

REGULAR MEETING  
MARCH 24, 2008

IN CITY COUNCIL  
ABSENT:

CONVENED:  
ADJOURNED:

1. Minutes, City Council Meeting, March 10, 2008.
2. PUBLIC HEARING: On the application of Ming Wang for conversion of former State Armory Building into twelve residential condominiums in a Business B/Residence C zoned lot located at 358-364 Lincoln St.
3. Communication from the Mayor re: transfer request in the amount of \$146,120.90 to fund a deficit in the overtime line items for Police and Fire.
4. Communication from the Mayor re: transfer request in the amount of \$20,000.00 to move funds from Undesignated to Veterans Benefits to offset a projected year-end shortfall.
5. Communication from the Mayor re: transfer request in the amount of \$180,000.00 to move funds from Undesignated to DPW Repair Shop for purchase of fuel for City vehicles.
6. Communication from the Mayor re: appointments of Ray Hale and Janice Merk to the Library Board of Trustees.
7. Communication from the Mayor re: grant of Temporary Easement to NSTAR for equipment and appurtenances for 215 Maple St.
8. Communication from the Mayor re: grant of Easement to Massachusetts Electric Co. for equipment and appurtenances across Assabet Rail Trail and beneath Crowley Dr.
9. Application from Attorney Arthur B. Bergeron, on behalf of 890 Post Rd LLC, re: consideration of adopting proposed New Car Dealership Overlay District.
10. Application from David P. Gadbois, on behalf of Gutierrez Co, re: Sewer Connection Permit for Devonshire at 495 Center which is located between Forest St. and Hayes Memorial Dr.
11. Communication from the Planning Board re: Proposed Amendments to Limited Development Subdivisions Ordinance.
12. Communication from Kevin Walsh, Director of Environmental Services, Executive Office of Transportation re: the Marlborough/Hudson I-495/I-290/Route 85 Interchange Improvement Project.
13. Communication from Ablitt & Charlton, P.C. re: Notice of Mortgagee's Sale of Real Estate for property located at 688 Boston Post Rd., Unit 328 of the Wayside Condominium.
14. Minutes, Planning Board, February 11 & February 25, 2008.
15. Minutes, Conservation Commission, December 20, 2007 and January 17, 2008.
16. CLAIMS:
  - A. Veronica Figueiredo-Larrick, 14 Turner Ridge Rd, vehicle damage
  - B. Frances Sullivan, 10 Pinehill Rd., Framingham, MA, vehicle damage
  - C. Sara McPherson, 397 May St., Worcester, MA, vehicle damage
  - D. Marisa Rodrigues, 36 Jefferson St., property damage
  - E. Louise Sullivan, 137 Grace Circle, property damage
  - F. Gary Brown, 105 Newton St., property damage

REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

From Finance Committee

17. **Order No. 08-1001792** – Adjust Police Officer Brian Cox Salary to Step 3 – The Finance Committee reviewed the Mayor's letter dated February 6, 2008 requesting to increase the salary of Officer Brian Cox from a minimum contractual amount of \$41,009.37 to a Step 3 amount of \$51,041.72. The Mayor and Police Chief spoke in favor of the salary adjustment. Information from the Personnel Director indicated that the Step 3 salary in Marlboro was less than the amount Officer Cox was receiving from the City of Woburn. A statement from Councilor Pope was read into the record in opposition to the proposed salary increase for Officer Cox. **Recommendation of the Finance Committee is to approve 5-0.**
18. **Order No. 08-1001801** – Transfer \$27,851.00 from Various Police Payroll Accounts to Court Overtime - The Finance Committee reviewed the Mayor's letter dated February 20, 2008 requesting a transfer \$27,851.00 from various Police payroll accounts to Court Overtime. **Recommendation of the Finance Committee is to approve 5-0.**
19. **Order No. 08-1001793** – Transfer \$58,490.03 from Undesignated Funds to Various Accounts to Address Cost Associated with the Corbin Plaza - The Finance Committee reviewed the Mayor's letter dated February 6, 2008 to fund legal, insurance, maintenance and utilities for the Corbin Plaza building. The Mayor informed the Finance Committee that the liability and building insurance funds cover the period from January 1, 2008 to January 1, 2009. Funding will be required for maintenance and utilities in the FY09 budget if the building is not sold. **Recommendation of the Finance Committee is to approve 5-0.**

From Personnel Committee

20. **Order No. 08-1001800** – Reappointment of John Peltier and Kevin Boyle as Fence Viewers for a period of one year, concluding Monday, February 2, 2009. **Recommendation of the Personnel Committee is to approve 3-0.**



CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
Lisa M. Thomas  
140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
(508)460-3775 FAX (508)624-6504  
MARCH 10, 2008

Regular meeting of the City Council held on Monday MARCH 10, 2008 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Juairé, Clancy and Landers. Meeting adjourned at 8:50 p.m.

ORDERED: Minutes, City Council meeting, February 25, 2008, **FILE**; adopted.

ORDERED: Now being the time set for the **PUBLIC HEARING** on the application of Bell Atlantic Mobile of Massachusetts, d/b/a Verizon Wireless for co-location of antennas and equipment at an existing wireless communication facility located at 75 Donald Lynch Blvd., all were heard who wish to be heard, hearing adjourned at 8:07 p.m., **IN WIRELESS COMMUNICATION COMMITTEE**; adopted.

ORDERED: That the recommendation to appoint David McCabe to the Community Development Authority, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the following budget transfer in the amount of \$500.00 from Councilor's Salary to Office Supplier/Expenses account, **APPROVED**; adopted.

FROM:

Acct. # 11110003-50070	\$500.00
Councilor's Salary	

TO:

Acct. # 11110005-54220	\$500.00
Office Supply	

ORDERED: That the following budget transfer in the amount of \$485,171.77 from Reserve for Salaries and Fringe Benefits accounts to fund year two employee contract obligations for the Police, Fire, Department of Public Works, Library, Auditor, City Clerk, Board of Health and Public Facilities, refer to **FINANCE COMMITTEE**; adopted.

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TRANSFER REQUEST

FROM ACCOUNT

TO ACCOUNT

AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DISCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DISCRIP	AMOUNT AVAIL
590,320.57	\$ 376,355.02	11990006	57820	Reserve Salaries					
211,007.75	\$108,816.75	11990006	51500	Fringes					
	\$ 485,171.77								
				<b>Police</b>					
					\$ 33,677.00	12100003	50420	Police Officers	\$618,404.48
					\$ 15,735.00	12100003	50500	Captains	\$ 32,985.83
					\$ 99,680.00	12100002	50820	Sergeants Pub. Safety	\$ 64,991.50
					\$ 20,813.00	12100003	51213	Dispa.	\$ 66,937.27
					\$ 8,677.00	12100003	51430	LONG	\$ 28,548.49
					\$ 497.00		50520	Princ Clk	\$ 17,698.45
					\$ 179,079.00				
				<b>Fire</b>					
					\$ 3,191.00	12200001	50130	Chief	\$ 25,258.02
					\$ 16,355.00		50335	Deputy Chief	\$ 72,922.48
					\$ 147,159.00		50450	Firefighter	\$769,641.98
					\$ 14,543.23		50800	Captain	\$ 64,458.37
					\$ 16,468.00		50810	Lieutenant First	\$127,038.69
					\$ 1,713.00	12200003	51226	Responder	\$ 7,198.42
					\$ 1,611.00		51450	Night Shift	\$ 10,565.56
					\$ 26,881.00		51490	Holiday	\$ 40,902.55
					\$ 28,953.08		51920	Sick Leave	\$ (28,953.08)
					\$ 256,874.31				
				<b>DPW</b>					
					\$ 4,100.00	14001003	51430	Longevity	\$ (3,940.06)
					\$ 800.00	60080003	51430	Longevity	\$ (799.65)
					\$ 750.00	14001103	51920	Sick Leave	\$ 2,134.12
					\$ 5,286.00	14001303	51430	Longevity	\$ (5,286.00)
					\$ 21,926.00	14001303	51920	Sick Leave	\$ (21,926.00)
					\$ 903.00	14001403	51430	Longevity	\$ (902.62)
					\$ 4,599.00	14001503	51430	Longevity	\$ (4,599.00)
					\$ 38,364.00				
				<b>Library</b>					
					\$ 887.00	16100001	50471	Yg Adlt Lib	\$ 11,495.41
					\$ 851.00		50656	Head Circl	\$ 13,081.58
					\$ 340.00	16100003	51920	Sick Leave	\$ (339.14)
					\$ 2,078.00				
				<b>Auditor</b>					
					\$ 380.41	11350001	50020	Auditor	\$ 19,819.27
					\$ 380.41				
				<b>City Clerk</b>					
					\$ 1,309.86	11610001	50050	City Clerk	\$ 18,209.32
					\$ 1,309.86				
				<b>Board of Health</b>					
					\$ 897.55	15120001	50611	Asst Sanitarian	\$ 12,621.33
					\$ 17.64	15120003	51430	Sick Leave	\$ (17.64)
					\$ 915.19				

**Build Maintenance**

\$ 6,649.00	11920001	50292	Craftsman	\$ 45,925.93
\$ 530.00		50385	Electrician	\$ 14,541.04
\$ 1,070.00	11920002	50520	Principal Clk	\$ 5,367.51
\$ 8,249.00				

Reason: To fund second year contractual obligations \$ 485,171.77  
(Councilor Juaire abstained)

ORDERED: That the City's Emergency Management Department has received an additional grant in the amount of \$333.19 to offset expenses incurred relative to the May 2006 flood from the Massachusetts Emergency Management Agency, which when added to monies received previously, will total \$2,745.43, **APPROVED**; adopted.

ORDERED: That the Council on Aging received a Service Incentive Grant (FY08) from the Executive Office of Elder Affairs in the amount of \$4,528.00 which is expressly identified for use in the purchase of a software database management system that is planned for use in completing required state/municipal reports and grant applications, **APPROVED**; adopted.

ORDERED: That the City's public library has been selected to receive a cash distribution in connection with the 2002 settlement of an antitrust case brought by the Commonwealth and other states against certain music retailers and companies for the express purpose of furthering music related programs or projects, with an estimated legal award value at no less than \$300.00, **APPROVED**; adopted.  
(Councilor Schafer abstained)

**Suspension of the Rules requested – granted**, to allow the Mayor and her Executive Aide, Karen Kisty to speak. Mayor stated that her office is working toward making the transition from WRTA to MetroWest as smooth as possible so as not to interrupt service for riders.

ORDERED: That pursuant to Mass. General Laws C. 161B, §3, the City of Marlborough join as a member of the MetroWest Regional Transit Authority, effective July 1, 2008, **APPROVE**; adopted.

ORDERED: That the communication from the Mayor regarding the March 14, 2008 meeting in which the Mayor, Assabet Valley Regional Technical High School personnel and representatives from the towns of Hudson, Southborough and Maynard met to address issues brought forth in the Inspector General's report of February 2008, in which the primary focus was pertinent to accounting practices and surplus funds, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That a consideration and acceptance of a Grant of Easement to the City of Marlborough from George T. Voyiatizis, Trustee of the Bolton Granger Realty Trust, to provide more efficient access and egress to and from South Bolton St. and Weed St. Extension, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Grant of Easement, Termination of Sewer Easement and Operation and Maintenance agreement from Kimco Realty Corp., on behalf of Shops at the Pond LLC, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

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ORDERED: That the request from Old Marlborough Inc. to make a presentation on a "Public Art Program" for the Downtown/Central Business Area, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Minutes, Local Emergency Planning Committee, September 19, October 17, December 19, 2007 and February 20, 2008, **FILE**; adopted.

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

- A. Denise Murphy, 19 Tassi Dr., vehicle damage
- B. Rebecca Meskunas, 46 Park Ave., Stoneham, vehicle damage
- C. Howard Chaput, 224 Chestnut St., Gardner, vehicle damage
- D. Norman Cole, 457 Pleasant St., property damage
- E. Jeffrey Cosette, 411 Avalon Dr., Acton, vehicle damage
- F. Scott Smith, 56 Sunshine Dr., property damage
- G. Amy Markarian, 39 Tower St. Worcester, vehicle damage
- H. Sem Aykanian, 74 Main St., property damage
- I. Kevin Smith, 128 Old Charter Rd., vehicle damage
- J. Kate Peregrin, 37 Gibbs Pl., vehicle damage
- K. Lori Bradway, 10 Ames Place, Apt 2, vehicle damage
- L. Joseph Desimone, 33 Cheyene Rd., Worcester, MA, vehicle damage
- M. Dennis McCumber, 540 Williams St., property damage
- N. Thomas Ruggins, 122 Taylor Rd., vehicle damage
- O. Owen Boyd, 52 Willow Gate Rise, Holliston, MA, vehicle damage

#### Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Order No. 08-1001792** – Adjust Police Officer Brian Cox Salary to Step 3 – The Finance Committee reviewed the Mayor's letter dated February 6, 2008 requesting to increase the salary of Officer Brian Cox from a minimum contractual amount of \$41,009.37 to a Step 3 amount of \$51,041.72. The Mayor and Police Chief spoke in favor of the salary adjustment. Information from the Personnel Director indicated that the Step 3 salary in Marlboro was less than the amount Officer Cox was receiving from the City of Woburn. A statement from Councilor Pope was read into the record in opposition to the proposed salary increase for Officer Cox. **Recommendation of the Finance Committee is to approve 5-0.**

**Order No. 08-1001801** – Transfer \$27,851.00 from Various Police Payroll Accounts to Court Overtime - The Finance Committee reviewed the Mayor's letter dated February 20, 2008 requesting a transfer \$27,851.00 from various Police payroll accounts to Court Overtime. **Recommendation of the Finance Committee is to approve 5-0.**

**Order No. 08-1001793** – Transfer \$58,490.03 from Undesignated Funds to Various Accounts to Address Cost Associated with the Corbin Plaza - The Finance Committee reviewed the Mayor's letter dated February 6, 2008 to fund legal, insurance, maintenance and utilities for the Corbin Plaza building. The Mayor informed the Finance Committee that the liability and building insurance funds cover the period from January 1, 2008 to January 1, 2009. Funding will be required for maintenance and utilities in the FY09 budget if the building is not sold. **Recommendation of the Finance Committee is to approve 5-0.**

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

**Order No. 08-1001800** – Reappointment of John Peltier and Kevin Boyle as Fence Viewers for a period of one year, concluding Monday, February 2, 2009. **Recommendation of the Personnel Committee is to approve 3-0.**

**Suspension of the Rules requested – granted**

That the budget transfer in the amount of \$6,657.60 which would move funds from Undesignated to Senior Clerk to provide for proposed Senior Clerk position to assist the Code Enforcement Officer to fund through the remainder of FY08, **APPROVED**; adopted.

FROM:

Acct. # 100-35900	\$6,657.60
Undesignated Funds	

TO:

Acct. # 12410002-50770	\$6,657.60
Sr. Clerk	

**ORDERED:** That the CDA meet with the Urban Affairs and Affordable Housing Committee to discuss the status of the City' affordable housing stock and current future plans to maintain and expand those numbers, refer to **URBAN AFFAIRS AND AFFORDABLE HOUSING COMMITTEE**; adopted.

**ORDERED:** There being no further business, the regular meeting of the City Council is herewith adjourned at 8:50 p.m.

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# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 11, 2008

PAGE 1

ORDERED:

That there being no objection thereto set **MONDAY, MARCH 24, 2008** as date for a **PUBLIC HEARING** on the application for Special Permit from Ming Wang for conversion of former State Armory Building into twelve residential condominiums in a Business B/Residence C zoned lot at 358-364 Lincoln St., be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 08-1001805



*City of Marlborough*  
*Office of the Mayor*

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

31  
*Nancy E. Stevens*  
MAYOR

*Karen A. Kistly*  
EXECUTIVE AIDE

*Diane C. Halpern*  
EXECUTIVE SECRETARY

March 19, 2008

Council President Arthur G. Vigeant  
Marlborough City Council  
Marlborough City Hall – 2<sup>nd</sup> Floor  
140 Main Street  
Marlborough, MA 01752

Honorable President Vigeant and Councilors:

I have submitting the following budget transfer to fund a deficit in the overtime line items for both police and fire as a result of staff injuries. Funds will be transferred as follows:

- \$76,941.52 from Acct No. 12100001-50420 (Police Officer) to 12100003-51310 (Overtime)
- \$ 9,696.72 from Acct No. 12100001-50820 (Sergeants) to 12100003-51320 (Overtime Court)
- \$59,482.66 from Acct No. 12200001-50450 (Firefighters) to 12200003-51300 (Additional Overtime)

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

Sincerely,

Nancy E. Stevens  
Mayor

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### TRANSFER REQUEST

FROM ACCOUNT TO ACCOUNT

AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIPT	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIPT	AMOUNT AVAIL
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				Police			
\$ 534,836.00	\$ 76,941.52	12100001	50420 Police Officer	\$ 71,638.24	12100003	51310 Overtime	\$ 2,598.60
\$ 40,222.00	\$ 9,696.72		50820 Sergeants	\$ 15,000.00		51320 OT Court	\$ (10,155.40)

	\$ 86,638.24			Fire			
\$ 570,124.02	\$ 59,482.66	12200001	50450 Firefighter	\$ 59,482.66	12200003	51300 Additional OT	\$ 38,623.05

	\$ 146,120.90	Total		\$ 146,120.90			
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Reason: To fund 111F (injury) payments for Firefighters and Police Officers



4,  
*City of Marlborough*  
*Office of the Mayor*

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

*Nancy E. Stevens*  
MAYOR

*Karen J. Kist*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

March 19, 2008

Council President Arthur G. Vigeant  
Marlborough City Council  
Marlborough City Hall -2<sup>nd</sup> Floor  
140 Main Street  
Marlborough, MA 01752

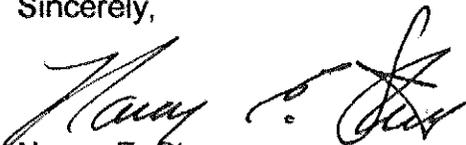
Honorable President Vigeant and Councilors:

Attached please find a budget transfer request in the amount of \$20,000 which would move funds from Account No. 100-35900 (Undesignated Funds) to Account No. 15430006-57710 (Veterans Benefits) to offset a projected year-end shortfall. In addition to providing for compliance with a recent Department of Veteran Services (DSV) decision which increased the fuel benefit to veterans effective January 1, 2008, the Veterans' Services Department for the City has been struggling to deal with an increase in the those seeking assistance.

