for any lot wholly located within boundaries of a "Wayside OD".
- (4) Minimum Side Yard measurement shall be no less than twenty-five (25) feet for any lot wholly located within boundaries of a "Wayside OD". Fire suppression vehicles shall have clear and adequate access to all structures.
- (5) Maximum building height in "Wayside OD" shall not exceed fifty-two (52) feet.
- (6) Maximum Lot Coverage shall not exceed eighty-five (85) percent of the total lot area.

E. 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) Parking areas shall be located to the side and/or rear for all new structures.
- (2) Parking areas shall include provisions for the "parking" of bicycles in bicycle racks in locations that are safely segregated from automobile traffic and parking. For parking areas of ten (10) or more spaces, bicycle racks facilitating locking shall be provided to accommodate one (1) bicycle per twenty (20) parking spaces or fraction thereof. Bicycle racks shall be placed so as not to obstruct pedestrian walkways or impede upon the parking area for automobiles.
- (3) Where a proposed parking lot is adjacent to an existing parking lot of a similar use, providing vehicular and pedestrian connections between the two (2) parking lots may be required. It is encouraged that parking areas be interconnected between lots by cross access driveways in a manner that allows the unobstructed

flow of pedestrians between businesses and the parking areas. A sidewalk shall be provided on at least one side of the driveway.

- (4) 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, but shall be placed to the rear of the building and screened.
- (5) Minimum Parking Space Requirements:
  - (a) Residential Dwelling Unit - 1.5 parking spaces for each dwelling unit
  - (b) Retail uses – 1 space for each 250 sq. ft.
  - (c) Office uses – 1 space for each 350 sq. ft.
- (6) Granting of Relief from Parking Regulations – The Building Inspector 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 “Wayside OD”.
- (7) The applicant may reduce the number and/or the location of the required parking spaces, through a Special Permit. Consideration may be given to the hours of usage of the proposed use/structure, hours of usage of other uses/structures within the “Wayside OD”, amount of shared parking with other uses, as well as other relevant information to assist the special permit granting authority in determining the need for additional parking for motor vehicles. Relief may be granted provided that it is demonstrated that the additional demand for such spaces can be reasonably met without placing an undue burden on existing facilities already relying on such spaces under the following conditions:
  - a. Allow parking areas to be shared with adjoining businesses based upon having peak user demands at different times provided that all businesses sharing parking are located on the same lot.
  - b. Parking spaces on a separate lot or lots within a radius of six hundred (600) feet, measured from the lot line of the principal use, may be counted.

F. Site Access

- (1) Curb cuts shall be minimized. To the extent feasible, access to businesses shall be provided through one of the following methods: (a) through a common driveway serving adjacent lots or premises or (b) through an existing side or rear street thus avoiding the principal thoroughfare. Garages doors or loading docks are prohibited on the front façade of any building facing the street.
  - i. All new curb cuts are subject to Development Plan Review.
  - ii. Curb cuts greater than thirty (30) feet and driveway openings greater than twenty (20) feet are subject to a Development Plan Review.
- (2) Site access shall be comprised of either a single two-way driveway or a paired system wherein one driveway is designed and appropriately marked to accommodate ingress traffic, and the other driveway is designed and appropriately marked to accommodate egress traffic.
- (3) Cross access driveways and shared driveways are intended, and shall be designed, to be used exclusively for internal circulation.

G. Pedestrian and Bicycle Circulation

Provision for safe and convenient pedestrian access shall be incorporated into plans for new construction of buildings and parking areas, and should be designed in concert with landscaping plans noted below. New construction should improve pedestrian access to buildings, sidewalks and parking areas, and should be completed with consideration of safety, handicapped access and visual quality. Where appropriate, applicants are encouraged to provide pedestrian and/or bicycle paths connecting their site with abutting areas in order to promote pedestrian and bicycle circulation and safety. When parking is located in the rear, pedestrian access via a pedestrian-oriented alley or walkway through to the primary street is encouraged.

H. Pedestrian Spaces and Comfort

For the purpose of providing a pedestrian friendly environment, new and redeveloped buildings should provide for outdoor seating areas, or outdoor display areas scaled to the size and demands of the proposed use, where feasible. For example, a multi-story project should provide a patio or small plaza area located near the front entry with multiple benches and landscaping. A mixed-use project with ground floor retail such as a restaurant may provide an area for outdoor dining which extends the indoor dining space for seasonal use. A ground floor use may provide a sidewalk bench where there is sufficient width. Such pedestrian areas provide space that affords visual connectivity but is setback from major pedestrian flow and vehicular ways and is appropriate to the location.

## Design Criteria (for discussion)

*Overview: The relationship between buildings, parking lots and the street is the most important design element within the overlay district. The existing development pattern within the proposed overlay district is somewhat reflective of a typical suburban commercial district that has been influenced by increasingly accommodating the automobile. Somewhat widely spaced buildings that are separated from the street by parking lots characterize this area. Such an environment, though convenient for the automobile, appears visually disjointed, cluttered, and is inhospitable to pedestrians. The design criteria listed below attempt to mitigate those impacts by enhancing the appearance and livability of the area.*

### (1) Building Design Considerations

- Buildings should be located close to the street, with off-street parking, behind and/or beside buildings. Buildings oriented to the primary streets will better shape the street corridors and, ultimately, the identity of the community. If a building must be set back, no more than one row of parking should separate it from the street.
- For redevelopment of existing structures where parking is located in the front, landscaping should be placed to screen parking and create a more aesthetically pleasing environment.
- To maximize the street frontage of building and minimize the street frontage of parking lots, buildings should be articulated so that the long side fronts the street.
- To the extent practical, drive-thru facilities should be oriented away from public streets and primary development entrances.
- Parking lots should be visually buffered at the perimeter from their surroundings, using landscaping and possibly an intermittent low fence or masonry wall in key locations.
- Smaller commercial buildings can be located in front of "big box" structures to disguise their overall bulk, while still allowing for clear identity and points of entry.
- In developments with multiple structures, recurring forms and materials should be used to tie the development together, while establishing an overall hierarchy of buildings for visual interest and to aid in orientation.
- Buildings should be arranged to create functional public and private outdoor spaces, including sidewalks, patios, entryways, and courtyards.
- Both new development and large redevelopment projects should enhance prominent corners of buildings with elements such as towers, arches, or roof forms that will serve as identifiable and memorable landmarks.

- Gabled, hipped, mansard, gambrel, stepped, and peaked roofs add variety and interest to buildings and should be incorporated in developments. Shed and flat roofs should be concealed with architectural detailing including elements such as parapets or finished flashing.

(2) Facades

- Large expanses of unarticulated or blank walls are not appropriate. Walls facing the street or walkways should be punctuated with display windows, doors, indentations, or other fenestration to add visual interest on the street. All sides of a building visible to the public should be treated consistently with quality materials and finishes.
- Facades should be well composed and articulated with a variety of materials and forms to create visual interest and character. This can be accomplished by using a selection of architectural details such as vertical and horizontal projections and recesses, changes in height, floor levels, roof forms, parapets, cornice treatments, belt courses, pilasters, window reveals, forms and color, etc.
- Building entrances should be designed in a manner which breaks up the building mass and aids in pedestrian orientation.
- Use traditional materials such as wood, brick and stone. When used properly, these materials are as good as other materials. Treated board and other synthetic materials are discouraged.

(3) Awnings

- Awnings, trellises or canopies are encouraged above windows, doors, and entrances to provide shade and architectural relief from flat façades. These also serve as an easily read and distinctive sign. The business name and logo are encouraged to be placed on the awning.

(4) Exterior Lighting

- Lighting should be consistent throughout the development and coordinated in appearance with building-mounted light fixtures.
- Property owners/developers are encouraged to utilize decorative poles and fixtures for all lighting affixed and not affixed to buildings.
- Use of high-quality light, which provides good, uniform visibility while avoiding light pollution, is encouraged. Consider illuminating sidewalks, parking areas, and other multi-use pathways using low

intensity fixtures that provide an even distribution of light while avoiding areas of intense shadows.

- All site lighting will be required to not contribute significantly to glare and reduce light trespass. Fully shielded and full cut-off light fixtures should be used in the following locations: parking lots, public streets and pedestrian areas, pathways and building overhangs.

(5) Signs

- Signs and sign locations should be an integral part of the overall development, reflecting the scale, image and style of associated buildings. Sign design and materials should relate to the building elements.
- Signs should not cover or obscure architectural elements.
- Signs shall be externally lit from the front. Back lighting of signs shall not be used.
- Signs should be made of the following materials: wood (painted or natural), stone, copper, brass, galvanized steel, painted canvas or painted/engraved on façade surface.
- Freestanding Monument signage is the most appropriate along the highway corridor; pole signs should not be used. Other signs appropriate for the individual tenants may include: projecting sign, frame sign, awning sign, canopy sign, marquee sign, wall/fascia sign, and window sign.
- Individual tenant signs may be located on individual storefronts, over display windows and/or at entries.
- Provide small scale "directory" signage as needed within the development to aid in orientation for drivers and pedestrians.
- Flashing signs, moving signs (or signs with moving elements), and roof signs are not allowed.
- Parking signs should be simple and understated.

(6) Landscaping

- The corridor should reflect a natural landscape pattern, utilizing an informal pattern of high canopy trees and clusters of low-height shrubbery within the setback or buffer area adjacent to the roadway, particularly at parking areas.
- The area in between the street and front façade shall contain special landscape treatment (even when parking is located in the front). This should include but is not limited to: specimen trees and shrubs,

groundcover, accent rocks, low walls, and signage. Large expanses of mulch and grass are not desirable.

- Where parking is located in the front of the building, the landscape should be more substantial and serve to screen the building from the sidewalk.
- A mix of deciduous and evergreen plantings should be utilized to maintain texture and greenery in winter.
- Dead plants are worse than no plants at all. Landscaped areas bring with them a responsibility for maintenance, which includes watering, removing debris and litter, pruning and replacement of plants when necessary. All private open space and landscaping should be maintained by the owners of the development.
- Landscape features should be used to highlight entryway and other free-standing signage, to screen sign supports and ground-mounted equipment where practical, and to call attention to special gateway areas, such as corners at major intersections.
- Drainage improvements should be designed as natural landscape features, avoiding structural improvements in design where practical.

