

REGULAR MEETING
APRIL 7, 2008

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

1. Minutes, City Council Meeting, March 24, 2008.
2. PUBLIC HEARING: On the application of Boston Post 355 LLC. requesting construction and operation of a car wash at 355 Boston Post Rd. West.
3. Communication from the Mayor re: transfer request in the amount of \$826,950.00 re: repayment of loan to the Healthcare Trust Fund which would move funds from Health Insurance Trust to Stabilization account.
4. Communication from the Mayor re: transfer request in the amount of \$56,250.00 into two Stabilization accounts and the Police Capital Outlay.
5. Communication from the Mayor re: transfer requests in the amount of \$402,000.00 and \$50,000.00 moving funds from Stabilization to Computer Hardware and DPW Projects accounts respectively.
6. Communication from the Mayor re: transfer requests in the amount of \$9,500.00 re: costs associated with inspections and supplies for "Leavitt" parcel which would move funds from Inspectional Stabilization to Professional Technical, Assistant Plumbing Inspector, and Office Supply accounts.
7. Communication from the Mayor re: a \$15,000.00 Traffic Enforcement and Equipment Grant awarded to the Police Department.
8. Communication from the Mayor re: appointment of Albert R. DeSimone to the position of Plumbing Inspector for a term expiring on February 11, 2011.
9. Communication from the Mayor re: appointment of Sem Aykanian to the Zoning Board of Appeals.
10. Communication from the Mayor re: appointment of Attorney Gregory Mitrakas to the License Commission for a term expiring on May 31, 2012.
11. Communication from the Mayor re: reappointments of Robert Lazaros and Karl Vigeant to positions on the Recreation Commission for terms expiring on May 6, 2013.
12. Communication from the Mayor re: reappointments of David Williams and John Skarin to the Conservation Commission for terms expiring on March 5, 2011.
13. Communication from the Mayor re: reappointment of Varoojian Aykanian as Voter Registrar for a term expiring on April 1, 2011.
14. Communication from the Mayor re: reappointments of George Whapham and Diane Halper to the Arts Lottery Council for terms expiring on May 1, 2010.
15. Communication from the Mayor re: alternate appointment of Richard Towle to the Council on Disabilities for a period of three years commencing upon confirmation.
16. Application for a Special Permit from MetroPCS Massachusetts, LLC for proposed installation of a Telecommunications Facility onto the existing building located at 450 Boston Post Rd.
17. Application for a Special Permit from MetroPCS Massachusetts, LLC for proposed installation of a Telecommunications Facility onto the existing Telecommunications Tower located on 75 Donald Lynch Blvd.
18. Minutes, Board of Assessors, March 28, 2008.
19. Minutes, Planning Board, March 10, 2008.
20. TransReport, March-April 2008.
21. CLAIMS:
 - A. Bill Delguzzo, 92 Bracken Dr., vehicle damage
 - B. Michael Jaworek, 36 Berlin Rd., property damage
 - C. Gene Egizi, 46 Berlin Rd., property damage
 - D. Lilien Realty, LLC, 342 Lincoln St., property damage

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

22. **Order No. 08-1001815** - Transfer \$485,171.77 to fund second year of contract obligations – The Finance Committee reviewed the Mayor's letter dated March 6, 2008 requesting a transfer of \$485,171.77 which is required to fund year two employee contract obligations for the following departments: Police, Fire, DPW, Library, Auditor, City Clerk, Board of Health and Public Facilities. The transfers would come from Reserve for Salaries (\$376,355.02) and Fringes (\$108,816.75). **Recommendation of the Finance committee is to approve 5-0.**

From Personnel Committee

23. **Order No. 08-1001813** - Communication from Mayor Stevens recommending appointment of David McAbe as the final required appointment to the Community Development Authority, that of an individual with a financial background. In his eighth year of employ at Citizens Financial Group, Mr. McCabe is currently the Senior Vice President of Bank Integration for the RBS Lynk division. **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 24, 2008

Regular meeting of the City Council held on Monday MARCH 24, 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 8:52 p.m.

ORDERED: Minutes, City Council meeting, March 10, 2008, **FILE**; adopted.

ORDERED: Now being the time set for the 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., all were heard who wish to be heard, hearing adjourned at 8:07 p.m., **IN URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the following budget transfer in the amount of \$146,120.90 to fund a deficit in the overtime line items for both Police and Fire as a result of staff injuries, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 12100001-50420	\$76,941.52
Police Officer	
Acct. # 12100001-50820	\$9,696.72
Sergeants	
Acct. # 12200001-50450	\$59,482.66
Firefighters	

TO:

Acct. # 12100003-51310	\$76,941.52
Overtime	
Acct # 1210003-51320	\$9,696.72
OT Court	
Acct # 12200003-51300	\$59,482.66
Additional Overtime	

(Councilor Juairé abstained)

ORDERED: That the following budget transfer in the amount of \$20,000 which would move funds from Undesignated Funds to Veterans Benefits to offset a projected year-end shortfall, **APPROVED**; adopted.

FROM:

Acct. # 100-35900	\$20,000.00
Undesignated Funds	

TO:

Acct. # 154300006-57710	\$20,000.00
Veterans Benefits	

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ORDERED: That the following budget transfer in the amount of \$180,000.00 which would move funds from Undesignated Funds to DPW Repair Shop to fund a significant deficit relative to the purchase of fuel for City vehicles, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 100-35900 \$180,000.00
Undesignated Funds

TO:

Acct. # 14001406-54830 \$180,000.00
DPW Repair Shop-Fuel

ORDERED: That the appointment of Ray Hale and Janice Merk to the Board of Library Trustees whose terms expire on the First Monday in February 2011, refer to **PERSONNEL COMMITTEE**; adopted.

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, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

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, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, MAY 12, 2008** as the date for a **PUBLIC HEARING** on the application of 890 Boston Rd. LLC for adopting a proposed New Car Dealership Overlay District for Maps 62 parcels 1 and 24, refer to **PLANNING BOARD, URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

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ORDERED: That the application from David P. Gadbois, on behalf of Guterrez Co., requesting an extension of a Sewer Permit for Devonshire at 495 Center which is located between Forest St. and Hayes Memorial Dr., refer to **PUBLIC SERVICES COMMITTEE**; adopted..

ORDERED: That there being no objection thereto set **MONDAY, MAY 12, 2008** as the date for a **PUBLIC HEARING** 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, refer to **PLANNING BOARD, URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Marlborough/Hudson I-495/I-290/Route 85 Interchange Improvement Project, refer to **DPW ENGINEERING AND CONSERVATION COMMISSION**; adopted.

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

ORDERED: That the Minutes, Planning Board, February 11 & February 25, 2008, **FILE**; adopted.

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ORDERED: That the Minutes, Conservation Commission, December 20, 2007 & January 17, 2008, **FILE**; adopted.

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

- 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

Suspension of the Rules requested – granted

ORDERED: That the communication from Mark Cavanagh, Executive Director of the Massachusetts State Lottery Commission, pertinent to their latest venture, **KENO to go**, refer to **LEGISLATIVE AND LEGAL AFFIARS COMMITTEE**; adopted.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Order No. 08-1001815 - Transfer \$485,171.77 to fund second year of contract obligations – The Finance Committee reviewed the Mayor's letter dated March 6, 2008 requesting a transfer of \$485,171.77 which is required to fund year two employee contract obligations for the following departments: Police, Fire, DPW, Library, Auditor, City Clerk, Board of Health and Public Facilities. The transfers would come from Reserve for Salaries (\$376,355.02) and Fringes (\$108,816.75 **Recommendation of the Finance Committee is to approve 5-0.**

Councilor Clancy reported the following out of the Personnel Committee:

Order No. 08-1001813 - Communication from Mayor Stevens recommending appointment of David McAbe as the final required appointment to the Community Development Authority, that of an individual with a financial background. In his eighth year of employ at Citizens Financial Group, Mr. McCabe is currently the Senior Vice President of Bank Integration for the RBS Lynk division. **Recommendation of the Personnel Committee is to approve 3-0.**

Suspension of the rules requested – granted to allow the Mayor to speak.

ORDERED: That the request to increase the salary of Officer Brian Cox from the minimum contractual amount of \$41,009.37 to a step III figure of \$51,041.72, **APPROVED**; adopted.

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ORDERED: That the following budget transfer in the amount of \$27,581.00 from various Police Payroll accounts to Court OT, **APPROVED**; adopted.

FROM:

Acct. # 12100003-51920	\$6,522.00
Sick Leave Buy Back	
Acct. # 12100003-51410	\$15,000.00
First Responder	
Acct. # 12100001-50435	\$5,000.00
Police Specialists	
Acct. # 12100003-51370	\$1,059.00
Celebrations OT	

TO:

Acct. # 12100003-51320	\$27,581.00
Court OT	

ORDERED: That a transfer request in the amount of \$58,490.03 from Undesignated Funds to various other accounts as noted below, in order to address costs associated with the City's taking of Corbin plaza, **APPROVED**; adopted.

FROM:

Acct. # 100-35900	\$58,490.03
Undesignated Funds	

TO:

Acct. # 11930006-57415	\$26,255.83
Legal-Corbin Plaza	
Acct# 11930006-57416	\$10,400.00
Building Insurance-Corbin Plaza	
Acct # 11930006-57417	\$2,834.20
Liability Insurance-Corbin Plaza	
Acct # 11920006-52445	\$10,000.00
Maintenance-Corbin Plaza	
Acct # 11920006-52121	\$9,000.00
Electricity-Corbin Plaza	

(Councilor Pope opposed)

ORDERED: That the reappointments of John Peltier and Kevin Boyle as Fence Viewers for a period of one year concluding the Monday, February 2, 2009, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:52 p.m.

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**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK
MARLBOROUGH, MASSACHUSETTS 01752**

LEGAL NOTICE

**Public Hearing – Special Permit
Applicant: Boston Post 355 LLC
Locus: 355 Boston Post Rd. West
Map 88 Block 15**

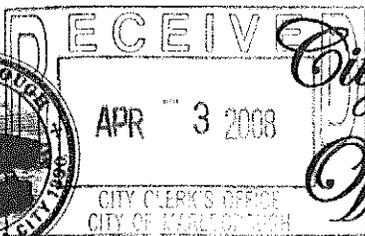
Notice is given that the **City Council of the City of Marlborough** will hold a **PUBLIC HEARING ON Monday, April 7, 2008 at 8:00 p.m. in City Council Chambers, 2nd floor City Hall, 140 Main Street, Marlborough, Massachusetts** on the application of **Boston Post 355 LLC, 355 Boston Post Rd. West** for a **Special Permit** for permission to construct and operate a car wash pursuant to the Code of the City of Marlborough, Zoning, Article V, Section 200-17. The property is located in the Business Zoning District.

The application materials and plans are available for viewing in the Office of the City Clerk, City Hall, 140 Main St., Marlborough, MA 01752, Telephone: 508-460-3775.

***Per Order of the City Council
#08-1001806***

- Please publish in the MWDN on Monday, March 24, 2008 and Monday, March 31, 2008
- **Please bill:**

Boston Post 355 LLC
355 Boston Post Rd. West
Marlborough, MA 01752



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

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April 2, 2008

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

Honorable President Vigeant and Councilors:

I am pleased to submit what is the final transfer request relative to repayment of the loan previously made to the Healthcare Trust Fund. Including the attached, this year alone, we will have transferred \$3.2M in addition to the \$800,000 transferred in FY07 allowing for full repayment of said loan in just two years. The attached transfer is for \$826,950 and will move funds from Account No. 870-59610 (Health Insurance Trust) to Account No. 836000-11515 (Stabilization).

