

REGULAR MEETING  
OCTOBER 20, 2014

IN CITY COUNCIL  
ABSENT:

CONVENED:  
ADJOURNED:

CITY CLERK

RECEIVED OCT 16 2014 12:45 PM

1. Minutes of the City Council Meeting, OCTOBER 6, 2014.
2. PUBLIC HEARING: Proposed Zoning Petition, Downtown Village District, Order No. 14-1005947.
3. Communication from the Mayor re: Notification of Free Cash.
4. Communication from Assistant City Solicitor Panagore-Griffin re: Order of Acceptance of Layout and Eminent Domain Taking of Ways and Easements in the Carisbrooke I Subdivision and in the Carisbrooke II Subdivision, Order Transferring Care, Management and Control of the Streets and Easements in Carisbrooke I and Carisbrooke II to the Department of Public Works, Order of Acceptance of Deeds in Lieu of Foreclosure, and Order Transferring Care, Management and Control to the Conservation Commission, in proper legal form, Order No. 14-1005945-1,2, 3, & 4.
5. Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 450-460 Boston Post Rd.
6. Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 115 Onamog St.
7. Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 2 Mount Royal Ave.
8. Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 157 Union St.
9. Minutes, Planning Board, September 22, 2014.
10. Minutes, License Board, August 27, 2014.
11. Minutes, Board of Health, September 9, 2014.
12. Minutes, Board of Health Special Meeting, September 18, 2014.
13. Minutes, Youth Commission, August 7, 2014.
14. CLAIMS:
  - A. Brian Barbone, 2 Lakeview Dr., PO Box 129, Walpole, MA, pothole or other road defect.
  - B. Kathleen Richov, 8 Capt. Samuel Forbush Rd., Westborough, MA, pothole or other road defect.
  - C. Michael E. Joyal, 149 Church St., other property damage and/or personal Injury.
  - D. Francis Harrington, 786 Hemenway St., residential mailbox claim 2(b)

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

**From Legislative and Legal Affairs Committee**

15. **Order No. 14-1005945-1 - Order of Acceptance of Layout and Eminent Domain Taking of Ways and Easements in the Carisbrooke I and Carisbrooke II Subdivisions.**  
**Recommendation of the Legislative and Legal Affairs Committee is to Accept Layout and Eminent Domain Order of Taking of Ways and Easements in the Carisbrooke I Subdivision and of Ways and Easements in the Carisbrooke II Subdivision.**  
**Motion to approve by Councilor Robey seconded by the Chair**  
**Motion Passed: 2-0**

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.

**Order No. 14-1005945-2** - Order that the City Council, by two-thirds vote, pursuant to Mass. Gen. Laws, c.40, s 15A, does hereby Transfer Care, Management and Control of the Streets and Easements in Carisbrooke I and Carisbrooke II to the Department of Public Works.

**Recommendation of the Legislative and Legal Affairs Committee is that the City Council, by two-thirds vote, transfers the care, management and control to the Department of Public Works of the City of Marlborough, for the purposes of accessing, laying, operating, altering, constructing, plowing, maintaining, replacing, repairing and other municipal purposes, all of the streets and easements within the Carisbrooke I and Carisbrooke II Subdivisions. This includes the utilities, structures, and appurtenances, sidewalks, curbs and other things identified in the Order of Acceptance of Layout and Eminent Domain Taking of Ways and Easements in the Carisbrooke I and Carisbrooke II Subdivisions.**

**Motion to approve by Councilor Robey seconded by the Chair**

**Motion Passed: 2-0**

**Order No. 14-1005945-3** - Order, pursuant to Section 77C of Chapter 60 of the General Laws of Massachusetts, that the City accept title, by deeds in lieu of foreclosure, from Frederick Heim of 60 Carver Hill Road, Marlborough, Massachusetts and Paul Zarella of 115 Fox Run, Sudbury, Massachusetts, formerly doing business as Gristmill Construction, Inc., for three described parcels. This order would grant consideration and full forgiveness of the present outstanding tax liability on the conveyed properties.

**Recommendation of the Legislative and Legal Affairs Committee is that the City, pursuant to Section 77C of Chapter 60 of the General Laws of Massachusetts, hereby accept title, by deed in lieu of foreclosure, from Frederick Heim of 60 Carver Hill Road, Marlborough, Middlesex County, MA, and Paul Zarella, of 115 Fox Run, Sudbury, Middlesex County, MA, formerly doing business as Gristmill Construction, Inc, certain parcels of land described as follows:**

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

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

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

**Motion to approve by Councilor Robey seconded by the Chair**

**Motion Passed: 2-0**

**Order No. 14-1005945-4** - Order that the City Council, by two-thirds vote, Transfer Care, Management and Control to the Conservation Commission.

**Recommendation of the Legislative and Legal Affairs Committee is to Transfer Care, Management and Control to the Conservation Commission of the following two parcels [2/3 vote]:**

- 1. Map 36, Parcel 67 being approximately 1.034 acres and located on the corner of Slocumb Lane and Stetson Drive.**
- 2. Map 36, Parcel 84 being approximately 18.4 acres and located off of Woodcock Lane.**
- The transfer of Map 23, Parcel 95A being approximately 0.0157254 acres and located on Hanlon Drive was withdrawn from consideration.**

**Motion by Councilor Robey seconded by the Chair**

**Motion Passed: 2-0**



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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

**OCTOBER 6, 2014**

Regular meeting of the City Council held on Monday, OCTOBER 6, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Clancy, Irish, and Landers. Meeting adjourned at 8:38 PM.

ORDERED: That the minutes of the City Council meeting SEPTEMBER 22, 2014, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Petition of NGrid and Verizon New England Inc. to install new jointly owned P#9 Simarano Dr. This pole is required to provide service to existing building at 2 Results Way. A three phase overhead primary line will be installed from P#9 to private property P9-70, Order No. 14-1005964, hearing recessed at 8:03 PM.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Executive Office of Public Safety and Security grant and a U.S. Department of Justice grant in the amounts of \$15,000.00 and \$13,953.00 awarded to the Police Department to help reimburse the city for traffic enforcement patrols and to be used to fund overtime, recertification and supply costs for the Rape Aggression Defense Systems (RAD) program respectively; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Department of Public Health, Bureau of Substance Abuse Service grant in the amount of \$15,000.00 to be used in part by the Youth Commission to fund a City wide initiative aimed at combatting substance abuse among the City's youth; adopted.

ORDERED: It is moved, in conformance with the provisions of section 21 (a)(3) of Chapter 30A of the General Laws of the Commonwealth, that the Marlborough City Council conduct an executive session for the purpose of discussing litigation strategy in a wireless special permit dispute involving two properties on Boston Post Road, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough and the City Council, and the chair hereby declares that an open meeting may have that effect.

It is further moved and stated that the City Council will re-convene in open session after the executive session; adopted.

**Yea: 11 – Nay: 0**

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

ORDERED: That the Communication from City Solicitor, Donald Rider re: GE Healthcare Bio-Sciences Corp.'s TIF, in proper legal form, **MOVE TO ITEM 19**; adopted.

ORDERED: That the Communication from Mark Donahue of Fletcher Tilton on behalf of Chick-Fil-A, Inc., re: to extend time limitations on application for Special Permit, to construct and operate an approximate 4,876 square foot single story building with drive-thru service restaurant at 230 Boston Post Road West, to December 17, 2014 until 5:00 PM, Order No. 14-1005761E, **APPROVED**; adopted.

ORDERED: That the Minutes, Planning Board, September 8, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Recreation Commission, May 14, 2014, **FILE**; adopted.

ORDERED: That the Minutes, School Council, June 4, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, August 26, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, August 26<sup>th</sup>, September 2<sup>nd</sup>, & September 16, 2014, **FILE**; adopted.

ORDERED: The Communication from Amica, on behalf of David Danehy, 508 Stow Road, **LEGAL DEPARTMENT**; adopted.

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

- A. Robert Cormier, 127 Raymond Road, pothole or other road defect.
- B. Thomas Weber, 322 Church Street, other property damage and/or personal injury.

Reports of Committees:

Councilor Clancy reported the following out of the Legislative and Legal Affairs Committee:

**Legislative and Legal Affairs Committee  
October 1, 2014  
Report of Committee**

**Council Order Nos. 14-1005945-1  
14-1005945-2 14-1005945-3 14-1005945-4  
Carisbrooke I and Carisbrooke II**

Meeting Called to Order: 5:32 PM

Members Present: Councilors Clancy and Robey

Members Absent: Councilor Delano

City Officials: Cynthia Panagore Griffin and Evan Pilachowski

Order No. 14-1005945-1 Order of Acceptance of Layout and Eminent Domain Taking of Ways and Easements in the Carisbrooke I and Carisbrooke II Subdivisions.

The committee discussed the portion of the order which concerns the acceptance of streets, sidewalks curbs, utilities therein and thereunder, including water, sewer, drain lines, trees and appurtenant structures including the following: in Carisbrooke I, Harper Circle, Hawkins Lane, Prendiville Way, Stetson Drive, Woodcock Lane, Farrington Lane; and in Carisbrooke II, Belmore Place, Sheffield Terrace, Littlefield Lane, Flint Drive, Farrington Lane, Hamilton Circle, Haskell Lane, and Graham Path.

In addition, the committee discussed the portion of the order by which the City would take by Eminent Domain all of the aforementioned streets in Carisbrooke I and Carisbrooke II, and also permanent easements in both Carisbrooke I and Carisbrooke II, including without limitation existing drainage, flowage, headwall maintenance and utility easements, which are not limited to sewer easements, for the purposes of access, laying, operating, altering, constructing, maintaining, replacing, repairing, removing, and for changing the size of and replacing drains for the passage of storm and surface waters over and through said easements.

**Recommendation of the Legislative and Legal Affairs Committee is to Accept Layout and Eminent Domain Order of Taking of Ways and Easements in the Carisbrooke I Subdivision and of Ways and Easements in the Carisbrooke II Subdivision.**

**Motion to approve by Councilor Robey seconded by the Chair**

**Motion Passed: 2-0**

Order No. 14-1005945-2 Order that the City Council, by two-thirds vote, pursuant to Mass. Gen. Laws, c.40, s 15A, does hereby Transfer Care, Management and Control of the Streets and Easements in Carisbrooke I and Carisbrooke II to the Department of Public Works

Reports of Committees Cont'd:

**Recommendation of the Legislative and Legal Affairs Committee is that the City Council, by two-thirds vote, transfers the care, management and control to the Department of Public Works of the City of Marlborough, for the purposes of accessing, laying, operating, altering, constructing, plowing, maintaining, replacing, repairing and other municipal purposes, all of the streets and easements within the Carisbrooke I and Carisbrooke II Subdivisions. This includes the utilities, structures, and appurtenances, sidewalks, curbs and other things identified in the Order of Acceptance of Layout and Eminent Domain Taking of Ways and Easements in the Carisbrooke I and Carisbrooke II Subdivisions.**

**Motion to approve by Councilor Robey seconded by the Chair**

**Motion Passed: 2-0**

Order No. 14-1005945-3 Order, pursuant to Section 77C of Chapter 60 of the General Laws of Massachusetts, that the City accept title, by deeds in lieu of foreclosure, from Frederick Heim of 60 Carver Hill Road, Marlborough, Massachusetts and Paul Zarella of 115 Fox Run, Sudbury, Massachusetts, formerly doing business as Gristmill Construction, Inc., for three described parcels. This order would grant consideration and full forgiveness of the present outstanding tax liability on the conveyed properties.

**Recommendation of the Legislative and Legal Affairs Committee is that the City, pursuant to Section 77C of Chapter 60 of the General Laws of Massachusetts, hereby accept title, by deed in lieu of foreclosure, from Frederick Heim of 60 Carver Hill Road, Marlborough, Middlesex County, MA, and Paul Zarella, of 115 Fox Run, Sudbury, Middlesex County, MA, formerly doing business as Gristmill Construction, Inc, certain parcels of land described as follows:**

- 1) **That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 23, Parcel 95A, being approximately 0.0157254 acres, and located on Hanlon Drive; and**
- 2) **That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 67, being approximately 1.034 acres, and located on the corner of Slocumb Lane and Stetson Drive; and**
- 3) **That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 84, being approximately 18.4 acres, and located off of Woodcock Lane.**

**Motion to approve by Councilor Robey seconded by the Chair**

**Motion Passed: 2-0**

## Reports of Committees Cont'd:

Order No. 14-1005945-4 Order that the City Council, by two-thirds vote, Transfer Care, Management and Control to the Conservation Commission.

Councilor Clancy read a Disclosure of Appearance of Conflict of Interest, stating that there is no financial gain to himself, as Chairman of the Conservation Commission, if the City Council was to approve the transfer of care, management and control of certain parcels of open space to the Conservation Commission.

This order would transfer to the Conservation Commission of the City of Marlborough for conservation purposes, including increasing open space, preserving vistas, providing wildlife habitat and enabling future passive recreational opportunities, the Care Management and Control of two parcels described below.

**Recommendation of the Legislative and Legal Affairs Committee is to Transfer Care, Management and Control to the Conservation Commission of the following two parcels [2/3 vote]:**

- 1) **Map 36, Parcel 67 being approximately 1.034 acres and located on the corner of Slocumb Lane and Stetson Drive.**
- 2) **Map 36, Parcel 84 being approximately 18.4 acres and located off of Woodcock Lane.**
- 3) **The transfer of Map 23, Parcel 95A being approximately 0.0157254 acres and located on Hanlon Drive was withdrawn from consideration.**

**Motion by Councilor Robey seconded by the Chair**

**Motion Passed: 2-0**

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT THE CODE OF THE CITY OF MARLBOROUGH (HEREINAFTER, THE "CITY CODE"), AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- A. Except where the words "Building Inspector" are preceded by the word "Assistant", the City Code is hereby amended in its entirety by deleting the words "Building Inspector" and "Inspector of Buildings" wherever they appear throughout the City Code, and inserting in place thereof the words "Building Commissioner."
- B. Section 7-75, on this day entitled "Appointment of Assistant Building Inspector", is hereby amended by deleting the words "Assistant Building Inspector" from said title and inserting in place thereof the words "Local Inspectors."
- C. Section 7-75, on this day entitled "Appointment of Assistant Building Inspector", is hereby further amended by deleting the following words:

The Mayor shall appoint two full-time Assistant Building Inspectors, who shall meet the requirements and qualifications set forth for local building inspectors in Section 107.4 of the Commonwealth's Building Code

and inserting in place thereof the following words:

The Mayor shall employ Local Inspectors, as necessary, to support the mission and duties of the Building Department. Local Inspectors shall be under the direction of the Building Commissioner. Local Inspectors shall meet the requirements and qualifications established by the Massachusetts Board of Building Regulations and Standards and as defined by Section 3 of Chapter 143, of Massachusetts General Laws.

- D. Section 7-75, Appointment of Local Inspectors, is further amended by deleting the numbers "7-75" and inserting in their place the numbers "7-76," and Section 7-76, Duties of the Building Commissioner, is further amended by deleting the numbers "7-76" and inserting in their place the numbers "7-75." In harmony with the foregoing amendments, by this amendment Section 7-75 shall henceforth be "Duties of the Building Commissioner", and Section 7-76 shall henceforth be "Appointment of Local Inspectors."

**Approved**

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

**ORDERED:** That the attached quitclaim deed, granted by Indian Development Corp. to the City of Marlborough, of two (2) parcels of land in Marlborough, located off DiCenzo Boulevard and more fully described as Lot 2A and Parcel B on "Exhibit A" to the said deed; together with an approximately 10' wide pedestrian easement, appurtenant to Lot 2A, for walking and pedestrian access purposes to and from land of the Commonwealth of Massachusetts now known as "Callahan State Park," as more fully described on the said "Exhibit A;" with said parcels to be managed and controlled by and through the Marlborough Conservation Commission for the purposes of promotion and development of natural resources, open space preservation, passive recreation, and conservation, pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 8C, **APPROVED;** adopted.

**Yea: 11 – Nay: 0**

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

**ORDERED:** That the DPW transfer request in the amount of \$34,000.000 which moves funds from Parks and Fields Capital to Capital Outlay-DPW Projects to fund preliminary master planning and conceptual design of future turf field projects, **APPROVED;** adopted.

<b>FROM:</b>	
Acct. # 27000099-42445	\$34,000.00
Parks & Fields Capital	
<b>TO:</b>	
Acct. # 19300006-58514	\$34,000.00
Capital Outlay-DPW Projects	

**Councilor Elder recused.**

**ORDERED:** That the Comptroller/Treasurer is authorized to assess a \$15.00 fee for each demand issued by the Collector, **APPROVED;** adopted.

**CARRIES UNANIMOUSLY**

**ORDERED:** That the GE Healthcare Economic Development Incentive Program (EDIP) Application Creating a North American Headquarters consisting of the following 3 documents, attached hereto, **APPROVED;** adopted.

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

**Yea: 11 – Nay: 0**

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

**ORDERED:** There being no further business, the regular meeting of the City Council is herewith adjourned at 8:38 PM.



# IN CITY COUNCIL

SEPTEMBER 8, 2014  
Marlborough, Mass., PAGE 1

ORDERED:

ORDERED:

## MARLBOROUGH DOWNTOWN VILLAGE DISTRICT ZONING

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

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

### **Artist Studios/Live/Work Gallery Space**

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

### **Bed and Breakfast**

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

### **Brew Pub**

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



# IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 8, 2014  
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## ORDERED:

### **Hotel**

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

### **Motel**

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

### **Drive-thru Facilities**

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

### **Mixed Use**

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

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

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

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

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



# IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 8, 2014  
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ORDERED:

## **Retail Stores and Services**

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

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

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

III. Chapter 650, is hereby amended in § 650-17, entitled "Table of Uses," as provided in the highlighted portions of Exhibit "A" attached to this order, which Exhibit "A" includes amendments not limited to the following:

- (1) By inserting under the heading entitled "Zoning District Abbreviations" a new zoning district abbreviation as follows: "MV", and by inserting beneath the new district abbreviation MV the letters "Y", "N" or "SP" as shown on said Exhibit "A".
- (2) Under the heading entitled "Residential Use", by inserting a new Use category as follows: "Artist Studio/Live/Work/Gallery Space", and by inserting beneath the district abbreviations the letters "N" and "SP" as shown on said Exhibit "A".
- (3) Under the heading entitled "Business Use", by deleting from the Use category entitled "Hotels and motels" the words "and motels", and by inserting after the word "Hotel" the following number: (41).
- (4) Under the heading entitled "Business Use", by inserting the word "Motels", and by inserting beneath the district abbreviations the letters "Y", "N" or "SP" as shown on said Exhibit "A".
- (5) Under the heading entitled "Business Use", a new Use category as follows: "Mixed Use Development", and by inserting beneath the district abbreviations the letters "Y", "N" or "SP" as shown on said Exhibit "A".



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ SEPTEMBER 8, 2014  
PAGE 4

## ORDERED:

- (6) Under the heading entitled "Business Use", a new Use category as follows: "Brew Pubs", and by inserting beneath the zoning district abbreviations the letters "Y", "N" or "SP" as shown on said Exhibit "A".
  - (7) Under the heading entitled "Business Use", by inserting new Use categories as follows "Copy shops, newspaper offices", and by inserting beneath the zoning district abbreviations the letters "Y", "N" or "SP" as shown on said Exhibit "A".
  - (8) Under the heading entitled "Business Use", by inserting a new Use category entitled "Drive-thru facilities", and by inserting beneath the zoning district abbreviations the letters "Y", "N" or "SP" as shown on said Exhibit "A".
- IV. Chapter 650, is hereby amended by inserting at the end of paragraph A(4) of § 650-18, entitled "Conditions for uses," the following sentence: The above provision shall not apply to mixed-use or multi-family developments within the Marlborough Village District.
- V. Chapter 650, is hereby amended by inserting in paragraph (31) of § 650-18, entitled "Conditions for uses," the following new paragraph [6]:
- [6] Within the Marlborough Village District, a Special Permit may be granted to allow for roof-top, sidewalk, or other outdoor restaurant seating that varies the provisions of this section.
- VI. Chapter 650, is hereby amended by inserting after paragraph (40) of § 650-18, entitled "Conditions for uses," new paragraphs numbered (41), (42), and (43) as follows:
- (41) Hotels within the Marlborough Village District are by right subject to Site Plan  
Approval by the City Council, with input from Department staff administrative Site Plan Review under § 270-2. See special provisions for Site Plan Review by City Council of Hotels in the Marlborough Village District in § 650-33 (B).
- (42) Mixed Use development containing multi-family residential and commercial uses shall not be subject to special permit provisions for Multi-Family uses that are a component of the Mixed Use development.



# IN CITY COUNCIL

SEPTMBER 8, 2014  
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## ORDERED:

- (43) A combination of permitted Business Uses is allowed, such as a coffee shop in a bookstore, or a restaurant in a food/wine shop, or entertainment/arcade elements accessory to a restaurant.

VII. Chapter 650, is hereby amended by inserting a new § 33, entitled "Special Provisions Applicable to the Marlborough Village District (MV)", as follows:

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

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

#### **A. Purpose and Vision**

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

#### **B. Site Plan Review**

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

##### **(1) Applicability.**

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

(b) Site Plan Review shall be conducted as outlined in § 270-2, except for hotel uses.



# IN CITY COUNCIL

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**ORDERED:**

## **(2) Provisions for Hotel Site Plan Review**

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

## **C. Special Permit Granting Authority**

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

## **D. Design Standards:**

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



# IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 8, 2014  
PAGE 7

## ORDERED:

### (a) Building Scale:

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

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

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

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

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

### (b) Roof Form:

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

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

### (c) Entrances:



# IN CITY COUNCIL

SEPTMBER 8, 2014  
Marlborough, Mass., PAGE 8

## ORDERED:

[1] For visibility and accessibility, all primary commercial building entrances shall be

visible from the right-of-way and the sidewalk, and shall have an entrance directly accessible from the sidewalk.

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

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

### **(d) External Materials and Appearance:**

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

### **(e) Acceptable Masonry Construction:**

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

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

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

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

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



# IN CITY COUNCIL

SEPTEMBER 8, 2014  
Marlborough, Mass., \_\_\_\_\_ PAGE 9

## ORDERED:

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

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

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

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

### **(f) Landscaping and Sidewalk Amenities:**

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

### **(g) Service Areas, Utilities and Equipment:**

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

### **(h) Vehicle and Pedestrian Features:**

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



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ SEPTEMBER 8, 2014  
PAGE 10

## ORDERED:

### **(i) Parking:**

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

### **(j) Bicycle Parking:**

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

### **(k) Sustainable Building Design:**

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

### **(l) Historic District:**

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

### **(m) Other Historic or Landmark structures:**

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

## **E. Parking Requirements for the Marlborough Village District**

### **(1) General Parking Requirements:**

The following provisions are applicable within the Marlborough Village District.

#### **(a) Residential Projects:**



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ SEPTEMBER 8, 2014  
PAGE 11

## ORDERED:

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

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

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

### **(b) Retail, Restaurant, other Business Uses:**

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

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

### **(c) Public Assembly:**

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

### **(d) Hotel:**

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

### **(3) Payment in Lieu of Parking:**

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



# IN CITY COUNCIL

SEPTEMBER 8, 2014  
Marlborough, Mass., \_\_\_\_\_ PAGE 12

## ORDERED:

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

#### **(4) Additional Reduction in Parking Requirements:**

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

#### **F. Heights of Structures:**

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



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ SEPTEMBER 8, 2014  
PAGE 13

**ORDERED:**

**G. Residential Development and Density:**

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

**H. Usable Open Space:**

**(1) Minimum Open Space:**

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

**(2) Ground Level Open Space:**

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

**(3) Joint Open Space:**

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

**I. Signage:**

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



# IN CITY COUNCIL

SEPTMBER 8, 2014  
Marlborough, Mass., \_\_\_\_\_ PAGE 14

**ORDERED:**

**(1) Display:**

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

**(2) Other Business Signs:**

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

**(3) Projecting (blade) signs:**

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

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



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ SEPTEMBER 8, 2014  
PAGE 15

## ORDERED:

- (d) The projecting sign must clear the wall by at least six inches and must project from the wall at an angle of 90°. Angular projection from the corner of a building is prohibited.
- (e) Projecting signs which include 3-dimensional elements may be allowed by Special Permit.
- VIII. Chapter 650 is hereby amended by inserting at the end of paragraph (B) of § 650-44, entitled "General off-street requirements", the following sentence: Nothing herein shall prevent owners of abutting properties from jointly setting aside and managing an area for storage of refuse and like matter.
- IX. Chapter 650, is hereby amended by inserting into § 650 Attachment 2, entitled "Table of Lot Area, Yards and Height of Structures" as provided in Exhibit "B" attached hereto. **EXHIBIT "B"**
- X. Chapter 650, is hereby amended by inserting into § 650-47 the following:
- (1) By deleting paragraph E in its entirety and inserting in place thereof the following new paragraph E:
- Multi-family dwellings (except multifamily dwellings and mixed use structures in the Marlborough Village District): the minimum width of the required front yard.
- (2) By deleting paragraphs [a] and [b] of paragraph [3], entitled "Nonresidential use and districts" in their entirety and inserting in place thereof the following new paragraphs [a] and [b]:
- [a] Along Main Street in the Marlborough Village District: 0 feet
- [b] Commercial and Automotive Districts, and for all portions of the Marlborough Village District not fronting on Main Street: 10 feet.
- (3) By inserting in paragraph E(1)(b) after the words "In nonresidential districts" the followings parenthetical words: (except in the Marlborough Village District).



# IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 8, 2014  
PAGE 16

## ORDERED:

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

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

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

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

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

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

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

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

ADOPTED

ORDER NO. 14-1005947



# City of Marlborough

## Office of the Mayor

**CITY CLERK**

140 Main Street

Marlborough, Massachusetts 01752

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

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

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

**RECEIVED**

OCT 16 2014  
11:22 AM

October 16, 2014

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

### Re: Notification of Free Cash

Honorable President Pope and Councilors:

I am pleased to inform you that the Massachusetts Department of Revenue (DOR) recently certified the amount of \$6,103,681.00 in "free cash" for the City of Marlborough. This achievement is an unequivocal sign of a well-managed community in exceptional financial shape.

The City of Marlborough's financial strength and success has and continues to be a true team effort. We are fortunate to have a strong team in City Auditor Diane Smith and Comptroller/Treasurer Brian Doheny. I wish to recognize each of them for their hard work and sound management of the city's finances.

As the stewards of our tax dollars, a debt of gratitude is also owed to you, our City Council, for your steadfast commitment to prudent financial management practices and policies.

Thank you again for your continued partnership and please do not hesitate to let me know if you have any questions on this matter.

Sincerely,

Arthur G. Vigeant  
Mayor

**Michael Berry**

---

**From:** recapdata@dor.state.ma.us  
**Sent:** Tuesday, October 07, 2014 9:02 AM  
**To:** Diane Smith; Mayor; Michael Berry; Paula Murphy; Assessor's Department; Comptrollers Dept  
**Subject:** Freecash Approval Notification for Marlborough  
**Attachments:** Marlborough FC 15.pdf

**Massachusetts Department of Revenue Division of Local Services**  
*Amy Pitter, Commissioner*  
*Robert G. Nunes, Deputy Commissioner & Director of Municipal Affairs*

Tuesday, October 07, 2014

Diane L. Smith  
City Auditor  
City of Marlborough

Re: **NOTIFICATION OF FREE CASH APPROVAL - Marlborough**

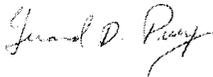
Based upon the unaudited balance sheet submitted, I hereby certify that the amount of available funds or "free cash" as of July 1, 2014 for the City of Marlborough is:

General Fund        \$ 6,103,681

This certification is in accordance with the provisions of G. L. Chapter 59, §23, as amended.

Certification letters will be e-mailed to the mayor/manager, board of selectmen, prudential committee, finance director and treasurer immediately upon approval, provided an e-mail address is reported in DLS' Local Officials Directory. Please forward to other officials that you deem appropriate.

Sincerely,



Gerard D. Perry  
Director of Accounts

cc: [dsmith@marlborough-ma.gov](mailto:dsmith@marlborough-ma.gov); [mayor@marlborough-ma.gov](mailto:mayor@marlborough-ma.gov); [mberry@marlborough-ma.gov](mailto:mberry@marlborough-ma.gov); [pmurphy@marlborough-ma.gov](mailto:pmurphy@marlborough-ma.gov); [assessors\\_dept@marlborough-ma.gov](mailto:assessors_dept@marlborough-ma.gov); [comptrollers\\_dept@marlborough-ma.gov](mailto:comptrollers_dept@marlborough-ma.gov)

\*\*\*\*\*  
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\*\*\*\*\*



*City of Marlborough*  
**Legal Department**

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

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

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

**ELLEN M. STAVROPOULOS**  
PARALEGAL

October 16, 2014

**RECEIVED OCT 16 2014**

*See M. Griffin  
City Clerk's Office  
11:55 AM*

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

RE: Order No. 14-1005945-1; Order No. 14-1005945-2; Order No. 14-1005945-3; and  
Order No. 14-1005945-4

Dear President Pope and Members:

Please find the above captioned proposed which relate to the Carisbrooke I and  
Carisbrooke II subdivisions.

Said orders are in proper form for consideration by the City Council.

Sincerely,

Cynthia M. Panagore Griffin  
Assistant City Solicitor

Enclosures

Cc: Donald V. Rider, Jr., City Solicitor  
John Ghiloni, Commissioner of Public Works  
Evan Pilachowski, City Engineer  
Timothy Collins, Assistant City Engineer  
Priscilla Ryder, Conservation Commissioner  
Deborah Fox, Tax Collector  
Bradford Dunn, Assessors' Office

**ORDERED:**

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

**I. CARISBROOKE I SUBDIVISION**

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

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

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

WHEREAS, all preliminary requirements have been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapters 82 and 79 and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, does hereby adopt an Order of Taking of land on behalf of said City of Marlborough. By such order, we take by Eminent Domain the fee in the land of those certain ways in the subdivision known as Carisbrooke I, including the streets named Harper Circle, Hawkins Lane, Prendiville Way, Stetson Drive, and Woodcock Lane (Farrington Lane having been taken by the City of Marlborough by Order of Taking recorded at the Middlesex County South Registry of Deeds in Book 63990, page 74, Certificate Nos. 177320 and 172695), the sidewalks, curbs, and utilities thereon, therein and thereunder said streets including water, sewer, drains, drain lines other utilities, features and appurtenant structures as described on the plans accompanying this Order, said plans and Order to be recorded with the Middlesex County South Registry of Deeds, and entitled as follows:

“Acceptance Plan Of Land In Marlborough, Massachusetts Of Harper Circle And Municipal Easements, Prepared For The City of Marlborough, Scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., Date: May 12, 2009, Revision Date: September 9, 2014,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

“Acceptance Plan Of Land In Marlborough, Massachusetts Of Hawkins Lane And Municipal Easements, Prepared For The City of Marlborough, Scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., Date: May 12, 2009, Revision Date: September 9, 2014,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

“Acceptance Plan Of Land In Marlborough, Massachusetts Of Prendiville Way And Municipal Easements, Prepared For The City of Marlborough, Sheet 1 of 2 Sheets, Scale: 1 inch = 40 feet, Date: May 12, 2009, Revision Date: September 9, 2014,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

“Acceptance Plan Of Land In Marlborough, Massachusetts Of Prendiville Way And Municipal Easements, Prepared For The City of Marlborough, Sheet 2 of 2 Sheets, Scale: 1 inch = 40 feet, Date: May 12, 2009, Revision Date: September 9, 2014,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

“Acceptance Plan Of Land In Marlborough, Massachusetts Of Stetson Drive And Municipal Easements, Prepared For The City of Marlborough, Scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., Date: May 12, 2009, Revision Date: September 9, 2014,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

“Acceptance Plan Of Land In Marlborough, Massachusetts Of Woodcock Lane And Municipal Easements, Prepared For The City of Marlborough, Scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., Date: May 12, 2009, Revision Date: September 9, 2014,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 1 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 2 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 3 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 4 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 5 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 6 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 7 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 8 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

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

<u>Assumed Owner &amp; Name of Street(s)</u>	<u>Middlesex Registry</u>	
	<u>Book</u>	<u>Page Cert. (if any)</u>
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.		
Harper Circle (+/- 31,556 S.F.)	16413 16860 17581 16754 16892	352 277 418 44 271
Woodcock Lane Registered portion (+/- 41,655 S.F.)		172695 177320
	PL 5374L 993 145	
Recorded portion	16398 17046 16562 16508	133 348 41 559
Hawkins Lane Registered portion (total +/- 64,408 S.F.)		172695
	PL 2370C 993 145	
Recorded portion	16552 17268 16723	486 139 338
Prendiville Way (+/- 97,983 S.F.)		172695 177320
	PL 5374L 993 145	

Stetson Drive 172695  
(+/- 62,941 S.F.) 177320

PL 2370C 993 145

N/F Robert and Linda A. Vissat  
36 Woodcock Lane

Portion of Harper Circle (+/- 6,806 S.F. to centerline of street)  
47717 98

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

Portion of Prendiville Way (+/- 4,500 S.F. to centerline of street) 232260  
LC Lot 65 PL 5374L 993 145

N/F Julie Shepherd & Brian Shepherd  
35 Prendiville Way

Portion of Prendiville Way (+/- 4,332 S.F. to centerline of street) 227238  
LC Lot 77 PL 5374L 993 145

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

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

IT IS ALSO HEREBY ORDERED, that the City Council of the City of Marlborough, by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapters 82 and 79 and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, does hereby adopt an Order of Taking of land on behalf of said City of Marlborough. By such order, we take by Eminent Domain all of the permanent easements located in the Carisbrooke I subdivision, which include without limitation drainage, flowage, headwall maintenance, and utility easements (which include more than one type of the easements listed herein in combination), including but not limited to sewer easements, for the purposes of accessing, laying, operating, altering, constructing, maintaining, replacing, repairing, removing, and changing the size of and replacing drains for the passage of storm and surface waters under, over and through said easements, as described above on the plans accompanying this Order, excepting construction and slope easements, said plans and Order to be recorded with the Middlesex South Registry of Deeds.

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

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

<u>Assumed Holder of Easement (&amp; Fee Owner, If Registered)</u>	<u>Street Name &amp; Address</u>	<u>Middlesex Registry</u>			<u>Easement Area +/- S.F. &amp; Type</u>
		<u>Book</u>	<u>Page</u>	<u>Cert. (if any)</u>	
<b><u>Farrington Lane</u></b>					
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	31	17009	570		353 Drainage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	41	18224	570		4,045 Drainage; 2,654 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	51	15905	049		12,773 Drainage; 21,596 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	65	16374	089		4,511 Drainage; 20,222 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	81	16594	079		10,171 Drainage; 4,810 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	82			174417	8,884 Drainage; 24,487 Flowage
N/F Brian Hendrix & Gail Hendrix LC Lot 18 PL 2370C		993	145	232654	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	106	16545	193		4,877 Drainage; 21,048 Flowage
N/F Steven M. Burnett & Monica M. Burnett LC Lot 19 PL 2370C		993	145	221168	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	122	16552	148		6,487 Drainage; 5,707 Flowage
N/F Frederick M. Ferris & Ann M. Ferris LC Lot 20 PL 2370C		993	145	197220	

**Harper Circle**

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	10	16892 271	10,533 Sewer
N/F Joseph F. Delano & Lisa A. Delano LC Lot 67 PL 5374L	993 145	194911	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	24	16754 044	5,764 Drainage; 16,895 Flowage; 5,944 Sewer
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	27	16413 352	6,259 Drainage 2,800 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	36	16964 418	9,205 Drainage; 54,784 Flowage; 7,222 Sewer
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	45	16860 277	9,856 Drainage; 21,596 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	49	17581 418	25,588 Drainage; 73,344 Flowage; 12,345 Sewer

**Hawkins Lane**

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	40	16552 486	4,081 Drainage
N/F John D. Condon & Elaine M. Condon LC Lot 25 PL 2370C	993 145	198072	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	62	233839	7,748 Drainage; 6,910 Flowage
N/F Michael G. Huether & Colleen M. Heuther LC Lot 26 PL 2370C	993 145	257189	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	80	16552 478	7,239 Flowage

**Prendiville Way**

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 55 174094  
N/F Mary P. Meany & Kevin M. Meany LC Lot 76 PL 5374L 993 145 228860 2,488 Drainage

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 91 175244  
N/F Jeffrey S. Cernak & Christine M. Cernak LC Lot 74 PL 5374L 993 145 231272 14,886 Flowage

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 113 175242  
N/F James P. Sweeney & Christine L. Sweeney LC Lot 73 PL 5374L 993 145 254633 38,765 Flowage

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 127 173204  
N/F Debra Conrad Gigas LC Lot 72 PL 5374L 993 145 206970 19,597 Drainage

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 141 175083  
N/F Paul G. Bamberg & Cherry F. Bamberg LC Lot 71 PL 5374L 993 145 193219 1,301 Drainage

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 142 176909  
N/F Robert P. Rivet & Karen M. Chesler LC Lot 65 PL 5374L 993 145 232260 7,133 Drainage

**Stetson Drive**

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 12 175917  
N/F Lawrence R. Lewis & Barbara G. Lewis, Tr. Barbara G. Lewis 1995 Revocable Trust LC Lot 21 PL 2370C 993 145 203755  
N/F Ronald Lewis & Barbara G. Lewis, Tr. Ronald Lewis 1995 Revocable Trust LC Lot 21 PL 2370C 993 145 203755 8,174 Drainage

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	28	174094	4,051 Drainage
N/F Frank E. Wadas & Barclay M. Wadas LC Lot 22 PL 2370C 993 145 220189			

**Woodcock Lane**

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	9 1005 133	229949	8,462 Drainage; 25,757 Flowage
N/F Anton P. Teodorescu & Mariana Teodorescu LC Lot 69 PL 5374L 993 145 192025			

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	29 16398 133	172695	3,349 Drainage; 11,504 Flowage
N/F Ronald F. Hall & Patricia Hall LC Lot 68-PL 5374L 993 145 179134			

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	36 24118 003		8,113 Drainage
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The ownership of said parcels and each of them are supposed to be as stated herein, but said permanent easements and each of them are hereby taken whether the ownership is as stated above or otherwise.

**II. CARISBROOKE II SUBDIVISION**

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

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

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

WHEREAS, all preliminary requirements have been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapters 82 and 79 and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, does hereby adopt an Order of Taking of land on behalf of said City of Marlborough. By such order, we take by Eminent Domain the fee in the land of those certain ways in the subdivision known as Carisbrooke II, including the streets named Belmore Place, Sheffield Terrace, Littlefield Lane (being a portion thereof), Flint Drive, Hamilton Circle, Haskell Lane, and Graham Path (Farrington Lane having been taken by the City of Marlborough by Order of Taking recorded at the Middlesex County South Registry of Deeds in Book 63990, page 74, Certificate Nos. 177320 and 172695), the sidewalks, curbs, and utilities thereon, therein and thereunder said streets including water, sewer, drains, drain lines other utilities, features and appurtenant structures as described on the plans accompanying this Order, said plans and Order to be recorded with the Middlesex County South Registry of Deeds, and entitled as follows:

“Plan of Acceptance of Belmore Place And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

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

“Plan of Acceptance of Flint Drive And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

“Plan of Acceptance of Graham Path And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

“Plan of Acceptance of Hamilton Circle And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

“Plan of Acceptance of Haskell Lane And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;

“Plan of Acceptance of Littlefield Lane And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_;  
and

“Plan of Acceptance of Sheffield Terrace And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan \_\_\_\_\_ of 20 \_\_\_.

The total land area being taken in fee for the purposes of a public way or public ways is approximately as shown on said plans and as noted below. For title, the assumed owners of the

roadways, owners of lots from which the roadway parcels are taken, and the Middlesex County South Registry references are as follows:

<u>LC</u> <u>Lot No.</u>	<u>Assumed Owner In Fee &amp; Name of Streets</u>	<u>Middlesex Registry</u>		
		<u>Book</u>	<u>Page</u>	<u>Certificate (if any)</u>
153	Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc. Hamilton Circle, Littlefield Lane, Belmore Place, Graham Path, Haskell Lane, Sheffield Terrace (respectively, being +/- 80,000 S.F.; 131,818 S.F.; 29,040.5 S.F.; 56,590 S.F.; 17,500 S.F.; 60,000 S.F.)	1016	170	177320
50	Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc. Portion of Graham Path (being +/- 10,925 S.F.)	1016	170	177320
154	Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc. Portion of Belmore Place (being +/- 8,449.5 S.F.)	1048	156	183706
	Paul M. Zarella & Frederick K. Heim FDDBA Gristmill Construction, Inc. Flint Drive (being +/- 30,000 S.F.)	19264	534	

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

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

IT IS ALSO HEREBY ORDERED, that the City Council of the City of Marlborough by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapters 82 and 79 and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, do hereby adopt an Order of Taking of land on behalf of said City of Marlborough. By such order, we take by Eminent Domain all of the permanent easements located in the Carisbrooke II subdivision, which include without limitation drainage, flowage, headwall maintenance, and utility easements (which include more than one type of the easements listed herein in combination), including but not limited to sewer easements, for the purposes of accessing, laying, operating, altering, constructing, maintaining, replacing, repairing, removing, and changing the size of and replacing drains for the passage of storm and surface waters under, over and through said easements, as described above on the

plans accompanying this Order, excepting construction and slope easements, said plans and Order to be recorded with the Middlesex County South Registry of Deeds.

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

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

<u>Assumed Holder of Easement (&amp; Fee Owner, If Registered)</u>	<u>Street Name &amp; Address</u>	<u>Middlesex Registry Book Page Cert. (if any)</u>	<u>Easement Area +/- S.F. &amp; Type</u>
<b><u>Belmore Place</u></b>			
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. N/F LeRoy Jackson & Cynthia Jackson	22 LC Lot 103 PL 5374R	187141 1016 170 219785	644 Headwall
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. N/F Thomas Gatzunas & Taslene Gatzunas	38 LC Lot 102 PL 5374R	187141 1016 170 250651	1,200 Headwall
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. N/F Victor Terra & Katherine Terra	56 LC Lot 106 PL 5374R	187141 1016 170 247404	4,380 Headwall
<b><u>Farrington Lane</u></b>			
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. N/F Patrick O'Brien & Debra O'Brien	151 LC Lot 32 PL 2370F	183478 1016 170 217400	17,600 Flowage; 3,600 Sewer
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. N/F Kevin Paquin & Karen Paquin	167 LC Lot 34 PL 2370F	183478 1016 170 195263	5,100 Drainage; 5,352 Sewer

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	199	183478	1,834 Drainage; 17,463 Flowage
N/F Dianne K. McHugh LC Lot 38 PL 2370F 1016 170			223216

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	215	183478	1,817 Drainage; 23,778 Flowage
N/F Kartik Raghupathi & Nicole Wedick LC Lot 39 PL 2370F 1016 170			247265

**Flint Drive**

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	7	19264	559	1,050 Headwall
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Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	8	19333	258	488 Headwall; 14,000 Flowage
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Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	26	20463	470	23,660 Flowage
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Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	38	20580	205	2,709 Drainage
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Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	52	9931	566	2,709 Drainage
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**Graham Path**

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	12	183478	2,965 Headwall; 250 Headwall
N/F Beth Kelly LC Lot 126 PL 5374R 1016 170			235619

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	13	186365	1,800 Headwall
N/F Daniel Ortiz & Marni H. Ortiz LC Lot 130 PL 5374R 1016 170			234572

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	26	183478	1,875 Headwall
N/F Craig K. Campbell &			

Donna M. Baldiserri LC Lot 131 PL5374R 1016 170 226886

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 85 1926 559 183478 6,295 Headwall; 28,428 Flowage

N/F Joseph N. Joyce & Nancy C. Joyce LC Lots 137 and 37 PL 5374R 1016 170 213149

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 86 183478 3,650 Headwall; 15,603 Flowage; 968 Sewer

N/F William Wing & Virginia Wing LC Lot 135 PL 5374R 1016 170 225818

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 104 183478 2,049 Flowage; 5,790 Sewer

N/F Joseph Haberberger & Katherine Haberberger LC Lots 136 and 36 PL 5374R 1016 170 208693

**Hamilton Circle**

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 65 188596 2,123 Headwall; 1,971 Utility

N/F John Jewett & Isabel Jewett LC Lot 148 PL 5374R 1016 170 217311

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 74 189261 3,709 Headwall

N/F Joanne Gravina LC Lot 147 PL 5374R 1016 170 192265

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 77 177320 5,623 Utility; 38,265 Utility

N/F Joseph Grimaldo LC Lot 149 PL 5374R 1016 170 188660

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 89 189261 4,518 Utility; 49,496 Utility

N/F Kenneth Brown & Ann Gillespie LC Lot 150 PL 5374R 1016 170 250537

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 101 177320 3,975 Utility

N/F Robert Davis &

Susan Davis LC Lot 152 PL 5374R 1016 170 186555

**Haskell Lane**

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 11 192357 750 Headwall  
N/F Gala Del C. Moreno & Jorge Moreno LC Lot 140 PL 5374R 1016 170 229649

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 32 192357 3,424 Headwall;  
N/F Jeffrey Koester & Laura Koester LC Lot 139 PL 5374R 1016 170 211134 12,308 Sewer

**Littlefield Lane**

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 28 183880 3,900 Headwall  
N/F Regiane Santos De Medeiros LC Lot 107 Plan 5374R 1016 170 248198

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 37 183510 4,499 Headwall;  
N/F Chanchala Patil LC Lot 108 PL 5374R 1016 170 249486 913 Drainage;  
10,661 Flowage

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 46 183510 1,170 Headwall  
N/F Mariusz Krawiec & Beata Sweryda-Krawiec LC Lot 109 PL 5374R 1016 170 238535

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 61 183880 3,555 Headwall;  
N/F Karl Andersson & Karrie Henighan LC Lot 110 PL 5374R 1016 170 235220 3,855 Headwall

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 62 183510 1,950 Headwall;  
N/F Yamata Akihito & Maria Akihito LC Lot 111 PL 5374R 1016 170 216918 20,828 Flowage

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 82 183880 2,389 Headwall;  
N/F Greg Mitrakas, Tr., Littlefield Realty Trust LC Lot 112 PL 5374R 1016 170 250977 26,740 Flowage;  
8,713 Sewer

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	91	183479	5,349 Headwall
N/F Richard Santos & Ellen Santos LC Lot 113 PL 5374R	1016 170	233760	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	101	183479	3,600 Headwall
N/F George Jensen & Donna Jensen LC Lot 115 PL 5374R	1016 170	207800	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	102	183880	50,005 Headwall; 804 Sewer
N/F Terry Saunders & Jane Saunders LC Lot 114 PL 5374R	1016 170	250652	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	119	183880	3,000 Headwall
N/F David McCarthy & Patricia McCarthy LC Lot 117PL 5374R	1016 170	222971	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	163	183478	2,400 Headwall
N/F Elaine B. Dohan & Lawrence J. Dohan LC Lot 123 PL 5374R	1016 170 253907		
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	178	183478	5,051 Headwall
N/F Brad Higgins & Sandra Higgins LC Lot 124 PL 5374R	1016 170	237666	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	203	183478	1,600 Headwall; 5,733 Sewer
N/F Richard Fredette & Sandra Fredette LC Lot 128 PL 5374R	1016 170	212682	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	225	189261	4,934 Sewer
N/F Theodore Faigle LC Lot 129 PL 5374R	1016 170	229376	

Sheffield Terrace

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.      30 N/F Gail Lauter    LC Lot 101 Plan 5374R    1016 170    249022	5,400 Headwall
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.      33 N/F Donald Watson & MaryEllen Deering    LC Lot 100 Plan 5374R    1016 170    241279	3,400 Headwall
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.      65 N/F Nicholas Tolan & Nicole Tolan    LC Lot 96 Plan 5374R    1016 170    254479	7,902 Headwall; 13,927 Drainage; 41,110 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.      66 N/F Michael Kovacs & Tolice Lovacs    LC Lot 97 Plan 5374R    1016 170    254882	6,102 Headwall
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.      84 N/F Robert Mahaney & Lisa Mahaney    LC Lot 95 Plan 5374R    1016 170    238673	2,000 Headwall
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.    Being a portion of 83      177320 N/F Ravenswood Properties, Inc. 627 Sudbury Street Marlborough, MA 01752    LC Lot 94 Plan 5374R    1016 170    251318	1,500 Headwall

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

AWARD OF DAMAGES

We determine that the total damages sustained by the owners, being Paul M. Zarella and Frederick K. Heim, FDBA Gristmill Construction, Inc., of the land, easements and utilities so taken by this Eminent Domain Order of Taking Of Ways And Easements In The Carisbrooke I Subdivision And In The Carisbrooke II Subdivision are as agreed to between the City and said owners, being in the amount of \$114,999.00. We also determine that the total damages sustained by the owners of the land so taken in the Carisbrooke I subdivision, also known as the Gristmill

III subdivision, being N/F Robert and Linda A. Vissat for that portion of Harper Circle abutting the side of 36 Woodcock Lane to the centerline of the way, N/F Karen M. Chesler and Robert P. Rivet for that portion of Prendiville Way abutting the front of 142 Prendiville Way, to the centerline of the way, and N/F Julie Shepherd and Brian Shepherd for that portion of Prendiville Way abutting the front of 35 Prendiville Way, to the centerline of the way, to be in the amount of \$1.00 for each of said owners.