These are mandated expenditures on behalf of eligible veterans.

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

Sincerely,

  
Nancy E. Stevens  
Mayor

# TRANSFER REQUEST

FROM ACCOUNT		TO ACCOUNT						
AVAILABLE BALANCE	AMOUNT	ORG · OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
\$ 1,211,011.00	\$ 20,000.00	100	35900 Undesignated Fund	\$ 20,000.00	15430006	57710	Veterans Benefits	\$ 10,426.00
			Undesignated Fund				Veterans Services	

Reason: See Department Heads Requests

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## CITY OF MARLBOROUGH VETERANS' SERVICES DEPARTMENT

255 Main St. Room 107  
Marlborough, MA 01752  
Facsimile (508) 460-3733 Tel (508) 460-3782

Gary Brown  
Director

TO: MAYOR NANCY STEVENS                      DATE: JANUARY 8, 2008  
FROM: GARY BROWN, VETERANS' AGENT  
RE: BUDGET SHORTFALL

Dear Ms. Stevens:

I have completed an analysis of the budget for Veterans' Services and have found that I have a projected shortfall of nearly \$20,000 in the Veterans' benefits line item.

I have expended \$52,909.05 in seven months of benefits (some additional expected in January). My average expenditure for benefits has been \$7,558 per month.

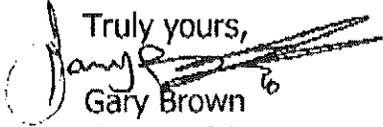
I have \$21,490.95 remaining in the benefits line item. @ \$7,558 per month for the five months remaining in this fiscal year, this would project out to a \$16,299 deficit. This does not take into account the remainder of January expenditures or the doubling of the fuel allowance which has been mandated by the State. (See attached)

Therefore, please request the City Council's approval of a \$20,000 transfer of funds into the Veterans' benefits line item.

As always, I remain cognizant of the Budget pressures you are under. However, these funds are not discretionary. The State mandates payments to eligible recipients who are entitled to these benefits.

I am available to explain any issue anyone may have with this request.

Truly yours,

  
Gary Brown  
Veterans' Agent  
City of Marlborough

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CITY OF MARLBOROUGH REPORT AS OF JANUARY 8, 2008  
 YEAR TO DATE BUDGET  
 01/08/2008 09:30  
 1 PG  
 2lytcbud

FOR 2008 07

	ORIGINAL APPROP	TRANSFERS/ADJUSTS	REVISED BUDGET	YTD EXPENDED	EMC/REQ	AVAILABLE BUDGET	PCT USED
100 GENERAL FUND							
5430 VETERANS' SERVICES							
0000							
15430001 50080 VETERANS DIRECTOR	43,651	.00	43,651.00	23,504.60	.00	20,146.40	53.8%
15430005 54220 OFFICE SUPPLY/EXPENS	.75	.00	75.00	13.64	.00	61.36	18.2%
15430006 52560 VEHICLE REPAIR & MAI	500	.00	500.00	37.40	.00	462.60	7.5%
15430006 52750 VETERANS SERVICES	10,000	.00	10,000.00	4,000.00	6,000.00	500.00	100.0%
15430006 57100 INSTATE TRAVEL	500	.00	500.00	.00	.00	500.00	.0%
15430006 57340 DUES & SUBSCRIPTIONS	100	.00	100.00	35.00	.00	65.00	35.0%
15430006 57310 VETERANS' BENEFITS	74,400	.00	74,400.00	52,909.05	.00	21,490.95	71.1%
15430006 57780 CARE SOLDIERS & SAIL	300	.00	300.00	.00	.00	300.00	.0%
TOTAL	129,526	.00	129,526.00	80,499.69	6,000.00	43,026.31	66.8%
TOTAL VETERANS' SERVICES	129,526	.00	129,526.00	80,499.69	6,000.00	43,026.31	66.8%
TOTAL GENERAL FUND	129,526	.00	129,526.00	80,499.69	6,000.00	43,026.31	66.8%
TOTAL EXPENSES	129,526	.00	129,526.00	80,499.69	6,000.00	43,026.31	66.8%
GRAND TOTAL	129,526	.00	129,526.00	80,499.69	6,000.00	43,026.31	66.8%

\*\* END OF REPORT - Generated by Maria Rios \*\*

① 7558 PER MO & A (7) MONTHS

② 7558 X (5) = \$ 37,790

\$ 21,491

[ \$ 16,299 ] DEFICIT

tyler TECHNOLOGIES

Directive Number  
CY 07 - 04

December 21, 2007

**DIRECTIVE**  
**Veterans' Services**

From: Secretary Thomas G. Kelley, Department of Veterans' Services

To: Veterans' Services Officers

Subj: Fuel Benefit

Ref: 108 Commonwealth of Massachusetts Regulation xxx.xx

1. Purpose. To provide instruction on using the new fuel benefit starting January 2008.

Existing recipients living in Un-Heated shelters will now use \$250 for the fuel benefit.  
This is to offset the increase in fuel cost we have seen in the recent past. The new fuel allowance is effective January 1, 2008.

Additionally, the number of rooms no longer predicates the fuel allowance. The fuel allowance for an un-heated shelter is now a flat \$250, no matter the number of rooms. Essentially, the sum of the shelter and fuel allowances is now \$638 for an un-heated shelter. Please reference the attached Schedule of Benefits Chart effective January 1, 2008.

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**Schedule of Benefits Chart**  
 For  
**Veterans' Benefits Pursuant to**  
**M.G.L. c. 115, § 5 and**  
**108 CMR 5.02**

For Second Half of Fiscal Year 2008 (January 1, 2008 – June 30, 2008)  
 Effective January 1, 2008

<b>Current Benefits</b>		
<b>Benefit #</b>	<b>Description</b>	<b>Maximum Benefit</b>
#1	Single Applicant Living Alone	\$575.00
#2	Married Applicant Living with a Spouse	\$775.00
#3	Institutional Resident	\$167.00
#4	Transitional Housing Resident	\$450.00 to Applicant; \$192.00 to Shelter
#5	Medical Only	N/A (Income Less than 200% FPL, per 108 CMR 5.02(13)) <sup>1</sup>

<b>Shelter Allowances</b>	
Unheated Shelter	\$388.00
Heated Shelter	\$519.00

<b>Special Allowances</b>	
Fuel (Any number of rooms)	\$250.00
Retired and Elder Benefit Adjustment (REBA) (per 108 CMR 5.02(5)) <sup>1</sup>	\$281.00
Children (per 108 CMR 5.02(4)) <sup>1</sup>	\$260.00 each for first two children, \$130.00 for each additional child

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Dear VSO,

DVS has decided to increase the fuel benefit for recipients living in unheated shelters. In accordance with Secretary Kelley's directive, dated 12/14/07, all un-heated shelters will now use \$250 for the fuel benefit.

For those of you who have already submitted the VS-21As for the January to June update, DVS will require an amended VS-21A. Please generate the VS-21A reflecting the **NEW OB and Fuel** amount for January through June. DVS will enter, process and send you a new VS-21Acknowledgement reflecting the changes.

As always, if you have any questions concerning this change, please feel free to contact your Authorizer, Hazel, Evan or myself. We will be happy to discuss these changes with you.

Sincerely,

Keith M. ones  
Director of Operations



51  
*City of Marlborough*  
*Office of the Mayor*

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

*Nancy E. Stevens*  
MAYOR

*Karen H. Kist*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

March 19, 2008

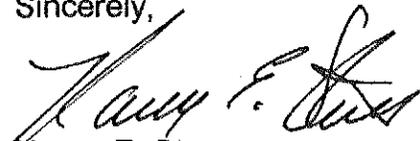
Council President Arthur G. Vigeant  
Marlborough City Council  
Marlborough City Hall – 2<sup>nd</sup> Floor  
140 Main Street  
Marlborough, MA 01752

Honorable President Vigeant and Councilors:

As it should come as no surprise due to the continued rise in fuel prices, the account relative to the purchase of fuel for City vehicles is running at a significant deficit. I am submitting herewith the attached budget transfer request in the amount of \$180,000.00 which would move funds from Account No. 100-35900 (Undesignated Funds) to Account No. 14001406-54830. The cost for unleaded gasoline has risen 80 cents/gallon while the corresponding expense for diesel fuel has risen by 92 cents/gallon. The additional funding request is based upon actual fuel consumption figures from FY07. This line item will be monitored closely as the market prices continue to fluctuate.

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

Sincerely,

  
Nancy E. Stevens  
Mayor

# TRANSFER REQUEST

52

FROM ACCOUNT		TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG OBJECT	ACCOUNT DESCRIP	AMOUNT	ACCOUNT DESCRIP	AMOUNT AVAIL
\$ 1,391,011.00	\$ 180,000.00	100	35900 Undesignated Fund	\$ 180,000.00	14001406 54830 Fuel	\$ 70,146.00
			Undesignated Fund		DPW REPAIR SHOP	

Reason: To fund increase in fuel cost

JANUARY 2008 POTENTIAL BUDGET DEFICIT ANALYSIS

	Appropriated	Total funds needed	Additional funds needed	Explanation
Repair Shop (cont.)				
14001406-54830	Fuel & Lubricants	\$304,029	\$180,000	Estimation based on actual fuel expenditures usage from FY07. Price of fuel has increased from FY 07 (unleaded \$2.09/gal., diesel \$2.20/gal.) to FY 08 (unleaded \$2.89/gal., diesel \$3.12/gal.). Cost continue to rise will continue to monitor and/or update as necessary.



61  
*City of Marlborough*  
*Office of the Mayor*

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

*Nancy E. Stevens*  
MAYOR

*Karen A. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

March 20, 2008

Council President Arthur G. Vigeant  
Marlborough City Council  
Marlborough City Hall – 2<sup>nd</sup> Floor  
140 Main Street  
Marlborough, MA 01752

Honorable President Vigeant and Councilors:

I am submitting, for Council approval, Ray Hale and Janice Merk as appointments to the Board of Library Trustees. Mr. Hale and Ms. Merk will be replacing Linda Ossing and Kirsten Macina whose terms expired on February 5<sup>th</sup>, 2008 and will each be appointed for a three year term expiring on the first Monday in February 2011.

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

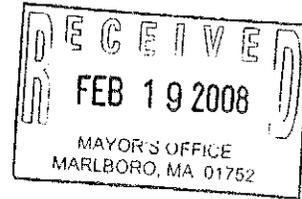
Sincerely,

Nancy E. Stevens  
Mayor

62

12 Hawkins Lane  
Marlborough, MA 01752-1758  
February 16, 2008

Ms. Susan Laufer, Chair of Trustees  
Marlborough Public Library  
35 West Main Street  
Marlborough, MA 01752



Dear Ms. Laufer:

It has come to my attention that there is an opening on the Marlborough Public Library (MPL) Board of Trustees. I would like to be considered to fill that opening. The following information about me may support your initial review of my qualifications.

I have lived in Marlborough and been employed by Raytheon Company since June 1991. I'm currently working at the Sudbury location. My responsibilities with Raytheon have included performance, cost and schedule responsibility for the development of electronic technology and equipment for government and commercial markets. I am a Six Sigma Expert.

I am an avid reader, typically reading two or three books a month, by a wide range of authors. I am also an avid fan of music, borrowing CDs from the library on a regular basis, although more often from the Goodnow Library in Sudbury than from the MPL. Due to the fact that I work in Sudbury, and to the fact the Marlborough Public Library is not open on weekends in the summer, I spend as much time at Goodnow as I do at the MPL.

As references I offer Ms. Lisa Trudeau (Immaculate Conception teacher and part-time employee at the MPL) and Mr. Robert Katz (until recently, City Councilor for Marlborough's Ward 1).

My schedule probably won't permit me to attend every Board meeting. For example, I am the co-chair of a 400-500 person 4-day symposium in Boston the first week in May, so I will be living at the Renaissance Hotel working from early in the morning to late at night every day that week. But I promise to do my best to keep conflicts to a minimum and my attendance at a maximum.

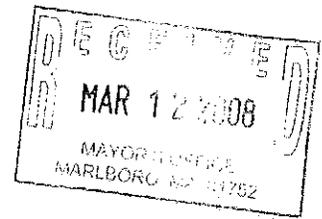
Thank you for considering this application.

Ray Hale

cc: Mayor Nancy Stevens

63

34 McCabe Drive  
Marlborough, MA 01752



March 10, 2008

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

Dear Mayor Stevens,

I am writing to express my interest in serving as a trustee for the Marlborough Public Library.

I have been a resident of Marlborough for over 20 years and during that time have been active in the community as a volunteer in the schools, in scouting organizations, in my church, and in youth sports programs. I am now very interested in serving the city in other areas, and the opening on the MPL Board of Trustees seems to be a great fit.

As an avid reader, I have loved libraries ever since I was a child. I believe Marlborough has a wonderful library and I'd like to help make sure it stays a strong and vibrant resource for the people of the city. In addition to offering my perspective as a library patron, I believe the skills and experiences I have amassed during 25+ years as a marketing professional and manager could be of value to the board.

Thank you very much, in advance, for considering this request. I look forward hearing from your office. I can be reached at 508.460.0082, or via email at [janice.merk@comcast.net](mailto:janice.merk@comcast.net).

Regards,

  
Janice Merk



71

*City of Marlborough*  
*Office of the Mayor*

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

*Nancy E. Stevens*  
MAYOR

*Karen H. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

March 20, 2008

Arthur Vigeant  
President  
Marlborough City Council

RE: Grant of Temporary Easement to NStar for Equipment and  
Appurtenances 215 Maple Street

Dear President Vigeant and Members:

Enclosed for your consideration and approval is a proposed Order that would grant a temporary easement to NSTAR Gas Company at the Maple Street Fire Station property.

Please be advised that NStar installed equipment on and beneath the subject property, located adjacent to the parking lot driveway of the Maple Street Fire Station, pursuant to a November 2007 license agreement with the City. At that time, NStar worked with the City, including the City Engineer, the Fire Chief, and the Legal Department, to determine the location of the equipment and to complete installation of the same before the onset of the winter heating season.

I am available at your convenience to discuss this matter more fully with you. Thank you for your attention to this matter.

Very truly yours,

Nancy E. Stevens  
Mayor

Enclosures

cc: Legal Department  
Ron LaFreniere  
Tom Cullen

ORDERED:

That the City of Marlborough grant a temporary utility easement, to be executed by the Mayor on behalf of the City, to NSTAR Gas Company (a/k/a "NStar"), as described in the attached Grant Of Temporary Easement and as shown on the plan attached to said Grant as "Exhibit A," entitled "Easement Agreement Plan, 215 Maple Street, Marlborough Fire Department, Exhibit A," dated December 3, 2007, for the purposes of making necessary excavations, locating, relocating, erecting, constructing, reconstructing, adding to, extending, repairing, replacing, maintaining, operating, inspecting or removing gas mains, together with an instrumentation or "traffic" box and appurtenances associated with the transportation, transmission and monitoring of gas service, and fittings, equipment and other fixtures and appurtenances necessary or useful in connection therewith for the transmission and/or distribution of natural gas on, over, under and across that certain parcel of the City of Marlborough's land described and shown on Exhibit A, which shall be recorded at the Middlesex South District Registry of Deeds.

ADOPTED  
In City Council  
Order No. 08 -

Adopted

\_\_\_\_\_  
Lisa M. Thomas, Clerk of the  
City Council

Approved by Mayor  
Nancy E. Stevens, Mayor  
Date:

\_\_\_\_\_  
Nancy E. Stevens, Mayor

A TRUE COPY  
ATTEST:  
Date:

\_\_\_\_\_  
Lisa M. Thomas, Clerk of the  
City

GRANT OF TEMPORARY EASEMENT

The CITY OF MARLBOROUGH, a municipal corporation duly organized and existing under the laws of the Commonwealth of Massachusetts having an address of 140 Main Street, Marlborough, Massachusetts (hereinafter called the Grantor), in consideration of the mutual covenants contained herein, grant(s) to NSTAR GAS COMPANY, a Massachusetts corporation having its principal place of business at One NSTAR Way, Westwood, Massachusetts 02090, its successors and assigns, or any licensee from it (hereinafter called the Grantee), with quitclaim covenants, the exclusive right and easement to enter upon from time to time, make necessary excavations, locate, relocate, erect, construct, reconstruct, add to, extend, repair, replace, maintain, operate, inspect or remove gas mains, together with an instrumentation or "traffic" box and appurtenances associated with the transportation, transmission and monitoring of gas service, and fittings, equipment and other fixtures and appurtenances necessary or useful in connection therewith for the transmission and/or distribution of natural gas on, over, under and across that certain parcel of Grantor's land described and shown on the plan entitled "Easement Agreement Plan, 215 Maple Street, Marlborough Fire Department, Exhibit A", dated December 3, 2007 (the "Premises"), a reduced copy of said plan is attached hereto as "Exhibit A".

The Premises are more particularly shown on a plan of land entitled "Taking Plan, For City of Marlborough Fire Station, Prepared by Dept. of Public Works, Engineering Division, December 27, 1991, Scale 1"=40'" recorded with the Middlesex South County Registry of Deeds as Plan No. 59.

Grantor shall have no right to relocate the easement without the express written consent of the Grantee, which may be withheld in Grantee's sole discretion. It is further agreed that the term of this Easement shall be forty (40) years, and shall be extended thereafter on an annual basis for as long as the aforementioned gas mains, regulators, fittings, equipment, fixtures and appurtenances remain on the Premises.

The Grantee shall have all other rights and benefits that it deems necessary for the full implementation and use of the rights herein granted, including, but not limited to, the right to remove and clear all rocks, trees, brush, limbs, structures and other obstructions which in the opinion of the Grantee might interfere with the rights herein granted, and the right of vehicular and pedestrian access across the Grantor's land for all the above purposes.

It is agreed that such gas mains, regulators, fittings, equipment, fixtures and appurtenances and each and every part thereof, whether fixed to the realty or not, shall be and remain the property of the Grantee, its successors and assigns, as their interests may appear.

Grantee shall have the right to connect the installed facilities with its facilities located or to be located in private or public ways adjacent to the premises. Grantee shall have the right to extend the lines from time to time, and the right to use the installed facilities, to serve other customers of Grantee who may conveniently be served thereby.

74

Executed as a sealed instrument by an authorized signatory this \_\_\_\_ day of \_\_\_\_\_,  
2008.