This process has been complicated and protracted, and it is satisfying to finally have this issue resolved in its entirety.

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

Sincerely,

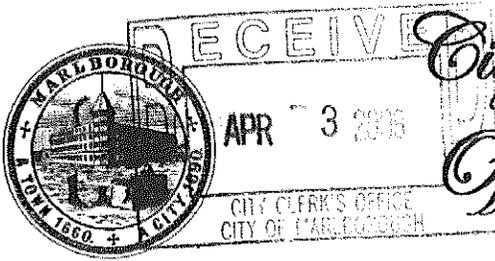
Nancy E. Stevens
Mayor

TRANSFER REQUEST

FROM ACCOUNT		TO ACCOUNT						
AVAILABLE BALANCE	AMOUNT	ORG · OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
\$ 1,100,000.00	\$ 826,950.00	870	59610 Health Ins Trust	\$ 826,950.00	836000	11515	Stabilization	

Reason: Final Health Insurance Repayment

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City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Karen H. Koby
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

April 2, 2008

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

Honorable President Vigeant and Councilors:

Monies received as part of Special Permit 04-100565D/Condition 13-B and Special Permit 06-1001025B/Condition 19-A&B were deposited, as per Department of Revenue regulations, into the General Fund. I am requesting the transfer of these associated funds into two Stabilization accounts and the Police Capital Outlay account in order to satisfy the conditions identified in the respective Special Permits.

I am requesting the transfer of \$56,250 from Account No. 100-35900 (Undesignated Funds) as follows: \$25,000 to Account No. 83600-32719 (Stabilization-Route 20 Pedestrian), \$6,250 to Account No. 83600-32720 (Stabilization-Route 20 Beautification), and \$25,000 to Account No. 19300006-58508 (Police Cruiser).

I have attached copies of the checks deposited and Special Permits for your information.

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

Sincerely,

Nancy E. Stevens
Mayor

TRANSFER REQUEST

Office of the Mayor

		FROM ACCOUNT			TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL	
	\$ 25,000.00	100	35900 Undesignated Fund	\$ 25,000.00	83600	32719	Stab Rt 20 Pedest	\$ -	
	\$ 6,250.00			\$ 6,250.00	83600	32720	Stab Rt 20 Beautifi	\$ -	
	\$ 25,000.00			\$ 25,000.00	19300006	58508	Police Cruiser		

Reason: See special permit numbers 04-100565D Cond 13-B & 06-100-1025B Cond 19-A&B

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TOWN FAIR TIRE CENTER, INC.

DISBURSEMENT ACCOUNT
ATTN PHYLLIS KLESPEER
460 COE AVE.
EAST HAVEN, CT 06512

18753/43

51-57/119

DATE 8/9/07

PAY TO THE ORDER OF City of Marlborough

\$ 25,000.00

PAY ONLY 25000.00

DOLLARS



www.fleet.com
07838 Stamford Commercial Office
Stamford, Connecticut 06901

Phyllis Klesper

FOR Special Permit Condition 19A

⑈018753⑈ ⑆01190057⑆ 00022 4939⑈

TOWN FAIR TIRE CENTER, INC.

DISBURSEMENT ACCOUNT
ATTN PHYLLIS KLESPEER
460 COE AVE.
EAST HAVEN, CT 06512

18754

51-57/119

DATE 8/9/07

PAY TO THE ORDER OF City of Marlborough

\$ 25,000.00

PAY ONLY 25000.00

DOLLARS



www.fleet.com
07838 Stamford Commercial Office
Stamford, Connecticut 06901

Phyllis Klesper

FOR Special Permit Condition 19B

⑈018754⑈ ⑆01190057⑆ 00022 4939⑈

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

VALTERO ENTERPRISES, LLC

22 PENNY LANE
MILFORD, MA 01757

BENJAMIN FRANKLIN SAVINGS BANK
FRANKLIN, MASSACHUSETTS

1243

53-7105/2113

8/21/2007

PAY TO THE ORDER OF City of Marlboro

\$ **6,250.00

Six Thousand Two Hundred Fifty and 00/100*****DOLLARS

City of Marlboro
Office of the Collector
140 Main St. 1st Floor
Marlborough, MA 01752-3898

Susan Berges

MEMO 2007 Honey Dew Donuts Mitigation fees

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE. RED IMAGE DISAPPEARS WITH HEAT.

#B(B)#1

⑈001243⑈ ⑆211371052⑆ 26803025⑈

All 3 deposited to 10093-48001

Suggest transfer: \$ 25,000 - RT 20 Pedestrian Corridor Stabilment
6250 RT 20 Beautification fund
25,000 - Police Cruiser line item.

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IN CITY COUNCIL

Marlborough, Mass., AUGUST 28, 2006

ORDERED:

NOTICE OF DECISION GRANT OF SPECIAL PERMIT

In City Council
Order No. 06100-1052B

Application of:
Town Fair Tire Center
480 Coe Avenue
East Haven, CT

Locus:
495 Boston Post Rd East
Marlborough, MA 01752

see 19
page 6

DECISION

The City Council of the City of Marlborough voted to GRANT a Special Permit to Town Fair Tire Center, to allow the sale and installation of tires for automobiles; a portion of the use involves minor repairs, changing tires and lubrication at 495 Boston Post Rd East.

Decision filed: September 5, 2006

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the fifth day of September, 2006.

This is to certify that twenty (20) days have passed since the filing of the within decision and no appeal has been filed with this office.
Given at Marlborough this 26th day of September, 2006.

Given under Chapter 40A Sec. 11 of the General Laws.

A TRUE COPY
ATTEST:

City Clerk

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IN CITY COUNCIL

SEPTEMBER 11, 2006

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Marlborough, Mass., _____



ORDERED:

Town Fair Tire Special Permit

1. Town Fair Tire Centers, Inc., a Connecticut corporation having its principal place of business at 480 Coe Avenue, East Haven, Connecticut, is hereinafter referred to as the Applicant.
2. Applicant is the proposed lessee of a portion of a certain parcel of real property located on 495 Boston Post Road East, formerly known as 481 Boston Post Rd East. The entire parcel is shown on Marlborough Assessors Map 73 as Parcel 20. The land is owned by Valtero Enterprises LLC, a Massachusetts limited liability company having its principal place of business at 22 Penny Lane, Milford, MA. The land is located entirely in a Business zone.
3. The Applicant, on or about January 19, 2006, filed with the City Clerk of the City of Marlborough an application for a Special Permit under provisions of Sec. 200-59 of the Marlborough Zoning Ordinance. Applicant intends to remodel an existing structure on the premises and use it for the sale of tires and tire accessories, which is a use permitted as of right in a Business zone. Applicant also intends to use a portion of the premises to install the tires and tire accessories sold there, and perform the related wheel alignment and tire repair. Such uses, when done in a Business zone, require a Special Permit from the City Council pursuant to Sec. 200-17 of the Marlborough Zoning Ordinance.
4. In connection with the Permit application, Applicant filed a Needs and Impact Statement, certified list of abutters, filing fee and thirteen (13) copies of the Site Plan.
5. The Site Plan was certified by the City Planner for the City of Marlborough as having complied with Rule 4, items (a) through (m) of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
6. Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing for the permit application and the City Clerk caused to be advertised said date in the Metrowest News and sent notice of said hearing to abutters entitled to notice under law.

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IN CITY COUNCIL

SEPTEMBER 11, 2006

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Marlborough, Mass.,

ORDERED:

7. The Marlborough City Council, pursuant to MGL Ch 40A, held a public hearing on February 13, 2006, concerning the said application. The hearing was opened and closed at that meeting.
8. The Applicant presented testimony at the public hearing detailing the application, and describing its impact upon municipal services and on the neighborhood, including visual impacts. No person in attendance spoke in favor of or in opposition to the proposal. However, a City Councilor indicated that one or more area residents had contacted him expressing concerns about the proposal.
9. Applicant provided further written and oral documentation to the City Council's Urban Affairs Committee regarding the impacts of the proposed project, the adequacy of the proposed parking at the site, noise impacts to neighbors, and proposed building and site modifications.

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

- A) The City Council finds that Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council as they pertain to the Application.
- B) The City Council finds that the proposed use of the site, subject to the conditions imposed below, will not be in conflict with the public health, safety, convenience and welfare and will not be detrimental or offensive. The visual and noise impacts from the proposed use have been and will be mitigated, and the limited hours of operation will minimize the noise and traffic impacts to neighbors.
- C) The City Council, pursuant to its authority under MGL Ch. 40A and Chapter 200 of the Marlborough City Code, **GRANTS** the Applicant a Special Permit to use a portion of the building in question for removal and installation of tires and wheels, tire and wheel accessories, tire repair, and relating wheel balancing and alignment, **SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Compliance With Building Regulations. Construction and modification of all structures on the site is to be in accordance with all applicable building codes in effect in the City of Marlborough and Commonwealth of Massachusetts and shall be built according to the Special Permit Site Plan described below in Paragraph 5.

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IN CITY COUNCIL

SEPTEMBER 11, 2006

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Marlborough, Mass.,

ORDERED:

2. Compliance With Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review, in accordance with the City of Marlborough ordinance, prior to the issuance of the actual Building Permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall be further conditions attached to the Building Permit and no Occupancy Permit shall be issued until all conditions are complied with by Applicant. Any other provision of this paragraph notwithstanding:
 - (a) All plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant as part of the Special Permit Application and as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
 - (b) Notwithstanding condition (a) hereof, engineering changes may be made to said plans by the Site Plan Review Committee as long as said changes do not change the use of the Project as approved herein, increase the impervious area of the Project, reduce the green area, alter traffic flow or increase the size of the building shown on the plan.

- 3) Application and Documents. All plans, drawing, site evaluations and documentation provided by the Applicant as part of this Application are herein part of the record which was relied on in the issuance of this Special Permit, and will be relied on in matters of interpretation thereof.

- 4) Compliance with Local, State and Federal Laws. The Applicant agrees to comply with all rules, regulations and ordinances of the City of Marlborough, Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of Applicant's facility, except pursuant to the terms of this Special Permit.

- 5) Incorporation of Plans and Drawings. All terms, conditions, requirements, approvals, plans and drawings required hereunder are made a part of and incorporated herein as a condition to the issuance of this Special Permit. Specifically, the approved permit will be constructed substantially as shown on certain plans filed with the Urban Affairs Committee by Applicant, entitled "Town Fair Tire Center 481 Boston Post Road (Route 20) Marlborough, Massachusetts, Scale: 1"=30', dated August 26, 2005, last revised June 2, 2006, and "Town Fair Tire Center Floor Plan & Detail" dated May 23, 2006, last revised June 2, 2006, hereinafter both referred to as "the Special Permit Site



IN CITY COUNCIL

SEPTEMBER 11, 2006

PAGE 4

Marlborough, Mass.,

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ORDENED plans". The exterior façade will be designed and constructed substantially in conformance with a colored rendering presented by Applicant to the Urban Affairs Committee, entitled "Town Fair Tire Center Preliminary Elevations, 481 Boston Post Road, Marlborough, MA, Architect Andrew C. Milliken", dated June 23, 2006, and a line rendering entitled "Town Fair Tire Center Preliminary Elevations, Scale 1/8" = 1'", 481 Boston Post Road, Marlborough, MA Architect Andrew C. Milliken", dated June 23, 2006, and a line rendering entitled "Town Fair Tire Center Preliminary Elevations, Scale 1/8" = 1') dated May 15, 2006, last revised June 2, 2006, both hereinafter referred to as "the Special Permit building renderings". The proposed freestanding sign will be designed and constructed substantially in conformance with a rendering presented to the Urban Affairs Committee, entitled "Marlborough, MA" by Poyant Signs, dated June 1, 2006, revised June 7, 2006, revised June 21, 2006 hereinafter referred to as "the Special Permit freestanding sign rendering".