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CITY OF MARLBOROUGH

*City of Marlborough*  
*Commonwealth of Massachusetts*

2013 MAR 28 P 4:51



March 28, 2013

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

Re: Favorable Recommendation of Zoning Amendment addition of Section 650-17,  
650-18A, & New Section 41.  
City Council Order NO. 12/13-1005267A

President Pope:

At its regular meeting on March 25, 2013, the Planning Board took the following action:

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

Make a favorable recommendation to the City Council regarding changes to the City of Marlborough Zoning Ordinance as defined by City Council Order NO. 12/13-1005267A

In addition the Board voted to make the following additional recommendations:

1. That screening of the parking lots must be provided for abutters;
2. That the number of vehicles be limited by providing that the parking lot of the property in question not exceed a certain percentage of the available parking (the board recommends no more than 50%);
3. That no unregistered vehicles be allowed to be stored on the lot;
4. That no vehicles be allowed to be parked grass surfaces; and,
5. That the term "routine maintenance" be defined with a list of "allowable" repairs to be provided.

**PLANNING BOARD**

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

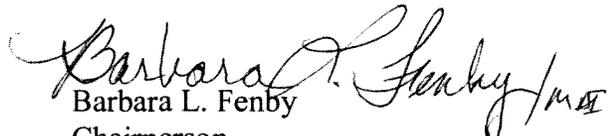
**Melissa Irish - Secretary**  
**Phone: (508) 460-3769**  
**Fax: (508) 460-3736**  
**Email: [MIrish@marlborough-ma.gov](mailto:MIrish@marlborough-ma.gov)**

Marlborough City Council  
Ms. Patricia Pope- President  
March 28, 2013  
Page Two

The motion carried by a vote of 4-0-1, with Mr. Hodge abstaining.

Should you need any additional information please do not hesitate to contact me.

Sincerely,

  
Barbara L. Fenby  
Chairperson

Cc: City Clerk  
File



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

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CITY OF MARLBOROUGH

2013 APR -1 A 11:55

**Lisa M. Thomas  
City Clerk**

**FUEL STORAGE WORKSHEET TO BE COMPLETED BY APPLICANT**

Company Name: Bunker Floor Supply

Company Telephone Number: 508-485-0085

Officer's Name: Jeffrey Aaron

Officer's Telephone Number: 508-485-0085

Location of Land: 289 ELM ST

Map & Parcel Number: 68 203

Nearest Cross St.: Winter ST

Owner of Land: Sandra and Anthony Antuco Real Estate LLC

Owner's Address: 72 Jefferson ST Marlboro, MA 01752

Number of buildings or other structures to which this application applies:

one

Occupancy or use of such buildings:

wholesale distribution

Total capacity of tanks in gallons - Above Ground: \_\_\_\_\_ Underground: \_\_\_\_\_

Kind of fluid to be stored in tanks: \_\_\_\_\_

*Paid \$100 (ck #1040)  
4/1/13 AM*



FP-2A  
(Rev. 04-2010)

The Commonwealth of Massachusetts  
City/Town of Mulborough

**Application For License**

Massachusetts General Law, Chapter 148 §13

New License     Amended License

GIS Coordinates
_____
LAT.
_____
LONG.
_____
License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 289 ELM ST 68 20B  
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: Sandra and Anthony Antico Real estate LLC

Address of Land Owner: 72 Jefferson ST

Use and Occupancy of Buildings and Structures: wholesale distribution

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments

Attach a copy of the current license

**Flammable and Combustible Liquids, Flammable Gases and Solids**

*Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 14; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.*

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, Cubic feet	CONTAINER UST, AST, IBC, drums
<u>SEE ATTACHED SHEETS</u>				

Total quantity of all flammable liquids to be stored: 2844 gal

Total quantity of all combustible liquids to be stored: 23500 gal

Total quantity of all flammable gases to be stored: \_\_\_\_\_

Total quantity of all flammable solids to be stored: \_\_\_\_\_

BIUNKER FLOOR  
 289 ELM ST.  
 MARLBORO, MA. 01752  
 508-485-0085  
 FAX 508-305-2037

#	DESCRIPTION	PACK	CASES	
<b>POLYURETHANE</b>				
<b>OIL MODIFIED POLYURETHANE</b>				
<b>350 VOC POLYURETHANE</b>				
<b>ABSCO</b>				
ABS 89505	5 GAL ABSCO GLOSS POLY 350 VOC	1	360	FP 104°
ABS 89515	5 GAL ABSCO SATIN POLY 350 VOC	1	360	
ABS 89525	5 GAL ABSCO SEMI GLOSS POLY 350 VOC	1	360	
ABS 89501	GAL ABSCO GLOSS POLY 350 VOC	4	45	
ABS 89511	GAL ABSCO SATIN POLY 350 VOC	4	45	
ABS 89521	GAL ABSCO SEMI GLOSS POLY 350 VOC	4	45	
<b>HARCO</b>				
HAR 5400FVOC	5 GAL GLOSS 350 VOC	1	90	
HAR 5401FVOC	5 GAL SEMI GLOSS 350 VOC	1	90	
HAR 5401FVOC	5 GAL SATIN 350 VOC	1	90	
HAR 4600FVOC	5 GAL EASY FLOW GLOSS 350 VOC	1	72	
HAR 5400VOC	GAL GLOSS 350 VOC	4	45	
<b>GYM FINISHES</b>				
ABS 89435	5 GAL ABSCO SPORT GYM FINISH 350VOC	1	72	
<b>QUARTS NON VOC POLYURETHANE</b>				
ABS 89604	QT 550 ABSCO GLOSS	6	75	
ABS 89614	QT 550 ABSCO SATIN	6	75	
ABS 89624	QT 550 ABSO SEMI GLOSS	6	75	
<b>FLOOR SEALERS</b>				
<b>ABSCO</b>				
ABS 89305	5 GAL ABSCO 350VOC SEALER	1	108 <del>200</del>	
<b>HARCO</b>				
HAR 8500FVOC	5 GAL 350 VOC QUICK DRY WOOD SEALER	1	360	
HARCO 8500VOC	GAL 350 VOC QUICK DRY WOOD SEALER	4	45	
<b>QUARTS SEALERS</b>				
ABS 89304	QT 550 ABSCO SEALER	6	30	
BONA SB750051001	BONA DRI FAST SEALER QT	6	96	
LENMAR 1Y519Q	QT LENMAR RAPID SEAL SEALER	6	96	
HARCO 8500Q	QT QUICK DRY WOOD SEALER	4	20	
<b>QUARTS NON VOC POLYURETHANE 550</b>				
ABS 50004	L & L SEMI GLOSS QUARTS	6	240	
ABS 50104	L-N-L SATIN QUARTS	6	480	
ABS 51004	L & L SEMI GLOSS QUARTS	6	480	
<b>BONA</b>				
BONA 90060	WOOD LINE 550 QT GLOSS	6	250	
BONA 90066	WOOD LINE 550 QT SEMI GLOSS	6	500	
BONA 90050	WOOD LINE 550 QT SATIN	6	500	
<b>LENMAR</b>				
LENMAR 1Y-555Q	LENMAR 550 QT GLOSS	6	288	
LENMAR 1Y-617Q	LENMAR 550 QT SATIN	6	576	
LENMAR 1Y-724Q	LENMAR 550 QT SEMI GLOSS	6	576	
<b>DURASEAL</b>				
DURA 86300	DURASEAL POLY 550 QT GLOSS	4	100	FP 103°
DURA 86305	DURASEAL POLY 550 QT SEMI GLOSS	4	300	
DURA 86310	DURASEAL POLY 550 QT SATIN	4	400	
<b>NANO SHIELD</b>				
NANO 265482	QT GLOSS 512 VOC NANO SHIELD	2	100	
NANO 265483	QT SATIN 512 VOC NANO SHIELD	2	100	
NANO 265484	QT SEMI GLOSS 512 VOC NANO SHIELD	2	100	

BIUNKER FLOOR  
 289 ELM ST.  
 MARLBORO, MA. 01752  
 508-485-0085  
 FAX 508-305-2037

#	DESCRIPTION	PACK	CASES	
<b>SOLVENTS</b>				
SUN 45732A	QT A/P Laquer Thinner <i>FP 20°F</i>	12	20	600
SUN 457G1A	GAL A/P Laquer Thinner	6	54 UN1263	312
SUN 457G5A	5 GAL A/P Laquer Thinner	1	48 UN1263	480
SUN 701G1A	GAL Paint Thinner	6	540 <i>3,240</i>	
SUN 701G3A	2 1/2 GAL A/P Paint Thinner	2	270 <i>1,350</i>	
SUN 70432A	QT A/P Paint Thinner <i>FP 101°F</i>	12	36 <i>108</i>	
SUN 704G5A	5 GAL A/P Paint Thinner	1	108 <i>7540</i>	
SUN 72416	PT Japan Drier	6		
SUN 80032	QT VM & P Naphtha	12	10 <i>30</i>	
SUN 800G1A	GAL A/P VM & P Naphtha <i>FP 50°F</i>	6	20 UN1268	120
SUN 800G5A	5 GAL A/P VM & P Naphtha	1	10 UN1268	50
SUN 821G1A	GAL A/P Toluol <i>FP 41°F</i>	6	15 UN1294	90
SUN 822G1A	GAL A/P Xylene <i>FP 77°F</i>	6	20 <i>120</i>	
SUN 822G5A	5GAL A/P Xylene	1	10 UN1993	10
SUN 83432A	QT A/P Denatured Alcohol <i>FP 55°F</i>	12	10 <i>30</i>	
SUN 834G1A	GAL A/P Denatured Alcohol	6	20 UN1170	120
SUN 84032	QT Acetone <i>FP -4°F</i>	12	15 <i>45</i>	
SUN 840G1A	GAL A/P Acetone	6	15 UN1090	90
SUN 840G5	5 GAL Acetone	1	24 UN1090	240
SUN 87032	QT Gum Spirits Turpentine <i>FP 97°F</i>	12	10 <i>30</i>	
SUN 870G1	GAL Gum Spirits Turpentine	6	20 <i>120</i>	
SUN 87232	QT Linseed Oil Boiled	12		
SUN 70923A	GAL BRUSH AND ROLLER CLEANER	2	20 UN1292	40
SUN 633G1A	GAL MARINE REMOVER	2		50
<b>WOOD BLEACH</b>				
KLE WB19G	GAL WOOD BLEACH UN1824/UN2014	2	108 UN2014/UN1824	216
SUN 84761A	Methyl ETHYL Ketone	6	5 UN1193	30
<b>ZINSSER</b>				
ZIN 00850	SEAL COAT 5 GALLON <i>FP 55°</i>	1	180 UN1263	900
ZIN 00851	SEAL COAT GALLON	2	90	180
ZIN 0901	GAL BIN	4	45	
ZIN 0907	QT BIN	6	30	
ZIN 0908	PT BIN	12	15	
ZIN 03551	GAL High Hide Cover COVER SATIN 350VOC	4	45	
ZIN 3504	QT High Hide Cover COVER SATIN	6	20	

