

REGULAR MEETING  
SEPTEMBER 27, 2010

IN CITY COUNCIL  
ABSENT:

CONVENED:  
ADJOURNED:

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2010 SEP 23 P 5:44

1. Minutes of the City Council Meeting, September 13, 2010.
2. PUBLIC HEARING On the Application for Special Permit from Attorney Bergeron, on behalf of 110 Pleasant LLC., to alter, extend and change use of an existing former factory building located at 110-118 Pleasant St., to contain 17 garden-style residential condominium units and 1 business office., Order No. 10-1002683.
3. PUBLIC HEARING On the Application for Special Permit from Clear Wireless LLC, to modify wireless communication facility at 115/109 Onamog St., Order No. 10-1002648.
4. Communication from the Mayor re: grant in the amount of \$82,500.00 from the Commonwealth of Massachusetts, Executive Office of Health and Human Services, Department of Mental Health awarded to the Marlborough Police Department to continue funding of the successful Jail Diversion Program.
5. Communication from the Mayor re: FY10 End of Year Close Timeline.
6. Communication from the Mayor re: Adoption of "Stretch Code" Appendix.
7. Communication from the Mayor re: Sister City/Student Exchange program with Akiruno City, Japan.
8. Communication from Council President Vigeant re: Acceptance of Chapter 64G, Section 3A of the Massachusetts General Laws, Motel/Hotel/boarding House Rooms Tax.
9. Communication from City Solicitor, Donald Rider re: Special Permit, MetroPCS Massachusetts, LLC, 157 Union St., in proper legal form, Order No. 10-1002646B.
10. Communication from City Solicitor, Donald Rider re: Special Permit, Crosspoint Associates Inc., 133 East Main St., in proper legal form, Order No. 10-1002644B.
11. Communication from the Building Commissioner, Stephen Reid, re: modification of a Special Permit for gas station located at 656 Boston Post Rd., Order No. 10-1002670.
12. Communication from James McLoughlin re: completion of traffic improvements for Indian Hill Special Permit, Order No. 87-1848A.
13. Communication from the Executive Office for Administration and Finance Commissioner, David Perini, re: Notice of Surplus State Owned Real Property in Marlborough.
14. Minutes, MetroWest Regional Transit Authority, June 14, 2010.
15. Minutes, Planning Board, August 23, 2010.

#### REPORTS OF COMMITTEES:

#### UNFINISHED BUSINESS:

#### From Urban Affairs Committee

16. **Order No. 10-1002644A - Application for Special Permit from Attorney Bergeron on behalf of Crosspoint Associates, seeking a 24 hour drive-thru window in connection with a bank institution at 133 East Main St.** The committee met with the applicant and reviewed documentation including site plans and traffic information. The conditions imposed on this Special Permit are substantially the same as those adopted for the Marlborough Savings Bank with the following changes:

- 24 hour operation of the drive-through ATM shall be allowed.
- The condition requiring the applicant to utilize HVAV equipment with advanced acoustical technology was eliminated.
- Traffic configuration for both site entrances are subject to approval of the Department of Public Works and the Traffic Commission through Site Plan Review in addition to being subject to review after one year.
- Applicant is responsible for any property damage resulting from demolition of the existing building

**Recommendation of the Urban Affairs Committee is to recommend approval of the project, and under Suspension of the Rules, to refer to City Solicitor to be put in proper form, as amended, and place item on the September 27, 2010 agenda, 4-0. Councilor Clancy was absent.**

#### **From Wireless Communications Committee**

17. **Order No. 10-1002646A – Application from MetroPCS LLC, to install a telecommunications facility onto an existing building at 157 Union St.** A review of the Applicant's folder was conducted and all the inclusions were found to be proper. Councilor Pope did question if all mitigation payments have been made to the Open Space Account, and it would be verified prior to Permit being acted upon. No new testimony was heard and review of the "Decision" was begun covering the Evidence, Findings of Fact and the twelve (12) Conditions that would be applied. Minor changes were made to the wording for clarification.

**Recommendation of the Wireless Communication Committee is to recommend approval of the project, and under Suspension of the Rules, to refer to City Solicitor to be put in proper form, as amended, and place item on the September 27, 2010 agenda, 3-0. Councilor Seymour abstained.**

#### **From Finance Committee**

18. **Order No. 10-1002682 – Transfer \$30,000.00 to move funds from BAN City Int. to Recreation to fund master plan and design for Memorial Beach.** The Finance Committee reviewed the Mayor's letter dated September 9, 2010 (item #8 on the 9/13/10 City Council agenda) requesting a \$30,000.00 transfer from city BAN account to Recreation Department account to cover design funding for the Memorial Beach improvements. **Recommendation of the Finance Committee is to approve 4-0.**
19. **Order No. 10-1002680 – Transfer requests as follows to offset bond requests (item #6 on the 9/13/10 City Council agenda):**
- Transfer in the amount of \$386,491.00 from various debt service accounts to various capital outlay accounts. This transfer is necessary to fund various departmental equipment needs.
  - Transfer in the amount of \$1,091,080.00 from various debt service accounts to DPW Equipment. This transfer will fund DPW equipment.
  - Transfer in the amount of \$198,675.00 from various debt service accounts to DPW Projects. The transfer will fund city sidewalk construction.
  - Transfer in the amount of \$346,168.00 from BAN City Int. to IS Equipment. This transfer will fund the purchase of equipment in the Information Technology Dept. **Recommendation of the Finance Committee is to approve the transfers.**

20. **Order No. 10-1002472A-1 – Department Equipment Bond for \$445,388.** The Finance Committee recommended that the Department Equipment bond be denied and that \$389,504 of Department Equipment be purchased using the funding in the existing equipment bond (\$3,013) and the transfer of \$386,491 (Mayor's letter dated September 9, 2010) from the WWWTP interest account, BAN for the Sewers and BAN from the City Interest. Two votes are required by the City Council:
- Deny the \$445,388 bond for Department Equipment.
  - Approve the transfer of \$210,882 WWWTP Interest Account, \$111, 391 Sewer BAN Account and \$64,218 City BAN Account for a total of \$386,491 (Mayor's letter dated September 9, 2010) to the Capital Outlay Account to purchase Department Equipment.
21. **Order No. 10-1002472A-2 – Street Construction Bond for \$9,886,000.** The Finance Committee recommended that street projects in the amount of \$2,710,000 be funded. The funding sources include the use of \$45,683 from existing street bonds and the bonding of \$2,664,300. The following vote is required by the City Council:
- Approve a Street Construction Bond for \$2,664,300.
22. **Order No. 10-1002472A-3 – Sidewalk Construction Bond for \$1,100,000.** The Finance Committee recommended the Sidewalk Construction bond be denied and that \$200,000 of Sidewalk construction be approved using the funding in the existing sidewalk construction bond (\$1,325) and the transfer of \$198,675 (Mayor's letter dated September 9, 2010) from the BAN city interest, BAN school interest, 1999 School interest and BAN water interest accounts. Two votes are required by the City Council:
- Deny the \$1,100,000 bond for Sidewalk Construction.
  - Approve the transfer of \$26,134 BAN City Interest account, \$45,000 BAN School interest account, \$18,901 1999 school interest account, and \$108,640 BAN water interest account for a total of \$198,675 (Mayor's letter dated September 9, 2010) to the Capital Outlay Account to for Sidewalk Construction.
23. **Order No. 10-1002472A-4 – Sewer Construction Bond for \$1,535,000.** The Finance Committee recommended that Sewer Construction projects in the amount of \$475,000 be funded. The funding sources include the use of \$19,829 from existing sewer bonds and the bonding of \$455,200. The following vote is required by the City Council:
- Approve a Sewer Construction Bond for \$455,200.
24. **Order No. 10-1002472A-5 – Water Meter Bond for \$200,000.** The Finance Committee recommended the approval of a bond for \$200,000 for water meters. The following vote is required by the City Council:
- Approve a Water Meter Bond for \$200,000.
25. **Order No. 10-1002472A-6 – Water Project Bond for \$3,716,000.** The Finance Committee recommended that Water Projects in the amount of \$1,626,000 be funded. The funding sources include the use of \$9,322 from existing Water Project bonds and the bonding of \$1,616,700. The following vote is required by the City Council:
- Approve a Water Project Bond for \$1,616,700.
26. **Order No. 10-1002472A-7 – Park Bond for \$864,000.** The Finance Committee recommended the approval of a bond for \$110,000 for Park projects. The following vote is required by the City Council:
- Approve a Park Bond for \$110,000.

27. **Order No. 10-1002472A-8 – Design Bond for \$80,000.** The Finance Committee recommended the Design Bond for \$80,000 be denied. The following vote is required by the City Council:
- Deny the \$80,000 Design Bond.
28. **Order No. 10-1002472A-9 – Computer Bond for \$350,000.** The Finance Committee recommended the Computer bond be denied and that \$350,000 of computers be approved using the funding in the existing computer bond (\$3,832) and the transfer of \$346,168 (Mayor’s letter dated September 9, 2010) from the BAN city interest account. Two votes are required by the City Council:
- Deny the \$350,000 bond for Computers.
  - Approve the transfer of \$346,168 BAN City Interest account (Mayor’s letter dated September 9, 2010) to the Capital Outlay Account to for Computers.
29. **Order No. 10-1002472A-10 – Buildings Bond for \$2,980,000.** The Finance Committee recommended that Building Projects in the amount of \$2,150,000 be funded. The funding sources include the use of \$200,000 from existing Building Project bonds and the bonding of \$1,950,000. The following vote is required by the City Council:
- Approve a Building Project Bond for \$1,950,000.
30. **Order #10-1002474-1 – DPW Equipment Bond for \$1,236,280.** The Finance Committee recommended the DPW Equipment bond be denied and that \$1,091,080 of DPW Equipment be approved using the transfer of \$1,091,080 (Mayor’s letter dated September 9, 2010) from the WWTP principal and interest accounts. Two votes are required by the City Council:
- Deny the \$1,236,000 bond for DPW Equipment.
  - Approve the transfer of \$878,006 from the WWTP principle account and \$213,074 from WWTP interest account (Mayor’s letter dated September 9, 2010) to the Capital Outlay Account to for DPW Equipment.
31. **Order No. 10-1002473-1 – Sudbury Street Sewer Bond for \$4,000,000.** The Finance Committee recommended the approval of a bond for \$1,800,000 for Sudbury Street sewer project. The following vote is required by the City Council:
- Approve a Sudbury Street Sewer Bond for \$1,800,000.

#### **From Personnel Committee**

32. **Order No. 10-1002665 – Reappointments of Lee Thomson and Joseph DelGenio to the Fort Meadow Commission for three year terms from date of approval. Recommendation of the Personnel committee is to approve 3-0.**

#### **From City Council**

33. **Order No. 10-1002657 - All municipal vehicles be marked with the official city seal and numbered on the back for identification purposes. Recommendation of the City Council is to table until September 27, 2010.**



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
Lisa M. Thomas  
140 Main St.  
Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723  
SEPTEMBER 13, 2010**

Regular meeting of the City Council held on Monday, SEPTEMBER 13, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Elder, Tunnera, Seymour, and Landers. Absent: Clancy. Meeting adjourned at 9:30 p.m.

ORDERED: That the minutes of the City Council Meeting August 23, 2010, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** on the Petition from Massachusetts Electric Co. and Verizon New England Inc. to install new P.5 and relocate P.4 on Madison St., Order No. 10-1002649, all were heard who wish to be heard, hearing recessed at 8:05 p.m.: adopted.

**Councilors Present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, & Landers.**

**Suspension of the Rules requested - granted**

ORDERED; That the Petition from Massachusetts Electric Co. and Verizon New England Inc. to install new P.5 and relocate P.4 on Madison St, **APPROVED**; adopted.

ORDERED: That the **PUBLIC HEARING** on the On the Application for amended Special Permit from Attorney Gadbois, on behalf of Fore Kicks II Inc., seeking to allow the applicant to serve alcoholic beverages on Site for the following reasons:

- To be competitive with similar recreation centers within the market area;
- To attract state and national events;
- To attract larger regional clients;
- To accommodate clients who desire to hold fund raising events for its teams;
- To accommodate clients who desire to hold private parties for its teams;
- To attract adult teams to participate in adult leagues,

all were heard who wish to be heard, hearing recessed at 8:40 p.m.; adopted.

**Councilors Present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Tunnera, Seymour, & Landers.**

**Councilor Elder abstained**

**Councilor Vigeant read a disclosure letter**

ORDERED: That the Executive Office of Elder Affairs Formula Grant awarded to the Marlborough Council on Aging in the amount of \$38,255.00 to provide supplemental support to local funding for personnel, programming and expenses for purposes outlined in MGL, Chapter 44, and Section 53A, **APPROVED**; adopted.

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ORDERED: That the Fire Department transfer request in the amount of \$2,447.82 which moves funds from Firefighter to Additional Overtime and \$641.89 which moves funds from Fire Captain to Additional Overtime to fund coverage for an injured employee, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 12200001-50450	\$2,447.82
Firefighter	
Acct. # 12200001-50800	\$641.89
Fire Captain	

TO:

Acct. # 12200003-51300	\$2,447.82
Additional Overtime	
Acct. # 12200003-51300	\$641.89
Additional Overtime	

ORDERED: That item #6, Communication from the Mayor re: following transfers to offset the bond requests:

- Transfer in the amount of \$386,491.00 from various debt service accounts to various capital outlay accounts. This transfer is necessary to fund various departmental equipment needs.
- Transfer in the amount of \$1,091,080.00 from various debt service accounts to DPW Equipment. This transfer will fund DPW equipment.
- Transfer in the amount of \$198,675.00 from various debt service accounts to DPW Projects. The transfer will fund city sidewalk construction.
- Transfer in the amount of \$346,168.00 from BAN City Int. to IS Equipment. This transfer will fund the purchase of equipment in the Information Technology Dept, refer to **REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Retirement Benefits transfer request in the amount of \$22,082.00 which moves funds from Fringes to Sick Leave Buy Back and \$2,261.00 which moves funds from Fringes to Longevity to fund benefits associated with an employee's retirement, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11990006-51500	\$22,082.00
Fringes	
Acct. # 11990006-51500	\$2,261.00
Fringes	

TO:

Acct. # 61090003-51920	\$22,082.00
Sick Leave Buy Back	
Acct. # 61090003-51430	\$2,261.00
Longevity	

ORDERED: That item #8, Communication from the Mayor re: transfer request in the amount of \$30,000.00 to move funds from BAN City Int. to Recreation to fund the master plan and design for Memorial Beach, refer to **REPORTS OF COMMITTEE**.