- 7) Limits of Automotive Work to be Performed. Applicant will limit the scope of work at the site to sale and installation of passenger and light truck tires and custom wheels. Applicant will provide the related services of installation, wheel balancing and wheel alignment, tire repair and other tire-related work that does not involve the replacement or installation of automotive parts. Applicant will not perform any other automotive repairs, oil changes, auto body repairs, tune-ups, brakes, shocks, mufflers or front-end repairs of any kind.
- 8) Perimeter Fencing. Applicant shall erect an 8 ft. stockade fence along portions of the perimeter of the Site, all as shown on the Special Permit site plans.
- 9) Hours of Operation. Hours of Operation will be limited to Monday 8 am to 7 pm; Tuesday through Friday 8 am to 6 pm Saturday 8:30 am to 4 pm. The store will be closed on Sunday.
- 10) Location of Service Bays. All service bays will be located on the westerly side of the building, as shown on the Special Permit site plans. Three of the four bays shown on said plan will be used for tire changing and related activities. The fourth bay will be used exclusively for wheel alignment.
- 11) Façade Appearance. The materials and appearance of the facades of the building at the site will be substantially as shown on the Special Permit building renderings. No substantial façade changes will be allowed without an amendment of this Special Permit.



IN CITY COUNCIL

SEPTEMBER 11, 2006

PAGE 5

Marlborough, Mass.,

ORDERED Improvements Installed Prior to Certificate of Occupancy. All site improvements that have been shown in renderings and/or are conditions of this Special Permit will be installed prior to the issuance of any temporary or permanent occupancy certificate; provided, however, that if all other work is completed between Oct. 1 and May 1, all landscaping plants will be required to be installed by May 1. Applicant agrees that the permanent maintenance of the landscaping and other site improvements is an ongoing condition of this Special Permit, as shown on the Special Permit Site Plans.

13) Supplemental Permit Review Fee Applicant shall, at the time of application for a Building Permit, pay the sum of One Thousand Five Hundred (\$1,500) Dollars to the City of Marlborough Inspectional Services Fund to offset the increase in costs associated with the project's construction, such as, but not limited to, materials, staff, equipment and supplies related to permitting, monitoring and inspection of the project.

14) Freestanding Sign Characteristics. The entrance freestanding sign will be as shown on the Special Permit freestanding sign rendering, will be externally illuminated and will be installed along the Boston Post Rd. travel way upon Applicant's property. No signage will be illuminated except between one-half hour before opening and one hour after closing. Applicant will obtain all necessary sign permits with requesting any variances.

15) Indoor Storage of Vehicles. All vehicles of Town Fair Tire, its agents or employees will be stored in the building bays when the business is not in operation.

16) Site Lighting. No parking lot light fixture will exceed 250 watts. All fixtures will be screened from abutting residential properties. Deflectors will be utilized and configured to mitigate light from entering abutting properties.

17) Cooperation in Rte. 20 Beautification. Applicant will provide, at the recommendation of the City Planner, funds not exceeding \$2,500 per year as long as a Town Fair Tire store is in operation at the premises to pay for the planning and implementation of offsite landscaping in the area of Rte. 20 between Farm Rd. and Concord Rd; provided, however, that all funds contributed after July 1, 2008 will be used for plan implementation.

18) Trash and Tire Pickup. No trash or tire pickup will occur before 10:00 a.m. or after 6:00 p.m.

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Town 4/10
 Fair

ORDERED:

19) Mitigation Fee. In recognition of the site impact of this project and in mitigation thereof, Applicant will pay a site mitigation fee to the City of Marlborough in the amount of Fifty Thousand (\$50,000) Dollars, said payment to be due before the issuance of any Certificate of Occupancy regarding this project, the said funds to be used as follows:

- a) Twenty-Five Thousand (\$25,000) Dollars to improve public safety through the acquisition of an addition police cruiser;
- b) Twenty-Five Thousand (\$25,000) Dollars to the Rte. 20 Pedestrian Corridor Stabilization Fund, improve pedestrian safety and encourage pedestrian access to Rte. 20 through the design and construction of a continuous pedestrian corridor along the northerly side of Rte. 20 from Concord Road to Farm Road.

20) Noise Mitigation Measures. Ash shown on the Special Permit Site Plans, the air compressor will be located in a separate soundproof room to be constructed by Applicant in a portion of the area that was to be occupied by a service bay on the eastern side of the building. All tire removal machines will be located behind a wall to be constructed to the rear of the proposed westerly side service bays, said wall to be made of sound-retardant materials acceptable to the City Engineer. Entrances to said area will be screened with heavy plastic slats to reduce noise. ~~*~~ All bay doors will be operated electrically, and each door will be connected to the impact wrenches used in said bay in order to cause said wrenches to become inoperable when said bay door is more than six (6") inches from the ground. All bay doors will be equipped with timers so that if any bay door remains open for more than 90 seconds the door will automatically close. Sound-retardant walls ten (10) feet tall and twenty-four (24) feet long will be constructed between the service bays. Landscaped sound and visual improvement barriers will be constructed as shown on the Special Permit Site Plans. All tire machines will be electric and air rather than air and hydraulic. The impact air guns will be a new quieter model air gun. All said equipment will be maintained so as to minimize noise caused by their operation.

21) Advertising Signage in Windows Prohibited. No advertising signage of any kind will be allowed in the building windows at any time.

22) Noise Mitigation Enforcement. This Special Permit is being approved based upon the representation of Applicant that the noise caused by operation of equipment inside Applicant's building will not cause so-called noise "spikes" in excess of 53dbA at the rear property line, which line abuts existing residences. Prior to the issuance of a Certificate of Occupancy regarding this project, Applicant will notify the owners and tenants of the abutting residential property, in a manner satisfactory to the Building Commissioner, that any noise complaints regarding

29

Valera A Mann
331 East Main Street
Marlboro MA 01757



IN CITY COUNCIL



2005 00097301
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Page: 1 of 9 05/13/2005 03:22 PM

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Marlborough, Mass., DECEMBER 6, 2004 19

ORDERED:

NOTICE OF DECISION
GRANT OF SPECIAL PERMIT

In City Council
Order No. 04-100565D

Application of:
Valtero Enterprises, LLC. by
Atty. Aldo A. Cipriano

Locus:
Honey-Dew Donuts
481 Boston Post Road

18177 - 101

see 13
page 5

DECISION

The City Council of the City of Marlborough voted to **GRANT** a Special Permit to Valtero Enterprises, LLC. (Theofilos and Susan Gergos) for a drive-through window to be used in conjunction with a Honey Dew Donuts at 481 Boston Post Road East (Plate 73 Parcel 20), based on the Findings of Facts and Conditions attached hereto.

Decision filed: December 9, 2004

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the ninth day of December, 2004.

APPEALS

Appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A §17 and shall be filed within twenty (20) days after the date of the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough, MA.

This is to certify taht twenty (20) days have passed since the filing of the within decision and no appeal has been filed with this office.
Given at Marlborough this 30th day of December, 2004.

Given under Chapter 40A Sec. 11 of the General Laws.

A TRUE COPY
ATTEST:

[Signature]
City Clerk

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IN CITY COUNCIL

Marlborough, Mass., DECEMBER 6, 2004 19
PAGE 1

ORDERED:

DECISION ON A SPECIAL PERMIT CITY COUNCIL ORDER NO. 04-100565D

FINDINGS OF FACTS AND CONDITIONS

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to Valtero Enterprises LLC, having a usual place of business at 22 Penny Lane, Milford, Massachusetts, its successors or assigns as provided in this Decision and subject to the following Findings of Facts and Conditions:

1. Valtero Enterprises LLC is a limited liability company authorized to do business in the Commonwealth of Massachusetts having its usual place of business at 22 Penny Lane, Milford, Massachusetts and is hereinafter referred to as the Applicant.
2. Applicant is the purchaser of a certain parcel of real property with improvements thereof located at 481 Boston Post Road East, Marlborough, Massachusetts and further shown on the Marlborough Assessors Maps as Map Plate #73, Parcel #20 hereinafter ("the Site").
3. On or about July 20, 2004, the Applicant filed with the City Clerk of the City of Marlborough, an Application for a Special Permit to operate a drive-thru window in conjunction with the operation of a proposed Honey Dew Donut Coffee and Donut Shoppe at the Site.
4. The Site is currently occupied by the Marlborough Tri-Cinema which will be converted to general retail use with the front foyer/lobby area being removed during renovation of that existing building.
5. The Project which is the subject of this Special Permit is for the construction of a drive-thru donut and coffee shop consisting of one building of approximately 2,000 square feet (the "Project").
6. The Site is zoned Business B District and the proposed use is allowed with a Special Permit from the City Council.
7. Twenty three (23) parking spaces are provided in connection with the Project and are in accordance with the Zoning Ordinance requirements.

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IN CITY COUNCIL

Marlborough, Mass., DECEMBER 6, 2004 19
PAGE 2

ORDERED:

8. In connection with the Special Permit Application, the Applicant filed on or about July 20, 2004, an original and two copies of the following: (a) Application to the City Council for Issuance of a Special Permit, (b) Special Permit Application Certification by Planning Department, (c) Certified Copies of Abutters' List for the City of Marlborough, (d) Summary Impact Statement, (e) Site Plans and (f) filing fee in the amount of \$500 (collectively, the "Documents") and which Documents are incorporated herein and become part of this Decision.

9. The Site Plan was certified by the City Planner for the City of Marlborough as having complied with Rule 7 of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

10. Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing for the Special Permit Application and the City Clerk caused to be advertised said date in the Metrowest Daily News and sent notice of said Hearing to abutters entitled to notice under law.

11. The Marlborough City Council pursuant to Mass. General Law Ch.40A, held a Public Hearing on August 30, 2004, which was continued to September 13, 2004, concerning this Application.

12. The Applicant presented testimony at the September 13, 2004 Public Hearing detailing the Application, describing its impact upon municipal services, the neighborhood and traffic. At the Public Hearing, Applicant expressed a willingness to address the building design of the proposed drive-thru coffee and donut shoppe site so that the design would be reasonably consistent with a colonial theme historic style instead of contemporary designed donut shoppes.

13. Applicant further agreed to address ingress and egress for the Site through the redesign of entrances and exits.

14. Applicant provided further oral testimony and written documentation to the City Council and the City Council's Urban Affairs Committee regarding the Site, traffic impacts of the proposed project, the adequacy of the proposed parking at the Site, proposed building and site modifications, landscaping, drainage, lighting, and other improvements to the Site.