7-30 lbs. Propane Cylinders for forklift truck  
 8 gal/TANK

**LP-gas** (Complete this section for the storage of LP-gas or propane)

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers. (See 527 CMR 6)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: 56

List sizes and capacities of all aboveground containers used for storage: \_\_\_\_\_

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: \_\_\_\_\_

List sizes and capacities of all underground containers used for storage: \_\_\_\_\_

Total aggregate quantity of all LP-gas to be stored: \_\_\_\_\_

**Fireworks** (Complete this section for the storage of fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 2)

❖ Maximum amount (in pounds) of Class 1.3G: \_\_\_\_\_ Type/class of magazine used for storage: \_\_\_\_\_

❖ Maximum amount (in pounds) of Class 1.4G: \_\_\_\_\_ Type/class of magazine used for storage: \_\_\_\_\_

❖ Maximum amount (in pounds) of Class 1.4: \_\_\_\_\_ Type/class of magazine used for storage: \_\_\_\_\_

Total aggregate quantity of all classes of fireworks to be stored: \_\_\_\_\_

**Explosives** (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 13)

❖ Maximum amount (in pounds) of Class 1.1: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_

❖ Maximum amount (in pounds) of Class 1.2: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_

❖ Maximum amount (in pounds) of Class 1.3: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_

❖ Maximum amount (in pounds) of Class 1.4: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_

❖ Maximum amount (in pounds) of Class 1.5: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_

❖ Maximum amount (in pounds) of Class 1.6: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_

I, Jeffrey Aaron, hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Signature [Signature] Date 3/28/13 Name Jeffrey Aaron

*Fire Department Use Only*

I, \_\_\_\_\_, Head of the \_\_\_\_\_ Fire Department endorse this application with my

Approval  Disapproval

Signature of Head of the Fire Department \_\_\_\_\_ Date \_\_\_\_\_

Recommendations: \_\_\_\_\_

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CITY OF MARLBOROUGH

DAVID P. GADBOIS

*Attorney-at-Law*

2 MOUNT ROYAL AVE., SUITE 202  
MARLBOROUGH, MASSACHUSETTS 01752

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2013 APR -4 A 11:34

April 4, 2013

City Clerk, City of Marlborough  
City Hall 140 Main Street  
Marlborough, MA 01752

RE: Results Way Mixed Use Overlay District  
Master Concept Plan and  
Development Agreement

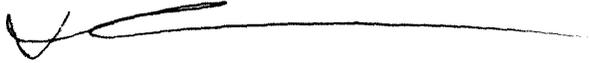
Dear Clerk:

Enclosed please find letter to President and Members of the City Council regarding the submission of a draft of a Master Concept Plan and Development Agreement for the Results Way Mixed Use Overly District. Would you kindly place this matter on the City Council Agenda for its April 8<sup>th</sup> meeting.

I have delivered 12 copies of this communication to Karen Boule, Secretary.

Thanking you for your anticipated cooperation and attention to this matter, I am

Very truly yours



David P. Gadbois  
Attorney at Law

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April 4, 2013

President and Members  
Marlborough City Council  
City Hall Main Street  
Marlborough, MA 01752

RE: Results Way Mixed Use Overlay District  
Master Concept Plan and  
Development Agreement

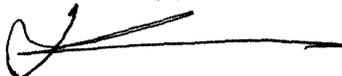
Dear President and Members:

I represent Atlantic Realty Marlboro, LLC the developer of the property formerly known as the HP Property on Forest Street. Enclosed herewith please find Proposed Master Concept Plan and Development Agreement for the Results Way Mixed Use Overlay District as provided for in the Zoning Code Article VI Section 650-33. This overlay district covers said property.

Please forward these matters to the appropriate City Council committee for consideration and action.

If you have any questions regarding this matter, please feel free to contact me at your convenience.

Respectfully yours,



David P. Gadbois  
Attorney at Law

## DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2013, by Atlantic Realty Marlboro LLC (hereinafter with any nominee, successor or assign, the "Developer"), and the City of Marlborough, Massachusetts (hereinafter, the "City").

WHEREAS, Developer is the owner of approximately 110 acres of land known as \_\_ Forest Street, Marlborough, Middlesex County, Massachusetts, which land is more particularly described in a deed from \_\_\_\_\_ recorded with the Southern Middlesex Registry of Deed (hereinafter, the "Registry") in Book \_\_\_\_\_, Page \_\_\_\_\_ as further described in Exhibit "A" amended hereto (hereinafter, the "Property");

WHEREAS, the Developer desires to develop the Property for a mixed use development as permitted under the Forest Street Overlay District (the "Overlay Zoning") adopted by the City on December \_\_, 2012 to include a variety of uses including, without limitation, office, multi-family residential, retail and restaurant uses and to construct buildings and structures thereon (hereinafter, the "Project"), to be located on one or more subdivided portions of the Property (each, hereinafter a "Development Parcel"); and

WHEREAS, as required under the terms of Overlay Zoning in consideration for the City's Overlay Zoning, the Developer agrees to impose on the Property the limitations set forth herein, for the benefit of the City, which shall have the power to enforce the terms hereof; and

WHEREAS, the Developer and the City wish to set forth herein their agreement on the aforementioned matters.

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Developer hereby declares the following development restrictions on the Property and Developer and the City agree as follows:

1. The Developer, for itself and its successors and assigns, hereby imposes on the Property the limitations and obligations set forth below, which limitations and obligations shall be for the benefit of and be enforceable by the City. The terms hereof shall bind the Property for a period of twenty (20) years from the date this Agreement is recorded with the Registry, which Agreement shall be senior in priority to any liens, encumbrances or mortgages. It being the intent of the parties that, except as otherwise set forth herein, the Agreement shall run with the Property for said twenty (20) years, notwithstanding any foreclosure of any lien on the Property by any entity. The Agreement is subject to the terms of M.G.L. Chapter 184, as hereinafter provided.

2. The Developer shall enter into a reciprocal easement agreement (hereinafter, the "Reciprocal Easement Agreement") governing, at a minimum, vehicle and pedestrian access and shared parking in those areas identified on \_\_\_\_\_ (hereinafter, the "Concept Plan") as "\_\_\_\_\_". The

Developer shall provide the City with a copy of the executed Reciprocal Easement Agreement, as recorded with the Registry.

3. The Developer shall work with the City Council to identify a mutually agreeable location for easement areas for bike and/or pedestrian recreation activities. The easements shall be in form and substance satisfactory to the Developer. It is the intention of the parties that, to the fullest extent permitted by law, these easements constitute an "interest in land" under M.G.L. Chapter 21, Section 17C and the parties hereto shall be afforded all the rights, protection and privileges and benefits granted thereunder.

4. The owner of any Development Parcel containing residential use shall make a one-time payment to the City prior to the issuance of any building permit for the construction of a residential dwelling unit on such Development Parcel equal to One Thousand Dollars (\$1,000.00) per residential dwelling unit (hereinafter, such amounts being referred to as the "Residential Development Contribution"). The Residential Development Contribution shall be used by the City acting through the City Council to assist the City in the identification and implementation of zoning, economic and other strategies to foster professional, retail and commercial development incentives as well as the development of affordable housing which may, including, without limitation, the preparation of a Housing Protection Plan in accordance with the rules and regulations of the Massachusetts Department of Housing and Community Development (760 CMR 56.03(4)) and the fostering of the implementation of the goals and objectives set forth in such plans. The payment of the Residential Development Contribution by the owner of any Development Parcel containing residential use is made in recognition of the benefits to the Property of such undertakings by the City.

5. To assist the City in economic development activities, the Developer shall (at no out of pocket cost) cooperate with and support the City in its application to obtain grant financing or public monies for public infrastructure improvements which monies provide a direct or indirect benefit to the Property. The City shall (at no out of pocket cost) cooperate with and support the Developer in its application to obtain any required permits and approvals for the Project, including, without limitation approval for the Project under the Massachusetts Environmental Policy Act.

6. The City Council, in connection with its review of any special permit and/or site plan review application submitted in connection with any Development Parcel(s) under the terms of the Overlay Zoning, shall be permitted to retain the experts and consultants reasonably determined by the City Council as necessary to conduct an appropriate review of any such application. The reasonable costs and expenses of such consultants shall be paid by the owner of the Development Parcel(s) submitting such application. The City Council shall provide such owner with the name, scope of services and projected costs of the consultant it desires to retain. Such owner shall have five (5) business days to approve or object to the City Council's proposed selection and any such objection shall be in writing and shall specify the reasons for objection. If the owner fails to object, the owner shall be deemed to have approved the City Council's selection. If the owner objects and the basis for

objection cannot be resolved, the City Council shall provide the owner with an alternative selection. An owner shall, within 30 days of such owner's receipt, pay any invoice provided to such owner by the City Council relating to services provided by a selected consultant that has been approved pursuant to the foregoing, in connection with a special permit and/or site plan review application submitted in connection with any Development Parcel(s) owned by such owner.

7. The Developer, within \_\_\_ days of the filing of the first special permit and/or site plan review application in connection with any Development Parcel(s) under the terms of the Overlay Zoning, shall contribute Ten Thousand Dollars (\$10,000.00) to the City to allow the City, acting by and through the City Council, to undertake the analysis of the feasibility of implementing a shuttle or other transportation service to serve the Property as well as other properties and connecting to other locations in the City including the downtown corridor as well as other transportation hubs such as, but not limited to, commuter rail stations. Upon completion of the foregoing analysis and upon written request from the City, the Developer shall contribute an additional Forty Thousand Dollars (\$40,000.00) to assist the City in implementing a pilot program based upon the findings of this analysis or, in the alternative, another traffic initiative selected by the City.