ADOPTED  
In City Council  
Order No. 14 -  
Adopted

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Lisa M. Thomas, Clerk of the  
City Council

Approved by  
Arthur G. Vigeant, Mayor  
Date:

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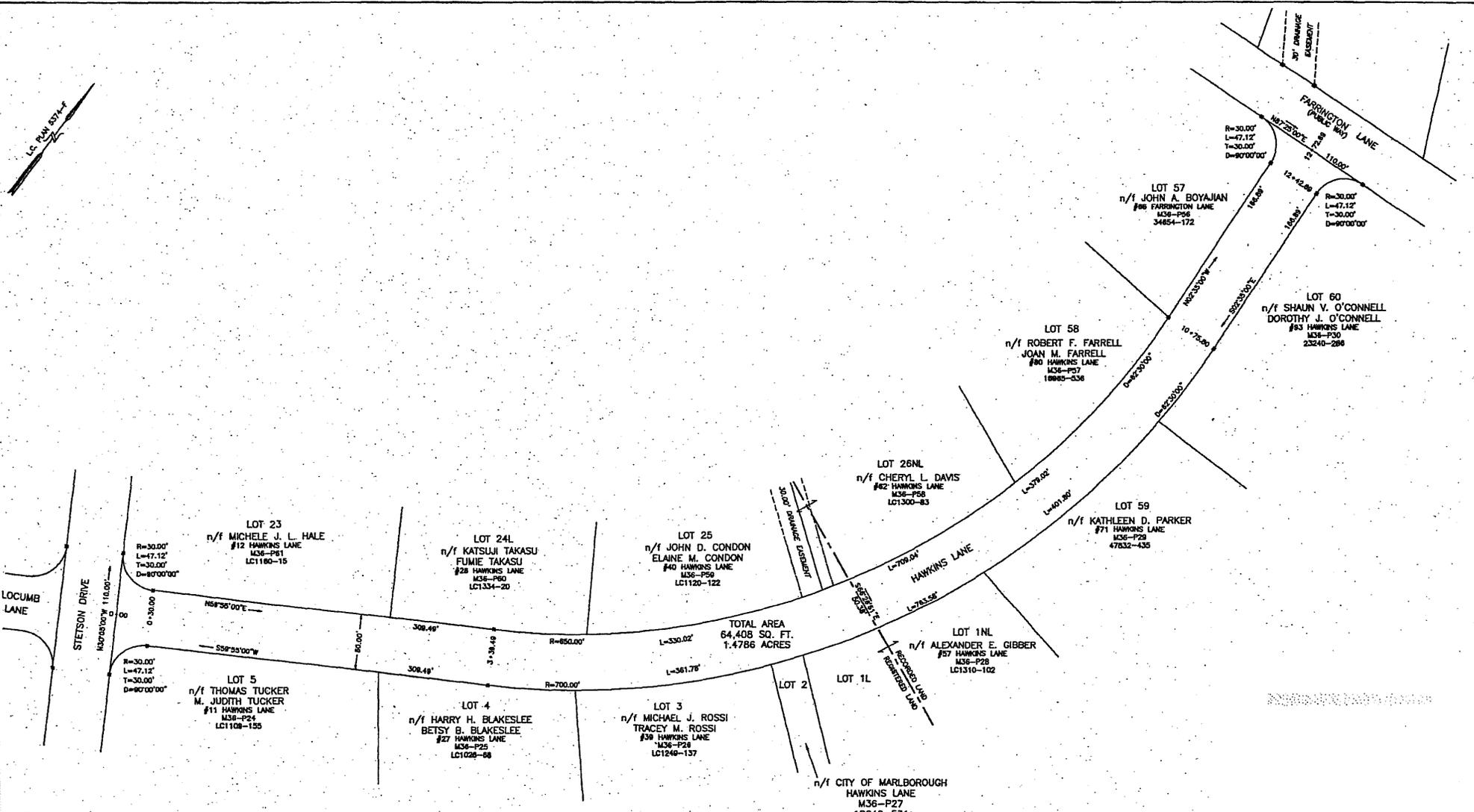
Arthur G. Vigeant, Mayor

A TRUE COPY  
ATTEST:  
Date:

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Lisa M. Thomas, Clerk of the City





TOTAL AREA  
64,408 SQ. FT.  
1.4786 ACRES

**NOTE:**  
THE STREET SHOWN HEREIN IS WITHIN THE SUBDIVISION KNOWN AS CRISTMILL II, ALSO KNOWN AS CARISBROOK I, RECORDED IN MIDDLESEX REGISTRY OF DEEDS, SOUTHERN DISTRICT, PLAN NO. 1454 OF 1984.  
OWNERS ARE FROM THE MARLBOROUGH ASSESSORS OFFICE.  
■ GRANITE MONUMENT FOUND  
■ COMMON OWNERSHIP  
n/f STANDS FOR "NOW OR FORMERLY"

THE STREET IS Laid OUT AND THE BOUNDS HAVE BEEN SET AS SHOWN ON THIS PLAN.  
DATE: SEPTEMBER 9, 2014.  
P.L.S.  
RECORD OWNER:  
NOW OR FORMERLY  
CRISTMILL CONSTRUCTION, INC.

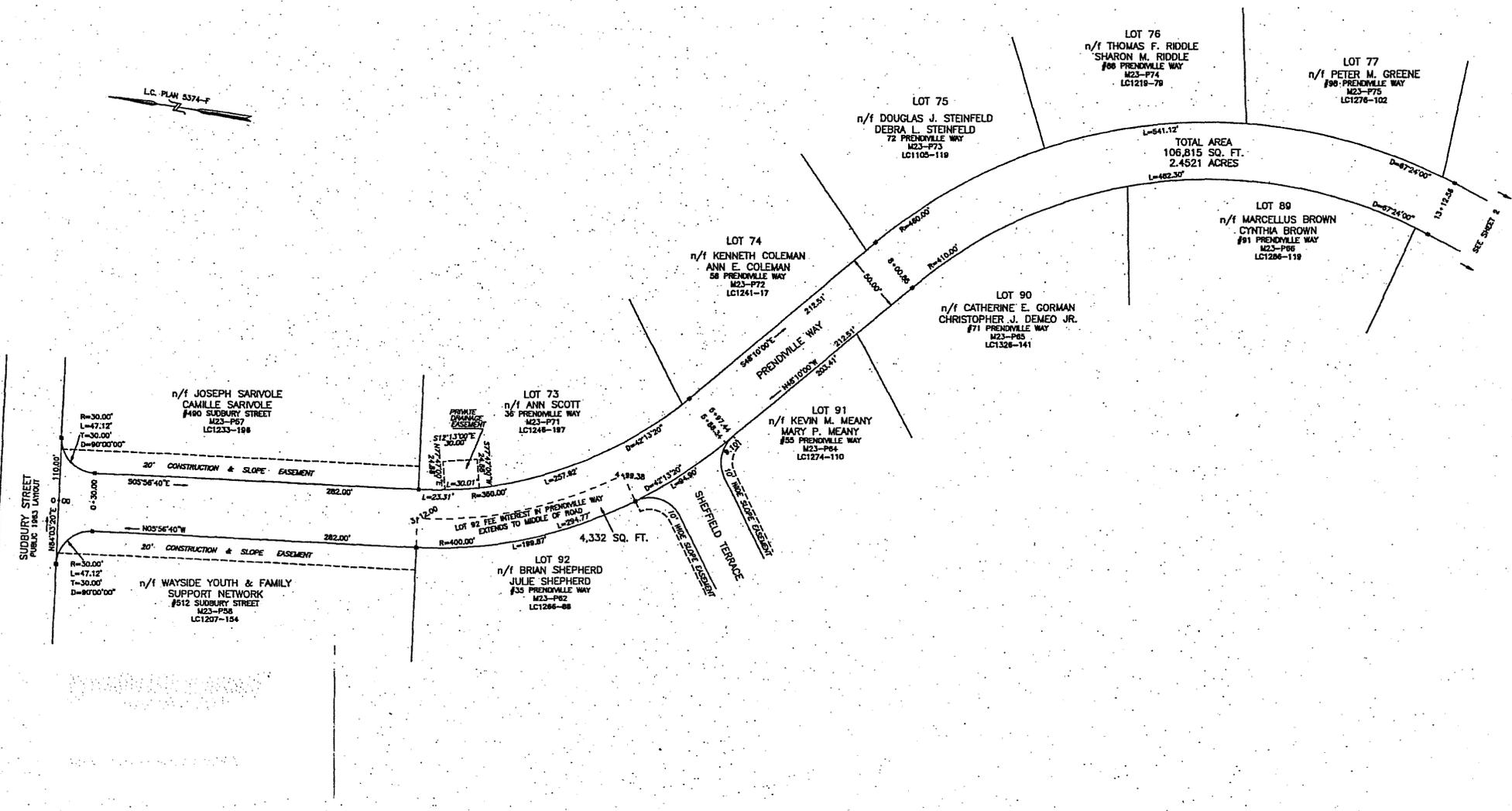
THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

CLT. NO. 2019  
JOB NO. 170-1853  
DWG. NO. HAWKINS-ACCP  
DATE: MAY 12, 2009  
REVISION DATES: SEPTEMBER 9, 2014

SCALE: 1 INCH = 40 FEET  
FEET 0 10 20 40 80 120  
METERS 0 5 10 20 30 40  
THOMPSON-LISTON ASSOCIATES, INC.  
PROFESSIONAL CIVIL ENGINEERS  
PROFESSIONAL LAND SURVEYORS

ACCEPTANCE PLAN OF LAND IN MARLBOROUGH, MASSACHUSETTS OF HAWKINS LANE AND MUNICIPAL EASEMENTS PREPARED FOR THE CITY OF MARLBOROUGH

L.C. PLAN 5374-F



**NOTE:**  
 THE STREET SHOWN HEREON IS WITHIN THE SUBDIVISION KNOWN AS CRISTALL & ALSO KNOWN AS CARSBROOKE, I RECORDED IN MIDDLESEX REGISTRY OF DEEDS, SOUTHERN DISTRICT PLAN NO. 1454 OF 1984.  
 OWNERS ARE FROM THE MARLBOROUGH ASSESSORS OFFICE.  
 \* GRANITE MONUMENT FOUND  
 \* COMMON OWNERSHIP  
 n/f STANDS FOR "NOW OR FORMERLY"

THE STREET IS LAID OUT AND THE BOUNDS HAVE BEEN SET AS SHOWN ON THIS PLAN.  
 DATE: SEPTEMBER 9, 2014

P.L.S.

RECORD OWNER:  
 NOW OR FORMERLY  
 CRISTALL CONSTRUCTION, INC.

THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

CLT. NO. 2019  
 JOB NO. 170-1853  
 D.W.C. NO. PRENVILLE-ACCP  
 DATE: MAY 12, 2009  
 REVISION DATES: SEPTEMBER 9, 2014

SCALE: 1 INCH = 40 FEET

0 10 20 40 80 120  
 FEET

0 5 10 20 30 40  
 METERS

THOMPSON-LISTON ASSOCIATES, INC.  
 PROFESSIONAL CIVIL ENGINEERS  
 PROFESSIONAL LAND SURVEYORS

ACCEPTANCE PLAN OF LAND IN MARLBOROUGH, MASSACHUSETTS OF PRENVILLE WAY AND MUNICIPAL EASEMENTS. PREPARED FOR THE CITY OF MARLBOROUGH

LOT 75  
n/f DOUGLAS J. STEINFELD  
DEBRA L. STEINFELD  
72 PRENVILLE WAY  
M23-P73  
LC1105-119

LOT 76  
n/f THOMAS F. RIDDLE  
SHARON M. RIDDLE  
968 PRENVILLE WAY  
M23-P74  
LC1218-79

LOT 77  
n/f PETER M. GREENE  
998 PRENVILLE WAY  
M23-P75  
LC1276-102

LOT 78  
n/f JOHN F. HEFFERNON  
LAURIE L. HEFFERNON  
1114 PRENVILLE WAY  
M23-P76  
LC1181-77

LOT 90  
n/f CATHERINE E. GORMAN  
CHRISTOPHER J. DEMEO JR.  
71 PRENVILLE WAY  
M23-P85  
LC1326-141

LOT 89  
n/f MARCELLUS BROWN  
CYNTHIA BROWN  
91 PRENVILLE WAY  
M23-P86  
LC1206-119

LOT 88  
n/f ROBERT M. PAPALIA  
SHERRILL T. PAPALIA  
113 PRENVILLE WAY  
M23-P87  
LC1006-92

LOT 87  
n/f DEBRA C. GIGAS  
127 PRENVILLE WAY  
M23-P88  
LC1165-20

LOT 86  
n/f PAUL C. BAMBERG  
CHERRY F. BAMBERG  
141 PRENVILLE WAY  
M23-P89  
LC1086-98

LOT 79  
n/f GAIL M. CHAMBERS  
128 PRENVILLE WAY  
M23-P77  
LC1288-1

LOT 80  
n/f ROBERT P. RIVET  
KAREN M. CHESLER  
142 PRENVILLE WAY  
M23-P78  
LC1281-107

LOT 81  
n/f GREGORY KOTWICA  
KATHLEEN KOTWICA  
158 PRENVILLE WAY  
M38-P44  
LC1280-172

LOT 85  
n/f JAMES K. ROBBINS  
DONNA L. ROBBINS  
156 PRENVILLE WAY  
M38-P45  
LC1176-143

n/f CRISTMILL CONSTRUCTION, INC.  
WOODCOCK LANE  
M38-P84  
LC1018-170

TOTAL AREA  
106,815 SQ. FT.  
2.4521 ACRES

L.C. PLAN 5374-F

R=480.00'  
R=110.00'

D=87.2400'  
D=87.2400'  
D=87.2400'

L=541.12'  
L=482.30'

310.00'  
310.00'

PRENVILLE WAY

30' DRIVE  
EASEMENT

30' DRIVE  
EASEMENT

30' WIDE  
DRIVE  
EASEMENT

30' WIDE  
DRIVE  
EASEMENT

LITTLEFIELD LANE

WOODCOCK LANE

**NOTE:**  
THE STREET SHOWN HEREON IS WITHIN THE SUBDIVISION KNOWN AS CRISTMILL II, ALSO KNOWN AS CARBROOK, RECORDED IN MIDDLESEX REGISTRY OF DEEDS, SOUTHERN DISTRICT PLAN NO. 1454 OF 1984.  
OWNERS ARE FROM THE MARLBOROUGH ASSESSORS OFFICE.  
■ GRANITE MONUMENT FOUND  
▲ COMMON OWNERSHIP  
n/f STANDS FOR "NOW OR FORMERLY"

THE STREET IS LAID OUT AND THE BOUNDARIES HAVE BEEN SET AS SHOWN ON THIS PLAN.  
DATE: SEPTEMBER 9, 2014.  
P.L.S.  
RECORD OWNER:  
NEW OR FORMERLY  
CRISTMILL CONSTRUCTION, INC.

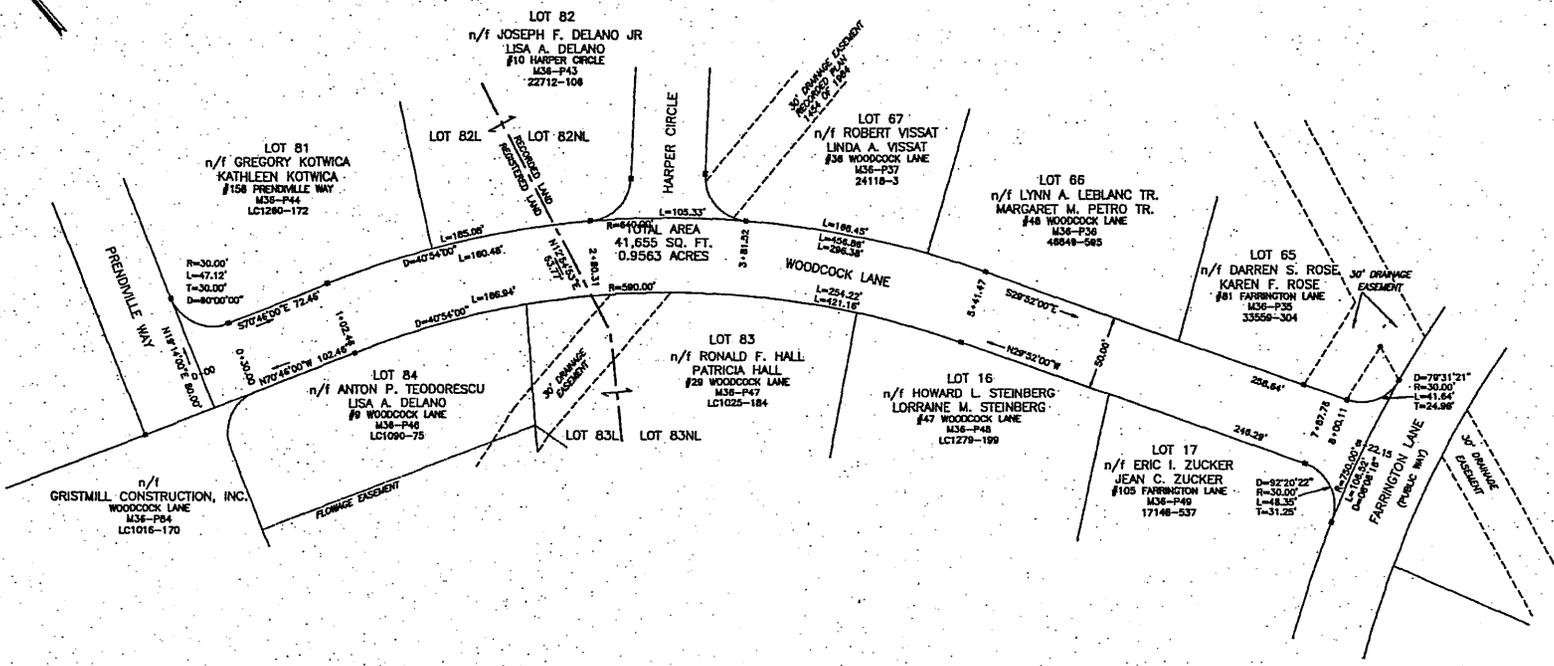
THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

CLT. NO. 2019  
JOB NO. 170-1853  
DWG. NO. PRENVILLE-ACCP  
DATE: MAY 12, 2009  
REVISION DATES: SEPTEMBER 9, 2014

SCALE: 1 INCH = 40 FEET  
FEET 0 10 20 40 80 120  
METERS 0 5 10 20 30 40  
THOMPSON-LISTON ASSOCIATES, INC.  
PROFESSIONAL CIVIL ENGINEERS  
PROFESSIONAL LAND SURVEYORS

ACCEPTANCE PLAN OF LAND IN MARLBOROUGH, MASSACHUSETTS OF PRENVILLE WAY AND MUNICIPAL EASEMENTS PREPARED FOR THE CITY OF MARLBOROUGH





**NOTE:**  
 THE STREET SHOWN HEREON IS WITHIN THE SUBDIVISION KNOWN AS GRISTMILL II, ALSO KNOWN AS CARSBROOKE I RECORDED IN MIDDLESEX REGISTRY OF DEEDS, SOUTHERN DISTRICT PLAN NO. 1454 OF 1994.  
 OWNERS ARE FROM THE MARLBOROUGH ASSESSORS OFFICE.  
 \* GRANITE MONUMENT FOUND  
 ▲ COMMON OWNERSHIP  
 n/f STANDS FOR "NOW OR FORMERLY"

THE STREET IS LAID OUT AND THE BOUNDS HAVE BEEN SET AS SHOWN ON THIS PLAN.  
 DATE: SEPTEMBER 9, 2014  
 P.L.S.  
 RECORD OWNER:  
 NOW OR FORMERLY  
 GRISTMILL CONSTRUCTION, INC.

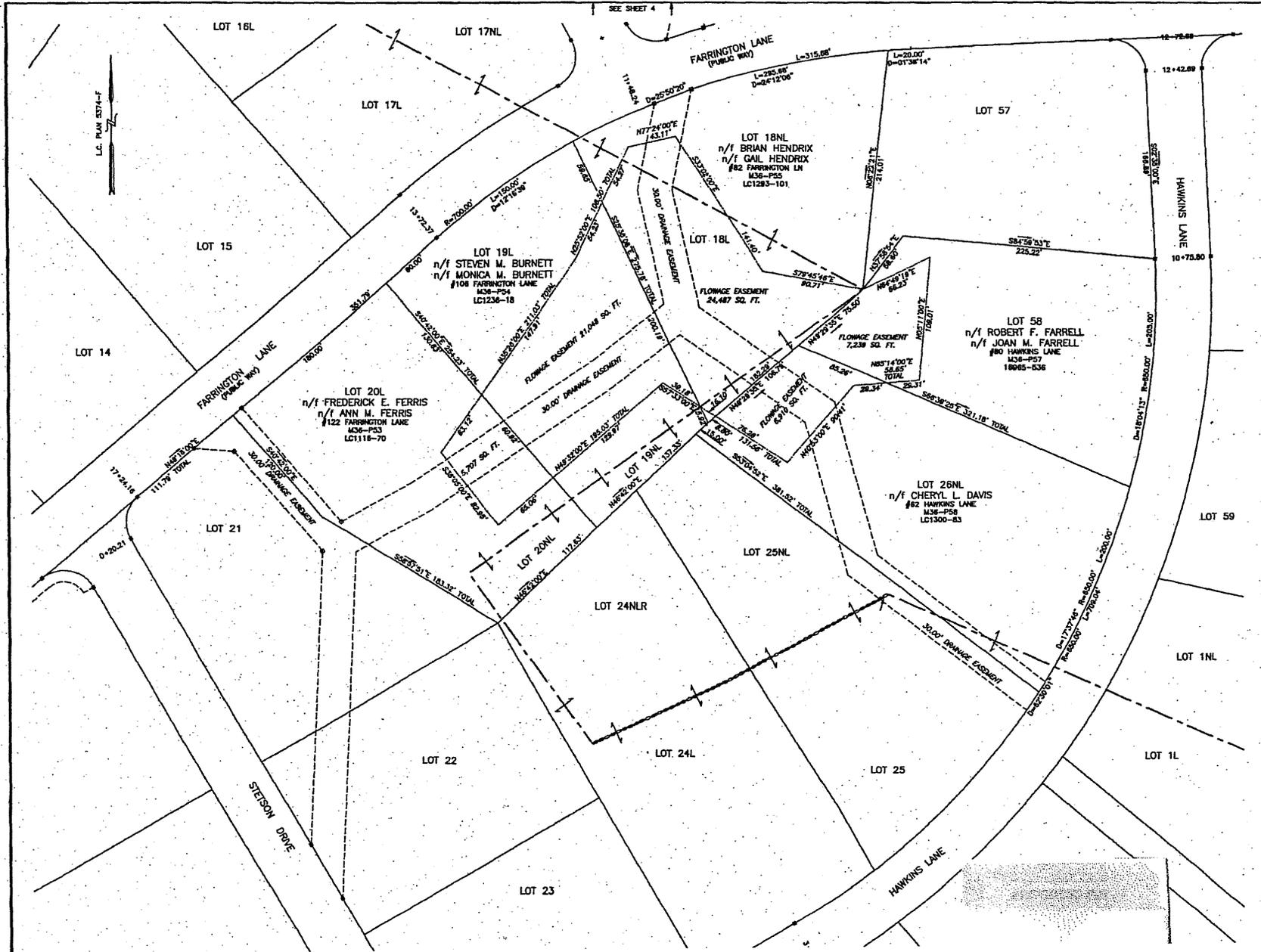
THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

CLI. NO. 2019  
 JOB NO. 170-1853  
 DWG. NO. WOODCOCK-ACCP  
 DATE: MAY 12, 2009  
 REVISION DATES: SEPTEMBER 9, 2014

SCALE: 1 INCH = 40 FEET  
 FEET 0 10 20 40 80 120  
 METERS 0 5 10 20 30 40  
 THOMPSON-LISTON ASSOCIATES, INC.  
 PROFESSIONAL CIVIL ENGINEERS  
 PROFESSIONAL LAND SURVEYORS

