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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 AUG 24 P 3:44

1. Minutes, City Council Meeting, July 24, 2017.
2. PUBLIC HEARING On the Petition of NGrid to install 2 new poles and remove 1 pole along Boundary St. Pole installs are part of a project to accommodate the expansion of Boundary St., Order No. 17-1006987.
 - Recommendation from City Engineer – Condition re: Double Poles att'd.
3. PUBLIC HEARING On the Petition of NGrid to install 7 new poles and remove 5 poles along Boston Post Rd. West. Pole installs are part of a project to accommodate the expansion of Boston Post Rd. West, Order No. 17-1006985.
 - Recommendation from City Engineer – Condition re: Double Poles att'd.
4. PUBLIC HEARING On the Petition of NGrid to install 1 new pole along Hayes Memorial Dr. Pole install IS part of a project to accommodate the expansion of Boundary St. & Rt. 20-Boston Post Rd. West, Order No. 17-1006986.
 - Recommendation from City Engineer – Condition re: Double Poles att'd.
5. PUBLIC HEARING On the Proposed Zoning Amendment - Expansion and Modification of the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), Order No. 16/17-1006443S.
6. PUBLIC HEARING On the Proposed Zoning Amendment - Brew Pubs, Wineries, Breweries & Distilleries Order No. 17-1006980.
7. Communication from the Mayor re: Veto of Council Order 17-1006939A, pertinent to issuance of a letter of interest in TransitX.
8. Communication from the Mayor re: Grant Acceptance from the Massachusetts Department of Transportation (MassDOT) in the amount of \$388,710.00 to fund several complete street projects.
9. Communication from the Mayor re: Order of Taking by Eminent Domain regarding Hudson St./Mechanic St. Roadway Improvements Project.
10. Communication from the Mayor re: School Project Update.
11. Communication from City Solicitor Rider re: Application for Special Permit, McDonald's USA, LLC, 250 Maple St., to remodel the restaurant and reconfigure the existing drive-through to add a second drive-through lane, in proper legal form, Order No. 17-1006907C.
12. Communication from City Solicitor Rider re: Application for Special Permit, BSL Marlborough Development LLC, 421 Bolton St., seeking permission to build and operate an assisted living facility with a special care unit, in proper legal form, Order No. 17-1006816D.
13. Communication from City Solicitor Rider re: Proposed Zoning amendment intended to better regulate self-storage facilities.
14. Communication from Attorney Cipriano on behalf of Tiger Cat Properties LLC, re: request to extend time limitations on Application for Special Permit to construct a multifamily dwelling at 487 Lincoln Street until 10:00 PM on October 17, 2017, Order No. 16/17-1006735E.

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

15. Communication from Mina Property Group LLC, re: request to extend time limitations on Application for Special Permit to construct a commercial automotive facility on less than one acre of land at 408 Maple Street, until 10:00 PM on October 17, 2017, Order No. 17-1006800D.
16. Communication from Mirick O'Connell on behalf of BSL Marlborough Development LLC, re: request to extend time limitations on Application for Special Permit to construct a 52-Unit, 60,823 +/-square foot Assisted Living Facility with a Special Care Unit, 421 Bolton Street, until 10:00 PM on October 17, 2017, Order No. 17-1006816C.
17. Communication from Attorney McCay, Mirick O'Connell, BSL Marlborough Development LLC, re: addressing two items pertinent to the Application for Special Permit for BSL Marlborough Development LLC, 421 Bolton St.: Benchmark's February 16, 2007 request to purchase or have City owned property abandoned for land off Bolton St. retaining a permanent sewer easement in the sewer line parcel and Benchmark's requested acquisition of a drainage easement from the northern property line of 421 Bolton St. site to the proposed connection to existing catch basin, Order No. 17-1006816C. Note: Both of the requested agenda items are referenced but not attached in the proposed decision for Special Permit, Condition #9, ITEM 12 OF THIS AGENDA.
18. Communication from Attorney McCay, Mirick O'Connell, BSL Marlborough Development LLC, re: addressing three items pertinent to the Application for Special Permit for BSL Marlborough Development LLC, 421 Bolton St.: traffic related memoranda referenced in the draft Special Permit Decision, Condition #10, the PowerPoint presentation prepared for the August 15, 2017 Urban Affairs Committee meeting and original signed extension agreement, Order No. 17-1006816C. Note: REFER TO ITEM 12 OF THIS AGENDA.
19. Communication from Attorney Falk, Mirick O'Connell, on behalf of BSL Marlborough Development LLC, re: Order conveying land and easements at 421 Bolton St., X17-1006816C.
20. Communication from Attorney Eriksen, Walker Realty LLC, on behalf of Walker Realty LLC, re: renderings of 21 Apex Dr., Order No. 16/17-1006443V.
21. Apex Sign Requests 21 & 160 Apex Dr., Order No. 16/17-1006443V.
22. Petition of NGrid to relocate 3 solely owned electrical poles 54, 55, & 56-1 on Maple St. (Rt. 85).
23. Petition of NGrid to install 1 solely owned electrical pole on Framingham Rd.
24. Petition of NGrid to relocate 1 solely owned pole to be made jointly owned poles 37-84 and relocate 17 jointly owned poles on Maple St. (Rt. 85).
25. Petition of NGrid to relocate 2 poles and associated facilities on Maple St./Framingham Rd.
26. Communication from Central Mass Mosquito Control Project re: Spraying Program.
27. Minutes, Conservation Commission, June 15 & July 20, 2017.
28. Minutes, Traffic Commission, June 28, 2017.
29. Minutes, License Board, April 26, May 31, June 12, & June 21, 2017.
30. CLAIMS:
 - a. Arthur Correa, 114 Woodridge Rd., residential mailbox claim 2(a).
 - b. Tammy Chin, 750 Farm Rd. #208, pothole or other road defect.
 - c. Laura Butland, 44 Ferrechia Dr., pothole or other road defect.
 - d. David D'Amico, 102 West Hill Rd., pothole or other road defect & other property damage.
 - e. Debbie Winske, 271 Farm Rd., pothole or other road defect.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Urban Affairs Committee

31. **Order No. 17-1006958 - Communication from City Code Officer regarding Additional Sign Request from Hilton Garden Inn, 170 Forest Street, to add signage for the restaurant, BLVD. Motion made by Councilor Elder, seconded by Chair, to approve one additional wall sign on the Forest Street side of the Hilton Garden Inn building as presented. The motion carried 5-0. Sign Plan has not been received, Motion in order to TABLE UNTIL THE NEXT CITY COUNCIL MEETING, SEPTEMBER 11, 2017.**
32. **Order No. 16/17-1006443R - Communication from Walker Realty LLC regarding Revised Color Renderings for proposed office building to be constructed at 11 Apex Drive. Motion made by Councilor Elder, seconded by Chair, to approve the revised color rendering for the office building being constructed at 11 Apex Drive. The motion carried 4-1.**
33. **Order No. 17-1006443R - Communication from Walker Realty LLC regarding Waiver pursuant to Section 650-35H of the HRMUOD to allow for three building signs for the proposed 110 Grill to be constructed at 115 Apex Drive. Motion made by Councilor Elder, seconded by Chair, to approve the third sign for the 110 Grill as requested by Walker Realty LLC. The motion carried 5-0.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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Marlborough, MA 01752
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CITY OF MARLBOROUGH

2017 AUG -8 A 11: 16

JULY 24, 2017

Regular meeting of the City Council held on Monday, July 24, 2017 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Ossing, Juare, Oram, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 9:44 PM.