City of Marlborough

\_\_\_\_\_  
Name:

Title:

75

COMMONWEALTH OF MASSACHUSETTS

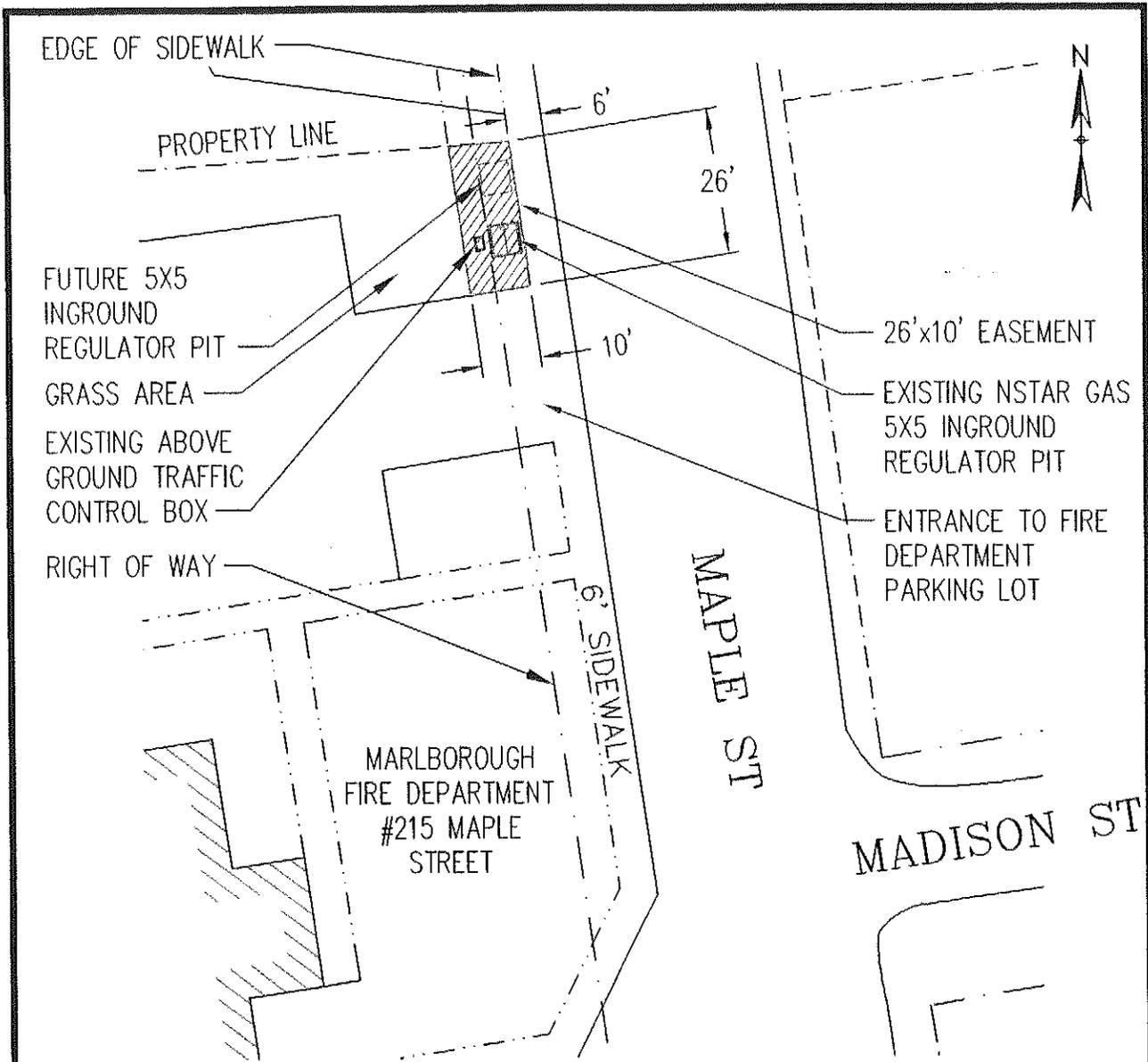
Middlesex, ss

, 2008

On this \_\_\_\_ day of \_\_\_\_\_, 2008, before me, the undersigned notary public, personally appeared \_\_\_\_\_, \_\_\_\_\_, proved to me through satisfactory evidence of identification which was \_\_\_\_\_, to be the person whose name is signed on the preceding document and acknowledged to me that \_\_\_ signed it voluntarily for its stated purpose as the free act and deed of the City of Marlborough.

\_\_\_\_\_  
Notary Public

My commission expires:



DO NOT SCALE DRAWING

No.	Description	Date	Dw/Ap
Revision/Status			
			
EASEMENT AGREEMENT PLAN			
215 MAPLE ST., MARLBOROUGH FIRE DEPARTMENT			
EXHIBIT A			
SCALE: NONE		SHEET 1 OF 1	
Drawn by / Date JAS 12/03/07	Checked by / Date	Drawing Number	Rev.
Approved by / Date	Filed 07MAP201-r0.dwg	07-MAP-201-01	0

J:\ACADWORK\DISTRICT\_2\A



81

*City of Marlborough*  
*Office of the Mayor*

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

*Nancy E. Stevens*  
MAYOR

*Karen A. Kist*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

March 20, 2008

Arthur Vigeant  
President  
Marlborough City Council

RE: Grant of Easement to Massachusetts Electric Company for  
Equipment and Appurtenances Across Assabet Rail Trail and  
Beneath Crowley Drive

Dear President Vigeant and Members:

Enclosed for your consideration and approval is a proposed Order that would grant a temporary easement to Massachusetts Electric Company for the installation and maintenance of electrical equipment across a portion of the Assabet Rail Trail and beneath Crowley Drive. This equipment will provide electrical service to proposed and newly constructed buildings on Crowley Drive.

Massachusetts Electric Company has worked with the City, including the Conservation Officer, the DPW Commissioner, the City Engineer, and the Legal Department to determine the type of equipment and structures it will install, the location of the equipment and structures, and the restoration of surfaces after installation and maintenance of the same.

I am available at your convenience to discuss this matter more fully with you. Thank you for your attention to this matter.

Very truly yours,

Nancy E. Stevens  
Mayor

Enclosures

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cc: Legal Department  
Priscilla Ryder  
Ron LaFreniere  
Tom Cullen

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ORDERED:

That the City of Marlborough grant a temporary utility easement, to be executed by the Mayor on behalf of the City, to Massachusetts Electric Company (a/k/a "NGrid"), as described in the attached Grant Of Temporary Easement and as shown on the plan attached to said Grant as "Exhibit A," entitled "NATIONAL GRID USA 05-07-1990675\_1; DATE: 02/05/2007," for the purposes of installing, constructing, reconstructing, repairing, replacing, adding to, maintaining and operating for the transmission of high and low voltage electric current and for the transmission of intelligence an underground electric distribution system in, through, under, over, and across a statutory private way named Crowley Drive and land of the City of Marlborough as shown and described on Exhibit A, which shall be recorded at the Middlesex South District Registry of Deeds.

ADOPTED  
In City Council  
Order No. 08 -

Adopted

\_\_\_\_\_  
Lisa M. Thomas, Clerk of the  
City Council

Approved by Mayor  
Nancy E. Stevens, Mayor  
Date:

\_\_\_\_\_  
Nancy E. Stevens, Mayor

A TRUE COPY  
ATTEST:  
Date:

\_\_\_\_\_  
Lisa M. Thomas, Clerk of the  
City

84

**GRANT OF TEMPORARY EASEMENT**

Property Address: Crowley Drive, Marlborough, MA (MIDDLESEX SOUTH)

KNOW ALL MEN BY THESE PRESENTS that the CITY OF MARLBOROUGH, a Massachusetts municipality having an address of 140 Main Street, Marlborough, Massachusetts (hereinafter referred to as the Grantor), for consideration of One (\$1.00) Dollar, grants to MASSACHUSETTS ELECTRIC COMPANY, a Massachusetts corporation with its usual place of business at 25 Research Drive, Westborough, Worcester County, Massachusetts (hereinafter referred to as the Grantee) with quitclaim covenants, the temporary right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, an "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" (hereinafter referred to as the "UNDERGROUND SYSTEM") located in Marlborough, Middlesex County, Massachusetts, consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence and the furnishing of electric service to the herein described premises and to service others, and without limiting the generality of the foregoing, but specifically including the following equipment; namely: manholes, manhole openings, handholes, junction boxes, and all housings, connectors, switches, conduits, cables and wires all located within the easement area of the hereinafter described property.

Said "UNDERGROUND SYSTEM" is located in, through, under, over, across and upon a private way or drive named Crowley Drive, being more particularly shown on a Plan of Land recorded with the Middlesex South District Registry of Deeds as Plan No. 39 of 2007.

And further, said "UNDERGROUND SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) is laid out and more particularly shown on a sketch entitled: "NATIONAL GRID USA 05-07-1990675\_1; DATE: 02/05/2007," a reduced copy of said sketch is attached hereto as "Exhibit A", and recorded herewith, copies of which are in the possession of the Grantor and Grantee herein, but the final definitive locations of said "UNDERGROUND SYSTEM" shall become established by and upon the installation and erection thereof by the Grantee.

U-071541.STT

Address of Grantee:  
Mass El. - 25 Research Dr., Westborough, MA 01582

After recording return to:  
Stephen T. Tiarks Esq.  
National Grid  
Service Company, Inc.  
25 Research Drive  
Westborough, MA 01582

05 MARLMA GEN

85

Also with the further temporary right and easement from time to time to pass and repass over, across and upon said land of the Grantor as is reasonable and necessary in order to renew, replace, repair, remove, add to, maintain, operate, patrol and otherwise change said "UNDERGROUND SYSTEM" and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantee, its successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "UNDERGROUND SYSTEM" is located as shown on the sketch herein referred to, of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, not including present structures, objects, and surfaces that relate to the Assabet Rail Trail, as may in the opinion and judgment of the Grantee interfere with the safe and efficient operation and maintenance of the "UNDERGROUND SYSTEM" and other related electrical equipment. However, said Grantee, its successors and assigns, will properly backfill said excavation or excavations and restore the surface of the land including paved surfaces of the Assabet Rail Trail, to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

If the herein referred to locations as laid out and shown on the sketch herein also referred to are unsuitable for the purposes of the Grantee, then said locations may be changed, at the sole cost and expense of the Grantee, to areas mutually satisfactory to both the Grantor and the Grantee herein; and further said newly agreed to locations shall be indicated and shown on the sketch above referred to by proper amendment or amendments thereto. The Grantor, for itself, its successors and assigns, covenants and agrees with the Grantee, its successors and assigns that his easement and the location of the "UNDERGROUND SYSTEM" may not be changed or modified by the Grantor unless and until the Grantor, through the Mayor and/or his or her designee, has first notified Grantee in writing, regarding the proposed changes or modifications; provided, however, that no such change or modification shall significantly lessen the utility of the easement, or increase the burdens on Grantee in its use and enjoyment of the easement, or frustrate the purpose for which the easement was created; and provided further that such change or modification shall be at the sole cost and expense of the Grantor.

If both the Grantor and the Grantee, their successors and assigns, at any time in the future determine in writing that their rights granted herein are no longer needed and required, then the Grantor may extinguish, or the Grantee may release, this Grant of Temporary Easement in writing, such extinguishment or release, as the case may be, to be recorded at the Middlesex South Registry of Deeds within 120 days of the later of said written determinations.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within the Grantor's land an "UNDERGROUND SYSTEM" for the transmission of intelligence and for supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said "UNDERGROUND SYSTEM" .

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It is agreed that said "UNDERGROUND SYSTEM" and all necessary appurtenances thereto, shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon.

For Grantor's title, see deed dated September 30, 1997, recorded with the Middlesex South District Registry of Deeds in Book 27727, Page 183.

Executed as a sealed instrument as of this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

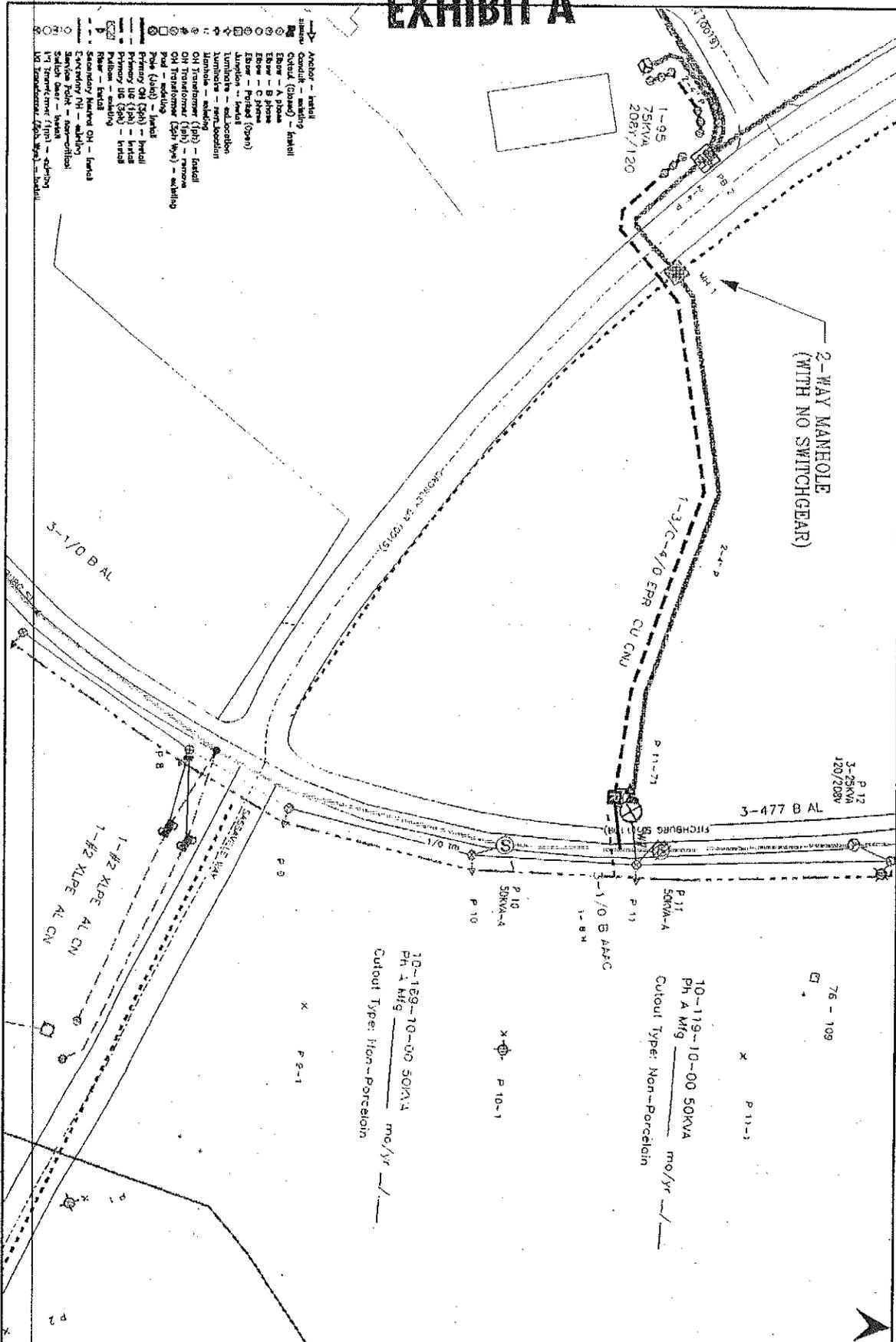
CITY OF MARLBOROUGH

By: \_\_\_\_\_  
Its: Mayor

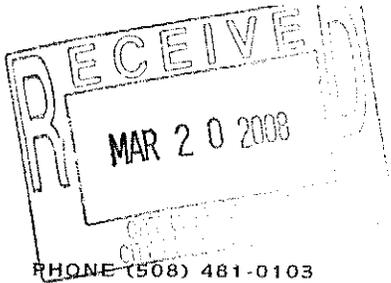


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# EXHIBIT A



NATIONAL GRID USA		05-07-1990675_1	
WORK REQUEST: 05-07-1990675	DESCRIPTION: NEW OFFICE BLDG	<input type="checkbox"/> WORK DONE AS SHOWN T.D./T.C 101	0 60.0 120.0 FT
STORAGE ORDER: J.P.P.		<input type="checkbox"/> NOTE CHANGES ON SKETCH FEEDER NO. 310W6	<input type="checkbox"/> FEEDER MAP UPDATE REQUIRED
DESIGNER: evansd DATE: 02/05/2007		FOREMAN/DATE:	SHEET 1 OF 9
JOB TITLE: M/B - Regency @ Asabel			



91

ARTHUR P. BERGERON  
*Attorney-at-Law*  
27 PROSPECT STREET  
MARLBORO, MASSACHUSETTS 01752

FAX (508) 485-8506

March 20, 2008

Councilor Arthur Vigeant, President  
Marlborough City Council  
City Hall  
Marlborough, MA 01752  
Re: proposed New Car Dealership Overlay District

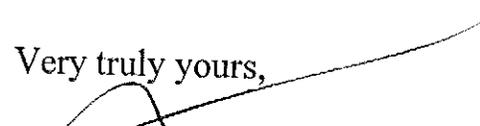
Dear Councilor Vigeant:

My client, 890 Boston Post Road LLC, hereby requests that the City Council consider the adoption of the enclosed proposed New Car Dealership Overlay District in the Marlborough Zoning Ordinance, and that the Council further vote to include certain existing lots, including the former golf driving range land now owned by my client, as well as a set of other lots in that area, in a New Car Dealership Overlay District. Hopefully, this proposal will respond to the concerns raised last year, when my client proposed a zoning amendment to allow New Car Dealerships in all Business Districts. Several councilors voiced concerns regarding the possible spread of New Car Dealerships throughout the Business districts.

My client owns the land shown on the Marlborough Assessors Maps as Map 62 parcels 1 and 24. My client is entitled to make this request pursuant to Mass. General Laws Chapter 40A sec. 5, because my client's land would be affected by the request.

My client requests that the City Council refer this matter to the Planning Board for its review, and that the Council schedule the public hearing regarding this matter for Monday, May 12, which will be after the date of the election of the new Ward 5 councilor. Pursuant to General Laws Chapter 40A sec. 5, the hearing needs to be scheduled within 65 days of filing.

