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CITY OF MARLBOROUGH

2013 OCT 17 P 12:30

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

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

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Public Services Committee

21. **Order No. 13-1005523A** - Application of NGrid and Verizon to install-Joint owned Pole #47-25 approximately 56' from Pole #47 and 4-6" Conduits on Forest Street.
 REFER TO PUBLIC SERVICES
 PUBLIC HEARING: OCTOBER 7, 2013
Motion made by Councilor Clancy, seconded by Councilor Jenkins, to recommend approval of the application, subject to further written conditions to be stipulated by the City Engineer. 3-0
22. **Order No. 13-1005524A** - Application of NGrid and Verizon to install approximately 1100' of 4-5" conduits and two manholes on Forest Street and 1-Joint owned Pole #P2-50 on Bartlett Drive.
 REFER TO PUBLIC SERVICES
 PUBLIC HEARING: OCTOBER 7, 2013
 This is for the Partners Health development.
Motion made by Councilor Clancy, seconded by Councilor Jenkins, to recommend approval, subject to further written conditions to be stipulated by the City Engineer. 3-0

From Legislative and Legal Affairs Committee

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

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

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

From Operations and Oversight Committee

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

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