ORDERED: That the Minutes of the City Council meeting JUNE 19, 2017, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING Petition from NGrid to install 1 new pole and 1 new midspan pole along Boundary Street in which pole installs are part of a project to increase system reliability, hearing recessed at 8:08 PM.

MOTION made by Councilor Landers to remove Petition below from the Public Services Committee and Suspend the Rules to vote to Approve – Carries

ORDERED: That the Petition from NGrid to install 1 new pole and 1 new midspan pole along Boundary Street in which the pole installs are part of a project to increase system reliability, **APPROVED**; adopted.

Councilor Elder requested to be recorded in opposition.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Bohler Engineering on behalf of McDonald's USA, LLC to modify the existing drive-thru and associated menu boards and propose a new side-by-side drive-thru and menu boards to optimize circulation and restaurant operations at 250 Maple Street, hearing recessed at 8:22 PM.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Walker Realty LLC for Proposed Veterinary Hospital use in the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), 58 Apex Drive hearing recessed at 8:32 PM.

ORDERED: Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended as follows.

1. In Section 650-35.A(2), by deleting “43.6 acres” and replacing with “45.2 acres”.
2. By Amending Exhibit A of Section 650-35 to include the following additional parcels:
Assessors Map 78, Parcel 14A
Assessors Map 78, Parcel 23
3. In Section 650-35.E(1)(i), adding the following language to the end of the Section:
“except that nothing in this Section shall be deemed to prohibit or limit the existing drive-through facility on Assessors Map 78, Parcel 23, nor to prohibit or limit the existing dedicated driveway with a curb cut onto a public way located on Assessors Map 78, Parcel 23, all as the same may be altered or amended from time to time, the same being preexisting conditions which shall continue to be allowed notwithstanding anything contained in the HRMUOD to the contrary.”
4. In Section 650-35.E(1)(j), adding the following language to the end of the Section:
“except that nothing in this Section shall be deemed to prohibit or limit the existing drive-through facility on Assessors Map 78, Parcel 14A, nor to prohibit or limit the existing dedicated driveway with a curb cut onto a public way located on Assessor Map 78, Parcel 14A, all as the same may be altered or amended from time to time, the same being preexisting conditions which shall continue to be allowed notwithstanding anything contained in the HRMUOD to the contrary.”
5. In Section 650-35.E(2)(a.), adding the following language to the end of the Section:
“expressly excluding drive-through facilities located on Assessors Map 78, Parcel 23, which facilities are existing and shall not require a Special Permit under this Section.”
6. In Section 650-35.E(2)(b.), adding the following language to the end of the Section:
“expressly excluding drive-through facilities located on Assessors Map 78, Parcel 14A, which facilities are existing and shall not require a Special Permit under this Section.”
7. In Section 650-35.E(2)(d.), adding the following language to the end of the Section:
“, excluding so-called Dry Cleaning drop stores where no dry cleaning is performed on premise, which shall be permitted in the HRMUOD as of right.”

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY AUGUST 28, 2017**; adopted.

ORDERED: At a regular meeting of the Marlborough City Council on JULY 24, 2017, the following proposed amendment to the Code of the City of Marlborough, be further amended as follows:

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as amended, be further amended by amending Chapter 125, Section 6, Salary Schedule as follows:

Position	Effective Date	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
		Start	6 months of service	1 year of service	2 years of service	3 yrs. of service	4 yrs. of service	5 yrs. of service
Principal Assessor	July 1, 2017	\$91,405.26	\$93,233.10	\$95,098.68	\$96,999.96	\$98,940.00	\$100,918.80	\$102,937.38

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the city of Marlborough to be filed with an attested copy of this order, be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

An Act exempting positions in the Department of Public Works for the City of Marlborough from the Civil Service Law.

SECTION 1. Notwithstanding any general or special law to the contrary, all positions in the Department of Public Works in the City of Marlborough shall be exempt from the provisions of chapter 31 of the General Laws.

SECTION 2. This act shall not impair the civil service status of a person holding a position described in section 1 on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

APPROVED; adopted.

ORDERED: That the Communication from Chief Procurement Officer, Beverly Sleeper re: MA Interlocal Insurance Association (MIIA) 2017 rewards in the amount of \$52,389.00, **FILE**; adopted.

ORDERED:

Confirmatory Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough by the Eminent Domain Order of Taking, Order No. 16-1006431A dated February 8, 2016, recorded with the Middlesex South County Registry of Deeds in Book 66881, Page 431, (“Original Taking”) determined that the public welfare and safety necessitated that certain sewer improvements be made to the Sudbury Street area, and that said improvements required the taking by eminent domain of permanent sewer easements in certain parcels of land located on Harper Circle and Sudbury Street as more particularly described therein; and,

WHEREAS, said Original Taking was made in order to promote the public welfare, safety and necessity, it being necessary to take by Eminent Domain said permanent sewer easements in, on, under, over, across and through the therein described land; and,

WHEREAS, the Original Taking was intended to include a permanent sewer easement which varies in width from 35-foot wide to 25-foot wide as shown on a plan entitled “Easement Plan of Land In Marlborough, Massachusetts; Prepared For City of Marlborough; May 18, 2016; By: Bryant Associates, Inc. 90 Canal Street, Suite 301, Boston, MA 02114, Scale 1”=40”” (the “Correct Plan”) to which plan reference may be made for a more particular description, said plan to be recorded herewith; and,

WHEREAS, the Original Taking instead relied on a plan which depicted a 35-foot wide permanent sewer easement for the entire length of said easement, being entitled “Easement Plan of Land In Marlborough, Massachusetts;” Prepared For City of Marlborough & AECOM; April 15, 2013; By: Bryant Associates, Inc. 90 Canal Street, Suite 301, Boston, MA 02114, Scale 1”=40’; Sheet 2 of 3” and recorded with the Middlesex South County Registry of Deeds as Plan 159 of 2016 (the “Incorrect Plan”); and,

WHEREAS, the City of Marlborough has agreed to execute a confirmatory taking, *nunc pro tunc*, the purpose of which is to confirm the City’s legal interest in said permanent sewer easement which varies from 35-foot wide to 25-foot wide and concomitantly to modify the Incorrect Plan by recording the Correct Plan herewith, said confirmation and modification being required by the inadvertent inclusion of more land than was necessary to the herein described purposes of the permanent sewer easement in the Origin Taking and Incorrect Plan; and,

WHEREAS, the City of Marlborough anticipates therefor no award of damages to owners additional to those of the Original Taking and restated herein, and that notwithstanding the reduction in total square footage of land so taken, the City of Marlborough not shall not reduce the award of damages to said owners from those amounts provided in the Original Taking; and

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79 and every power and authority thereto enabling, does hereby confirm, *nunc pro tunc*, its taking by Eminent Domain said permanent sewer easements in the following described land and all trees and brush thereon.

DESCRIPTION OF LAND TAKEN

1. **Property H – Permanent Sewer Easement:** A certain parcel of land located on the North Easterly side of Harper Circle in Marlborough, Middlesex County, Massachusetts and being shown as Proposed Easement H on a plan, entitled “Easement Plan Of Land In Marlborough, Massachusetts; Prepared For City of Marlborough; May 18, 2016; By: Bryant Associates, Inc. 90 Canal Street, Suite 301, Boston, MA 02114, Scale 1”=40’,” said plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Confirmatory Order.