Very truly yours,

  
Arthur P. Bergeron, Esq.,  
Attorney for 890 Boston  
Road LLC

That Chapter 200 of the Code of the City of Marlborough, being the zoning ordinance, as most recently amended, be further amended as follows:

1) By adding to **Section 200-05. Definitions**, the following definition:

“NEW CAR DEALERSHIP: A business engaged in the sale of new passenger motor vehicles as a recognized agent of a motor vehicle manufacturer or as one whose authority to sell new passenger motor vehicles is created by a written contract with such manufacturer, together with related service and used vehicle sales, operating pursuant to a Class 1 license granted by the Marlborough License Commission pursuant to Massachusetts General Laws Chapter 140 sec. 58”

2) By adding the following new section 200-31 to Chapter 200

**200-31 New Car Dealership Overlay District**

A. Purpose. The purpose of the New Car Dealership Overlay District (NCDOD) shall be to advance the public health, safety and welfare by allowing for the development and operation of a New Car Dealership in areas of the Marlborough Business Districts where it is found that such a use would not conflict with other existing or proposed uses in the Business Districts or in other districts in close proximity to a New Car Dealership.

B. Location. A New Car Dealership Overlay District may only be created regarding land that, at the time of its creation, is located in a Business District. For the purposes of this section, a New Car Dealership Overlay District shall be superimposed on the other District existing at the time that any land in said underlying District is also included in the New Car Dealership Overlay District. The subsequent rezoning of any or all of the land included in the New Car Dealership Overlay District from the Business District to another District shall not affect its inclusion in the New Car Dealership Overlay District, unless said land is specifically removed from said New Car Dealership Overlay District.

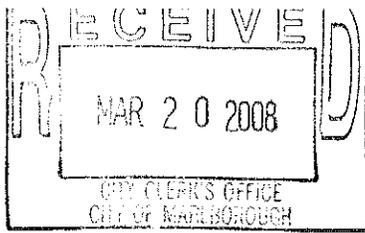
C. Permitted Uses. All permitted uses must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein. In addition to those uses that are allowed, either as of right or by Special Permit, in the underlying Business District, regarding land in a New Car

Dealership Overlay District the City Council may, by Special Permit in accordance with the provisions of Section 200-59, permit a New Car Dealership as defined in Section 200-05, subject to such terms and conditions as the said City Council deems appropriate, and subject in addition to the following provisions:

(1) Each lot or group of contiguous lots upon which a New Car Dealership is located shall have total frontage on an existing public way of not less than 330 feet, and shall have a total size of not less than six (6) acres.

(2) All newly constructed buildings or additions at the site shall be constructed so as to maximize their adaptive reuse for other uses that are otherwise allowable in a Business District.”

3) by including in a New Car Overlay District the land shown on the Marlborough Assessors Maps as Map 61 Parcels 17, 17A, 20 and 21 and Map 62 Parcels 1, 2, 2A, 2B, 20, 21, 22, 23, and 24.



101

DAVID P. GADBOIS

*Attorney-at-Law*

27 PROSPECT STREET  
MARLBOROUGH, MASSACHUSETTS 01752

PHONE (508) 481-0101

E-MAIL David@attygadbois.com

FAX (508) 485-8506

March 20, 2008

City Clerk  
City Hall 140 Main Street  
Marlborough, MA 01752

RE: Sewer Connection Permit  
Devonshire at 495 Center

Dear Clerk:

Enclosed please find a request to the City Council for an extension of a Sewer Connection Permit granted to my client in 2001 (Order No. 01-9039). Please place this request on the City Council Agenda for its March 24<sup>th</sup> meeting.

Very truly yours,

A handwritten signature in black ink, appearing to read "David P. Gadbois".

Atty. David P. Gadbois

102

DAVID P. GADBOIS  
*Attorney-at-Law*  
27 PROSPECT STREET  
MARLBOROUGH, MASSACHUSETTS 01752

PHONE (508) 481-0101

E-MAIL David@attygadbois.com

FAX (508) 485-8506

March 20, 2008

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

RE: Sewer Connection Permit  
Devonshire at 495 Center  
Request for Extension

Dear President and Councilors:

I represent the Gutierrez Company owner of the property known as Devonshire at 495 Center located between Forest Street and Hayes Memorial Drive. In the Spring of 2001 the City Council approved the issuance of a Sewer Connection Permit for 36,000 gallons of sewer capacity and another 20,000 gallons when the capacity became available at the Westerly Waste Water Treatment Plant, conditioned on the Applicant funding an I&I study of the sewer system serving the said treatment plant. The study took a number of years to complete.

The Gutierrez Company paid for the said study spending more than \$275,000.00. The study was performed by Camp Dresser & McKee Inc. A report was given to the City. The report has been the basis for correcting infiltration of non-sewer flows into the system thereby providing more plant capacity for legitimate sewage processing.

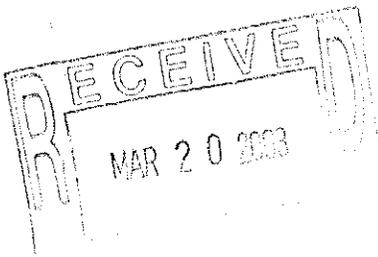
My client has had some inquiries for the development of the property; however without an extension of the Sewer Connection Permit it cannot have meaningful discussions with the prospective users. My client hereby requests the City Council approve an extension of the term of the permit for five more years.

Respectfully submitted

The Gutierrez Company  
by its attorney



Attorney David P. Gadbois



*City of Marlborough*  
*Commonwealth of Massachusetts*

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**PLANNING BOARD**

Barbara L. Fenby, Chair  
Steve Kerrigan, Clerk  
Philip J. Hodge  
Edward F. Coveney  
Clyde L. Johnson  
Robert Hanson  
Sean N. Fay

March 18, 2008

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

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

RE: Proposed Zoning Amendment  
Limited development Subdivision  
Chapter 200-30

Dear Mr. Vigeant:

At its regular meeting on March 10, 2008, the Planning Board took the following action:

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

To accept the language change and to send the change in literature to the City Council for their approval.

Sincerely,

*Barbara L. Fenby*

Barbara L. Fenby  
Chairperson

Enclosure

Cc: City Clerk  
City Solicitor  
Zoning Officer  
File

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*City of Marlborough*  
**Legal Department**

140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610  
LEGAL@MARLBOROUGH-MA.GOV

*DONALD V. RIDER, JR.*  
CITY SOLICITOR  
*CYNTHIA M. PANAGORE GRIFFIN*  
ASSISTANT CITY SOLICITOR  
*BEVERLY J. SLEEPER*  
CHIEF PROCUREMENT OFFICER  
*KATHERINE M. KIMBER*  
PARALEGAL

February 21, 2008

Marlborough Planning Board  
Chairwoman Barbara Fenby  
140 Main Street  
Marlborough, MA 01752

Re: Proposed Amendments to Limited Development Subdivisions Ordinance

Dear Dr. Fenby:

Enclosed please find a draft of amendments to the Limited Development Subdivisions ordinance that have been proposed by or on behalf of the Planning Board.

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.  
City Solicitor

Enclosure

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ORDERED:

PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING RECEIVED A SUBMISSION FROM THE PLANNING BOARD OF THE CITY OF MARLBOROUGH TO AMEND THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BY FURTHER AMENDING CHAPTER 200, ARTICLE VI, SECTION 200-30, ENTITLED "LIMITED DEVELOPMENT SUBDIVISIONS," NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING THERETO, AS FOLLOWS:

1. The introductory preamble to § 200-30 is hereby deleted in its entirety and replaced with the following:

A parcel located in a residence district with frontage on a public way may be subdivided, subject to a special permit from the Planning Board, into Limited Development Subdivision lots for the use only as single-family dwellings under the alternative lot area, frontage and dimensional criteria set forth below; provided, however, that the special permit applicant must clearly demonstrate to the Board that the parcel which is the subject of the special permit application could be subdivided by right under conventional subdivision requirements, as set forth in the applicable ordinances of the City of Marlborough, the Subdivision Control Law and the Board's Rules and Regulations, into at least two and one-half times as many building lots as the number of building lots proposed in the special permit application.

2. The caption of Section 200-30A is hereby amended by deleting the word, "Dimensional."

3. Section 200-30A(8) is hereby deleted in its entirety and replaced with the following:

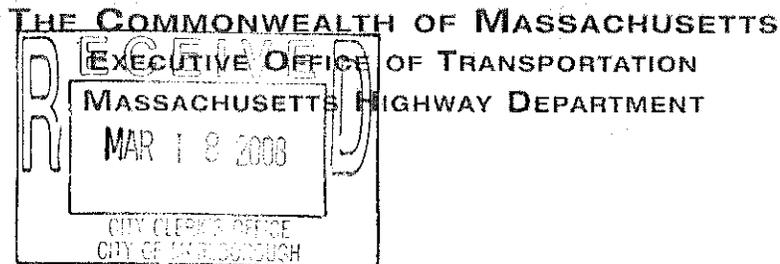
(8) The applicant for a special permit hereunder shall file with the Planning Board a preliminary plan that must clearly demonstrate to the Board that the parcel which is the subject of the special permit application is capable, as of right, of conventional subdivision, pursuant to the applicable ordinances of the City of Marlborough, the Subdivision Control Law and the Board's Rules and Regulations, into at least two and one-half building lots for each building lot proposed under the Limited Development Subdivision criteria.

ADOPTED  
In City Council  
Order No. 08 -

Approved by Mayor  
Nancy E. Stevens, Mayor  
Date:



DEVAL L. PATRICK  
GOVERNOR  
TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR



**EOT**

BERNARD COHEN  
SECRETARY  
LUISA PAIEWONSKY  
COMMISSIONER

RE: Marlborough/Hudson- I-495/I-290/Route 85 Interchange Improvement Project

To whom it may concern:

I have enclosed for your review, as required by 301 CMR 11.16 of the Massachusetts Environmental Policy Act Regulations, a copy of the Environmental Notification Form for the above-mentioned project. This document was filed with the Executive Office of Environmental Affairs on March 14, 2008. Comments on this project are due by April 15, 2008.

All comments should be sent to:

Secretary Ian A. Bowles  
Executive Office of Environmental Affairs  
Attn: MEPA Office  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Please send a copy of your comments to:

Massachusetts Highway Department  
Environmental Section  
Attn: Catherine Rilla  
10 Park Plaza, Room 4260  
Boston, MA 02116-3973

If you need any additional information regarding the subject project, please contact Catherine Rilla, Environmental Analyst at (617) 973-7882.

Sincerely,

Kevin M. Walsh  
Director of Environmental Services  
Environmental Section



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Commonwealth of Massachusetts  
Executive Office of Environmental Affairs ■ MEPA Office

<i>For Office Use Only</i> Executive Office of Environmental Affairs
EOEA No.:
MEPA Analyst:
Phone: 617-626-

# ENF Environmental Notification Form

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: I-495/I-290/Route 85 Interchange Improvement Project		
Street: I-495/I-290/Route 85		
Municipality: Hudson/Marlborough	Watershed: Concord	
Universal Transverse Mercator Coordinates: 19 286747E 4693078N	Latitude: 42.3646507 N	Longitude: 71.5896530 W
Estimated commencement date: 2014	Estimated completion date: 2016	
Approximate cost: \$31,000,000 (2007 dollars)	Status of project design: Pre-25 Percent	
Proponent: Massachusetts Highway Department		
Street: 10 Park Plaza		
Municipality: Boston	State: MA	Zip Code: 02116
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Catherine Rilla		
Firm/Agency: Massachusetts Highway Dept.	Street: 10 Park Plaza, Room 4260	
Municipality: Boston	State: MA	Zip Code: 02116
Phone: 617-973-7882	Fax: 617-973-8879	E-mail: Catherine.Rilla@mhd.state.ma.us

Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?  
 Yes  No

Has this project been filed with MEPA before?  
 Yes (EOEA No. \_\_\_\_\_)  No

Has any project on this site been filed with MEPA before?  
 Yes (EOEA No. \_\_\_\_\_)  No

Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:

a Single EIR? (see 301 CMR 11.06(8))	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
a Special Review Procedure? (see 301CMR 11.09)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
a Waiver of mandatory EIR? (see 301 CMR 11.11)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
a Phase I Waiver? (see 301 CMR 11.11)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): MassHighway projects are typically 80 percent federally funded and 20 percent state funded

Are you requesting coordinated review with any other federal, state, regional, or local agency?  
 Yes (Specify \_\_\_\_\_)  No

List Local or Federal Permits and Approvals:  
NEPA Categorical Exclusion, Section 401 Water Quality Certification, Section 404 Permit, Section 106 Clearance, MA Wetlands Protection Act Order of Conditions, EPA National Pollution Discharge Elimination System (NPDES) Permit.

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Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- |                                 |                                       |  |
|---------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Land   | <input type="checkbox"/> Rare Species | <input type="checkbox"/> Wetlands, Waterways, & Tidelands      |
| <input type="checkbox"/> Water  | <input type="checkbox"/> Wastewater   | <input checked="" type="checkbox"/> Transportation             |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air          | <input type="checkbox"/> Solid & Hazardous Waste               |
| <input type="checkbox"/> ACEC   | <input type="checkbox"/> Regulations  | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
<b>LAND</b>				<input checked="" type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input type="checkbox"/> Chapter 91 License <input checked="" type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/Extension Permit <input type="checkbox"/> Other Permits <i>(including Legislative Approvals) – Specify:</i>
Total site acreage	145 acres			
New acres of land altered		5.6 acres		
Acres of impervious area	27.5 acres	0.5 acres*	28.0 acres	
Square feet of new bordering vegetated wetlands alteration		<5,000 sf		
Square feet of new other wetland alteration		7,000 sf BLSF		
Acres of new non-water dependent use of tidelands or waterways		0		
<b>STRUCTURES</b>				
Gross square footage				
Number of housing units				
Maximum height (in feet)				
<b>TRANSPORTATION</b>				
Vehicle trips per day				
Parking spaces				
<b>WATER/WASTEWATER</b>				
Gallons/day (GPD) of water use				
GPD water withdrawal				
GPD wastewater generation/treatment				
Length of water/sewer mains (in miles)				

\* Assumes removal of ramps to be replaced

**CONSERVATION LAND:** Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

- Yes (Specify \_\_\_\_\_)  No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

- Yes (Specify \_\_\_\_\_)  No

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**RARE SPECIES:** Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Specify \_\_\_\_\_)  No (See Appendix B)

**HISTORICAL /ARCHAEOLOGICAL RESOURCES:** Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes (Robin Hill Cemetery listed in the National Register of Historic Places)  No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify \_\_\_\_\_)  No

**AREAS OF CRITICAL ENVIRONMENTAL CONCERN:** Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify \_\_\_\_\_)  No

**PROJECT DESCRIPTION:** The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (You may attach one additional page, if necessary.)

The Massachusetts Highway Department (MassHighway) is proposing the I-495/I-290/Route 85 Interchange Improvement Project in Marlborough and Hudson (see Figures 1 and 2). Interchange 26 is in Marlborough, one quarter mile south of the Hudson Town Line, and serves traffic from I-495, I-290, and Route 85. The purpose of the project is to relieve traffic congestion and improve safety at the interchange.

Ongoing commercial and residential growth in this area has resulted in severe traffic congestion, especially during peak hours. Interchange 26 accommodates 168,000 vehicles per day (VPD), including approximately 95,000 VPD on I-495 and 73,000 VPD on I-290.

Interchange 26 experiences Level of Service (LOS) F conditions at two exit ramps and two entrance ramps during the evening peak hours and experiences LOS F conditions at one exit ramp and one entrance ramp during the morning peak hours. This congestion is forecast to worsen in the future as traffic in the area increases. In the year 2020, five entrance or exit ramps will experience LOS F conditions during morning and evening peak hours. The 1999 and 2020 LOS conditions at Interchange 26 are depicted on Figures 2 and 3, respectively.

In addition to traffic congestion, this interchange is a high accident location, especially involving trucks along the interchange ramps. The tight turning radii of the ramps (particularly at the I-290 eastbound to I-495 northbound ramp, which has a posted speed limit of 20 mph because of its substandard curve) contribute to a high number of traffic accidents. There were 246 accidents at this interchange between 1999 and 2001 with 84 causing a personal injury and 162 causing property damage. Numerous truck rollovers and rear-end collisions have occurred at the I-495/I-290/Route 85 Interchange despite the signs and lighting mechanisms placed on the ramps to warn drivers of the approaching turn. This accident rate is 33 percent higher than the state average for a highway interchange ramp. In addition to the I-290 eastbound to I-495 northbound ramp, the I-495 southbound to I-290 westbound ramp, the I-495 northbound to I-290 westbound ramp, and the I-290 eastbound to I-495 southbound ramp all have tight turning radii that contribute to traffic accidents and congestion.

As depicted on Figure 2, environmental resources within the project area include wetland and floodplain areas adjacent to the Assabet River, approximately 500 feet north of the interchange. An Interim Wellhead Protection Area (which surrounds the Rimkus Well, a public well in the Town of Hudson), is east of I-495 adjacent to the Assabet River. MassHighway will seek to minimize harm to these areas during project design.

Conservation land, owned by the City of Marlborough and known as the Paternoster Land, lies south of I-290, east of Bigelow Street. Also present within the project area is the Robin Hill Cemetery, southeast of the I-495 southbound to I-290 westbound ramp.

The Robin Hill Cemetery is listed in the National Register of Historic Places. MassHighway does not intend for the project to affect any land in the Robin Hill Cemetery. If necessary, retaining walls will be constructed between the new interchange ramps and the cemetery to avoid impact to the cemetery. MassHighway's Cultural Resources Staff will review this project with coordination with the MA State Historic Preservation Officer for historic and archeological impacts under the amended 2004 Section 106 Programmatic Agreement.

The Massachusetts Highway Department's Bureau of Transportation Planning and Development (MassHighway Planning) initiated the highway planning process by conducting a traffic study, titled *Route 85 Transportation Study*, in response to transportation needs identified by the City of Marlborough and the Town of Hudson. The purpose of the study was to collect data on existing and future traffic conditions at the interchange and to develop alternatives for the improvement of traffic operations and safety. The overall goal of the study was to reach agreement among MassHighway, the City of Marlborough, the Town of Hudson, and other interested parties on how to best address the congestion and safety problems at the interchange and nearby roadways.