8. To mitigate potential impacts from traffic resulting from the development of the Property, within \_\_\_ days of the filing of the first special permit and/or site plan review application in connection with any Development Parcel(s) under the terms of the Overlay Zoning, the Developer shall pay to the City a "Traffic Mitigation Payment" equal to the product of \$1,500.00 multiplied by the number of parking spaces shown on the Concept Plan in excess of 2,910 (the number that existed prior to redevelopment). For the purpose of this Agreement, a parking space is defined as an area that is paved or a structure constructed, regardless of whether the spaces are actually striped or otherwise delineated. The funds paid hereunder shall be used by the City, acting by and through the City Council, to undertake traffic analysis and/or improvements that will have a direct impact on the transportation infrastructure serving the Property. Notwithstanding the foregoing, the owner of the Development Parcel identified as \_\_\_\_\_ on the Concept Plan shall have no obligation for any payments under this Paragraph 8.

9. The City shall have the right to enforce the terms hereof against the owner of any Development Parcel(s) by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violation by such owner, including, without limitation, specific performance and/or relief requiring removal of any improvements constructed on such Development Parcel in violation of the terms hereof (it being agreed that the City has no adequate remedy at law), and shall be in addition to, and not in limitation of, any and all other rights and remedies available to the City in law and in equity. A default hereunder by the owner of a Development Parcel or Development Parcels shall not constitute a default hereunder by owner of any other Development Parcel or Development Parcels, and the City shall have no right to enforce the terms hereof against the owner of a Development Parcel except in the event of a violation related to the Development Parcel(s) owned by such owner. The City shall have the option to enforce the terms hereof, but does not have the

obligation to do so. By its acceptance of this Agreement, the City does not undertake any liability or obligation relating to the condition of the Property. *nor does the City's* execution of this Agreement operate as a waiver of the requirements of any state or local laws, rules, regulations, or bylaws applicable to the use of the Property or any part thereof. The owner of any Development Parcel(s) shall reimburse the City for all reasonable costs and expenses (including without limitation attorneys' fees) incurred in by the City in enforcing this Agreement against such owner and/or its Development Parcel(s) or in remedying or abating any violation on such Development Parcel(s), provided that such owner is adjudged to be in violation of this Agreement by a court of competent jurisdiction or such owner acknowledges the same. The provisions of this Section shall survive the expiration or earlier termination of this Agreement.

10. The restrictions hereby conveyed do not grant to the public in general any right to enter the Property. All other rights not expressly granted hereby are reserved to the Developer, including, without limitation, fee ownership of the Property.

11. Each of the parties hereto shall be responsible for their own attorney's fees incurred in connection with the preparation and review of this Agreement and matters arising hereunder.

12. The City agrees from time to time to execute a certificate in form and substance reasonably satisfactory to the owner of any Development Parcel evidencing such owner's compliance with the terms and conditions of this Agreement, provided, that such owner is then, in fact, in compliance with the terms and provisions of this Agreement and if not, such certificate shall specify such owner's non-compliance.

13. After the recording of this Agreement, this Agreement can only be modified if such modification is in writing signed by the City and the owner of all Development Parcels affect by such modification.

14. Any notice hereunder shall be in writing and shall be deemed duly given upon receipt if mailed by certified or registered mail, postage and registration charges paid, by overnight delivery service with receipt, or by hand delivery to the City or the Developer, as applicable, at the addresses set forth below; provided, however, that the City, the Developer and/or any owner of a Development Parcel may, from time to time, designate an additional or substitute address for such notices (provided, that such designation must be made by notice given in accordance with the foregoing).

To the City of Marlborough:

City of Marlborough  
140 Main Street  
Marlborough, MA 01752  
Attention: Mayor

With a copy (which shall not constitute notice) to:

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

To Developer:

Atlantic Realty Marlboro LLC  
c/o Atlantic Management, Inc.  
205 Newbury Street  
Framingham, MA 01701  
Attention: President

With a copy to:

Riemer & Braunstein LLP  
7 New England Executive Park  
Burlington, MA 01803  
Attention: Robert C. Buckley, Esq.

15. Each and every term, condition and provision hereof shall be fully enforceable and binding on the City and the Property (and/or each Development Parcel, as applicable).

16. This Agreement shall be governed and constructed in accordance with the laws of the Commonwealth of Massachusetts.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, this instrument is sealed and delivered as of this \_\_\_\_ day of \_\_\_\_\_, 2013.

Atlantic Realty Marlboro LLC  
By its Manager

City of Marlborough

By: \_\_\_\_\_  
Arthur Vigeant, Mayor

By: \_\_\_\_\_

Title: \_\_\_\_\_

**THE COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2013 before me, the undersigned notary public, personally appeared \_\_\_\_\_, the Manager of Atlantic Realty Marlboro LLC, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that he signed it voluntarily for its stated purpose.

*(official seal)*

Notary Public  
My Commission Expires: \_\_\_\_\_

**THE COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2013 before me, the undersigned notary public, personally appeared Arthur Vigeant, Mayor of the City of Marlborough, as aforesaid, proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a federal or state governmental agency,  oath or affirmation of a credible witness,  personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the City of Marlborough.

*(official seal)*

Notary Public  
My Commission Expires: \_\_\_\_\_

EXHIBIT "A"

03375/21

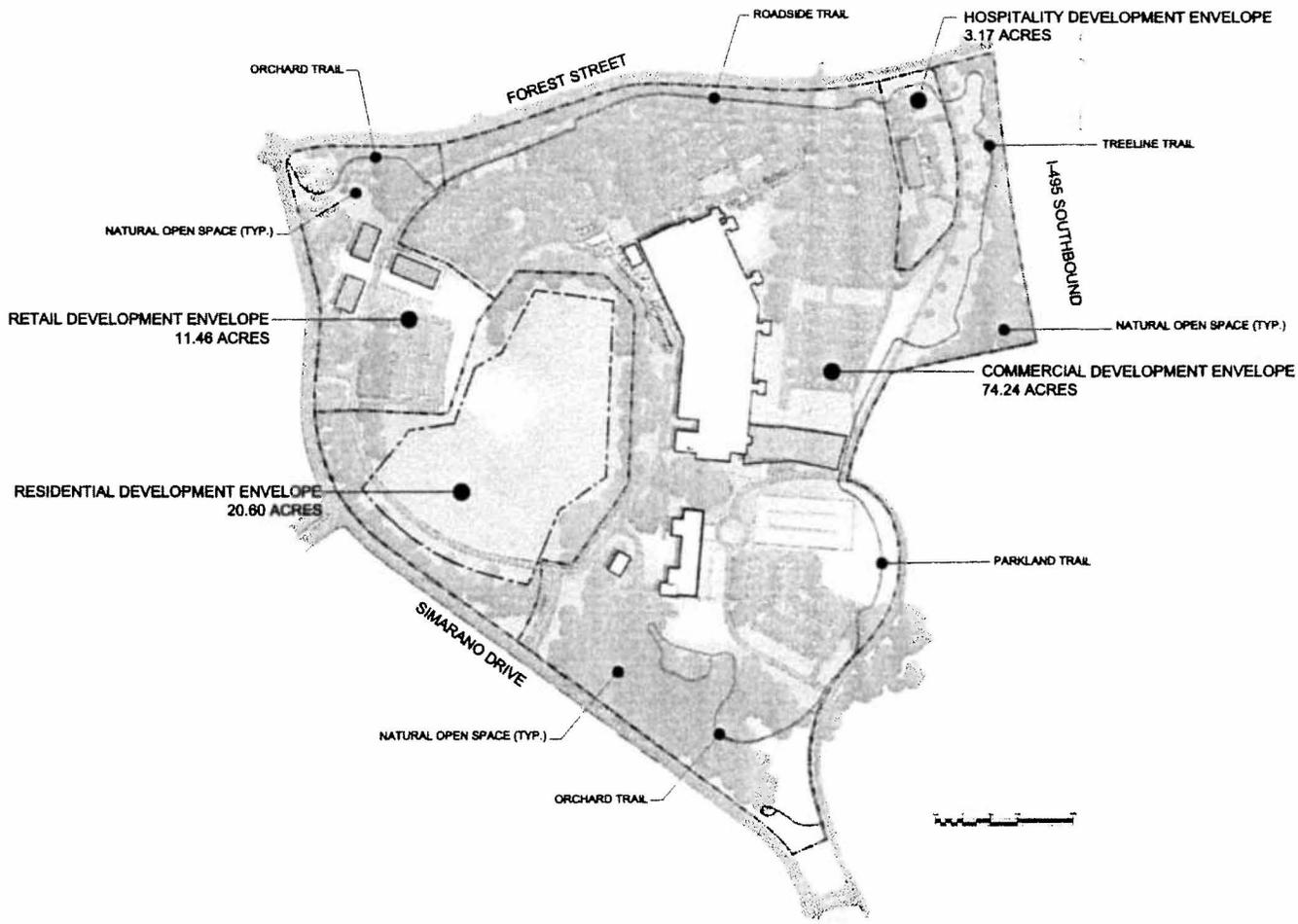
1515459.5







STAMER MARK & MOORE ASSOCIATES  
 1000 Massachusetts Avenue  
 Cambridge, Massachusetts 02138  
 P 617 847 8400 F 617 848 4820



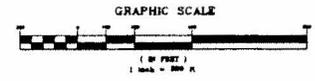
MANAGEMENT  
**RESULTS WAY  
 MIXED OVERLAY  
 DISTRICT**  
 FOREST STREET /  
 SIMARANO DRIVE /  
 RESULTS WAY  
 HANDBOOK MAP

DATE:	01/15/2014
SCALE:	AS SHOWN
PROJECT:	RESULTS WAY
DESIGNER:	SMMA
CHECKER:	SMMA
APPROVER:	SMMA
DATE:	01/15/2014

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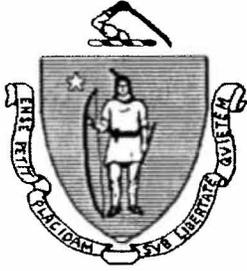
**NOTE:**  
 1. BUILDINGS AND LAYOUT SHOWN ON THIS PLAN ARE FOR ILLUSTRATIVE PURPOSES ONLY. ACTUAL BUILDING AND LAYOUT CONFIGURATIONS WILL VARY.  
 2. PROPOSED STRUCTURES WILL COMPLY WITH PARAGRAPH F - "DIMENSIONAL REQUIREMENTS" OF ARTICLE 650-33 RESULTS WAY MIXED OVERLAY DISTRICT (RWMUOD)  
 3. IMPERVIOUS COVERAGE IN THE RWMUOD WILL NOT EXCEED 60% OF THE TOTAL AREA OF THE RWMUOD.