Meaning and intending to take and taking by Eminent Domain a permanent sewer easement, shown as Proposed Easement H as described in the aforementioned plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 27774, Page 119.

OWNERS: Stephen A. Silen and Pirjo Silen
49 Harper Circle

The land consisting of Proposed Easement H as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 81 on Map 23. The total land area being taken consists of 8,776 +/- square feet.

2. **Property I – Permanent Sewer Easement:** A certain parcel of land located on the Westerly side of Sudbury Street in Marlborough, Middlesex County, Massachusetts and being shown as Proposed Easement I on a plan, entitled “Easement Plan Of Land In Marlborough, Massachusetts; Prepared For City of Marlborough; May 18, 2016; By: Bryant Associates, Inc. 90 Canal Street, Suite 301, Boston, MA 02114, Scale 1”=40’,” said plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Confirmatory Order.

Meaning and intending to take and taking by Eminent Domain a permanent sewer easement, shown as Proposed Easement I as described in the aforementioned plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 14954, Page 388.

OWNERS: John D. Nicholson, Jr. and Claire G. Nicholson
302 Sudbury Street

The land consisting of Proposed Easement I as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 10 on Map 23. The total land area being taken consists of 4,092 +/- square feet.

3. The ownership of said parcels and each of them are supposed to be as stated herein, but said easements and each of them are hereby taken whether the ownership is as stated herein or otherwise.
4. This Confirmatory Eminent Domain Order of Taking confirms, *nunc pro tunc*, the Eminent Domain Order of Taking, recorded at the Middlesex South County Registry of Deeds in Book 66881, Page 431, and makes clear that said aforementioned plan entitled, "Easement Plan Of Land In Marlborough, Massachusetts; Prepared For City of Marlborough & AECOM; April 15, 2013; By: Bryant Associates, Inc. 90 Canal Street, Suite 301, Boston, MA 02114, Scale 1"=40'; Sheet 2 of 3," recorded with the Middlesex South County Registry of Deeds as Plan 159 of 2016, and the square footages of the areas so taken as shown on said Eminent Domain Order of Taking, are hereby modified, for reasons more fully described herein, pursuant to a plan entitled "Easement Plan Of Land In Marlborough, Massachusetts; Prepared For City of Marlborough; May 18, 2016; By: Bryant Associates, Inc. 90 Canal Street, Suite 301, Boston, MA 02114, Scale 1"=40," said plan to be recorded together with a certified copy of this Confirmatory Eminent Domain Order of Taking.

AWARDS

The City Council hereby repeats the following awards of damages by the Eminent Domain Order of Taking to the owner or owners of record, said awards of damages having been tendered by the City of Marlborough to said owner or owners of record pursuant to the Eminent Domain Order of Taking, no additional award of damages being anticipated pursuant to this Confirmatory Eminent Domain Order of Taking:

<u>OWNER</u>	<u>MARLBOROUGH ASSESSORS MAP/PARCEL</u>	<u>AREA</u> (reduced from the Eminent Domain Order of Taking)	<u>AWARD</u> (unchanged from the Eminent Domain Order of Taking)
Stephen A. Silen and Pirjo Silen	23/81	8,776 ±SF	\$7,645.00
John D. Nicholson, Jr. and Claire G. Nicholson	23/10	4,092 ±SF	\$7,585.00

APPROVED; adopted.

Yea: 11-Nay: 0

Yea: Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juair, Oram, Ossing & Robey.

ORDERED: That Pursuant to MGL c. 30B, § 16 (e)(2), the City Council of the City of Marlborough hereby determines that advertising for the proposed purchase of a parcel of land will not benefit the City's interest because of the unique qualities and location of the property as hereinafter defined:

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 235, containing 0.37 acres or 16,117.2 S.F., more or less, located at 28 Witherbee Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 25364, Page 378. The persons having a beneficial interest in this parcel, as tenants by the entirety, are Paulo S. Ribeiro and Katherine R. Ribeiro;

The above-identified parcel satisfies the requirements of said M.G.L. c. 30B, § 16 (e)(2), because:

(i) the parcel is uniquely situated because it is located within close proximity to the existing Marlborough Public Library, which does not currently have sufficient parking to meet the requirements of the Board of Library Commissioners in relation to the proposed renovation and addition project; (ii) the only way to increase the amount of parking is to purchase parcels uniquely located either adjacent to, or within close proximity of, the Marlborough Public Library; and (iii) the proposed acquisition of the subject parcel will increase parking for access to, and increased usage of, the Marlborough Public Library. In addition, the acquisition of the parcel would potentially provide more design flexibility for the proposed renovation and addition to the Marlborough Public Library.

It is further ordered that the Mayor is authorized to negotiate and enter into a purchase and sale agreement for the above-identified parcel, subject to the following conditions: (i) that, in accordance with M.G.L. c. 43, § 30, the purchase price of any parcel shall not exceed 25% of the average assessed value of the parcel during the previous three years; (ii) that the City's performance under any purchase and sales agreement will be contingent upon a favorable vote of the City Council authorizing the City to acquire the parcel for the amount stated in the purchase and sales agreement; and (iii) that the City's performance under any purchase and sales agreement will be contingent upon a favorable vote of the City Council authorizing the appropriation of sufficient funds for the purchase of the parcel. As of this date, the average assessed value of the above-described parcel for the previous three years has been calculated as \$383,600.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That pursuant to Mass. Gen. Laws c. 43, § 30, the City Council, by a two-thirds vote of all its members hereby authorizes the additional use of the \$75,000 appropriated by Order No. 16006760B from the Undesignated Fund (Account Number 10000-35900), said amount having been appropriated for purposes of binding offers by the City on purchase and sales agreements for the four (4) parcels described in Order No. 16006760A and Order No. 16006760B and relating to the proposed renovation and construction of an addition to the Marlborough Public Library and the need for additional public parking thereat, for like purposes, which are

- (1) a binding offer by the City on a purchase and sales agreement concerning a parcel, said additional parcel being the subject of Order No. 17- and described below:

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 235, containing 0.37 acres or 16, 117.2 square feet of land, located at 28 Witherbee Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 25364, Page 378. The persons having a beneficial interest in this parcel are Paulo S. Ribeiro and Katherine R. Ribeiro.

and

- (2) a binding offer or offers on any additional purchase and sales agreement(s) for parcels relating to said above-described purposes without the need for any additional vote or votes of the City Council regarding the use of said \$75,000, conditional upon an affirmative vote or votes of the City Council authorizing the Mayor to enter into said additional purchase and sales agreement(s).

Refer to **FINANCE COMMITTEE**.

ORDERED: That the Housing Study Report compiled by RKG Associates, Inc., refer to **URBAN AFFAIRS COMMITTEE**; adopted.