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

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IN CITY COUNCIL

Marlborough, Mass., DECEMBER 6, 2004
PAGE 3 19

ORDERED:

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

B) The City Council finds that the proposed use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough. The City Council makes this determination subject to the completion and adherence by the Applicant, its successors or assigns to the conditions more fully set forth herein.

C) The City Council finds that it may issue the Special Permit, subject to such terms and conditions, as it deems necessary, to encourage the most appropriate use of the Site and promote the health and general welfare of the citizens of the City of Marlborough.

D) The City Council, pursuant to its authority under Mass. General Laws Ch.40A GRANTS the Applicant a Special Permit to construct and operate a drive-thru at the Site, as per the application documents, the findings, and plans submitted to the City Council and the City Council's Urban Affairs Committee, and SUBJECT TO THE FOLLOWING ADDITIONAL CONDITIONS:

1) Construction of all structures on the Site is to be in accordance with all applicable building codes and zoning regulations in effect in the City of Marlborough and Commonwealth of Massachusetts. The Project shall be constructed, maintained and operated according to the specifications, terms, and conditions of the Applicant's Special Permit Application and Site Plan prepared by Bruce Saluk and Associates, dated July 8, 2004 filed with the Special Permit Application, as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, and most recently revised November 23, 2004 and designated as Revision No. 9 on the plans. ✓

2) The issuance of the Special Permit is further subject to detailed Site Plan Review, in accordance with the City of Marlborough ordinance, prior to the issuance of the actual Building Permit. Any additional changes, alterations, modification or amendments as required by Site Plan Review shall be further conditions attached to the Special Permit, and no Occupancy Permit shall be issued until all conditions are complied with by Applicant. Site Plan Review shall be consistent with this Special Permit and Site Plan Approval shall not be issued until Applicant complies with all conditions. ✓

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15

DECEMBER 6, 2004
PAGE 4

3) All project work will be as shown on a plan entitled, "Concept Plan on Special Permits" dated July 8, 2004 as amended during the application/hearing process before the City Council and/or Urban Affairs Committee, and most recently revised November 23, 2004 and designated as Revision No. 9 on the Plans.

4) The donut shop building design will be consistent with the furnished color plan proposed by AYOUB Engineering, Pawtucket, Rhode Island, dated October 29, 2004 as presented and submitted to the City Council's Urban Affairs Committee on November 16, 2004.

5) Prior to the issuance of any Occupancy Permit for this Project, Applicant will have completed construction of the improvements along Rte. 20 and to the entrances and exits of the Site that are shown on Site Plan, as amended during the application/hearing process before the City Council and/or Urban Affairs Committee, and most recently revised November 23, 2004 and designated as Revision No. 9 on the plans and as may be further modified through Site Plan Review. To the extent, however that modifications are made to the entrances and exits of the Site Plan that in any way alter the traffic flows as represented in the final revision of the Site Plan, then Applicant shall return to the City Council for approval of these modifications to the Special Permit. Applicant shall apply for and get all necessary permits from the necessary parties.

6) In connection with the installation of improvements within public right-of-ways which requires a street opening permit, the City Engineers shall be provided with a schedule of work and the construction procedures to be utilized prior to the commencement of such work. To the extent a police detail is required for such improvements, the Applicant and not the City of Marlborough will bear the costs of any police detail for any work performed within the public way.

7. All terms, conditions, requirements, approvals, plans, and drawings required hereunder are made a part of and incorporated herein as a condition to the issuance of this Special Permit.

8. Vertical granite curbing will be provided along the front and at the entrances to the Site, and will be installed so as to discourage trucks and other vehicles from parking along Rte. 20 in front of Site. Applicant shall, at the time of application for a Building Permit, pay the sum of One Thousand Five Hundred (\$1,500) Dollars to the City of Marlborough Inspectional Services Fund to offset the increase in costs associated with the Project's construction. Funds shall be expended as needed to provide staff, materials, equipment and supplies relative to the permitting, monitoring and inspection of the Project.

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9) The drive-thru window shall only be applicable to the Honey Dew Donut Shoppe. Any other uses or users of any type or nature must go before the City Council for further review for the purpose of changing said use or users and approval of said uses or users.

10) All signage at the subject location shall comply with the existing City of Marlborough Sign Ordinance without variance and shall be as shown on the AYOUB Engineering plan dated October 29, 2004 together with entrance way signage as displayed on the Site Plan as revised November 23, 2004.

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11) All illumination of individual parking lot light fixtures shall not exceed 400 watts fixtures and shall be screened from abutting residential property. Reflectors shall be utilized and configured to mitigate light from entering abutting properties.

12) No deliveries shall occur during 9:00 p.m. and 7:00 a.m.

13) In recognition of site impact and in mitigation thereof, Applicant shall pay a mitigation fee of \$50,000.00 (fifty thousand) to the City of Marlborough as follows:

A) \$25,000 (twenty five thousand) upon issuance of the Building Permit for the approved donut shoppe facility for the following public purposes: \$10,000 (ten thousand) for beautification of Route 20 under the supervision of the DPW Commissioner; \$10,000 (ten thousand) for public safety purposes including acquisition of traffic counters and decibel meter under the supervision of the Police Chief and DPW Commissioner; and \$5,000 (five thousand) for playground purposes at the Kane School under the supervision of the Public Facilities Director.

① #1243 \$6250
8/21/07

B) The sum of \$6,250 (six thousand two hundred fifty) per year for four years on the anniversary date of the first \$25,000 payment for a total of \$50,000 (fifty thousand). All payments under this subsection B are to be applied to the beautification of Route 20 under the direction of the DPW Commissioner.

C) In the event that Applicant sells or otherwise conveys the real property, which is the subject matter of this Permit, to a third party, then all remaining payments are accelerated and will be paid at or before the time of such sale.

4
17

DECEMBER 6, 2004
PAGE 6

- 14) As to the subject site, no trash pick up shall occur before 7:00 a.m. or after 9:00 p.m.

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

(b) Notwithstanding condition (a) hereof, engineering changes may be made to said plans by the Site Plan Review Committee so long as said changes do not change the use of the Project as approved herein, increase the impervious area of the Project, reduce the green area alter traffic flow or increase the size of the building shown on the plan.

- 16) The Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Applicant's Special Permit Application, as amended during the application/hearing process before the City Council and/or the Urban Affairs Committee, Site Plan Review, and in compliance with the Conditions of the Grant of Special Permit.

- 17) All catch basins shall be installed in accordance with the plans submitted to the City Council and/or the City Council's Urban Affairs Committee. The catch basins shall be monitored on a semi-annual basis with reports given to the City Engineer. The catch basins are to be cleaned annually, or at more frequent intervals as determined necessary by the City Engineer.

- 18) Snow storage is to be provided on-site. The Applicant may elect to utilize off-site storage. Snowmelt runoff is to be directed toward catch basins.

- 19) Parking areas will be swept and maintained as necessary. Pursuant to the provisions of Mass General Law Ch. 90 §18, the Applicant shall submit a written request and grant of authority to the Marlborough Traffic Commission (the "Commission") to promulgate legally enforceable rules and regulations for the control of on-site traffic and parking. Applicant shall be responsible for providing, installing and maintaining all signage or markings required by the Commission. Such signage or markings shall meet the standards of the uniform Manual of Traffic Control Devices.

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IN CITY COUNCIL

Marlborough, Mass., DECEMBER 6, 2004 19
PAGE 7

ORDERED:

- 20) Applicant agrees to plant and maintain the Project landscaping as shown on the Site Plan as submitted to the City Council and/or the City Council's Urban Affairs Committee as may be amended during Site Plan Review.
- 21) Water and sewer services provided to the Project shall be subject to currently available citywide water and sewer charges subject to annual adjustment by the Commissioner of Public Works. Water and sewer connections shall be subject to separate approval process and conditions.
- 22) Applicant shall erect and maintain an 8-foot stockade fence along the back perimeter of the Site in order to shield noise and light from neighboring residential properties. Applicant further agrees to plant and maintain a row of evergreens along the inside perimeter of the stockade fence as recommended by Site Plan Review.
- 23) The drive-thru window shall employ a pedestal speaker system of a quality that seeks to minimize the noise emanating from the speaker system and with full compliance of the noise ordinance. The drive-thru audio speakers shall not produce noise at the property line greater than that which would be allowed at the property line in a Residential District.
- 24) Applicant agrees to enclose the outside storage refrigeration area with the same façade design as proposed for the building in the color plan proposed by AYOUB Engineering, Pawtucket, Rhode Island, dated October 29, 2004.
- 25) Applicant agrees to screen the Project's trash area by constructing a 7-foot stained cedar screen. Applicant further agrees that the dumpsters located on the site will be covered.
- 26) Applicant agrees that the Site will be subject to a review of the traffic configuration after one-year to determine whether any alterations need to be made to the entrances and egresses to the Site to accommodate traffic flow and ensure public safety and agrees to make changes in compliance with the Marlborough Department of Public Works and Traffic Commission's recommendations.

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IN CITY COUNCIL

Marlborough, Mass., ~~DECEMBER 6, 2004~~¹⁹
PAGE 8

ORDERED:

27) This Special Permit applies only to the Project. In the event the Applicant seeks to make other modifications that require a Special Permit to other areas of the Site including, but not limited to, the building currently occupied by the Marlborough Tri-Cinema, the Applicant shall be required to submit a separate Special Permit Application.

Yea: 10 - Abstain: 1

Yea: Katz, Ferro, Schafer, Pope, Webster, Clancy, Towle, Ossing, Stevens, Vigeant

Abstained: Yurkus

ADOPTED

In City Council

Order No. 04-100565D

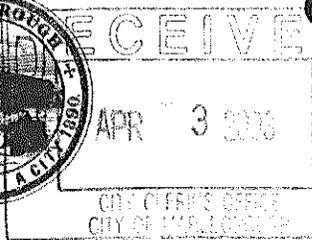
Adopted December 6, 2004

A TRUE COPY

ATTEST:

[Signature]
City Clerk

[Signature]
Kathleen S. Register



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

5,
Nancy E. Stevens
MAYOR

Karen A. Kirby
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

April 2, 2008

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

Honorable President Vigeant and Councilors:

At the Finance Committee meeting on March 31st, there was much discussion surrounding the capital bond requests submitted on behalf of the IT Department for computer hardware and the DPW for GPS vehicle system purchases. As per these discussions, I am submitting herewith two budget transfer requests for your consideration; both would move funds from Account No. 836000-11515 (Stabilization) to either Account No. 19300006-8618 (Computer Hardware) in the amount of \$402,000 or Account No. 19300006-58514 (DPW Projects) in the amount of \$50,000.

These are being made available as an alternate funding source consideration to the prior capital bonding requests for each for your further review and discussion.

