

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 OCT 17 P 12: 30

1. Minutes of the City Council Meeting, October 7, 2013.
2. PUBLIC HEARING On the Petition of NGrid to install P#13-50 across the street from 11 Houde St. to solve the sag issue from P#13 to P#14. This puts a line angle on P#13 which needs to be supported by an anchor & guy on the property of 11 Houde St. Branches and limbs near service wires to House 11 are to be cleared as well, Order No. 13-1005567.
3. PUBLIC HEARING On the Petition of NStar to install 75' of 4" plastic gas main as a system improvement to a new duplex on Crescent St. from 34 Crescent St. southeasterly for 75', Order No. 13-1005568.
4. PUBLIC HEARING On the Petition of NStar to install 85' of 2" plastic main as a system improvement to supply 463 Stow Rd. as follows:
Simpson Rd.-From the end of Simpson Rd. (at the intersection with Stow Rd.) easterly to the eastern side of Stow Rd. (23') & Stow Rd.-From the intersection with Simpson Rd. southerly on the eastern side of Stow Rd. towards 463 Stow Rd. (62'), Order No. 13-1005569.
5. PUBLIC HEARING On the Application for Special Permit from Attorney Bergeron on behalf of 54 Main St., LLC to install a drive-thru service window which would be part of a new structure on the property for Dunkin Donuts restaurant, replacing the existing Dunkin Donuts restaurant structure, which does not have a drive-thru service window, Order No. 13-1005542.
6. PUBLIC HEARING On the Application for Fuel Storage License by Rinchem Company Inc., 111 Hayes Memorial Dr., to store flammable liquids, Order No. 13-1005557.
7. CONTINUED PUBLIC HEARING On the Application for Special Permit from Luiza DeMoura of Jump in with Us, Inc. to develop an inflatable playground and to accommodate birthday parties for kids and families from Tuesdays to Sundays, 10:00 AM to 7:00 PM, Order No. 13-1005482A.
8. Communication from the Mayor re: Update of Order submitted by Councilors Elder and Pope regarding Feasibility of Locating a Satellite Fire Station on Parcel 89-3C on Glen St.
9. Communication from the Mayor re: Disclaiming of Life Insurance Policy of Deceased Employee.
10. From City Councilor Edward Clancy - Proposed Order Dental Office Zoning, in proper legal form from Assistant City Solicitor Panagore Griffin. Motion in order to refer to Urban Affairs, Planning Board, advertise and set a date for a Public Hearing.
11. Resolution from City Councilor Richard Jenkins designating Marlborough, MA As a Purple Heart City.
12. Communication from City Clerk, Lisa Thomas, re: Municipal Election Call.
13. Communication from City Solicitor, Donald Rider, re: Acceptance of Dufrense Drive as a Public Way, Order No. 13-1005153C.
14. Communication from City Solicitor, Donald Rider, re: Proposed Taking of Permanent Easements, Country Club Estates Division, Order No. 13-1005466.
15. Application for Special Permit from Bohler Engineering on behalf of VNG Co. to propose construction of a new compressed natural gas (CNG) facility with one new dispenser including minor site modifications and product piping at 413 Lakeside Avenue.

16. Application for Special Permit from Attorney Bergeron on behalf of Sandra & Anthony Antico Real Estate LLC and Sky Studios, Inc. to open commercial recreation establishment at the property, specifically an exercise and fitness facility at 289 Elm St.
17. Communication from Michael Frias, President of F & C Construction Corporation re: Sewer Extension for proposed dwelling at 44/46 Crescent St.
18. Minutes, Planning Board, September 23, 2013.
19. Minutes, Board of Assessors, March 29, 2013.
20. CLAIMS:
 - A. Joshua Clement, 265 West Hill Rd., other property damage

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Public Services Committee

21. **Order No. 13-1005523A** - Application of NGrid and Verizon to install-Joint owned Pole #47-25 approximately 56' from Pole #47 and 4-6" Conduits on Forest Street.
REFER TO PUBLIC SERVICES
PUBLIC HEARING: OCTOBER 7, 2013
Motion made by Councilor Clancy, seconded by Councilor Jenkins, to recommend approval of the application, subject to further written conditions to be stipulated by the City Engineer. 3-0
22. **Order No. 13-1005524A** - Application of NGrid and Verizon o install approximately 11 00' of 4-5" conduits and two manholes on Forest Street and 1-Joint owned Pole #P2-50 on Bartlett Drive.
REFER TO PUBLIC SERVICES
PUBLIC HEARING: OCTOBER 7, 2013
This is for the Partners Health development.
Motion made by Councilor Clancy, seconded by Councilor Jenkins, to recommend approval, subject to further written conditions to be stipulated by the City Engineer. 3-0

From Legislative and Legal Affairs Committee

23. **Order No. 13-1005495** -_Communication from Historical Commission Chair, Gary Brown re: Historical Preservation Restriction – 197 Stow Road.

The Committee reviewed the letter dated July 17, 2013 from Gary Brown, Chair of the Marlborough Historical Commission. **The Committee voted 3-0 to accept and place on file.**
24. **Order No. 13-1005496** - Communication from Attorney David Gadbois for his client 197 Stow Road RealtyTrust, seeking a Historic Preservation Restriction pursuant to Massachusetts General Law Chapter 184 Section 31 for its property located at 197 Stow Road, Marlborough, as a condition of the a Special Permit that was approved for Limited Development Subdivision by the Marlborough Planning Board.

The Committee reviewed the letter dated July 17, 2013 from Attorney Gadbois. There was some concern expressed that, as a condition of the Special Permit for an approved Limited Subdivision, the Historic Preservation Restriction should have been approved prior to the commencement of any construction. This however did not occur. Notwithstanding the concern that construction had in fact occurred prior to now, it is in the City's best interest to approve the Order. **The Committee voted 3-0 to approve the Order.**

From Operations and Oversight Committee

25. Order No. 13-1005509 - Communication from Mayor Vigeant with request for appropriation, Loan Order/Bond in the amount of Three Million (\$3,000,000) Dollars for the reconstruction of municipal outdoor recreational facilities, payable in not more than fifteen (15) years from its date of issue. (Note: Ward Park).
Motion to refer out without a recommendation. (Landers) 2-0
Motion in order to advertise bond.

26. Order No. 13-1005508 - Communication from the Mayor with request for appropriation, Loan, Order/ Bond in the amount of Six Million five Hundred Thousand (\$6,500,000.00) Dollars for the construction of a Senior Center, payable in not more than twenty (20) years from its date of issue.
Motion to refer out without a recommendation. (Landers) 3-0
Motion in order to advertise bond.



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

OCTOBER 7, 2013

Regular meeting of the City Council held on Monday, OCTOBER 7, 2013 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors Present: Pope, Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 8:46 PM.

ORDERED: That the minutes of the City Council Meeting SEPTEMBER 23, 2013, **FILE AS AMENDED**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Petition of NGrid and Verizon to install 1-Joint owned Pole #47-25 approximately 56' from Pole #47 and 4-6" Conduits on Forest Dr., Order No. 13-1005523, all were heard who wish to be heard, hearing recessed at 8:04 p.m; adopted.

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

ORDERED: That the **PUBLIC HEARING** On the Petition of NGrid and Verizon to install of approximately 1100' of 4-5" Conduits and two manholes on Forest St. and 1-Joint owned Pole #P2-50 on Bartlett Dr., Order No. 13-1005524, all were heard who wish to be heard, hearing recessed at 8:05 p.m; adopted.

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

ORDERED: That the **PUBLIC HEARING** On the Petition of NGrid and Verizon to install new Joint owned Pole #20 on the public way of Kings Grant Rd. currently the conductors between Pole #19 and Pole #2 are hanging low, and were reported by the Fire Department as a safety issue. The new pole will alleviate the low hanging wires, and help maintain proper clearances of wires over the public way, Order No. 13-1005554, all were heard who wish to be heard, hearing recessed at 8:15 p.m; adopted.

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

Suspension of the Rules requested – granted

ORDERED: That the Petition of NGrid and Verizon to install new Joint owned Pole #20 on the public way of Kings Grant Rd.; currently the conductors between Pole 19 and Pole 2 are hanging low, and were reported by the Fire Department as a safety issue. The new pole will alleviate the low hanging wires, and help maintain proper clearances of wires over the public way, **APPROVED WITH CONDITIONS ATTACHED**; adopted.

- 1) Any necessary easements are to be obtained from affected property owners.
- 2) A street opening permit must be applied for by the proposed contractor performing the work.
- 3) The contractor performing the work must obtain a street opening bond with the City of Marlborough.
- 4) The contractor is to provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, wooden retaining wall, and roadway areas impacted by all construction activities.
- 5) The contractor is to coordinate with the affected residents to have irrigation systems flagged before trenching begins and provide them a timetable of the proposed work.
- 6) A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
- 7) The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
- 8) Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
- 9) Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
- 10) Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
- 11) Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
- 12) Entire width of sidewalk (from back of curb to back of sidewalk) is to be included in final trench paving – any disturbed curbing is to be replaced.
- 13) NGrid and Verizon will work together to coordinate the work required under this petition, including notification and coordination with Comcast.
- 14) All work shall be completed on or before November 1, 2013.

ORDERED: That the **CONTINUED PUBLIC HEARING** On the Application for Special Permit from Luiza DeMoura of Jump in with Us, Inc. to develop an inflatable playground and to accommodate birthday parties for kids and families from Tuesdays to Sundays, 10:00 AM to 7:00 PM, Order No. 13-1005482A, **TABLED UNTIL NEXT CITY COUNCIL MEETING**; adopted.

Councilors Present: Ossing, Pope, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, 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 in the amount of \$99,805.00 awarded to the Police Department to be utilized to offset personnel costs in the dispatching center as well as to cover fire alarm related equipment purchases and to purchase dispatch chairs; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Executive Office of Elder Affairs grant in the amount of \$53,624.00 awarded to the Council on Aging to be utilized in many ways including but not limited to senior transportation, programming activities and enrichment, and a weekly wellness clinic staffed by a licensed nurse; adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. Article II Of Chapter 270, entitled “Building And Site Development,” is hereby amended by inserting the following new section:

§ 270–10. Incorporation by reference: Specifications and Permit of the Marlborough Fire Department, Bi-Directional/Unidirectional Antenna For In-Building Fire Department and Police Department Radio Coverage In Buildings:

- A. The Marlborough Fire Department requires that, in accordance with 780 CMR 915.1, et seq., of the Code of Massachusetts Regulations, as amended, all new buildings and all existing buildings undergoing renovations or rehabilitation constituting new construction, herein defined as 25% or more of gross square footage, provide reliable radio communications for fire fighters, EMS, and police officers within the building based upon the existing coverage levels of the Marlborough Fire Department and the Marlborough Police Department communication systems at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
- B. The installation and operation of radio-based fire department communication systems must comply with the document entitled “Marlborough Fire Department Bi-Directional/Unidirectional Antenna Specifications For In-Building Fire Department Radio Coverage In Buildings,” which document may be obtained at the Marlborough Fire Department and is incorporated herein by reference. The Marlborough Fire Department is authorized to promulgate and amend, from time to time, said regulations. No radio-based fire department communication systems shall be installed or operated without first filing with the Marlborough Fire Department a written application and obtaining a permit therefor. No occupancy permit shall be issued by the Building Department without said permit, or a written waiver therefrom by the Marlborough Fire Department.
- C. Each permit issued by the Marlborough Fire Department under this section is subject to the fee for installation and maintenance of a Fire Department and Police Department communications system which is listed in Section 328-2 of Chapter 328.