## FROM:

Acct. # 17520006-59254

\$30,000.00

BAN City Int

## TO:

Acct. # 19300006-58718

\$30,000.00

Recreation

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 27, 2010** as date for a **PUBLIC HEARING** on the Application for Special Permit from Attorney Bergeron on behalf of 110 Pleasant LLC, to alter, extend and change the use of an existing former factory building located at 110-118 Pleasant St. so that it will contain 17 garden style residential condominium units and 1 business office, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Minutes, Conservation Commission, June 3, July 8, and July 22, 2010, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, August 31, 2010, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, July 27, 2010, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, July 26, 2010, **FILE**; adopted.

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

A. Freida Silva, 72 Millham St., other property damage

## Reports of Committees:

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

**Order No. 10-1002644A - Application for Special Permit from Attorney Bergeron on behalf of Crosspoint Associates, seeking a 24 hour drive-thru window in connection with a bank institution at 133 East Main St.** The committee met with the applicant and reviewed documentation including site plans and traffic information. The conditions imposed on this Special Permit are substantially the same as those adopted for the Marlborough Savings Bank with the following changes:

- 24 hour operation of the drive-through ATM shall be allowed.
- The condition requiring the applicant to utilize HVAV equipment with advanced acoustical technology was eliminated.
- Traffic configuration for both site entrances are subject to approval of the Department of Public Works and the Traffic Commission through Site Plan Review in addition to being subject to review after one year.
- Applicant is responsible for any property damage resulting from demolition of the existing building

**Recommendation of the Urban Affairs Committee is to recommend approval of the project, and under Suspension of the Rules, to refer to City Solicitor to be put in proper form, as amended, and place item on the September 27, 2010 agenda, 4-0. Councilor Clancy was absent.**

Councilor Clancy reported the following out of the Wireless Communications Committee:

**Order No. 10-1002646A – Application from MetroPCS LLC, to install a telecommunications facility onto an existing building at 157 Union St.** A review of the Applicant's folder was conducted and all the inclusions were found to be proper. Councilor Pope did question if all mitigation payments have been made to the Open Space Account, and it would be verified prior to Permit being acted upon. No new testimony was heard and review of the "Decision" was begun covering the Evidence, Findings of Fact and the twelve (12) Conditions that would be applied. Minor changes were made to the wording for clarification.

**Recommendation of the Wireless Communication Committee is to recommend approval of the project, and under Suspension of the Rules, to refer to City Solicitor to be put in proper form, as amended, and place item on the September 27, 2010 agenda, 3-0. Councilor Seymour abstained.**

Councilor Ossing reported the following out of the Finance Committee:

**Order No. 10-1002682 – Transfer \$30,000.00 to move funds from BAN City Int. to Recreation to fund master plan and design for Memorial Beach.** The Finance Committee reviewed the Mayor's letter dated September 9, 2010 (item #8 on the 9/13/10 City Council agenda) requesting a \$30,000.00 transfer from city BAN account to Recreation Department account to cover design funding for the Memorial Beach improvements. **Recommendation of the Finance Committee is to approve 4-0.**

**Order No. 10-1002680 – Transfer requests as follows to offset bond requests (item #6 on the 9/13/10 City Council agenda):**

- Transfer in the amount of \$386,491.00 from various debt service accounts to various capital outlay accounts. This transfer is necessary to fund various departmental equipment needs.
- Transfer in the amount of \$1,091,080.00 from various debt service accounts to DPW Equipment. This transfer will fund DPW equipment.
- Transfer in the amount of \$198,675.00 from various debt service accounts to DPW Projects. The transfer will fund city sidewalk construction.
- Transfer in the amount of \$346,168.00 from BAN City Int. to IS Equipment. This transfer will fund the purchase of equipment in the Information Technology Dept.

**Recommendation of the Finance Committee is to approve the transfers.**

**Order No. 10-1002472A-1 – Department Equipment Bond for \$445,388.** The Finance Committee recommended that the Department Equipment bond be denied and that \$389,504 of Department Equipment be purchased using the funding in the existing equipment bond (\$3,013) and the transfer of \$386,491 (Mayor's letter dated September 9, 2010) from the WWWTTP interest account, BAN for the Sewers and BAN from the City Interest. Two votes are required by the City Council:

- Deny the \$445,388 bond for Department Equipment.

- Approve the transfer of \$210,882 WWTP Interest Account, \$111,391 Sewer BAN Account and \$64,218 City BAN Account for a total of \$386,491 (Mayor's letter dated September 9, 2010) to the Capital Outlay Account to purchase Department Equipment.

**Order No. 10-1002472A-2 – Street Construction Bond for \$9,886,000.** The Finance Committee recommended that street projects in the amount of \$2,710,000 be funded. The funding sources include the use of \$45,683 from existing street bonds and the bonding of \$2,664,300. The following vote is required by the City Council:

- Approve a Street Construction Bond for \$2,664,300.

**Order No. 10-1002472A-3 – Sidewalk Construction Bond for \$1,100,000.** The Finance Committee recommended the Sidewalk Construction bond be denied and that \$200,000 of Sidewalk construction be approved using the funding in the existing sidewalk construction bond (\$1,325) and the transfer of \$198,675 (Mayor's letter dated September 9, 2010) from the BAN city interest, BAN school interest, 1999 School interest and BAN water interest accounts. Two votes are required by the City Council:

- Deny the \$1,100,000 bond for Sidewalk Construction.
- Approve the transfer of \$26,134 BAN City Interest account, \$45,000 BAN School interest account, \$18,901 1999 school interest account, and \$108,640 BAN water interest account for a total of \$198,675 (Mayor's letter dated September 9, 2010) to the Capital Outlay Account to for Sidewalk Construction.

**Order No. 10-1002472A-4 – Sewer Construction Bond for \$1,535,000.** The Finance Committee recommended that Sewer Construction projects in the amount of \$475,000 be funded. The funding sources include the use of \$19,829 from existing sewer bonds and the bonding of \$455,200. The following vote is required by the City Council:

- Approve a Sewer Construction Bond for \$455,200.

**Order No. 10-1002472A-5 – Water Meter Bond for \$200,000.** The Finance Committee recommended the approval of a bond for \$200,000 for water meters. The following vote is required by the City Council:

- Approve a Water Meter Bond for \$200,000.

**Order No. 10-1002472A-6 – Water Project Bond for \$3,716,000.** The Finance Committee recommended that Water Projects in the amount of \$1,626,000 be funded. The funding sources include the use of \$9,322 from existing Water Project bonds and the bonding of \$1,616,700. The following vote is required by the City Council:

- Approve a Water Project Bond for \$1,616,700.

**Order No. 10-1002472A-7 – Park Bond for \$864,000.** The Finance Committee recommended the approval of a bond for \$110,000 for Park projects. The following vote is required by the City Council:

- Approve a Park Bond for \$110,000.

**Order No. 10-1002472A-8 – Design Bond for \$80,000.** The Finance Committee recommended the Design Bond for \$80,000 be denied. The following vote is required by the City Council:

- Deny the \$80,000 Design Bond.

**Order No. 10-1002472A-9** – Computer Bond for \$350,000. The Finance Committee recommended the Computer bond be denied and that \$350,000 of computers be approved using the funding in the existing computer bond (\$3,832) and the transfer of \$346,168 (Mayor’s letter dated September 9, 2010) from the BAN city interest account. Two votes are required by the City Council:

- Deny the \$350,000 bond for Computers.
- Approve the transfer of \$346,168 BAN City Interest account (Mayor’s letter dated September 9, 2010) to the Capital Outlay Account to for Computers.

**Order No. 10-1002472A-10 – Buildings Bond for \$2,980,000.** The Finance Committee recommended that Building Projects in the amount of \$2,150,000 be funded. The funding sources include the use of \$200,000 from existing Building Project bonds and the bonding of \$1,950,000. The following vote is required by the City Council:

- Approve a Building Project Bond for \$1,950,000.

**Order #10-1002474-1 – DPW Equipment Bond for \$1,236,280.** The Finance Committee recommended the DPW Equipment bond be denied and that \$1,091,080 of DPW Equipment be approved using the transfer of \$1,091,080 (Mayor’s letter dated September 9, 2010) from the WWTP principal and interest accounts. Two votes are required by the City Council:

- Deny the \$1,236,000 bond for DPW Equipment.
- Approve the transfer of \$878,006 from the WWTP principle account and \$213,074 from WWTP interest account (Mayor’s letter dated September 9, 2010) to the Capital Outlay Account to for DPW Equipment.

**Order No. 10-1002473-1 – Sudbury Street Sewer Bond for \$4,000,000.** The Finance Committee recommended the approval of a bond for \$1,800,000 for Sudbury Street sewer project. The following vote is required by the City Council:

- Approve a Sudbury Street Sewer Bond for \$1,800,000.

Councilor Delano reported the following out of the Personnel Committee:

**Order No. 10-1002665 – Reappointments of Lee Thomson and Joseph DelGenio to the Fort Meadow Commission for three year terms from date of approval. Recommendation of the Personnel committee is to approve 3-0.**

**Suspension of the Rules requested - granted**

ORDERED: That the Application for Special Permit from Attorney Bergeron, on behalf of Crosspoint Associates, seeking a 24 hour drive-thru window in connection with a banking institution at 133 East Main St., refer to **CITY SOLICITOR TO BE PUT IN PROPER FORM AS AMENDED FOR SEPTEMBER 27, 2010 CITY COUNCIL MEETING**; adopted.

**Suspension of the Rules requested - granted**

ORDERED: That the appointment of Colleen Hughes to the Marlborough Planning Board for a term to expire the first Monday in February, 2015, **APPROVED**; adopted.

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**Suspension of the Rules requested - granted**

ORDERED; That the Application for Special Permit from MetroPCS LLC, to install a telecommunications facility onto an existing building at 157 Union St., refer to **CITY SOLICITOR TO BE PUT IN PROPER FORM AS AMENDED FOR SEPTEMBER 27, 2010 CITY COUNCIL MEETING.**

**Councilor Seymour abstained**

**Suspension of the Rules requested - granted**

ORDERED: WHEREAS the Massachusetts School Building Authority has notified each school district of a new program entitled "The Green Repair Program" which reimburses school districts for improvements limited to repair or replacement of roofs, windows and boilers, and WHEREAS the City Council is authorized to enable the City of Marlborough to submit a Statement of Interest to participate in that Program, and WHEREAS the Director of Public Facilities wishes to make improvements to 1) the Marlborough High School for HVAC, roof replacement, and window replacement, and 2) the Francis J. Kane Elementary School for window replacement, NOW THEREFORE the City Council of the City of Marlborough hereby authorizes the Director of Public Facilities to submit a Statement of Interest to the Massachusetts School Building Authority for the above-specified projects, **APPROVED**; adopted.

**Suspension of the Rules requested - granted**

ORDERED: That the Communication from the Chief Procurement Officer regarding the Proposed Order for the Hudson St. Landfill RFP, **FILE**; adopted.

**Suspension of the Rules requested - granted**

ORDERED: WHEREAS municipal property at the former landfill site located at 402 Hudson Street in Marlborough as shown on Assessors' Map 30, Parcels 4, 4B, 4C and 4D (collectively, "the Property") is currently under the care, custody, management and control of the Department of Public Works, and WHEREAS the City Council of the City of Marlborough has previously been notified by the Commissioner of Public Works that a portion of Parcels 4C and 4D is no longer needed for the specific purpose of a public dump, and WHEREAS the Commissioner of Public Works will be providing the City Council with a notification that a portion of Parcels 4 and 4B is also no longer needed for that specific purpose, NOW THEREFORE, the City Council by a two-thirds majority vote pursuant to the requirements of § 15A of MGL c. 40, hereby transfers to the Department of Public Works, with the approval of the Mayor, the care, custody, management and control of a portion of such Property, to be defined by the Commissioner of Public Works, for the purpose of leasing the Property to construct and operate a tower and associated ground equipment, subject to a Special Permit as may be granted by the City Council, and subject also to a lease as may be subsequently negotiated and executed by the Mayor for the installation of wireless telecommunications facilities, pursuant to City Council Order No. 10-1002675 dated August 23, 2010, **APPROVED**; adopted.

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**Suspension of the Rules requested - granted**

ORDERED: That, pursuant to City Council Order No. 10-1002675 dated August 23, 2010, a portion of the Property, to be defined by the Commissioner of Public Works, at the former landfill site located at 402 Hudson Street in Marlborough, is hereby declared available for disposition by lease for the operation and maintenance of wireless telecommunications equipment, including construction of a tower, pursuant to the provisions of § 16(a) of MGL c. 30B; provided that said declaration is hereby made subject to the following non-exclusive restrictions, including but not limited to (1) an applicant's engineering report for structural suitability, and (2) an applicant's compliance with all federal and state regulations pertaining to the site's former use as a sanitary landfill, **APPROVED**; adopted.

**Suspension of the Rules requested - granted**

ORDERED: That the Junk Dealer's License for Best Buy Store LP located at 769 Donald Lynch Blvd., **APPROVED**; adopted.

**Councilor Levy requested to be recorded in opposition.**

**Suspension of the Rules requested - granted**

ORDERED: That the following amended TIF agreement by and between the City of Marlborough and Boston Scientific Corporation, **APPROVED**; adopted.

**WHEREAS**, the City of Marlborough, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, having a principal place of business at City Hall, 140 Main Street, Marlborough, MA 01752, (hereinafter called the "City"), acting through its City Council which designates and delegates to the City Council President the authority to execute this agreement with Boston Scientific Corporation, a Delaware corporation with a principal place of business at One Boston Scientific Place, Natick, MA 01760 (hereinafter called the "Company")(the "Amendment") which amends the Tax Increment Financing Agreement entered into by the City and the Company dated as of May 25, 2006 (the "Agreement");

**WHEREAS**, the Company has completed Phase 1 of the Project as described in the Agreement (the "Facility"), and the Project has been approved by the Massachusetts Economic Assistance Coordinating Council (the "EACC") as a Certified Project;

**WHEREAS**, the Company had reached an employment level of 669 jobs at the Facility as of the date the Facility was approved as a Certified Project;

**WHEREAS**, the Agreement sets forth employment targets for the Company at the Facility and an adjustable schedule of Exemption Percentages fluctuating with the Company's level of employment at the Facility;

**WHEREAS**, the Exemption Percentage has been adjusted from year to year according to the terms of the Agreement to the satisfaction of the City and the Company;

**WHEREAS**, the Massachusetts Office of Business Development, as the staff representative of the EACC, has expressed concerns that the Company's employment level at the Facility for Fiscal Year 2008 did not meet the requirements of the statutes and regulations applicable for the Massachusetts Economic Development Incentive Program (the "EDIP") pursuant to which the Agreement is authorized and governed; and

**WHEREAS**, the City and the Company have agreed to clarify any possible ambiguities in the Agreement relating to the employment level requirements and provisions of the Agreement.