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 CO:OBJECT ACCOUNT DESCRIP	AMOUNT
\$ 6,619,910.97	\$ 50,000.00	836000 11515 Stabilization	\$ 50,000.00
		19300006 58514 DPW PROJECTS	\$ 11,038.00
			AMOUNT AVAIL

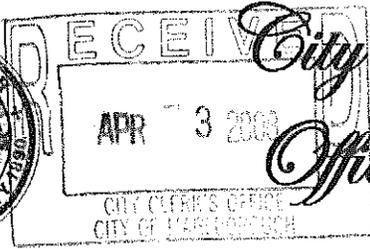
Reason: To fund GPS vehicle system

TRANSFER REQUEST

		FROM ACCOUNT			TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG COI	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
\$ 7,021,910.97	\$ 402,000.00	836000	11515	Stabilization	\$ 402,000.00	19300006	58618	Computer HDW	\$ -

Reason: To fund FY 09 Capital for the I.S. Department

53



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

61
Nancy E. Stevens
MAYOR

Karen H. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

April 2, 2008

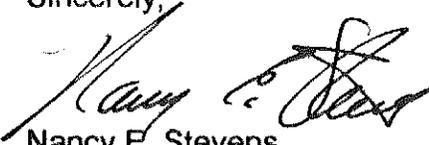
Council President Arthur G. Vigeant
Marlborough City Council
Marlborough City Hall – 2nd Floor
140 Main Street
Marlborough, MA 01752

Honorable President Vigeant and Councilors:

In order to offset the costs associated with inspections and supplies for the "Leavitt" parcel, Old Navy, Design Pak, Renaissance Lofts, Assabet Ridge and Christopher Heights, the attached budget transfer request is required. With same, \$9,500 will be moved from Account No. 836000-32717 (Inspection Stabilization) as follows: \$8,200 to Account No. 1241004-53180 (Professional & Technical), \$1,000 to Account No. 1241001-50960 (Assistant Plumbing Inspector), and \$300 to Account 1241004-55422 (Office Supplies).

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

Sincerely,


Nancy E. Stevens
Mayor

62

TRANSFER REQUEST

FROM ACCOUNT		TO ACCOUNT						
AVAILABLE BALANCE	AMOUNT	ORG COI/OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
\$ 10,000.00	\$ 9,500.00	836000	32717 Inspectional Stabilization	\$ 8,200.00	1241004	53180	Prof & Tech	\$ 1.41
				\$ 1,000.00	1241001	50960	Asst. Plumb Insp	\$ 236.11
				\$ 300.00	1241004	55422	Office Supplies	\$ 892.02

Reason: See request from Department Head

***		DETAIL OF DESIGNATED STABILIZATION ACCOUNTS:	
		6/30/2007	6/30/2008
83600-32700	Neighborhood Mini-Grants	\$26,980.05	\$26,980.05
83600-32701	Public Safety Fund	\$164,500.00	\$164,500.00
83600-32703	Building Department	\$17,000.00	\$17,000.00
83600-32704	Harvard/Parmenter St.	\$55,000.00	\$55,000.00
83600-32705	Traffic Studies	\$19,800.00	\$19,800.00
83600-32706	Millham Upgrade	\$15,000.00	\$15,000.00
83600-32707	Rehab Pumping Station	\$19,047.83	\$19,047.83
83600-32708	Cedar Hill St.	\$711,645.67	\$711,645.67
83600-32709	Signalization	\$25,594.23	\$25,594.23
83600-32710	National Grid/William St.	\$30,000.00	\$30,000.00
83600-32711	Capacity Study	\$320,384.60	\$320,384.60
83600-32712	Robin Hill St.	\$205,000.00	\$0.00
83600-32713	Hemenway St. Sidewalk	\$51,000.00	\$0.00
83600-32714	Robin Hill Cemetery	\$10,000.00	\$10,000.00
83600-32715	Southwest Sidewalks	\$25,000.00	\$25,000.00
83600-32717	Inspectional Services		10,000.00
83600-32718	Affordable Housing		52,500.00
		\$1,695,952.38	\$1,502,452.38
			(\$193,500.00)



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

April 3, 2008

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

Honorable President Vigeant and Councilors:

The Commonwealth's Executive Office of Public Safety – Highway Safety Division has awarded the Marlborough Police Department a \$15,000 Traffic Enforcement and Equipment Grant. This reimbursement grant will be used for traffic enforcement patrols (\$10,000) and Lidar/radar equipment purchases (\$5,000) aimed at increasing the Department's visibility and enforcement mobilizations during the calendar period December 2007-September 2008. Speeding, aggressive driving, impaired driving and occupant safety will be the core focus.

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

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

Sincerely,

Nancy E. Stevens
Mayor

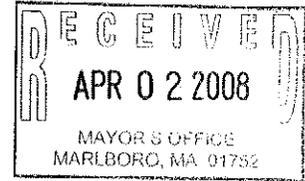


MARK F. LEONARD
Chief of Police

72

City of Marlborough POLICE DEPARTMENT

508-485-1212 • FAX 508-624-6949
355 BOLTON STREET • MARLBOROUGH, MA • 01752



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

April 1, 2008

Dear Mayor Stevens:

The Marlborough Police Department has been awarded a grant in the amount of \$15,000 from the Commonwealth of Massachusetts, Executive Office of Public Safety. The grant is a reimbursement grant, and \$10,000 will be used for officer overtime for traffic enforcement and \$5,000 will be used to purchase traffic enforcement equipment.

Attached is a copy of the grant contract. I am requesting that the grant award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

Mark F. Leonard
Chief of Police

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CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Police Department DATE: 3/25/2008

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Captain Timothy Naze

NAME OF GRANT: Traffic Enforcement and Equipment Grant

GRANTOR: Executive Office of Public Safety Highway Safety Div

GRANT AMOUNT: \$15,000.00

GRANT PERIOD: 12/12/07-09/3/2008

SCOPE OF GRANT/
ITEMS FUNDED High visibility Traffic Enforcement & equipment
Traffic enforcement patrols
Lidar / Radar equipment

IS A POSITION BEING
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? 20% in-kind match of total project cost

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:
Man hours
Vehicle/Fuel

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: ASAP

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



COMMONWEALTH OF MASSACHUSETTS - STANDARD CONTRACT FORM

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

→ Contractor Legal Name (and d/b/a): City of Marlborough Police Department		Department MMARS Alpha Code and Name: EPS	
→ Legal Address (from W-9): 355 Bolton Street Marlborough Ma 01752		Business Mailing Address: 10 Park Plaza, Boston, MA 02116	
→ Special Mailing Address (from W-9): 140 Main ST. Marlborough Ma 01752		Dwling Address (if different):	
→ Contract Manager: Captain Timothy J. Naza		Contract Manager: Cynthia L. Duggan, Executive Director Office of Grants and Research	
→ E-Mail Address: tnaza@marlborough-ma.gov	→ Phone: 508-624-6967	E-Mail Address: Cynthia.Duggan@state.ma.us	Phone: (617) 725-3301
→ Fax: 508-624-6949	→ TTY:	Fax: (617) 727-4764	TTY:
→ Type of Incorporation (if a corporation) or "N/A": N/A		MMARS Doc ID#:	
→ MMARS Object Code: P01		RFR/Procurement or Other ID Number (if applicable):	
		Accounting Funding Contract: 8000-4604	

NEW CONTRACT

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

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

PROCUREMENT OR EXCEPTION TYPE (Check one option only):
 Single Department Procurement/Single Department User Contract
 Single Department Procurement/Multiple Department User Contract
 Multiple Department Procurement/Limited Department User Contract
 Statewide Contract (OSD or an OSD-designated Department)
 Grant (as defined by [25A:02B](#))
 Emergency Contract (attach justification)
 Contract Employee (Complete [Procurement Status Form](#))
 Collective Purchase (attach OSD approval)
 Legislative/Legal Exemption (attach authorizing language)
 Other (Specify and attach documentation):

ANTICIPATED START DATE: 12/1/2007 (Enter the Date Contract Obligations may begin. Review Certification for Effective Date Below prior to entry.)

CONTRACT END DATE: 9/30/2012

CONTRACT AMENDMENT/RENEWAL

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

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

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

ANTICIPATED START DATE: _____ (Enter the Date Amendment Obligations may begin. Review Certification for Effective Date Below prior to entry.)

NEW CONTRACT END DATE: _____

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

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT (Reference to attachments is insufficient):
 For Activities Related to the Highway Safety Traffic Enforcement and Equipment Grant Program

CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, or an earlier Start date listed above, the "Effective Date" of this Contract or Amendment shall be the latest date this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, a later Contract or Amendment Start Date specified above, or the date of any required approvals. By executing this Contract/Amendment, the Contractor makes, under the pains and penalties of perjury, all certifications required under the attached *Director's Certifications*, and has provided all required documentation noted with a "→", or shall provide any required documentation upon request, and the Contractor agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein, including the terms of the applicable Commonwealth Terms and Conditions available at www.mass.gov/oa under *Guidance For Vendors - Forms* or at www.mass.gov/osa under *OSD Forms*, the terms of the attached *Instructions*, the Request for Response (RFR), solicitation (if applicable) or other authorization, the Contractor's response to the RFR or solicitation (if applicable), and any additional negotiated performance or budget provisions. The terms of this Contract shall survive its termination for the purpose of resolving any claim, dispute or other Contract action, or for effectuating any negotiated representations and warranties. **THE PARTIES HEREBY ALSO CERTIFY THAT (Check one option only):**

- the Contractor has NOT incurred any obligations triggering a payment obligation for dates *prior* to the Effective Date of this Contract or Amendment; OR
- any obligations incurred by the Contractor *prior* to the Effective Date of this Contract or Amendment (for which a payment obligation has been triggered) are intended to be part of this Contract/Amendment and shall be considered a final Settlement and Release of those obligations which are incorporated herein, and upon payment of these obligations, the Contractor forever releases the Commonwealth from any further claims related to these obligations.

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:
 → X: Mark F. Leonard Date: 12/17/07
 (Signature and Date Must Be Handwritten At Time of Signature)
 → Print Name: Mark F. Leonard
 → Print Title: Chief of Police

AUTHORIZING SIGNATURE FOR THE DEPARTMENT:
 X: Cynthia L. Duggan Date: 12/18/07
 (Signature and Date Must Be Handwritten At Time of Signature)
 Print Name: Cynthia L. Duggan
 Print Title: Executive Director, Office of Grants and Research

2007-2008 SCOPE OF SERVICES High Visibility Enforcement and Equipment Grant

In support of the 2007-2008 Traffic Enforcement and Equipment Grant Program, the Police Department will conduct high visibility traffic enforcement in accordance with the original Application for Grant Funds (AGF) (copy located on website at www.mass.gov/highwaysafety) and its application submitted to the Executive Office of Public Safety and Security (EOPSS) which is on file at the Highway Safety Division (HSD).

- No grant enforcement activity can occur until a contract has been signed by the city or town and the Executive Office of Public Safety and Security. No costs incurred will be reimbursed before the city or town receives written or verbal notification of the official start date from the EOPSS/HSD. There can be no exceptions.
- Enforcement activity must only be conducted during the mobilization periods listed on the attached program budget and under the terms detailed in the AGF.
- Patrols under this grant must be no less than two hours or greater than four in length and devoted solely to traffic enforcement activities. If more than four hour patrols per day by the same officer are to be conducted, a non-EOPSS funded two hour patrol must occur in between the EOPSS funded patrols.
- With prior EOPSS/HSD approval and a department plan, the department will be allowed to increase the number of hours beyond the four-hour block and the number of personnel assigned to conduct sobriety checkpoints during the three Drunk Driving. Over the Limit. Under Arrest. Mobilizations.
- Officers funded during this grant shall be dedicated in total to traffic law enforcement, except in the case of a criminal offense committed in the officer's presence, in the case of response to an officer in distress, in the case of a riot where all available personnel must be committed.
- If an officer makes an arrest during the shift, but does not complete the arrest before the shift is scheduled to end, the officer can continue working under the grant to complete that arrest. Requests for reimbursement must not exceed the Mobilization budget per department **and must be noted.**
- Patrols for the Drunk Driving. Over the Limit. Under Arrest. Mobilizations should target between 2 p.m. and 7 a.m. Wednesday through Sundays. HOWEVER, departments may conduct overtime activity every day of the week, and any time of the day to target impaired driving, lack of safety belt use, speeding and other risk taking motor vehicle behaviors.
- Patrols should be one officer per cruiser; however, multiple cruisers may be out at one time in different locations in the community.
- Funding is allocated evenly among each mobilization period. Upon completion of one mobilization period, any remaining funding is unavailable and cannot be rolled over to the next mobilization.
- **Grant patrols should generate a minimum of three documented motor vehicle stops per hour.**
- All patrols must be conducted by personnel who meet the criteria as detailed in AGF.