**PARKING:**  
 SURFACE PARKING = 3171 SPACES  
 STRUCTURED PARKING = 900 SPACES  
 TOTAL = 4071 SPACES



**FIGURE 2:  
 DRAFT  
 MASTER PLAN**

**MASTER 2**



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# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 13-59

March 18, 2013

Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid to the Department of Public Utilities for Approval of Storm Fund Replenishment.

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### NOTICE OF FILING AND PUBLIC HEARING

On March 5, 2013, Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid ("Company") filed a petition with the Department of Public Utilities ("Department") for approval to collect funds necessary to replenish the Company's storm fund balance consistent with the terms of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid, D.P.U. 09-39 (2009). Specifically, the Company is requesting permission to collect \$40 million annually over a period of up to five years (\$200 million total) to replenish the Company's storm fund, which has been substantially affected by storm costs incurred between 2010 and February 2013. According to the Company, incremental storm restoration costs are currently estimated to total \$226 million net of the threshold deductible of \$1.25 million per event. The Company further states that its request is not intended to represent a request for approval of actual storm costs to be charged to the storm fund, as recovery of actual storm costs will be subject to Department approval in a separate proceeding. In making this request, the Company states that starting storm cost recovery on May 1, 2013, and spreading recovery over a five-year period, will benefit customers by reducing deferred storm recovery costs while also mitigating the bill impacts on customers. The Department has docketed this matter as D.P.U. 13-59.

The Department will conduct a public hearing to receive comments on the Company's petition. The hearing will take place on **Friday, April 12, 2013, at 2:00 p.m.** at the Department's offices, One South Station, 5<sup>th</sup> Floor, Boston, Massachusetts 02110. A procedural conference will follow immediately thereafter. The petition and accompanying exhibits are available for inspection at the offices of National Grid, 40 Sylvan Road, Waltham, Massachusetts and at the Department's offices, Monday through Friday, between the hours of 9:00 A.M. and 5:00 P.M. In addition, the filing is available on the Department's website at <http://www.mass.gov/dpu>.

Any person who desires to file written comments or to participate otherwise in this proceeding shall file an original and two (2) copies of such written comments or petition for leave to intervene in the proceeding with Mark D. Marini, Secretary, Department of Public Utilities, One South Station, Boston, Massachusetts, 02110, no later than 5:00 p.m. on **Friday, April 5, 2013**, and serve one copy on counsel for the Company, Alexandra E. Blackmore, National Grid, 40 Sylvan Road, Waltham, Massachusetts 02451.

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 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](mailto:dpu.efiling@state.ma.us) and the hearing officer [[laurie.e.weisman@state.ma.us](mailto:laurie.e.weisman@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. 13-59); (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>.

Any person desiring further information regarding the Company's filing may contact counsel for the Company, Alexandra E. Blackmore, National Grid, 40 Sylvan Road, Waltham, Massachusetts 02451, 781-907-1849. Any person desiring further information regarding this notice may contact Laurie Ellen Weisman, Hearing Officer, Department of Public Utilities, One South Station, Boston, Massachusetts, 02110, (617) 305-3500.

**MARLBOROUGH PLANNING BOARD  
MARLBOROUGH, MA 01752**

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CITY OF MARLBOROUGH

**Call to Order**

**March 11, 2013** A 11:31

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3<sup>rd</sup> Floor City Hall 140 Main Street, Marlborough, MA. Members present included Barbara Fenby, Sean Fay, Philip Hodge, Edward Coveney and Shawn McCarthy. Also in attendance were Board Secretary Melissa Irish and City Engineer Thomas Cullen.

**1. Meeting Minutes:**

**A. February 25, 2013**

On a motion made by Mr. Fay, seconded by Mr. Hodge, it was voted to accept the minutes of the February 25, 2013 meeting as amended. Motion carried.

**2. Chair's Business:**

**A. Communication from Timothy Cummings, MEDC  
Regarding Overview of Rt. 20E Project**

Presentation was made by Mr. Cummings and Mr. Geoffrey Morrison-Logan of VHB Engineering outlining the contemplated changes to the route 20 corridor essentially creating what would be known as the Wayside district between Farm Rd and the Sudbury Town line. The focus of this presentation was to get Board members to start thinking about the proposal and have any questions they may have forwarded to Mr. Cummings. This would be a significant change to the appearance and demographic of the area in question. The Board took all information under advisement.

**B. Communication from Attorney Bergeron  
Regarding proposed zoning amendment for Boston Scientific**

On a motion made by Mr. Fay seconded by Mr. Coveney it was voted that item 2B be tabled to be taken up after the public hearing. Motion carried.

**3. Approval Not Required:**

93 Framingham Rd was brought forward by the City Engineer, Mr. Fay read the notice from the City Engineer citing his approval of the plan with the understanding that lot 3 would be considered a non-buildable lot until such time as the existing house was demolished and proof of such was recorded with the Registry of deeds.

On a motion made by Mr. Fay seconded by Mr. Coveney it was voted to accept the plan and place it on file. Motion carried

On a motion made by Mr. Fay seconded by Mr. Coveney it was voted to endorse the plan. Motion carried.

**4. Public Hearings:**

**A. Proposed Zoning Amendment by adding to section 650-17, Table of Use Regulations an additional use "Utility Service Vehicle Maintenance" & 650-18A, New Section 41, "Utility Service Maintenance"**

The public hearing was opened at 7:18pm Mr. Fay read the notice into record. The hearing was taken in the traditional 4 stages:

Presentation

Those speaking in Favor

Those speaking in Opposition

Questions from the Board Members

Presentation: Attorney Arthur Bergeron spoke representing the proponent, along with Ms. Ellen Cummings Regional Director of External Affairs for Verizon.

Attorney Bergeron noted that this proposed zoning amendment would only allow utility companies already in place ie: National Grid, Verizon, Comcast, to perform allowable minor maintenance to their existing fleet if all service was performed indoors, away from streets and less than 10% of the existing building or 10,000 square feet whichever amount was smaller.

In the case of the Verizon location this use would translate to a 4.6% use of the existing building. Ms. Cummings noted that the current facility has 2 overhead doors with the addition of a third door; the company would use the reconfigured area to house their pole climbing school as well as the maintenance area. The company would employ 2 technicians with only minor work being performed any larger repairs would be handled by a local repair shop. No auto body work would be performed in this location.

In Favor – Ms. Susanne Morreale Leebler, President/CEO of the Chamber of Commerce spoke in Favor of the proposal, citing Verizon as being a very good neighbor and supporter of the City. This proposed use would bring both revenue and jobs to the City.

In Opposition – No one spoke.

Questions from the Board Members:

Mr. Fay requested that the term; Minor Mechanical Servicing be defined formally.

Mr. McCarthy questioned if the traffic flow could be restricted from the residential areas.

Mr. Hodge asked for the size of the fleet being moved into the City and if it had been determined if the Zoning regulations allow for outdoor storage of such a fleet.

Attorney Bergeron noted that approximately 87-91 vehicles would be moved and the as of right use of the storage would be clarified and reported back to the Board.

Attorney Bergeron did request a determination from the board as soon as possible,

The Public Hearing was closed by Chairperson Fenby at 7:48pm.

On a motion made by Mr. Coveney seconded by Mr. Hodge it was voted to remove item 2B from the table. Motion carried.

**2B. Communication from Attorney Bergeron**

**Regarding proposed zoning amendment for Boston Scientific**

It was Attorney Bergeron's intent to openly discuss with the Board their feelings, thoughts and merits of the Proposed Zoning Amendment currently scheduled for a Public Hearing on March 25, 2013. During the course of discussion the Board determined that the information Attorney Bergeron was looking for was information that needed to be discussed during the Public Hearing. Attorney Bergeron was advised of that determination. Accordingly Attorney Bergeron

simply called the Board's attention to a couple of sections in the proposed amendment which the City Council's Urban Affairs Committee had itself voted to recommend be amended by eventual vote of the full council.

**5. Pending Sub Division Plans: Updates and Discussion:**

**A. Acceptance of Public Way – Dufresne Drive**

Mr. Fay read into record the letter from City Solicitor Rider regarding the conveyance of the drainage easement in question from his November 29, 2012 communication regarding the same. The easement has been secured by the developer and the Board is now free to act upon the acceptance.

Motion made by Mr. Fay, seconded by Mr. Coveney to accept the correspondence and place it on file. Motion carried.

On a motion made by Mr. Fay seconded by Mr. Hodge it was voted to recommend to the City Council acceptance of Dufresne Drive as an accepted city way. Motion carried.

On a motion made by Mr. Fay Seconded by Mr. Coveney it was voted to move up Agenda Items 9A&B. Motion carried.

**B. Country Club Estates Update**

Mr. Fay read into record the update supplied from Attorney Falk

On a motion made by Mr. Fay seconded by Mr. Coveney it was voted to accept the correspondence and place it on file. Motion carried.

**9. Unfinished Business:**

**B. Continued discussion regarding Farm Rd signage.**

Items 9B & C were taken up at the same time.

**C. A Frame sign issues (multiple locations)**

Code Enforcement Officer Pamela Wilderman appeared in front to the Board to discuss the current and ongoing situation with Farm Rd and A frame signs within the City. Her office does understand the Boards continued frustration with the proliferation of signs within the City however she implored the Board to understand she is but a single person department and unfortunately the rigors of her job render sign enforcement to a smaller amount of time allotted in her day.