- II. Section 328-2 of Article II of Chapter 328, entitled “Fire Department Fee Schedule,” is hereby amended by inserting the following new fee:

| Type | Fee |
|---|------------|
| Installation and Maintenance of Fire Department and Police Department Communications System | \$50.00 |

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

ORDERED: That the Appointment of Dr. John Curran to the Board of Health for a term of three years to expire February 1, 2016, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from Assistant City Solicitor Panagore Griffin pertinent to the following:

- a) Application for Junk Dealer License, Bernard Novitch;
- b) Order No. 13-1005522: Referral to Legal Department and Code Officer;
- c) Report from City Solicitor Panagore Griffin – Bernard Novitch Matter Regarding a Secondhand Shop License (AKA “Junk Dealers License)

Refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Planning Board re: Favorable Recommendation of Proposed Zoning Amendment, Section 650-17, entitled "Table of Uses" by regulating the business uses entitled “Power laundries and dry cleaning” so as to separate into independent categories said uses and allow Dry Cleaning establishments as of right in the Business (B) district and in the Commercial Automotive (CA) district, Order No. 13-1005481B, **FILE**; adopted.

Suspension of the Rules requested to remove from Table - granted

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

Section 650-17, entitled “Table of Uses,” is hereby amended by regulating the business uses entitled “Power laundries and dry cleaning” so as to separate into independent categories said uses and allow Dry Cleaning establishments as of right in the Business (B) district, as follows:

| | RR | A1 | A2 | A3 | RB | RC | RCR | B | CA | LI | I |
|-----------------|----|----|----|----|----|----|-----|---|----|----|---|
| Power laundries | N | N | N | N | N | N | N | N | N | N | Y |
| | RR | A1 | A2 | A3 | RB | RC | RCR | B | CA | LI | I |
| Dry cleaning | N | N | N | N | N | N | N | Y | N | N | Y |

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

ORDERED: That the Communication from Paul Brodeur re: Proposed Placement of Senior Center at Ward Park, **FILE**; adopted.

- ORDERED: That there being no objection thereto set **Monday, October 21, 2013** as date for a **PUBLIC HEARING** on the Petition of NGrid to install P#13-50 across the street from 11 Houde St. to solve the sag issue from P#13 to P#14. This puts a line angle on P#13 which needs to be supported by an anchor & guy on the property of 11 Houde St. Branches and limbs near service wires to House 11 are to be cleared as well, refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That there being no objection thereto set **Monday, October 21, 2013** as date for a **PUBLIC HEARING** on the Petition of NStar to install 75' of 4" plastic gas main as a system improvement to a new duplex on Crescent St. from 34 Crescent St. southeasterly for 75', refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That there being no objection thereto set **Monday, October 21, 2013** as date for a **PUBLIC HEARING** on the Petition of NStar to install 85' of 2" plastic main as a system improvement to supply 463 Stow Rd. as follows:
Simpson Rd.-From the end of Simpson Rd. (at the intersection with Stow Rd.) easterly to the eastern side of Stow Rd. (23').
Stow Rd.-From the intersection with Simpson Rd. southerly on the eastern side of Stow Rd. towards 463 Stow Rd. (62'), refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That the Communication from NGrid, Notice of Public Filing, Public Hearing, Procedural Conference and Request for Comments, **FILE**; adopted.
- ORDERED: That the Communication from NGrid, Notice of Public Hearing and Request for Comments, **FILE**; adopted.
- ORDERED: That the Minutes, Planning Board, September 9, 2013, **FILE**; adopted.
- ORDERED: That the Minutes, Traffic Commission, August 27, 2013, **FILE**; adopted.
- ORDERED: That the Communication from Hanover Insurance, re: James Severin, 21 Barrett Rd., refer to **LEGAL DEPARTMENT**; adopted.

Reports of Committees:

Councilor Landers reported the following out of the Public Services Committee:

Order No. 13-1005523 - Application of NGrid and Verizon to install-Joint owned Pole #47-25 approximately 56' from Pole #47 and 4-6" Conduits on Forest Street.

REFER TO PUBLIC SERVICES

PUBLIC HEARING: OCTOBER 7, 2013

Motion made by Councilor Clancy, seconded by Councilor Jenkins, to recommend approval of the application, subject to further written conditions to be stipulated by the City Engineer. 3-0

Order No. 13-1005524 - Application of NGrid and Verizon to install approximately 1100' of 4-5" conduits and two manholes on Forest Street and 1-Joint owned Pole #P2-50 on Bartlett Drive.

REFER TO PUBLIC SERVICES

PUBLIC HEARING: OCTOBER 7, 2013

This is for the Partners Health development.

Motion made by Councilor Clancy, seconded by Councilor Jenkins, to recommend approval, subject to further written conditions to be stipulated by the City Engineer. 3-0

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

Order No. 13-1005495 - _Communication from Historical Commission Chair, Gary Brown re: Historical Preservation Restriction – 197 Stow Road.

The Committee reviewed the letter dated July 17, 2013 from Gary Brown, Chair of the Marlborough Historical Commission. **The Committee voted 3-0 to accept and place on file.**

Order No. 13-1005496 - Communication from Attorney David Gadbois for his client 197 Stow Road RealtyTrust, seeking a Historic Preservation Restriction pursuant to Massachusetts General Law Chapter 184 Section 31 for its property located at 197 Stow Road, Marlborough, as a condition of the a Special Permit that was approved for Limited Development Subdivision by the Marlborough Planning Board.

The Committee reviewed the letter dated July 17, 2013 from Attorney Gadbois. There was some concern expressed that, as a condition of the Special Permit for an approved Limited Subdivision, the Historic Preservation Restriction should have been approved prior to the commencement of any construction. This however did not occur. Notwithstanding the concern that construction had in fact occurred prior to now, it is in the City's best interest to approve the Order. **The Committee voted 3-0 to approve the Order.**

Councilor Elder verbally divulged that he recused himself from the items discussed during the Operations and Oversight meeting but at this point in time, there is no longer a conflict as he is no longer renting out Ward Park.

Councilor Delano reported the following out of the Operations and Oversight Committee:

Order No. 13-1005509 - Communication from Mayor Vigeant with request for appropriation, Loan Order/Bond in the amount of Three Million (\$3,000.000) Dollars for the reconstruction of municipal outdoor recreational facilities, payable in not more than fifteen (15) years from its date of issue. (Note: Ward Park).

Councilor Elder recused himself from this matter and left the chamber.

After lengthy discussion a motion was made by Councilor Landers to take this up later in the meeting after the Senior Center bond request. 2-0

Councilor Elder returned to the chamber.

Order No. 13-1005508 - Communication from the Mayor with request for appropriation, Loan, Order/ Bond in the amount of Six Million five Hundred Thousand (\$6,500,000.00) Dollars for the construction of a Senior Center, payable in not more than twenty (20) years from its date of issue.

A presentation was made by Mayor Vigeant and his team showing the plans and drawings for a new Senior Center at Ward Park. Councilors present expressed support for the building design.

Several councilors expressed concern about the location of the Senior Center at Ward Park, not because they were necessarily opposed to the location, but as to whether we had done our due diligence in selecting a location. When asked, the Mayor refused to consider any other locations or to put out another (RFP). A gift of \$750K from Partners HealthCare could be used to reduce the bond by that amount.

Motion to refer out without a recommendation. (Landers) 3-0

Committee took up the Ward Park Bond request again. Councilor Elder recused himself and left the chamber.

Motion to refer out without a recommendation. (Landers) 2-0

Suspension of the Rules requested – granted

ORDERED: That the Communication from Attorney Gadbois to extend public hearing to February 11, 2014 in accordance with MGL, Chapter 40A, Section 9, **FILE**; adopted.

ORDERED: That there being no objection thereto set the **THIRD REGULARLY SCHEDULED MEETING IN 2014** as date for a **PUBLIC HEARING** On the Application for Special Permit from Attorney Gadbois on behalf of DBK Realty, LLC, to construct a facility at 1000 Nickerson Rd. to store and use toxic chemicals in the manufacture of small specialty parts for the medical instrument, airline and defense industries, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:46 PM.



IN CITY COUNCIL

OCTOBER 7, 2013

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **Monday, October 21, 2013** as date for a **PUBLIC HEARING** on the Petition of NGrid to install P#13-50 across the street from 11 Houde St. to solve the sag issue from P#13 to P#14. This puts a line angle on P#13 which needs to be supported by an anchor & guy on the property of 11 Houde St. Branches and limbs near service wires to House 11 are to be cleared as well, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 13-1005567



IN CITY COUNCIL

OCTOBER 7, 2013

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **Monday, October 21, 2013** as date for a **PUBLIC HEARING** on the Petition of NStar to install 75' of 4" plastic gas main as a system improvement to a new duplex on Crescent St. from 34 Crescent St. southeasterly for 75', be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 13-1005568



IN CITY COUNCIL

OCTOBER 7, 2013

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **Monday, October 21, 2013** as date for a **PUBLIC HEARING** on the Petition of NStar to install 85' of 2" plastic main as a system improvement to supply 463 Stow Rd. as follows:

Simpson Rd.-From the end of Simpson Rd. (at the intersection with Stow Rd.) easterly to the eastern side of Stow Rd. (23').

Stow Rd.-From the intersection with Simpson Rd. southerly on the eastern side of Stow Rd. towards 463 Stow Rd. (62').

Be and is herewith refer to **PUBLIC SERVICES COMMITTEE.**

ADOPTED

ORDER NO. 13-1005569



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 9, 2013

ORDERED:

That there being no objection thereto set **Monday, October 21, 2013** as date for a **PUBLIC HEARING** On the Application for Special Permit from Attorney Bergeron on behalf of 54 Main St., LLC to install a drive-thru service window which would be part of a new structure on the property for Dunkin Donuts restaurant, replacing the existing Dunkin Donuts restaurant structure, which does not have a drive-thru service window, be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**.

Ninety days after public hearing is 01/19/14 which falls on a Sunday, therefore 01/20/14 would be considered the 90th day.