ACCEPTANCE PLAN OF LAND IN MARLBOROUGH, MASSACHUSETTS OF WOODCOCK LANE AND MUNICIPAL EASEMENTS PREPARED FOR THE CITY OF MARLBOROUGH





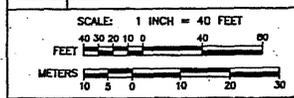
**NOTE:**  
 THE STREETS SHOWN HEREIN ARE WITHIN THE SUBDIVISION KNOWN AS CRISTALL IN ALSO KNOWN AS CARBROOKE I RECORDED IN MIDDLESEX REGISTRY OF DEEDS, SOUTHERN DISTRICT PLAN NO. 1454 OF 1984.  
 OWNERS ARE FROM THE MARLBOROUGH ASSESSORS OFFICE.  
 ■ GRANITE MONUMENT FOUND  
 \* COMMON OWNERSHIP  
 n/f STANDS FOR "NOW OR FORMERLY"

THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

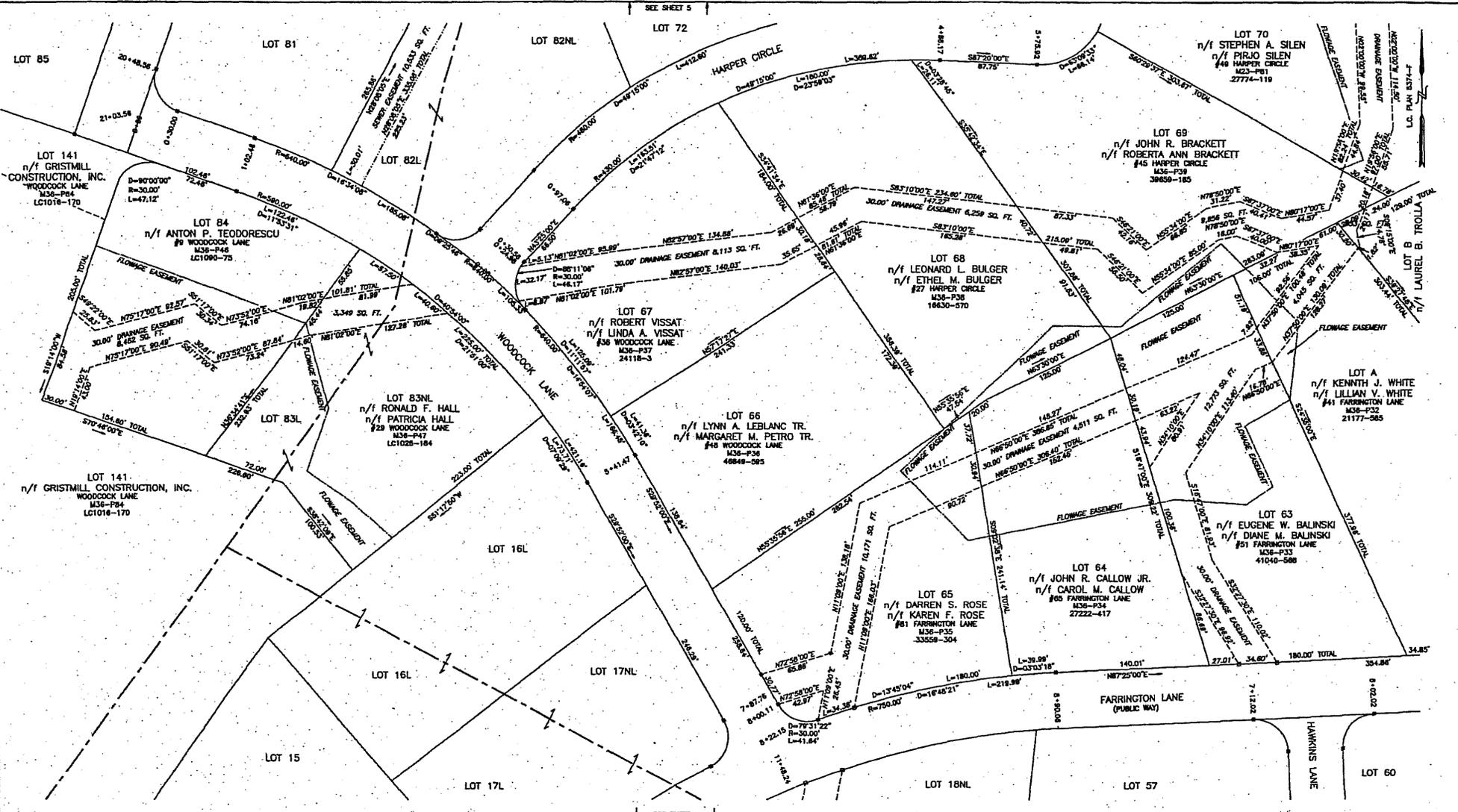
**THOMPSON-LISTON ASSOCIATES, INC.**  
 PROFESSIONAL CIVIL ENGINEERS  
 PROFESSIONAL LAND SURVEYORS  
 51 MAIN STREET, PO BOX 570  
 BOYLSTON, MASS. 01505-0570  
 TEL: 508-869-6151 FAX: 508-869-8842  
 EMAIL: info@tlinc.net

CLT. NO.	2019	JOB NO.	170-1853
DATE	SEPTEMBER 9, 2014	DWG NO.	EASEMENTS-ACCP

DATE	DESCRIPTION



ACCEPTANCE PLAN OF  
 VARIOUS MUNICIPAL EASEMENTS IN  
 MARLBOROUGH, MASSACHUSETTS  
 PREPARED FOR



**NOTE:**  
 THE STREET SHOWN HEREON IS WITHIN THE SUBDIVISION KNOWN AS CRISTMILL II, ALSO KNOWN AS CARSBROOKE I RECORDED IN MIDDLESEX REGISTRY OF DEEDS, SOUTHERN DISTRICT PLAN NO. 1454 OF 1984.  
 OWNERS ARE FROM THE MARLBOROUGH ASSESSORS OFFICE.  
 \* GRANITE MONUMENT FOUND  
 COMMON OWNERSHIP  
 n/v STANDS FOR "NOW OR FORMERLY"

THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

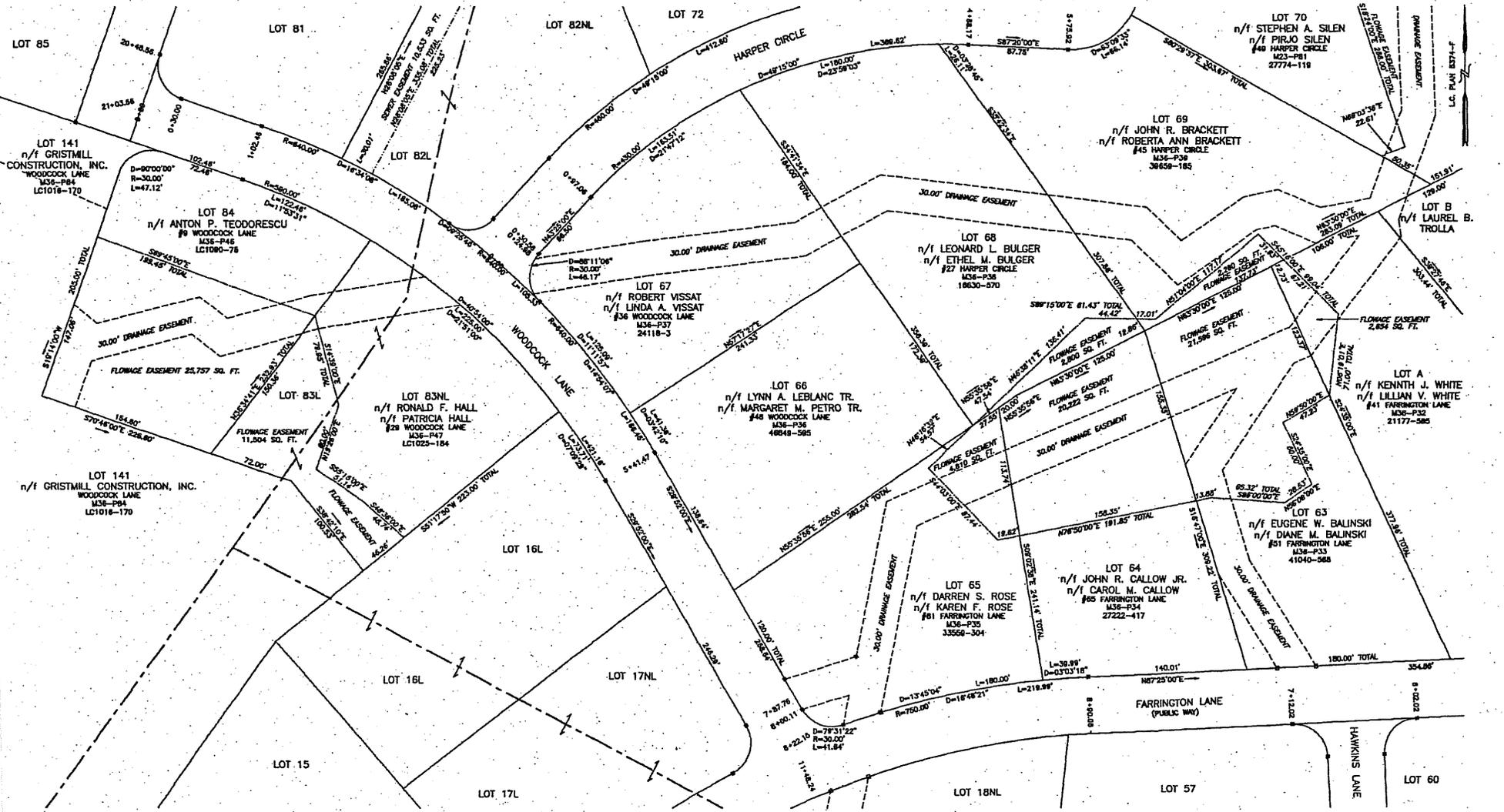
CLT. NO.	2019
JOB NO.	170-1853
DWG. NO.	EASEMENTS - ACCP
DATE:	SEPTEMBER 9, 2014
REVISION DATES:	

SCALE: 1 INCH = 40 FEET

THOMPSON-LISTON ASSOCIATES, INC.  
 PROFESSIONAL CIVIL ENGINEERS  
 PROFESSIONAL LAND SURVEYORS

ACCEPTANCE PLAN OF  
 VARIOUS MUNICIPAL EASEMENTS IN  
 MARLBOROUGH, MASSACHUSETTS  
 PREPARED FOR  
 THE CITY OF MARLBOROUGH

SEE SHEET 6



SEE SHEET 2

**NOTE:**

THE STREET SHOWN HEREIN IS WITHIN THE SUBDIVISION KNOWN AS CRISTMILL II, ALSO KNOWN AS CARBROOKE I RECORDED IN MIDDLESEX REGISTRY OF DEEDS, SOUTHERN DISTRICT PLAN NO. 1454 OF 1984.

OWNERS ARE FROM THE MARLBOROUGH ASSESSORS OFFICE.

- GRANITE MONUMENT FOUND
- ▲ COMMON OWNERSHIP
- n/f STANDS FOR "NOW OR FORMERLY"

THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

CLT. NO.	2019
JOB NO.	170-1853
DWG. NO.	EASEMENTS - ACCP
DATE:	SEPTEMBER 9, 2014
REVISION DATES:	

SCALE: 1 INCH = 40 FEET

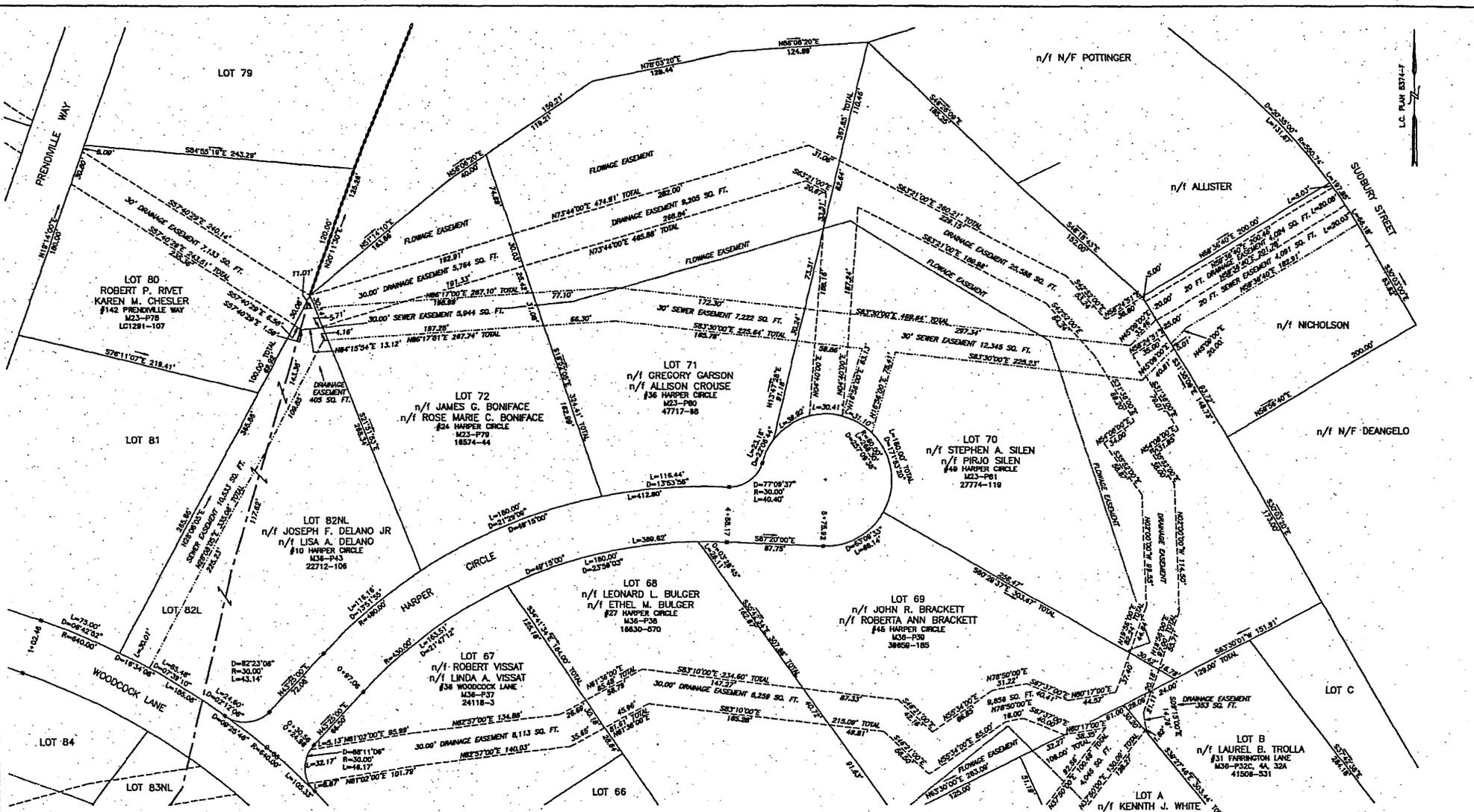
0 10 20 40 80 120  
FEET

0 5 10 20 30 40  
METERS

THOMPSON-LISTON ASSOCIATES, INC.  
PROFESSIONAL CIVIL ENGINEERS  
PROFESSIONAL LAND SURVEYORS

ACCEPTANCE PLAN OF VARIOUS MUNICIPAL EASEMENTS IN MARLBOROUGH, MASSACHUSETTS

PREPARED FOR THE CITY OF MARLBOROUGH



SEE SHEET 3

**NOTE:**  
 THE STREET SHOWN HEREON IS WITHIN THE SUBDIVISION KNOWN AS  
 CRISTMILL II, ALSO KNOWN AS CARSBROOKE I RECORDED IN  
 MIDDLESEX REGISTRY OF DEEDS, SOUTHERN DISTRICT PLAN NO. 1454  
 OF 1984.  
 OWNERS ARE FROM THE MARLBOROUGH ASSESSORS OFFICE.  
 \* GRANITE MONUMENT FOUND  
 □ COMMON OWNERSHIP  
 n/f STANDS FOR "NOW OR FORMERLY"

THIS PLAN CONFORMS TO THE RULES  
 AND REGULATIONS OF THE REGISTRARS  
 OF DEEDS OF THE COMMONWEALTH OF  
 MASSACHUSETTS.

CLT. NO.	2019
JOB NO.	170-1853
DWG. NO.	EASEMENTS - ACCP
DATE:	SEPTEMBER 9, 2014
REVISION DATES:	

SCALE: 1 INCH = 40 FEET

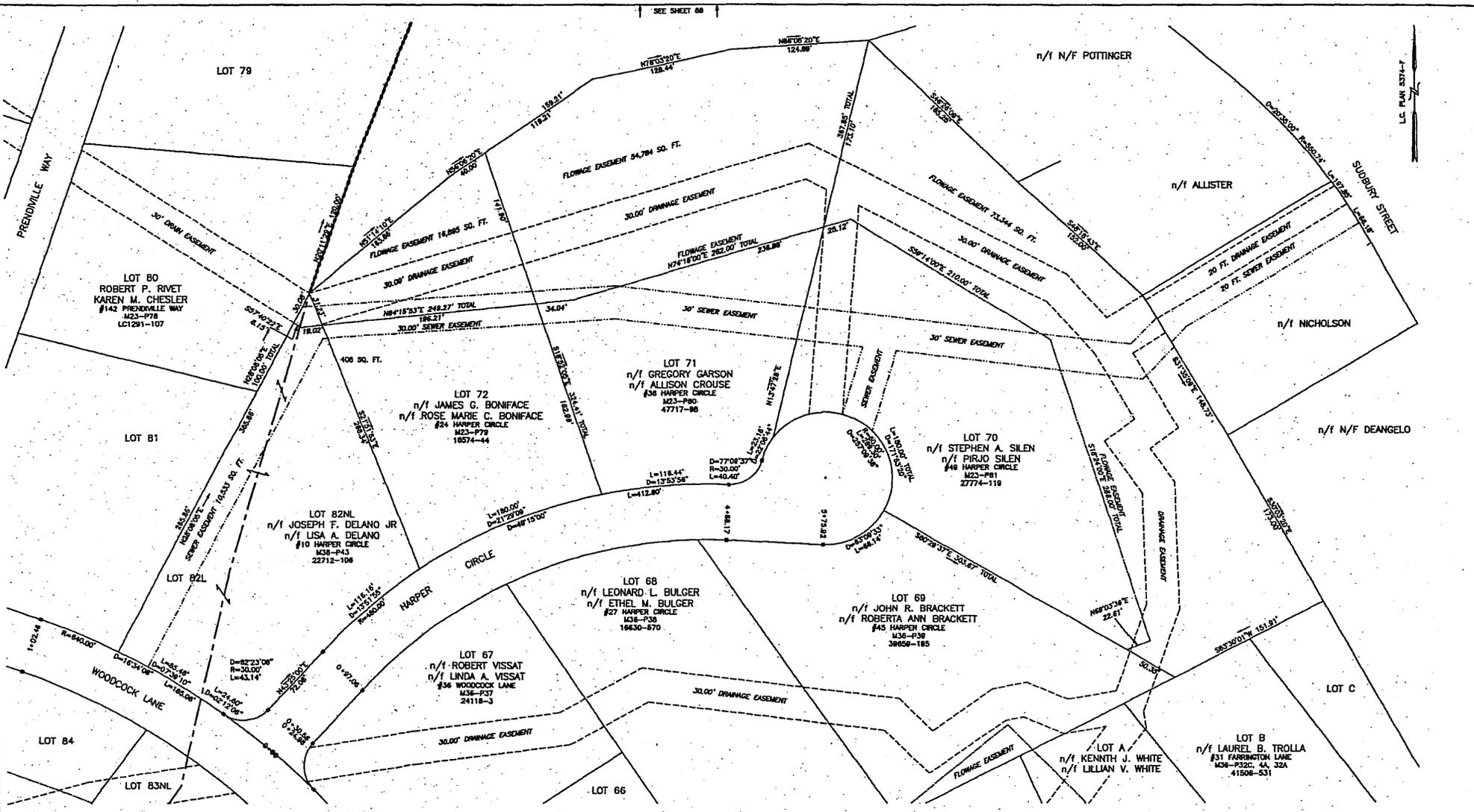
FEET: 0 10 20 40 80 120

METERS: 0 5 10 20 30 40

THOMPSON-LISTON ASSOCIATES, INC.  
 PROFESSIONAL CIVIL ENGINEERS  
 PROFESSIONAL LAND SURVEYORS

ACCEPTANCE PLAN OF  
 VARIOUS MUNICIPAL EASEMENTS IN  
 MARLBOROUGH, MASSACHUSETTS

PREPARED FOR  
 THE CITY OF MARLBOROUGH



**NOTE:**  
 THE STREET SHOWN HEREON IS WITHIN THE SUBDIVISION KNOWN AS CRESTMILL II, ALSO KNOWN AS CARSBROOKE I RECORDED IN WORCESTER REGISTRY OF DEEDS, SOUTHERN DISTRICT PLAN NO. 1454 OF 1964.  
 OWNERS ARE FROM THE MARLBOROUGH ASSESSORS OFFICE.  
 \* GRANITE MONUMENT FOUND  
 - COMMON OWNERSHIP  
 n/f STANDS FOR "NOW OR FORMERLY"

THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

CLT. NO.	2019
JOB NO.	170-1853
DWG. NO.	EASEMENTS - ACCP
DATE:	SEPTEMBER 9, 2014
REVISION DATES:	

SCALE: 1 INCH = 40 FEET

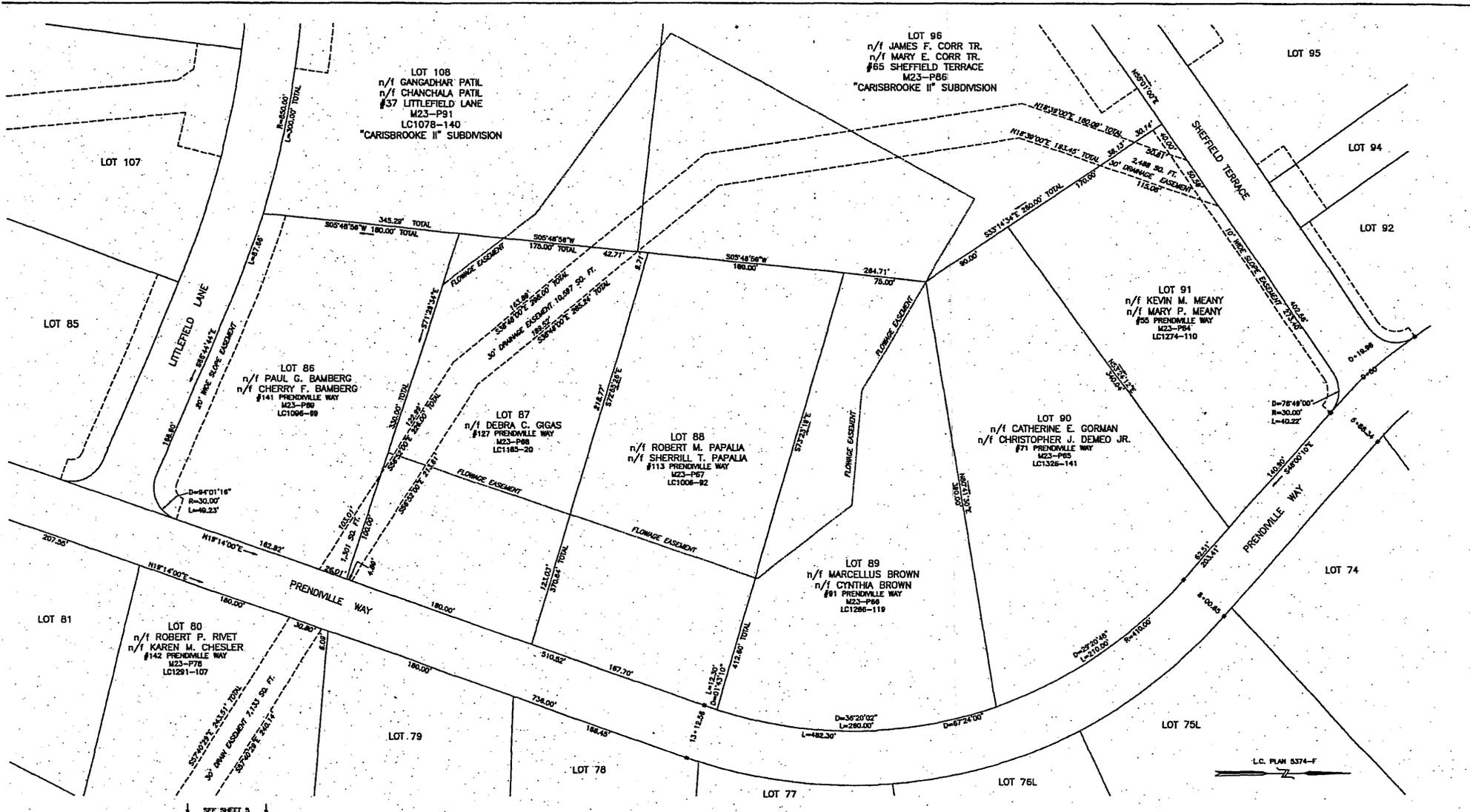
0 10 20 40 80 120  
FEET

0 5 10 20 30 40  
METERS

THOMPSON-LISTON ASSOCIATES, INC.  
 PROFESSIONAL CIVIL ENGINEERS  
 PROFESSIONAL LAND SURVEYORS

ACCEPTANCE PLAN OF  
 VARIOUS MUNICIPAL EASEMENTS IN  
 MARLBOROUGH, MASSACHUSETTS

PREPARED FOR  
 THE CITY OF MARLBOROUGH



**NOTE:**  
 THE STREET SHOWN HEREIN IS WITHIN THE SUBDIVISION KNOWN AS CRISTHALL BL. ALSO KNOWN AS CARISBROOKE I RECORDED IN MIDDLESEX REGISTRY OF DEEDS, SOUTHERN DISTRICT PLAN NO. 1454 OF 1984.  
 OWNERS ARE FROM THE MARLBOROUGH ASSESSORS OFFICE.  
 ■ GRANITE MONUMENT FOUND  
 — COMMON OWNERSHIP  
 n/f STANDS FOR "NOW OR FORMERLY"