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

I. Section 650-5, entitled "Definitions; word usage," is hereby amended as follows:

- a. By deleting in subsection B the definition of "BREW PUB" in its entirety and inserting in place thereof the following definition:

BREW PUB

A facility which is licensed by the United States Alcohol and Tobacco Tax Trade Bureau and the Commonwealth of Massachusetts, under the relevant statutes including M.G.L. c. 138, § 19D, to manufacture malt beverages and which is also authorized by the City and the Commonwealth of Massachusetts to serve alcoholic beverages. The facility may have a restaurant or serve food prepared on site, but shall comply with all applicable Board of Health requirements for kitchens and common victualler licenses; provided, however, that in such a case only beer, spirit or wine products manufactured by the facility, and none by other manufacturers, may be sold, unless an on-premises pouring license has been obtained under M.G.L. c. 138, § 12. Nothing contained herein shall prohibit the facility from having a bring-your-own-food policy.

- b. By inserting in subsection B the following new definitions:

WINERY, BREWERY, OR DISTILLERY WITH TASTING ROOM

A facility licensed under, respectively, M.G.L. c. 138, §§ 19B, 19C and 19E and which is located in a building where the primary use is for the production and distribution of vinous, malt, or spirituous beverages, with the option of a tasting room. Any such facility may provide, at no charge and limited in size as set forth in M.G.L. c. 138, samples of beverages it manufactures on its premises and for this purpose shall have a Commonwealth of Massachusetts issued Farmer Series Pouring Permit. The facility may host marketing events, special events, and/or factory tours. The facility may only sell beverages produced by, and commercial goods branded by, the winery, brewery, or distillery. The facility may sell permitted beverages to consumers for consumption off-premises. The facility may have a restaurant or serve food prepared on site, but shall comply with all applicable Board of Health requirements for kitchens and common victualler licenses; provided, however, that in such a case only beer, spirit or wine products manufactured by the facility, and none by other manufacturers, may be sold, unless an on-premises pouring license has been obtained under M.G.L. c. 138, § 12. Nothing contained herein shall prohibit the facility from having a bring-your-own-food policy.

TASTING ROOM

A room attached to either a winery, brewery, or distillery, and permitted as an accessory use thereto, that allows patrons to sample or consume wine, beer, and other alcoholic beverages that are produced on the premises in accordance with M.G.L. c. 138. A tasting room is not to exceed 25 percent of the gross square footage of the winery, brewery, or distillery.

II. Section 650-17, entitled "Table of Uses," is hereby amended as follows:

- a. By regulating business uses so as to allow, as of right, a brew pub in the Business (B), Commercial Automotive (CA), Limited Industrial (LI), Industrial (I) and Marlborough Village (MV) districts, as follows:

	RR	A1	A2	A3	RB	RC	RCR	B	CA	LI	I	MV
Brew pub	N	N	N	N	N	N	N	Y	Y	Y	Y	Y

and

- b. by regulating business uses so as to allow, as of right, a winery, brewery, or distillery with tasting room in the Business (B), Commercial Automotive (CA), Limited Industrial (LI), Industrial (I) and Marlborough Village (MV) districts, as follows:

	RR	A1	A2	A3	RB	RC	RCR	B	CA	LI	I	MV
Winery, brewery, or distillery with tasting room	N	N	N	N	N	N	N	Y	Y	Y	Y	Y

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY AUGUST 28, 2017**; adopted.

ORDERED: That Financial Disclosure from Recreation Director, Charles Thebedo, pertinent to a municipal employee (Daniel Rudzinsky) who seeks to provide services to the Recreation Department, **APPROVED**; adopted.

ORDERED: That the Application for Livery License, Katsunori Tanaka, d/b/a Global Limousine & Tour Services, LLC, 17 Eager Court, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Nicholas Harron, re: applicant's formal request for waiver pursuant to Section 650-35H.(8) to allow for three building signs for the proposed Evvica Cucina restaurant located at 142 Apex Drive, Order No. 16/17-1006443R, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from Attorney Eriksen, Walker Realty LLC, re: revised color rendering for proposed building 7 to be constructed at 58 Apex Drive with previously approved elevation attached, Order No. 16/17-1006443R, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from Attorney Eriksen, Walker Realty LLC, re: Apex Center Landscaping Plan, Order No. 16/17-1006443R, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended by adding a new Section 650-36 as follows:

ARTICLE VI
§650-36 – RAIL TRAIL OVERLAY DISTRICT

A. Purpose and Objectives

- (1) The Assabet River Rail Trail Overlay District (herein, the “ARRTOD”) allows the application of supplemental land use controls within the boundaries of a certain overlay district as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the ARRTOD are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare, by promoting pedestrian and bicycle friendly development complimentary to the Assabet River Rail Trail.
- (2) For the purposes of this section, the ARRTOD shall be superimposed on the other districts existing at the time of the adoption of this Section, and shall include all parcels of real estate that, as of July 1, 2017, either abutted the Assabet River Rail Trail or were held in common ownership with parcels that abutted the Assabet River Rail Trail.

B. Authority of Permit Granting Authority

- (1) The City Council shall be the Permit Granting Authority for Special Permit Approval in the ARRTOD. In all instances, a development which proceeds under the ARRTOD is subject to Site Plan Approval in accordance §270-2 of the Marlborough City Code.
- (2) The City Council may, by special permit in accordance with Section 650-59, permit a “Rail Trail Development”, defined in Subsection C, on any lot or combination of lots located in the ARRTOD (a “Development Parcel”) provided that:
 - a. A portion of the Development Parcel contained a non-residential use in operation as of July 1, 2017.
 - b. The Development Parcel has a minimum area of 1.5 acres.
 - c. The Rail Trail Development compliments the Assabet River Rail Trail by improving the appearance of the Development Parcel as seen from the Assabet River Rail Trail, encourages the use of the Assabet River Rail Trail, and provides certain public amenities (including, but not limited to, landscaping, trash receptacles, public safety enhancements, or other benefits) that enhance the Assabet River Rail Trail.

C. Eligible Uses, Dimensional Controls:

- (1) A Rail Trail Development shall include any use allowed in the underlying zoning district, either as of right or by special permit, in addition to the following:
 - a. Retail sales and services, up to 5,000 square feet of gross floor area per establishment.
 - b. Restaurant, café with or without table service (including outside seating and service) without drive-thru, up to 5,000 square feet of gross floor area per establishment.
 - c. Residential uses, with such density as seemed appropriate by the City Council.
- (2) A Rail Trail Development may include multiple uses, which may be commingled into a single structure or structures or may be located in multiple separate structures on one building lot.
- (3) A Rail Trail Development shall be subject to the dimensional, parking and landscaping requirements of the underlying zoning district and for the use or combination of uses of the Rail Trail Development, provided, however, that the City Council may elect to vary dimensional and parking requirements by Special Permit if, in the City Council's opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose of this Section. This authority shall continue subsequent to initial occupancy.

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY SEPTEMBER 11, 2017;** adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended by amending certain provisions of (new text underlined, deleted text in strikethrough):

§ 650-12 Nonconforming uses.

- A. No building or other structure nor any land shall be used nor shall any building or other structure or part thereof be erected or altered except in conformity with the provisions of this chapter and any amendments thereof which apply to the district in which the building, structure or premises shall be located; provided, however, that this chapter shall not apply to the existing use of any building or structure or of land to the extent to which it was lawfully used at the time of the adoption of this chapter.