ADOPTED

ORDER NO. 13-1005542
X-12-1005152



IN CITY COUNCIL

Marlborough, Mass., _____ SEPTEMBER 23, 2013

ORDERED:

That there being no objection thereto set **MONDAY, OCTOBER 21, 2013** as date for a **PUBLIC HEARING** Application for Fuel Storage License by Rinchem Company Inc., 111 Hayes Memorial Dr., to store flammable liquids, be and is herewith refer to **PUBLIC SERVICES COMMITTEE, AND ADVERTISE.**

ADOPTED

ORDER NO. 13-1005557



IN CITY COUNCIL

OCTOBER 7, 2013

Marlborough, Mass., _____

ORDERED:

That the CONTINUED PUBLIC HEARING On the Application for Special Permit from Luiza DeMoura of Jump in with Us, Inc. to develop an inflatable playground and to accommodate birthday parties for kids and families from Tuesdays to Sundays, 10:00 AM to 7:00 PM, Order No. 13-1005482A, be and is herewith **TABLED UNTIL NEXT CITY COUNCIL MEETING.**

ADOPTED

ORDER NO. 13-1005482A



City of Marlborough

Arthur G. Vigeant
MAYOR

Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Michael C. Berry
EXECUTIVE AIDE

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Marlborough, Massachusetts 01752

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www.marlborough-ma.gov

Patricia Bernard
EXECUTIVE SECRETARY

2013 OCT 17 A 11:47

October 17, 2013

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

Re: ORDER NO. 13-1005505

Honorable President Pope and Councilors:

I wish to provide the Council with an update regarding the order submitted by Councilors Elder and Pope that sought to spark discussions regarding the feasibility of locating a satellite fire station on Parcel 89-3C on Glen Street, formerly owned by MetLife. Enclosed for your information is a map that highlights the parcel in question.

In my conversations with Fire Chief James Fortin, it was agreed that the westerly section of the city would benefit from having an increased public safety and emergency response presence. However, the precise location of a facility is a matter which we believe requires further consideration and investigation.

There is some good news as it relates to the Glen Street parcel outlined in the Council order. The most obvious benefits are that the city owns the parcel outright and, at approximately two acres, it is conceivably large enough to accommodate a "satellite station."

However, as we all know, when it comes to fire stations, accessibility and responsiveness to multiple locations are paramount. In this regard, the Glen Street parcel seriously constrains the Department's ability to effectively and swiftly respond to calls to a substantial area of the southwest part of the city, namely the office parks, Elm/Millham Street areas, and portions south due to the fact that it is a dead end.

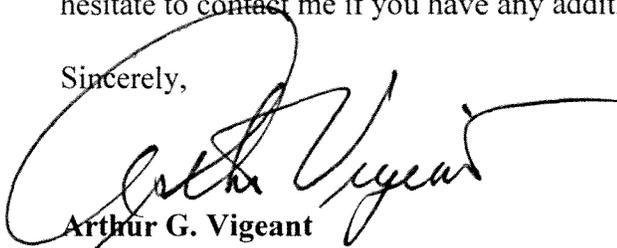
This location also has the complexity of driving/responding in a residential neighborhood. Even if the street were opened to through traffic, we will continue to be traveling down Glen Street on a regular basis when heading to areas north and central of the city.

Although Glen Street cannot currently be viewed as a viable location for a satellite fire station, it may be made significantly more feasible if it were reopened to traffic via Ames Street. This would drastically improve the Fire Department's response times to a greater part of the city. Short of

opening Glen Street to better assess the response times and coverage radius of this site location, a more centralized location to cover the areas west of 495 should be sought out. Prior to any commitment to building a new station, serious consideration should be taken to research additional site locations.

Moving forward, I hope to continue these discussions with you in hopes of eventually identifying a location that will provide a maximum benefit to the community. In the meantime, please do not hesitate to contact me if you have any additional questions or suggestions.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur G. Vigeant". The signature is fluid and cursive, with a large loop at the beginning and a long horizontal stroke extending to the right.

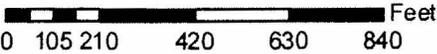
Arthur G. Vigeant
Mayor

GIS Map



| | | |
|-----------------|--------------|-------------|
| ----- Easements | Unpaved | Unpaved |
| Driveways | Parking Lots | DEP WETLAND |
| Type | Type | |
| Paved | Paved | |

1 inch = 426 feet



October 17, 2013

City of Marlborough



All Marlborough GIS data is to be considered a generalized spatial representation that is subject to revisions. This information is provided as a visual representation only and is not to be used as a legal or official representation of legal boundaries. The web



IN CITY COUNCIL

JULY 22, 2013

Marlborough, Mass., _____

ORDERED:

That the Mayor be requested to begin discussions with the Fire and Police Chiefs, and other appropriate municipal personnel, to explore options that would extend emergency services to the westerly section of the City including, but not limited to, the construction of a new fire station on land donated to the City by MetLife, the construction of a smaller "satellite" emergency services station, a partnership with the Town of Northborough and/or any other viable option that would meet the future emergency service needs of the City. And, it is further Ordered, that the Mayor explore the costs associated therewith and report his findings to the City Council within 90 days if possible, be and is herewith refer to the **MAYOR**.

ADOPTED

ORDER NO. 13-1005505



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2013 OCT 17 A 11:47

140 Main Street
Marlborough, Massachusetts 01752

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

www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

October 17, 2013

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

Re: Disclaiming of Life Insurance Policy of Deceased Employee

Honorable President Pope and Councilors:

Enclosed you will find an Order concerning the proceeds of a life insurance policy owned by James N. Metivier, a former Marlborough Police Officer who passed away this year.

The City became the beneficiary of Mr. Metivier's life insurance policy by default when Mr. Metivier named himself as owner, but did not designate a beneficiary. By disclaiming its interest in the proceeds of the life insurance policy, the City will allow Mr. Metivier's widow, Tina R. Metivier, to benefit from these proceeds.

As always, I am available to answer any questions that you may have concerning the attached.

Sincerely,

Arthur G. Vigeant
Mayor

ORDERED:

That the City Council hereby authorizes Mayor Arthur G. Vigeant to sign a Disclaimer of Interests In The Life Insurance Policy On The Life Of James N. Metivier in order to allow the proceeds of the life insurance policy owned by James N. Metivier to pass, not to the City, but instead to beneficiary Tina R. Metivier.

ADOPTED
In City Council
Order No.
Adopted

Lisa M. Thomas, Clerk of the City Council

Approved by Mayor
Arthur G. Vigeant, Mayor
Date:

Arthur G. Vigeant, Mayor

A TRUE COPY
ATTEST:
Date:

Lisa M. Thomas, Clerk of the City Council

Disclaimer of Life Insurance Proceeds

DISCLAIMER OF INTERESTS IN
LIFE INSURANCE POLICY ON THE
LIFE OF JAMES N. METIVIER

The City of Marlborough, 140 Main Street, Marlborough, MA, hereby unconditionally and irrevocably disclaims in full its interest in and right to receive the proceeds of ING Life Insurance and Annuity Company Policy No. F1527649 of which James N. Metivier was the Owner and the Insured. The City of Marlborough certifies that (a) there has been no assignment, conveyance, encumbrance, pledge, transfer, or any contract therefore by the City of Marlborough as a beneficiary of said life insurance policy; (b) there has been no sale or other disposition of said interest pursuant to judicial process; (c) the City of Marlborough is not insolvent; (d) the City of Marlborough has not waived its right to disclaim said interest; and (e) the City of Marlborough has not accepted said interest or any benefit therefrom.

Witness our hands and seals this _____ day of October, 2013.

On behalf of the City of Marlborough:

Arthur G. Vigeant, Mayor

Delivery of a copy of the foregoing disclaimer is hereby acknowledged
this _____ day of _____, 2013.

On behalf of ING Life Insurance and Annuity Company
By: _____

THE COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

October ____, 2013

On this _____ day of October 2013, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose name is signed on the preceding or attached document, as Mayor for the City of Marlborough, and acknowledged to me that he signed it voluntarily for its stated purpose.

Before me _____
Notary Public: Ellen M. Stavropoulos

My Commission Expires: May 30, 2019

ORDERED:

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

- I. Section 650-17, entitled "Table of Uses," is hereby amended by regulating the business use entitled "Medical and dental clinic" so as to delete in its entirety "Medical and dental clinics" and to insert in its place the following two separate sections which will allow dental clinics as of right in the Business (B) district, as follows:

| | | | | | | | | | | | |
|-----------------|----|----|----|----|----|----|-----|---|----|----|---|
| Medical clinics | RR | A1 | A2 | A3 | RB | RC | RCR | B | CA | LI | I |
| | SP | SP | SP | SP | SP | Y | Y | N | N | N | N |
| Dental clinics | RR | A1 | A2 | A3 | RB | RC | RCR | B | CA | LI | I |
| | SP | SP | SP | SP | SP | Y | Y | Y | N | N | N |

- II. A. Section 650-5, entitled "Definitions; word usage," is hereby amended by inserting after the definition for "CUSTOMARY HOME OCCUPATION" the following definition:

DENTAL CLINIC – Buildings or portions thereof used by licensed dentists to provide dental care services on less than a 24-hour basis to persons who are not rendered incapable of self-preservation by the services provided, and at which are employed not more than three (3) dentists with necessary support staff.

B. Section 650-5, entitled "Definitions; word usage," is hereby amended by deleting from the heading "MEDICAL AND DENTAL CLINIC" the words "AND DENTAL" and by deleting from the definition of "MEDICAL AND DENTAL CLINIC" the comma which precedes the word "dental" and by deleting the word "dental" as follows:

MEDICAL CLINIC – An institution licensed under MGL c. 111, §~~s~~ 51 for the purpose of providing medical, surgical or mental health services on an outpatient basis.

ADOPTED
In City Council

Order No 13-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor
140 Main Street, Marlborough, Massachusetts 01752
2013 OCT 17 11:41 FAX (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

RESOLUTION DESIGNATING MARLBOROUGH, MASSACHUSETTS A PURPLE HEART CITY

WHEREAS, the people of the City of Marlborough have great admiration and the utmost gratitude for all men and women who have selflessly served their country and this community in the Armed Forces; and

WHEREAS, veterans have paid a high price for freedom by leaving their families and communities and placing themselves in harm's way for the good of all; and

WHEREAS, the contributions and sacrifices of the men and women from Marlborough who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, many men and women in uniform have given their lives while serving in the Armed Forces; and

WHEREAS, our community has a proud tradition of military service and many of our citizens have earned the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force, construed as a singularly meritorious act of essential service; now therefore be it

RESOLVED, that the Mayor and City Council hereby proclaim, Marlborough, Massachusetts as a Purple Heart City, one of many communities in Massachusetts so designated, honoring the service and sacrifice of our nation's men and women in uniform that were wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans.

Arthur G. Vigeant, Mayor

Patricia Pope, City Council President

October 21, 2013



CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **MUNICIPAL ELECTION** will be held in the polling locations as noted below on **NOVEMBER 5, 2013** as follows: Office of Mayor, Four Councilors At-Large, Ward Councilors, and Three School Committee members.

THE POLLS WILL OPEN AT 7:00 A.M. AND WILL CLOSE AT 8:00 P.M.