**NOW THEREFORE**, the City and The Company, in consideration of the promises contained herein, hereby agree as follows:

1. The Agreement, this Amendment and the Certified Project have been, and shall continue to be governed by the General Laws and regulations of the EDIP that existed at the time the Project received certification by the EACC (the "Governing Law").
2. The minimum level of permanent, full-time jobs at the Facility shall remain at 669. The definition of "permanent, full-time jobs" for purposes of determining if the Company has met this requirement shall be determined pursuant to the Governing Law and shall not include Contract Employees, as defined hereafter, working at the Facility but not directly employed by the Company.
3. For purposes of measuring current employment at the Facility used to determine the correct Exemption Percentage, from year to year, Company employees and third party employees providing services to the Company ("Contract Employees") based at the Facility and performing services to the Company, and earning on an annual basis at least \$25,000 shall all be counted.
4. In addition to the 669 permanent full-time positions described in Section 2 above, the Company will make commercially reasonable efforts to create and maintain at least 331 new full-time positions by December 31, 2010, and to maintain a 50/50 ratio of Company full-time permanent Employees and Contract Employees for the new positions, however there will not be less than 35 new permanent full-time Company Employees.
5. The City and the Company, have been, and remain, as of the date of this Amendment, in compliance with the terms of the Agreement and the provisions of the Governing Law.
6. All other terms and conditions of the Agreement shall remain in full force and effect and any terms herein shall have the same meaning as in the Agreement.

ORDERED: That the reappointment of reappointment of Walter Bonin to the License Commission for a six-year term from date of approval, **APPROVED**; adopted.

ORDERED: That the Meetings of Standing Committees shall not be held on any Election Day, **APPROVED**; adopted.

1/10

ORDERED: That a majority of all the members of each Standing Committee shall constitute a quorum. The affirmative vote of at least 3 members of each Standing Committee consisting of 5 members, and of at least 2 members of each Standing Committee consisting of 3 members, shall be necessary to adopt any recommendation to the full City Council, **APPROVED**; adopted.

**Councilor Ferro and Levy requested to be recorded in opposition.**

ORDERED: That the transfer request in the amount of \$27,098.49 which moves funds from Fringes to Head Clerk associated with an employee's retirement, **APPROVED**; adopted.

FROM:

Acct. # 11990006-51500 \$27,098.49

Fringes

TO:

Acct. # 11620002-50550 \$27,098.49

Head Clerk

ORDERED: That City Council Order No. 04-100540 authorizing the appropriation of four hundred ninety five thousand dollars (\$495,000.00) for the purpose of purchasing land known as Frye Land through the issuance of Bonds is hereby rescinded, **APPROVED**; adopted.

**Yea: 10- Absent: 1**

**Yea: Delano, Ferro, Elder, Tunnera, Seymour, Landers, Ossing, Pope, Vigeant & Levy**

**Absent: Clancy**

ORDERED: That the following sum, designated as City appropriations, is hereby reduced as a supplementary budget in the City of Marlborough: one million one hundred sixty one thousand seven hundred fifty nine dollars (\$1,161,759.00), **APPROVED**; adopted.

This sum is to be removed from the budgetary line items as defined below:

Account Number	Description	Amount
13800006-59948	1999 Multi-Purpose	\$792,000.00
13850006-58948	1999 Multi Purpose Int.	\$369,759.00

ORDERED: That all municipal vehicles be marked with the official city seal and numbered on the back for identification purposes, **TABLED UNTIL SEPTEMBER 27, 2010**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:30 p.m.; adopted.



## IN CITY COUNCIL

2

SEPTEMBER 13, 2010

Marlborough, Mass.,

### ORDERED:

That there being no objection thereto set **MONDAY, SEPTEMBER 27, 2010** as date for a **PUBLIC HEARING** on the Application for Special Permit from Attorney Bergeron on behalf of 110 Pleasant LLC, to alter, extend and change the use of an existing former factory building located at 110-118 Pleasant St. so that it will contain 17 garden style residential condominium units and 1 business office, be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**.

ADOPTED

ORDER 10-1002683



# IN CITY COUNCIL

3

Marlborough, Mass., AUGUST 23, 2010

ORDERED:

That there being no objection thereto set **MONDAY, SEPTEMBER 27, 2010** as date for a **PUBLIC HEARING** on the Application for Wireless Special Permit from Clear Wireless LLC, to modify wireless communication facility at 115/109 Onamog St., be and is herewith refer to **WIRELESS COMMUNICATION COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER 10-1002648



*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

*Nancy E. Stevens*  
MAYOR

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*Krista J. Holms*  
EXECUTIVE AIDE

*Katherine M. LaRose*  
EXECUTIVE SECRETARY

2010 SEP 23 P 4:43

September 20, 2010

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

Honorable President Vigeant and Councilors:

The Marlborough Police Department has received a grant in the amount of \$82,500.00 from the Commonwealth of Massachusetts, Executive Office of Health and Human Services, Department of Mental Health. As outlined in the attached communication from Police Chief Leonard, the grant will be used to continue funding of the successful Jail Diversion Program, which is operated in conjunction with Advocates, Inc.

As outlined in MGL, Chapter 44, Section 53A, I am recommending that the City Council approve the expenditure of these funds for the purposes outlined.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosures

4/2

CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD

DEPARTMENT: Police DATE: Sept. 20, 2010

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief Mark F. Leonard

NAME OF GRANT: Jail Diversion Grant

GRANTOR: Comm. Of Mass, Department of Mental Health

GRANT AMOUNT: \$82,500

GRANT PERIOD: Sept. 1, 2010 to June 30, 2012

SCOPE OF GRANT/  
ITEMS FUNDED To fund Jail Diversion Program  
Full time clinican coverage for the police department's jail diversion program.  
Funding will be used for clinician's services and associated costs.

IS A POSITION BEING  
CREATED: No. Advocates, Inc. will provide a clinician for the JDP program. The grant funds  
will be used to pay for the clinician, and Advocates, Inc. will invoice the city monthly.

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? \_\_\_\_\_

ARE MATCHING CITY  
FUNDS REQUIRED? No

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

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

\_\_\_\_\_  
\_\_\_\_\_

ANY OTHER EXPOSURE TO CITY?  
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: As soon as possible, but no deadline.

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



# City of Marlborough POLICE DEPARTMENT

4  
3

508-485-1212 • FAX 508-624-6949

355 BOLTON STREET • MARLBOROUGH, MA • 01752

MARK F. LEONARD  
Chief of Police

Mayor Nancy E. Stevens  
City Hall  
140 Main Street  
Marlborough, MA 01752

September 20, 2010

Dear Mayor Stevens:

The Marlborough Police Department has been awarded a grant in the amount of \$82,500 from the Commonwealth of Massachusetts, Executive Office of Health and Human Services, Department of Mental Health. The grant will be used to continue funding our Jail Diversion Program, in conjunction with Advocates, Inc.

Attached is a completed Notification of Grant Award form, a letter from DMH awarding us the funds, and a copy of the grant contract form. I am requesting that the grant award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

Mark F. Leonard  
Chief of Police



*The Commonwealth of Massachusetts*  
*Executive Office of Health and Human Services*  
*Department of Mental Health*  
*25 Staniford Street*  
*Boston, Massachusetts 02114 2575*

4  
14

**DEVAL L. PATRICK**  
*Governor*

**TIMOTHY P. MURRAY**  
*Lieutenant Governor*

**JUDYANN BIGBY, M.D.**  
*Secretary*

**BARBARA A. LEADHOLM, M.S., M.B.A.**  
*Commissioner*

(617) 626-8000  
 TTY (617) 727-9842  
[www.state.ma.us/dmh](http://www.state.ma.us/dmh)

August 30, 2010

Mark F. Leonard, Chief of Police  
 City of Marlborough  
 355 Bolton Street  
 Marlborough, MA 01752

Dear Chief Leonard:

Thank you very much for taking time from your vacation to speak with John Barber and Karin Orr about your jail diversion program and our need for a revised budget.

As was discussed, the grant amount available to the City of Marlborough for the Jail Diversion Program for FY2011 is \$37,500 for the period 9/1/2010 ~ 6/30/2011, annualizing to \$45,000 for FY2012 (7/1/2011 ~ 6/30/2012). We have received the updated budget and are satisfied with the changes and in accordance with the RFR are hereby awarding you this amount.

Payments from this grant award will be made quarterly based on the revised budget and dependant upon adherence to the terms of the RFR and your associated response as well as proof of deliverables to include: (1) timely submission of data of a quality acceptable to DMH preceding the quarterly payment date, (2) a narrative that outlines programs changes and accomplishments on a quarterly basis, and (3) participation of police and any associated agency representatives at any DMH-JDP meetings (likely to be held quarterly).

You may contact Karin Orr regarding at 508-616-2324 or 978-863-5039 regarding questions about this grant. Maureen Giacchino is the fiscal contract manager and can be reached at 617-626-8006.

Thank you again for your investment in this program. We look forward to working with you.

Sincerely,

Debra A. Pinals, MD  
 Assistant Commissioner  
 Forensic Mental Health Services

cc: Karin Orr  
 Maureen Giacchino

# COMMONWEALTH OF MASSACHUSETTS - STANDARD CONTRACT FORM



This form, to be used for New Contracts and Contract Amendments/Renewals, is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) for use by all Commonwealth Departments. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors should only complete sections marked with a "→". For instructions and hyperlinks (italics), please view this form at: [www.mass.gov/oaec](http://www.mass.gov/oaec) under Guidance For Vendors - Forms or at [www.mass.gov/osd](http://www.mass.gov/osd) under OSD Forms.

→ <u>Contractor Legal Name</u> (and d/b/a): Marlborough Police Department		<u>Department MMARS Alpha Code and Name</u> : Mental Health	
→ <u>Legal Address</u> (from W-9): 355 Bolton Street, Marlborough, MA 01752		<u>Business Mailing Address</u> : 25 Staniford St., Boston MA 02114	
→ <u>Payment Remittance Address</u> (from W-9):		<u>Billing Address</u> (if different):	
→ <u>Contract Manager</u> : Mark F. Leonard		<u>Contract Manager</u> : Maureen Giacchino	
→ <u>E-Mail Address</u> : police_dept@marlborough-ma.gov	→ <u>Phone</u> : 508-624-6974	<u>E-Mail Address</u> : maureen.giacchino@state.ma.us	<u>Phone</u> : 617-626-8006
→ <u>Fax</u> : 508-624-6938	→ <u>TTY</u> :	<u>Fax</u> : 617-626-8014	<u>TTY</u> :
→ <u>State of Incorporation</u> (if a corporation) or "N/A":		<u>MMARS Doc ID(s)</u> : SCDMH82101108160000	
→ <u>Vendor Code</u> : 046001428 VC6000192112		<u>RFR/Procurement or Other ID Number</u> (if applicable): 2011-DMH-3024-01	
<u>MMARS Object Code</u> : 901		<u>Account(s) Funding Contract</u> : 50460000	

**NEW CONTRACT**

COMPENSATION (Check only one):  
 Total Maximum Obligation of this Contract \$ 92,500.00  
 Rate Contract (Attach details of rate(s) units and any calculations):

The following COMMONWEALTH TERMS AND CONDITIONS for this Contract has been executed and filed with CTR (Check only one):  
 Commonwealth Terms And Conditions  
 Commonwealth Terms And Conditions For Human And Social Services

PROCUREMENT OR EXCEPTION TYPE (Check one option only):  
 Single Department Procurement/Single Department User Contract  
 Single Department Procurement/Multiple Department User Contract  
 Multiple Department Procurement/Limited Department User Contract  
 Statewide Contract (OSD or an OSD-designated Department)  
 Grant (as defined by 815 CMR 2.00)  
 Emergency Contract (attach justification)  
 Contract Employee (Complete Employment Status Form)  
 Collective Purchase (attach OSD approval)  
 Legislative/Legal Exemption (attach authorizing language)  
 Other (Specify and attach documentation):

ANTICIPATED START DATE: 9/1/10 (Enter the Date Contract Obligations may begin. Review Certification for Effective Date Below prior to entry.)  
CONTRACT END DATE: 6/30/12

**CONTRACT AMENDMENT/RENEWAL**

ENTER CURRENT CONTRACT START and END DATES (prior to amendment)  
 Current Start Date: \_\_\_\_\_, Current End Date: \_\_\_\_\_

COMPENSATION: (Check Either, "No Compensation Change", "Maximum Obligation" or "Rate change". ATTACH Amended Scope and Budget to support Amendment.)  
 NO Compensation Change (Skip to "OTHER" section below and select change)  
 Redistribute Budget Line Items (No Maximum Obligation Change)  
 Maximum Obligation Change.  
 a) Current Total Contract Maximum Obligation: \$ \_\_\_\_\_  
 (Total Contract Maximum Obligation, including all prior amendments).  
 b) Amendment Amount ("+" or "-"): \$ \_\_\_\_\_  
 c) **NEW TOTAL CONTRACT MAXIMUM OBLIGATION**: \$ \_\_\_\_\_  
 Rate Changes to Rate Contract

OTHER: (Check option, explain under "Brief Description" below, and attach documentation.)  
 Amend Duration Only (No Compensation or Performance Change)  
 Amend Scope of Services/Performance Only (no budget impact.)  
 Interim Contract (Temporary Extension to complete new Procurement)  
 Other: (Describe Details and Attach documentation):

ANTICIPATED START DATE: \_\_\_\_\_ (Enter the Date Amendment Obligations may begin. Review Certification for Effective Date Below prior to entry.)  
NEW CONTRACT END DATE: \_\_\_\_\_

→ PROMPT PAYMENT DISCOUNTS. Contractor has agreed to the following Prompt Pay Discounts for the listed Payment Issue Dates. See Prompt Payment Discount Policy:  
 % Within 10 Days  % Within 15 Days  % Within 20 Days  % Within 30 Days OR, Check off the following if:  
 Contractor either claims hardship, or chooses not to provide PPD, or compensation is not subject to prompt pay discounts (grants, non-commodity or non-service compensation)

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT (Reference to attachments is insufficient):  
Jail Diversion Program

**CERTIFICATIONS**: Notwithstanding verbal or other representations by the parties, or an earlier Start date listed above, the "Effective Date" of this Contract or Amendment shall be the latest date this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, a later Contract or Amendment Start Date specified above, or the date of any required approvals. By executing this Contract/Amendment, the Contractor makes, under the pains and penalties of perjury, all certifications required under the attached Contractor Certifications, and has provided all required documentation noted with a "→", or shall provide any required documentation upon request, and the Contractor agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein, including the terms of the applicable Commonwealth Terms and Conditions available at [www.mass.gov/oaec](http://www.mass.gov/oaec) under Guidance For Vendors - Forms or at [www.mass.gov/osd](http://www.mass.gov/osd) under OSD Forms, the terms of the attached Instructions, the Request for Response (RFR), solicitation (if applicable) or other authorization, the Contractor's response to the RFR or solicitation (if applicable), and any additional negotiated performance or budget provisions. The terms of this Contract shall survive its termination for the purpose of resolving any claim, dispute or other Contract action, or for effectuating any negotiated representations and warranties. **THE PARTIES HEREBY ALSO CERTIFY THAT** (Check one option only):  
 1.  the Contractor has NOT incurred any obligations triggering a payment obligation for dates prior to the Effective Date of this Contract or Amendment; OR  
 2.  any obligations incurred by the Contractor prior to the Effective Date of this Contract or Amendment (for which a payment obligation has been triggered) are intended to be part of this Contract/Amendment and shall be considered a final Settlement and Release of these obligations which are incorporated herein, and upon payment of these obligations, the Contractor forever releases the Commonwealth from any further claims related to these obligations.