- B. This chapter shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration or for its use for the same purpose to a substantially greater extent, provided that the City Council determines, by the grant of a special permit, that expansion or alteration of a nonconforming use or structure is not substantially more detrimental to the neighborhood than the existing nonconforming use, except that no special permit is needed if the alteration or expansion is to a nonconforming single- or two-family dwelling and said alteration or expansion does not increase the nonconforming nature of the dwelling, and subject, however, to the following provisions:
- (1) Such use has not been abandoned for a period of two years or more, except in the case of land used for agriculture, horticulture or floriculture for a period of less than five years.
 - (2) Such use is not enlarged to more than 25% of the floor and ground areas of use existing at the time of adoption of the original Zoning Ordinance, or any amendments thereto, except that the City Council may waive this requirement in the case of a nonconforming contractor's yard use, outdoor storage use, or other similar use where the outdoor aspect of the use is itself nonconforming and not accessory to an indoor use, and ~~than that~~ any nonconforming farm may be enlarged up to the total area owned by the nonconforming farmer at the time of adoption of this chapter, and there shall be no limit as to the expansion of farm buildings.
 - (3) In case the use is destroyed or damaged by fire, explosion or other catastrophe to not greater than 75% of the fair market value of the building or structure, exclusive of foundation, based upon replacement cost immediately prior to such damage, the structure or use may be restored or rebuilt at the same location and used as previously, provided that:
 - (a) The building, structure or use of land as restored or rebuilt shall be no greater in floor or land area than the maximum permitted under Subsection B(3)(b) of this section.
 - (b) The restoration or rebuilding shall conform to this chapter so far as practicable and shall be completed within two years of the catastrophe, unless approved by the City Council in writing in accordance with Article VIII.
 - (4) The building or structure is completed if a permit for construction was granted prior to the adoption of this chapter and construction is accomplished within two years after the date of adoption of this chapter.

- (5) The provisions of the above Subsection B(1), (2) and (4) shall not apply to a single-family dwelling.

Be and is herewith **WITHDRAWN PER REQUEST OF MIRICK O'CONNELL ON BEHALF OF APPLICANT, DAVID SKARIN.**

ORDERED: That the Communication from Framingham State University re: complimentary copy of *Greater MetroWest Economic Profile 2017*, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY AUGUST 28, 2017** as **DATE FOR PUBLIC HEARING** On the Petition of NGrid to install 7 new poles and removing 5 poles along Boston Post Road West. Pole installs are part of a project to accommodate the expansion of Boston Post Road West, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY AUGUST 28, 2017** as **DATE FOR PUBLIC HEARING** On the Petition of NGrid to install 1 new pole along Hayes Memorial Drive Pole installs are part of a project to accommodate the expansion of Boundary Street & Rt. 20-Boston Post Road West, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY AUGUST 28, 2017** as **DATE FOR PUBLIC HEARING** On the Petition of NGrid to install 2 new poles and remove 1 pole along Boundary Street Pole installs are part of a project to accommodate the expansion of Boundary Street refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Central Mass Mosquito Control Project re: investigating resident's complaints about mosquitos on the following dates: July: 7, 12, 19 & 26 & August 2, 9, 16, 23, & 30, **FILE**; adopted.

ORDERED: That the Minutes Conservation Commission, May 18, 2017, **FILE**; adopted.

ORDERED: That the Minutes School Committee, May 23 & June 13, 2017, **FILE**; adopted.

ORDERED: That the Minutes Assabet Valley Regional Technical High School Committee, June 6, 2017, **FILE**; adopted.

ORDERED: That the Minutes Board of Assessors, May 23, 2017, **FILE**; adopted.

ORDERED: That the Minutes Commission on Disabilities, March 7, April 4, & May 2, 2017, **FILE**; adopted.

ORDERED: That the Minutes Traffic Commission, May 30 2017, **FILE**; adopted.

ORDERED: That the Minutes Planning Board, June 5, 2017, **FILE**; adopted.

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

- a. Christine Flagg, 23 East Street, Sudbury, pothole or other road defect.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee
Monday July 17, 2017
In Council Chambers**

Present: Chairman Ossing; Finance Committee Members Councilors Robey, Oram, Doucette and Irish. Councilors Clancy and Landers were also in attendance. The meeting convened at 7:03 PM.

1. **Order No. 17-1006955 - MWRA Lead Loan Program \$5,000,000.00 Bond:** The Finance Committee reviewed the Mayor's letter dated June 15, 2017 requesting the approval of a bond for \$5,000,000.00 to enable the City of Marlboro to borrow funds from the Massachusetts Water Resources Authority (MWRA) to replace all the remaining water service lines that contain lead in Marlboro. The bond was advertised on July 1, 2017. The Finance Committee voted 5 - 0 to approve the bond.

The Finance Committee agreed to support suspending the rules at the July 24, 2017 City Council meeting to approve the \$5,000,000.00 bond.

The Finance Committee adjourned at 7:43 PM.

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

Tuesday, June 20, 2017, 2017, 6:00 PM – In Council Chambers
Minutes and Report

Present: Chairman Katie Robey, Councilor Delano, Councilor Juare, & Councilor Clancy. Also attending was Cynthia Panagore-Griffin, Assistant City Solicitor.

Order No. 17-1006949-The Marlborough City Council review the merits of a Zoning Moratorium for recreational marijuana establishments in the City of Marlborough for a period of eighteen months to ensure that the City's current zoning ordinance offers appropriate zoning protections to neighborhoods in all sections of the City; and, moreover, until the Massachusetts Legislature completes its review of the ballot initiative that led to the legalization of marijuana in the Commonwealth.

Discussion was held on the merits of a moratorium, pointing out it wasn't intended as a denial of establishments coming to the city. The solicitor had provided a draft copy of the zoning amendment with a blank line to indicate the expiration date of the moratorium. Upon further review, it was decided to recommend the moratorium end on June 30, 2018.

Councilor Delano moved to recommend approval of the Zoning Amendment to establish a moratorium on Recreational Marijuana until June 30, 2018. The motion was seconded and carried 3-0. It was agreed to ask for a Suspension of Rules at the July 24th City Council meeting to advertise the Zoning Amendment.

It was moved and seconded to adjourn; motion carried 3-0. The meeting adjourned at 6:30 PM.

Councilor Tunnera orally reported out of the Personnel Committee, Order No. 17-1006839A, Appointment of Alan Slattery to the Historical Commission for a term to expire three years from date of City Council confirmation and to Suspend the Rules to Approve.

Councilor Delano reported the following out of the Urban Affairs Committee:

Meeting Name: City Council Urban Affairs Committee

Date: July 17, 2017

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Convened: 5:32 PM – Adjourned: 6:58 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Elder, Juaira, Tunnera and Landers; and Councilors Clancy, Doucette, and Robey; **Tim Hippensteele (General Manager, Hilton Garden Inn); Kevin Eriksen (Attorney, Walker Realty LLC); Joe Trolla (Ryan Development)**

Order No. 17-1006958 - Communication from City Code Officer regarding Additional Sign Request from Hilton Garden Inn, 170 Forest Street, to add signage for the restaurant, BLVD. The Urban Affairs Committee met with Tim Hippensteele, General Manager of Hilton Garden Inn, for the review of an additional sign request for their restaurant, Boulevard Kitchen and Bar, on the side of the Hilton Garden Inn located at 170 Forest Street. The Hilton Garden Inn was looking for exposure for their restaurant as there is no visible signage from the road. They presented two options to the Urban Affairs Committee with their preference being the internally lit, vertical sign on the side of the building. It would be approximately four feet wide by ten feet high, turned off by 11:00 PM each evening, and would conform to any limits imposed by the City regarding its intensity. Motion made by Councilor Elder, seconded by Chair, to approve one additional wall sign on the Forest Street side of the Hilton Garden Inn building as presented. The motion carried 5-0.