- All public communications and/or news releases regarding the grant must state the Executive Office of Public Safety and Security is the funding source. Prior approval must be obtained for news releases related to this program not based on sample releases provided by the HSD on the website at www.mass.gov/highwaysafety.
- In-kind services, events, activities and associated costs must be documented and provided to the HSD along with the expenditure and activity reports for grant files. The required In-kind match must be in accordance with established amounts agreed upon in the AGF and the Police Department's proposal.
- Activity and Expenditure Forms must be submitted for reimbursement by the dates noted on the forms. Failure to submit these forms in a timely manner may subject the grant to suspension or termination.
- Lack of activity for any mobilization period may subject the grant to suspension, termination or non-reimbursement.
- During the grant period, with 48 hours notice, audits may be conducted of department's enforcement records. All departments must keep on file copies of all citations written under the EOPSS enforcement grant and additional pertinent information for three years after the grant terminates.
- Departments are eligible to purchase equipment, materials and training services between \$3,000 and \$12,000, based on population, only after successful completion of the 2008 Road Respect and Click It or Ticket Mobilizations. Department will receive an EOPSS *Authorization to Proceed* form and be based on an approved list of equipment, materials or training, or written approval for an alternative item(s). Purchases must be made after July 1, 2008 and received prior to September 15, 2008. No items may be purchased prior to July 1, 2008. The EOPSS reserves the right to change equipment purchase dates and approved items.
- Departments must adhere to additional equipment purchase guidelines as outline in AGF.
- This is a cost reimbursement grant.

(December 2007)

Scope of Work – Traffic Enforcement and Equipment Grant Program

Eligible enforcement activities under this contract include funding for high visibility traffic enforcement of motor vehicle laws, including but not limited to, speeding and aggressive driving, impaired driving and occupant protection.

In addition, this contract provides for the funding of certain traffic safety equipment and materials supportive of the enforcement activities as specified in the annual application for grant funds.

Changes to this scope may be made as part of the annual Highway Safety Plan and the annual Federal Grant Award that provide for this grant program.

Amounts received each year will be specified in the award letters issued to the jurisdiction.

The receipt of funds is subject to availability of funds and any other provisions specified in the Highway Safety Plan and the Federal Grant Award. The use of a multiple year contract is merely being used to streamline the contracting process and reduce the amount of annual paperwork associated with this grant/program. All funding shall be subject to Federal Grant Awards and contracts shall terminate in the event funds are exhausted and/or not made available by the Federal Government for this program. If the grantee makes obligations in anticipation of receiving funds under this grant, the grantee does so at their peril and the Commonwealth will be under no obligation to make payments for such performance.

2007-2008 Traffic Enforcement and Equipment Grant Budget

Enforcement Mobilizations

Five Mobilizations at \$2,000 each.....\$10,000

*Equipment, Training and Materials
(to be purchased after July 1, 2008).....5,000

Maximum Obligation: \$15,000

Mobilization Dates:

Drunk Driving. Over the Limit. Under Arrest.

*December 12, 2007 – January 2, 2008

(start effective with date of EOPSS signed contract)

Road Respect

March 26, 2008 through April 16, 2008

Click It or Ticket

May 14, 2008 through June 4, 2008

Drunk Driving. Over the Limit. Under Arrest.

July 2, 2008 through July 23, 2008

Drunk Driving. Over the Limit. Under Arrest

August 13, 2008 through September 3, 2008

Equipment, Training and Materials Funding:

Funding will be released after July 1, 2008 and after successful completion of the 2008 Road Respect and Click It or Ticket

Mobilizations. HSD will issue an Authorization to Proceed Form prior to any action to be taken by department.

Department may not conduct a Mobilization for reimbursement until contractor receives verbal or written notification that the contract has been signed and approved by EOPSS.



CE

RE 3

CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

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 28, 2008

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

Honorable President Vigeant and Councilors:

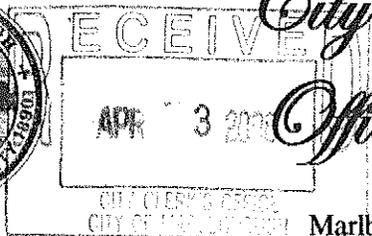
I am submitting the name of Albert R. DeSimone for appointment to the position of Plumbing Inspector replacing the recently retired Henry Pacific. While Plumbing/Gas Inspector for the town of Northborough since 1996, Mr. DeSimone has served as alternate Plumbing Inspector in the City under Mr. Pacific since 2002. Prior to his employ with the town of Northborough, he was Assistant Plumbing/Gas Inspector for the town of Southborough for the period 1988-2002. Licensed as both a Journeyman and Master Plumber, Mr. DeSimone has been in the plumbing/gas/heating business since 1969. He meets all criteria for the position as outlined by the requirements of the Commonwealth.

Mr. DeSimone's term would be one of three years expiring on February 11, 2011.

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

Sincerely,

Nancy E. Stevens
Mayor



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 28, 2008

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

Honorable President Vigeant and Councilors:

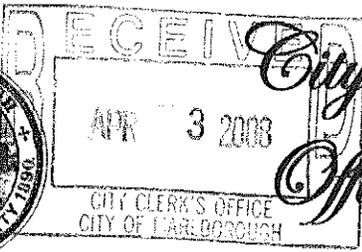
I am submitting the name of Sem Aykanian for appointment to the Zoning Board of Appeals. Atty. Aykanian has been an active resident of the City of Marlborough both as a business owner and contributing member of community organizations such as the Marlborough Rotary.

Atty. Aykanian will be filling the position of Quincy Spear whose term expired in May 07.

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

Sincerely,

Nancy E. Stevens
Mayor



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

101
Nancy E. Stevens
MAYOR

Karen T. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

April 2, 2008

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

Honorable President Vigeant and Councilors:

I am submitting the name of Attorney Gregory Mitrakas for appointment to the License Commission. Mr. Mitrakas will bring both his business experience and legal background to the Commission in completing the term of the appointment previously held by the late Herman Hudson through May 31, 2012. I am confident that Mr. Mitrakas' qualifications will prove to serve the License Commission well in its oversight of important licensing issues within the City.

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

Sincerely,

Nancy E. Stevens
Mayor

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LAW OFFICES OF
GREGORY G. MITRAKAS

297 EAST MAIN STREET (ROUTE 20)
MARLBOROUGH, MASSACHUSETTS 01752-2653
TELEPHONE (508) 481-4544
FACSIMILE (508) 480-8228

April 2, 2008

The Honorable Nancy Stevens
Mayor, City of Marlboro
140 Main Street
Marlboro, MA 01752

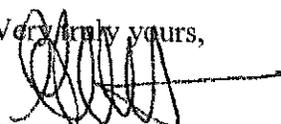
Dear Mayor Stevens:

I am interested in being appointed to the Marlboro License Board. I believe my background as an attorney and local businessman equip me well to assist the Board in ensuring compliance with the rules, regulations, local ordinances, and state laws pertaining to the licenses under the Board's jurisdiction.

If appointed, I plan to be an active member of the Board so the safety and interests of the public are protected and served efficiently.

Thank you for your consideration.

Very truly yours,



Greg Mitrakas, Esq.
gm.ms



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Stevens, Nancy

From: City Council

Sent: Friday, January 18, 2008 5:13 PM

To: Stevens, Nancy

Subject: from Councilor Vigeant - Nomination of Greg Mitrakas for Appointment to License Board

Dear Mayor Stevens:

I would like to submit for your consideration the name of Gregory Mitrakas for appointment to the License Board to fill the unexpired term of Herman Hudson who recently passed away.

Mr. Mitrakas has expressed his interest to me, and I believe he would be an asset to the Board. With his legal background and business experience, the City would be lucky to have him as a volunteer for this post.

Thank you,
Councilor Vigeant



RECEIVED

APR 3 2008

CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

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

11
Nancy E. Stevens
MAYOR

Karen H. Kistly
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

March 28, 2008

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

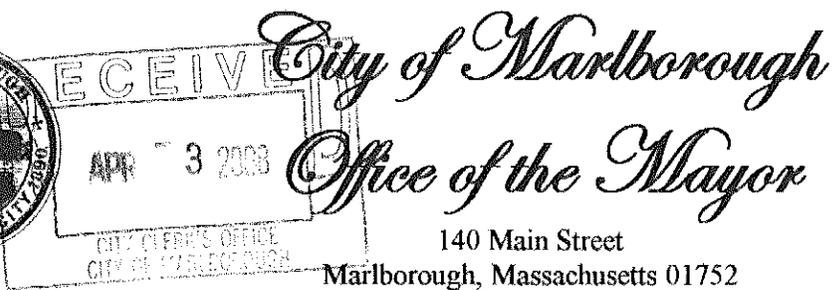
Honorable President Vigeant and Councilors:

I would like to reappoint both Robert Lazaros and Karl Vigeant to positions on the Recreation Commission for another five year term expiring on May 6, 2013. Their experience is valued by our Recreation Director and staff. It is my opinion that allowing for their continued service will provide the best representation on the Recreation Commission.

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

Sincerely,

Nancy E. Stevens
Mayor



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

12
Nancy E. Stevens
MAYOR

Karen H. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

March 28, 2008

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

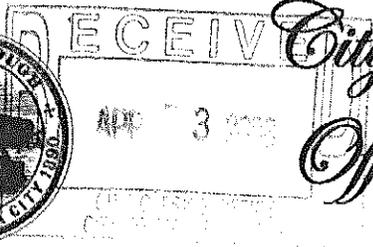
Honorable President Vigeant and Councilors:

I am submitting for your approval David Williams and John Skarin for reappointment to the Conservation Commission. Both gentlemen have served long term on the Commission, and their continued participation and interest in conservation issues before the City would be prove extremely beneficial. The reappointment for Mr. Williams and Mr. Skarin would be for a period of three years ending on March 5, 2011.

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

Sincerely

Nancy E. Stevens
Mayor



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

13

Nancy E. Stevens
MAYOR

Karen H. Kirby
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

March 28, 2008

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

Honorable President Vigeant and Councilors:

I am submitting herewith the name of Varoojian Aykanian for reappointment as Voter Registrar. This reappointment would be for a period of three years expiring on April 1, 2011. Mr Aykanian's experience as a Voter Registrar is a valued asset during the City's election processes.