It was the Boards direction to have the secretary pen a letter in support of the purchase of a computerized mobile ticketing system that would allow for sign enforcement to be done while the Code Enforcement Officer was out in the field during the day between enforcement actions.

**6. Preliminary/Open Space Submissions/Limited Development Subdivisions: None**

**7. Definitive Subdivision Submission: None**

**8. Signs: None**

**9. Unfinished Business:**

**A. Decision regarding Modification to Addition Hill Subdivision**

City Engineer Thomas Cullen summarized his notice to the Board regarding the status of the review for the proposed subdivision modification.

On a motion made by Mr. Fay, seconded by Mr. Coveney, it was voted to accept the correspondence and place it on file.

On a motion made by Mr. Hodge, seconded by Mr. McCarthy, Attorney Bergeron was invited by the Board to file for an extension to the proposed subdivision modification extending the time for the Board's decision to April 30, 2013, which date the Board agrees to and then file that request with the City Clerk's office. The invitation was made with the understanding that the City Engineer and the Board will work diligently with the project engineer to come to a timely resolution. Motion carried.

**B. Continued discussion regarding Farm Rd signage.**

**C. A Frame sign issues (multiple locations)**

Items 9B & C were moved up in the agenda.

**10. Informal Discussions:** None

**11. Correspondence:** None

**12. Public Notices of other Cities and Towns:**

**A. Town of Hudson Zoning Board of Appeals Notice of Decision**

**B. Town of Hudson Planning Department Public Hearing 4-2-13 (2 matters)**

**C. Town of Sudbury Zoning Board of Appeals Public Hearing March 18, 2013**

**D. Town of Sudbury Planning Board Public Hearing April 10, 2013**

**E. Town of Framingham Planning Board Public Hearing March 21, 2013 (2 matters)**

On a motion made by Mr. Hodge, seconded by Mr. McCarthy it was voted to accept the notices A-E and place on file. Motion carried.

**Adjournment:** On a motion made by Mr. McCarthy seconded by Mr. Hodge it was voted to adjourn at 8:51pm.

Respectfully submitted,

Sean Fay – Acting Clerk

/mai

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2013 MAR 29 A 9:20



**CITY OF MARLBOROUGH  
OFFICE OF TRAFFIC COMMISSION  
140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752**

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on February 26, 2013 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, Vice Chairman – DPW Commissioner Ronald LaFreniere, Fire Chief James Fortin and City Clerk Lisa Thomas. Also present: City Engineer Thomas Cullen, Minutes taken by: Karen Lambert, MPD Records Clerk.

**1- Minutes**

The minutes of the Traffic Commission meeting of Tuesday, January 29, 2013.

MOTION was made, seconded, duly VOTED:  
TO APPROVE – Accept and place on file.

**2-New Business**

None

**3-Old Business**

**Final follow-up for item no longer on Agenda – New Parking Restriction on Farm Road.**

In the agenda packet for this meeting Chief Leonard included a copy of a letter, dated January 28, 2013, that went out to Farm Road residents advising them of the new parking regulation currently in effect.

**3g) Communication from State Commission for the Blind, re: Farm Rd. near Country Lane pedestrian crossing.**

Commissioner LaFreniere was unable to attend the previous meeting and therefore missed the initial discussion of this issue. He asked if the Commission knew exactly where the blind individual lived as he was trying to determine if the crosswalk could be relocated. All agreed that the existing location was not the best area for a crosswalk. The Commissioner said that he “wrestled” with the idea of putting a crosswalk here in the first place. It was initially installed to help families with children who needed to cross here. Moving the crosswalk would actually be better for everyone. He was initially thinking that the crosswalk could be relocated to the area of Clark Drive. If it meant adding 100 - 200 feet of sidewalk, this is something that could possibly be done. He will review it in more detail and have a recommendation put together for the next meeting.

MOTION was made, seconded, duly VOTED to REFER to Commissioner LaFreniere to prepare a recommendation for the next meeting.

**3d) Traffic Commission rules and regulations update.**

**NOTE: No further street review done as Tim Collins was unable to attend the meeting.**

**Follow up from last meeting:** At the previous meeting, questions came up with regard to parking restrictions on Harvard Street. There was a conflict between the actual regulation and the signs that are currently in place. Tim Collins had said that the existing signs were faded and needed to be replaced anyways. Engineering had prepared a diagram of Harvard Street with the number of parking spaces that could fit on each side indicated in red. A maximum of 20 spaces could fit on the North side and a maximum of 26 spaces could fit on the South side. If the proposal is to maximize the number of spaces available it would make sense to restrict parking on the north side. Fire Chief Fortin suggested eliminating the four spaces at the end of the street on the South side as it is a very busy corner. There was conversation back and forth as to which side would be better for parking. There are more homes on the north side and most have driveways to accommodate their needs. Chief Leonard asked what the old signage indicated. He understands that there is a conflict with the regulation but if the existing signs were replaced there would be no noticeable difference to the neighborhood. It seems to make sense to go with whichever side has the signs now. Tom Cullen left the room to check on this. He advised that parking is currently restricted on the North side. Commissioner LaFreniere was surprised as this is where he sees cars parking. The Commissioner would like to check on this further before anything else is done and will prepare a recommendation for the next meeting.

MOTION was made, seconded, duly VOTED to REFER to Commissioner LaFreniere to prepare a recommendation for the next meeting.

**3c) Stop signs on Bigelow Street.**

Chief Leonard has spoken to the mayor on this issue again. The Mayor advised that he would attempt to look for funding for the \$20,000 needed for the new solar powered speed signs. This would take care of two of the signs. The Commission had hoped to install four, i.e. two on each side.

MOTION was made, seconded, duly VOTED to TABLE until the Mayor has the opportunity to look into any funding possibilities.

**3f) Traffic concerns in the vicinity of 31 Lincoln Street.**

Chief Leonard said that he noticed that the curve ahead sign has now been installed at this location; however, it appears to be hidden behind a pole when coming from East Main Street (westbound). It pops into view when you get closer to the location. Commissioner LaFreniere advised that he would take a look at this and make sure that it is properly placed.

MOTION was made, seconded, duly VOTED to REFER to Commissioner LaFreniere to ensure proper placement of the sign.

**3e) Communication from Shawn Butland, re: truck exclusion on Ferrecchia Drive.**

Engineering advised that they are still having a problem with the counters so a traffic count has not yet been completed.

MOTION was made, seconded, duly VOTED to TABLE until traffic counts are completed.

**Additional Item not on agenda: Forest Street speed issue (from meeting on 12/18/12).**

Chief Leonard advised that the resident who originally brought up this issue questioned when the speed signs were going up. The Chief said that he would need to talk to Tim Collins about this issue. He knows that all of the information has been forwarded to AMSA and that they were responsible for the signs. He is not sure on their current plan.

**3a) Municipal off street parking regulation.**

MOTION was made, seconded, duly VOTED:  
To TABLE.

**3b) High School parking regulations.**

MOTION was made, seconded, duly VOTED:  
To TABLE.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:30 am.

Respectfully submitted,

Karen L. Lambert  
Records Clerk  
Marlborough Police Department

**List of documents and other exhibits used at the meeting:**

-Meeting Agenda for Tuesday, February 26, 2013 (Including City of Marlborough Meeting Posting)

-Letter from Chief Leonard to Farm Road Residents, dated 1/28/13, re: No Parking Regulation (including diagram).

-Letter from Tim Collins to Ms. Christine McCarthy, dated 1/19/13, re: Handicap parking space on Rice Street.

**Additional Handouts**

-Diagram of Harvard Street, indicating parking space capacity on North Side and South Side.



The Hanover Insurance Company  
Citizens Insurance Company of America

Property Unit  
PO Box 15147  
Worcester MA 01615-0147  
Telephone: 774-269-5934 Ext:  
Fax Number: 508-926-5660

CITY OF MARLBOROUGH

March 28, 2013

2013 APR - 1 A 10: 57

OFFICE OF THE CITY CLERK  
CITY HALL  
140 MAIN STREET  
MARLBOROUGH MA 01752

Re: Our Insured: Ann Mills  
Policy Number: HVN 6519421  
Claim Number: 15-00061314 001  
Date of Loss: 03/26/2013  
Property Address: 47 BOUDREAU AVE MARLBORO MA

To whom it may concern :

Claim has been made involving loss, damage or destruction of the above captioned property, which may either exceed \$1,000.00 or cause Mass. General Laws, Ch. 143, Sec. 6 to be applicable. If any notice under Mass. General Laws, Ch. 139, Sec. 3B is appropriate, please direct it to the attention of the undersigned and include a reference to the captioned insured, location, policy number, date of loss, and claim number.

On this date, I caused copies of this notice to be sent to the persons named above at the addresses indicated above by first class mail.

Sincerely,

*Dionysi McGowan, AIC, AINS, AIS*

Dionysi McGowan, AIC, AINS, AIS  
Outside Property Adjuster  
Massachusetts Bay Insurance Company  
dmcgowan@hanover.com

CC: LEGAL 4/1/13

**HOEFLE  
PHOENIX  
GORMLEY &  
ROBERTS, P.A.**

ATTORNEYS AT LAW

402 State Street, Post Office Box 4480  
Portsmouth, New Hampshire, 03802-4480

Telephone: (603) 436-0666  
Facsimile: (603) 431-0879

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2013 APR -4 A 9:57

DANIEL C. HOEFLE  
dhoefle@hpgrlaw.com  
also admitted in Massachusetts and New York  
R. TIMOTHY PHOENIX  
tphoenix@hpgrlaw.com  
LAWRENCE B. GORMLEY  
lgormley@hpgrlaw.com  
also admitted in New York  
STEPHEN H. ROBERTS  
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also admitted in Virginia  
KIMBERLY J. H. MEMMESHEIMER  
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also admitted in Maine  
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mstachowska@hpgrlaw.com  
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also admitted in Maine  
PATRICK O. COLLINS  
pcollins@hpgrlaw.com

Of Counsel:  
SAMUEL R. REID  
sreid@hpgrlaw.com  
also admitted in Maine

April 2, 2013

Lisa M. Thomas, City Clerk  
City of Marlborough, MA  
City Hall  
140 Main Street  
Marlborough, MA 01752

Richard A. Davey, CEO  
Massachusetts of Transportation  
10 Park Plaza, Suite 4160  
Boston, MA 02116

**Re: Helen Crowe and Thomas McGovern  
Route 495  
DOI: March 8, 2013**

Dear Ms. Thomas and Mr. Davey:

Please be advised that this office represents Helen Crowe and Thomas McGovern of 65 High Street, Exeter, New Hampshire, with regard to damages sustained to their vehicle on March 8, 2013, while traveling on Route 495 South. Pursuant to Mass. Gen. Laws Ch. 84 §§ 18 and 19, please consider this notice of the following incident:

On Friday March 8, 2013, at approximately 1:00 p.m., my clients were driving a 2010 Audi A4 Quattro, traveling on 495 South in Marlborough Massachusetts. Due to extreme snow conditions, their rate of speed was approximately 45 mile per hour.