Order No. 16/17-1006443R - Communication from Walker Realty LLC regarding Revised Color Renderings for proposed office building to be constructed at 11 Apex Drive. The Urban Affairs Committee met with Kevin Eriksen and Joe Trolla, appearing on behalf of Walker Realty LLC, for a discussion of the revised color rendering for the proposed office building located at 11 Apex Drive. The revised elevation replaces the elevation previously approved in November of 2016. The basic structure and footprint of the building remained the same however the portico was removed and the exterior coloring was updated to better blend with the design of the entire Apex Center complex. Motion made by Councilor Elder, seconded by Chair, to approve the revised color rendering for the office building being constructed at 11 Apex Drive. The motion carried 4-1.

Order No. 17-1006443R - Communication from Walker Realty LLC regarding Waiver pursuant to Section 650-35H of the HRMUOD to allow for three building signs for the proposed 110 Grill to be constructed at 115 Apex Drive. The Urban Affairs Committee met with Kevin Eriksen, appearing on behalf of Walker Realty LLC, for a discussion of a waiver to allow for three building signs for the proposed 110 Grill located at 115 Apex Drive. Mr. Eriksen explained the HRMUOD has a section specifically dedicated to wall signage, §650-35H (1), which allows two (2) wall signs as of right and any additional signs beyond that requires a waiver from the City Council. They submitted their typical 110 Grill wall signage package which can be viewed throughout their locations within Massachusetts and New Hampshire with the closest location being in Hudson, MA. **Motion made by Councilor Elder, seconded by Chair, to approve the third sign for the 110 Grill as requested by Walker Realty LLC. The motion carried 5-0.**

Motion made and seconded to adjourn. The motion carried 5-0. The meeting adjourned at 6:58 PM.

Suspension of the Rules requested – granted

ORDERED:

WATER SERVICE LINE REPLACEMENT BOND

That the sum of \$5,000,000 (five million dollars) be and is hereby appropriated for financing the engineering and construction of the replacement of water service lines containing lead piping through the Massachusetts Water Resources Authority (MWRA) Lead Loan Program (LLP).

That to meet said appropriations the Comptroller/Treasurer, with the approval of the Mayor, is authorized to borrow all or a portion of the \$5,000,000.00 under and pursuant to the provisions of Chapter 44, Section 8(3) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Further that the Comptroller/Treasurer, with the approval of the Mayor, is authorized to borrow all or a portion of the foregoing amount from the MWRA and in connection therewith, to enter into a loan agreement and/or security agreement with the MWRA relative to such loan, and the Commissioner of Public Works, with the approval of the Mayor, is authorized to contract for and expend any Federal, State or other aide available for the project, including any grant related to such program from the MWRA, and the Mayor and/or the Comptroller/Treasurer, with the approval of the Mayor, are authorized to take any other action necessary to carry out this project.

Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

APPROVED; adopted.

Yea: 11-Nay: 0

Yea: Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juair, Oram, Ossing & Robey

Suspension of the Rules requested – granted

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

1. Section 650-5, entitled “Definitions; Word Usage,” is hereby amended by adding to said Section the following definition:

MARIJUANA ESTABLISHMENT: a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

MARIJUANA RETAILER: an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

2. A new Section 650-37, entitled “TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS AND MARIJUANA RETAILERS,” is hereby added, as follows:

650-37 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS AND RETAILERS

A. Purpose

By vote of the state election on November 8, 2016, the voters of the Commonwealth approved a law, Chapter 334 of the Acts of 2016, which regulates the cultivation, distribution, possession, and use of marijuana for recreational purposes. By act of the Legislature, Chapter 351 of the Acts of 2016, the Cannabis Control Commission must issue initial regulations by March 15, 2018 and begin accepting applications for licenses by April 1, 2018. The Cannabis Control Commission must also adopt final regulations by July 1, 2018.

Pursuant to section 3 of chapter 94G of the Massachusetts General Laws, a municipality may adopt zoning regulations that impose reasonable safeguards on the operation of marijuana establishments. Chapter 334 of the Acts of 2016 also established the Cannabis Advisory Board to, among other things, advise on the preparation of regulations. It is expected that the Legislature, the Cannabis Control Commission, and the Cannabis Advisory Board’s will provide guidance to the City concerning the regulation of recreational marijuana establishments and marijuana retailers.

B. Temporary Moratorium

The regulation of recreational marijuana establishments and marijuana retailers raises complex and novel legal, planning, and public safety issues. The City intends to adopt a temporary moratorium on the use of land and structures in the City for the purpose of recreational marijuana establishments and marijuana retailers. The temporary moratorium will provide the City with time to study, plan, consider and promulgate ordinances to address said complex and novel issues, including but not limited to assessing and incorporating State regulations, in a manner consistent with sound land use planning goals and objectives.

For the reasons sets forth above, and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for or by recreational marijuana establishments and marijuana retailers, as herein defined. During the moratorium period, the City shall undertake a planning process to address the potential impacts of recreational marijuana in the City; consider Cannabis Control Commission regulations regarding recreational marijuana establishments and marijuana retailers and related uses; consider such guidance as may be provided by the Legislature, the Cannabis Control Commission, and the Cannabis Advisory Board; determine whether the City shall restrict any or all recreational marijuana establishments and marijuana retailers through any available legal means, adopt provisions of the Zoning Code to address the impact and operation of recreational marijuana establishments, marijuana retailers and related uses; and consider such other and further matters as set forth in M.G.L. c. 94G, § 3 and M.G.L. c. 64N, § 3. The moratorium shall be in effect through July 1, 2018.

Refer to **PLANNING BOARD AND ADVERTISE PUBLIC HEARING FOR SEPTEMBER 11, 2017**; adopted.

Councilor Elder opposed.

ORDERED: That the Appointment of Alan Slattery to the Historical Commission for a term to expire three years from date of City Council confirmation, **APPROVED**; adopted.

Councilor Elder opposed.

ORDERED: Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that the Code of the City of Marlborough (hereinafter, the "City Code"), as amended, be further amended as follows:

- I. The City Code is hereby amended in its entirety by deleting the words "Chief Engineer" as said words appear throughout the City Code, and inserting in place thereof, throughout the entirety of the City Code, the words "Fire Chief."
- II. Chapter 74 is hereby amended by deleting the words "Assistant Engineer" as said words appear throughout Chapter 74, and inserting in place thereof, throughout the entirety of Chapter 74, the words "Assistant Chief."
- III. Chapter 74 is hereby amended by deleting the following sections:
 - (i.) § 74-6 Number of call members
 - (ii.) § 74-24 Board of Engineers reorganized
 - (iii.) § 74-25 Intermittent firefighters
- IV. Section 74-5, entitled "Permanent Department Force," is hereby amended as follows:
 - (i.) By deleting paragraph A in its entirety and inserting in place thereof the following paragraph.
 - A. The permanent force of the Fire Department shall consist of a Fire Chief; Assistant Chiefs; Battalion Chiefs; Captains; Lieutenants; and as many firefighters as the Mayor and City Council may from time to time order.
 - (ii.) By deleting paragraph C in its entirety and inserting in place thereof the following paragraph:
 - C. The Assistant Chiefs shall assist the Fire Chief in the command of the Department.
 - (iii.) By deleting paragraph D in its entirety, thereby revoking Order No. 07-1001476A, dated May 21, 2007, by which order the City Council accepted M.G.L. c. 31, § 58A which statute prohibits a person, other than a veteran, from having his or her name certified to original appointment to the position of firefighter if such person has reached his or her 32nd birthday on the date of the entrance examination. Said revocation shall not affect any civil service or contractual rights that may have come into existence between the City and any current or retired employee thereof as a result of the original acceptance of said law.