POLLING LOCATIONS ARE AS FOLLOWS:

| | |
|---------------------------|---|
| WARD ONE: Prec. 1 and 2 | Francis J. Kane School, 520 Farm Rd. |
| WARD TWO: Prec. 1 and 2 | Francis J. Kane School, 520 Farm Rd. |
| WARD THREE: Prec. 1 | Masonic Hall, 8 Newton St. (corner of Main/Newton Sts.), rear |
| WARD THREE: Prec. 2 | Raymond J. Richer School, 80 Foley Rd., Gym |
| WARD FOUR: Prec. 1 and 2 | Boys & Girls Club, 169 Pleasant St. |
| WARD FIVE: Prec. 1 | Senior Center, 250 Main St. |
| WARD FIVE: Prec. 2 | Masonic Hall, 8 Newton St. (corner of Main/Newton Sts.), rear |
| WARD SIX: Prec. 1 and 2 | 1LT Charles W. Whitcomb School, 25 Union St., Library |
| WARD SEVEN: Prec. 1 and 2 | Hildreth School Gymnasium, 85 Sawin St. |



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
DONALD V. RIDER, JR.
CITY SOLICITOR

2013 OCT 17 10:26
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

October 17, 2013

Patricia Pope
President
Marlborough City Council

RE: Acceptance of Dufresne Drive as a Public Way
Order No. 12/13-1005153C

Dear President Pope and Members:

The Public Services Committee held a meeting last autumn on the matter of accepting Dufresne Drive as a public way. Public Services voted, in part, to refer the matter to Legal so that documents could be placed in proper legal form and submitted to the full Council for approval.

Upon referral to Legal, it came to my attention that one of the easements proposed to be conveyed to the City by the developer was not, in fact, located on land owned by the developer and so could not be conveyed to the City. I then worked with the developer's attorney, who in turn worked with the land owner and was eventually able to secure the easement in question earlier this year. The easement was then recorded in the Registry of Deeds as now being owned by the developer.

Meanwhile, due to the fact that Public Services had also voted to refer this matter to the Planning Board for its recommendation to the full Council, I had also worked with the Board so that it could, and did, make its recommendation that Dufresne Drive is now ready to be accepted as a public way.

Accordingly, I am enclosing for your review a proposed order to accept Dufresne Drive as a public way, and its appurtenant easements as municipal easements. Also enclosed are a copy of the acceptance plan and a copy of the deed already signed by the developer, both of which are referenced in the proposed order. Lastly, I have enclosed a copy of the signed certificate of title updated by the developer's attorney so as to reflect the easement discussed above.

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosures

cc: Paul Beattie, Esquire
Planning Board
Thomas Cullen, City Engineer

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that DUFRESNE DRIVE be accepted as a public way

From WEST HILL ROAD To Terminus

and that its appurtenant easements be accepted as municipal easements,

as shown on a plan thereof and as hereinafter described:

DESCRIPTION

Plan entitled, "Plan of Acceptance of Dufresne Drive and Municipal Easements," prepared for: City of Marlborough, MA, prepared by: Cabco Consult, Land and Environmental Consulting Services, P.O. Box 14, Clinton, MA 01510, dated: January 7, 2011, last revised: January 27, 2012, Scale: 1" = 40', which plan is to be recorded herewith.

Title to the roadway shown as "DUFRESNE DRIVE" on the above-referenced plan, and title to all the municipal easements, including an access easement across Lot 11A and Lot 20, shown as "10' WIDE CITY OF MARLBOROUGH ACCESS EASEMENT" on the above-referenced plan; a flowage easement located partially on Lot 4C and partially on Lot 9B, shown as "FLOWAGE EASEMENT" on the above-referenced plan; a drainage easement located on Parcel A, shown as "DRAINAGE EASEMENT #1" on the above-referenced plan; a drainage easement located on Lot 3B, shown as "DRAINAGE EASEMENT #2" on the above-referenced plan; a drainage easement located partially on Lot 4C and partially on Lot 9B, shown as "DRAINAGE EASEMENT #3" on the above-referenced plan; and a drainage easement located on Lot 12B, shown as "DRAINAGE EASEMENT #4" on the above-referenced plan, has been granted to the City of Marlborough in a quitclaim deed from Richard E. Terrill, Agent for West Hill, LLC, a Massachusetts Limited Liability Company, said deed to be recorded herewith at the Middlesex (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

DUFRESNE DRIVE be accepted as a public way and its appurtenant easements be accepted as municipal easements in the City of Marlborough.

ADOPTED

In City Council

Order No. 12/13-1005153C

Adopted

Approved by Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST:

Dufresne Drive, Marlborough, MA

QUITCLAIM DEED

West Hill, LLC, a Massachusetts Limited Liability Company, having its usual place of business at 120 Quarry Drive, Milford, Worcester County, Massachusetts for consideration paid, and in full consideration of Nominal Consideration of Less than One Hundred Dollars (Less than \$100.00) grants to the City Of Marlborough, a municipal corporation having its principal place of business at City Hall, 140 Main Street, Marlborough, MA 01752, **with Quitclaim Covenants**, the land described as "Dufresne Drive" and appurtenant easements related thereto in Marlborough Middlesex County, Massachusetts described below:

{Description and encumbrances, if any}

See Exhibit A attached hereto and incorporated herein by reference.

In witness whereof, the said West Hill, LLC has caused its seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Richard E. Terrill, its Agent hereto duly authorized, this 16th day of October in the year two thousand thirteen.

Signed and sealed in presence of:

Paul J. Beattie

West Hill, LLC
by Richard E. Terrill
Richard E. Terrill, Agent

The Commonwealth of Massachusetts

In Worcester County, on this 16th day of OCTOBER, 2013, before me; the undersigned notary public, personally appeared Richard E. Terrill, and proved to me through satisfactory evidence of identification, which was a driver's license (description of identification), to be the person whose name is signed on the preceding or attached documents, and acknowledged to me that he signed it voluntarily for its stated purpose.

Lawrence J. Doane
Notary Public-Justice of the Peace
My Commission Expires:

Pjb/5/westhilldufresne

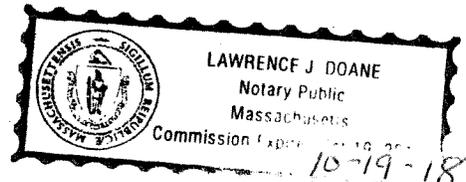


EXHIBIT "A"
DUFRESNE DRIVE
LEGAL DESCRIPTION

A parcel of land lying on the northerly side of West Hill Road in the City of Marlborough, Middlesex County, Commonwealth of Massachusetts and shown as Dufresne Drive on a "Plan of Acceptance of Dufresne Drive and Municipal Easements, prepared for City of Marlborough, MA, by CABCO CONSULT, dated January 7, 2011", last revised January 27, 2012, which is to be recorded at the Middlesex Registry of Deeds, said parcel being more particularly described as follows:

Beginning at the point of intersection of the northerly sideline of West Hill Road and the westerly sideline of Dufresne Drive as shown on the above referenced plan, said point also being on the southerly line of Lot 1 and North $76^{\circ}53'13''$ East, 64.58 feet from the southwest corner thereof as shown on a plan of land recorded in the Middlesex Registry of Deeds as Plan 172 of 2000, said point also being at a point of curvature at a granite bound set with a drill hole;

Thence leaving the said sideline of West Hill Road and running along the westerly sideline of Dufresne Drive, northeasterly 35.51 feet on a curve to the left (concave to the northwest) said curve having a radius of 25.00 feet and a central angle of $81^{\circ}22'25''$ to a point of tangency at a granite bound set with a drill hole;

Thence continuing on the said sideline of Dufresne Drive, North $04^{\circ}29'12''$ West, 73.96 feet to a point of curvature at a granite bound set with a drill hole;

Thence continuing on the said sideline, northwesterly 114.54 feet on a curve to the left (concave to the southwest) said curve having a radius of 175.00 feet and a central angle of $37^{\circ}30'00''$ to a point of tangency at a granite bound set with a drill hole;

Thence continuing on the said sideline, North $41^{\circ}59'12''$ West, 100.00 feet to a point of curvature at a granite bound set with a drill hole;

Thence continuing on the said sideline, northerly 82.27 feet on a curve to the right (concave to the northeast) said curve having a radius of 225.00 feet and a central angle of $20^{\circ}57'02''$ to a point on curve at a granite bound set with a drill hole, said point also being at the southeasterly intersection and terminus of Goodwin Street as shown on a plan of land recorded in the Middlesex Registry of Deeds as Plan 197 of 2003;

Thence along the easterly terminus of said Goodwin Street and continuing on the westerly sideline of Dufresne Drive, northerly 90.70 feet on the said curve having a radius of 225.00 feet on a central angle of $23^{\circ}05'49''$ to a point on curve and the northeasterly intersection of said Goodwin Street at a granite bound set with a drill hole;

Thence continuing on the westerly sideline of Dufresne Drive, northerly 67.78 feet on the said curve having a radius of 225.00 feet with a central angle of $17^{\circ}15'32''$ to a point of tangency and a granite bound set with a drill hole;

Thence continuing on the said sideline, North $19^{\circ}19'11''$ East, 147.00 feet to a point of curvature at a granite bound set with a drill hole;

Thence northeasterly 6.80 feet on a curve to the right (concave to the southeast) said curve having a radius of 175.00 feet and a central angle of $02^{\circ}13'38''$ to a point on curve at a granite bound set with a drill hole, said point also being at the southeasterly intersection and terminous of McDermott Way as shown on a plan of land recorded in the Middlesex Registry of Deeds as Plan 197 of 2003;

Thence along the easterly terminus of said McDermott Way and the westerly and northerly sideline of Dufresne Drive, northeasterly 88.47 feet on the said curve having a radius of 175.00 feet with a central angle of $28^{\circ}57'53''$ to a point on curve and the northeasterly intersection of McDermott Way;

Thence continuing on the northerly sideline of Dufresne Drive, northeasterly 99.19 feet on the said curve having a radius of 175.00 feet with a central angle of $32^{\circ}28'29''$ to a point of tangency at a granite bound found with a drill hole;

Thence continuing on the northerly sideline of Dufresne Drive, North $82^{\circ}59'11''$ East, 95.84 feet to a point of curvature at a granite bound with a drill hole;

Thence continuing on the northerly sideline of Dufresne Drive, northeasterly 35.59 feet on a curve to the left (concave to the northwest) having a radius of 30.00 feet and a central angle of $67^{\circ}58'31''$ to a point of reverse curvature at a granite bound set with a drill hole;

Thence continuing on the sideline of Dufresne Drive, northeasterly, easterly, southerly and westerly 216.40 feet on a curve to the right (concave to the southwest) having a radius of 50.00 feet and a central angle of $247^{\circ}58'34''$ to a point of tangency at a granite bound set with a drill hole on the southerly sideline of the said Drive;

Thence continuing on the said sideline, South $82^{\circ}59'11''$ West, 170.00 feet to a point of curvature at a granite bound set with a drill hole;