**AUTHORIZING SIGNATURE FOR THE CONTRACTOR**:

→ X: Mark F. Leonard Date: 7/7/2010  
 (Signature and Date Must Be Handwritten At Time of Signature)  
 → Print Name: Mark F. Leonard  
 → Print Title: Chief of Police, Marlborough

**AUTHORIZING SIGNATURE FOR THE DEPARTMENT**:

X: Stephen Spica Date: 9/1/10  
 (Signature and Date Must Be Handwritten At Time of Signature)  
 Print Name: Stephen Spica  
 Print Title: Acct Mgr



*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

*Nancy E. Stevens*  
MAYOR 5

RECEIVED  
CITY CLERK'S OFFICE  
OF MARLBOROUGH

*Krista J. Holmi*  
EXECUTIVE AIDE

2010 SEP 23 P 4:43

*Katherine M. LaRose*  
EXECUTIVE SECRETARY

September 20, 2010

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

RE: FY10 End of Year Close Timeline

Honorable President Vigeant and Councilors:

The attached correspondence from City Auditor Diane Smith provides a status update and timeline with respect to the closing of the FY10 books and submittals required for the certification of free cash. As you will note, Ms. Smith anticipates concluding this process by October 15, 2010.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosures



## CITY OF MARLBOROUGH

Office of the City Auditor

140 Main St.

Marlborough, MA 01752

508.460.3774

52

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### MEMORANDUM

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TO: Mayor Nancy E. Stevens  
FROM: Diane Smith, City Auditor  
DATE: September 16, 2010  
RE: FY10 End of Year Close Timeline

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Attached for your review please find a timeline for the necessary steps to close the FY10 books and submit all required paperwork and reports to the state for free cash certification.

As you will note all reporting of disbursements and receipts have been completed and the Treasurer's office is working on cash reconciliation for June.

The remaining steps involved in closing the books will be completed as projected on the timeline and the end of year reports and paperwork will be submitted to the state for certification no later than October 15, 2010. I will be speaking with our representative at the Division of Local Services to let them know of our time frame and our tax rate hearing date so that they will work with us to get free cash certified prior to that date.

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

Cc: Thomas Abel, Comptroller/Treasurer

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Final FY04 Payroll Warrant Processed	24-Jun
Last day for Depts to enter FY04 Purchase Orders	30-Jun
Final FY04 Accounts Payable Warrant Processed	15-Jul
FY04 Open Purchase Order List sent to Depts	19-Jul
Depts return Open PO List with FY04 Carryforwards	23-Jul
Auditor meets with depts to review carryforwards	26 Jul to 30 Jul
Treasurer's Office reports all FY04 non-check (wire) disbursements	30-Jul
Treasurer's Office reports all FY04 receipts	6-Aug
<b>Transfer request submitted at special City Council Meeting-sent to FINCOM</b>	<b>16-Aug</b>
Final School Accrued Summer payroll posted to ledger	25-Aug
<b>FinCom meeting to review transfer requests</b>	<b>between 8/17 &amp; 8/30</b>
<b>FinCom reports transfers out to Council at Regular meeting-rules suspended</b>	<b>30-Aug</b>
Auditor and Collector reconcile all FY04 receivable balances	30-Sep
Treasurer's Office reconciles FY04 Cash balances	30-Sep
Treasurer submits statement of indebtedness to auditor	30-Sep
Auditor reviews/reconciles all funds/accounts including but not limited to: payroll withholding accounts, due to/from accounts, bond payable accounts, statement of indebtedness w/Treasurer, OFU/OFS.	Oct 1st thru Oct 15th
General Ledger Closed, reports prepared for State (balance sheet, detail fund balances, cash reconciliation, year end checklist info, undesignated fund balance proof, Collector/Auditor receivable reconciliation report, capital projects detail report, detail trial balance (all funds), Snow & Ice data sheet)	Oct 15th thru Oct 29th
Submit all paperwork to State for free cash certification	Nov 1st

Once paperwork is submitted to the state they will request additional info and approval typically takes 3-4 weeks after the submission date.

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FY10 END OF YEAR CLOSE TIMELINE

		DATE COMPLETED FY2010 EOY
JULY	1st	completed
	12th	completed
	15th	completed
	16th	completed
	30th	completed
		completed
AUG	16th	completed
	18th	completed
SEPT	17th	completed
OCT	1st thru 14th	
DEC	6th	

Auditor and Collector reconcile receivables thru June 10  
 Final FY10 Invoices submitted to Auditors Office by departments  
 Final FY10 Accounts Payable Warrant Processed  
 FY10 Open Purchase Order List sent to Depts  
 Depts return Open PO List with FY10 Carryforwards  
 Auditor reviews carryforwards

Treasurer's Office reports FY10 non-check (wire) disbursements and receipts for June 10  
 Treasurer's Office reconciles bank statements and Cash balances thru Mar 10  
 Final School Accrued Summer payroll posted to ledger

Treasurer's Office reconciles bank statements and Cash balances thru June 10  
 Revenue ledger and expenditure ledger closed  
 Auditor reviews/reconciles all general ledger funds/accounts including but not limited to: payroll withholding accounts, due to/from accounts, bond payable accounts, statement of indebtedness w/Treasurer, OFU/OFS.

General Ledger Closed, reports prepared for State (balance sheet, detail fund balances, cash reconciliation, year end checklist info, undesignated fund balance proof, Collector/Auditor receivable reconciliation report, capital projects detail report, detail trial balance (all funds), Snow & Ice data sheet)  
 Statement of Indebtedness from Treasurer  
 Health Insurance Incurred but not reported from Treasurer  
 Submit all paperwork to State for free cash certification

Once paperwork is submitted to the state they may request additional info and approval typically takes 1-2 weeks after the submission date.

Tax Rate Hearing- City Council



# City of Marlborough

## Office of the Mayor

Nancy E. Stevens  
MAYOR

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
Krisa J. Holmi  
EXECUTIVE AIDE

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

2010 SEP 23 P 1:02  
Bernie M. LaRose  
EXECUTIVE SECRETARY

September 20, 2010

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

RE: Adoption of "Stretch Code" Appendix

Honorable President Vigeant and Councilors:

As detailed in the attached memorandum from Conservation Officer Priscilla Ryder and Building Commissioner Steve Reid, the City of Marlborough has been actively working to pursue the five-step Green Community designation through the state Department of Energy Resources. Achieving a Green Community designation makes the city eligible for up to \$1 million (per community) in grant awards, which can be used to implement significant energy-efficiency measures, construct large renewable energy projects, or pursue other innovative projects to reduce a community's fossil fuel energy consumption.

The adoption of the Massachusetts State Building Code's new appendix, called the Stretch Energy Code (780 C.M.R. Appendix 120 AA), satisfies the fifth requirement to achieve the Green Community status. If adopted, the appendix would go into effect in January of 2012.

I respectfully request that this matter be referred to the Urban Affairs Committee for review and consideration. Priscilla Ryder, Steve Reid and our grant awarded consultant, Vanasse Hangen Brustlin, Inc., will be available to answer any of your questions. An order containing the acceptance language is also attached for your consideration. The City's deadline for application for Green Community designation is November 19, 2010. To meet the fifth mandatory criteria of the designation, City Council will need to adopt the attached acceptance language prior to November 19th.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosures

ORDERED:

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**BE IT ORDERED** that the City of Marlborough hereby accepts the provisions of 780 CMR Appendix 120.AA, the Massachusetts Stretch Energy Code, with such acceptance to be effective on January 1, 2012.

ADOPTED  
In City Council  
Order No. 10-

Adopted

Approved by Mayor  
Nancy E. Stevens  
Date:

A TRUE COPY  
ATTEST:



# City of Marlborough Conservation Commission

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3768 Facsimile (508) 460-3747

Edward Clancy - Chairman  
Denms Demers  
Michele Higgins  
Lawrence Rzy  
John Skarin  
Allan White  
David Williams  
Priscilla Ryder Conservation Officer

## MEMORANDUM

To: Mayor Nancy Stevens

From: Priscilla Ryder, Conservation Officer *PR*  
Steve Reid, Building Commissioner *SR*

Date: September 20, 2010

Re: Stretch Energy Code and Green Communities designation.

Over the past year, the city has been busy continuing to make Marlborough an environmentally and economically sustainable community. In the "Cities for Climate Protection" pledge you signed in Nov. 2007, Marlborough pledged to move the city forward in reducing greenhouse gas emissions. Building on this pledge, we have actively pursued the state's designation as a "Green Community". A Green Community designation makes the city eligible for up to \$1 million (per community) in grant awards which can be used to implement significant energy-efficiency measures, construct large renewable energy projects, or pursue other innovative projects to reduce a community's fossil fuel energy consumption.

Under the Massachusetts Department of Energy Resources Green Communities Grant Program, to achieve the Green Community designation a municipality must meet five criteria. Through the Green Communities Assistance Program, the city received a step-by-step manual outlining how to meet the mandatory five criteria. Below is an overview of the five criteria, along with the city's current status:

1. As-of-right Siting/Zoning. (Status: Complies)
2. Expedited permitting Process (Status: Complies)
3. Establish an energy baseline for all buildings, vehicles and streetlights and commits to reducing baseline by 20 percent over five years. (Status: in progress - will be completed in time for application.)
4. Procure Fuel Efficient Vehicles- (Status: policy drafted)
5. Require all new construction to minimize life-cycle cost of the facility by utilizing energy efficiency, water conservation and other renewable or

alternative energy technologies. **(Status: requires City Council adoption of the "Stretch Energy Code")**.

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**To assist the City Council in reviewing and adopting the Stretch Energy Code, we have provided several documents including an overview of Chapter 780, Appendix 120.AA, known as the "stretch code", which are attached.**

We are ready to provide a presentation to City Council and to answer any questions they may have regarding the new appendix to the building code. Please keep in mind that in order to qualify for "Green Community Status" during this current grant cycle, **City Council must adopt the stretch code before the November 19, 2010 deadline.**

We respectfully request that you place this on the September 27<sup>th</sup> City Council agenda for review and deliberation. We are hopeful for the passage of this Stretch Energy Code provision as it will enable us to become a designated Green Community, eligible for additional funding, and will lead the way to a more energy efficient community going forward.

Should you need any additional information, please feel free to contact either of us. Priscilla Ryder at 508-460-3768 or Steve Reid at 508-460-3735.

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## Attachments

The following web links provide information about the “Stretch” Energy Code. In our attempt to be greener, we’ve provide the links here. Should you want hard copies, please contact Priscilla Ryder and she can provide them.

**Attachment A: “Summary of Massachusetts Building Code Appendix 120.AA, “Stretch” Energy Code.”**

[Stretch Code Overview February 5, 2010](#)

**Attachment B: Massachusetts Stretch Code Modeling and Cash Flow Analysis April 2010**

[http://www.mass.gov/Eoeea/docs/doer/green\\_communities/grant\\_program/stretch-memo-w-analysis-042710.pdf](http://www.mass.gov/Eoeea/docs/doer/green_communities/grant_program/stretch-memo-w-analysis-042710.pdf)

**Attachment C: Stretch Appendix to the Building Energy Code in Massachusetts Question and Answer (Q&A) – August 2010**

[http://www.mass.gov/Eoeea/docs/doer/green\\_communities/grant\\_program/q\\_and\\_a\\_stretch\\_code.pdf](http://www.mass.gov/Eoeea/docs/doer/green_communities/grant_program/q_and_a_stretch_code.pdf)

**Attachment D: Commercial Case Studies provided**

Home Loan investment bank study- Warwick Rhode Island

[http://www.mass.gov/Eoeea/docs/doer/green\\_communities/grant\\_program/home\\_loan\\_case\\_study.pdf](http://www.mass.gov/Eoeea/docs/doer/green_communities/grant_program/home_loan_case_study.pdf)

Corporate Office and Branch Case Study - Leominster, MA

[http://www.mass.gov/Eoeea/docs/doer/green\\_communities/grant\\_program/fidelity\\_case\\_study.pdf](http://www.mass.gov/Eoeea/docs/doer/green_communities/grant_program/fidelity_case_study.pdf)

**Attachment E: Communities designated as Green Communities – MAP**

This map shows the 46 Communities that have currently received the Green Communities Designation as of September 2010

[http://www.mass.gov/Eoeea/docs/doer/green\\_communities/grant\\_program/stretch\\_code\\_towns.pdf](http://www.mass.gov/Eoeea/docs/doer/green_communities/grant_program/stretch_code_towns.pdf)

**Attachment F: Green Communities Grant Guidance**

[http://www.mass.gov/Eoeea/docs/doer/green\\_communities/grant\\_program/GC%20Program%20Guidance%20FY11%20-%20FINAL.pdf](http://www.mass.gov/Eoeea/docs/doer/green_communities/grant_program/GC%20Program%20Guidance%20FY11%20-%20FINAL.pdf)



*City of Marlborough*

*Office of the Mayor*

*Nancy E. Stevens*  
MAYOR

RECEIVED

CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*Paula J. Holmi*  
EXECUTIVE AIDE

140 Main Street

Marlborough, Massachusetts 01752

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

2010 SEP 23 PM 4:43

*Katherine M. LaRose*

EXECUTIVE SECRETARY

September 23, 2010

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

Honorable President Vigeant and Councilors:

As you are aware, for over a decade the City of Marlborough has enjoyed a Sister City/Student Exchange program with Akiruno City, Japan. This week, six students and their four chaperones from Akiruno City will arrive in Marlborough to participate in this year's exchange.