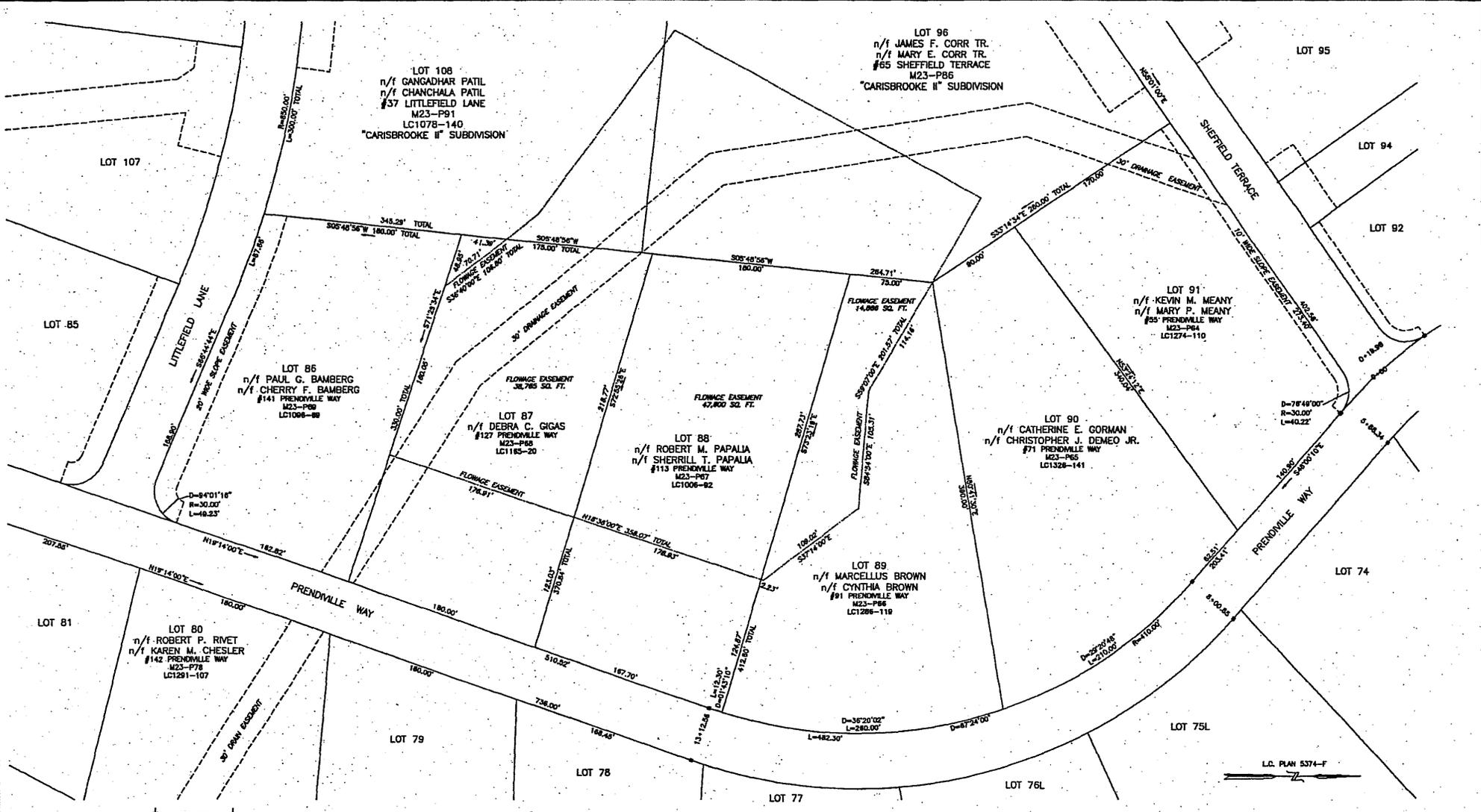
THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

CLT. NO.	2019
JOB NO.	170-1853
DWG. NO.	EASEMENTS - ACCP
DATE:	SEPTEMBER 9, 2014
REVISION DATES:	

SCALE: 1 INCH = 40 FEET

THOMPSON-LISTON ASSOCIATES, INC.  
 PROFESSIONAL CIVIL ENGINEERS  
 PROFESSIONAL LAND SURVEYORS

ACCEPTANCE PLAN OF  
 VARIOUS MUNICIPAL EASEMENTS IN  
 MARLBOROUGH, MASSACHUSETTS  
 PREPARED FOR  
 THE CITY OF MARLBOROUGH



**NOTE:**  
 THE STREET SHOWN HEREIN IS WITHIN THE SUBDIVISION KNOWN AS CRISTMALL BL. ALSO KNOWN AS CARISBROOKE I RECORDED IN MIDDLESEX REGISTRY OF DEEDS, SOUTHERN DISTRICT PLAN NO. 1454 OF 1984.  
 OWNERS ARE FROM THE MARLBOROUGH ASSESSORS OFFICE.  
 ■ GRANTOR MOVEMENT FOUND  
 ■ COMMON OWNERSHIP  
 n/f STANDS FOR "NOW OR FORMERLY"

THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

CLT. NO. 2019  
 JOB NO. 170-1853  
 DWR. NO. EASEMENTS - ACCP  
 DATE: SEPTEMBER 9, 2014  
 REVISION DATES:

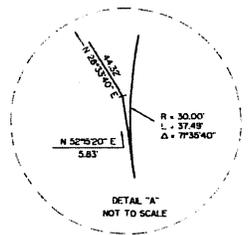
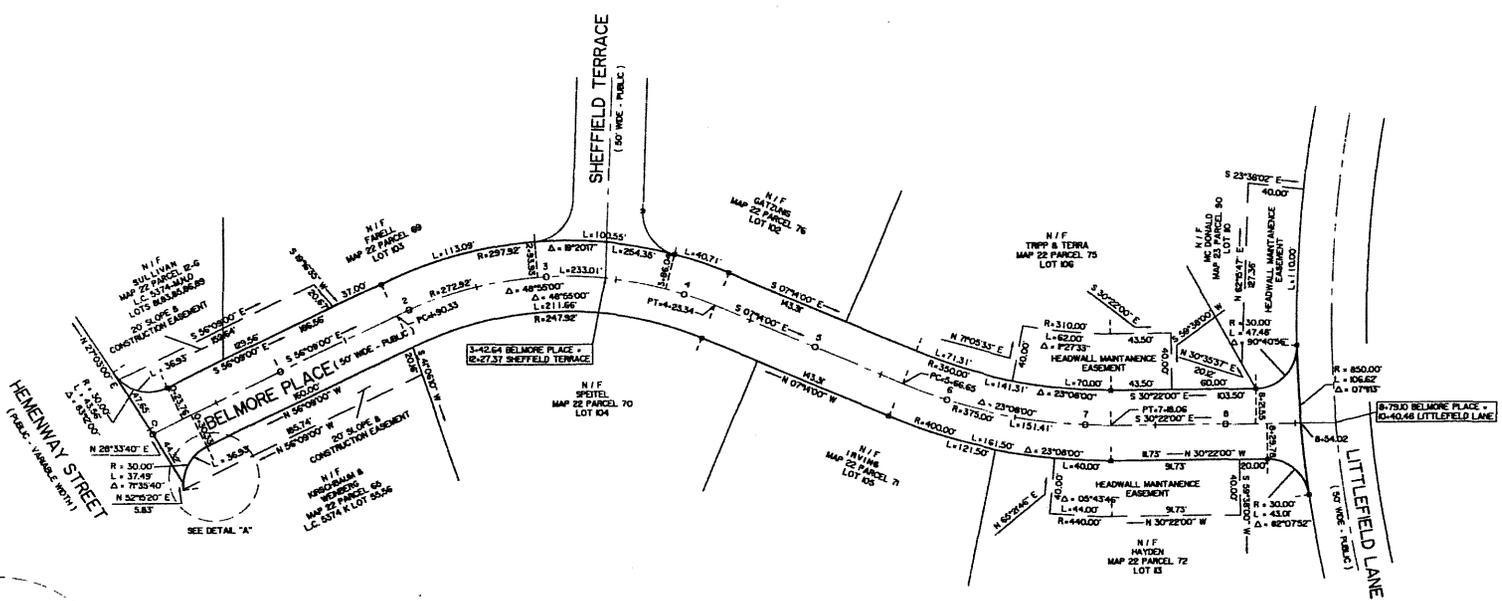
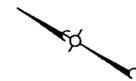
SCALE: 1 INCH = 40 FEET

THOMPSON-LISTON ASSOCIATES, INC.  
 PROFESSIONAL CIVIL ENGINEERS  
 PROFESSIONAL LAND SURVEYORS

ACCEPTANCE PLAN OF  
 VARIOUS MUNICIPAL EASEMENTS IN  
 MARLBOROUGH, MASSACHUSETTS  
 PREPARED FOR  
 THE CITY OF MARLBOROUGH

SEE SHEET 6

L.C. PLAN 5374-F



⊕ BOUND WITH DRILL HOLE FOUND

**NOTES:**

- 1.) REFERENCE IS MADE TO DEFINITIVE SUBDIVISION PLAN OF LAND "CARBROOKE F" PREPARED FOR GRISTMILL CONSTRUCTION, INC. BY THOMPSON - LISTON ASSOCIATES, INC. DATED MARCH 13, 1997.
- 2.) FOR THE CERTIFICATION OF THE BOUNDS SET SEE THE DEFINITIVE PLAN OF LAND "CARBROOKE F" AT THE CITY OF MARLBOROUGH DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED  
PLANNING BOARD OF MARLBOROUGH DATE: \_\_\_\_\_

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

ELEC FILE # BELMORE.DWG

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN IS BASED ON FIELD SURVEYS, DEEDS AND PLANS OF RECORD AND CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

*A. William Harrison*  
  
**CULLINAN ENGINEERING**  
 AUSTON - BOSTON - MARLBOROUGH  
 200 STATE ST., SUITE 1000, MARLBOROUGH, MA 01501-1000  
 TEL: (508) 326-1100 FAX: (508) 326-1101

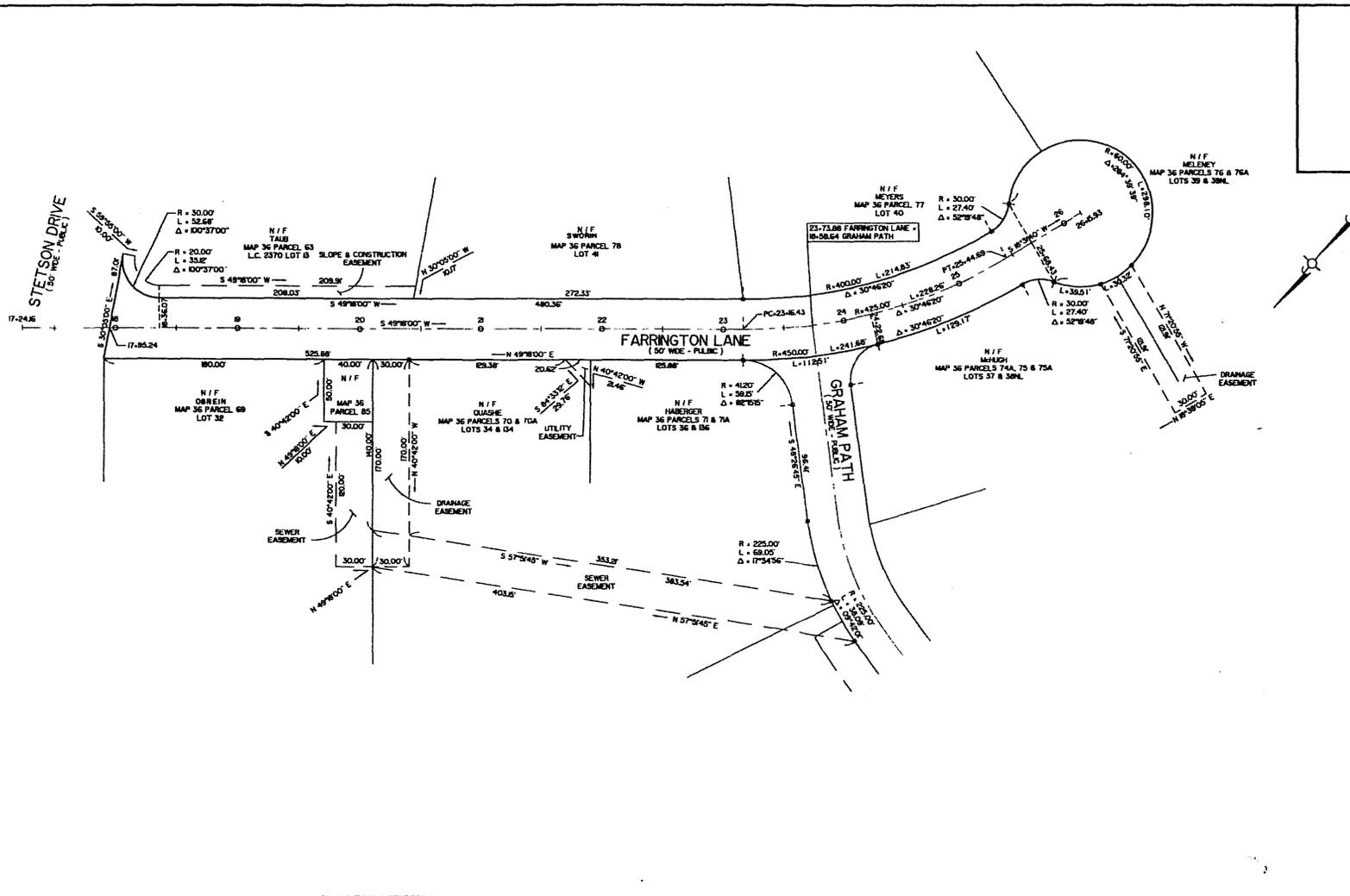


DATE	ISSUE	REVISION	DESCRIPTION	APP.

PLAN OF ACCEPTANCE  
OF  
**BELMORE PLACE**  
AND MUNICIPAL EASEMENTS  
MARLBOROUGH, MASSACHUSETTS

0	1	2	3 INCHES	SCALE	RES.	F.L.D. J.S.G.	C.M.P. M.T.L.
0	40	80	120 FEET	1 INCH = 40 FEET	PLT. J.G.F.	D.W.N. J.G.F.	CHK. R.A.L.
0	1	2	3	4	5	6 CENTIMETERS	

DATE: JUNE 4, 1999 PLAN NUMBER: 98045-10 / P43 / 99 SHEET: 1 OF 1



□ BOUND WITH DRILL HOLE FOUND

**NOTES:**

- 1) REFERENCE IS MADE TO DEFINITIVE SUBDIVISION PLAN OF LAND "CARBROOKE F" PREPARED FOR GRISTMILL CONSTRUCTION, INC. BY THOMPSON - LISTON ASSOCIATES, INC. DATED MARCH 15, 1997.
- 2) FOR THE CERTIFICATION OF THE BOUNDARY SET SEE THE DEFINITIVE PLAN OF LAND "CARBROOKE F" AT THE CITY OF MARLBOROUGH DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED  
 PLANNING BOARD OF MARLBOROUGH DATE: \_\_\_\_\_

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

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN IS BASED ON FIELD SURVEYS, DEEDS AND PLANS OF RECORD AND CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

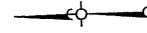
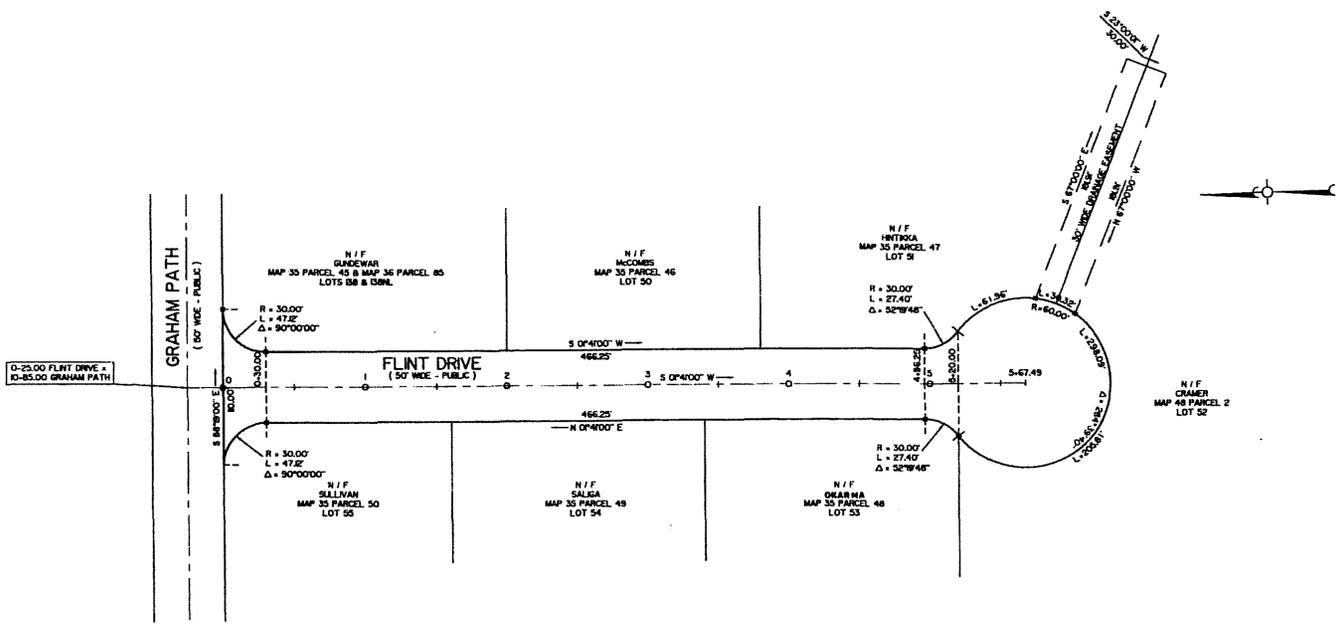
*William J. Goff*  
**CULLINAN ENGINEERING**  
 2000 - BOSTON, MASSACHUSETTS  
 REGISTERED PROFESSIONAL ENGINEER - CIVIL ENGINEERING  
 REG. NO. 11111  
 EXPIRES 12/31/99

ELEC FILE # FARRINGTON.DWG

DATE	ISSUE	REVISION	DESCRIPTION	APP.

PLAN OF ACCEPTANCE  
 OF  
**FARRINGTON LANE**  
 AND MUNICIPAL EASEMENTS  
 MARLBOROUGH, MASSACHUSETTS

0	1	2	3 INCHES	SCALE	RES.	FLD. JGG	CHK. NTL
0	40	80	1 INCH = 40 FEET		PLT. JGF	DWNL JGF	CHK. RAL
0	1	2	3 INCHES	SCALE	DATE	PLAN NUMBER	SHEET
0	1	2	3 INCHES	SCALE	JUNE 14, 1999	98043-10 / P36 / 99	1 OF 1



**NOTES:**

- 1.) REFERENCE IS MADE TO DEFINITIVE SUBDIVISION PLAN OF LAND "CARBROOKE F" PREPARED FOR GRISTMILL CONSTRUCTION, INC. BY THOMPSON - LISTON ASSOCIATES, INC. DATED MARCH 3, 1987.
- 2.) FOR THE CERTIFICATION OF THE BOUNDS SET SEE THE DEFINITIVE PLAN OF LAND "CARBROOKE F" AT THE CITY OF MARLBOROUGH DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION.

□ BOUND WITH DRILL HOLE FOUND

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED  
 PLANNING BOARD OF MARLBOROUGH DATE: \_\_\_\_\_

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

ELEC FILE # FLINT.DWG

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN IS BASED ON FIELD SURVEYS, DEEDS AND PLANS OF RECORD AND CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

*John P. Cullinan, P.E.*

**CULLINAN ENGINEERING**

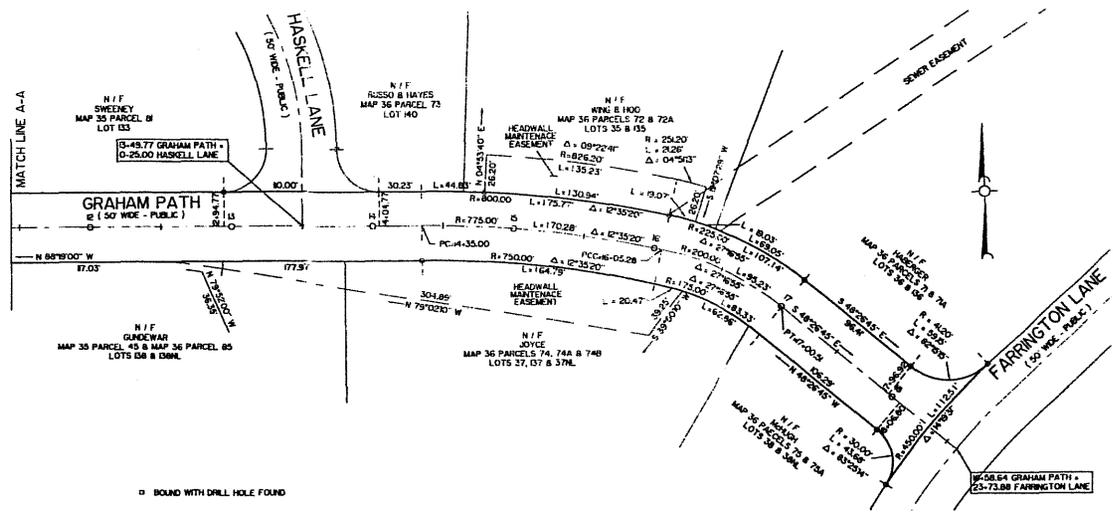
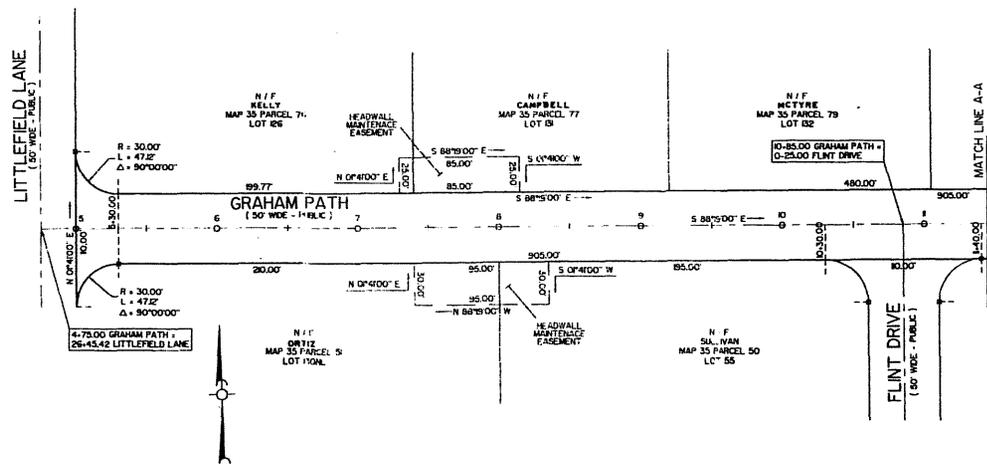
REGISTERED PROFESSIONAL ENGINEER - CIVIL ENGINEERING  
 COMMONWEALTH OF MASSACHUSETTS  
 200 BRIMFIELD ST., SUITE 100, BOSTON, MA 02128-1000



DATE	ISSUE	REVISION	DESCRIPTION	APP.