Thence continuing on the said sideline, westerly, southwesterly and southerly 138.90 feet on a curve to the left (concave to the southeast) having a radius of 125.00 feet and a central angle of $63^{\circ}40'00''$ to a point of tangency at a granite bound set with a drill hole on the easterly sideline of the said Drive;

Thence continuing on the said easterly sideline, South $19^{\circ}19'11''$ West 147.00 feet to a point of curvature;

Thence continuing on the said easterly sideline, southeasterly 187.25 feet on a curve to the left (concave to the northeast) having a radius of 175.00 feet and a central angle of $61^{\circ}18'23''$ to a point of tangency at a granite bound set with a drill hole;

Thence continuing on the said easterly sideline, South $41^{\circ}59'12''$ East, 100.00 feet to a point of curvature at a granite bound set with a drill hole;

Thence continuing on the said easterly sideline, southeasterly 147.26 feet on a curve to the right (concave to the southwest) having a radius of 225.00 feet and a central angle of $37^{\circ}30'00''$ to a point of tangency at a granite bound set with a drill hole;

Thence continuing on the said easterly sideline, South $04^{\circ}29'12''$ East, 86.35 feet to a point of curvature at a granite bound set with a drill hole;

Thence continuing on the said easterly line, southeasterly 22.97 feet on a curve to the left (concave to the northeast) having a radius of 15.93 feet and a central angle of $82^{\circ}37'28''$ to a point of tangency at a granite bound set with a drill hole on the northerly sideline of West Hill Road and the southerly terminus of Dufresne Drive;

Thence along the northerly sideline of West Hill Road and the southerly terminus line of Dufresne Drive, North $87^{\circ}06'40''$ West, 58.72 feet to an angle point;

Thence continuing along the said lines, South $76^{\circ}53'13''$ West, 27.21 feet to the point of beginning;

Contains 57,411 square feet or 1.318 acres more or less.

Date: January 27, 2012

Rev.: August 28, 2013

Prepared By: CABCO CONSULT, INC.

P.O. Box 14

Clinton, MA 01510

ACCESS EASEMENT
LEGAL DESCRIPTION

An easement for access purposes lying on the northerly side of Dufresne Drive in the City of Marlborough, Middlesex County, Commonwealth of Massachusetts and shown as "10' Wide City of Marlborough Access Easement" and being on Lot 11A and Lot 20 on a "Plan of Acceptance of Dufresne Drive and Municipal Easements, prepared for City of Marlborough, MA, by CABCO CONSULT, dated January 7, 2011", last revised January 27, 2012, which is to be recorded at the Middlesex Registry of Deeds, said easement being more particularly described as follows:

Beginning at a point on the northerly sideline of Dufresne Drive and the southerly line of said Lot 11A at a point 5.28 feet easterly on a curve to the right (concave to the southeast) from the lot line between said Lots 11A and Lot 20, said curve having a radius of 175.00 and a central angle of $01^{\circ}43'43''$ and being at a granite bound set with a drill hole, said point also being at the southeasterly corner of this description;

Thence westerly along the northerly sideline of Dufresne Drive and the southerly lines of Lots 11A and Lot 20, 10.51 feet on a curve to the left (concave to the southeast) said curve having a radius of 175.00 feet and a central angle of $03^{\circ}26'27''$ to a granite bound set with a drill hole at the southwesterly corner of this description;

Thence parallel with the lot line between said Lot 11A and Lot 20, North $30^{\circ}28'24''$ West, 119.33 feet to the northerly lot line of said Lot 20 and the southerly line of land now or formerly of the Commonwealth of Massachusetts, Department of Highways and the northwesterly corner of this description at a granite bound set with a drill hole;

Thence with the northerly lines of said Lot 20 and said Lot 11A and the said southerly line of the land of the Commonwealth of Massachusetts, South $84^{\circ}11'11''$ East, 12.40 feet to the northeasterly corner of this description at a granite bound set with a drill hole;

Thence parallel with the lot line between said Lot 11A and Lot 20, South $30^{\circ}28'24''$ East, 115.22 feet to the point of beginning;

Contains 1,172 square feet or 0.027 acres, more or less.

Date: January 27, 2012
Rev.: August 28, 2013

Prepared By: CABCO CONSULT, INC.
P.O. Box 14
Clinton, MA 01510

FLOWAGE EASEMENT
LEGAL DESCRIPTION

An easement for drainage flowage purposes lying on the easterly sideline of Dufresne Drive in the City of Marlborough, Middlesex County, Commonwealth of Massachusetts and shown as "Flowage Easement" and being located partially on Lot 4C and partially on Lot 9B as shown on a "Plan of Acceptance of Dufresne Drive and Municipal Easements, prepared for City of Marlborough, MA, by CABCO CONSULT, dated January 7, 2011", last revised January 27, 2012, which is to be recorded at the Middlesex Registry of Deeds, said easement being more particularly described as follows:

Commencing at a point of curvature on the easterly sideline of Dufresne Drive and the westerly line of said Lot 4C at a granite bound set with a drill hole;

Thence leaving the said sideline, North 81°40'38" East, 38.39 feet to a granite bound set with a drill hole;

Thence South 19°38'51" East, 71.50 feet to a granite bound set with a drill hole;

Thence South 65°57'35" East, 24.00 feet to the POINT OF BEGINNING of this description at a granite bound set with a drill hole;

Thence North 53°25'17" East, 25.00 feet to a granite bound set with a drill hole;

Thence North 36°34'43" West, 30.00 feet to the most northwesterly corner of this description at a granite bound set with a drill hole;

Thence North 58°54'48" East, 116.93 feet to the northeasterly corner of this description;

Thence South 31°20'51" East, 76.89 feet to the southeasterly corner of this description;

Thence South 58°54'48" West, 135.00 feet to the southwesterly corner of this description at a granite bound set with a drill hole;

Thence North 36°34'43" West, 44.84 feet to the point of beginning;

Contains 9,871 square feet or 0.227 acres, more or less.

Date: January 27, 2012

Rev.: August 28, 2013

Prepared By: CABCO CONSULT, INC.
P.O. Box 14
Clinton, MA 01510

DRAINAGE EASEMENT #1
LEGAL DESCRIPTION

An easement for drainage purposes lying on the westerly sideline of Dufresne Drive in the City of Marlborough, Middlesex County, Commonwealth of Massachusetts and shown as "Drainage Easement #1" and being located on Parcel A on a "Plan of Acceptance of Dufresne Drive and Municipal Easements, prepared for City of Marlborough, MA, by CABCO CONSULT, dated January 7, 2011", last revised January 27, 2012, which is to be recorded at the Middlesex Registry of Deeds, said easement being more particularly described as follows:

Beginning at a point on the westerly sideline of Dufresne Drive at the southeasterly intersection of Goodwin Street as shown on a plan of land recorded in the Middlesex Registry of Deeds as Plan 197 of 2003, said point also being at a granite bound set with a drill hole at the northeasterly corner of this description and the northeasterly corner of said Parcel A;

Thence on the said westerly sideline and the easterly line of Parcel A, southerly 42.00 feet on a curve to the left (concave to the northeast) said curve having a radius of 225.00 feet and a central angle of 10°41'43" to a point on curve at a granite bound set with a drill hole;

Thence leaving the said westerly sideline and the easterly line of Parcel A, South 36°55'22" West, 15.51 feet to the westerly line of Parcel A at a granite bound set with a drill hole;

Thence along the westerly line of Parcel A, North 13°10'51" West, 50.00 feet to an angle point and a 5/8" diameter rebar found;

Thence North 07°49'09" East, 1.06 feet to the northwesterly corner of Parcel A and the southerly line of Parcel C as shown on the said Plan 197 of 2003;

Thence along the northerly line of Parcel A and the southerly line of Parcel C, North 83°03'37" East, 1.95 feet to the point of beginning;

Contains 322 square feet or 0.007 acres, more or less.

Being the same drainage easement conveyed to Grantor by deed recorded on February 28, 2013 with said Registry of Deeds at Book 61298 Page 36.

Date: January 27, 2012

Rev.: August 28, 2013

Prepared By: CABCO CONSULT, INC.
P.O. Box 14
Clinton, MA 01510

DRAINAGE EASEMENT # 2
LEGAL DESCRIPTION

An easement for drainage purposes lying on the easterly sideline of Dufresne Drive in the City of Marlborough, Middlesex County, Commonwealth of Massachusetts and shown as "Drainage Easement #2" and being located on Lot 3B as shown on a "Plan of Acceptance of Dufresne Drive and Municipal Easements, prepared for City of Marlborough, MA, by CABCO CONSULT, dated January 7, 2011", last revised January 27, 2012, which is to be recorded at the Middlesex Registry of Deeds, said easement being more particularly described as follows:

Beginning at a point of curvature on the easterly sideline of Dufresne Drive and the westerly line of said Lot 3B at a granite bound set with a drill hole, said point also being the southwesterly corner of this description;

Thence along the said sideline, northerly 109.28 feet on a curve to the right (concave to the northeast) said curve having a radius of 175.00 feet and a central angle of 35°46'46" to a granite bound set with a drill hole;

Thence leaving the said sideline, North 80°39'03" East, 30.00 feet to a granite bound set with a drill hole;

Thence South 08°18'12" East, 39.69 feet to a granite bound set with a drill hole;

Thence South 35°14'44" East, 53.48 feet to a granite bound set with a drill hole;

Thence South 48°00'48" West, 30.00 feet to the point of beginning;

Contains 2,980 square feet or 0.068 acres, more or less.

Date: January 27, 2012
Rev.: August 28, 2013

Prepared By: CABCO CONSULT, INC.
P.O. Box 14
Clinton, MA 01510

DRAINAGE EASEMENT # 3
LEGAL DESCRIPTION

An easement for drainage purposes lying on the easterly sideline of Dufresne Drive in the City of Marlborough, Middlesex County, Commonwealth of Massachusetts and shown as "Drainage Easement #3" and being located on Lot 4C and Lot 9B as shown on a "Plan of Acceptance of Dufresne Drive and Municipal Easements, prepared for City of Marlborough, MA, by CABCO CONSULT, dated January 7, 2011", last revised January 27, 2012, which is to be recorded at the Middlesex Registry of Deeds, said easement being more particularly described as follows:

Beginning at a point of curvature on the easterly sideline of Dufresne Drive and the westerly line of said Lot 4C at a granite bound set with a drill hole and the southwesterly corner of this description;

Thence along the said sideline, northeasterly 69.16 feet on a curve to the right (concave to the southeast) said curve having a radius of 125.00 feet and a central angle of 31°42'04" to a granite bound set with a drill hole;

Thence leaving the said sideline, South 27°54'21" East, 100.02 feet to a granite bound set with a drill hole;

Thence South 36°34'43" East, 30.00 feet to a granite bound set with a drill hole;

Thence South 53°25'17" West, 25.00 feet to a granite bound set with a drill hole;

Thence North 65°57'35" West, 24.00 feet to a granite bound set with a drill hole;

Thence North 19°38'51" West, 71.50 feet to a granite bound set with a drill hole;

Thence South 81°40'38" West, 38.39 feet to a granite bound set with a drill hole;

Contains 4,380 square feet or 0.101 acres, more or less.