I am requesting permission to make a presentation to our Japanese visitors at the Council meeting on Monday, October 4, 2010. The City Council has graciously received the visitors from our Sister City in the past, and we appreciate your permission to acknowledge their visit again this year.

Sincerely,

Nancy E. Stevens  
Mayor



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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2010 SEP 23 P 5: 26

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**CITY OF MARLBOROUGH**  
*Office of the City Council*  
**Arthur G. Vigeant**  
**City Council President**  
140 Main Street  
Marlborough, Massachusetts 01752

September 23, 2010

Marlborough City Council  
City Hall  
Marlborough, MA 01752

Reference: Acceptance Chapter 64G, Section 3A of the Massachusetts General Laws,  
Motel/Hotel/Boarding House Rooms Tax

Dear Councilors:

At the request of the Marlborough Economic Development Corp. (MEDC), I herewith submit for your acceptance Chapter 64G, Section 3A of the Massachusetts General Laws. The acceptance of this section will authorize the City of Marlborough to impose a local tax upon the occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel located within the city at a rate up to, but not exceeding, 6 percent of the total amount of rent for each such occupancy. Presently, the City receives reimbursement from the Commonwealth at the rate of four percent. The additional two percent generated could be used to fund so-called frill items in the budget such as the parade, fireworks and other line items that year after year come under fire and are often on the 'chopping block.' It has been suggested by MEDC that additional revenue generated through the room tax could be used to offset services for a City Planner, economic development strategies and funding to support their own activities that promote the City of Marlborough throughout the Commonwealth.

MEDC is still in its infancy and has yet to garner the support of all members of the City Council. As a member of the Board by virtue of my elective position, I have been personally involved with the group and support their activities. The additional funding, if approved by our body, will allow MEDC to expand their outreach with our constituents in the business community and structure activities leading to innovative industrial expansion. Veteran councilors have seen year after year during tax classification that our healthy industrial base benefits our residential taxpayers – let's work together to ensure that businesses who now call Marlborough home remain here and that MEDC has the financial resources to attract new industrial growth to our City. The competition is fierce among cities and towns, and MEDC will be a great cheerleader for us if given the opportunity.

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I look forward to your acceptance of this Act and would respectfully suggest a referral to the Legislative & Legal Affairs Committee for further review as well as to the City Solicitor for review as to proper acceptance form.

Sincerely,



**Arthur G. Vigeant**

**City Council President**

Enclosure (Act)

**PART I ADMINISTRATION OF THE GOVERNMENT**  
(Chapters 1 through 182)

**TITLE IX TAXATION**

**CHAPTER 64G ROOM OCCUPANCY EXCISE**

**Section 3A** Local excise tax; information concerning amount collected available

*[ First paragraph effective until August 1, 2009. For text effective August 1, 2009, see below.]*

Section 3A. Any city or town which accepts the provisions of this section shall be authorized to impose a local excise tax upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel located within such city or town by any operator at a rate up to, but not exceeding, four per cent of the total amount of rent for each such occupancy; provided, however, that the city of Boston is hereby authorized to impose such local excise upon the transfer of occupancy of any room in a bed and breakfast establishment, hotel, lodging house or motel located within said city by any operator at the rate of up to but not exceeding 4.5 per cent of the total amount of rent of each such occupancy. No excise shall be imposed if the total amount of rent is less than fifteen dollars per day or its equivalent or if the accommodation is exempt under the provisions of section two of this chapter. The operator shall pay the local excise tax imposed under the provisions of this section to the commissioner at the same time and in the same manner as the excise tax due the commonwealth. All sums received by the commissioner under this section as excise, penalties or forfeitures, interest, costs of suit and fines shall at least quarterly be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has adopted the provisions of this section in proportion to the amount of such sums received from the transfer of occupancy in each such city or town. This section shall only take effect in a city or town accepting the provisions of this section by a majority vote of the city council with the approval of the mayor, in the case of a city with a Plan A, Plan B, or Plan F charter; by a majority vote of the city council, in the case of a city with a Plan C, Plan D, or Plan E charter; by a majority vote of the annual town meeting or a special meeting called for the purpose, in the case of a municipality with a town meeting form of government; or by a majority vote of the town council, in the case of a municipality with a town council form of government. The provisions of this section shall take effect on the first day of the calendar quarter following thirty days after such acceptance, or on the first day of such later calendar quarter as the city or town may designate. The city or town, in accepting the provisions of this section, may not revoke or otherwise amend the applicable local tax rate more often than once in any twelve month period.

*[ First paragraph as amended by 2009, 27. Secs. 51 and 52 effective August 1, 2009. See 2009, 27, Sec. 154. For text effective until August 1, 2009, see above.]*

Any city or town which accepts the provisions of this section shall be authorized to impose a local excise tax upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel located within such city or town by any operator at a rate up to, but not exceeding, 6 per cent of the total amount of rent for each such occupancy; provided, however, that the city of Boston is hereby authorized to impose such local excise upon the transfer of occupancy of any room in a bed and breakfast establishment, hotel, lodging house or motel located within said city by any operator at the rate of up to but not exceeding 6.5 per

cent of the total amount of rent of each such occupancy. No excise shall be imposed if the total amount of rent is less than fifteen dollars per day or its equivalent or if the accommodation is exempt under the provisions of section two of this chapter. The operator shall pay the local excise tax imposed under the provisions of this section to the commissioner at the same time and in the same manner as the excise tax due the commonwealth. All sums received by the commissioner under this section as excise, penalties or forfeitures, interest, costs of suit and fines shall at least quarterly be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has adopted the provisions of this section in proportion to the amount of such sums received from the transfer of occupancy in each such city or town. This section shall only take effect in a city or town accepting the provisions of this section by a majority vote of the city council with the approval of the mayor, in the case of a city with a Plan A, Plan B, or Plan F charter; by a majority vote of the city council, in the case of a city with a Plan C, Plan D, or Plan E charter; by a majority vote of the annual town meeting or a special meeting called for the purpose, in the case of a municipality with a town meeting form of government; or by a majority vote of the town council, in the case of a municipality with a town council form of government. The provisions of this section shall take effect on the first day of the calendar quarter following thirty days after such acceptance, or on the first day of such later calendar quarter as the city or town may designate. The city or town, in accepting the provisions of this section, may not revoke or otherwise amend the applicable local tax rate more often than once in any twelve month period.

The commissioner of the department of revenue shall make available to any city or town requesting such information the total amount of room occupancy tax collected in the preceding fiscal year in the city or town requesting the information.



*City of Marlborough*  
**Legal Department**

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DONALD V. RIDER, JR.  
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ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER  
CHIEF PROCUREMENT OFFICER

DENISE M. LINDBERG  
PARALEGAL

September 23, 2010

Arthur Vigeant  
President  
Marlborough City Council

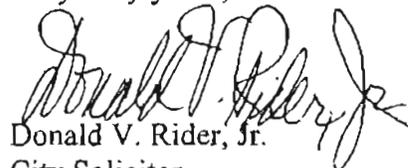
RE: Order 10-1002646  
Special Permit Application  
MetroPCS Massachusetts, LLC  
157 Union Street (Marlborough Hospital)

Dear President Vigeant 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 findings on the special permit application submitted by MetroPCS Massachusetts, LLC for 157 Union Street. The application is to install six (6) wireless communications antennas onto the face of an existing building (Marlborough Hospital), along with supporting equipment cabinets which will be located on the roof of the building.

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: Andy Candiello, on behalf of MetroPCS Massachusetts, LLC

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**DECISION ON A SPECIAL PERMIT  
METROPCS MASSACHUSETTS, LLC  
CITY COUNCIL ORDER NO. 10-1002646A**

Re: 157 Union Street, Marlborough, MA

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to METROPCS MASSACHUSETTS, LLC, having a usual place of business at 285 Billerica Road, Third Floor, Chelmsford, MA 01824, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The applicant is METROPCS MASSACHUSETTS, LLC, which has a business address of 285 Billerica Road, Third Floor, Chelmsford, MA 01824 (hereinafter "Applicant").
2. Through its Application for a Special Permit (hereinafter "Application"), the Applicant seeks permission to install a wireless communication facility onto the face of an existing building consisting of six (6) wireless communications antennas, along with the supporting equipment cabinets which will be located on the roof of the building (hereinafter "Proposed WCD Project"), substantially as depicted on a set of plans entitled "BOS0461A, MARLBOROUGH HOSPITAL, 157 Union Street, Marlborough, MA 01752, Middlesex County," prepared by Coler & Colantonio, Inc., 101 Accord Park Drive, Norwell, MA 02061, dated 6/22/10, revised 6/30/10 (hereinafter "Plans").
3. The location of the Proposed WCD Project is 157 Union Street, Marlborough, MA. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 43, Lot 56 (hereinafter "Site"). The owner of record for the Site is Marlborough Hospital.
4. The Applicant is a lessee of the Site's owner for purposes of the Application.
5. The Site is zoned Residence A-3. Wireless communication devices are allowed by grant of Special Permit in Residence A-3 Zoning Districts.
6. The Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Commissioner certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.

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8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCD Project on August 23, 2010, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCD Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCD Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCD Project.

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

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCD Project and the Proposed WCD Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCD Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.
- D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 12:**

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- 1) The Proposed WCD Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Special Permit as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
- 2) All plans, site evaluations, briefs and other documentation provided by the Applicant as part of the Application are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
- 3) The Applicant shall comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of the Proposed WCD Project.
- 4) All terms, conditions, requirements, approvals, plans and drawings required hereunder are hereby made a part of and incorporated herein as a condition to the issuance of this Special Permit.
- 5) Applicant shall minimize the visual impacts of the Proposed WCD Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application.
- 6) Applicant shall pay to the City of Marlborough Open Space Account #100-2410-44515, as mitigation for the alleged impacts caused by the subject of this Permit, the annual sum of One Thousand Five Hundred (\$1,500.00) dollars, the first payment due and payable at the time of the issuance of the building permit hereunder, or within one year of the approval of the Special Permit, whichever is earlier, and the subsequent payments to be due and payable on January 2, or the first business day thereafter, of each calendar year in which the WCD referenced in this Permit is still in operation. Failure to make the payment in a timely manner shall constitute a violation of the Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
- 7) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCD Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCD Project only in cases of power outages to the Proposed WCD Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code.

- 8) No operation of the Proposed WCD Project shall commence until the Applicant has received written approval from the Building Commissioner that all the conditions herein have been satisfied.
- 9) Applicant's Proposed WCD Project shall be subject to site plan review, if applicable.
- 10) 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 District 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, and before the Applicant has applied to the Building Commissioner for a building permit concerning the Proposed WCD Project. Applicant shall provide a copy of the recorded Special Permit to the City Council's office and to the City Solicitor's office.
- 11) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Commissioner for the Proposed WCD Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCD Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCD Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCD Project; ii) shall include a professional opinion by a third party certifying that the Proposed WCD Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCD Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCD Project that may increase the actual output of radio frequency energy emitted by the Proposed WCD Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCD Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional

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

- 12) Applicant shall paint the antennas and visible portions of the cable tray a non-reflective color, and shall maintain that color, in order to blend in with the portion of the building to or on which they are mounted.



*City of Marlborough*  
**Legal Department**

140 MAIN STREET

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DONALD V. RIDER, JR.  
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CYNTHIA M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER  
CHIEF PROCUREMENT OFFICER

DENISE M. LINDBERG  
PARALEGAL

September 23, 2010

Arthur Vigeant  
President  
Marlborough City Council

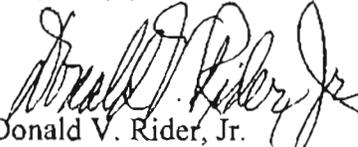
RE: Order 10-1002644A  
Special Permit Application  
Crosspoint Associates, Inc.  
133 East Main Street

Dear President Vigeant 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 findings on the special permit application submitted by Crosspoint Associates, Inc. for 133 East Main Street. The application is for a drive-through ATM window in connection with a banking institution.

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: Arthur P. Bergeron, Esquire

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**IN CITY COUNCIL**

ORDERED:

**DECISION ON A SPECIAL PERMIT**

**IN CITY COUNCIL**

Special Permit  
Crosspoint Associates, Inc.  
Order No. 10-1002644A

**DECISION ON A SPECIAL PERMIT  
CITY COUNCIL ORDER NO. 10-1002644A**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Crosspoint Associates, Inc. for banking services with 24-hour ATM facilities at 133 East Main Street, Marlborough, MA, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

**FINDINGS OF FACT AND RULING**

1. Crosspoint Associates, Inc., 217 West Main Street, Natick, MA 01760 is hereinafter referred to as the "Applicant."
2. Applicant is a party to contracts calling for the acquisition of the premises known and numbered as 133 East Main Street, Marlborough, Massachusetts described on Marlborough Assessor's Map 57, Parcel 190 (hereinafter the "Site") and proposes to construct a stand-alone banking facility with a banking services drive-through, including a 24-hour ATM to be located at the Site (hereinafter "Project").
3. Applicant has filed with City Clerk of the City of Marlborough an application for a Special Permit (hereinafter "Application"). Pursuant to Sections 650-14.B and 650-17 of the Zoning Ordinance of the City of Marlborough (2008 Code), Applicant is seeking permission for a drive-through facility, which will include a drive-through ATM to be available to bank customers when the bank itself is closed.
4. The Site is located in both the Business and Residence RB zoning districts as determined by the Zoning Map of the City of Marlborough.
5. In connection with the Application, Applicant has submitted a traffic impact and access study, certified list of abutters, filing fees, and a detailed site plan entitled "Site Plan, 133

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East Main Street, Marlborough, MA”, prepared for Crosspoint Associates, Inc., drawn by Bruce Saluk & Assoc., Inc., 576 Boston Post Road, Marlborough, MA, scale 1”=20’, dated July 12, 2010, with a final revision dated September 5, 2010 (hereinafter “Plans”).