PLAN OF ACCEPTANCE  
 OF  
**FLINT DRIVE**  
 AND MUNICIPAL EASEMENTS  
 MARLBOROUGH, MASSACHUSETTS

0	1	2	3	INCHES	SCALE	RES.	FLD. JGG	OMP. MTL	
0	40	80	20	FEET	1 INCH = 40 FEET	PLT. JGF	DWN. JGF	CHK. RAL	
0	1	2	3	4	5	6	CENTIMETERS	DATE	
							JUNE 14, 1999	PLAN NUMBER	SHEET
							98043-10 / P37 / 99	1	OF 1



□ BOUND WITH DRILL HOLE FOUND

**NOTES:**

- 1.) REFERENCE IS MADE TO DEFINITIVE SUBDIVISION PLAN OF LAND "CARSBROOKE II" PREPARED FOR GRISWELL CONSTRUCTION, INC. BY THOMPSON - LISTON ASSOCIATES, INC. DATED MARCH 15, 1987.
- 2.) FOR THE CERTIFICATION OF THE BOUNDS SET SEE THE DEFINITIVE PLAN OF LAND "CARSBROOKE II" AT THE CITY OF MARLBOROUGH DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED  
 PLANNING BOARD OF MARLBOROUGH DATE: \_\_\_\_\_

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN IS BASED ON FIELD SURVEYS, DEEDS AND PLANS OF RECORD AND CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

*William Thompson, S.E.*



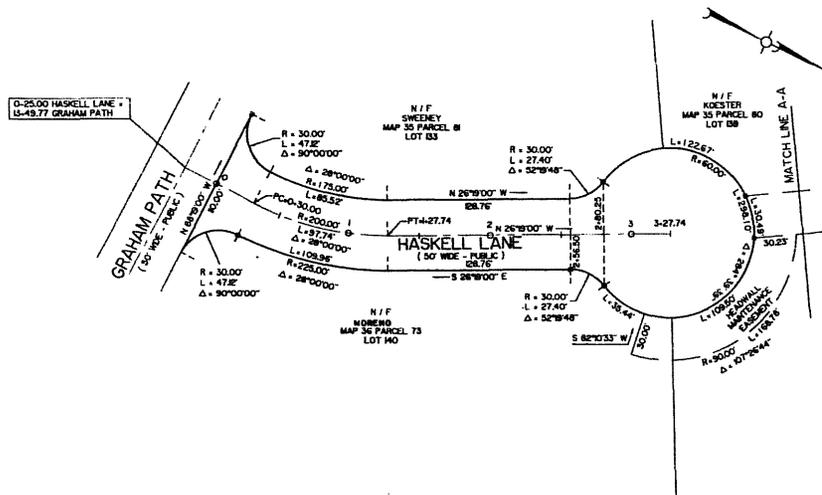
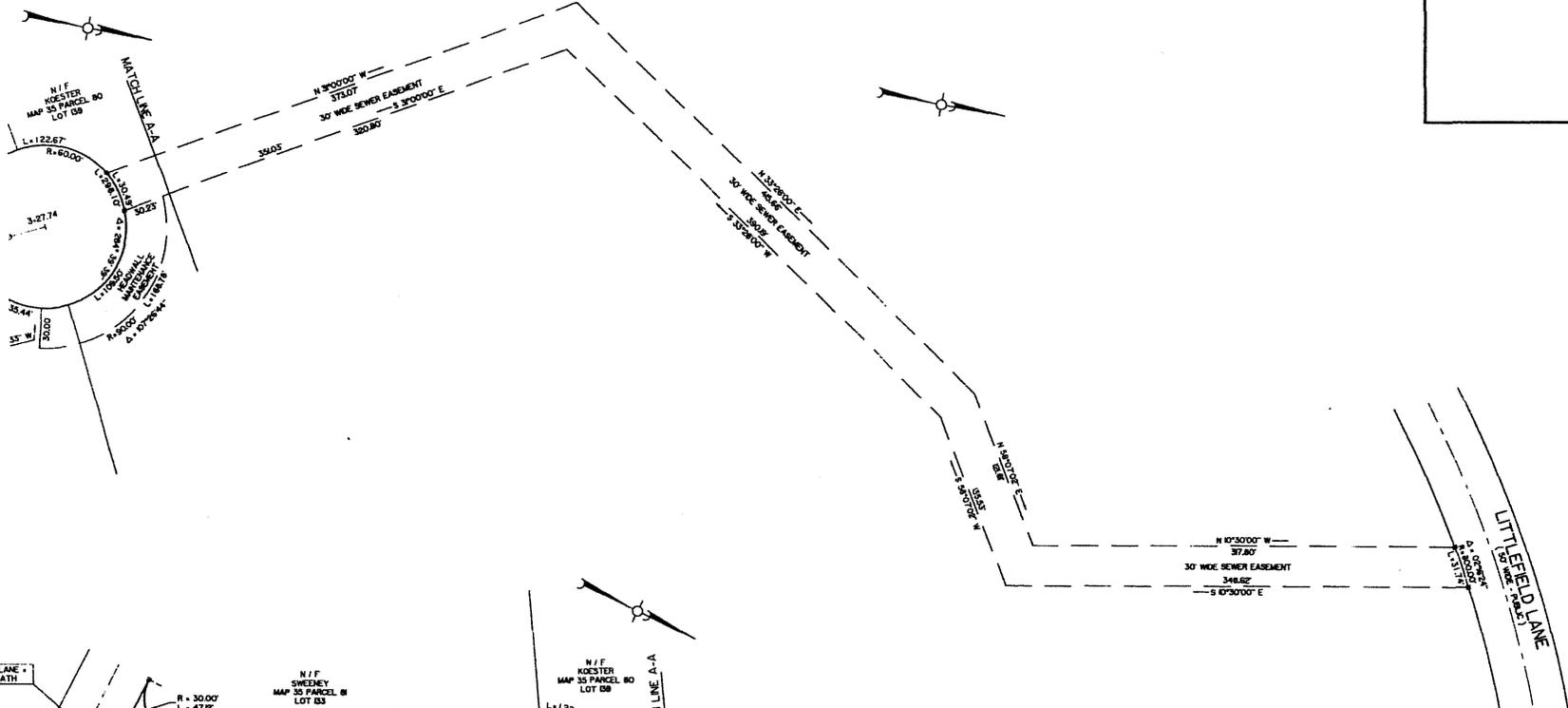
REGISTERED PROFESSIONAL ENGINEER - LAND SURVEYING  
 STATE OF MASSACHUSETTS  
 100 STATE STREET, SUITE 200, MARLBOROUGH, MASSACHUSETTS 01501

ELEC FILE # GRAHAM.DWG

DATE	ISSUE	REVISION	DESCRIPTION	APP.
			PLAN OF ACCEPTANCE OF <b>GRAHAM PATH</b> AND MUNICIPAL EASEMENTS MARLBOROUGH, MASSACHUSETTS	
0	1	2	3 INCHES	RES. -
0	40	80	1 INCH = 40 FEET	PLT. JGF
0	1	2	3 INCHES	F.L.D. JGG
0	40	80	1 INCH = 40 FEET	DWN. JGF
0	1	2	3 INCHES	CMP. MTL
0	40	80	1 INCH = 40 FEET	CHK. RAL
0	1	2	3 INCHES	SHEET
0	40	80	1 INCH = 40 FEET	RF 1

DATE: JUNE 14, 1998  
 PLAN NUMBER: 98C43-10 / P41 / 99





○ BOUND WITH DRILL HOLE FOUND

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED  
PLANNING BOARD OF MARLBOROUGH DATE: \_\_\_\_\_

**NOTES:**

1. REFERENCE IS MADE TO DEFINITIVE SUBDIVISION PLAN OF LAND "CARBROOKE F" PREPARED FOR GRISTMILL CONSTRUCTION, INC. BY THOMPSON - LISTON ASSOCIATES, INC. DATED MARCH 01, 1997.
2. FOR THE CERTIFICATION OF THE BOUND SET SEE THE DEFINITIVE PLAN OF LAND "CARBROOKE F" AT THE CITY OF MARLBOROUGH DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION.

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN IS BASED ON FIELD SURVEYS, DEEDS AND PLANS OF RECORD AND CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

*D. J. ...* 8/13/99

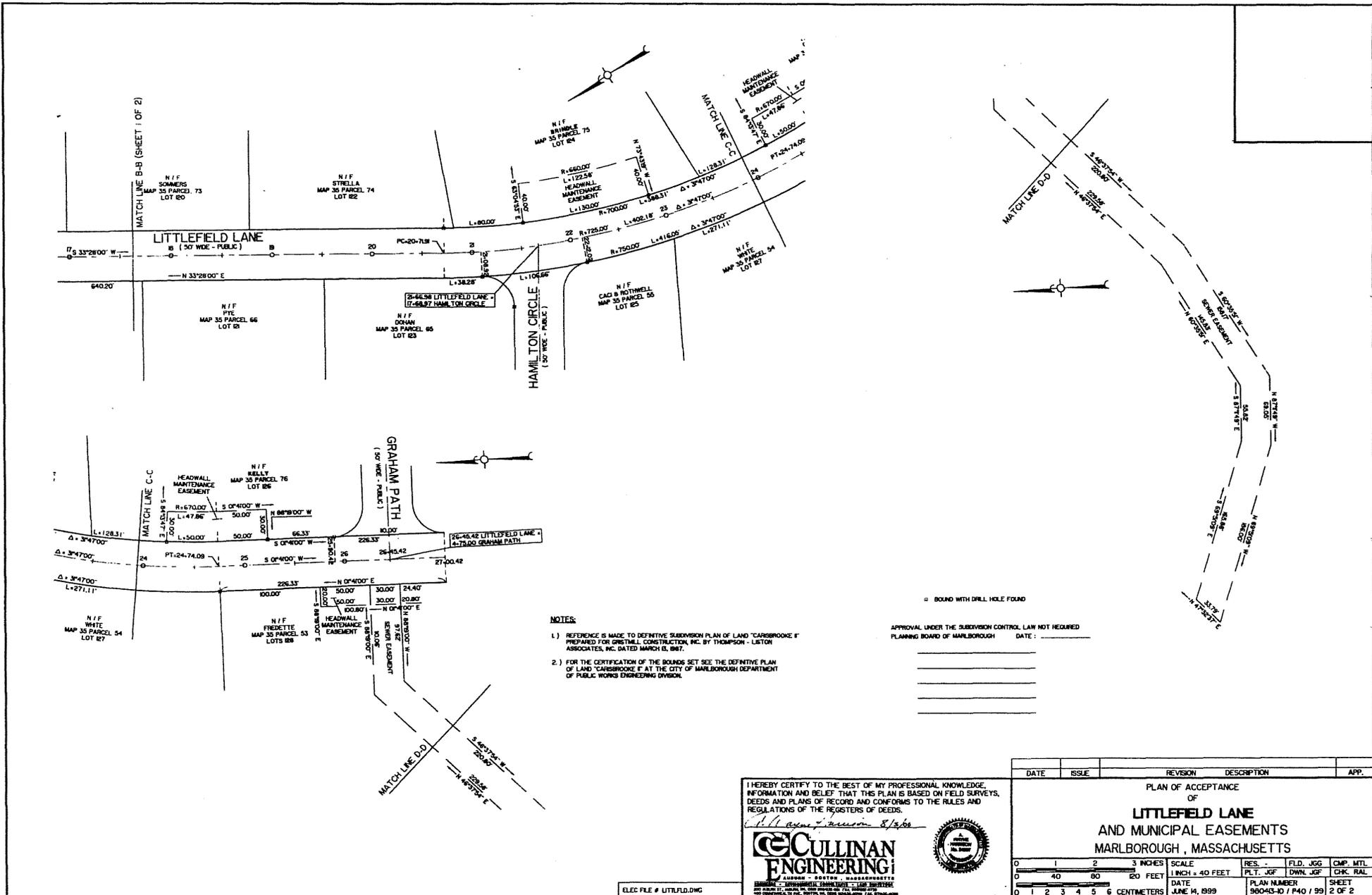
**CULLINAN ENGINEERING**

REGISTERED PROFESSIONAL ENGINEER - LAND SURVEYING  
STATE OF MASSACHUSETTS  
LICENSE NO. 10100  
200 STATE STREET, SUITE 200, MARLBOROUGH, MASSACHUSETTS 01501



DATE	ISSUE	REVISION	DESCRIPTION	APP.
PLAN OF ACCEPTANCE OF <b>HASKELL LANE AND MUNICIPAL EASEMENTS</b> MARLBOROUGH, MASSACHUSETTS				
0	1	2	3 INCHES	SCALE
0	40	80	20 FEET	RES. - FLD. JGG PLT. JGF DWN. JGF CMP. MTL CHK. RAL
			DATE	PLAN NUMBER
			JUNE 14 1999	980415-10 / P38 / 33
0	1	2	3	4
0	1	2	3	4
			5	6 CENTIMETERS
			SHEET	1 OF 1

ELEC FILE # HASKELL.DWG



**NOTES:**

- 1.) REFERENCE IS MADE TO DEFINITIVE SUBDIVISION PLAN OF LAND "CARSBROOKE II" PREPARED FOR GRIMMEL CONSTRUCTION, INC. BY THOMPSON - LESTON ASSOCIATES, INC. DATED MARCH 18, 1987.
- 2.) FOR THE CERTIFICATION OF THE BOUNDING SET, SEE THE DEFINITIVE PLAN OF LAND "CARSBROOKE II" AT THE CITY OF MARLBOROUGH DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION.

⊖ BOUND WITH DRILL HOLE FOUND

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED  
 PLANNING BOARD OF MARLBOROUGH      DATE: \_\_\_\_\_

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

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN IS BASED ON FIELD SURVEYS, DEEDS AND PLANS OF RECORD AND CONFORMS TO THE RULES AND REGULATIONS OF THE RECORDS OF DEEDS.

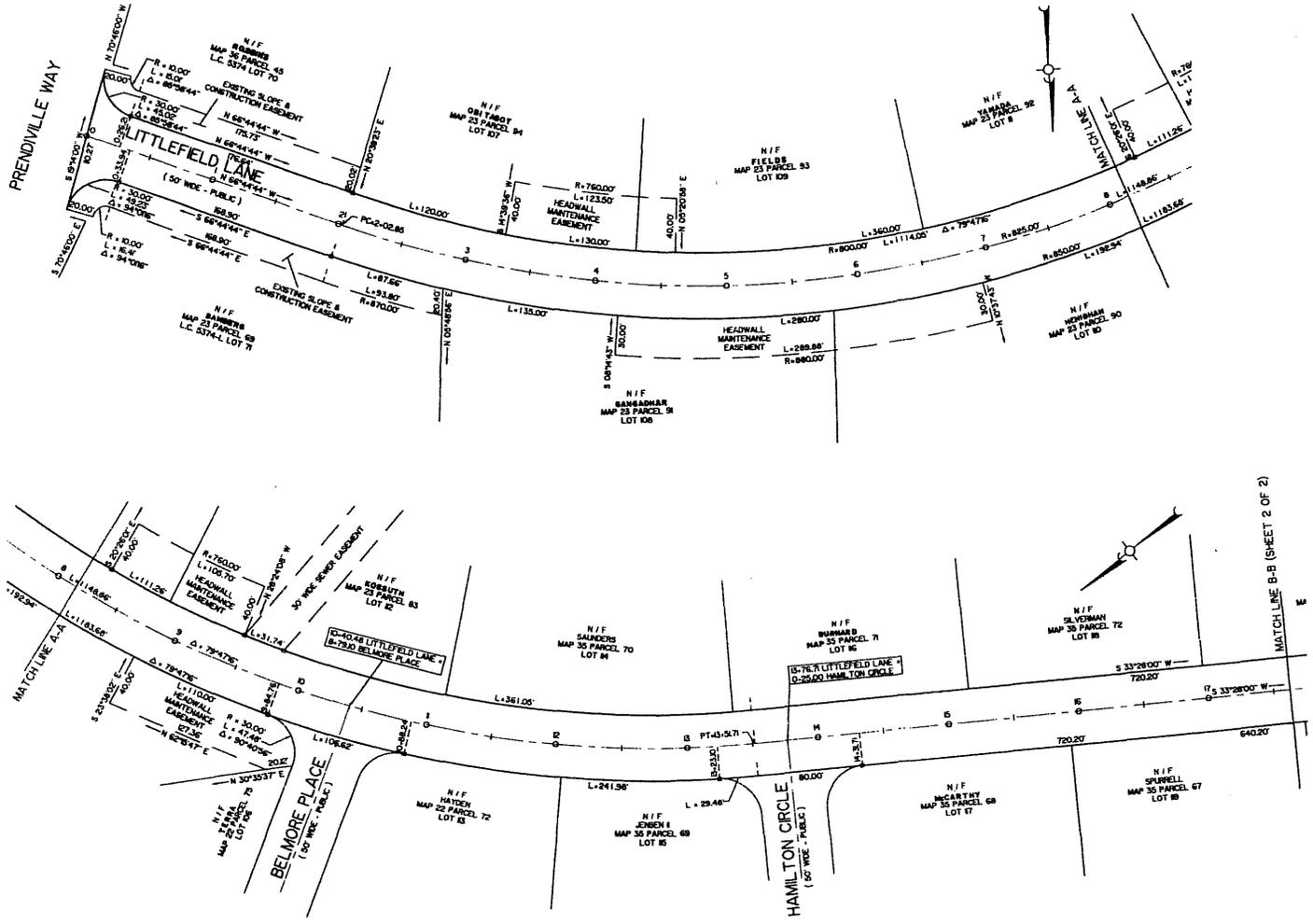
*William J. Frechette* 8/2/88

**CULLINAN ENGINEERING**

100 STATE STREET, SUITE 200, MARLBOROUGH, MASSACHUSETTS 01501  
 TEL: 508/251-1111 FAX: 508/251-1112

ELEC FILE # LITFLD.DWG

DATE	ISSUE	REVISION	DESCRIPTION	APP.
PLAN OF ACCEPTANCE OF <b>LITTLEFIELD LANE AND MUNICIPAL EASEMENTS MARLBOROUGH, MASSACHUSETTS</b>				
0	1	2	3	INCHES
0	40	80	120	FEET
0	1	2	3	CENTIMETERS
SCALE		RES. -	FLD. JGG	CMP. MTL
1 INCH = 40 FEET		PLT. JGF	DWN. JGF	CHK. RAL
DATE		PLAN NUMBER		SHEET
JUNE 14, 1999		98043-10 / P40 / 99		2 OF 2



- NOTES:**
- 1.) REFERENCE IS MADE TO DEFINITIVE SUBDIVISION PLAN OF LAND "CARBROOKE F" PREPARED FOR GRISTMILL CONSTRUCTION, INC. BY THOMPSON - LISTON ASSOCIATES, INC. DATED MARCH 13, 1987.
  - 2.) FOR THE CERTIFICATION OF THE BOUNDS SET SEE THE DEFINITIVE PLAN OF LAND "CARBROOKE F" AT THE CITY OF MARLBOROUGH DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED  
 PLANNING BOARD OF MARLBOROUGH DATE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

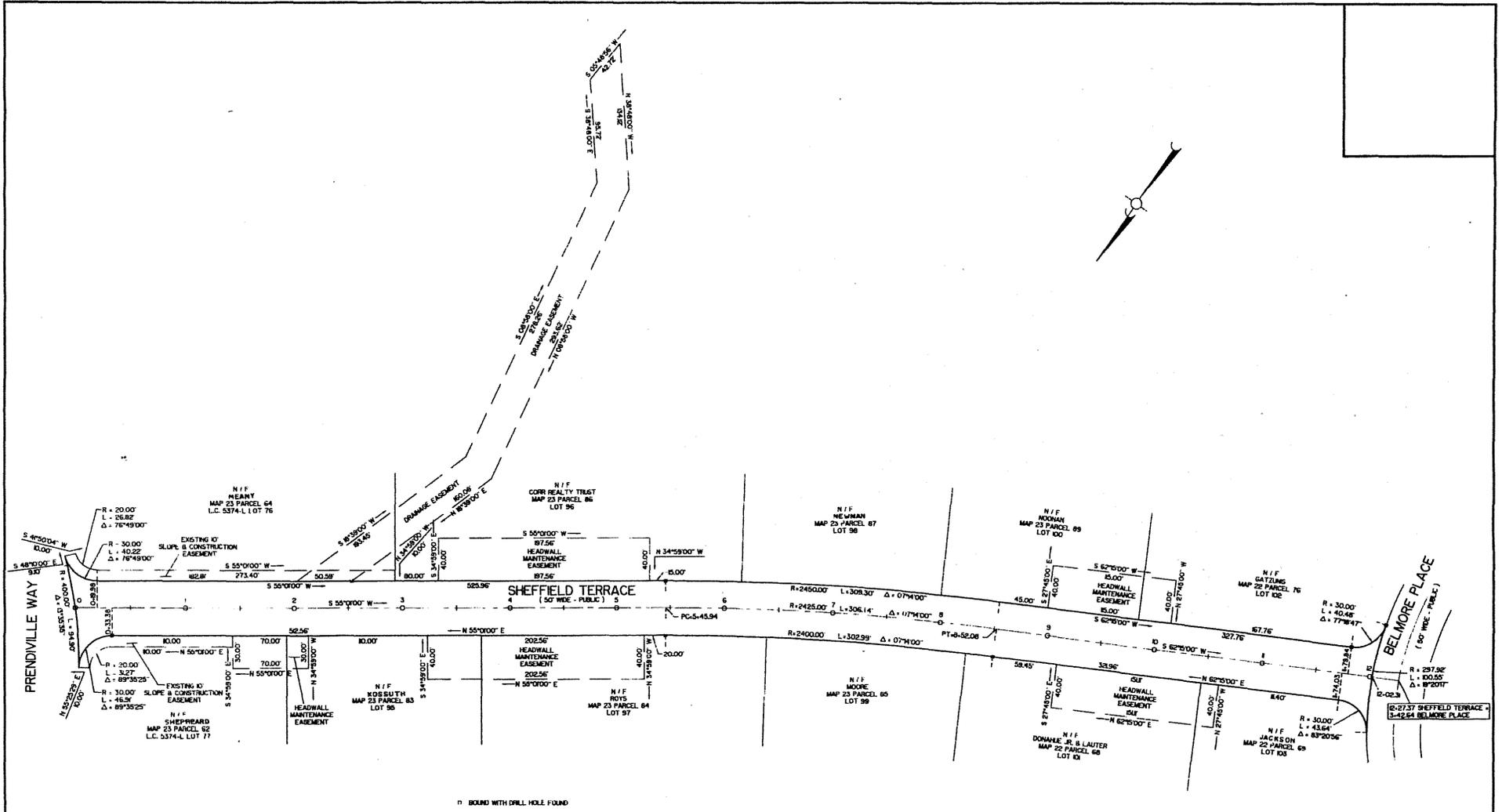
I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN IS BASED ON FIELD SURVEYS, DEEDS AND PLANS OF RECORD AND CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

*L. J. Cullinan*



ELEC FILE # LITFLD.DWG

DATE	ISSUE	REVISION	DESCRIPTION	APP.
			PLAN OF ACCEPTANCE OF <b>LITTLEFIELD LANE</b> AND MUNICIPAL EASEMENTS MARLBOROUGH, MASSACHUSETTS	
0	1	2	3 INCHES	RES. -
0	40	80	1 INCH = 40 FEET	PLT. JGF
0	1	2	3 4 5 6 CENTIMETERS	FLD. JGG
			DATE	DWN. JGF
			JUNE 14, 1999	CHK. RAL
			PLAN NUMBER	SHEET
			980413-10 / P40 / 99	1 OF 2



- NOTES:**
1. REFERENCE IS MADE TO DEFINITIVE SUBDIVISION PLAN OF LAND "CANSBROOKE" PREPARED FOR CRISTALLI CONSTRUCTION, INC. BY THOMPSON LISTON ASSOCIATES, INC. DATED MARCH 13, 1997.
  2. FOR THE CERTIFICATION OF THE BOUNDS SET SEE THE DEFINITIVE PLAN OF LAND "CANSBROOKE" AT THE CITY OF MARLBOROUGH DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED  
 PLANNING BOARD OF MARLBOROUGH DATE: \_\_\_\_\_

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

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN IS BASED ON FIELD SURVEYS, DEEDS AND PLANS OF RECORD AND CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

*William J. Gagnon, P.E.*

**CULLINAN ENGINEERING**  
 1000 STATE STREET, SUITE 200, MARLBOROUGH, MASSACHUSETTS 01501  
 TEL: 508-251-1111 FAX: 508-251-1112  
 WWW.CULLINAN-ENGINEERING.COM

ELEC FILE # SHEFLD.DWG

DATE	ISSUE	REVISION	DESCRIPTION	APP.
			PLAN OF ACCEPTANCE OF SHEFFIELD TERRACE AND MUNICIPAL EASEMENTS MARLBOROUGH, MASSACHUSETTS	
0	1	2	3 INCHES SCALE	RES. - FLD. JGG
0	40	80	1 INCH = 40 FEET	PLT. JGF DWN. JGF
0	1	2	3 4 5 6 CENTIMETERS	DATE: JUN 14, 1999
				PLAN NUMBER: 99040-10 / P42 / 99
				SHEET: 1 OF 1

**ORDERED:**

That the City Council of the City of Marlborough, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers care, management and control to the Department of Public Works of the City of Marlborough for the purposes of accessing, laying, operating, altering, constructing, plowing, maintaining, replacing, operating, altering, repairing, and other municipal purposes, all of the streets and easements within the Carisbrooke I and Carisbrooke II subdivisions, including the utilities, structures, drains, appurtenances, sidewalks, curbs, and other things identified in the Order of Acceptance of Layout And Eminent Domain Taking Of Ways And Easements In The Carisbrooke I Subdivision And In The Carisbrooke II Subdivision, Order No. 14-1005945-1.