MassHighway used two outreach methods to receive comments and input from the public. These methods included establishing an interagency group and holding public meetings. For the interagency group meetings, MassHighway's Planning and District 3 staff coordinated with the Town of Hudson's Departments of Public Works and Administration, the City of Marlborough's Planning Department and Department of Public Works, and the Metropolitan Area Planning Council. The interagency group established goals for the project, created evaluation criteria for use during the alternative analyses, reviewed existing conditions, performed alternative analyses, and drafted a set of recommendations. The evaluation criteria used to rate the alternatives were impact on traffic congestion, improvement of safety, effect on adjacent neighborhoods, effect on the environment, impact to local businesses, projected costs of construction, and proposed schedule of completion. MassHighway considered public comment on the process, analysis, and recommendations of the traffic study. Two public meetings were held; the first in October 1999, when the study began, and the second in July 2001, after the study had finished.

During the development of MassHighway's traffic study, four alternative designs (Appendix A) were developed to improve traffic operations and safety at Interchange 26. Based on existing and forecasted traffic counts, four interchange ramps in Interchange 26 required improvements. These ramps were the I-495 southbound to I-290 westbound ramp, I-495 northbound to

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I-290 westbound ramp, I-290 eastbound to I-495 northbound ramp, and the I-290 eastbound to I-495 southbound ramp. The four alternatives and the No Build alternative were evaluated against the criteria established by the interagency group. Each of the alternatives, aside from the No Build Alternative, was forecast to operate at an acceptable LOS.

After coordinating review of the alternatives with the interagency group, Alternative 1 (Figure 4) was chosen as the preferred alternative. Alternative 1A involves the reconstruction of five ramps to improve the geometry and increase the capacity of Interchange 26. This alternative would improve the LOS of the interchange from E/F to an LOS of A/B. Major construction elements of Alternative 1 include:

- Construction of a two-lane flyover ramp from I-290 eastbound to I-495 northbound, including construction of a new or expanded bridge over the Assabet River and a realignment of the Route 85 westbound to I-495 northbound ramp.
- Construction of a two-lane flyover ramp from I-495 northbound to I-290 westbound. This ramp would merge on the left side of I-290 westbound beyond the merge area of the I-495 southbound to I-290 westbound entrance ramp.
- Realignment of the I-495 southbound to I-290 westbound ramp.
- Realignment of the I-290 eastbound to I-495 southbound ramp.

Within the project site, several wetland areas (Bordering Vegetated Wetland, Bank, Riverfront Area, and Bordering Land Subject to Flooding), border the Assabet River (See Figure 2). Wetland resource impacts cannot be accurately quantified based on the planning-level design of the project to date. However, based on a GIS-level analysis of wetland resources in the project area, the proposed project will only affect wetland resources adjacent to the bridge over the Assabet River. These impacts appear to be minor, easily under the 5,000 square foot impact level requiring the preparation of a Wetland Protection Act Variance and under the categorical inclusion threshold for an Environmental Impact Report under the Massachusetts Environmental Policy Act. MassHighway will seek to minimize impact to these resource areas during project design.

The stormwater drainage system will be designed to carry stormwater south of the interchange, away from the Interim Wellhead Protection Area. Neither the Paternoster Land nor the Robin Hill Cemetery will be affected.

In accordance with Federal Highway Administration noise regulations (23 CFR 772), MassHighway is conducting a Type I Acoustical Analysis to determine if the proposed improvement to the I-495/I-290/Route 85 Interchange will result in noise impacts to adjacent neighborhoods. If adverse noise impacts are expected, noise mitigation will be evaluated to see if it is feasible and reasonable to be incorporated into the project.

The noise analysis evaluated sound levels from vehicle traffic under 2020 No-Build and 2020 Build Conditions. The results of the noise analysis demonstrated that several receptor locations currently exceed the Noise Abatement Criteria and, while the proposed roadway improvements will result in small reductions in sound levels at the receptor locations, two receptor locations

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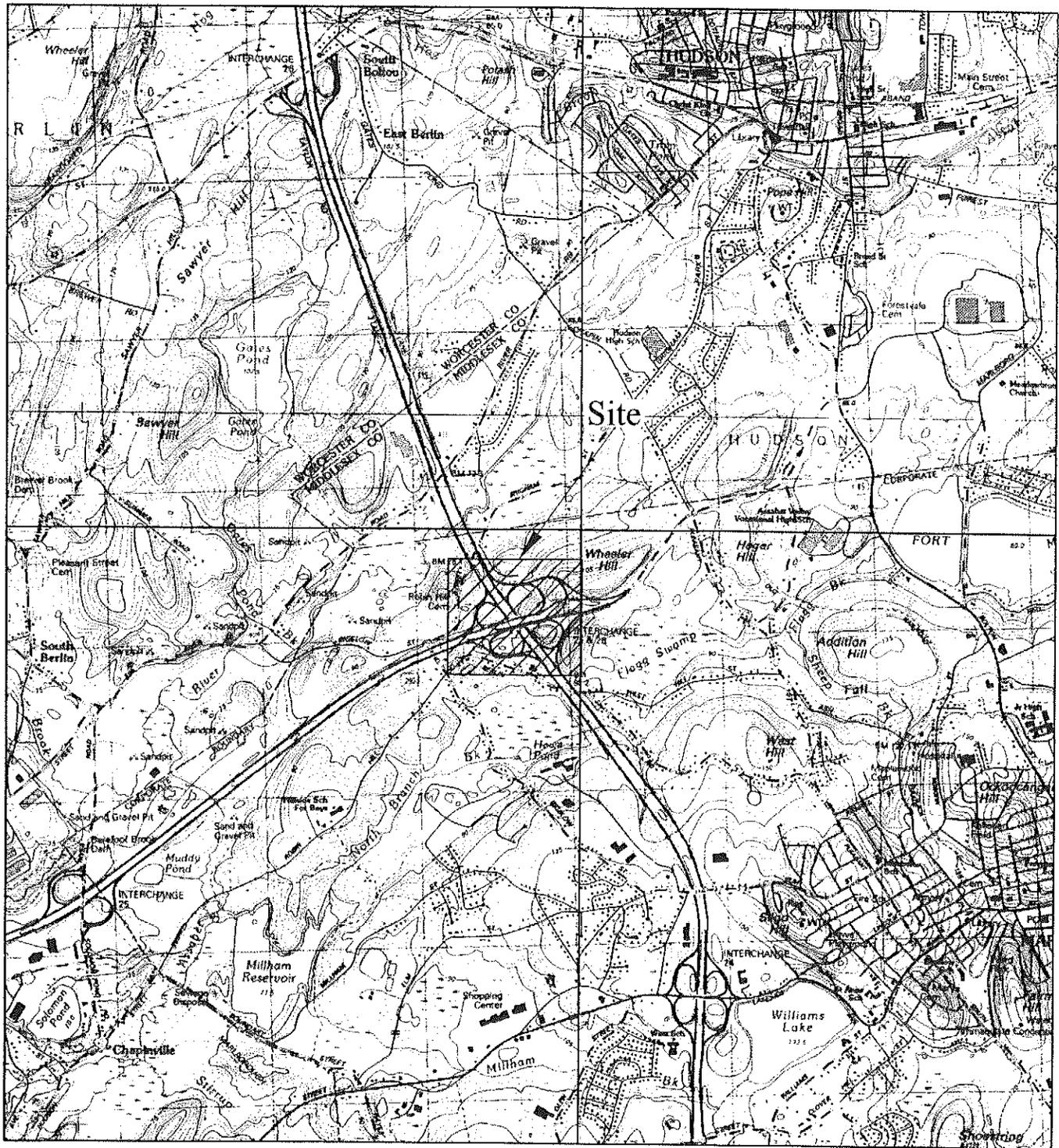
will continue to exceed the Noise Abatement Criteria. A noise barrier was evaluated as a mitigation measure to reduce sound levels at these impacted receptor locations. This evaluation determined that a noise barrier would not provide the minimum noise reduction to more than a few receptor locations. Therefore, the proposed noise barrier was found to not be feasible and reasonable and does not meet MassHighway's guidelines for noise mitigation.

DEP release sites have been identified in the area, based on a preliminary review it is possible that they may impact the project.

By improving existing transportation infrastructure, the I-495/I-290/Route 85 Interchange Improvement Project complies with the Commonwealth's Fix-It-First Policy. The Fix-It-First Policy is a statewide commitment to the repair and maintenance of infrastructure, such as roads, bridges, transit systems, public housing, historic structures, and public parks.

The proposed project exceeds MEPA review thresholds for Transportation. In accordance with the MEPA regulations (301 CMR 11.03 (6)(b)1.b); an ENF is required because the project requires the widening of an existing roadway for one-half or more miles; and alters terrain ten or more feet from the existing roadway for one-half or more miles.

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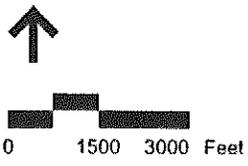


Source: USGS, 1985

Vanasse Hangen Brustlin, Inc.

Site Location Map  
 Roadway Improvements  
 I-495/I-290 Interchange  
 Marlborough, Massachusetts

Figure 1  
 June 2007



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**LAND SECTION – all proponents must fill out this section**

**I. Thresholds / Permits**

A. Does the project meet or exceed any review thresholds related to land (see 301 CMR 11.03(1))  
 Yes  No; if yes, specify each threshold:

**II. Impacts and Permits**

A. Describe, in acres, the current and proposed character of the project site, as follows:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Footprint of buildings			
Roadways, parking, and other paved areas	<u>27.5 acres</u>	<u>0.5 acres<sup>1</sup></u>	<u>28.0 acres</u>
Other altered areas (describe) <sup>2</sup>	<u>6.8 acres</u>	<u>2.4 acres</u>	<u>9.2 acres</u>
Undeveloped areas			

- 1 Assumes removal of ramps to be replaced**
- 2 Roadway embankment**

B. Has any part of the project site been in active agricultural use in the last three years?  
 Yes  No; if yes, how many acres of land in agricultural use (with agricultural soils) will be converted to nonagricultural use?

C. Is any part of the project site currently or proposed to be in active forestry use?  
 Yes  No; if yes, please describe current and proposed forestry activities and indicate whether any part of the site is the subject of a DEM-approved forest management plan:

D. Does any part of the project involve conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose not in accordance with Article 97?  Yes  No; if yes, describe:

E. Is any part of the project site currently subject to a conservation restriction, preservation restriction, agricultural preservation restriction or watershed preservation restriction?  Yes  No; if yes, does the project involve the release or modification of such restriction?  Yes  No; if yes, describe:

F. Does the project require approval of a new urban redevelopment project or a fundamental change in an existing urban redevelopment project under M.G.L.c.121A?  Yes  No; if yes, describe:

G. Does the project require approval of a new urban renewal plan or a major modification of an existing urban renewal plan under M.G.L.c.121B?  Yes  No; if yes, describe:

H. Describe the project's stormwater impacts and, if applicable, measures that the project will take to comply with the standards found in DEP's Stormwater Management Policy:

**The drainage system will be designed in accordance with the DEP Stormwater Management Policy. Stormwater drainage will be directed away from the Rimkus Well's Interim Wellhead Protection Area. A Stormwater Pollution Prevention Plan will be formulated to mitigate stormwater pollution.**

I. Is the project site currently being regulated under M.G.L.c.21E or the Massachusetts Contingency Plan?  Yes  No ; if yes, what is the Release Tracking Number (RTN)?

J. If the project is site is within the Chicopee or Nashua watershed, is it within the Quabbin, Ware, or Wachusett subwatershed?  Yes  No; if yes, is the project site subject to regulation under the Watershed Protection Act?  Yes  No

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K. Describe the project's other impacts on land:

None.

III. Consistency

A. Identify the current municipal comprehensive land use plan and the open space plan and describe the consistency of the project and its impacts with that plan(s):

**The I-495/I-290/Route 85 Interchange Improvement Project is consistent with Marlborough's Open Space and Recreation Plan for 2003 – 2008. No portion of the project area is within existing or planned open space.**

B. Identify the current Regional Policy Plan of the applicable Regional Planning Agency and describe the consistency of the project and its impacts with that plan:

**The Regional Policy Plan for Marlborough and Hudson is the Metropolitan Area Planning Council's (MAPC's) MetroPlan 2000. MetroPlan 2000 is a plan designed to promote concentrated development which is more economically and environmentally more practical than the current mode of scattered growth. Concentrated development encourages and enhances transit use, ride sharing, and pedestrian traffic with resultant reduction in traffic congestion, air pollution, and fuel consumption. Additionally, concentrated development reduces the pressure to develop open space and environmentally sensitive lands. By reducing congestion and improving safety at the I-495/I-290/Route 85 Interchange, the project furthers several goals and objectives of MetroPlan 2000 by allowing commercial development to continue around Interchange 26 as opposed to forcing commercial growth out of the area because of prohibitively congested roadways.**

C. Will the project require any approvals under the local zoning by-law or ordinance (i.e. text or map amendment, special permit, or variance)?  Yes  No; if yes, describe:

D. Will the project require local site plan or project impact review?  Yes  No; if yes, describe:

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**RARE SPECIES SECTION**

**I. Thresholds / Permits**

A. Will the project meet or exceed any review thresholds related to **rare species or habitat** (see 301 CMR 11.03(2))? \_\_\_ Yes  X  No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **rare species or habitat**? \_\_\_ Yes  X  No

C. If you answered "No" to both questions A and B, proceed to the **Wetlands, Waterways, and Tidelands Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Rare Species section below.

**II. Impacts and Permits**

A. Does the project site fall within Priority or Estimated Habitat in the current Massachusetts Natural Heritage Atlas (attach relevant page)? \_\_\_ Yes \_\_\_ No. If yes,

1. Which rare species are known to occur within the Priority or Estimated Habitat (contact: Environmental Review, Natural Heritage and Endangered Species Program, Route 135, Westborough, MA 01581, allowing 30 days for receipt of information):

2. Have you surveyed the site for rare species? \_\_\_ Yes \_\_\_ No; if yes, please include the results of your survey.

3. If your project is within Estimated Habitat, have you filed a Notice of Intent or received an Order of Conditions for this project? \_\_\_ Yes \_\_\_ No; if yes, did you send a copy of the Notice of Intent to the Natural Heritage and Endangered Species Program, in accordance with the Wetlands Protection Act regulations? \_\_\_ Yes \_\_\_ No

B. Will the project "take" an endangered, threatened, and/or species of special concern in accordance with M.G.L. c.131A (see also 321 CMR 10.04)? \_\_\_ Yes \_\_\_ No; if yes, describe:

C. Will the project alter "significant habitat" as designated by the Massachusetts Division of Fisheries and Wildlife in accordance with M.G.L. c.131A (see also 321 CMR 10.30)? \_\_\_ Yes \_\_\_ No; if yes, describe:

D. Describe the project's other impacts on rare species including indirect impacts (for example, stormwater runoff into a wetland known to contain rare species or lighting impacts on rare moth habitat):

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**WETLANDS, WATERWAYS, AND TIDELANDS SECTION**

**I. Thresholds / Permits**

A. Will the project meet or exceed any review thresholds related to **wetlands, waterways, and tidelands** (see 301 CMR 11.03(3))? \_\_\_ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits (or a local Order of Conditions) related to **wetlands, waterways, or tidelands**? X Yes \_\_\_ No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Water Supply Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Wetlands, Waterways, and Tidelands Section below.

**II. Wetlands Impacts and Permits**

A. Describe any wetland resource areas currently existing on the project site and indicate them on the site plan:

Within the project area, there are several wetland areas (BVW, RFA, and BLSF) that border the Assabet River (See Figure 2). Wetland resource impacts cannot be accurately quantified based on the planning-level design of the project to date. However, based on a GIS-level analysis of wetland resources in the project area, the proposed project will only affect wetland resources adjacent to the bridge over the Assabet River. These impacts appear to be minor, easily under the 5,000 square foot impact level requiring the preparation of a WPA Variance or an EIR.

B. Estimate the extent and type of impact that the project will have on wetland resources, and indicate whether the impacts are temporary or permanent:

<u>Coastal Wetlands</u>	<u>Area (in square feet) or Length (in linear feet)</u>
Land Under the Ocean	_____
Designated Port Areas	_____
Coastal Beaches	_____
Coastal Dunes	_____
Barrier Beaches	_____
Coastal Banks	_____
Rocky Intertidal Shores	_____
Salt Marshes	_____
Land Under Salt Ponds	_____
Land Containing Shellfish	_____
Fish Runs	_____
Land Subject to Coastal Storm Flowage	_____
<u>Inland Wetlands</u>	
Bank	<u>To be determined</u>
Bordering Vegetated Wetlands	<u>To be determined</u>
Land under Water	<u>To be determined</u>
Isolated Land Subject to Flooding	<u>To be determined</u>
Bordering Land Subject to Flooding	<u>To be determined</u>
Riverfront Area	<u>To be determined</u>

C. Is any part of the project

1. a limited project? \_\_\_ Yes X No
2. the construction or alteration of a dam? \_\_\_ Yes X No; if yes, describe:
3. fill or structure in a velocity zone or regulatory floodway? \_\_\_ Yes X No
4. dredging or disposal of dredged material? \_\_\_ Yes X No; if yes, describe the volume of dredged material and the proposed disposal site:
5. a discharge to Outstanding Resource Waters? Yes X No
6. subject to a wetlands restriction order? \_\_\_ Yes X No; if yes, identify the area (in

12/13

square feet):

D. Does the project require a new or amended Order of Conditions under the Wetlands Protection Act (M.G.L. c.131A)?  Yes \_\_\_ No; if yes, has a Notice of Intent been filed or a local Order of Conditions issued? \_\_\_ Yes  No; if yes, list the date and DEP file number: \_\_\_\_\_  
Was the Order of Conditions appealed? \_\_\_ Yes \_\_\_ No. Will the project require a variance from the Wetlands regulations? \_\_\_ Yes  No.

E. Will the project:

- 1. be subject to a local wetlands ordinance or bylaw? \_\_\_ Yes  No
- 2. alter any federally-protected wetlands not regulated under state or local law? \_\_\_ Yes  No; if yes, what is the area (in s.f.)?