V. Section 74-10, entitled "Command of members" is hereby amended as follows:

(i.) By deleting paragraph A in its entirety and inserting in place thereof the following paragraph:

A. The Fire Chief shall have sole and absolute control and command of all the members of the Department and of all persons at fires or whenever the Department is on duty.

(ii.) By deleting paragraph B in its entirety.

VI. Section 125-17, entitled "Overtime Pay," is hereby amended in paragraph D by deleting the words "First Assistant Engineer and Second Assistant Engineer" and inserting in place thereof the words "Assistant Chiefs."

APPROVED; adopted.

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

ORDERED: That the Fiscal Year 2018-2022 Capital Plan, **FILE;** adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, Gerald Dumais, d/b/a/ Dumais & Sons Second Hand Store, 65 Mechanic St, **APPROVED;** adopted.

ORDERED: That the Mayor be requested to issue a letter of interest in developing TransitX in the City of Marlborough; **APPROVED;** adopted.

Yea: 6-Nay: 5

Yea: Doucette, Tunnera, Irish, Landers, Juaire, & Oram

Nay: Clancy, Delano, Elder, Ossing & Robey

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:44 PM.



IN CITY COUNCIL

Marlborough, Mass., _____ JULY 24, 2017

ORDERED:

That there being no objection thereto set **MONDAY AUGUST 28, 2017** as **DATE FOR PUBLIC HEARING** On the Petition of NGrid to install 2 new poles and remove 1 pole along Boundary St. Pole installs are part of a project to accommodate the expansion of Boundary St, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 17-1006987

From: Thomas DiPersio
To: City Council; Donald Landers
Cc: John Ghiloni
Subject: City Council/Public Services Committee 8/28/17
Date: Wednesday, August 23, 2017 9:19:50 AM

Pursuant to City Council Orders No. 17-1006985, No. 17-1006986 and No. 17-1006987, for the petitions from National Grid to install 7 new poles and removing 5 poles along Boston Post Road West, to install 1 new pole along Hayes Memorial Drive, and to install 2 new poles and remove 1 pole along Boundary Street; all to accommodate the expansion of Boston Post Road West and Boundary Street for traffic improvements; I offer the following comments:

- 1) The DPW Engineering Division recommends approval of the new pole installation work, as it is needed for the traffic and safety improvements.
- 2) The utility companies are to expedite the transfer of overhead wires from old to new poles, to minimize any double pole situations left along the street.

If you have any questions please feel free to contact me.



IN CITY COUNCIL

3-1

Marlborough, Mass., _____ JULY 24, 2017

ORDERED:

That there being no objection thereto set **MONDAY AUGUST 28, 2017** as **DATE FOR PUBLIC HEARING** On the Petition of NGrid to install 7 new poles and removing 5 poles along Boston Post Rd. West. Pole installs are part of a project to accommodate the expansion of Boston Post Rd. West, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 17-1006985

From: Thomas DiPersio
To: City Council; Donald Landers
Cc: John Ghiloni
Subject: City Council/Public Services Committee 8/28/17
Date: Wednesday, August 23, 2017 9:19:50 AM

Pursuant to City Council Orders No. 17-1006985, No. 17-1006986 and No. 17-1006987, for the petitions from National Grid to install 7 new poles and removing 5 poles along Boston Post Road West, to install 1 new pole along Hayes Memorial Drive, and to install 2 new poles and remove 1 pole along Boundary Street; all to accommodate the expansion of Boston Post Road West and Boundary Street for traffic improvements; I offer the following comments:

- 1) The DPW Engineering Division recommends approval of the new pole installation work, as it is needed for the traffic and safety improvements.
- 2) The utility companies are to expedite the transfer of overhead wires from old to new poles, to minimize any double pole situations left along the street.

If you have any questions please feel free to contact me.



IN CITY COUNCIL

Marlborough, Mass., JULY 24, 2017

ORDERED:

That there being no objection thereto set **MONDAY AUGUST 28, 2017** as **DATE FOR PUBLIC HEARING** On the Petition of NGrid to install 1 new pole along Hayes Memorial Dr. Pole installs are part of a project to accommodate the expansion of Boundary St. & Rt. 20-Boston Post Rd. West, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 17-1006986

From: Thomas DiPersio
To: City Council; Donald Landers
Cc: John Ghiloni
Subject: City Council/Public Services Committee 8/28/17
Date: Wednesday, August 23, 2017 9:19:50 AM

Pursuant to City Council Orders No. 17-1006985, No. 17-1006986 and No. 17-1006987, for the petitions from National Grid to install 7 new poles and removing 5 poles along Boston Post Road West, to install 1 new pole along Hayes Memorial Drive, and to install 2 new poles and remove 1 pole along Boundary Street; all to accommodate the expansion of Boston Post Road West and Boundary Street for traffic improvements; I offer the following comments:

- 1) The DPW Engineering Division recommends approval of the new pole installation work, as it is needed for the traffic and safety improvements.
- 2) The utility companies are to expedite the transfer of overhead wires from old to new poles, to minimize any double pole situations left along the street.

If you have any questions please feel free to contact me.



IN CITY COUNCIL

Marlborough, Mass., _____ JULY 24, 2017

PAGE 1

ORDERED:

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended as follows.

1. In Section 650-35.A(2), by deleting "43.6 acres" and replacing with "45.2 acres".
2. By Amending Exhibit A of Section 650-35 to include the following additional parcels:

Assessors Map 78, Parcel 14A

Assessors Map 78, Parcel 23

3. In Section 650-35.E(1)(i), adding the following language to the end of the Section:

"except that nothing in this Section shall be deemed to prohibit or limit the existing drive-through facility on Assessors Map 78, Parcel 23, nor to prohibit or limit the existing dedicated driveway with a curb cut onto a public way located on Assessors Map 78, Parcel 23, all as the same may be altered or amended from time to time, the same being preexisting conditions which shall continue to be allowed notwithstanding anything contained in the HRMUOD to the contrary."

4. In Section 650-35.E(1)(j), adding the following language to the end of the Section:

"except that nothing in this Section shall be deemed to prohibit or limit the existing drive-through facility on Assessors Map 78, Parcel 14A, nor to prohibit or limit the existing dedicated driveway with a curb cut onto a public way located on Assessor Map 78, Parcel 14A, all as the same may be altered or amended from time to time, the same being preexisting conditions which shall continue to be allowed notwithstanding anything contained in the HRMUOD to the contrary."

5. In Section 650-35.E(2)(a.), adding the following language to the end of the Section:

"expressly excluding drive-through facilities located on Assessors Map 78, Parcel 23, which facilities are existing and shall not require a Special Permit under this Section."