6. The site plan was certified by the acting 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 Monday, August 23, 2010.

9. Applicant, through its site developer and its counsel, presented testimony at the public hearing detailing the application, describing its impact upon municipal services, the neighborhood, and traffic. No individual in attendance at the public hearing spoke in opposition to the project.

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

A. Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.

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. The City Council makes these findings subject to the completion and adherence by Applicant, its successors and/or assigns to the conditions more fully set forth herein.

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 Applicant a Special Permit to construct and operate drive-through banking services as shown on the plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on Applicant, its successors and/or assigns:

1. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.

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2. 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 the building permit and no occupancy permit shall be issued until Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the 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. Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of Applicant's facility.

4. The locations and design of signage shall be reviewed and approved by the City of Marlborough during Site Plan Review in accordance with the sign ordinance of the City of Marlborough without variance therefrom. Notwithstanding the foregoing, in no event shall the signage contain a so-called message board or LCD components. It is a further condition that the location of the signage shall not be substantially different than that shown on the Plans submitted herewith, allowing, however, for minor changes in the field so as to avoid conflicts with existing City infrastructure.

5. The location and placement of pavement markings and traffic directional signage shall be reviewed and approved by the City of Marlborough during the Site Plan Review in accordance with applicable rules and regulations of the City of Marlborough.

6. 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.

7. Snow storage will be located as shown on the Plans referred to in condition #1 above. Applicant, its successors and/or assigns shall provide off-site snow removal as required and if deemed necessary by the City of Marlborough Commissioner of Public Works.

8. There shall be no overnight parking at the Site.

9. After issuance of a Special Permit, the Project is further subject to the City's Stormwater Management Ordinance. All catch basins and water quality inlets shall be installed in accordance with the Plans submitted to the City Council and/or the City Council's Urban Affairs Committee. Applicant, its successors and/or assigns shall monitor the catch basins on a semi-annual basis, and shall give reports to the City Engineer annually. The catch basins are to be cleaned by Applicant, its successors and/or assigns annually, or at more frequent intervals as determined necessary by the City Engineer.

10. Applicant, its successors and/or assigns agrees to plant and maintain the Project landscaping substantially in conformance with the Plans as submitted to the City Council and/or the City Council's Urban Affairs Committee as may be amended during Site Plan Review.

11. The drive-through teller window shall employ a pedestal speaker system of a quality that seeks to minimize the noise emanating from the speaker system and with full compliance of the noise ordinance of the City of Marlborough. The drive-through audio speakers also shall not produce noise at the property line greater than that which would be allowed at the property line in a Residential zoning district, in accordance with the noise ordinance of the City of Marlborough.

12. If a dumpster is required by the City or otherwise utilized, the Applicant, its successors and/or assigns agrees to screen the Project's trash area by constructing a six-foot (6') white vinyl fence screen. Applicant, its successors and/or assigns further agrees that the dumpsters located on the Site will be covered. No trash pickup shall occur before 7:00 a.m. or after 6:00 p.m. on weekdays, or at any time during weekends.

13. Applicant, its successors and/or assigns agrees that following the issuance of the Special Permit, both Site entrances will be subject to approval during Site Plan Review for the traffic configuration to accommodate traffic flow and ensure public safety, and agrees to make changes in compliance with the recommendations of the Marlborough Department of Public Works ("MDPW") and the Marlborough Traffic Commission ("the Commission"), as well as the Commonwealth of Massachusetts Department of Transportation ("MassDOT") if applicable. Applicant, its successors and/or assigns agrees that the Site will be subject to a review of the traffic configuration after one year from the issuance of the Occupancy Permit to determine whether any alterations need to be made to the entrances and egresses to the Site to accommodate traffic flow and ensure public safety, and agrees to make changes in compliance with the recommendations of the MDPW and the Commission, as well as MassDOT if applicable.

14. All plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant as part of the Application, and as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

15. Notwithstanding condition #1 above, the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the use of the Project as approved herein, or materially increase the impervious area of the Project, reduce the green area, alter traffic flow or increase the size of the building shown on the Plans.

16. In connection with the installation of improvements within public rights-of-way which requires a street opening permit, Applicant, its successors and/or assigns shall provide the City Engineer 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, Applicant, its successors and/or assigns, and not the City of Marlborough, will bear the costs of any police detail for any work performed within the public way.

17. Parking areas will be swept and maintained by Applicant, its successors and/or assigns as necessary. Pursuant to the provisions of Massachusetts General Laws c. 90, § 18, Applicant, its successors and/or assigns shall submit to the Marlborough Traffic Commission

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(the "Commission") a written request and grant of authority to promulgate legally enforceable rules and regulations for the control of on-Site and off-Site traffic and parking. Applicant, its successors and/or assigns shall be responsible for providing, installing and maintaining all signage or markings required by the Commission. Such signage or markings shall meet the standards of the Manual on Uniform Traffic Control Devices.

18. The Police Chief or his designee, may, in the exercise of his professional discretion to protect public safety, order the temporary closure of the drive-through facilities.

- a) The hours of operation for the drive-through teller operation shall not exceed Monday through Saturday 8:00 a.m. to 8:00 p.m. and Sunday 8:00 a.m. to 6:00 p.m.
- b) The operation of the drive-through ATM shall be allowed 24 hours per day, 7 days per week.

19. All work performed within the public way on East Main Street shall be done by Applicant, its successors and/or assigns during off peak hours and, prior to commencement of such work, Applicant, its successors and/or assigns shall provide a traffic management plan relating to the same for approval by the Engineering Division of the City's Department of Public Works.

20. Prior to construction, Applicant, its successors and/or assigns shall establish and grant to the City utility easements for construction, maintenance or repair of existing City infrastructure including, but not limited to, water, sewer, drain, and traffic control. Landscaping in the area of such easements shall be coordinated by the Applicant, its successors and/or assigns with the Engineering Division of the City's Department of Public Works in the field so as to avoid conflicts with existing infrastructure.

21. All trenching shall be in compliance with Massachusetts law and pursuant to permits issued by the Engineering Division of the City's Department of Public Works.

22. During construction, no vehicles shall be staged on public ways.

23. Applicant, its successors and/or assigns shall be required to hire a site engineer who shall be competent in stormwater and erosion control management. This individual(s) credentials shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan, the approved erosion control plan, and, if applicable, the Conservation Commission's Order of Conditions. The Applicant, its successors and/or assigns shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.

24. If the drainage system (during construction and post-construction) constructed by Applicant, its successors and/or assigns fails and the failure is the cause of damage to another's property, Applicant, its successors and/or assigns shall be responsible to pay the owner of said

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damaged property the full cost of the repair and or replacement of the damaged property. In the event Applicant, its successors and/or assigns does not pay for the damage, it shall be a violation of this Special Permit.

25. As it is anticipated that Applicant, its successors and/or assigns will need to conduct demolition operations prior to construction at the Site, Applicant, its successors and/or assigns shall be responsible to pay the owner of any property damaged by said demolition the full cost of the repair and replacement of the damaged property. In the event Applicant, its successors and/or assigns does not pay for the damage, it shall be a violation of this Special Permit.

26. In accordance with the provisions of M.G.L. c. 40A, § 11, Applicant, its successors and/or assigns 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, and before Applicant, its successors and/or assigns has applied to the Building Commissioner for a building permit concerning the Project. Applicant, its successors and/or assigns shall also furnish proof of recording to the City Solicitor's Office and the City Council immediately subsequent to recording.

Yea: \_\_\_\_\_ - Nay: \_\_\_\_\_ - Absent: \_\_\_\_\_

ADOPTED

In City Council

Order No. 10-1002644A

Adopted: \_\_\_\_\_ 2010

Approved by Mayor

Nancy E. Stevens

Date: \_\_\_\_\_ 2010

A TRUE COPY

ATTEST: \_\_\_\_\_ City Clerk

*City of Marlborough*  
*Commonwealth of Massachusetts*  
RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

///



2010 SEP 23 A 11:00

Stephen F. Reid,  
Commissioner  
Inspectional Services  
140 Main Street  
Marlborough, MA 01752

September 2, 2010

Councilor Arthur Vigeant, President  
Marlborough City Council  
City Hall  
140 Main Street  
Marlborough, MA 01752

656 BPR - E

Re: Order #10-1002670

Dear Councilor Vigeant:

I have received a copy of the letter dated August 19, 2010 from Attorney Arthur Bergeron to the Marlborough City Council, referring to his request that the City Council consider modifying the special permit granted to Equiva Services LLC, which was filed with the City Clerk on September 10, 2010, recorded with South Middlesex Registry, Book 33845 and which was modified through an amendment of that special permit, Order #02-9612C, which was approved by the City Council on November 18, 2002.

Attorney Bergeron indicated that his client, Global Montello Group Corp., was about to acquire the site in question. From my discussions with Attorney Bergeron, it is my understanding Global Montello Group Corp., which is acquiring a number of gasoline service stations from ExxonMobil, will be contracting with Alliance Energy, LLC, a separate entity in the business of operating services stations and related ancillary operations, to operate all aspects of the service station, including the store and carwash.

In my opinion, none of these changes requires an amendment of the previously granted permits. While the original special permit was granted to Equiva Services, LLC, and the permit modification was granted to ExxonMobil Corp., all special permits "run with the land", requiring all subsequent owners to abide by their terms, but not requiring a new special permit from each subsequent owner. The mere fact that the new site owner, Global Montello Group Corp., will be contracting with a separate entity to operate the entire site does not violate

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condition #5 of the amended special permit, in that Global Montello Group will not "sublet or franchise or otherwise cause any part of the convenience store located on the premises to be under the control of any person or entity other than the "Applicant", but will rather have its contractual agent, Alliance Energy LLC, operating the store, together with the other components of the service station, on its behalf.

Please let me know if you have any further questions.

Sincerely,

A handwritten signature in black ink that reads "Stephen F. Reid". The signature is written in a cursive style with a large, sweeping "S" at the beginning.

Stephen F. Reid  
Commissioner

# **BENCHMARK ENGINEERING CORP.**

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Planning, Engineering and Surveying

120 Quarry Drive  
Milford, MA 01757

CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2010 SEP 23 P 12:13

Telephone: 508 881-0601  
Facsimile: 508 881-0625

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

Re: Indian Hill Special Permit

9 September 2010

Dear Mr. Vigeant:

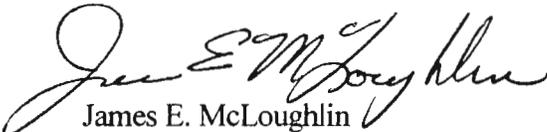
On May 21, 1990, The Marlborough City Council adopted a measure that allowed Indian Development Corp. to establish a passbook account to assure completion of traffic improvements required under Paragraph 22(a) of the Special Permit issued by the City Council on December 21, 1987.

All of the work associated with Paragraph 22(a) of the Special Permit has been completed.

On behalf of Indian Development Corp., we respectfully request that the funds in this account be released.

If there are any questions regarding this request, do not hesitate to contact us.

Sincerely,

  
James E. McLoughlin

Cc: Comptroller/Treasurer  
Commissioner of Public Works



# IN CITY COUNCIL

Marlborough, Mass. \_\_\_\_\_ MAY 21 1990

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ORDERED:

Suspension of Rules requested by Council President McGorty - granted.

(Councilor Mauro absented himself from Council Chambers)

ORDERED:

That the financial arrangement by Howard A. Fafard, INDIAN HILL DEVELOPMENT, and the City of Marlborough of four hundred thousand dollars (\$300,000 from Citicorp Real Estate and \$100,000 from Commerce Bank & Trust Company) as guarantee for performance of obligation to SPECIAL PERMIT Condition #22(a) only, granted December 21, 1987, City Council Order No. 87-1848A, to construct 376 living units on the southerly side of Boston Post Road, (Rte 20), Marlborough, MA be and is herewith APPROVED.

ADOPTED.



# The Commonwealth of Massachusetts

Executive Office for Administration and ~~RECEIVED~~  
CITY CLERK'S OFFICE  
Division of Capital Asset Management  
CITY OF MARLBOROUGH

One Ashburton Place  
Boston, Massachusetts 02108  
2010 SEP 23 P 12:13

DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

Tel: (617) 727-4050

Fax: (617) 727-5363

JAY GONZALEZ  
SECRETARY, ADMINISTRATION  
& FINANCE

DAVID B. PERINI  
COMMISSIONER

September 17, 2010

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

Dear President Vigeant:

Pursuant to the provisions of the Massachusetts General Laws, Chapter 7, Section 40F1/2, as authorized by Chapter 153 of the Acts of 2010, the Division of Capital Asset Management and Maintenance (DCAM) hereby gives notice of surplus state owned real property located in the city of Marlborough. At your convenience, I ask that you review the property described on the enclosed pages.

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

In any event, please return Page 2 of this letter to Stephen Andrews, Deputy Director, no later than October 22, 2010. If you have not responded by then, we shall assume you have no interest in the property and shall proceed with the process. Thank you for your consideration of this matter.

Very truly yours,

David B. Perini  
Commissioner

Enclosures

Cc: Stephen Andrews, DCAM  
Nicholas Tsaparlis, DCAM  
Warren Madden, DCAM  
Martha McMahan, DCAM

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

The following parcel of state-owned land in the city of Marlborough has been determined to be surplus to the needs of the Commonwealth of Massachusetts pursuant to MGL Chapter 7, Section 40F½ and Chapter 153 of the Acts of 2010 and any conveyance to a municipality will be for the full and fair market value as determined by an appraisal.

**CITY OF MARLBOROUGH:** One (1) parcel of land totaling 0.95± acres, together with 3,400± square feet of building space located thereon, located at 525 Maple Street (former Registry of Motor Vehicles Building) at the intersection of Maple Street and Mill Street (the "Premises "). An information page, locus and site maps are also included for reference purposes.