Date: January 27, 2012

Rev.: August 28, 2013

Prepared By: CABCO CONSULT, INC.

P.O. Box 14

Clinton, MA 01510

DRAINAGE EASEMENT # 4
LEGAL DESCRIPTION

An easement for drainage purposes lying on the northeasterly sideline of the cul-de-sac on Dufresne Drive in the City of Marlborough, Middlesex County, Commonwealth of Massachusetts and shown as "Drainage Easement #4" and being located on Lot 12B as shown on a "Plan of Acceptance of Dufresne Drive and Municipal Easements, prepared for City of Marlborough, MA, by CABCO CONSULT, dated January 7, 2011", last revised January 27, 2012, which is to be recorded at the Middlesex Registry of Deeds, said easement being more particularly described as follows:

Beginning at a point on the northeasterly sideline of the cul-de-sac on Dufresne Drive northeasterly 70.40 feet on a curve to the right (concave to the southeast) from a point of reverse curvature, said curve having a radius of 50.00 feet and a central angle of 80°40'21";

Thence leaving the said sideline, North 49°28'30" East, 98.32 feet to a point on the northerly line of said Lot 12B at a granite bound set with a drill hole;

Thence leaving the said northerly line, South 20°42'11" East, 77.06 feet to a granite bound set with a drill hole;

Thence South 68°42'49" West, 65.00 feet to the northeasterly sideline of the cul-de-sac on Dufresne Drive at a granite bound set with a drill hole;

Thence along the said sideline, northwesterly 55.00 on a curve to the left (concave to the southwest) said curve having a radius of 50.00 feet and a central angle of 63°01'31" to the point of beginning;

Contains 4,762 square feet or 0.109 acres, more or less.

Date: January 27, 2012

Rev.: August 28, 2013

Prepared By: CABCO CONSULT, INC.
P.O. Box 14
Clinton, MA 01510

The street described as Dufresne Drive and the easements related thereto are shown on the following plan of land:

Plan of Acceptance of Dufresne Drive and Municipal Easements
Prepared For: City of Marlborough, MA Cabco Consult
Land and Environmental Consulting Services
P. O. Box 14, Clinton, MA 01510, Scale 1" = 40'
Dated January 7, 2011, revised January 27, 2012.

For Grantor's title see Book 31156 Page 32 with said Deeds

(dufrenseexhibitA)

**PAUL J. BEATTIE
ATTORNEY
120 QUARRY DRIVE – 2ND FLOOR
MILFORD, MASSACHUSETTS 01757
(508) 881-1600
(508) 478-4041 (FAX)
pbeattiel@fafard.org**

TITLE REPORT

PREMISES: Fee Interest in “Dufresne Drive”, Marlborough, Massachusetts
and appurtenant easements
Marlborough, Middlesex County, Massachusetts
(See Plan 172 of 2000 Middlesex South Registry of Deeds)
Owner: West Hill, LLC

TITLE: West Hill, LLC (“Grantor”)
(a Massachusetts Limited Liability Company)
120 Quarry Drive
Milford, Worcester County, Massachusetts
Title derived from Book **31156** Page **32** with the Middlesex South Registry
of Deeds.

ENCUMBRANCES:

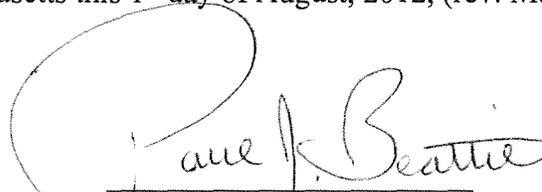
1. Taking for Highway purposes with said Deeds in Book 10192 Page 7.
2. Assessment for sewer recorded with said Deeds in Book 14539 Page 177.
3. Orders under M. G. L. Chapter 131, Section 40A recorded with said Deeds
in Book 13425 Page 339 and Book 31156 Page 24.
4. Easement to Massachusetts Electric Company recorded with said Deeds
at Book 31868 Page 324 with said Deeds.
5. Easement to Media One of Massachusetts, Inc. recorded with said Deeds
at Book 32407 Page 594.
6. Easement to Verizon New England, Inc. recorded with said Deeds at
Book 32472 Page 11.
7. Easements for access, egress and underground utility purposes granted to
the owners of Lot 11A on Plan 125 of 2001 and Lots 20, 2 and 3 on Plan
197 of 2003 by deeds recorded at Book 46501 Page 323, Book 46953 Page
49, Book 48053 Page 26 and Book 54760 Page 404 with said Deeds.

APPURTENANT EASEMENT:

1. Drainage Easement, 322+/- sq. ft. located on Parcel A, Dufresne Drive shown on Plan 172 of 2000 with said Deeds and granted by Easement recorded with said Deeds at Book 61298 Page 36.

This Title Certification is issued to the City of Marlborough only and is not assignable to any other party.

Dated at Milford, Massachusetts this 1st day of August, 2012, (rev. March 20, 2013 and August 28, 2013).



Paul J. Beattie
Attorney

(dufrensemarlboroughtitlecertification)



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
DONALD V. RIDER, JR.
CITY SOLICITOR

2013 OCT 17 A 11:54
PHILIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

October 17, 2013

Patricia Pope
President
Marlborough City Council

RE: Country Club Estates Subdivision (Stow Road, Robert Road and Country Club Circle) –
Proposed Taking of Permanent Easements
Order No. 13-1005466

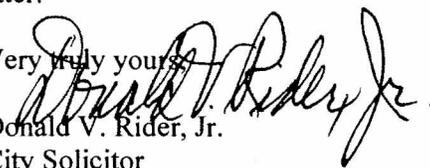
Dear President Pope and Members:

On October 15, 2013, the Legislative & Legal Affairs Committee met on the above-referenced matter involving the proposed taking of permanent easements at the Country Club Estates subdivision (Stow Road, Robert Road and Country Club Circle). L&L voted to recommend approval of the proposed Eminent Domain Order of Taking, but only on the condition that the City Council shall first have appropriated sufficient funds to pay the pro tanto awards specified in the proposed Order of Taking.

The current developer, Toll Bros., Inc. ("Toll Brothers"), has provided my office with the enclosed check in the amount of \$32,925.00. This amount represents the combined total of all the pro tanto awards (compensation) that would be paid to the affected lot owners as specified in the proposed Eminent Domain Order of Taking, in the event that the Council votes to approve that Order of Taking. Thus, if the Council votes not to approve the proposed Order of Taking, the above amount of \$32,925.00 would be returned by the City to Toll Brothers. In the meantime, as per the enclosed letter from Toll Brothers' attorney, the City Comptroller/Treasurer will hold the \$32,925.00 in a separate non-interest bearing account, pending final Council action on this matter.

Based on Toll Brothers' check in the amount of \$32,925.00, I have enclosed for the Council's review and eventual vote on November 4 a proposed Order of Appropriation for that same amount; note the two-thirds majority vote required (whereas a simple majority vote would be required for the proposed Order of Taking). Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosures

cc: Brian Falk, Esquire
Planning Board
Brian Doheny, City Comptroller/Treasurer
Diane Smith, City Auditor
Thomas Cullen, City Engineer

**STOW ROAD (COUNTRY CLUB ESTATES) –
PROPOSED ORDER OF APPROPRIATION**

ORDERED:

That the City Council of the City of Marlborough hereby acknowledges the City's receipt of a check in the amount of \$32,925.00 from Toll Bros., Inc., as developer of the Country Club Estates subdivision, for the purpose of paying the pro tanto awards specified in the accompanying proposed Eminent Domain Order of Taking; and, pursuant to Mass. Gen. Laws c. 43, § 30, the City Council, by a two-thirds vote of all its members, hereby authorizes an appropriation in the amount of \$32,925.00 as sufficient funds to pay the pro tanto awards specified in said Eminent Domain Order of Taking. If the Council votes not to approve the proposed Eminent Domain Order of Taking, the above amount of \$32,925.00 shall be returned by the City to Toll Brothers.

ADOPTED
In City Council
Order No. 13-1005466A
Adopted

Approved By Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

MIRICK O'CONNELL

A T T O R N E Y S A T L A W

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

October 16, 2013

Donald V. Rider, Jr.
City Solicitor
Marlborough City Hall, 4th Floor
140 Main Street
Marlborough, MA 01752

Re: Letter of Instruction for Toll Brothers' Reimbursement
of Pro Tanto Awards for Stow Road Order of Taking

Dear Attorney Rider:

This firm represents Toll Bros., Inc. ("Toll Bros.") Toll Bros. entered an agreement with the Marlborough Planning Board dated December 17, 2012 (the "Agreement"), governing the taking of an easement along Stow Road in Marlborough (the "Order of Taking"). Under the Agreement, Toll Bros. is to reimburse the City of Marlborough for the pro tanto awards to property owners affected by the Order of Taking.

The proposed Order of Taking submitted for approval by the Marlborough City Council calls for pro tanto awards totaling \$32,925.00. By law, the Marlborough City Council may not approve the Order of Taking until it has appropriated sufficient funds to pay the pro tanto awards.

Therefore, I enclose herewith a check from Toll Bros. payable to the City of Marlborough in the amount of \$32,925.00 (the "Funds") to be used by the City of Marlborough under the following conditions:

1. The Funds are to be held by the Comptroller/Treasurer of the City of Marlborough (the "Treasurer") in a separate non-interest-bearing account and used solely for the purpose of paying pro tanto awards for the Order of Taking.

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

MIRICK O'CONNELL

Donald V. Rider, Jr.

October 16, 2013

Page 2

2. The Treasurer may disburse the Funds only if (i) the Marlborough City Council votes to appropriate the Funds for the purpose of paying pro tanto awards for the Order of Taking, and (ii) the Marlborough City Council votes to approve the Order of Taking by the required two-thirds vote by December 31, 2013.
3. If the Marlborough City Council has not approved the Order of Taking by December 31, 2013, the Treasurer shall forthwith and not later than January 31, 2014, return the Funds in full (with no interest) to Toll Bros., unless otherwise instructed by a written notice from Toll Bros. or its attorney.

Upon your review and approval of this Letter of Instruction, please have the Treasurer sign the Acceptance of Terms below and return the fully executed original to me in the enclosed return envelope.

Please feel free to contact me with any questions regarding this matter.

Very truly yours,



Brian R. Falk

Encl.

Cc: Scott Miccile

ACCEPTANCE OF TERMS

I, Brian Doheny, Comptroller/Treasurer of the City of Marlborough, hereby consent to the terms of this Letter of Instruction.

EXECUTED as a sealed instrument and effective as of this 17 day of October, 2013.



Brian Doheny
Comptroller/Treasurer of the City of Marlborough

Donald V. Rider, Jr.