F. Describe the project's other impacts on wetlands (including new shading of wetland areas or removal of tree canopy from forested wetlands):

**A new or expanded bridge over the Assabet River may shade wetlands underneath.**

**III. Waterways and Tidelands Impacts and Permits**

A. Is any part of the project site waterways or tidelands (including filled former tidelands) that are subject to the Waterways Act, M.G.L.c.91? \_\_\_ Yes  No; if yes, is there a current Chapter 91 license or permit affecting the project site? \_\_\_ Yes  No; if yes, list the date and number:

B. Does the project require a new or modified license under M.G.L.c.91? \_\_\_ Yes  No; if yes, how many acres of the project site subject to M.G.L.c.91 will be for non-water dependent use?  
Current \_\_\_ Change \_\_\_ Total \_\_\_

C. Is any part of the project

- 1. a roadway, bridge, or utility line to or on a barrier beach? \_\_\_ Yes  No; if yes, describe:
- 2. dredging or disposal of dredged material? \_\_\_ Yes  No; if yes, volume of dredged material \_\_\_\_\_
- 3. a solid fill, pile-supported, or bottom-anchored structure in flowed tidelands or other waterways? \_\_\_ Yes  No; if yes, what is the base area? \_\_\_\_\_
- 4. within a Designated Port Area? \_\_\_ Yes \_\_\_ No

D. Describe the project's other impacts on waterways and tidelands:

**The project will require a new or expanded bridge over the Assabet River.**

**IV. Consistency:**

A. Is the project located within the Coastal Zone? \_\_\_ Yes  No; if yes, describe the project's consistency with policies of the Office of Coastal Zone Management:

B. Is the project located within an area subject to a Municipal Harbor Plan? \_\_\_ Yes  No; if yes, identify the Municipal Harbor Plan and describe the project's consistency with that plan:

1/2/14

**WATER SUPPLY SECTION**

**I. Thresholds / Permits**

A. Will the project meet or exceed any review thresholds related to **water supply** (see 301 CMR 11.03(4))?  Yes  No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **water supply**?  Yes  No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Wastewater Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Water Supply Section below.

**II. Impacts and Permits**

A. Describe, in gallons/day, the volume and source of water use for existing and proposed activities at the project site:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Withdrawal from groundwater	_____	_____	_____
Withdrawal from surface water	_____	_____	_____
Interbasin transfer	_____	_____	_____
Municipal or regional water supply	_____	_____	_____

B. If the source is a municipal or regional supply, has the municipality or region indicated that there is adequate capacity in the system to accommodate the project?  Yes  No

C. If the project involves a new or expanded withdrawal from a groundwater or surface water source,

1. have you submitted a permit application?  Yes  No; if yes, attach the application
2. have you conducted a pump test?  Yes  No; if yes, attach the pump test report

D. What is the currently permitted withdrawal at the proposed water supply source (in gallons/day)? Will the project require an increase in that withdrawal?  Yes  No

E. Does the project site currently contain a water supply well, a drinking water treatment facility, water main, or other water supply facility, or will the project involve construction of a new facility?  Yes  No. If yes, describe existing and proposed water supply facilities at the project site:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Water supply well(s) (capacity, in gpd)	_____	_____	_____
Drinking water treatment plant (capacity, in gpd)	_____	_____	_____
Water mains (length, in miles)	_____	_____	_____

F. If the project involves any interbasin transfer of water, which basins are involved, what is the direction of the transfer, and is the interbasin transfer existing or proposed?

G. Does the project involve

1. new water service by a state agency to a municipality or water district?  Yes  No
2. a Watershed Protection Act variance?  Yes  No; if yes, how many acres of alteration?
3. a non-bridged stream crossing 1,000 or less feet upstream of a public surface drinking water supply for purpose of forest harvesting activities?  Yes  No

H. Describe the project's other impacts (including indirect impacts) on water resources, quality, facilities and services:

**III. Consistency** -- Describe the project's consistency with water conservation plans or other plans to enhance water resources, quality, facilities and services:

12/15

**WASTEWATER SECTION**

**I. Thresholds / Permits**

A. Will the project meet or exceed any review thresholds related to **wastewater** (see 301 CMR 11.03(5))? \_\_\_ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **wastewater**? \_\_\_ Yes X No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Transportation -- Traffic Generation Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Wastewater Section below.

**II. Impacts and Permits**

A. Describe, in gallons/day, the volume and disposal of wastewater generation for existing and proposed activities at the project site (calculate according to 310 CMR 15.00):

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Discharge to groundwater (Title 5)	_____	_____	_____
Discharge to groundwater (non-Title 5)	_____	_____	_____
Discharge to outstanding resource water	_____	_____	_____
Discharge to surface water	_____	_____	_____
Municipal or regional wastewater facility	_____	_____	_____
<b>TOTAL</b>	_____	_____	_____

B. Is there sufficient capacity in the existing collection system to accommodate the project? \_\_\_ Yes \_\_\_ No; if no, describe where capacity will be found:

C. Is there sufficient existing capacity at the proposed wastewater disposal facility? \_\_\_ Yes \_\_\_ No; if no, describe how capacity will be increased:

D. Does the project site currently contain a wastewater treatment facility, sewer main, or other wastewater disposal facility, or will the project involve construction of a new facility? \_\_\_ Yes \_\_\_ No. If yes, describe as follows:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Wastewater treatment plant (capacity, in gpd)	_____	_____	_____
Sewer mains (length, in miles)	_____	_____	_____
Title 5 systems (capacity, in gpd)	_____	_____	_____

E. If the project involves any interbasin transfer of wastewater, which basins are involved, what is the direction of the transfer, and is the interbasin transfer existing or proposed?

F. Does the project involve new sewer service by an Agency of the Commonwealth to a municipality or sewer district? \_\_\_ Yes \_\_\_ No

G. Is there any current or proposed facility at the project site for the storage, treatment, processing, combustion or disposal of sewage sludge, sludge ash, grit, screenings, or other sewage residual materials? \_\_\_ Yes \_\_\_ No; if yes, what is the capacity (in tons per day):

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Storage	_____	_____	_____
Treatment, processing	_____	_____	_____
Combustion	_____	_____	_____
Disposal	_____	_____	_____

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H. Describe the project's other impacts (including indirect impacts) on wastewater generation and treatment facilities:

**III. Consistency** -- Describe measures that the proponent will take to comply with federal, state, regional, and local plans and policies related to wastewater management:

A. If the project requires a sewer extension permit, is that extension included in a comprehensive wastewater management plan? \_\_\_ Yes \_\_\_ No; if yes, indicate the EOE number for the plan and describe the relationship of the project to the plan

12/17

**TRANSPORTATION -- TRAFFIC GENERATION SECTION**

**I. Thresholds / Permits**

A. Will the project meet or exceed any review thresholds related to **traffic generation** (see 301 CMR 11.03(6))? \_\_\_ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **state-controlled roadways**? \_\_\_ Yes X No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Roadways and Other Transportation Facilities Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Traffic Generation Section below.

**II. Traffic Impacts and Permits**

A. Describe existing and proposed vehicular traffic generated by activities at the project site:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Number of parking spaces	_____	_____	_____
Number of vehicle trips per day	_____	_____	_____
ITE Land Use Code(s):	_____	_____	_____

B. What is the estimated average daily traffic on roadways serving the site?

	<u>Roadway</u>	<u>Existing</u>	<u>Change</u>	<u>Total</u>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

C. Describe how the project will affect transit, pedestrian and bicycle transportation facilities and services:

**III. Consistency** -- Describe measures that the proponent will take to comply with municipal, regional, state, and federal plans and policies related to traffic, transit, pedestrian and bicycle transportation facilities and services:

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## ROADWAYS AND OTHER TRANSPORTATION FACILITIES SECTION

### I. Thresholds

A. Will the project meet or exceed any review thresholds related to **roadways or other transportation facilities** (see 301 CMR 11.03(6))?  Yes  No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **roadways or other transportation facilities**?  Yes  No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Energy Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Roadways Section below.

### II. Transportation Facility Impacts

A. Describe existing and proposed transportation facilities at the project site:

	Existing	Change	Total
Length (in linear feet) of new or widened roadway	<u>9,800 feet</u>	<u>1,200 feet</u>	<u>11,000 feet<sup>1</sup></u>
Width (in feet) of new or widened roadway	<u>36-120 feet</u>	<u>15 feet</u>	<u>36 to 135 feet</u>

Other transportation facilities:

B. Will the project involve any

1. Alteration of bank or terrain (in linear feet)?	<u>11,000<sup>2</sup></u>
2. Cutting of living public shade trees (number)?	<u>0</u>
3. Elimination of stone wall (in linear feet)?	<u>0</u>

1. Combined length of all new ramps and widened travel lanes
2. Combined length of all new ramps and widened travel lanes on new terrain

**III. Consistency** -- Describe the project's consistency with other federal, state, regional, and local plans and policies related to traffic, transit, pedestrian and bicycle transportation facilities and services, including consistency with the applicable regional transportation plan and the Transportation Improvements Plan (TIP), the State Bicycle Plan, and the State Pedestrian Plan:

**The proposed project is consistent with federal, state, regional, and local plans and policies. The project is within the Metropolitan Area Planning Council Regional Policy Plan and will be included in a future Regional Transportation Plan. The project will be consistent with MassHighway's pedestrian and bicycle accommodation policies.**

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**ENERGY SECTION**

**I. Thresholds / Permits**

A. Will the project meet or exceed any review thresholds related to **energy** (see 301 CMR 11.03(7))?  
\_\_\_ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **energy**? \_\_\_ Yes X No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Air Quality Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Energy Section below.

**II. Impacts and Permits**

A. Describe existing and proposed energy generation and transmission facilities at the project site:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Capacity of electric generating facility (megawatts)	_____	_____	_____
Length of fuel line (in miles)	_____	_____	_____
Length of transmission lines (in miles)	_____	_____	_____
Capacity of transmission lines (in kilovolts)	_____	_____	_____

B. If the project involves construction or expansion of an electric generating facility, what are  
1. the facility's current and proposed fuel source(s)?  
2. the facility's current and proposed cooling source(s)?

C. If the project involves construction of an electrical transmission line, will it be located on a new, unused, or abandoned right of way? \_\_\_ Yes \_\_\_ No; if yes, please describe:

D. Describe the project's other impacts on energy facilities and services:

**III. Consistency** -- Describe the project's consistency with state, municipal, regional, and federal plans and policies for enhancing energy facilities and services:

1/2/20

**AIR QUALITY SECTION**

**I. Thresholds**

A. Will the project meet or exceed any review thresholds related to **air quality** (see 301 CMR 11.03(8))? \_\_\_ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **air quality**? \_\_\_ Yes X No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Solid and Hazardous Waste Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Air Quality Section below.

**II. Impacts and Permits**

A. Does the project involve construction or modification of a major stationary source (see 310 CMR 7.00, Appendix A)? \_\_\_ Yes \_\_\_ No; if yes, describe existing and proposed emissions (in tons per day) of:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Particulate matter	_____	_____	_____
Carbon monoxide	_____	_____	_____
Sulfur dioxide	_____	_____	_____
Volatile organic compounds	_____	_____	_____
Oxides of nitrogen	_____	_____	_____
Lead	_____	_____	_____
Any hazardous air pollutant	_____	_____	_____
Carbon dioxide	_____	_____	_____

B. Describe the project's other impacts on air resources and air quality, including noise impacts:

**III. Consistency**

A. Describe the project's consistency with the State Implementation Plan:

B. Describe measures that the proponent will take to comply with other federal, state, regional, and local plans and policies related to air resources and air quality:

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**SOLID AND HAZARDOUS WASTE SECTION**

**I. Thresholds / Permits**

A. Will the project meet or exceed any review thresholds related to **solid or hazardous waste** (see 301 CMR 11.03(9))? \_\_\_ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **solid and hazardous waste**? \_\_\_ Yes X No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Historical and Archaeological Resources Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Solid and Hazardous Waste Section below.

**II. Impacts and Permits**

A. Is there any current or proposed facility at the project site for the storage, treatment, processing, combustion or disposal of solid waste? \_\_\_ Yes \_\_\_ No; if yes, what is the volume (in tons per day) of the capacity:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Storage	_____	_____	_____
Treatment, processing	_____	_____	_____
Combustion	_____	_____	_____
Disposal	_____	_____	_____

B. Is there any current or proposed facility at the project site for the storage, recycling, treatment or disposal of hazardous waste? \_\_\_ Yes \_\_\_ No; if yes, what is the volume (in tons or gallons per day) of the capacity:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Storage	_____	_____	_____
Recycling	_____	_____	_____
Treatment	_____	_____	_____
Disposal	_____	_____	_____

C. If the project will generate solid waste (for example, during demolition or construction), describe alternatives considered for re-use, recycling, and disposal:

D. If the project involves demolition, do any buildings to be demolished contain asbestos?  
\_\_\_ Yes \_\_\_ No

E. Describe the project's other solid and hazardous waste impacts (including indirect impacts):

**III. Consistency**--Describe measures that the proponent will take to comply with the State Solid Waste Master Plan:

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## HISTORICAL AND ARCHAEOLOGICAL RESOURCES SECTION

### I. Thresholds / Impacts

A. Is any part of the project site a historic structure, or a structure within a historic district, in either case listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth?  Yes  No; if yes, does the project involve the demolition of all or any exterior part of such historic structure?  Yes  No; if yes, please describe:

B. Is any part of the project site an archaeological site listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth?  Yes  No; if yes, does the project involve the destruction of all or any part of such archaeological site?  Yes  No; if yes, please describe:

C. If you answered "No" to all parts of both questions A and B, proceed to the **Attachments and Certifications** Sections. If you answered "Yes" to any part of either question A or question B, fill out the remainder of the Historical and Archaeological Resources Section below.

D. Have you consulted with the Massachusetts Historical Commission?  Yes  No; if yes, attach correspondence

E. Describe and assess the project's other impacts, direct and indirect, on listed or inventoried historical and archaeological resources:

MassHighway's Cultural Resources Unit (CRU) will coordinate its review of the I-495/I-290/Route 85 Interchange Improvement Project (#603345) with the Massachusetts State Historic Preservation Officer once the project design advances to the 25% stage. An initial review of the State/National Registers of Historic Places revealed that the project area abuts the National Register-listed c. 1817 Robin Hill Cemetery at the northwest corner of the interchange. A review of the Inventory of Historic and Archaeological Assets of the Commonwealth revealed two inventoried properties in the vicinity of the southwest corner of the interchange: the 1791 Eber Howe House (MRB.4) at 615 Berlin Road and the 1850 Silas Howe House (MRB.652) at 616 Berlin Road. MassHighway will evaluate both properties for National Register eligibility as the project design advances. Other inventoried properties on Robin Hill Street, Bigelow Road, and Berlin Road appear to be outside of the area of potential effect based on a preliminary review of aerial photographs.

A review of the MHC archaeological base maps revealed a number of recorded prehistoric sites that attest to the archaeological sensitivity of this section of Marlborough. Most significant of these is the Flagg Swamp Site (19-WR-455), a former rock shelter site located immediately to the east of the project area. The Flagg Swamp Site, which was excavated in the 1980s to mitigate the site's demolition as part of the construction of the Route 85 Connector, is one of only a few rock shelter sites that have been professionally investigated in Massachusetts. The site was considered significant for its multiple human occupations, evidence of possible ceremonialism, and preservation of faunal remains. The MHC maps also revealed a cluster of sites in the vicinity of the northwest corner of the project area along the south bank of the Assabet River and two other sites in the vicinity of the northeast corner of the project area. Although work on the preferred alternative for the proposed project appears to be limited to areas within the existing highway layout, MassHighway will assess the project area for archaeological sensitivity as the project design advances, with a primary focus on any areas that have not been disturbed by previous roadway construction or roadside development.

1d23

**II. Consistency** -- Describe measures that the proponent will take to comply with federal, state, regional, and local plans and policies related to preserving historical and archaeological resources:

**The project is adjacent to the Robin Hill Cemetery which is listed in the National Register of Historic Places. MassHighway's Cultural Resources Unit Staff will coordinate its review of the project with the MA Historic Preservation Officer (SHPO) for historic and archeological impacts under the amended 2004 Section 106 Programmatic Agreement.**

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**ATTACHMENTS:**

1. Plan, at an appropriate scale, of existing conditions of the project site and its immediate context, showing all known structures, roadways and parking lots, rail rights-of-way, wetlands and water bodies, wooded areas, farmland, steep slopes, public open spaces, and major utilities
2. Plan of proposed conditions upon completion of project (if construction of the project is proposed to be phased, there should be a site plan showing conditions upon the completion of each Section).
3. **Original** U.S.G.S. map or good quality **color** copy (8-½ x 11 inches or larger) indicating the project location and boundaries.
4. List of all agencies and persons to whom the proponent circulated the ENF, in accordance with 301 CMR 11.16(2).
5. Other:

**CERTIFICATIONS:**

1. The Public Notice of Environmental Review has been/will be published in the following newspapers in accordance with 301 CMR 11.15(1):

*Local newspaper*

Hudson Sun  
Marlborough Enterprise

(Name)

The Neck of March 17, 2008  
(Date)