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

Sincerely,

Nancy E. Stevens
Mayor



RECEIVED
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

141
Nancy E. Stevens
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

March 28, 2008

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

Honorable President Vigeant and Councilors:

George Whapham and Diane Halper, two current members of the Arts Lottery Council, continue to support many of the various arts events held throughout the City. Mr. Whapham's 30 year involvement with the City's Labor Day parade (27 years as Parade Director) as well as numerous other years of volunteer work for a variety of art and community-related events point to his dedication to the City. Mrs. Halper has worked for many years volunteering her time for the costuming of various school theatrical productions as well as volunteering with the Citizens Scholarship Foundation and the MHS All-Nighter.

I am submitting both individuals for reappointment for another two years term expiring May 1, 2010.

In addition, I would like to submit Cheryl Desautels, Nena Bloomquist, Jackie DiBuono and Ruth Crowell to be new members of the Arts Lottery Council. The Council currently has only the minimum of five members (maximum number is twenty-two individuals) making it difficult to meet quorum numbers and distribute the work load in an effective manner.

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

Sincerely,

Nancy E. Stevens
Mayor



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

142



January 22, 2008

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

Mayor Stevens:

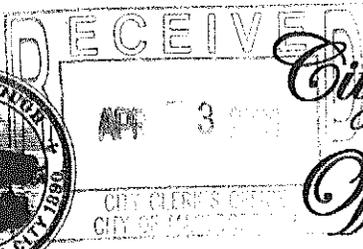
I would like to present the following names for nomination to the Marlborough Arts Lottery Council:

Cheryl Desautels
Nena Bloomquist
Jackie DiBuono
Ruth Crowell

The Council presently has 5 members and there is a need to increase the membership in order to conduct the grant process and because some of the terms will be expiring in May, 2008. I respectfully ask that you consider this request.

Respectfully submitted,

Diane C. Halper, Chair
Marlborough Arts Lottery Council



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

15

Nancy E. Stevens
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

April 2, 2008

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

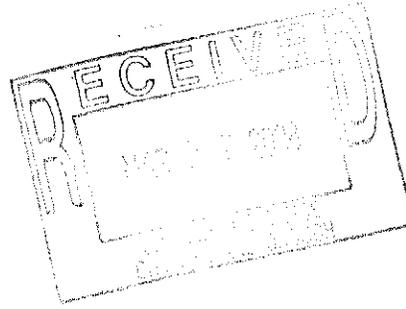
Honorable President Vigeant and Councilors:

After having served for many years as the City Council representative to the Council on Disabilities, Richard Towle remains interested in continuing his contribution to this group. I would like to submit former Councilor Towle as an appointed alternate to the Council of Disabilities. His term would be for a period of 3 years commencing upon confirmation.

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

Sincerely,

Nancy E. Stevens
Mayor



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March 27, 2008

VIA HAND DELIVERY

Marlborough City Hall
140 Main St.
Marlborough, MA 01752

RE: MetroPCS – Application for Special Permit
Site Location: 450 Boston Post Rd, Marlborough, MA

Dear Members of the Board:

Enclosed please find an application for Special Permit, submitted on behalf of MetroPCS Massachusetts, LLC for the proposed installation of a Telecommunications Facility onto the existing building located at 450 Boston post Rd.

Enclosed please find the following:

- Special Permit Application with Associated Filing Checks
- Special Permit-Summary Impact Statement
- Summary of Proposals
- Antenna Specification Sheet
- Cabinet Specification Sheet
- Letter of Authorization from the Building Owner
- Certified Abutters List
- Certification by Planning Department (To be Completed)
- Application Delivery Checklist (To Be Completed)
- Radio Frequency Affidavit
- MetroPCS FCC License.
- Radio Frequency Coverage Maps, Both Existing and Proposed.
- Photo Simulations of Proposed Stealth Design
- Zoning Drawings

Please feel free to contact me with any questions or if any additional materials are required.
Thank you for your consideration.



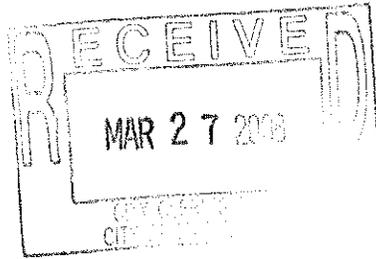
TOWER RESOURCE MANAGEMENT, INC.

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Applicant: MetroPCS Massachusetts, LLC
285 Billerica Rd,
Third Floor
Chelmsford, MA 01824

Submitted By: Andy Candiello, Agent to MetroPCS
Tower Resource Management
30 Lyman St, Suite 12
Westborough, MA 01581
Cell: 978-855-3644

A handwritten signature in cursive script, appearing to read "Andy Candiello", is written over a horizontal line.



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March 27, 2008

VIA HAND DELIVERY

Marlborough City Hall
140 Main St.
Marlborough, MA 01752

RE: MetroPCS – Application for Special Permit
Site Location: 75 Donald Lynch Blvd, Marlborough, MA

Dear Members of the Board:

Enclosed please find an application for Special Permit, submitted on behalf of MetroPCS Massachusetts, LLC for the proposed installation of a Telecommunications Facility onto the existing Telecommunications Tower located on 75 Donald Lynch Blvd.

Enclosed please find the following:

- Special Permit Application with Associated Filing Checks
- Special Permit-Summary Impact Statement
- Summary of Proposal
- Antenna Specifications Sheet
- Ground Equipment Specification Sheet
- Letter of Authorization from the Tower Owner
- Certified Abutters List
- Certification by Planning Department (To be Completed)
- Application Delivery Checklist (To Be Completed)
- Radio Frequency Affidavit
- MetroPCS FCC License.
- Radio Frequency Coverage Maps, both existing and proposed.
- Zoning Drawings

Please feel free to contact me with any questions or if any additional materials are required.
Thank you for your consideration.

Applicant: MetroPCS Massachusetts, LLC
285 Billerica Rd,
Third Floor
Chelmsford, MA 01824



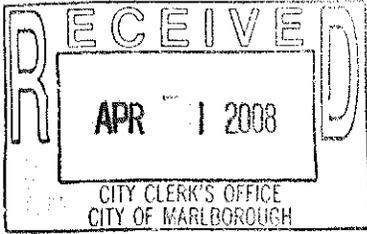
TOWER RESOURCE MANAGEMENT, INC.

Submitted By: Andy Candiello, Agent to MetroPCS
Tower Resource Management
30 Lyman St, Suite 12
Westborough, MA 01581
Cell: 978-855-3644

Andy Candiello

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City of Marlborough

Office of the Assessors
140 Main Street
Marlborough, Massachusetts 01752
TDD (508) 460-3610
Phone: (508) 460-3779

BOARD OF ASSESSORS PUBLIC MEETING

March 28, 2008

10:00 AM SCHEDULED

MINUTES

1. **CALL TO ORDER 10:00 AM**
2. **ROLL CALL** Trodella, Brogie, Arruda present
3. **DISCUSSION OF CURRENT MEASURE AND LIST PROGRAM.** Currently measuring and listing appx. half of the Condo units and a number of single family homes. The response to the condo owner's letters has been good.
4. **DISCUSSION OF TRI-ANNUAL RECERTIFICATION.** Both residential and commercial reviews are under way. Preliminary land schedule has been sent to our field rep. His comments are positive. We are aiming for a September time frame for public disclosure.
5. **VOTE ON ABATEMENTS TO BE GRANTED RESIDENTIAL** Unanimous in favor.
6. **VOTE ON ABATEMENTS TO BE DENIED RESIDENTIAL.** Unanimous in favor.
7. **VOTE ON ABATEMENTS TO BE GRANTED COMMERCIAL/IND.** Unanimous in favor.
8. **VOTE ON ABATEMENTS TO BE DENIED COMMERCIAL / IND.** Unanimous in favor.
9. **VOTE ON PERSONAL PROPERTY ABATEMENTS TO BE GRANTED.** Unanimous in favor.
10. **VOTE ON PERSONAL PROPERTY ABATEMENTS TO BE DENIED.** Unanimous in favor.

- 11. PUBLIC INPUT AND QUESTIONS. No members of the public were in attendance.
- 12. EXECUTIVE SESSION(IF NEEDED) None required
- 13. OLD BUSINESS. None
- 14. NEW BUSINESS. Discussed the requirement to put any new moneys gained from the ATB ruling on telephone companies' poles and wires into the overlay pending appeals or legislation.
- 15. ADJOURNMENT. 10: 30 AM



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City of Marlborough

Office of the Assessors
140 Main Street
Marlborough, Massachusetts 01752
TDD (508) 460-3610
Phone: (508) 460-3779

**BOARD OF ASSESSORS
PUBLIC MEETING**

March 28, 2008

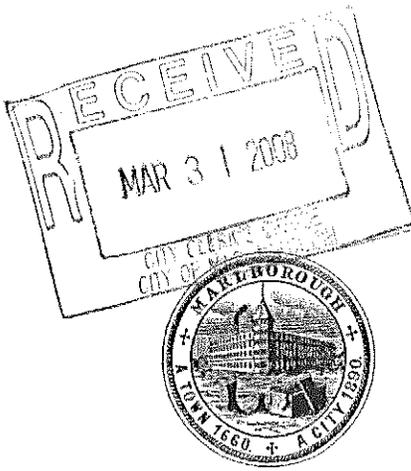
10:00 AM SCHEDULED

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. DISCUSSION OF CURRENT MEASURE AND LIST PROGRAM.
4. DISCUSSION OF TRI-ANNUAL RECERTIFICATION
5. VOTE ON ABATEMENTS TO BE GRANTED RESIDENTIAL
6. VOTE ON ABATEMENTS TO BE DENIED RESIDENTIAL
7. VOTE ON ABATEMENTS TO BE GRANTED COMMERCIAL/IND
8. VOTE ON ABATEMENTS TO BE DENIED COMMERCIAL / IND
9. VOTE ON PERSONAL PROPERTY ABATEMENTS TO BE GRANTED
10. VOTE ON PERSONAL PROPERTY ABATEMENTS TO BE DENIED
11. PUBLIC INPUT AND QUESTIONS
12. EXECUTIVE SESSION(IF NEEDED)
13. OLD BUSINESS
14. NEW BUSINESS
15. ADJOURNMENT

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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
March 10, 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, March 10, 2008 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Chairperson, Steve Kerrigan, Clerk, Phil Hodge, Clyde Johnson, Edward Coveney and Sean Fay. Also present: City Engineer Thomas Cullen.

MINUTES

Meeting Minutes February 11, 2008

On a motion by Mr. Kerrigan, seconded by Mr. Fay with Mr. Hodge abstaining; it was duly voted:
To accept and file the meeting minutes.

Meeting Minutes February 25, 2008

On a motion by Mr. Kerrigan, seconded by Mr. Fay it was duly voted:
To accept and file the meeting minutes.

CHAIR'S BUSINESS

APPROVAL NOT REQUIRED PLAN

181 Mill Street South

Martin Loiselle of FJW, LLC submitted an ANR plan for the Board to consider. This ANR plan will allow FJW to create a roadway to their property off of Mill Street South.

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

To accept and refer the proposed plan to the City Engineer for his review and recommendation at the next meeting on Monday, March 24, 2008.