October 16, 2013

Page 3

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

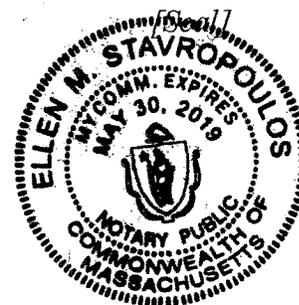
On October 12, 2013, before me, the undersigned notary public, personally appeared Brian Doheny, Comptroller/Treasurer of the City of Marlborough (the "Principal"), and acknowledged to me that the Principal signed the preceding or attached document voluntarily for its stated purpose and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief. The Principal proved to me through satisfactory evidence of identification that the Principal is the person whose name is signed on the preceding or attached document. The satisfactory evidence of identification provided to me was:

- A current document issued by a federal or state government agency bearing the photographic image of the Principal's face and signature; or
- On the oath or affirmation of a credible witness unaffected by the document or transaction who is personally known to the notary public and who personally knows the Principal; or
- Identification of the Principal based on the notary public's personal knowledge of the identity of the Principal; or
- The following evidence of identification: _____

Notary Public: Ellen M. Stavropoulos

Printed Name: Ellen M. Stavropoulos

My Commission Expires: May 30, 2019



Toll Bros., Inc

250 GIBRALTAR ROAD
HORSHAM, PA 19044
215-938-8000

Check No. - 9333058

Check Date - 10/16/13

Stub 1 of 1

| INVOICE NO | INVOICE DATE | COMMENT | GROSS | DEDUCTIONS | AMOUNT PAID |
|------------|--------------|-------------------|-----------|------------|-------------|
| 13109-271 | 100913 | awards homeowners | 32,925.00 | | 32,925.00 |

Toll Bros., Inc

250 Gibraltar Road
Horsham, PA 19044
215-938-8000

CHECK NO. **09333058**

11-24
1210

| VENDOR NO. | CHECK DATE | CHECK AMOUNT |
|------------|------------|-----------------|
| 20519 | 10/16/13 | \$****32,925.00 |

** INVALID SIX MONTHS AFTER DATE ISSUED **

PAY

THIRTY TWO THOUSAND NINE HUNDRED TWENTY FIVE AND 00/100 *****

TO THE ORDER OF: CITY OF MARLBOROUGH
140 MAIN ST
MARLBOROUGH MA 01752

Wells Fargo Bank, N.A.
San Francisco, CA

⑈09333058⑈ ⑆031100225⑆ 2079950020334⑈

See Reverse Side For Easy Opening Instructions

Toll Bros., Inc

250 GIBRALTAR ROAD
HORSHAM, PA 19044

CITY OF MARLBOROUGH
140 MAIN ST
MARLBOROUGH MA 01752

**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

2013 OCT 10 P 4:05

1. Name and address of Petitioner or Applicant:

VNG.CO - 150 MONUMENT ROAD SUITE 500, Bala Cynwyd, PA 19004

2. Specific Location of property including Assessor's Plate and Parcel Number.

413 LAKESIDE AVENUE - MAP #79, LOTS #6B & #10A

3. Name and address of owner of land if other than Petitioner or Applicant:

GTY MA/NH LEASING, INC. - 125 JERICHO TPKE, SUITE 103 - JERICHO NY, 11753

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

5. Specific Zoning Ordinance under which the Special Permit is sought:

Article _____ Section _____ Paragraph _____ Sub-paragraph _____

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

BUSINESS B

7. Specific reason(s) for seeking Special Permit

THE PROJECT PROPOSES TO CONSTRUCT NEW COMPRESSED NATURAL GAS (CNG)
FACILITIES WITH ONE (1) NEW CNG DISPENSER INCLUDING MINOR SITE MODIFICATIONS
AND PRODUCT PIPING.

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

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


Signature of Petitioner or Applicant

Address: 150 Monument Rd. site 500

Bala Cynwyd, PA, 19004

Telephone No. 610.709.5503

Date: _____

City Clerk's Office



BOHLER

ENGINEERING

352 Turnpike Road
Southborough, MA 01772
PHONE 508.480.9900
FAX 508.480.9080

October 8, 2013

Via Federal Express

City of Marlborough
City Council Office
140 Main Street
Marlborough, Massachusetts 01752

Attn: Karen Boule
Council Secretary

**Re: Special Permit
Proposed CNG Facility
413 Lakeside Avenue
Marlborough, MA**

Dear City Council Members,

Please accept this letter and attached application package as VNG.CO's (c/o Bohler Engineering), request for Special Permit associated with the proposed addition of a compressed natural gas (CNG) system to the existing Shell gasoline station located at 413 Lakeside Avenue. The subject property is further identified as Map #79, Lots #6B and #10A on the City of Marlborough's Tax Assessor's maps (site is currently comprised of two parcels). The site, which contains approximately 0.86 acres of land, is situated at the corner of Lakeside Avenue, Felton Street, and Landry Drive and is located within the Business B zoning district. The subject property is also located within a Water Supply Protection Overlay District (Zone A).

The proposed project includes the installation of a new CNG "In-A-Box" system, one (1) new CNG dispenser, product piping, and associated utility work. The proposed use is not specified within the City of Marlborough's Zoning Ordinance as such requires a Special Permit from the City Council. The need for Special Permit approval has been confirmed during multiple conversations with Inspectional Services Commissioner, Michael Mendoza.

Along with this letter, a completed Special Permit application, twelve (12) copies of the Site Development Plans, and \$500 filing fee have been included for your review. If, upon review the application is deemed complete, VNG is requesting that it be placed on the agenda of the next available City Council meeting for review. Should you have any questions or need additional information, please do not hesitate to contact me at 508-480-9900. Thank you for your time and cooperation with this matter.

Very Truly Yours,
BOHLER ENGINEERING,

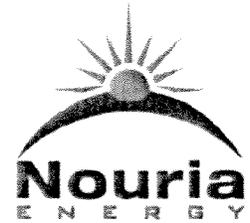
Lucien DiStefano
Attachments

OTHER OFFICE LOCATIONS:

- | | | | | | |
|------------------------------|----------------------------------|--------------------------------|-------------------------------------|---------------------------------------|------------------------------------|
| • Albany, NY 518.438.9900 | • Ronkonkoma, NY 631.738.1200 | • Warren, NJ 908.668.8300 | • Center Valley, PA 610.709.9971 | • Chalfont, PA 215.996.9100 | • Philadelphia, PA 267.402.3400 |
| • Towson, MD 410.821.7900 | • Bowie, MD 301.809.4500 | • Sterling, VA 703.709.9500 | • Warrenton, VA 540.349.4500 | • Fort Lauderdale, FL 954.202.7000 | • Tampa, FL 813.379.4100 |

CIVIL AND CONSULTING ENGINEERS • PROJECT MANAGERS • SURVEYORS • ENVIRONMENTAL CONSULTANTS • LANDSCAPE ARCHITECTS

www.BohlerEngineering.com



Sept. 17, 2013

City of Marlborough
140 Main Street,
Marlborough, MA 01752

Re: 413 Lakeside Ave., Marlborough, MA 01752

To Whom It May Concern:

This letter hereby authorizes the below mentioned entities to act as applicants for matters concerning zoning, development plan reviews, and building permit applications at 413 Lakeside Ave.:

VNG.co
150 Monument Rd.
Bala Cynwyd, PA 19004

Bohler Engineering
352 Turnpike Road
Southborough, MA 01772

RJP Consulting Group, LLC
112 East Lancaster Avenue
Downingtown, PA 19335

Sincerely,

Thomas J. Healey, P.E.
Director of Technical Services

GTY MA/NH LEASING, INC.
125 JERICHO TURNPIKE, SUITE 103, JERICHO, NEW YORK 11753 (516) 478-5400

September 26, 2013

City of Marlborough
Site Plan Review Committee
Marlborough, Massachusetts

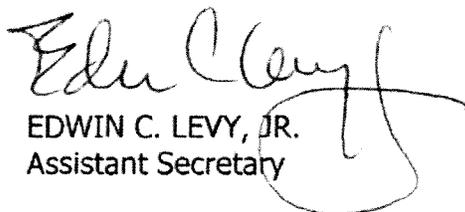
RE: OUR PROPERTY # 30221
413 LAKESIDE AVENUE
MARLBOROUGH, MA

To Whom It May Concern:

This shall serve as our confirmation as FEE owner of the above-referenced property that said property is currently leased to NOURIA VENTURES I, LLC (NOURIA) and that we have no objection to the proposed installation of compressed natural gas (CNG) facilities, to include a CNG dispenser and related product piping, by NOURIA.

If you have questions, please feel free to contact the undersigned at (516) 478-5426.

Very truly yours,
GTY MA/NH LEASING, INC.


EDWIN C. LEVY, JR.
Assistant Secretary

ECL/nm

cc: J. Craig
P. Sewall
K. Shea
T. Healey

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

VUG Co

(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**)

SEE ATTACHED CERTIFIED LIST OF ABUTTERS

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

150 MONUMENT ROAD SUITE 500

Applicant's Name: VNG.CO Address: Bala Cynwyd, PA 19004
413 LAKESIDE AVENUE

Project Name: CNG USE - 413 LAKESIDE AVE Address: MAP #79, LOTS #6B & #10A

1. PROPOSED USE: (describe) THE PROJECT PROPOSES TO CONSTRUCT NEW COMPRESSED NATURAL GAS (CNG) FACILITIES WITH ONE (1) NEW CNG DISPENSER AND PRODUCT PIPING.

2. EXPANSION OR NEW: NEW

3. SIZE: floor area sq. ft. NA 1st floor NA all floors NA
buildings NA # stories NA lot area (s.f.) NA

4. LOT COVERAGE: 81.5 % Landscaped area: 18.5 %

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: _____ Peak period: THE PROJECT WILL NOT INCREASE THE NUMBER OF PEOPLE EXPECTED ON SITE OVER EXISTING

6. TRAFFIC: _____
CONDITONS

(A) Number of vehicles parked on site:
During regular hours: 10 SPACES + Peak period: 10 SPACES +
12 FUELING POSITIONS 12 FUELING POSITIONS
(B) How many service vehicles will service the development and on what schedule?

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? EXISTING LIGHTING TO BE MAINTAINED

8. NOISE:
(A) Compare the noise levels of the proposed development to those that exist in the area now.
NO SIGINIFICANT NOISE INCREASE IS EXPECTED ABOVE EXISTING LEVELS

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. THE CNG FACILITY PRODUCES 90dB 3' FROM THE FACILITY
THE CNG FACILITY WILL OPERATE DURING THE BUSINESS HOURS OF THE EXISTING STATION.

9. AIR: What sources of potential air pollution will exist at the development? _____
NO INCREASE IN AIR POLLUTION IS EXPECTED ABOVE EXISTING LEVELS

10. WATER AND SEWER: Describe any unusual generation of waste. THE UNUSUAL GENERATION OF WASTE IS NOT ANTICIPATED. CUSTOMER BATHROOMS ARE PROVIDED IN EXISTING STORE.