2. This form has been circulated to Agencies and Persons in accordance with 301 CMR 11.16(2).

Date

3/12/08

[Signature]  
Luisa Palewonsky, Commissioner  
Massachusetts Highway Department

Signature of Responsible Officer  
or Proponent

Date

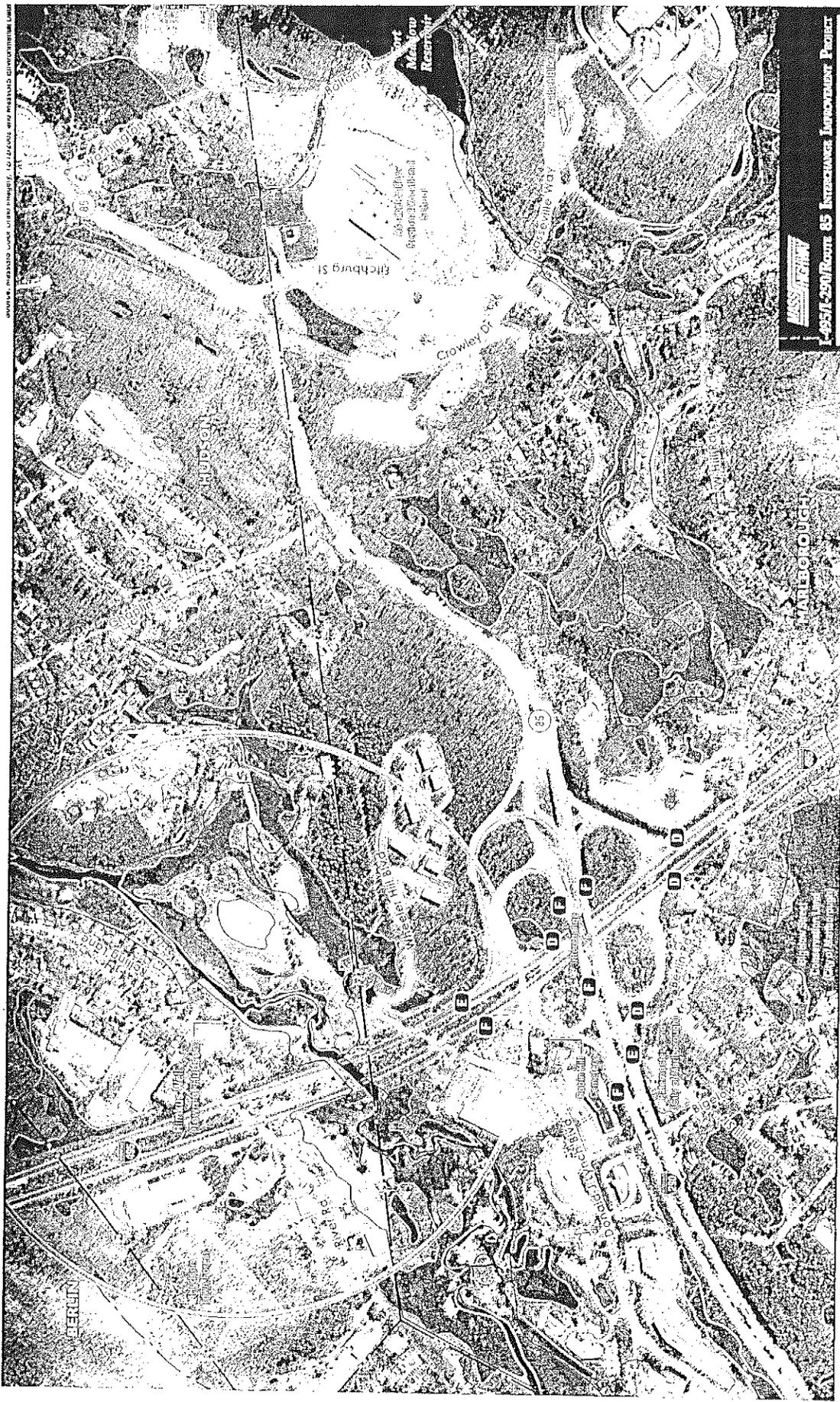
10/5/07

[Signature]  
Signature of person preparing  
ENF (if different from above)

Jessica Kenny  
Name (print or type)  
MassHighway  
Firm/Agency  
10 Park Plaza  
Street  
Boston, MA 02116  
Municipality/State/Zip  
(617) 973-7442  
Phone

Frank Bracaglia  
Name (print or type)  
Vanasse Hangen Brustlin, Inc.  
Firm/Agency  
101 Walnut Street  
Street  
Watertown, Massachusetts 02471  
Municipality/State/Zip  
(617) 924-1770  
Phone

1225



**Legend**

- Wellheads
- Open Water
- Interim Wellhead Protection Area
- Future (2020) PK Level of Service
- 100-year Floodplain
- Open Space

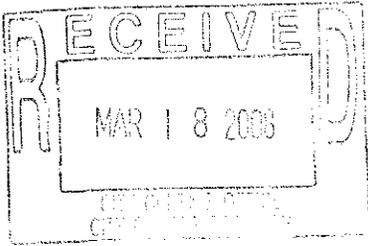
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**MASS HIGHWAY**  
**495/290/Route 85 Interchange Improvement Project**

**Future (2020) Traffic Conditions**  
**Marlborough and Hudson, Massachusetts**

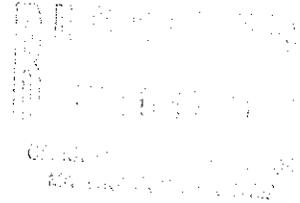
Figure 3

DATE: 11/15/2019 10:58 AM PROJECT: 495/290/ROUTE 85 INTERCHANGE IMPROVEMENT PROJECT



**ABLITT & CHARLTON, P.C.**  
 92 Montvale Avenue, Suite 2950  
 Stoneham, Massachusetts 02180  
 Telephone: (781) 246-8995  
 Fax: (781) 246-8994

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BY CERTIFIED AND REGULAR MAIL

02/28/2008

Marlborough City Council  
 c/o City Solicitor  
 City Hall  
 140 Main Street  
 Marlborough, MA 01752  
 4.2034 / Leite

**NOTICE OF MORTGAGE FORECLOSURE SALE**

Re: Deutsche Bank National Trust Company, as Trustee of Argent Mortgage Securities, Inc. Asset Backed Pass Through Certificates, Series 2006-W1 under the Pooling and Servicing Agreement dated as of February 1, 2006, Without Recourse/ Danielle D. Leite.

Property Address: 688 Boston Post Road, Unit No.328 of the Wayside Condominium, Marlborough, MA

Dear Sir or Madam:

Pursuant to M.G.L. c. 244 sec. 14, as amended, enclosed is a copy of the Notice of Mortgagee's Sale of Real Estate.

This notice is provided to you because an examination of the record title shows that you held an interest of record in the property thirty (30) days prior to the sale.

Cordially,

Present holder of mortgage  
 By its Attorney,

Stephanie Caponigro, Esq.  
 4.2034 / Leite

CERTIFIED MAIL NO.: 7007 3020 0000 4808 4953  
 RETURN RECEIPT REQUESTED

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NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Danielle D. Leite to Argent Mortgage Company, LLC, dated November 15, 2005 and recorded with the Middlesex County (Southern District) Registry of Deeds in Book 46487, Page 295 of which mortgage Deutsche Bank National Trust Company, as Trustee of Argent Mortgage Securities, Inc. Asset Backed Pass Through Certificates, Series 2006-W1 under the Pooling and Servicing Agreement dated as of February 1, 2006, Without Recourse is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 11:00 AM on March 25, 2008, on the mortgaged premises located at 688 Boston Post Road, Unit No.328 of the Wayside Condominium, Marlborough, MA 01752, all and singular the premises described in said mortgage,

TO WIT:

The Unit described above in Wayside Condominium (the "Condominium") created by Master Deed, dated August 15, 1985 and recorded August 16, 1985 with the Middlesex South District Registry of Deeds, as instrument Number 423, in accordance with the provision of Massachusetts General Laws Chapter 183A.

The Unit contains the Area listed above and is laid out as shown on a plan recorded with said Deeds in Book 16386, Page 344, which is a copy of a portion of the plans filed with the Master Deed and to which is affixed verified statement in the form provided for in G.L.C. 183A, Section 9.

The Unit is conveyed together with the above Percentage Interest (a) in the common areas and facilities of the Condominium, as described in the Master Deed, and (b) in the Wayside Condominium Trust, as amended (the "Condominium Trust"), dated August 15, 1985 and recorded August 16, 1985 with said Middlesex South District Registry of Deeds, as Instrument Number 424. The Unit is also conveyed together with the exclusive right to use one (1) parking space and one (1) storage space as may be designated by the Trustee of said Wayside Condominium Trust.

The Unit is to be used only for residential purposes and for no other purposes, except as may be expressly permitted by the Trustees in accordance with the provisions of the Wayside Condominium Trust. The Unit is also subject to the restrictions contained in the Master Deed and the Condominium Trust which are hereby incorporated by reference.

The Grantee acquired the Unit with the benefit of, and subject to, the provisions of Massachusetts General Laws, Chapter 183A, relating to condominiums, as that statute is written as of the date hereof, the Master Deed, the Condominium Trust and the By-Laws therein contained and any rules and regulations from time to time adopted thereunder, and all matters of record stated or referred to in the Master Deed as completely as if each were fully set forth herein; and subject to real estate taxes attributable to the Unit which are not yet due and payable.

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For mortgagor's title see deed recorded with Middlesex (Southern District) County Registry of Deeds in Book 46487, Page 293.

These premises will be sold and conveyed subject to and with the benefit of all rights, rights of way, restrictions, easements, right of ways, covenants, liens or claims in the nature of liens, improvements, public assessments, any and all unpaid taxes, tax titles, tax liens, water and sewer liens and any other municipal assessments or liens or existing encumbrances of record which are in force and are applicable, having priority over said mortgage, whether or not reference to such restrictions, easements, improvements, liens or encumbrances is made in the deed.

TERMS OF SALE:

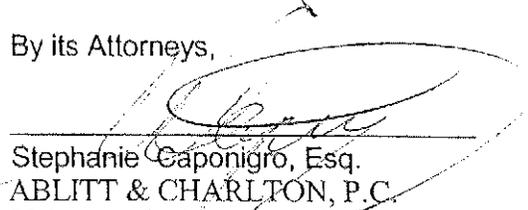
A deposit of TEN THOUSAND (\$10,000.00) DOLLARS by certified or bank check will be required to be paid by the purchaser at the time and place of sale. The balance is to be paid by certified or bank check at Ablitt & Charlton, P.C., 92 Montvale Avenue, Suite 2950, Stoneham, MA 02180, other terms and conditions will be provided at the place of sale. The description of the premises contained in said mortgage shall control in the event of an error in this publication.

OTHER TERMS, IF ANY, TO BE ANNOUNCED AT THE SALE.

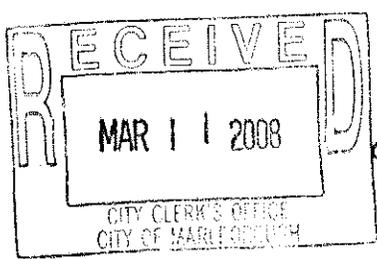
Present holder of said mortgage

Deutsche Bank National Trust Company, as Trustee  
of Argent Mortgage Securities, Inc. Asset Backed  
Pass Through Certificates, Series 2006-W1 under  
the Pooling and Servicing Agreement dated as of  
February 1, 2006, Without Recourse

By its Attorneys,

  
Stephanie Caponigro, Esq.  
ABLITT & CHARLTON, P.C.  
92 Montvale Avenue, Suite 2950  
Stoneham, Massachusetts 02180  
Telephone: (781) 246-8995

Dated: 02/27/2008



*City of Marlborough*  
*Commonwealth of Massachusetts*

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**PLANNING BOARD**

Barbara L. Fenby, Chair  
Steve Kerrigan, Clerk  
Philip J. Hodge  
Edward F. Coveney  
Clyde L. Johnson  
Robert Hanson  
Sean N. Fay

**PLANNING BOARD MINUTES**  
February 11, 2008  
7:00 PM

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

The Planning Board for the City of Marlborough met on Monday, February 11, 2008 in Memorial Hall, 3<sup>rd</sup> floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Chairperson, Steve Kerrigan, Clerk, Edward Coveney, Robert Hanson and Sean Fay. Also present: City Engineer Thomas Cullen.

**MINUTES**

*Meeting Minutes January 28, 2008*

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

To accept and file the meeting minutes of January 28, 2008.

**CHAIR'S BUSINESS**

*Arthur Bergeron (Pembroke Street)*

Attorney Bergeron spoke to the Planning Board regarding his clients' three parcels on Pembroke Street. These parcels are continuous and his client failed to get the necessary approval to build a new home from the Zoning Board of Appeals. Mr. Bergeron is asking the board to consider a subdivision even if the subdivision will not require new construction of roads, sewers extension, water mains or any other typical requirement of a subdivision since the infrastructure already exists.

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

To ask Mr. Bergeron to provide a subdivision site plan to the City Engineer and have the City Engineer provide his opinion to the board at the next meeting.

**ON A MOTION BY MR. KERRIGAN, SECONDED BY MR. COVENEY IT WAS DULY VOTED:**

To move up 10D (signs, 419-435 Lakeside Ave).

Signs

419-435 Lakeside Ave

Mr. Bergeron asked the Board to extend the variance since his client was still in discussion regarding the sign. He stated he would get a letter to the Planning Board to that effect.

**APPROVAL NOT REQUIRED PLAN**

**PUBLIC HEARING**

**SUBDIVISION PROGRESS REPORTS**

*Update from City Engineer*

Mr. Cullen did provide a new report for the Planning Board showing the progress of all the open subdivisions. He did state that they are working with the Legal Department to finalize several open subdivisions that are ready for acceptance.

*Berlin Farms (Long Drive)*

Bond Request from Attorney Yates

Mr. Yates is requesting a bond amount be established for the Berlin Farm Subdivision.

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

To accept and file correspondence.

Correspondence from City Engineer

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

To accept and file the correspondence from City Engineer Thomas Cullen regarding a bond amount for Berlin Farms and to recommend that the bond in the amount of \$284,000.00 be posted to secure the release of lots.

Correspondence from Attorney Yates

Mr. Yates verbally asked if the Planning Board could release the lots for a foundation permit before the tri party agreement is signed. Mrs. Lizotte stated that the Building Department will not receive or review any foundation/building permit until written confirmation that the lots have been released from the Planning Board. In a compromise, the Planning Board stated that if a tri party agreement is received by Friday, February 15, 2008, Mrs. Lizotte will send the agreement to the City Solicitor for his review for the next meeting. This is a special circumstance due to the developer being delayed by the revising of the detention pond and that the developer has cooperated with all the requests of the conservation office.

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

To send tri party agreement to the City Solicitor for review once received by Attorney Yates.

*O'Leary's Landing (Joseph North Road)*

*Mr. Kerrigan declared to the board that he has a family member who lives on Joseph North Road. City Solicitor Rider said that there was no conflict with Mr. Kerrigan voting on any decision.*

Upon request from the Planning Board, Mr. Cullen has reviewed the status of completion for O'Leary's Landing. There are still some outstanding issues that include language on the as-built plans and legal descriptions that need to be corrected before the City Engineer can recommend approval.

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

To accept and file all correspondence.

**PENDING SUBDIVISION PLANS: Updates and Discussion**

**PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS**

**DEFINITIVE SUBDIVISION SUBMISSIONS**

**SCENIC ROADS**

*Scenic Road Hearing Request*

Mr. Chris White, City of Marlborough Tree Warden, is requesting a public hearing on March 10, 2008 for the removal of several trees.

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

To schedule a public hearing on March 10, 2008 at 7:30.

**SIGNS**

**OAR**

The Organization for the Assabet River is requesting to the Planning Board if they can put up 4 signs this fall. OAR will supply the signs.

On a motion by Mr. Kerrigan, seconded by Mr. Hanson it was duly voted:

Accept and file the correspondence; send correspondence to the Organization asking them the potential sites of these signs and to send the correspondence to the Conservation Commission.

***28 South Bolton Street***

Mr. Cohen is seeking a variance from the Planning Board to place his 11 square foot sign where a previous sign once hung. According to the dimensions provided by Mr. Reid, the sign will only allow 4.5 square feet before the maximum is reached. Mr. Reid stated that the message board that is currently being used is in non conformance to the sign ordinance; however it allowed to stay until other changes in the sign are proposed.

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

To table any motion until the next meeting as well as to give some time to Mr. Cohen to ask the landlord to remove the message board to allow square footage to his sign.

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**Christopher Heights**

Christopher Heights is seeking relief from the Sign Ordinance to allow their banners to hang on their own light poles within their complex. The banners are not allowed because they need to be attached to with the existing freestanding sign or flat against a wall of the building according to the sign ordinance. Ms. Willette of Christopher Heights stated that the signs are a part of their opening "marketing" strategy and will be removed once the Heights opens.

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

To allow the banners be placed on their light posts within their complex for 90 days.

**INFORMAL DISCUSSION**

*Limited Development Subdivision*

Mr. Kerrigan and Mrs. Lizotte both confirmed after speaking with Mr. Rider that he should have something back to the board at its next regular schedule meeting on February 25, 2008.

*Abutters Literature*

At this time there is not further information.

*Scenic Road (Framingham)*

Ms. Fenby added this for the board to review.

**COMMUNICATIONS/CORRESPONDENCE**

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

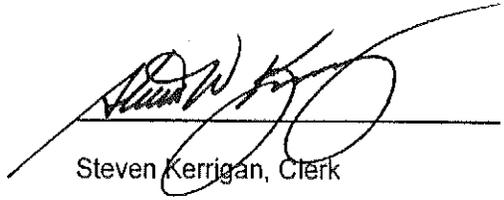
To accept all of the items listed under communications and/or correspondence.

On a motion by Mr. Hanson, seconded by Mr. Kerrigan, it was duly voted:

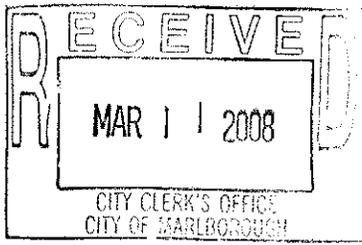
To adjourn at 8:00 p.m.

**A TRUE COPY**

**ATTEST:**

  
\_\_\_\_\_  
Steven Kerrigan, Clerk

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*City of Marlborough*  
*Commonwealth of Massachusetts*



**PLANNING BOARD**

- Barbara L. Fenby, Chair
- Steve Kerrigan, Clerk
- Philip J. Hodge
- Edward F. Coveney
- Clyde L. Johnson
- Robert Hanson
- Sean N. Fay

**PLANNING BOARD MINUTES**  
February 25, 2008  
7:00 PM

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

The Planning Board for the City of Marlborough met on Monday, February 25, 2008 in Memorial Hall, 3<sup>rd</sup> floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Chairperson, Steve Kerrigan, Clerk, Phil Hodge, Clyde Johnson, Robert Hanson and Sean Fay. Also present: City Engineer Thomas Cullen.

**MINUTES**

*Meeting Minutes February 11, 2008*

The minutes were not available for this meeting.

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

To table the minutes to the next regular scheduled meeting.

**CHAIR'S BUSINESS**

*Correspondence from Senator John F. Kerry*

Senator Kerry wanted to bring the board's attention to the relocation of the ARC of Marlborough.

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

To accept and file correspondence.

**APPROVAL NOT REQUIRED PLAN**

**PUBLIC HEARING**

**SUBDIVISION PROGRESS REPORTS**

*Update from City Engineer*

Mr. Cullen stated that there was no majority activity to report.

***Acre Bridge Estates (Blake Circle)***

Stephen Garofalo, the developer, is asking for a bond reduction for his subdivision.

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

To accept and file correspondence; to refer the request to the City Engineer for his recommendation at our next regular scheduled meeting.

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

To defer all actions until the weather is more favorable to review the current conditions.

***Berlin Farms (Long Drive)***

Correspondence from Attorney Yates

Mr. Yates is asking that the Board place the tri-partite agreement on the agenda for tonight's meeting.