**ADOPTED**

In City Council  
Order No. 14-

Adopted

Approved By Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY

ATTEST:

**ORDERED:**

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

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

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

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

ADOPTED

In City Council  
Order No. 14-  
Adopted

Approved By Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY

ATTEST:

## DEED IN LIEU OF FORECLOSURE

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

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

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

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

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

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

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

Being the same premises conveyed to Gristmill Construction, Inc. by deed recorded in the Middlesex County South Registry of Deeds at Book 1019, Page 106, Certificate No. 177856, and shown as Lot 10 on Sheet 2 of plans entitled "Gristmill Estates III Definitive Plan of Lots, scale: 1"=100', dated August 24, 1984" which plan is recorded with the Middlesex County South Registry of Deeds as Plan No. 1454 of 1984; and

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

Being the same premises conveyed to Gristmill Construction, Inc. by deed recorded in the Middlesex County South Registry of Deeds at Book 1016, Page 170, Certificate No. 177320, and shown as Lot 141 on Sheet 18 of plans entitled "Definitive Carisbrooke II Plan of Land in Marlborough, Massachusetts, Prepared for Gristmill Construction, Inc., 910 Boston Post Road, Marlborough, Mass., dated March 13, 1987," which plan is recorded with the Middlesex County South Registry of Deeds as Plan No. 1079 of 1988.

WITNESS our hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

By: \_\_\_\_\_  
Frederick Heim

By: \_\_\_\_\_  
Paul Zarella

**THE COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

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

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

**THE COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

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

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

**ORDERED:**

That the City Council of the City of Marlborough, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers to the Conservation Commission of the City of Marlborough for conservation purposes, including increasing open space, preserving vistas, providing wildlife habitat, and enabling future passive recreational opportunities in conjunction with existing and proposed public passive recreational amenities, the care, custody, management, and control of the following parcels, pursuant to Mass. Gen. Laws c. 40, § 8C:

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

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

ADOPTED

In City Council  
Order No. 14-

Adopted

Approved By Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY

ATTEST:

CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:  
Sprint Spectrum Realty Company, L. P. ("Sprint")  
(through its authorized agent, Bill Hanrahan, Network Building + Consulting)

2. Specific Location of property including Assessor's Plate and Parcel Number.  
Countryside Village Apartments, 450-460 Boston Post Road, Marlborough, MA 01752 - Map 73, Block 31

3. Name and address of owner of land if other than Petitioner or Applicant:  
Trinity Countryside Limited Partnership (c/o DP Service Corp. Tax Dept.)  
PO Box 4308, Silver Spring, MD 02914

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.) Lessee

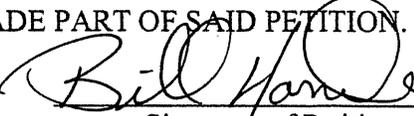
5. Specific Zoning Ordinance under which the Special Permit is sought:  
Article \_\_\_\_\_ Section 650-25 Paragraph \_\_\_\_\_ Sub-paragraph \_\_\_\_\_

6. Zoning District in which property in question is located:  
Business

7. Specific reason(s) for seeking Special Permit  
Application for building permit to modify existing wireless equipment by adding three (3) 2.5 GHz antennas, three (3) 2.5 GHz remote radio heads and three Hybriflex fiber cables plus retrofitting of existing equipment cabinets was submitted to the Building Commissioner who subsequently determined that a special permit would be needed.

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

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

  
Signature of Petitioner or Applicant  
Bill Hanrahan, Authorized Agent for Sprint  
Address: Network Building + Consulting  
5 Dartmouth Drive  
Milford, MA 01757

Telephone No. 508-498-1230

Email: bhanrahan@nbcllc.com

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

Sprint Spectrum Realty Company, L. P. through its authorized agent, Bill Hanrahan (Network Building + Consulting)  
(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF  
MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF  
MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting  
Authorities**

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Sprint Spectrum Realty Company

Agent: Bill Hanrahan, 5 Dartmouth Dr

Applicant's Name: LP Address: Milford, MA 01757

Project Name: 2.5 GHz Deployment Project Address: 450-460 Boston Post Road

1. PROPOSED USE: (describe) Modifications to existing wireless equipment

2. EXPANSION OR NEW: Expansion - adding 3 antennas and 3 remote radio heads no increase in height or ground footprint (plus ancillary related equipment)

3. SIZE: floor area sq. ft. N/A 1st floor N/A all floors N/A

# buildings N/A # stories N/A lot area (s.f.)

4. LOT COVERAGE: N/A %Landscaped area: %

5. POPULATION ON SITE: Number of people expected on site at anytime:

Normal: typically unmanned Peak period: technician to periodically visit site on approx monthly basis

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: none Peak period: 1 (typically)

(B) How many service vehicles will service the development and on what schedule?

typically no vehicles on site unless for routine maintenance visits, typically monthly

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? N/A (no change)

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.

N/A - no change / existing and modified equipment do not produce noise

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. noe

9. AIR: What sources of potential air pollution will exist at the development? none - the

wireless facility produces no air pollution

10. WATER AND SEWER: Describe any unusual generation of waste. no water or waste

impact - site is unmanned

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? N/A - no hazardous waste generated on site

\*Attach additional sheets if necessary

RECEIVED OCT 15 2014



CITY OF MARLBOROUGH  
MARLBOROUGH, MASSACHUSETTS 01752

City Hall  
140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: 10/14/14

SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: SPRINT 2.5 GHz Deployment Project

Project Use Summary: MODIFICATION TO WIRELESS FACILITY

Project Street Address: 450-460 BOSTON POST ROAD

Plate: 73 Parcel: 31

Applicant/Developer Name: SPRINT SPECTRUM REALTY COMPANY LP

Plan Date: 10/8/14 Revision Date: \_\_\_\_\_

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,

Robert Camacho  
Interim Building Commissioner

Application Fee to submit to  
City Clerk's office

\$ 250.00

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



**Lisa M. Thomas  
City Clerk**

Dear Applicant,

To ensure that each department listed below receives a copy of your completed Special Permit application, please hand-deliver to each department as instructions indicate below.

**PLACE A CHECK-MARK AFTER HAND-DELIVERING THE APPLICATION TO THE FOLLOWING DEPARTMENTS AND SIGN YOUR NAME & DATE IT ACCORDINGLY. MAKE SURE THIS PAGE IS SIGNED AND RETURNED TO THE CITY CLERK'S OFFICE WITH THE COMPLETED APPLICATION. THE CITY CLERK'S OFFICE WILL NOT ACCEPT THE APPLICATION WITHOUT THE SIGNATURE OF THE APPLICANT OR PETITIONER AS INDICATED BELOW.**

3 SETS	OFFICE OF THE CITY CLERK <input checked="" type="checkbox"/>
1 SET	POLICE CHIEF <input checked="" type="checkbox"/>
1 SET	FIRE CHIEF <input checked="" type="checkbox"/>
1 SET	CITY ENGINEER <input checked="" type="checkbox"/>
1 SET	CITY PLANNER <input checked="" type="checkbox"/>
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED) <u>N/A</u>
1 SET	BUILDING INSPECTOR <input checked="" type="checkbox"/>
12 SETS	OFFICE OF THE CITY COUNCIL <input checked="" type="checkbox"/>

  
Signature

10/15/14  
Date

Thank you for your cooperation in this matter.

Sincerely,

*Lisa M. Thomas*  
City Clerk



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

**Lisa M. Thomas  
City Clerk**

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

**Company Name**

SPRINT SPECTRUM Resky Company LP

**Owner Name/Officer Name of LLC or Corporation**

**Owner/Officer Complete Address and Telephone Number**

**Signature of Applicant**

Bill Hamden, authorized agent for SPRINT

**Attorney on behalf of Applicant, if applicable**

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

Deborah G. Fox  
**Tax Collector**

CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:  
Sprint Spectrum Realty Company, L. P. ("Sprint")  
(through its authorized agent, Bill Hanrahan, Network Building + Consulting)  
\_\_\_\_\_
2. Specific Location of property including Assessor's Plate and Parcel Number.  
Fairmount Water Tank, 115 Onamog Street, Marlborough, MA 01752  
Map 81, Block 238  
\_\_\_\_\_
3. Name and address of owner of land if other than Petitioner or Applicant:  
City of Marlborough - 140 Main Street, Marlborough, MA 01752  
\_\_\_\_\_
4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.) Lessee
5. Specific Zoning Ordinance under which the Special Permit is sought:  
Article \_\_\_\_\_ Section 650-25 Paragraph \_\_\_\_\_ Sub-paragraph \_\_\_\_\_
6. Zoning District in which property in question is located:  
Residential A-3  
\_\_\_\_\_
7. Specific reason(s) for seeking Special Permit  
Application for building permit to modify existing wireless equipment by adding three (3) 2.5 GHz antennas, three (3)  
2.5 GHz remote radio heads and three Hybriflex fiber cables on existing water tank plus retrofitting of existing equipment  
cabinets was submitted to the Building Commissioner who subsequently determined that a special permit would  
be needed.  
\_\_\_\_\_  
\_\_\_\_\_
8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

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



Signature of Petitioner or Applicant  
Bill Hanrahan, Authorized Agent for Sprint  
Network Building + Consulting

Address: \_\_\_\_\_  
5 Dartmouth Drive  
Milford, MA 01757  
\_\_\_\_\_

Telephone No. 508-498-1230  
\_\_\_\_\_

Email: bhanrahan@nbcllc.com

Date: \_\_\_\_\_  
City Clerk's Office

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

Sprint Spectrum Realty Company, L. P. through its authorized agent, Bill Hanrahan (Network Building + Consulting)  
(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF  
MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF  
MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting  
Authorities**)

**SPECIAL PERMIT-SUMMARY IMPACT STATEMENT**

Sprint Spectrum Realty Company

Agent: Bill Hanrahan, 5 Dartmouth Dr

Applicant's Name: LP Address: Milford, MA 01757

Project Name: 2.5 GHz Deployment Project Address: 115 Onamog Street

1. PROPOSED USE: (describe) Modifications to existing wireless equipment

2. EXPANSION OR NEW: Expansion - adding 3 antennas and 3 remote radio heads no increase in height or ground footprint (plus ancillary related equipment)

3. SIZE: floor area sq. ft. N/A 1<sup>st</sup> floor N/A all floors N/A

# buildings N/A # stories N/A lot area (s.f.) \_\_\_\_\_

4. LOT COVERAGE: N/A %Landscaped area: \_\_\_\_\_ %

5. POPULATION ON SITE: Number of people expected on site at anytime:

Normal: typically unmanned Peak period: technician to periodically visit site on approx monthly basis

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: none Peak period: 1 (typically)

(B) How many service vehicles will service the development and on what schedule?

typically no vehicles on site unless for routine maintenance visits, typically monthly

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? N/A (no change)

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.

N/A - no change / existing and modified equipment do not produce noise

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. noe

9. AIR: What sources of potential air pollution will exist at the development? none - the

wireless facility produces no air pollution

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impact - site is unmanned

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? N/A - no hazardous waste generated on site

\*Attach additional sheets if necessary

CITY CLERK

RECEIVED OCT 10 2014



CITY OF MARLBOROUGH  
MARLBOROUGH, MASSACHUSETTS 01752

City Hall  
140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: 10/14/14

SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: SPRINT 2.5 GHz DEPLOYMENT

Project Use Summary: MODIFICATION TO WIRELESS FACILITY

Project Street Address: 115 ONAMOG STREET

Plate: 81 Parcel: 238

Applicant/Developer Name: SPRINT SPECTRUM Realty Company LP

Plan Date: 10/8/14 Revision Date: \_\_\_\_\_

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,

Robert Camacho  
Interim Building Commissioner

Application Fee to submit to  
City Clerk's office

\$250.00

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



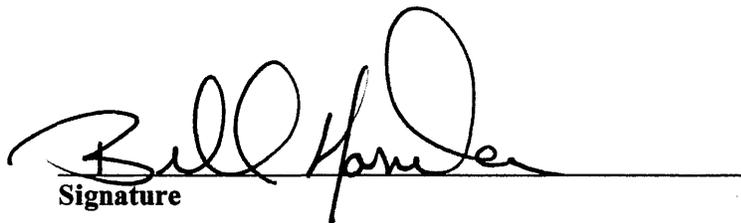
**Lisa M. Thomas  
City Clerk**

Dear Applicant,

To ensure that each department listed below receives a copy of your completed Special Permit application, please hand-deliver to each department as instructions indicate below.

**PLACE A CHECK-MARK AFTER HAND-DELIVERING THE APPLICATION TO THE FOLLOWING DEPARTMENTS AND SIGN YOUR NAME & DATE IT ACCORDINGLY. MAKE SURE THIS PAGE IS SIGNED AND RETURNED TO THE CITY CLERK'S OFFICE WITH THE COMPLETED APPLICATION. THE CITY CLERK'S OFFICE WILL NOT ACCEPT THE APPLICATION WITHOUT THE SIGNATURE OF THE APPLICANT OR PETITIONER AS INDICATED BELOW.**

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1 SET	POLICE CHIEF <input checked="" type="checkbox"/>
1 SET	FIRE CHIEF <input checked="" type="checkbox"/>
1 SET	CITY ENGINEER <input checked="" type="checkbox"/>
1 SET	CITY PLANNER <input checked="" type="checkbox"/>
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED) <u>N/A</u>
1 SET	BUILDING INSPECTOR <input checked="" type="checkbox"/>
12 SETS	OFFICE OF THE CITY COUNCIL <input checked="" type="checkbox"/>

  
Signature

10/15/14  
Date

Thank you for your cooperation in this matter.

Sincerely,

*Lisa M. Thomas*  
City Clerk



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

**Lisa M. Thomas  
City Clerk**

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

**Company Name**

SPRINT SPECTRUM REALTY COMPANY LP

**Owner Name/Officer Name of LLC or Corporation**

\_\_\_\_\_

**Owner/Officer Complete Address and Telephone Number**

\_\_\_\_\_

\_\_\_\_\_

**Signature of Applicant**

Bill Hamden, AUTHORIZED AGENT FOR SPRINT

**Attorney on behalf of Applicant, if applicable**

\_\_\_\_\_

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

Deborah G. Fox  
**Tax Collector**

CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:  
Sprint Spectrum Realty Company, L. P. ("Sprint")  
(through its authorized agent, Bill Hanrahan, Network Building + Consulting)

---

2. Specific Location of property including Assessor's Plate and Parcel Number.  
2 Mount Royale Avenue, Marlborough, MA 01752 (Map 79, Block 33 and 33B)

---

3. Name and address of owner of land if other than Petitioner or Applicant:  
Mount Royale Associates (c/o Haynes Management Inc., 34 Washington St., Wellesley, MA 02481)

---

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.) Lessee
5. Specific Zoning Ordinance under which the Special Permit is sought:  
Article \_\_\_\_\_ Section 650-25 Paragraph \_\_\_\_\_ Sub-paragraph \_\_\_\_\_
6. Zoning District in which property in question is located:  
Business

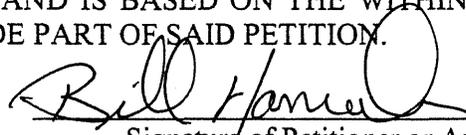
---

7. Specific reason(s) for seeking Special Permit  
Application for building permit to modify existing wireless equipment by adding three (3) 2.5 GHz antennas, three (3) 2.5 GHz remote radio heads and three Hybriflex fiber cables plus retrofitting of existing equipment cabinets was submitted to the Building Commissioner who subsequently determined that a special permit would be needed.

---

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

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



Signature of Petitioner or Applicant  
Bill Hanrahan, Authorized Agent for Sprint  
Network Building + Consulting

Address: \_\_\_\_\_  
5 Dartmouth Drive  
Milford, MA 01757

Telephone No. 508-498-1230

Email: bhanrahan@nbcllc.com

Date: \_\_\_\_\_  
City Clerk's Office

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

Sprint Spectrum Realty Company, L. P. through its authorized agent, Bill Hanrahan (Network Building + Consulting)  
(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF  
MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF  
MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting  
Authorities**

**SPECIAL PERMIT-SUMMARY IMPACT STATEMENT**

Sprint Spectrum Realty Company

Agent: Bill Hanrahan, 5 Dartmouth Dr

Milford, MA 01757

Applicant's Name: LP Address: \_\_\_\_\_

Project Name: 2.5 GHz Deployment Project Address: 2 Mount Royale Avenue

1. PROPOSED USE: (describe) Modifications to existing wireless equipment

2. EXPANSION OR NEW: Expansion - adding 3 antennas and 3 remote radio heads no increase in height or ground footprint (plus ancillary related equipment)

3. SIZE: floor area sq. ft. N/A 1<sup>st</sup> floor N/A all floors N/A

# buildings N/A # stories N/A lot area (s.f.) \_\_\_\_\_

4. LOT COVERAGE: N/A %Landscaped area: \_\_\_\_\_ %

5. POPULATION ON SITE: Number of people expected on site at anytime:

Normal: typically unmanned Peak period: technician to periodically visit site on approx monthly basis

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: none Peak period: 1 (typically)

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\*Attach additional sheets if necessary

RECEIVED OCT 15 2014



CITY OF MARLBOROUGH  
MARLBOROUGH, MASSACHUSETTS 01752

City Hall

140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: 10/14/14

SPECIAL PERMIT APPLICATION

CERTIFICATION BY PLANNING DEPARTMENT

Project Name: SPRINT 2.5 GHz Deployment Project

Project Use Summary: MODIFICATION TO WIRELESS FACILITY

Project Street Address: 2 Mounts Royale Avenue

Plate: 79 Parcel: 33 + 33B

Applicant/Developer Name: SPRINT SPECTRUM REALTY COMPANY LP

Plan Date: 10/9/14 Revision Date: \_\_\_\_\_

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,

Robert Camacho  
Interim Building Commissioner

Application Fee to submit to  
City Clerk's office

\$ 250.00

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



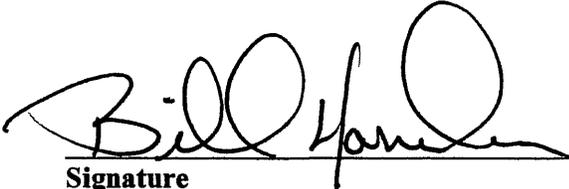
**Lisa M. Thomas  
City Clerk**

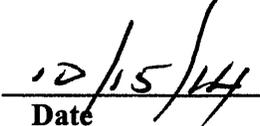
Dear Applicant,

To ensure that each department listed below receives a copy of your completed Special Permit application, please hand-deliver to each department as instructions indicate below.

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1 SET	BUILDING INSPECTOR	<input checked="" type="checkbox"/>
12 SETS	OFFICE OF THE CITY COUNCIL	<input checked="" type="checkbox"/>

  
Signature

  
Date

Thank you for your cooperation in this matter.

Sincerely,

*Lisa M. Thomas  
City Clerk*

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

**Lisa M. Thomas  
City Clerk**



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

**Company Name**

Sprint Spectrum Realty Company LP

**Owner Name/Officer Name of LLC or Corporation**

**Owner/Officer Complete Address and Telephone Number**

**Signature of Applicant**

Bill Hamilton AUTHORIZED AGENT FOR SPRINT

**Attorney on behalf of Applicant, if applicable**

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

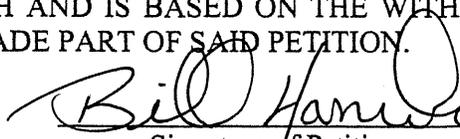
Deborah G. Lee  
**Tax Collector**

CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:  
Sprint Spectrum Realty Company, L. P. ("Sprint")  
(through its authorized agent, Bill Hanrahan, Network Building + Consulting)  
\_\_\_\_\_
2. Specific Location of property including Assessor's Plate and Parcel Number.  
Marlborough Hospital - 157 Union Street, Marlborough, MA 01752 Map 43, Block 56  
\_\_\_\_\_
3. Name and address of owner of land if other than Petitioner or Applicant:  
Marlborough Hospital, 157 Union Street, Marlborough, MA 01752  
\_\_\_\_\_
4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.) Lessee
5. Specific Zoning Ordinance under which the Special Permit is sought:  
Article \_\_\_\_\_ Section 650-25 Paragraph \_\_\_\_\_ Sub-paragraph \_\_\_\_\_
6. Zoning District in which property in question is located:  
Residential A-3  
\_\_\_\_\_
7. Specific reason(s) for seeking Special Permit  
Application for building permit to modify existing wireless equipment by adding three (3) 2.5 GHz antennas, three (3)  
2.5 GHz remote radio heads and three Hybriflex fiber cables plus retrofitting of existing equipment  
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Signature of Petitioner or Applicant  
Bill Hanrahan, Authorized Agent for Sprint  
Network Building + Consulting

Address: \_\_\_\_\_  
5 Dartmouth Drive  
Milford, MA 01757  
\_\_\_\_\_

Telephone No. 508-498-1230  
\_\_\_\_\_

Email: bhanrahan@nbcllc.com

Date: \_\_\_\_\_  
City Clerk's Office

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

Sprint Spectrum Realty Company, L. P. through its authorized agent, Bill Hanrahan (Network Building + Consulting)  
(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF  
MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF  
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(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting  
Authorities**)

**SPECIAL PERMIT-SUMMARY IMPACT STATEMENT**

Sprint Spectrum Realty Company

Agent: Bill Hanrahan, 5 Dartmouth Dr

Milford, MA 01757

Applicant's Name: LP Address: \_\_\_\_\_

Project Name: 2.5 GHz Deployment Project Address: 157 Union Street

1. PROPOSED USE: (describe) Modifications to existing wireless equipment

2. EXPANSION OR NEW: Expansion - adding 3 antennas and 3 remote radio heads no increase in height or ground footprint (plus ancillary related equipment)

3. SIZE: floor area sq. ft. N/A 1<sup>st</sup> floor N/A all floors N/A

# buildings N/A # stories N/A lot area (s.f.) \_\_\_\_\_

4. LOT COVERAGE: N/A %Landscaped area: \_\_\_\_\_ %

5. POPULATION ON SITE: Number of people expected on site at anytime:

Normal: typically unmanned Peak period: technician to periodically visit site on approx monthly basis

6. TRAFFIC:

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\*Attach additional sheets if necessary

CITY CLERK

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CITY OF MARLBOROUGH  
MARLBOROUGH, MASSACHUSETTS 01752

City Hall

140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: 10/14/14

SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: SPRINT 2.5 GHz DEPLOYMENT

Project Use Summary: MODIFICATION TO EXISTING WIRELESS FACILITY

Project Street Address: 157 UNION STREET

Plate: 43 Parcel: 56

Applicant/Developer Name: SPRINT SPECTRUM Realty Company LP

Plan Date: 10/8/14 Revision Date: \_\_\_\_\_

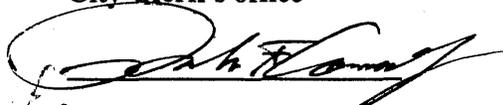
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Very truly yours,

Robert Camacho  
Interim Building Commissioner

Application Fee to submit to  
City Clerk's office

  
\$ 250.00

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



**Lisa M. Thomas  
City Clerk**

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12 SETS	OFFICE OF THE CITY COUNCIL <input checked="" type="checkbox"/>

Bill Spina  
Signature

10/3/14  
Date

Thank you for your cooperation in this matter.