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? NO HAZARDOUS WASTE WILL BE STORED ON SITE

***Attach additional sheets if necessary**



**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: _____

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: CNG USE - 413 LAKESIDE AVE

Project Use Summary: INSTALLATION OF COMPRESSED NATURAL GAS FACILITIES

Project Street Address: 413 LAKESIDE AVENUE

Plate: #79 Parcel: #6B & #10A

Applicant/Developer Name: VNG.CO

Plan Date: _____ 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,

Michael Mendoza

Building Commissioner

**Application Fee to submit to
City Clerk's office**

\$500.00

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



**Lisa M. Thomas
City Clerk**

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

Company Name

NOURIA ENERGY CORP.

Owner Name/Officer Name of LLC or Corporation

John Koch

Owner/Officer Complete Address and Telephone Number

326 Clark St.

Worcester, MA 01606

508.762.3700

Signature of Applicant

Attorney on behalf of Applicant, if applicable

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

Tax Collector

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

2013 OCT 17 A 10:30

1. Name and address of Petitioner or Applicant:
Sandra & Anthony Antico Real Estate LLC and Sky High Studios, Inc.
72 Jefferson Street, Marlborough, MA 01752

2. Specific Location of property including Assessor's Plate and Parcel Number.
289 Elm Street, Unit 114; Map 68, Parcels 20B and 19

3. Name and address of owner of land if other than Petitioner or Applicant:
same

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

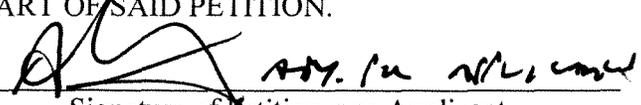
5. Specific Zoning Ordinance under which the Special Permit is sought:
Article V Section 650-17 Paragraph _____ Sub-paragraph _____

6. Zoning District in which property in question is located:
Limited Industrial

7. Specific reason(s) for seeking Special Permit
The tenant, Sky High Studios, Inc., seeks to open a commercial recreation establishment at the property, specifically an exercise and fitness facility.

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
Arthur P. Bergeron, Esq.
Address: Mirick, O'Connell, DeMallie & Lougee, LLP
100 Front Street
Worcester, MA 01608

Telephone No. 508-929-1678

Date: _____
City Clerk's Office

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

Sandra & Anthony Antico Real Estate LLC and Sky High Studios, Inc.
(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

Sandra & Anthony Antico Real Estate LLC

Applicant's Name: and Sky High Studios, Inc. Address: 72 Jefferson Street, Marlborough, MA 01752

Project Name: Sky High Studios, Inc. Address: 289 Elm Street, Unit 114, Marlborough, MA 01752

1. PROPOSED USE: (describe) Commercial recreation establishment

2. EXPANSION OR NEW: new use in existing structure

3. SIZE: floor area sq. ft. 2,000 1st floor N/A all floors N/A

buildings 1 # stories 1 lot area (s.f.) 803,246.40 +/- sf Parcels A&B = 18.44 Ac.

4. LOT COVERAGE: 21 % Landscaped area: 7.5 %

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 1 - 8 Peak period: 17

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 1 - 17 Peak period: 22

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

2 per week

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Standard exterior lighting; little to no light will leave the property.

8. NOISE:

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

Same.

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. None.

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

10. WATER AND SEWER: Describe any unusual generation of waste. None.

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? None.

***Attach additional sheets if necessary**



**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: _____

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Sky High Studios, Inc.

Project Use Summary: Commercial recreation establishment

Project Street Address: 289 Elm Street, Unit 114

Plate: 68 Parcel: 20B and 19

Applicant/Developer Name: Sandra & Anthony Antico Real Estate LLC and Sky High Studios, Inc.

Plan Date: _____ 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,

Michael Mendoza
Michael Mendoza

Building Commissioner

**Application Fee to submit to
City Clerk's office**

\$500.00



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

**Lisa M. Thomas
City Clerk**

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

Company Name

Sandra & Anthony Antico Real Estate LLC and Sky High Studios, LLC

Owner Name/Officer Name of LLC or Corporation

Anthony J. Antico, Manager/Lauren Forest, President

Owner/Officer Complete Address and Telephone Number

72 Jefferson Street 289 Elm Street, Unit 114

Marlborough, MA 01752 Marlborough, MA 01752

Lauren Forest Individually and as President
Signature of Applicant *Lauren Forest individually and as president*

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 A. Fox
Tax Collector

F & C Construction Corp.
P O Box 180
Hudson, MA 01749
(978) 562-3999
Email: mikefrias@aol.com

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 OCT 11 P 1:14

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

October 11, 2013

RE: Sewer extension for proposed dwelling
Crescent Street

Dear Councilors,

I am building a two family residential home at #44/46 Crescent Street (Assessors map 81, parcel 113). This was a pre-existing undeveloped building lot. I am respectfully requesting an extension of the municipal sewer main, which ends next door at #34 Crescent Street, to serve this proposed dwelling. The design sewer flow for the dwelling is 660 gallons per day. The length of the required extension is 100 feet.

Thank you for your consideration.

Sincerely,



Michael A. Frias
President, F & C Construction Corp.

Call to Order

September 23, 2013

2013 OCT -8 A 10:02

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

Clyde Johnson was absent

1. Meeting Minutes:

A. Regular Meeting September 9, 2013

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to approve the minutes of the September 9, 2013 meeting as amended. Motion carried.

2. Chair's Business: None

3. Approval Not Required: None

4. Public Hearings: None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

Mr. Collins reported out regarding the Berlin Farms Subdivision that he has tried to contact Mr. Freeman via email. As of this date there is still information missing and some finishing work creating access to the open space parcel has yet to be completed. Mr. Freeman has been presented with 2 options to finish the access, either would be acceptable however; one option would deviate from the approved plan. The Board would be amenable to the alternate option presented however they need to hear from Mr. Freeman directly regarding his choice of finishes, as well as the Priscilla Ryder, Conservation Officer.

A request for Mr. Freeman to appear at the next regularly scheduled meeting will be sent.

Mr. Collins continued the report with information regarding the Blackhorse Farms subdivision.

Mr. Collins has contacted Mr. Patrick Drake of FRE Building Co. Inc. via email looking for a response in regards to the site meeting held last week with City Engineer Cullen specifically addressing: site conditions, site lighting and street trees. As of this date no response from Mr. Drake, has been received. It is the request of the Board that Mr. Drake appears in front of the Board to address the concerns, presented by the City Engineer.

B. Request for Tri Partite Agreement Change/Update Mauro Farms

Ms. Hughes read the response from Assistant City Solicitor Panagore Griffin into the record noting that the Modification of Tri Partite Agreement and the Release from Tri Partite Agreement date June 20, 2011 are in proper legal form.

On a motion made by Ms. Hughes seconded by Mr. Coveney the correspondence was accepted

and placed on file.

On a motion made by Mr. Fay, seconded by Mr. Coveney it was voted to Release the June 20, 2011 Tri Partite Agreement naming Peoples United Bank and replace it with the New Tri Partite Agreement naming United Bank, and endorse the new Tri Partite Agreement. Motion carried.

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

7. Definitive Subdivision Submission: None

8. Signs: None

9. Unfinished Business:

A. Berlin Farms

Mr. Collins reviewed this topic in the Engineers Report.

Request of the Board is to have Mr. Freeman appear at an October meeting to update the Board on his progress.

It was noted to keep this item for reporting purposes on the next Planning Board agenda as well.

B. Blackhorse Farms Estate – Condition of Site

Mr. Collins reviewed this topic in the Engineers Report.

Request of the Board is to have Mr. Pat Drake appear at the next meeting to update the Board on the progress.

It was noted to keep this item for reporting purposes on the next Planning Board agenda as well.

C. Jenks Rd Subdivision (November 30, 2013)

Ms. Hughes read into record the response from the Engineer regarding the question posed by Mr. Fay at the public hearing. The Engineer is currently preparing a plan showing what is possible on the site without any requested waivers.

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

It was noted to keep this item for reporting purposes on the next Planning Board agenda as well.

D. Zoning Change Decision (Dry Cleaning-Power Laundry Establishments)

Ms. Hughes read the response from City Solicitor Rider into record in answer to the question raised by the Board at the last meeting.

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

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

Make a favorable recommendation to the City Council regarding changes to the City of Marlborough Zoning Ordinance as defined by City Council Order #13-1005481.

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

- Removal of allowance in the Commercial Automotive Zone for either Dry Cleaning or Power Laundry Facilities.

The motion carried by a vote of 6-0-0.

10. Informal Discussions:

A. Attorney Aykanian 314-320 Elm St Commercial/Residential proposed subdivision.

Attorney Aykanian and Mr. Daniel Bremsler of Hancock Associates presented to the Board a plan of land that currently has a commercial building as well as a single family home upon it. Currently known as Assessors Map 67 Parcel 49 and located in the Limited Industrial District. It is the desire of the current owners Safflower Realty to carve the house lot out of the existing Limited Industrial lot leaving two separate and distinct lots, allowing for the existing residence to be sold, and retaining the Commercial Property.

After much discussion in which it was determined that the Board favors the proposed plan to separate the residential use from the commercial use, it was suggested that the proponent submit a formal subdivision plan complete with all requested waivers, as an ANR would not be appropriate in this case due to the existence of a buildings already on the lot.

The proponent acknowledged the Boards concerns and will submit a formal subdivision plan with all waiver requests listed and corrections made as noted by the members.

11. Correspondence: None

12. Public Notices of other Cities and Towns:

- A. Town of Framingham Planning Board, Public Hearing September 26, 2013.**
- B. Town of Framingham Planning Board, Public Hearing September 26, 2013.**
- C. Town of Framingham Planning Board, Public Hearing September 26, 2013.**
- D. Town of Framingham Planning Board, Public Hearing October 3, 2013.**

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

Adjournment: On a motion made by Mr. McCarthy, seconded by Mr. Coveney it was voted to adjourn at 8:05pm.

Respectfully submitted,

Colleen Hughes

/mai

CITY OF MARLBOROUGH
BOARD OF ASSESORS

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2013 OCT -8 P 4: 30

MEETING MINUTES—March 29, 2013

1. CALL TO ORDER AT 10:30 AM

MEMBERS PRESENT

- Anthony C. Arruda, Jr., Chairman
- Bradford Dunn, Assessor
- Harald Scheid, Assessor
- Paula Murphy, Senior Clerk

2. MOTION TO ACCEPT THE MINUTES OF THE MEETING OF MARCH 13, 2013.

VOTE: 3-0

3. DISCUSSION AND VOTE ON ABATEMENT APPLICATIONS

There was a wide ranging discussion on the majority of the abatement applications received. It was agreed by the board to take an official vote on these at a subsequent meeting.

4. The meeting was adjourned at 12:30 PM

Two handwritten signatures in black ink. The top signature is cursive and appears to be 'Anthony C. Arruda, Jr.' with a small mark at the end. The bottom signature is also cursive and appears to be 'Paula Murphy'.