Correspondence from City Solicitor Rider

Mr. Rider has reviewed the tri-partite agreement and recommends to the Planning Board to sign the agreement. Mr. Fay did question the Trustee's Certificate and if one has been provided to the Planning Board. Mr. Yates did state that one will be provided to the board. There was also question from Mr. Kerrigan on the signing of the agreement since the Planning Board would be signing before the trustee and the financial institution. It was agreed by all parties for the Board Secretary to hold all documents until signed by the trustee and the financial institution.

On a motion made by Mr. Kerrigan, seconded by Mr. Hanson it was duly voted:

To accept and endorse the tri-partite agreement for Berlin Farms.

***Davis Estates (Bouvin Drive)***

Request for Subdivision Extension

Aldo Cipriano, attorney for the developer, is asking for an extension of the subdivision. They are basing their extension request on the delays in the historical findings and the relative delays of the wetland protection.

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

To grant an extension of the subdivision to March 14, 2009.

Request for Bond Establishment

Aldo Cipriano, attorney for the developer, is asking the Planning Board to establish a bond amount for road completion.

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

To refer the request to the City Engineer and have him report back to the planning board at its next regular schedule meeting.

**Forest Trail (Mosher Lane)**

Daniel Burger, Attorney for Avidia Bank, is asking for an extension on the subdivision. The previous extension has lapsed since September 2007. They are seeking a year extension to complete the roadways. The Board is hesitant to grant an extension since the lapse has already passed. The City Solicitor posed the question if the lapse on the previous extension has passed, does the board have the right to grant another extension or if the developers need to have a subdivision approval. If another subdivision approval is needed the board questioned if all approvals of the covenant would have to be changed as well and adding language to the covenant for the blight ordinance since this development has previous blight issues.

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

To table any decision on an extension, to ask the legal department if an extension can be granted after the lapse of a previous extension and ask the City Engineer to report back to the board the condition of the subdivision.

**PENDING SUBDIVISION PLANS: Updates and Discussion**

**PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS**

**DEFINITIVE SUBDIVISION SUBMISSIONS**

**SCENIC ROADS**

**SIGNS**

***419-435 Lakeside Ave***

Attorney Bergeron along with his client brought a new variance before the board asking them to consider a secondary sign on Landry Drive repeating the language on the freestanding sign on Lakeside Ave. The proposed sign would have 6 panels instead of 4 panels and be 20.88 square foot. According to the City's Sign Ordinance the current proposed sign cannot be approved since the two signs cannot repeat any similar language.

On a motion by Mr. Hodge, seconded by Mr. Johnson and Mr. Kerrigan, opposed by Ms. Fenby, Mr. Hanson and Mr. Fay:

To grant a variance to allow the second sign on Landry Drive in excess of 20.88 square feet, allow the 6 panels for advertising and repeat the language of the sign on Lakeside Ave.

With three members approving the motion and with three members opposing the motion, the motion was defeated.

Mr. Bergeron and his client withdrew the variance without prejudice and stated they will erect the Lakeside Plaza sign that was the first sign approved.

**INFORMAL DISCUSSION**

***Limited Development Subdivision***

City Solicitor Rider has reviewed the language change to the ordinance. He submitted the following change:

**ORDERED:**

PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING RECEIVED A SUBMISSION FROM THE PLANNING BOARD OF THE CITY OF MARLBOROUGH TO AMEND THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BY FURTHER AMENDING CHAPTER 200, ARTICLE VI, SECTION 200-30, ENTITLED "LIMITED DEVELOPMENT SUBDIVISIONS," NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING THERETO, AS FOLLOWS:

1. The introductory preamble to § 200-30 is hereby deleted in its entirety and replaced with the following:

A parcel located in a residence district with frontage on a public way may be subdivided, subject to a special permit from the Planning Board, into Limited Development Subdivision lots for the use only as single-family dwellings under the alternative lot area, frontage and dimensional criteria set forth below; provided, however, that the special permit applicant must clearly demonstrate to the Board that the parcel which is the subject of the special permit application could be subdivided by right under conventional subdivision requirements, as set forth in the applicable ordinances of the City of Marlborough, the Subdivision Control Law and the Board's Rules and Regulations, into at least two and one-half times as many building lots as the number of building lots proposed in the special permit application.

2. The caption of Section 200-30A is hereby amended by deleting the word, "Dimensional."

3. Section 200-30A(8) is hereby deleted in its entirety and replaced with the following:

(8) The applicant for a special permit hereunder shall file with the Planning Board a preliminary plan that must clearly demonstrate to the Board that the parcel which is the subject of the special permit application is capable, as of right, of conventional subdivision, pursuant to the applicable ordinances of the City of Marlborough, the Subdivision Control Law and the Board's Rules and Regulations, into at least two and one-half building lots for each building lot proposed under the Limited Development Subdivision criteria.

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

To table any motion until the board has reviewed the change in the language.

*Abutters Literature*

At this time there is not further information.

**COMMUNICATIONS/CORRESPONDENCE**

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

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

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

To adjourn at 8:10 p.m.

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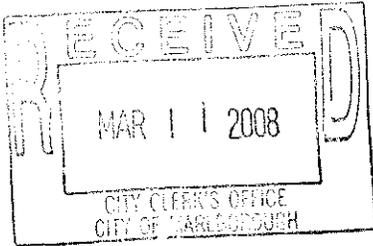
ATTEST:



Steven Kerrigan, Clerk

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Approved at the February 21, 2008 meeting



**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION**

**Minutes  
December 20, 2007  
Memorial Hall, 3<sup>rd</sup> Floor, City Hall**

**Members Present:** Edward Clancy-Chairman, David Williams, Lawrence Roy, and Michelle Higgins, - Priscilla Ryder-Conservation Officer;

**Absent:** Allan White, John Skarin and Dennis Demers,

**Public Hearings**

Determination of Applicability

11 Mosher Ln. (Lot 1) - Avidia Bank

Steve Poole of Inland Survey, Inc., the site engineer was present on behalf of Avidia Bank who is now the owner of the Forest Trails Subdivision since Mr. Mutti left the project. Mr. Poole explained that this lot perviously had a Negative Determination issued three years ago which has unfortunately expired. He is requesting another determination for this lot; a small portion of which lies within the 100' buffer zone to the wetland. The wetland lies across the roadway. He showed a plan with the house and some plantings for the screening behind the house as required by the Planning Board. The Commission reviewed the new plan against the original approved plan and noted that additional landscaping must be required as the lot has no trees on it now. After some discussion, the Commission unanimously voted 4-0 to issue a Negative Determination with conditions regarding additional landscaping and notification of the Conservation Officer prior to and after work is to be done.

Notice of Intent (Continuation of Public Hearing)

Hayes Memorial Dr. – First Student, Inc.

At the applicants request, this item was continued to the January 3<sup>rd</sup> meeting to allow the snow to melt, so wetlands can be seen.

Amended Order of Conditions DEP 212-964 – Berlin Farm Estates (between 226 & 238 Berlin Rd.) (Continuation of public hearing)

Steve Poole of Inland Survey, Inc. was present representing the owner. He provided a revised plan showing the changes to the detention basin as required. The original plan was faulty. When construction began of the detention basin, they found that the water table was much higher than the design indicated, requiring a whole revision of the plans. The process also involved correcting some lot lines; etc. The detention basin is now designed to be above the water table and will include some underdrains to help keep the basin dry. The connection to the open space parcel will likely also change shape slightly. Mr. Poole indicated that he still was seeking approval from Tom Cullen on the

detention basin calculations. The Commission, with the consent of the applicant's representative continued the hearing to the January 3, 2008 meeting.

Notice of Intent (Continued to date uncertain)

989 Concord Rd. - Hjalti Reynisson

At the applicants request this item was continued indefinitely. When he is ready to be heard, he will re-advertise and notify the abutters.

**Certificate of Compliance**

- DEP 212-969 Sterling Woods Subdivision-detention basin repair. As there are still outstanding items with the Engineering Department pertaining to this site, this item was continued until the Commission gets confirmation that the Engineering Department is satisfied with the construction.

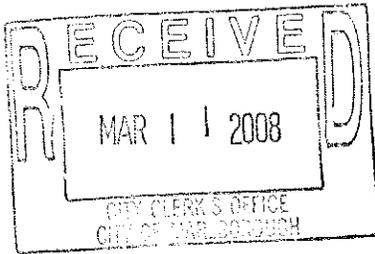
**Other Buisness** - There was no other business.

**Meetings:** Next Conservation Commission Meetings – January 3<sup>rd</sup> & 17<sup>th</sup>, 2008  
(Thursdays)

**Adjournment** - There being no further business, the meeting was adjourned at 8:15 PM.

*Respectfully submitted,  
Dissulla Ryder  
Conservation officer*

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**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION**

**MINUTES**

January 17, 2008

Memorial Hall, 3<sup>rd</sup> Floor, City Hall

**Members Present:** Edward Clancy-Chairman, David Williams, Lawrence Roy, John Skarin, Michelle Higgins, and Priscilla Ryder-Conservation Officer;

**Absent:** Dennis Demers, Allan White

**Minutes** – The minutes of January 3, 2008 were reviewed and unanimously approved as written.

**Discussion**

- Deed for Open Space – Berlin Farm Open Space Development- this item was discussed later in the meeting.

**Public Hearings**

Notice of Intent

Ames St. – Marlborough Dept. of Public Works

Tim Collins from the DPW Engineering Dept. and Benny Hung from Jacobs, Edwards and Kelsy represented the City. Benny Hung explained that the project involves the full reconstruction of Ames St. from Rte. 20 to Forest St. This will include milling, paving and installation/replacement of curbing with granite curbing. There are some existing swales on the side of the roadway which are functioning fine, however in a few locations erosion is beginning to occur, so they are proposing to install some rip rap and stone check dams to improve these drainage facilities. Some of this reconstruction work lies within the 100' buffer zone of several wetland systems along the length of the roadway. All drainage ultimately drains to Millham Brook which is the city's water supply. Prior to construction, the existing drainage system will be cleaned to be sure it is working properly. Mr. Hung explained that one problem with the roadway is that it is buckling due to the groundwater table being high under the roadway. This is to be corrected by replacing the existing 6" sub-drain with an 8" sub-drain to help control this groundwater issue.

The Commission asked several questions about construction sequencing, excess materials, and process of controlling runoff between the time the roadway is milled and when it will be paved. Mr. Hung answered that they would be able to control the runoff using the existing swale systems and suggested that prior to construction an inspection of the "during construction" drainage issue would be reviewed. The Commission noted that silt sacks must be included in the erosion control plan during the time the roadway is exposed. A system of drainage

control must be determined and discussed. A system for dewatering is also being required.

Jeff Rhines of Normandy Real Estate who owns property on Nickerson Rd. asked questions about how long the project would take place and what type of detour and traffic patterns were anticipated.

After further discussion, the Commission closed the hearing and asked the Conservation Officer to draft a set of conditions for review at the next meeting, including items noted above.

#### Notice of Intent

150 Cedar Hill St. – Ken's Foods, Inc.

Robert Poxon of Guerriere and Halnon, Inc. and Mike Kowlacowski from Ken's Foods were both present to discuss the project. Mr. Poxon explained that the current conditions of the site include the treatment facility which removes the by-products of the Ken's Foods processing plant before discharging into the city's sewage treatment plant. Mr. Kowlacowski explained that the new system will trap the methane from the adjacent facility to heat this building and may be used as a power source in the future.

The proposal is to install an additional treatment tank which will have a membrane bio-reactor to remove even more material from the waste stream. Some adaptations to the existing treatment facilities will also be made to make the system work more effectively. The new treatment building will be a 2,000 sq. ft. building with a pad for future expansion for some tanks. It will be a slab on grade structure with some minor excavation and grading for the slab. The current area is a level hard packed gravel area. The closest point from the building to the wetland will be 44 feet. The majority of the work is in an already developed area, so no new disturbance of natural areas is anticipated. All the work is being performed in the Riverfront Area. The proposed additional disturbance is 1% of the Riverfront Area.

The Commission asked about the maintenance of the new facility and what types of chemicals will be transported and transferred to this site. Mr. Kowlacowski explained that it would be chlorine or citric acid. Commissioner Higgins asked about the safety measures needed given the proximity to the brook. He explained that there are alarms and an Operation and Maintenance Plan in place which they will provide at the next meeting.

All excavated materials will be removed from the site. They are hopeful they can get their permits by March 1<sup>st</sup> and open the facility in June. At the request of the Commission, they also agreed to remove and clean up the debris piles which are behind the proposed building location and along the stream bank. This area is to

be restored and re-vegetated and left to naturalize. Only the removal of non-native invasive species will be permitted.

After additional discussion, the Commission with the applicants consent continued the hearing to Feb. 7<sup>th</sup> to allow the applicant to obtain comments from City Engineer; information about chemical storage and the O&M plan.

Notice of Intent (Continuation of Public Hearing)

84 and 158 Waterford Dr. (off Robin Hill St.) – Sepracor, Inc.

Bill Bergeron from Hayes Engineering and Bryan Iwatta of Sepracor were present. Chairman Clancy explained that he had been on site to view the trees that were marked, as did the other members. There was some discussion about the trees that could be saved and why a few on the periphery were slated for removal. Mr. Bergeron explained that some have a wide canopy which will be destroyed when the walkway pieces are lowered in place by crane. There were also questions on how the caissons would be installed and how to minimize disturbance. Mr. Bergeron explained that a drill rig will be brought in and they will need to clear the approach on one side near the wetland. The other side will be on the other side of the driveway. Ms. Higgins asked how the structure will be maintained once it is constructed. Mr. Iwatta explained that they would clean the windows; the rest is aluminum and steel which will need minimal maintenance. The Commission noted that the foot path beneath the pedestrian bridge should be restored to provide this connection.

The Commission also discussed the construction sequencing for the project and asked that a plan be provided prior to the start of construction. The planting plan of shade tolerant shrubs under and around the pedestrian walkway was reviewed and approved. The Commission asked that the Conservation Officer be notified before the planting takes place to be sure the locations are appropriate, after the structure is in place. There were discussions about some existing snags and whether to leave some of the trees as snags for wildlife habitat improvement. It was concluded that some snags could remain and this should be decided in the field.

After additional discussion, the hearing was closed and the Commission requested that Ms. Ryder draft a set of Conditions based on the above discussion; for review at the Feb. 7<sup>th</sup> meeting.

Notice of Intent (Continuation of Public Hearing) (Continued to Feb. 7, 2008)  
Hayes Memorial Dr. – First Student, Inc.

At the applicants request this item was continued to the Feb. 7, 2008 meeting to allow time for them to revise the plans for this project.

Notice of Intent (Continuation of Public Hearing) (Continued to Feb. 7, 2008)  
247 Maple St. – Dennis Kennedy

At the applicants request this item was continued to the Feb. 7, 2008 meeting to allow time for them to revise the plans for this project.

Order of Conditions DEP 212-964 – Berlin Farms Estates (between 226 and 238 Berlin Rd.) (Continuation of Public Hearing)

Steve Poole of Inland Survey, Inc. and Charles Freeman, Trustee of Berlin Farms 2007 Realty Trust were present. Mr. Poole showed the revised plan dated 1-17-08 which reflected changes made to the detention facility, some utility adjustments, addition of the level spreader and some corrections to lot lines and easements. The plan also includes the level spreader and the open space area with the drainage easement to be conveyed to the city. After review of the changes and confirmation that the City Engineer has reviewed the drainage calculations and has approved the plans as provided, the Commission unanimously voted 5-0 to issue an amended Order of Conditions which incorporates these new plan changes and drainage calculations. The Commission reviewed the existing conditions and found them to still be satisfactory, so no new conditions were added. However, a finding of fact explaining the amendment will be included.

### Discussion

- Deed for Open Space – Berlin Farm Open Space Development

As part of the Special Permit issued by the Planning Board for this Open Space Development, the owner is to convey the back portion of the site to the City to be managed by the Conservation Commission for watershed and open space purposes. The Commission reviewed a copy of the draft deed which has been reviewed by City Solicitor Rider and the accompanying plan; they acknowledged receipt of a 21E site assessment report. Ms. Ryder noted that she has read the report and all seems to be in order. After some discussion the Commission voted 5-0 to recommend to the Mayor and City Council the acceptance of this parcel of land for the purposes set forth above. In addition to the deed, a check in the amount of \$5,000 must also be accepted by the City Council to be placed in the Conservation Maintenance Trust for the ongoing maintenance of this parcel.

Notice of Intent (Continuation of Public Hearing)

246 Maple St. – Blue Fin Properties,

Mark Donahue of Acton Survey & Engineering, Inc. was present. He noted that due to the snow cover, he would recommend that the hearing be continued to the Feb. 7<sup>th</sup> meeting in order to give the Commission ample time to evaluate the ground conditions at this site. Chairman Clancy explained that at the last meeting, the Commission had requested information in writing regarding the denial of a license or easement agreement with the abutters- Giombetti or McDonalds. Mr. Donahue said he would reiterate this request to the lawyers.

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The Commission, with the applicants consent, continued the hearing to the Feb. 7<sup>th</sup> meeting. If snow has melted and the Commission has had a chance to look at the site without snow cover, and/or if the written documentation is provided, the meeting will be held, if not it can be continued again.

#### **Certificates of Compliance**

- DEP 212-824 Crane Meadow Corporate Center – Partial Certificate  
Chris Lovett of VHB was present to request a partial Certificate of Compliance for this project. The Fairfield project had constructed the access roads and stream crossings to comply with their emergency access needs. They did some of this work under this Order of Conditions. Therefore, to keep all parties clear about what has been done and approved and what has not, he is asking for a Partial Certificate of Compliance for the work completed and reflected on the As-Built Plan dated Dec.6, 2007. The Commission reviewed the plan and received confirmation from Ms. Ryder that she had inspected the site and recommended issuance of a Partial Certificate of Compliance as requested. The Commission voted 5-0 to issue a Partial Certificate of Compliance as noted.

#### **Correspondence/Other Business**

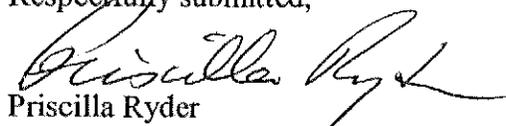
The Commission reviewed the following correspondence and voted unanimously to accept and place on file:

- Letter from Benjamin Anthony, New England Development, Dated Dec. 13, 2007;  
RE: Wetland Parcel, Donald Lynch Blvd. DEP 212-983

#### **Adjournment**

There being no further business, the meeting was adjourned at 9:00 PM.

Respectfully submitted,



Priscilla Ryder  
Conservation Officer