Sincerely,

*Lisa M. Thomas*  
City Clerk

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



**Lisa M. Thomas  
City Clerk**

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

**Company Name**

SPRINT SPECTRUM Realty Company LP

**Owner Name/Officer Name of LLC or Corporation**

\_\_\_\_\_

**Owner/Officer Complete Address and Telephone Number**

\_\_\_\_\_

\_\_\_\_\_

**Signature of Applicant**

Bill Hamala, authorized agent for SPRINT

**Attorney on behalf of Applicant, if applicable (AGENT)**

Bill Hamala, Network Building + Consulting

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

Deborah J. Fox  
**Tax Collector**

**MARLBOROUGH PLANNING BOARD  
MARLBOROUGH, MA 01752**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

September 22, 2014  
2014 OCT - 8 A 9 28

**Call to Order**

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3<sup>rd</sup> Floor City Hall 140 Main Street, Marlborough, MA. Members present included Sean Fay, Colleen Hughes, Barbara Fenby, Edward Coveney, Shawn McCarthy & Brian DuPont.

Philip Hodge was absent.

Also in attendance was Board Secretary Melissa Irish & City Engineer Evan Pilachowski & Assistant City Engineer Timothy Collins.

**1. Meeting Minutes:**

**A. Regular Meeting September 8, 2014**

On a motion made by Ms. Hughes, seconded by Mr. Fay, it was voted to accept and place on file the minutes of the September 8, 2014 regular meeting as amended. Motion carried with Ms. Fenby and Mr. DuPont abstaining.

**2. Chair's Business:**

**A. Request from City Council for Joint Public Hearing (October 20, 2014) Proposed Zoning Change.**

Chairperson Fenby noted to the Board members that the City Council is interested in holding a joint public hearing with the Board to hear from MAPC/MEDC in regards to the proposed new Downtown Zoning Ordinance.

Chairperson Fenby wanted to know the feeling of the members regarding taking part in a joint hearing in City Council Chambers on October 20, 2014. After surveying the members it was noted that none of the members present have feelings against taking part in a joint public hearing. A message is to be forwarded along to the City Council noting the Boards agreement to the proposed joint hearing, October 20, 2014 at 8:00pm.

**3. Approval Not Required:**

**A. 33 Boston Post Rd West, Merrimack Engineering Services**

Ms. Hughes read the application into the record.

Mr. Stephen Stapinski President of Merrimack Engineering Services presented the proposed ANR plan to the Board. The intent of the plan is to divide an existing lot currently with 3 separate building on it into 2 lots; Lot A-1 to consist of 2 buildings on a 1.390 acre parcel and Lot B-1 to consist of a single building on a 3.6455 acre parcel.

On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to accept the plan place it on file and refer to the Engineering Department for review. Motion carried.

**4. Public Hearings:**

**A. 7:15pm Howe's Landing Definitive Plans, Hudson St (Sage Investors)**

The Public Hearing was opened at 7:17pm Ms. Hughes read the notice into the record. The hearing was taken in the traditional 4 stages:

Presentation

Those speaking in favor

Those speaking in opposition

Questions for the Board Members

Presentation:

Attorney Sandra Austin & Mr. Thomas Dipersio Jr. was in attendance to present the Definitive Plan. Mr. Chris Christopher of Sage Investors was in attendance as well.

Mr. Dipersio gave an overview of the intended project. This project has already been issued Special Permit from the Planning Board to proceed with an Open Space Subdivision.

The project consists of approximately 9 acres on 2 separate lots bisected by a City of Marlborough sewer taking. The project will consist of 10 single family house lots each with 50' of frontage and 12,000 square feet of area. There will be 2.84 acre lot defined as an open space parcel to be held in perpetuity. The roadway will consist of a 500' cul de sac.

Sage Investors are looking to be granted 4 waivers they consist of;

1. Section IV.B.3 Right of Way Width  
Required: 50 feet for all secondary roads  
Requested: 40 feet
2. Section IV.B.4 Maximum Roadway Grade  
Required: 8% for secondary roads other than Lanes (10% for Lanes)  
Requested 10%
3. Section V.B.2 Pavement Width  
Required: 32 feet for secondary roads other than Lanes (26 feet for Lanes)  
Requested: 28 feet
4. Section V.E. Planting Strips  
Required: 5' planting strip each side of road  
Requested: No planting strip due to reduced right of way

(These waiver requests we taken directly from the filed plans)

It was noted that this project will be serviced by City Water and City Sewer the sewer from several of the lots however will be fed by a force main which will be located outside of the Right of Way.

Speaking in Favor: None

Speaking in Opposition/Questions:

Ms. Josephine Banigo, 114 Kelber Drive.

Ms. Banigo spoke in Opposition as well had Questions regarding the project. Ms. Banigo

questioned the area of Open Space in relation to the wetlands and in turn the proximity of both to her home.

Mr. Dipersio noted that the wetlands and water will flow down into the project there should be no effect on her property.

Ms. Banigo questioned what is Open Space? She did not truly understand the concept.

Chairperson Fenby explained that Open Space was exactly as it was named. The land would stay as it now unless it was decided by the City to install walking or biking trails or even a park.

Ms. Banigo then questioned how long this development would take?

Chairperson Fenby noted the traditional time period is 2 years however some projects go longer. Each project is different; however Open Space projects seem to move right along.

Mr. John Lally, 281 Hudson St

Mr. Lally wanted his concern about being washed out to be noted. He is one of the lowest houses in the vicinity.

Ms. Hughes read a communication from the Conservation Commission into the record. Chairman Clancy was in attendance.

Questions from the Board Members:

Mr. Fay asked the Project Engineer to recap the requested waivers.

Mr. Fay questioned if the sidewalks could be moved back from the curb?

Mr. Dipersio noted that with the reduced width of the roadway it really would be difficult but he would review the options.

Dr. Fenby did note that the Board is very pro sidewalk and walkability.

Mr. McCarthy questioned if cars would be able to park on both sides of the street? Mr. Collins noted that it would all depend on where they were parked the parked cars could not create an driving hazard making it impossible to pass through.

City Engineer Pilachowski noted that with the number of house lots requested this situation would be uncommon.

Motion made by Ms. Hughes, seconded by Mr. DuPont to refer the plan to the Engineering Department. Motion carried.

The Public Hearing was closed at 7:46pm.

Motion made by Mr. Fay, seconded by Ms. Hughes to call a 2 minute recess at 7:47pm. Motion carried.

Meeting reconvened at 7:50pm.

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

### **A. Engineers Report:**

City Engineer Pilachowski reported out to the Board that MAPC would like to do a presentation to the Board/Public regarding the new MetroWest Moves project; MAPC was looking to have

the Planning Board host an informational session that would be open to the public.

Chairperson Fenby requested that the item be placed on the November 3<sup>rd</sup> agenda for a presentation from MAPC under Chair's Business. (Item 2) The public will be welcome to attend and offer input as appropriate.

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

**7. Definitive Subdivision Submission: None**

**8. Signs:**

**A. Stella's Custom Cakes – 25 Boston Post Rd East (Continued) (October 2, 2014)**

Ms. Stella Luberto was in attendance in regards to the request.

Ms. Hughes read the correspondence from the Code Enforcement Officer into the record.

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

Mr. Fay stated that the Board had no basis to approve this variance due to the applicants hardship was created by the landlord.

Motion made by Mr. Fay, seconded by Mr. DuPont to Deny the variance as requested. Motion carried.

**B. 214 Boston Post Rd East (Valvoline) Information from Code Enforcement**

Ms. Hughes read the correspondence from the Code Enforcement Officer onto the record.

Motion made by Mr. DuPont, seconded by Mr. McCarthy to accept the correspondence and place it on file. Motion Carried.

Mr. Fay commended Code Enforcement Officer Wilderman on the excellent letter and timely response.

**C. Illegal (Unpermitted) signs "Join Scouting" Information from Code Enforcement**

Ms. Hughes read the correspondence from the Code Enforcement Officer into the record.

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

**9. Unfinished Business:**

**A. Berlin Farms Update**

City Engineer Pilachowski reported out to the Board that he visited the site that very day and no visible additional work has been completed. No work in the detention basin or additional grass seed has be put down.

Motion made by Mr. Fay, seconded by Mr. Coveney to require a reporting from a principal party in this development at the next regularly scheduled meeting on October 6, 2014. It is expected that this reporting will signify completion of the small amount of outstanding work.

It was noted to keep this on the next regularly scheduled meeting agenda for updates.

**B. Blackhorse Farms Update**

City Engineer Pilachowski reported that he and Conservation Officer Ryder had a meeting with

the Site Superintendent to discuss the condition/progress of the subdivision. He noted the following progress being made; the gravel has been levelled, sidewalk and driveway paving will commence this week, utility cut out is ready to be paved. Landscaping will take place next week, including the repairs to the effected home. The entire outstanding list of issues was gone over and discussed, and good progress has been made. It was noted that the Engineering Department will not provide a proper signoff for the occupancy of the newest home until the outstanding matters are completed.

The Board has requested that the developer mow/clean up the entire property as was part of the last granted extension for the project.

It was noted to keep this on the next regularly scheduled meeting agenda for updates.

### **C. Mauro Farms Update**

Mr. Fay noted his previously disclosed conflict.

City Engineer Pilachowski noted for the Board that no new construction schedule has been received; no progress has been made on the punch list items. The crosswalk in question has been painted however it was painted by the D.P.W. There is still remedial work to be done within the crosswalk general area.

It was noted to keep this on the next regularly scheduled meeting agenda for updates.

**10. Informal Discussions:** None

**11. Correspondence:** None

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

#### **A. Town of Framingham, Planning Board Public Hearing October 2, 2014**

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to accept the notices A and place on file. Motion carried.

**13. Executive Session**

#### **A. Discussion of litigation strategy regarding a proposed subdivision**

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to: Pursuant to Mass. Gen. Laws c. 30A section 21(a)(3), to enter executive session for the purpose of discussing litigation strategy involving a proposed subdivision, as an open meeting may have detrimental effect on the litigating position of the Planning Board, and the chair so declares; and further moved to adjourn the meeting at the conclusion of the executive session.

Roll Call Vote:

Mr. Fay Yes

Ms. Hughes Yes

Ms. Fenby Yes

Mr. Coveney Yes

Mr. McCarthy Yes

Mr. DuPont Yes

The Board entered into executive session at 7:56pm

**Adjournment:** On a motion made by Mr. Coveney, seconded by Ms. Hughes it was voted to adjourn at 8:18pm. Motion carried.

Respectfully submitted,

Colleen Hughes

/mai

**MINUTES OF THE LICENSE BOARD MEETING HELD AUGUST 27, 2014**

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CITY OF MARLBOROUGH

There was a regular monthly meeting of the License Board held on Wednesday,  
August 27, 2014 at 7:30 pm, City Hall, 3rd floor, Memorial Hall.

2014 OCT -8 A 10:26

Attending were: Walter Bonin, Chairman; James Riessle, Member; Gregory Mitrakas, Member; Linda Goodwin, Secretary.

Meeting was called to order by Walter Bonin, Chairman at 7:30 pm.

**NEW BUSINESS:**

- 1: Masonic Corp. – Catering Tasty Home Cooking - **4** - ALL Alcohol One Day Permits

Ed Walsh presented **4** ALL alcohol one day permit applications. Motion made to approve by Gregory Mitrakas, seconded by James Riessle. Motion carried 3-0

- 2: ITAM – Outdoor Pavilion – **6** – ALL Alcohol One Day Permits

John Manning presented- **6**- ALL alcohol one day permit applications for outdoor pavilion at ITAM. Motion made to approve by Gregory Mitrakas, seconded by James Riessle. Motion carried 3-0

- 3: Marlboro Moose – Outdoor Pavilion – **9** – ALL Alcohol One Day Permits

Nancy Ronayne presented – **9**– ALL alcohol one day permit applications for outdoor pavilion at Moose Lodge. Motion made to approve by Gregory Mitrakas, seconded by James Riessle. Motion carried 3-0

- 4: Vin Bin – **1** – ALL Alcohol One Day Permit

Rick Lombardo presented -1- ALL alcohol one day permit application for outdoor patio on Main Street. Motion made to approve by Gregory Mitrakas, seconded by James Riessle. Motion carried 3-0

- 5: IC School – PTA – **1** – Beer/Wine One Day Permit

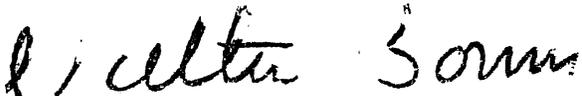
Motion made to approve by James Riessle, seconded by Gregory Mitrakas. Motion carried 3-0

OLD BUSINESS:

- 10: Minutes Previous Meeting – July, 2014  
Motion made to accept and place on file. Motion carried 3-0

MOTION MADE TO ADJOURN: 8:00 PM

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Walter Bonin". The signature is written in a cursive style with a large initial "W".

Walter Bonin, Chairman

**Marlborough Board of Health Meeting**  
September 9, 2014

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CITY OF MARLBOROUGH

2014 OCT -8 A 10: 26

Call to order: 6:38 pm

**Members Present:** Robin Williams, Acting Chair; Dr. John Curran

**Others Present:** Public Health Nurse Nancy Cleary; Dr. Sam Wong, Board Adviser; Mike Berry, Mayor's Office (taking the minutes of the meeting in the absence of Linda Goodwin).

**NEW BUSINESS**

**1. Maureen Lee introduced herself to the Board of Health**

As a contract inspector, Ms. Lee stated that she has completed 110 routine inspections and 92 reinspections since her arrival in April. Ms. Lee discussed with the Board members her approach to food establishment inspections and how she puts together her inspectional report.

Dr. Curran asked Ms. Lee if restaurants are informed and aware of the food code prior to an inspection. Ms. Lee stated that most have knowledge of the code but often do not know the level of detail necessary for best practices. Ms. Lee stated that inspections provide an important tool to educate restaurant personnel help them better understand the food code. She often will provide handouts directly to managers at the time of inspection to provide further code guidance.

Ms. Williams stated that the easier we can make it for restaurants to understand the food code the better compliance we will have.

**2. Post Road Pantry – Discussion of Ongoing Violations; Apu Patel, Post Road Pantry Owner**

The Board of Health received an anonymous pest complaint at the Post Road Pantry. Dr. Wong investigated this personally and found sufficient evidence of bug/pest infestation. The establishment was then directed to develop an Integrated Pest Management Plan.

They are before the Board because Dr. Wong believes the plan sufficiently satisfied his order.

Ms. Williams stated that Mr. Patel needs to become more involved beyond hiring a company to perform pest control.

Dr. Curran asked for future updates on the progress of the pest control.

Dr. Wong seeks a written plan from the pest management company to address the long term need. The company will provide a plan to the board within two weeks.

### **3. Halfway Café – Stephen Allegro, Vice President of Operations; Fabrizio Silva, Marlborough Head Chef**

Ms. Lee stated that all the violations on their original inspection report have been corrected. They have purchased new refrigeration but remains concerned about the replacement of the in-line flip top unit. She has spoken to them regarding her concerns. A new three bay hand sink has been replaced in the basement.

Dr. Curran asked Ms. Lee if she was satisfied with the replacement of the in-line unit with a two door unit. A hood was replaced which may help reduce the heat in the vicinity of the refrigeration unit. Over time, we can assess the success over a period of time.

Vice President stated they are considering the installation of an air conditioning unit and increasing the use of circulatory fans.

Ms. Lee stated that food thermometers should be one of the most frequently used tools in a restaurant to ensure consistent temperatures of foods.

Dr. Curran commended the Halfway Café on their commitment to improving their performance.

### **4. Marlborough Super Buffet Progress Report**

Dr. Wong stated that the outside consultant, Pamela Ross-Kung, has been working very well with the establishment. A written report summary was provided in the members' packet. He did not see a need to have them come in before the Board again.

### **5. Master Wok Progress Report**

Dr. Wong held an administrative meeting with Master Wok management personnel, who operate at the Solomon Pond Mall. Master Wok's internal audits of this specific establishment show that it consistently underperforms.

The agreement established with Master Work resulting from their administrative meeting will include weekly unannounced audits. Thus far, they are progressing positively and the weekly audits will remain in place indefinitely. The Board will continue to monitor their progress and review their reports.

## 6. Election of Officers

Item tabled as members wished to wait until the full board was present. Board member Jim Griffin was unable to attend tonight's meeting.

## 7. Discussion of Board of Health Rules and Responsibilities

Item tabled as members wished to wait until the full board was present. Dr. Wong mentioned that there is training provided by the Mass. Association of Health Boards on November 15<sup>th</sup> for new members. He encouraged members to attend.

## 8. Strategic Discussion for the Health Department

Dr. Wong stated that he will hold off on larger discussion until there is a full board present. He did state that a part-time nurse has been hired and will begin next week. Dr. Wong hopes to have this position look at the greater health needs of the community.

## OLD BUSINESS

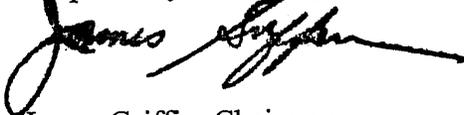
### 9. Approval of Minutes – Item tabled until full board is present.

Dr. Wong stated that Ms. Williams will need to abstain from voting to approve minutes prior to her becoming a member of the Board of Health.

10. Public Health Nurse – Ms. Cleary updated the Board on her management of tuberculosis (TB) cases. Dr. Wong stated that funding to address the increased cost of flu vaccination has been addressed with the assistance of the Mayor's office.

Motion to adjourn at 7:42 pm

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James Griffin", written in a cursive style.

James Griffin, Chairman

**Marlborough Board of Health Special Meeting**

September 18, 2014

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CITY OF MARLBOROUGH

REGULAR MEETING MINUTES ONLY

2014 OCT -8 A 10:26

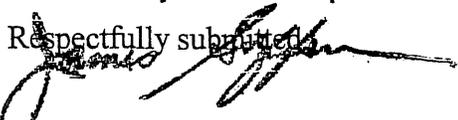
Call to order: 6:45 p.m.

**Members Present:** Robin Williams, James Griffin, Dr. John Curran

**Others Present:** Mike Berry, Mayor's Office (taking the minutes of the meeting in the absence of Linda Goodwin), Nicholas Anastasopoulos, Labor Counsel

- Michael Berry, Executive Aide to the Mayor, opened the meeting to conduct the Annual organization of the Board of Health by electing a chair, pursuant to M.G.L. c. 111, § 27.
- Prior to beginning the organizational process members expressed a desire to turn over the position of Chair on an annual basis and to operate the meeting at a more inclusive level.
- Mr. Berry then opened the floor for nominations for Chairman.
- Motion by Dr. Curran to nominate James Griffin as Chair, seconded by Robin Williams.
  - **Roll Call Vote:** Robin William – YES; Dr. Curran – YES; James Griffin – YES.  
**Approved 3-0**
- Board members expressed a desire to have a Vice-Chair to run a meeting in the absence of the Chair.
- Motion by Chairman Griffin to nominate Dr. John Curran as Vice-Chair, seconded by Robin Williams.
  - **Roll Call Vote:** Robin William – YES; Dr. Curran – YES; James Griffin – YES.  
**Approved 3-0**
- Chairman Griffin then stated that, pursuant to M.G.L. c. 30A, § 21(a)(3), an Executive Session may be held "[t]o discuss strategy with respect to . . . litigation, if an open meeting may have a detrimental effect on the government's . . . litigating position, and the Chair so declares." He then asked for member a motion to move into Executive Session for that purpose, declaring that an open meeting may have a detrimental effect on the City's litigating position. The Board will return to open session for the sole purpose of adjourning the meeting.
- Motion by Robin Williams to move into Executive Session, seconded by Dr. Curran.
  - **Roll Call Vote:** Robin William – YES; Dr. Curran – YES; James Griffin – YES.  
**Approved 3-0**
- **Motion to adjourn at 8:15 pm**

Respectfully submitted,

  
James Griffin, Chairman

CITY CLERK 10:40 AM  
RECEIVED OCT 15 2014  
*[Signature]*



**CITY OF MARLBOROUGH  
YOUTH COMMISSION MEETING**

**MEETING MINUTES: 7 AUGUST 2014**

**ROLL CALL OF YOUTH COMMISSIONERS:**

Kelley French (Chair) – Present  
Michael Gibson (Secretary) – Present  
Steve Zepf – Present  
Pascal Chesnais – Present  
Connie Mish- Present

**Invited Guests:**

Milke Berry – (Executive Aide to the Mayor) -Present  
Ryan Wambolt (future appointed Youth Commissioner) -Absent  
Santiago Vargas (future appointed Youth Commissioner) -Absent  
Officer Louie Turieu, Marlborough Police Department -Present

-Meeting start: 6:00pm  
-Meeting adjourned: 6:58pm  
-Location: Marlborough City Hall, Mayor's Conference Room

Motion to Approve the June, 2014 Meeting Minutes made by Kelley French- Approved as read. Motion was seconded by Connie, and motion carried.

**Minutes:**

- Discussed the current work plan
- Pascal announced his resignation from the Youth Commission. Will not seek reappointment.
- Discussed the Drug and Alcohol Awareness Video/Logo contest
- Discussed the Youth Commission Resource Guide
- LOGO contest- Voted upon only focusing on the LOGO contest this year. Motion made by Connie Mish. All in agreement. Vote passed. –The video contest would resume talks next year.
- Further discussed how to promote the LOGO contest to the public.
- Agreed upon using “A healthy me is drug free”. To be used in our LOGO contest.
- Next meeting scheduled for: September 16<sup>th</sup> at 6:00pm (Location to be announced)
- Meeting adjourned: 6:58pm

*[Signature of Michael Gibson]*

Michael Gibson  
Secretary/Marlborough Youth Commissioner

11 Aug. 2014  
Date

**SUMMARY OF THE**  
**ACCEPTANCE OF LAYOUT AND EMINENT DOMAIN ORDER OF TAKING**  
**OF WAYS AND EASEMENTS IN THE CARISBROOKE I**  
**AND CARIBROOKE II SUBDIVISIONS**

**1. Acceptance and Taking of Streets:**

WHEREAS, at a meeting of the City Council of the City of Marlborough held this 20<sup>th</sup> day of October, 2014 it is ordered the City Council, having determined and adjudicated that the common convenience and necessity requires that certain existing private ways in the subdivisions known as Carisbrooke I and Carisbrooke II, being laid out in the location hereinafter described, and having complied with all the requirements of law relating thereto, become public ways, did on the 20<sup>th</sup> day of October, 2014, lay out such ways under provision of law and it was voted following the report of said layout, to accept such ways as laid out; and

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

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

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

By such order, we take by Eminent Domain the fee in the land of those certain ways in the subdivisions known as Carisbrooke I and Carisbrooke II, including the streets named Harper Circle, Hawkins Lane, Prendiville Way, Stetson Drive, Woodcock Lane, Belmore Place, Sheffield Terrace, Littlefield Lane, Flint Drive, Hamilton Circle, Haskell Lane, and Graham Path, the sidewalks and curbs, and the utilities therein and thereunder said streets including water, sewer, and drain lines and appurtenant structures, as described on the plans accompanying this Order.

## **2. Taking of Existing Easements**

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

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

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

## **3. Damages Award For The Takings In Carisbrooke I And Carisbrooke II**

The total damages sustained by the owners, being Paul M. Zarella and Frederick K. Heim, FDDBA Gristmill Construction, Inc., of the land and utilities so taken by this Eminent Domain Order of Taking Of Ways And Easements In The Carisbrooke I Subdivision And In The Carisbrooke II Subdivision are as agreed to between the City and said owners, being in the amount of \$114,999.00.

We also determine that the total damages sustained by the owners of the land so taken in the Carisbrooke I subdivision, being:

- the portion of Harper Circle abutting the side of 36 Woodcock Lane to the centerline of the way, being owned now or formerly by Robert and Linda Vissat;
- the portion of Prendiville Way abutting the front of 142 Prendiville Way, to the centerline of the way, being owned now or formerly by Karen M. Chesler and Robert P. Rivet; and
- the portion of Prendiville Way abutting the front of 35 Prendiville Way, to the centerline of the way, being owned now or formerly by Julie Shepherd and Brian Shepherd;

to be in the amount of \$1.00 for each of said owners.