\*\*\*\*\*

Please return this page **no later than Friday, October 22, 2010** to:

Stephen R. Andrews, Deputy Director  
Division of Capital Asset Management  
One Ashburton Place, 15<sup>th</sup> Floor  
Boston, Massachusetts 02108

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

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

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

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

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

*If DCAM does not receive a reply by Friday, October 22, 2010, it shall be assumed that you have no interest in the subject real property and DCAM shall proceed with the disposition process.*

**FACT SHEET**

**SURPLUS STATE-OWNED REAL PROPERTY  
LOCATED IN THE CITY OF MARLBOROUGH**

**LOCATION:** At the intersection of Mill Street and Maple Street (former Registry of Motor Vehicles Building, 525 Maple Street)

**SHAPE:** Triangular

**AREA:** 0.95± acres with 3,400± square feet of building space

**FEATURES:** Built in the late 1960's, one story, circular building

**CURRENT USE:** Surplus land

**FRONTAGE:** 380± feet on Mill Street and 333± feet on Maple Street

**UTILITIES:** General Utilities

**ZONING:** Commercial/Automotive

**TERM:** Deed

**PLAN:** Enclosed with package

**LEGISLATION:** MGL Chapter 7, Section 40F1/2, Chapter 153 of the Acts of 2010

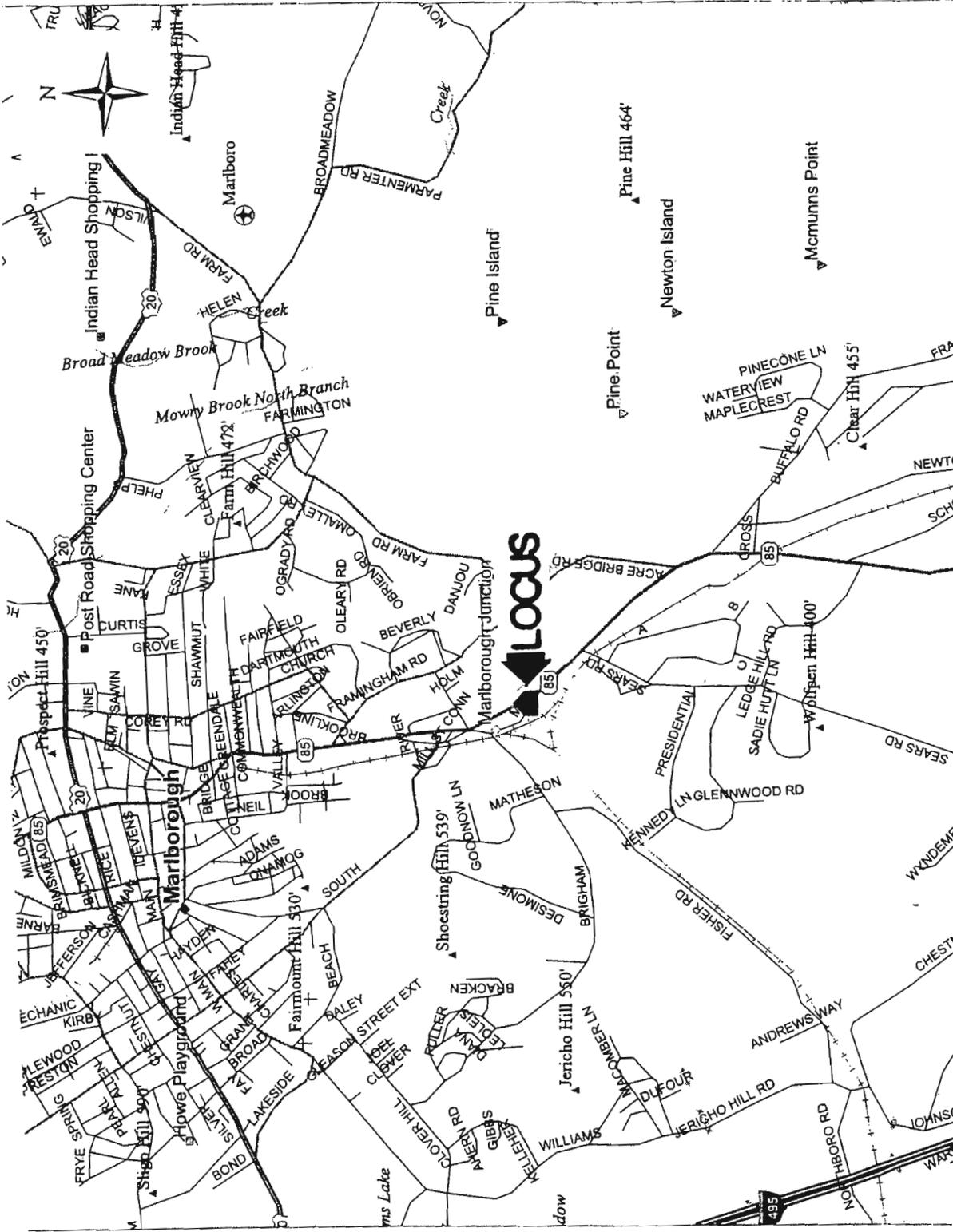
**DISPOSITION CONDITIONS RECOMMENDED BY THE  
MASSACHUSETTS DEPARTMENT OF TRANSPORTATION – RMV DIVISION (RMV)**

None

**DISPOSITION CONDITIONS RECOMMENDED BY THE  
DEPARTMENT OF CONSERVATION AND RECREATION (DCR)**

1. Prior to the conveyance of the property, the Department of Conservation and Recreation and the Massachusetts Water Resources Authority shall agree in writing that the operation, maintenance and management of such property should no longer be included in the watershed system for which the MWRA has financial responsibility, in accordance with the Memorandum of Agreement between the Commonwealth of Massachusetts, Department of Conservation and Recreation and the Massachusetts Water Resources Authority effective April 27, 2004.
2. The Grantee, at their sole expense, shall file an Environmental Notification Form and shall satisfy the EOEEA Land Disposition Policy regarding “no net loss” of Article 97 lands.

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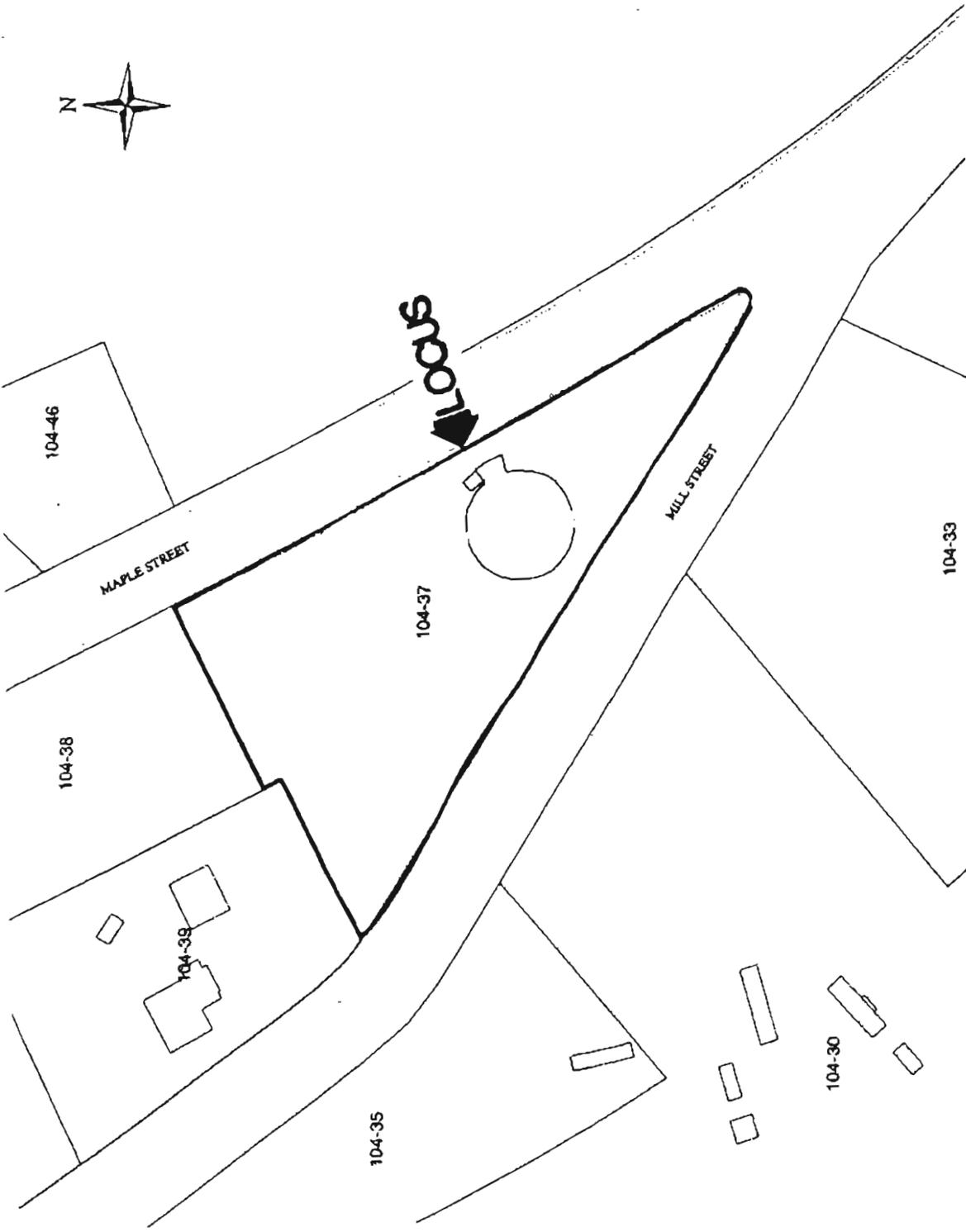


**CITY OF MARLBOROUGH: One (1) parcel of land totaling 0.95± acres together with 3,400± square feet of building space located at 525 Maple Street (former Registry of Motor Vehicles Building)**

\*\*\*\*\*

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

**LOCATION MAP**



**CITY OF MARLBOROUGH: One (1) parcel of land totaling 0.95± acres together with 3,400± square feet of building space located at 525 Maple Street (former Registry of Motor Vehicles Building)**

\*\*\*\*\*  
 Division of Capital Asset Management  
 One Ashburton Place, 15<sup>th</sup> Floor  
 Boston, Massachusetts, 02108  
 \*\*\*\*\*  
 SITE MAP

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MetroWest Regional Transit Authority

**Advisory Board  
Meeting Minutes  
Monday, June 14, 2010**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2010 SEP 16 P 5:33

The MetroWest Regional Transit Authority Advisory Board met on Monday, June 14, 2010 at 4:30p.m., at the MetroWest Regional Transit Authority, 37 Waverley Street, Framingham, MA, at the call of Mr. Carl Damigella, Vice Chair. Mr. Damigella asked for a roll call of communities. In attendance were; Edward Carr, Administrator, Charles Stevenson, Counsel, Christopher Peck, Sherborn, Charles Hughes, Natick, Kris Kiesel, Sudbury, Jason Smith, Framingham, Sarkis Sarkisian, Wayland, and Joseph Nolan, Wayland. Also in attendance were Jim Parker (First Transit), Lynn Ahlgren (MetroWest Regional Transit Authority), and JoAnne Thompson, (Thompson Transit). A quorum was declared.

*Mr. Damigella* moved agenda item #8 “Questions & Comments from the audience” forward on the agenda and individuals will be limited to 2 minutes. If an individual’s issue will exceed the 2 minute limit- then they should call the MWRTA office and be placed on the next meeting’s agenda.

*Tim Kelley (JFK Transportation)* - Submitted paperwork regarding the ridership-

Mr. Kelley would like to know why ridership on website is displayed in a different format and that the Sherborn shuttle numbers are low – knows driver of shuttle and was informed that the ridership is practically 0. Mr. Kelley thinks the numbers are being padded to support the continuation of the service. Nothing was given that substantiated this claim.

At the last Disability Commission Meeting in Natick, a town employee at the senior center reported two situations with two drivers that had bad attitudes and were rude and should be retrained in sensitivity.

Also, the monthly ridership numbers didn’t add up.

*Elise Marcil*- Question on the disabled community appointment –Natick will submit the name for the next disabled representative. Appointment to be made at the next meeting.

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*A motion was made by Mr. Nolan to waive the reading of and approve the minutes of May 3, 2010.*

*The motion was seconded by Mr. Smith.*

*The motion passed, with Mr. Damigella abstaining due to his absence from the last meeting.*

***Administrator's Report:***

• **Fixed Route Service:**

1. Mr. Carr stated that the MWRTA building renovations have passed the first critical phase of the build out which was the pouring of the floors, installation of an oil/water separator, and connecting to the sewer.

*Phase 2* is well underway with the construction of the interior walls and the new HVAC and electrical and tech wiring near completion. *Phase 2* will also include the shift from the current call center into a larger space, which is reminiscent of last year's move from the Ford facility to 37 Waverley St. With a year's worth of experience managing the METROWEST RIDE, Mr. Carr is not expecting any major issues with the transition. This also puts the MWRTA in a technological position to implement and grow the "mobility management", which is the coordination of the fixed route with the Paratransit. This sets the MWRTA up to work with the state's human services transportation (HST) department to do ride sharing within the system.

*Phase 3* will include a new handicapped ramp and some landscaping of the grounds, as funding allows.

"Interoperability" with the MBTA Charlie Card is undergoing testing and seems to be working. The MWRTA is awaiting the go-ahead from the MBTA before announcing it.

• **Demand Response:**

The *Busy Bee Transportation* contract for the west and central regions has been executed. There are still some trip rate negotiations, but fundamentally the service is in place for the next

two years. There is expected to be some growth in this area through Federal Grants.

- **Other**

Statutorily, there are 4 responsibilities that the MWRTA Advisory Board has;

- Hire the Administrator (new contract 3 years)
- Approve Budget
- Approve fares
- Request service

*Budget:* The board will vote on the budget.

*Fares:* Since the MWRTA has balanced the budget, Mr. Carr is not recommending any fare increases.

*Request service:* During the summer months, Mr. Carr would like to schedule meetings with each member individually, to discuss the future needs of each municipality. These meetings should include anyone from the member towns who have an interest in and knowledge of, transportation. Also, included in the meetings will be any members of the MWRTA staff, to help facilitate discussion and implementation of new ideas and funding resources.

*Lynn Ahlgren-* has been working on several grants this past year and Mr. Carr would like to utilize her skills to help the communities and the services provided.

*Assessments included in packets-* Using Framingham as an example, Mr. Carr explained the assessment documents, giving the board an overview of the process.

*Ms. Wolf*—Is Weston assessed for the RIDE?

Mr. Carr responded that the MWRTA does not provide the MW RIDE service in Weston. Weston utilizes and is assessed for the MBTA RIDE service.

*Mr. Nolan* – Fixed Route assessment will show on the FY10 assessments.

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*Lynn Ahlgren* gave an update on pending grants, JARC (Job Access and Reverse Commute) for East Marlborough, is one of the grants the MWRTA is waiting to hear on. Discussion ensued regarding the service.