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PUBLIC HEARING

Scenic Roads 7:30 PM

The Planning Board of the City of Marlborough held a public hearing on Monday, March 10, 2008 at 7:50 p.m. for the removal of several trees requested by the City of Marlborough's Tree Warden, Chris White. Members present: Chairperson Barbara L. Fenby, Clerk Steve Kerrigan, Phil Hodge, Edward Coveney, Clyde Johnson and Sean Fay. Also present: City Engineer Tom Cullen.

The Chair introduced all of the members of the board including the City Engineer and the Planning Board Secretary. She advised the audience that everyone should direct questions to her and she will direct the questions to the proponent or others.

Clerk Kerrigan read the advertisement into record:

**PLANNING BOARD
PUBLIC HEARING NOTICE**

Notice is hereby given that the Tree Warden and the Planning Board of the City of Marlborough will hold a joint public hearing on Monday, March 10, 2008 at 7:30 P.M., at Memorial Hall, City Hall, 140 Main Street, Marlborough, MA in accordance with the requirements of the Code of the City of Marlborough, "Scenic Roads Act", and MGL Chapter 40, section 15C and Chapter 87, Sec 3,4,5 of the General Laws in respect of removal of several trees located within the limits of the public way located at: 303 West Hill Road; 356-438 Robin Hill Street; 650 Berlin Road; Opposite 322 Pleasant Street; Opposite Pole 114 Elm Street.

Mr. White presented to the Board the pictures he provided and explained that all the trees selected are decayed and need to be removed for the public's safety.

In Favor

Mr. Richard MacEwen
303 West Hill Road

Mr. MacEwen stated that the tree located on his property has dying for years and would like the City to remove the tree before it becomes a public safety issue.

Michael McHugh
Hillside School
356-438 Robin Hill Street

Mr. McHugh would like to see the tree come down.

In Opposition

James McNichol
563 Berlin Road

Mr. McNichol is opposed to taking down the trees located on Berlin Road, Pleasant Street and Elm Street. He stated that these trees are still in "good condition" and that they should remain. He also stated that these are the last few remaining original trees in Marlborough.

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Mr. White stated that according to MGL. Ch. 87, Sec. 4; the City of Marlborough would not be allowed to remove these trees without the written consent of the Mayor of the City as mentioned in Chapter 876, Sec. 5.

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

To **GRANT** the request of removal for the trees located at 303 Berlin Road and 356-438 Robin Hill Road. To table the request for removal of the trees at 650 Berlin Road, Opposite 322 Pleasant Street and 114 Elm Street until the board has seen the condition of the trees and written consent of removal from the Mayor according to Chapter 87, section 5 of the M.G.L.

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Mr. Cullen stated that he has reviewed the information on Acre Ridge Estates and has a recommendation. He also stated that site work has begun at Berlin Farms with the utilities. Forest Trail As-Builts are being reviewed by his office.

Acre Bridge Estates (Blake Circle)

Bond Reduction

Mr. Cullen has reviewed the subdivision and is recommending to the Board to reduce the bond from \$85,000.00 to \$68,000.00.

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

To accept and file the correspondence from City Engineer Thomas Cullen regarding the status of this subdivision and to approve reducing the bond securing the subdivision from \$85,000.00 to \$68,000.00.

Berlin Farms (Long Drive)

Lot Release

Mrs. Lizotte sent correspondence to the Board informing them that the Tri-Partite Agreement for Berlin Farms has been recorded at the registry of deeds and the lots 1-4 can be released.

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

To accept and file correspondence; to allow Ms. Fenby to sign as agent on the certificate of performance.

Forest Trail (Mosher Lane)

Correspondence from City Solicitor

In response to a request made at the last meeting of the Planning Board, the City Solicitor, Don Rider advised that discrepancies in the plan citation contained in the covenant relating to the Forest Trail subdivision might make the deadline for completion of the subdivision set forth therein ineffective. Avidia, which has become the developer of Forest Trail and the Board agree that the subdivision was not completed in a timely manner. Mr. Rider has proposed an agreement between the Planning Board and Avidia under which Avidia would retain ownership of

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the subdivision until completion, pay all taxes in full, maintain the subdivision until full completion, and agree to abide by the anti-blight ordinance.

The board questioned whether the covenant discrepancies could cloud the titles of lots within the subdivision, and whether the subdivision should be re-submitted for approval as apparently required by the original covenant.

Mrs. Lizotte informed the board that Lot 1 was permitted, with a house under construction and the Building Department is reviewing building permit applications for lots 11, 15 and 16.

Dr. Fenby poled the board on how they would like to proceed. Mr. Fay asked Avidia's attorney Burger if he thought he could get obtain title insurance for the lots. Mr. Kerrigan agreed that Avidia is not in the development business and a new "mini" covenant might be the better option. Mr. Hodge preferred re-approving the subdivision as a minor amendment in order to clear up the multiple inconsistencies in documentation and approval. Mr. Johnson concurred. Mr. Coveney favored completion of the subdivision "the sooner the better."

With questions remaining and no agreement yet in place with Avidia, the Board agreed to table the matter until the next meeting.

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

To table this matter until the next meeting on Monday, March 24, 2008.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

Pembroke Street

The submittal of the definitive subdivision called "Pembroke Street" was submitted. A public hearing request has been made for Monday, April 28 at 7:30 PM.

SCENIC ROADS

SIGNS

OAR, Assabet River Signs

The Organization for the Assabet River identified the two locations they would like to post signs for the Assabet River. Both signs would be located on Donald J. Lynch Boulevard.

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

To send correspondence to OAR asking them to submit a sign permit for review from the building department and to forward the locations to the Conservation Commission for their approval.

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.

Mr. Hodge stated that this was the original intent of the language for the ordinance.

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.

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.

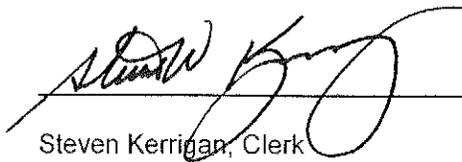
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On a motion by Mr. Johnson, seconded by Mr. Kerrigan, it was duly voted:

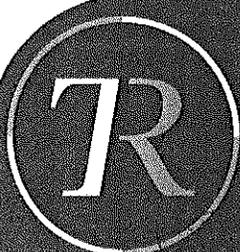
To adjourn at 8:45 p.m.

A TRUE COPY

ATTEST:



Steven Kerrigan, Clerk



TRANS REPORT

MARCH/APRIL 2008

THE NEWSLETTER OF THE BOSTON REGION METROPOLITAN PLANNING ORGANIZATION

NEW BLUE LINE CARS IN SERVICE
Page 2

WI-FI DEBUTS ON COMMUTER RAIL
Page 2

WALKABLE COMMUNITY WORKSHOPS
Page 2

GREEN LINE EXTENSION MEETINGS
Page 3

MPO OPEN HOUSE SCHEDULE
Page 4

MEETING CALENDAR

For the most recent information on the following public meetings and others that may have been scheduled after TRANSREPORT went to press, go to www.bostonmpo.org or call (617) 973-7119. A photo ID is required to access most meeting sites.

AT THE STATE TRANSPORTATION BUILDING, 10 PARK PLAZA, BOSTON

March 26 (Wednesday)
Access Advisory Committee to the MBTA. Conference Rooms 2 and 3. 1:00 PM to 3:00 PM

March 31 (Monday)
MBTA Rider Oversight Committee. Conference Rooms 1, 2, and 3. 5:00 PM

April 3 (Thursday)
Boston Region MPO Transportation Planning and Programming Committee. Conference Rooms 2 and 3. 10:00 AM

April 8 (Tuesday)
Boston Region MPO Open House. MPO Conference Room, Suite 2150. Two sessions: 12:30 PM to 2:00 PM and 5:30 PM to 7:00 PM

April 9 (Wednesday)
Regional Transportation Advisory Council Freight Committee.
Calendar continued on p. 2



Attention Municipalities!

The MPO will hold its annual Municipal Transportation Improvement Program (TIP) Input Days on April 17 and May 1.

Municipal officials are invited to talk with the Boston Region MPO to provide updates on the priority projects for which they are seeking federal funding. The MPO will consider the input it receives as it develops the Federal Fiscal Years 2009-2012 Transportation Improvement Program (TIP).

The MPO will send meeting schedules and guidance on presentations to TIP contacts in municipalities that have informed the MPO that they will participate. See the calendar for meeting times and locations.

Contact Hayes Morrison at hayesm@ctps.org or (617) 973-7129 for more information.

The MPO plans to hold an Open House on April 8. See page 4 for a schedule of discussion topics.

Invite the MPO to your city or town for a Walkable Community Workshop. See the article on page 2 for details.

Nominations for MPO Election Due in April

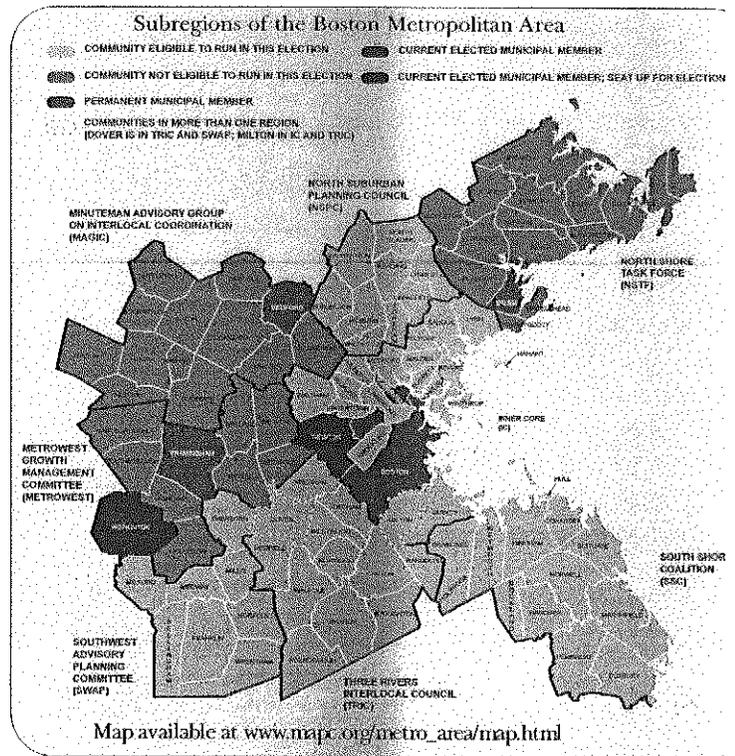
The Boston Region Metropolitan Planning Organization (MPO) will hold its annual election in May and the MPO is now calling for nominations of candidates who wish to run for a municipal seat on the MPO. This year municipalities in the following subregions (see map below) are eligible to run: Inner Core, North Suburban Planning

Council, South Shore Coalition, SouthWest Advisory Planning Committee, and Three Rivers Interlocal Council.

The Metropolitan Area Planning Council (MAPC) and MBTA Advisory Board administer the election for the MPO.

Nomination papers are distributed

Election cont. on p. 1



The members of the Boston Region MPO: Executive Office of Transportation and Public Works, Cities of Boston, Newton, Salem, and Somerville, Federal Highway Administration, Federal Transit Administration, Massachusetts Transportation Authority, Massachusetts Bay Transportation Authority Advisory Board, Massachusetts Highway Department, Massachusetts Port Authority, Massachusetts Turnpike Authority, Metropolitan Area Planning Council, Regional Transportation Advisory Council, Towns of Bedford, Framingham, and Hopkinton