My clients were approaching an overpass when they observed a plow truck on the roadway above them. The plow truck was clearing snow from the road above when a large amount of snow was pushed over the railing of the overpass and landed on the windshield of their vehicle traveling in the interstate below. The weight of the snow plowed off the overpass smashed the windshield with such force that pieces of glass were located on the dashboard, floors and on both passengers. My clients exited the highway by way of Exit 23 C, near Simarano Drive, and pulled over to call a tow truck and report the incident to a 911 operator.

CC Legal

Lisa M. Thomas, City Clerk  
Richard A. Davey, CEO  
Page Two  
April 2, 2013

Only due to careful driving were my clients able to avoid hitting another vehicle prior to exiting the highway.

As a direct and proximate cause of the snowplow's pushing snow off the overpass and onto the roadway below, the windshield was smashed and significant dents and scratches were inflicted to the body of the vehicle. Damages are as follows:

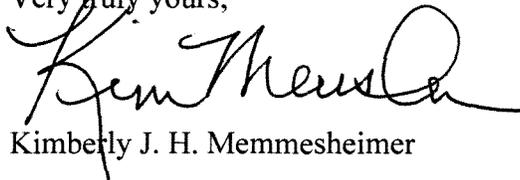
McFarland Ford Collision Center Invoice dated March 12, 2012	\$2,841.00
Towing charges	<u>\$1,051.60</u>
<b>Total</b>	<b>\$3,892.60</b>

I have enclosed a copy of the invoice and color photographs as supporting documentation.

While my clients have been extremely inconvenienced and distressed by the incident, they are also deeply concerned that such terrifying events not occur to another traveler. In addition to serving as notice of the damages they suffered, this also serves as a request to investigate and take those steps necessary and appropriate to protect travelers on the roadways below overpasses. It seems improbable that roadway engineers would not foresee that such an event would occur when a plow crosses an overpass above another roadway, and that steps would not be taken by the Commonwealth and/or City to prevent snow from falling from the overpass onto the traffic below. Please acknowledge this request to investigate, and provide me with information on what steps are taken to prevent a recurrence of this event.

I look forward to hearing from you with respect to both issues.

Very truly yours,



Kimberly J. H. Memmesheimer

KJHM/kld

Encl.

cc: Helen Crowe  
Thomas McGovern

Ronald M. LaFreniere, P.E.  
Commissioner Public Works  
135 Neil Street  
Marlborough, MA 01752

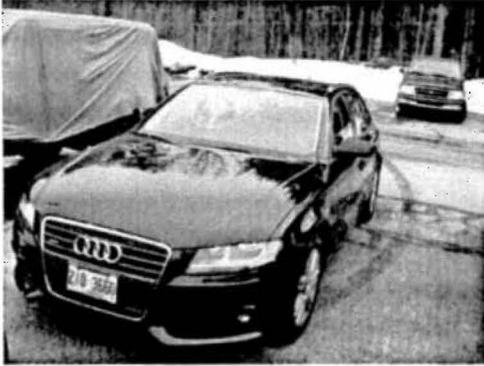
# McFarland Ford Collision Center

151 Portsmouth Avenue, Exeter, NH 03833

Phone: (603) 772-5953, Fax: (603) 772-0511

## Image Report

Owner:	MCGOVERN,	Insurance:	-	Estimator:	Francesco Mamone	Vehicle Out:
RO Number:	1096	Claim Number:	000278599054H01			
Year:	2010	Color:	black	License Plate:	2103660	Production Date: 7/1/2009
Make:	AUDI	Body Style:	4D WGN	State:	NH	Mileage In: 27,573
Model:	A4 AVANT QUATTRO	Engine:	4-2.0L-T	VIN:	WAUSFAFL5AA039013	Condition:



3/12/2013 E01  
Comments:



3/12/2013 E01  
Comments:



3/12/2013 E01  
Comments:



3/12/2013 E01  
Comments:



3/12/2013 E01  
Comments:

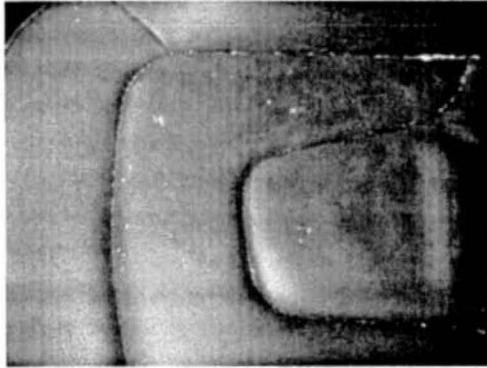


3/12/2013 E01  
Comments:

**McFarland Ford Collision Center**  
**151 Portsmouth Avenue, Exeter, NH 03833**  
**Phone: (603) 772-5953, Fax: (603) 772-0511**

**Image Report**

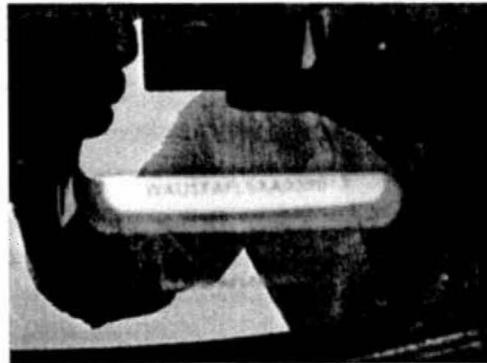
Owner:	MCGOVERN,	Insurance:	-	Estimator:	Francesco Mamone	Vehicle Out:
RO Number:	1096	Claim Number:	000278599054H01			
Year:	2010	Color:	black	License Plate:	2103660	Production Date: 7/1/2009
Make:	AUDI	Body Style:	4D WGN	State:	NH	Mileage In: 27,573
Model:	A4 AVANT QUATTRO	Engine:	4-2.0L-T	VIN:	WAUSFAFL5AA039013	Condition:



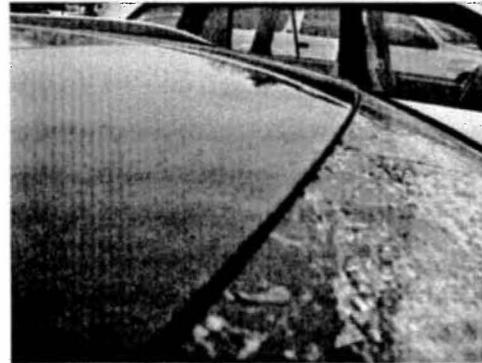
3/12/2013 E01  
 Comments:



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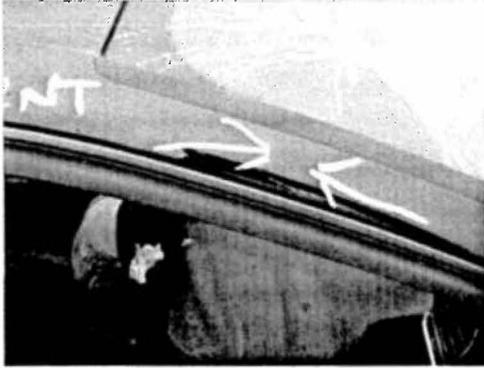


3/12/2013 E01  
 Comments:

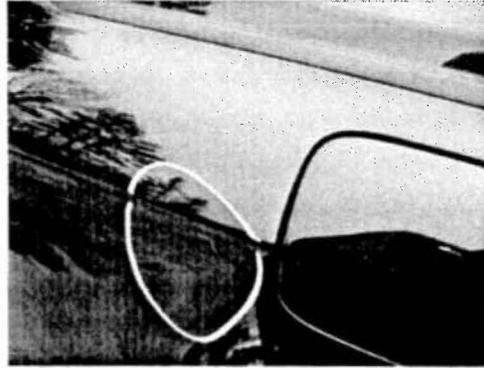
**McFarland Ford Collision Center**  
**151 Portsmouth Avenue, Exeter, NH 03833**  
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**Image Report**

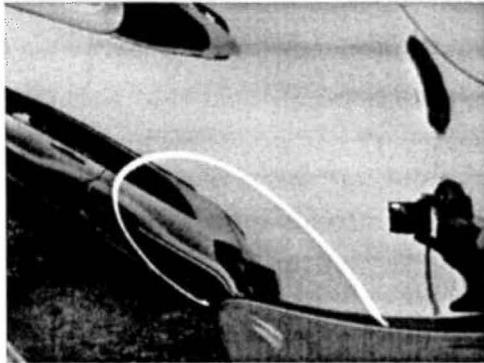
Owner:	MCGOVERN,	Insurance:	-	Estimator:	Francesco Mamone	Vehicle Out:
RO Number:	1096	Claim Number:	000278599054H01			
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3/12/2013 E01  
 Comments:



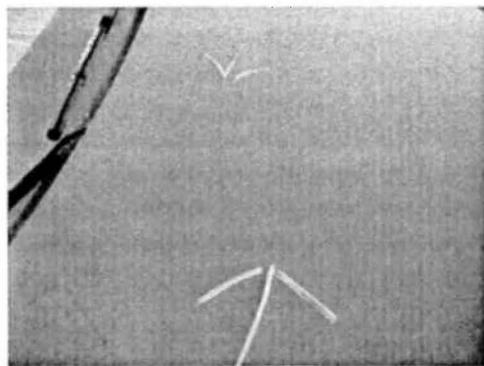
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3/12/2013 E01  
 Comments:

# McFarland Ford Collision Center

151 Portsmouth Avenue, Exeter, NH 03833

Phone: (603) 772-5953

FAX: (603) 772-0511

Workfile ID: d4282de9

Federal ID: 0244831

State EPA: NHD018910810

## Estimate of Record

### RO Number: 1096

Written By: Francesco Mamone, 3/12/2013 10:28:10 AM

Insured: MCGOVERN, THOMAS      Policy #: ALLSTATE      Claim #: 000278599054H01  
Type of Loss: Comprehensive      Date of Loss: 3/8/2013 12:00:00 PM      Days to Repair: 12  
Point of Impact: 19 All Over

#### Owner:

MCGOVERN, THOMAS  
65 HIGH ST  
EXETER, NH 03833-2907  
(603) 778-7991 Day

#### Inspection Location:

151 PORTSMOUTH AVE  
EXETER, NH 03833  
Repair Facility

#### Insurance Company:

-  
PORTLAND-JOHN ROBERTS RD.  
PORTLAND

### VEHICLE

Year: 2010      Body Style: 4D WGN      VIN: WAUSFAPL5AA039013      Mileage In: 27573  
Make: AUDI      Engine: 4-2.0L-T      License: 2103660      Mileage Out:  
Model: A4 AVANT QUATTRO      Production Date: 7/2009      State: NH      Vehicle Out:  
PREMIUM  
Color: black Int: BLACK      Condition:      Job #:

#### TRANSMISSION

Automatic Transmission  
4 Wheel Drive  
Overdrive

#### POWER

Power Steering  
Power Brakes  
Power Windows  
Power Locks  
Power Driver Seat  
Power Passenger Seat  
Power Mirrors

#### DECOR

Dual Mirrors  
Overhead Console

#### CONVENIENCE

Air Conditioning  
Rear Defogger  
Tilt Wheel  
Cruise Control  
Telescopic Wheel  
Intermittent Wipers  
Climate Control  
Keyless Entry  
Alarm  
Steering Wheel Controls

#### RADIO

AM Radio  
FM Radio  
Stereo

#### Search/Seek

CD Player  
Premium Radio  
Auxiliary Audio Connection  
Satellite Radio

#### SAFETY

Anti-Lock Brakes (4)  
Driver Air Bag  
Passenger Air Bag  
Head/Curtain Air Bags  
Front Side Impact Air Bags  
4 Wheel Disc Brakes  
Positraction  
Roll Bar  
Communications System

#### ROOF

Electric Glass Sunroof  
Skyview Roof

#### SEATS

Leather Seats

#### WHEELS

Aluminum/Alloy Wheels

#### PAINT

Clear Coat Paint

#### OTHER

Traction Control  
Stability Control  
Fog Lamps  
Signal Integrated Mirrors

**Estimate of Record**

**RO Number: 1096**

Vehicle: 2010 AUDI A4 AVANT QUATTRO PREMIUM 4D WGN 4-2.0L-T black

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		<b>ROOF</b>					
2	*	R&I <u>Headliner</u>				5.3	
3		Rpl sunroof				3.0	
4		R&I Sunroof glass front				Incl.	
5		R&I Sunroof glass rear				Incl.	
6	*	Rpr Roof panel				<u>1.0</u>	3.6
7	#	Refn Partial Refinish					-1.0
8	#	Damage Glass Charges		1	40.00		
9		R&I RT Roof molding chrome				1.0	
10		R&I LT Roof molding chrome				1.0	
11		<b>INSTRUMENT PANEL</b>					
12	*	R&I <u>R&amp;I instrument panel FOR GLASS REMOVAL, GLASS IN AIR DUCTS</u>				4.5	
13		<b>QUARTER PANEL</b>					
14	*	Rpr RT Quarter panel				<u>0.5</u>	2.6
15		Overlap Major Adj. Panel					-0.4
16	#	Refn Partial Refinish					-1.0
17	*	Rpr LT Quarter panel				<u>0.5</u>	2.6
18		Overlap Major Adj. Panel					-0.4
19	#	Refn Partial Refinish					-1.0
20		R&I RT Qtr glass Audi				2.0	
21		R&I LT Qtr glass Audi				2.0	
22		R&I RT Rear qtr trim w/o premium audio black				0.2	
23		R&I LT Rear qtr trim w/o premium audio black				0.2	
24		<b>REAR BUMPER</b>					
25		R&I R&I bumper cover				1.2	
26		<b>REAR LAMPS</b>					
27		R&I RT Tail lamp assy				0.4	
28		R&I LT Tail lamp assy				0.4	
29		<b>HOOD</b>					
30	*	Rpr Hood				<u>6.0</u>	2.8
31		Overlap Major Adj. Panel					-0.4
32		<b>FENDER</b>					
33	*	Rpr RT Fender				<u>1.0</u>	2.0
34		Overlap Major Adj. Panel					-0.4
35	*	Rpr LT Fender				<u>0.5</u>	2.0
36		Overlap Major Adj. Panel					-0.4
37		Clear Coat					2.5
38	#	Rpr LT A PILLAR				0.5	1.0
39	#	Rpr RT A PILLAR				0.5	1.0
40		<b>COWL</b>					

**Estimate of Record**

**RO Number: 1096**

Vehicle: 2010 AUDI A4 AVANT QUATTRO PREMIUM 4D WGN 4-2.0L-T black

41	R&I	Cowl grille			0.6
42	<b>SEATS &amp; TRACKS</b>				
43	#	Car Cover	1	5.00	
44	*	R&I <u>RT Seat back cover A4,</u> <u>leatherette, w/o sport seats</u>			<u>1.5</u>
45	*	R&I <u>LT Seat back cover A4,</u> <u>leatherette, w/o sport seats</u>			<u>1.5</u>
46	<b>CONSOLE</b>				
47	*	R&I <u>R&amp;I console assy GLASS</u> <u>REMOVAL</u>			1.3
48	#	Bag Interior	1	12.00	
49	#	Material Removal	1	3.00	
50	#	Car Cover	1	5.00	
51	#	Rpr GLASS CLEAN-UP			1.0
52	<b>WINDSHIELD</b>				
53	*	R&I RT Reveal molding			<u>0.3</u>
54	*	R&I LT Reveal molding			<u>0.3</u>
<b>SUBTOTALS</b>			<b>65.00</b>	<b>38.2</b>	<b>15.1</b>

**ESTIMATE TOTALS**

Category	Basis	Rate	Cost \$
Parts			65.00
Body Labor	38.2 hrs @	\$ 45.00 /hr	1,719.00
Paint Labor	15.1 hrs @	\$ 45.00 /hr	679.50
Paint Supplies	15.1 hrs @	\$ 25.00 /hr	377.50
Subtotal			2,841.00
<b>Grand Total</b>			<b>2,841.00</b>
Deductible			250.00
<b>CUSTOMER PAY</b>			<b>250.00</b>
<b>INSURANCE PAY</b>			<b>2,591.00</b>

All Estimates are written for visual damage only. Disassembly may reveal hidden damage not on original estimate.  
The owner of the vehicle is responsible for all charges associated with repairs to the vehicle.

**RO Number: 1096**

Vehicle: 2010 AUDI A4 AVANT QUATTRO PREMIUM 4D WGN 4-2.0L-T black

IMPORTANT INFORMATION ABOUT THE NAMED INSURANCE COMPANY'S CHOICE OF PARTS POLICY.

THIS ESTIMATE MAY LIST PARTS FOR USE IN THE REPAIR OF YOUR VEHICLE THAT ARE MANUFACTURED BY A COMPANY OTHER THAN THE ORIGINAL MANUFACTURER OF YOUR VEHICLE. THESE PARTS ARE COMMONLY REFERRED TO AS AFTERMARKET PARTS OR COMPETITIVE PARTS, AND MAY INCLUDE COSMETIC OUTER BODY CRASH PARTS SUCH AS HOODS, FENDERS, BUMPER COVERS, ETC. THE INSURANCE COMPANY GUARANTEES THE FIT AND CORROSION RESISTANCE OF ANY AFTERMARKET/COMPETITIVE OUTER BODY CRASH PARTS THAT ARE LISTED ON THIS ESTIMATE AND ACTUALLY USED IN THE REPAIR OF YOUR VEHICLE FOR AS LONG AS YOU OWN IT. IF A PROBLEM DEVELOPS WITH THE FIT OR CORROSION RESISTANCE OF THESE PARTS, THEY WILL BE REPAIRED OR REPLACED AT THE INSURANCE COMPANY'S EXPENSE. THIS GUARANTEE IS LIMITED TO THE REPAIR OR REPLACEMENT OF THE PART. HOWEVER, IF YOU CHOOSE NOT TO USE ONE OR MORE OF THE AFTERMARKET/COMPETITIVE OUTER BODY CRASH PARTS THAT MAY BE LISTED ON THIS ESTIMATE IN THE REPAIR OF YOUR VEHICLE, THE INSURANCE COMPANY WILL SPECIFY THE USE OF ORIGINAL EQUIPMENT MANUFACTURER PARTS, EITHER NEW OR RECYCLED AT THE INSURANCE COMPANY'S OPTION, AT NO ADDITIONAL COST TO YOU. THE INSURANCE COMPANY DOES NOT SEPARATELY GUARANTEE THE PERFORMANCE OF ORIGINAL EQUIPMENT MANUFACTURER PARTS, AND MAKES NO REPRESENTATION ABOUT THE AVAILABILITY OF ANY MANUFACTURER'S GUARANTEE.

ANY PERSON WHO, WITH A PURPOSE TO INJURE, DEFRAUD OR DECEIVE ANY INSURANCE COMPANY, FILES A STATEMENT OF CLAIM CONTAINING ANY FALSE, INCOMPLETE OR MISLEADING INFORMATION IS SUBJECT TO PROSECUTION AND PUNISHMENT FOR INSURANCE FRAUD, AS PROVIDED IN RSA 638:20.

RO Number: 1096

Vehicle: 2010 AUDI A4 AVANT QUATTRO PREMIUM 4D WGN 4-2.0L-T black

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide ERA1399, CCC Data Date 3/8/2013, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (\*) or Double Asterisk (\*\*) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as AM. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2012 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

SYMBOLS FOLLOWING PART PRICE:

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category. X=Miscellaneous Non-Taxed charge category.

SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category. M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel. CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel. HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace. R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel. Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

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The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.