*Mr. Nolan*- Annual grants the MWRTA knows it will receive- Formula funds (5307) -5309- Federal funds- Federal earmarks for specific projects.

*Mr. Peck* -\$300,000 for 3 years for the East Marlborough service, then what happens?-Data will be assessed from the service for 3 years (ridership). After 3 years, the board will decide if the service is necessary. Marlborough can decide to use assessment to fund continued service.

## • **Old Business**

*Budget Vote*- (FY2011) Overview presented by Mr. Carr.  
Questions regarding budget:

*Toni Wolf* asked about the fuel cost.

Mr. Carr responded by explaining what the big costs are- Insurance and Fuel – that we have no room for storage of fuel- good system with current vendors.

*Difference between MW RIDE and Demand Response*-  
Mr. Carr explained the difference between the services.

*A motion was made by Mr. Smith to approve this year's budget.*

*The motion was seconded by Mr. Damigella.*

*Mr. Nolan asked if the MWRTA was confident on the numbers. What the wild cards in the budget are- Fuel and Insurance.*

*The motion passed unanimously.*

## • **New Business**

*Fares*: Mr. Carr did not recommend any changes in the current fares.

*A motion was made by Mr. Hughes to maintain the current fares.  
The motion was seconded by Mr. Peck.  
The motion passed unanimously.*

● **Other Business**

*Board Reorganization:*

*Mr. Damigella called for nominations for Chair of the Advisory Board.*

*A motion was made by Mr. Peck to nominate Mr. Damigella for the position of Chair of the Advisory Board.  
The motion was seconded by Mr. Smith.  
Motion to close nominations by Mr. Hughes.  
The motion was seconded by Mr. Peck.  
The motion passed unanimously.*

*Mr. Damigella called for nominations for Vice-Chair of the Advisory Board.*

*A motion was made by Mr. Peck to nominate Mr. Smith for the position of Vice-Chair of the Advisory Board.  
The motion was seconded by Mr. Hughes.  
The motion passed unanimously.*

*Mr. Damigella made the motion to appoint Mr. Peck to the position of Clerk of the Advisory Board.  
The motion was seconded by Mr. Hughes.  
The motion passed unanimously.*

*Mr. Nolan will be stepping down as Advisory Board Member for Wayland.*

*Sarkis Sarkisian was introduced as the new Advisory Board Member for Wayland.*

*Mr. Damigella accepted Mr. Nolan's resignation. He thanked him on behalf of the board, for his service.*

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*Item #8* on the agenda was changed to “Comments or Questions or Concerns from Each Community”.

*Wayland-* Mr. Nolan asked Mr. Damigella to work with Mr. Sarkisian on recent email re: COA questions.

*Natick- 2 overrides passed in Natick –* Question of MWRTA providing service to the community center location of the senior center, temporarily to the East School at Oak St.  
Route 12 will be used to accommodate that.

*Weston-*Ms. Wolf thanked Lynn Ahlgren and Eva Willens of the MWRTA, for meeting with Weston town officials regarding the possibilities of future service.

*The board* discussed having the next meeting on Sept. 13<sup>th</sup>, but ultimately decided on August 9<sup>th</sup>, 2010.

*Mr. Damigella* suggested drawing up a list of meeting dates for the year to allow for better scheduling.

The next meeting was scheduled for Monday, August 9, 2010 at 4:30pm.

*Mr. Hughes* made a motion to adjourn: seconded by Mr. Smith and voted unanimously.

The meeting ended at 5:30pm

###  
Certificate

The undersigned being the duly qualified clerk of the MetroWest Regional Transit Authority Advisory Board, acknowledges that the foregoing minutes accurately reflect the actions taken at a legally convened meeting of the Advisory Board held on June 14, 2010

\_\_\_\_\_  
Christopher Peck, Clerk

 9/16/10 TRUE TEST  
CHAIRMAN OF ADVISORY BOARD

2010 SEP 14 A 10:46



**PLANNING BOARD**

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

**Carrie Lizotte, Board Secretary**  
**Phone: (508) 460-3769**  
**Fax: (508) 460-3736**  
**Email: CLizotte@marlborough-ma.gov**

**PLANNING BOARD MINUTES**  
**August 23, 2010**  
**7:00 PM**

The Planning Board for the City of Marlborough met on Monday, August 23, 2010 in Memorial Hall, 3<sup>rd</sup> floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Phillip Hodge, Clyde Johnson, Edward Coveney and Sean Fay. Also present: City Engineer Thomas Cullen.

**MINUTES**

***Meeting Minutes July 26, 2010***

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

To accept and file the minutes of July 26, 2010.

**CHAIRS BUSINESS**

**APPROVAL NOT REQUIRED PLAN**

***Sonic***  
***Boston Post Road West***

Mr. Donald Conn of Smerczynski & Conn, P.C., presented to the Planning Board the ANR plan for Boston Post Road West. This plan is showing is showing lots 12A, 63.8 acres and lot 12B, 1.2 acres. This plan was previous submitted and redrawn to the recommendations provided by the City Engineer.

Mr. Cullen stated that he has reviewed the revised plan that reflects the new zoning change that was granted by the City Council on August 5, 2010. He can provide a favorable recommendation for the Planning Board to sign the ANR plan this evening.

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

To accept and endorse a plan of land believed to be Approval Not Required of Marlborough/Northborough Land Realty Trust, 1 Wall Street, Burlington, MA 01922 Name of Engineer: Hayes Engineering, Inc. 603 Salem Street, Wakefield, MA 01880. Deed of property

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recorded in South Middlesex Registry of Deeds Book 31932, Page 445: 2 Lots located on Boston Post Road West, Assessors Map 89 Parcel 77.

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

To accept and file correspondence from Mr. Cullen.

## **PUBLIC HEARING**

### **SUBDIVISION PROGRESS REPORTS**

#### ***Update from City Engineer***

Mr. Cullen provided the following updates:

- West Ridge: Road Work that was necessary on Robin Hill Road has been completed to Engineering standards
- Country Club Estates: Mr. Bergeron has gotten all signatures for the necessary easements except for two; Legal and Engineering are working out the details.
- Forest Grove: Expect at the next Planning Board meeting a subdivision acceptance request.

#### ***Blackhorse Farms, Cider Mill Estates and West Ridge Estates (Fafard Development) Carisbrook II/Blackhorse Farms***

At the last meeting, Mr. Cullen provided his summary report to the Planning Board on the recommend actions to consider. These recommendations include:

- The roadway be swept on annual basis, or as needed with City of Marlborough's sweeping program and the subdivision requirements;
- The subdivision's drainage system should be cleaned on an annual basis consistent with the City's catch basin cleaning program;
- All erosion controls should be re-established (i.e. fix collapsed siltation fencing, replace deteriorating or damaged haybales, etc.);
- Remove all construction materials that are not needed for this subdivision from the site and properly secure all construction materials that are needed for this subdivision;
- The gate/barricade that has been installed at station 4+50 has created a dead end condition versus a cul-de-sac condition which is standard design. That conditions in addition to the 28 foot roadway created a situation that a temporary cul-de-sac may be justified to provide vehicles including emergency vehicles the opportunity to turn around.

Mr. Hodge questioned Mr. Cullen if he sent this report to the developers and if so, have they responded. Mr. Cullen stated that he has spoken to one of the employees of the developer, but no movement has been made on their part. Mr. Cullen also addressed that if the Planning Board revokes the approval and the bonds, there is sufficient bond amounts to complete the roadway. However, no movement would be done until the spring of 2011.

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

To accept and file correspondence; to send a letter to the developer asking them to submit a new subdivision completion schedule to incorporate the recommendations.

Mr. Chris O'Brien  
29 Slocumb Lane

Mr. O'Brien lives in the only house that has been built in this subdivision. He stated that over the years he has asked the developers to clean up the subdivision and he stated that the developers have been using the subdivision as their own mining operation. He stated that they need to consider all the safety issues by having this subdivision stay idle.

**Deerfield Village (Pebbles Way)  
Definitive Acceptance**

On April 5, 2004, The Planning Board asked for the City Engineer to review the developer's request for roadway and easement acceptance. The City's Engineer's Division has reviewed the following original and revised documents:

- As-Built Plan and Profile of Deerfield Village, dated May 5, 2004 and signed by the engineer on November 23, 2009. Noted that the plans were prepared by Thomas Land Surveyors and Engineering Consultants Inc., 265 Washington Street, Hudson, MA 01749
- Plan of Acceptance, Easements & Open Space of Pebbles Way in Marlborough, Massachusetts, dated November 23, 2009 and signed by the engineer on November 23, 2009. Note that the plan was prepared by Thomas Land Surveyors and Engineering Consultants Inc., 265 Washington Street, Hudson, MA 01749.
- The latest Legal Descriptions which have been edited by the Engineering Division.

The status of the subdivision has been reviewed by the Engineering Division and has been determined that the work has been completed in accordance to the Planning Board Rules and Regulations. Mr. Cullen is recommending that the remaining bond of \$11,401.00 remain in place until the City Council accepts the Acceptance Plan and Municipal easements have been recorded.

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

To accept and file the letter from City Engineer Thomas Cullen, and endorse his recommendation that the subdivision known as "Deerfield Village, As-built plot plan dated May 5, 2004 with revised date of November 23, 2009 drawn by: Thomas Land Surveyors has remained in satisfactory condition for the year long maintenance period. The remaining bond will stay in place until certification of the recordings.

**PENDING SUBDIVISION PLANS: Updates and Discussion**

**PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS**

**DEFINITIVE SUBDIVISION SUBMISSIONS**

**SCENIC ROADS**

**SIGNS**

**Marlborough Food Pantry  
Ryan Morgello  
Eagle Scout Project**

Mr. Morgello is asking permission from the Planning Board to place "A" frame signs for the Marlborough Food Pantry at various locations throughout the City of Marlborough. The signs

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would be placed at these locations for three time periods throughout the year coordinated with the Food Pantry's three big food drives.

**Mayor Nancy Stevens  
Correspondence**

Mayor Stevens sent correspondence to the Planning Board showing her support for Mr. Morgello's project. She stated that Mr. Morgello's Eagle Scout Project will provide a service to the Marlborough Food Pantry and with the economic hardships that continue to reach unthinkable proportions; Marlborough residents are in need of the Food Pantry more then ever. She stated that Ryan's project would provide a valuable assistance to the community.

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

To accept and file correspondence.

Ms. Fenby stated that these requests are normally not entertained; however, the need to let the public know when there is a food drive is greatly needed. Mr. Hodge stated that he would want to know the locations of the signs on the private properties (i.e. near the streets or near the doors) and how the signs would stay erect during weather conditions. Mr. Morgello stated that he will weigh down the signs. Mr. Fay also stated that site distance for drivers would have to be considered if the signs are located near any street.

Ms. Fenby asked Mr. Morgello what would become of the signs after this project. Mr. Morgello stated that he would be giving them to the Food Bank for their use. Mrs. Lizotte stated that the City may be able to use the signs for the City's use for the upcoming food drives.

The Planning Board determined they were in favor of the project, however more information is still needed before giving their approval including the location sites, anchoring of the signs and length of time the signs would be placed. They would like Mr. Morgello to return at the next meeting with this information.

**INFORMAL DISCUSSION**

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

*To move 11- B prior to discussing 11-A.*

**Marlborough Community Preservation Act**

Ms. Karin Paquin provided the information that was requested by Mr. Fay at our previous meeting. He had asked if the CPA funds could be used for purchase of Agricultural Preservation Restrictions without going through the Department of Agriculture. An Associate Director for the Community Preservation Coalition responded that CPA funds can be used to acquire all kinds of easements and restrictions for legitimate CPA purposes.

Mrs. Barbara Early gave a brief overall review from the last meeting. The members of the CPA are petitioning to have this matter brought before the constituents at the next election. If voted, there would be a surcharge of up to 3% on local property taxes. The Monies would be matched by the State through transactions recorded at the Registry of Deeds. She also stated that they have completed the necessary paperwork including the required signatures to place this on the November ballot.

Mr. Johnson stated that the City should support this concept. Mr. Hodge is in favor of the general concept.

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On a motion by Mr. Coveney, seconded by Mr. Johnson; with Mr. Fay opposing and Ms. Fenby abstaining:

To send recommendation to the City Council that several of the voting members are in support of the Marlborough Community Preservation Act.

***Shoestring Hill/Rawchuck Property/South Street***

Mr. Robert Moss, Developer, and Mr. Michael Sullivan, Engineer, came informally to the Board to give an update on their project. Mr. Sullivan stated that at the last meeting, they were unaware of the time constraints and they stated that they would have asked for an extension to continue the project. He stated that the project is still on-going and they have filed with the Conservation Commission their ANRAD plan. They stated they should have the report back prior to the filing of their definitive subdivision. Mr. Johnson stated that he believes there are more wetlands during the spring season than the current conditions.

Mr. Sullivan stated that they have made several changes to the plans as recommended by the City Engineer. Mr. Sullivan expressed continuing disagreement to what the Engineer has stated regarding the 10% of gross area for reserved recreational space is the open space allocation. In Mr. Cullen's letter to the Planning Board dated June 18, 2010, he pointed out that the plans provided no area designated for reserved recreational lots. He indicated that section IV.E.1 of the City's Rules and Regulations the subdivision of land, states the Planning Board may also on proper cases require the plan to show a park or parks suitable for playground or recreation purposes for providing light and air." Also, "unless otherwise specially approved by the Planning Board, the total amount of area to be reserved for park/and or playground purposes shall be no less than ten percent (10%) of the gross area of this subdivision. The developer is including the number of designated recreational lots in computing the determination of the open space, which – according to Mr. Cullen – should be based on buildable lots not including the 10% of space that should be set aside for recreational space. The Planning Board in general would like to see clarity around this issue and also would like to see how much usable space, apart from wetlands and other non-usable space, exists in the Open Space.

Mr. Hodge asked if the Planning Board could get a determination by the City's Solicitor.

Mr. Sullivan stated that once the ANRAD is completed they intend to file the subdivision plans within the next 60 days.

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

To ask the City Solicitor to review the Planning Board's Rules and Regulations section IV.E.1 and determine if the developer needs to provide on the plans the an area as designated open space on the subdivision plans.

**COMMUNICATIONS/CORRESPONDENCE**

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

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

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

To adjourn at 8:20 p.m.

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right. The signature is written over a horizontal line.

Sean N. Fay, Acting Clerk