6. In Section 650-35.E(2)(b.), adding the following language to the end of the Section:



IN CITY COUNCIL

Marlborough, Mass., JULY 24, 2017

PAGE 1

ORDERED:

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

- I. Section 650-5, entitled "Definitions; word usage," is hereby amended as follows:
 - a. By deleting in subsection B the definition of "BREW PUB" in its entirety and inserting in place thereof the following definition:

BREW PUB

A facility which is licensed by the United States Alcohol and Tobacco Tax Trade Bureau and the Commonwealth of Massachusetts, under the relevant statutes including M.G.L. c. 138, § 19D, to manufacture malt beverages and which is also authorized by the City and the Commonwealth of Massachusetts to serve alcoholic beverages. The facility may have a restaurant or serve food prepared on site, but shall comply with all applicable Board of Health requirements for kitchens and common victualler licenses; provided, however, that in such a case only beer, spirit or wine products manufactured by the facility, and none by other manufacturers, may be sold, unless an on-premises pouring license has been obtained under M.G.L. c. 138, § 12. Nothing contained herein shall prohibit the facility from having a bring-your-own-food policy.

- b. By inserting in subsection B the following new definitions:



IN CITY COUNCIL

Marlborough, Mass., JULY 24, 2017

PAGE 2

ORDERED:

WINERY, BREWERY, OR DISTILLERY WITH TASTING ROOM

A facility licensed under, respectively, M.G.L. c. 138, §§ 19B, 19C and 19E and which is located in a building where the primary use is for the production and distribution of vinous, malt, or spirituous beverages, with the option of a tasting room. Any such facility may provide, at no charge and limited in size as set forth in M.G.L. c. 138, samples of beverages it manufactures on its premises and for this purpose shall have a Commonwealth of Massachusetts issued Farmer Series Pouring Permit. The facility may host marketing events, special events, and/or factory tours. The facility may only sell beverages produced by, and commercial goods branded by, the winery, brewery, or distillery. The facility may sell permitted beverages to consumers for consumption off-premises. The facility may have a restaurant or serve food prepared on site, but shall comply with all applicable Board of Health requirements for kitchens and common victualler licenses; provided, however, that in such a case only beer, spirit or wine products manufactured by the facility, and none by other manufacturers, may be sold, unless an on-premises pouring license has been obtained under M.G.L. c. 138, § 12. Nothing contained herein shall prohibit the facility from having a bring-your-own-food policy.

TASTING ROOM

A room attached to either a winery, brewery, or distillery, and permitted as an accessory use thereto, that allows patrons to sample or consume wine, beer, and other alcoholic beverages that are produced on the premises in accordance with M.G.L. c. 138. A tasting room is not to exceed 25 percent of the gross square footage of the winery, brewery, or distillery.

II. Section 650-17, entitled "Table of Uses," is hereby amended as follows:

- a. By regulating business uses so as to allow, as of right, a brew pub in the Business (B), Commercial Automotive (CA), Limited Industrial (LI), Industrial (I) and Marlborough Village (MV) districts, as follows:

	RR	A1	A2	A3	RB	RC	RCR	B	CA	LI	I	MV
Brew pub	N	N	N	N	N	N	N	Y	Y	Y	Y	Y

and



IN CITY COUNCIL

Marlborough, Mass., JULY 24, 2017

PAGE 3

ORDERED:

- b. by regulating business uses so as to allow, as of right, a winery, brewery, or distillery with tasting room in the Business (B), Commercial Automotive (CA), Limited Industrial (LI), Industrial (I) and Marlborough Village (MV) districts, as follows:

RR A1 A2 A3 RB RC RCR B CA LI I MV

Winery, brewery,
or distillery with
tasting room

N N N N N N N Y Y Y Y Y

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY AUGUST 28, 2017.**

ADOPTED

ORDER NO. 17-1006980



City of Marlborough Office of the Mayor

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Nicholas J. Milano
EXECUTIVE AIDE

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

2017 JUL 28 P 1:02

Patricia Bernard
EXECUTIVE SECRETARY

July 28, 2017

City Council President Edward J. Clancy
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: City Council Order 17-1006939A

Honorable President Clancy and Councilors:

I am hereby notifying you that I have chosen to veto City Council Order 17-1006939A.

Over the past few months, City Council has discussed the merits of signing a Letter of Interest regarding the Transit X transportation idea. I have reviewed the discussions City Council had and held my own meetings regarding this idea, but I am not convinced that the City should support this proposal at this time.

There are certainly merits to the idea of a solar powered transportation system that would connect parts of Marlborough only accessible by automobiles; however, until this system is running, it is not in the City's best interest to sign a letter of interest. First, I would like to see if the logistics of this proposal are even feasible. Transit X claims that a pilot will be active near Boston in 2018; at that point, we can begin to see whether forward progress is being made.

Additionally, this technology proposes a type of transit system based around small, personal pods. Public infrastructure, public funds, and public space should be used on transportation projects that provide mass transit, accessible to all. We must continue to work together to improve transportation options for Marlborough residents as well as those who work in or visit Marlborough.

If this project moves forward elsewhere, and is shown to work with private investment, I may reconsider my position.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure



IN CITY COUNCIL

Marlborough, Mass., _____ JULY 24, 2017

ORDERED:

That the Mayor be requested to issue a letter of interest in developing TransitX in the City of Marlborough; be and is herewith **APPROVED**.

Yea: 6-Nay: 5

Yea: Doucette, Tunnera, Irish, Landers, Juaire, & Oram

Nay: Clancy, Delano, Elder, Ossing & Robey

ADOPTED

In City Council

Order No. 17-1006939A

Approved by Mayor

Arthur G. Vigeant

Date:

**** VETOED BY MAYOR VIGEANT ****

**** JULY 28, 2017 ****

TRUE COPY

ATTEST:

Luc M. Hooper
City Clerk

Marlborough, MA

20 miles • 60 stops
45 mph nonstop

Pilot: 1.4 miles • 4 stops
Phase 1: 6 miles • 12 stops





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CITY OF MARLBOROUGH
2017 AUG 24 A 11: 07

City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
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www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

August 24, 2017

City Council President Edward J. Clancy
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Grant Acceptance – Department of Public Works

Honorable President Clancy and Councilors:

Please find enclosed for your acceptance a grant from the Massachusetts Department of Transportation ("MassDOT") in the amount of \$388,710. This grant was awarded to the City to fund several complete streets projects in Marlborough.

As you may recall, we adopted a Complete Streets policy to make Marlborough's streets safer for all users. We developed this policy with assistance from MassDOT while participating in the Community Compact initiative led by Lieutenant Governor Polito. By working on Complete Streets for the Community Compact, we received bonus points on our grant application.

The Complete Streets policy provides guidance to our engineering staff when they design street improvement projects across Marlborough. In the City's grant application, the Department of Public Works identified a group of projects which will improve the transportation experience of pedestrians, cyclists, and the disabled community.

The bulk of the grant award will be used to supplement our efforts to make the City's curb cuts ADA compliant and install ADA compliant wheelchair ramps.

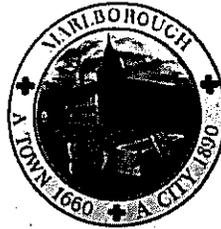
I want to thank the Baker-Polito administration for their continued support of the City of Marlborough.

Commissioner of Public Works John Ghiloni and City Engineer Tom DiPersio will be available to answer any questions.

Thank you,

Arthur G. Vigeant
Mayor

Enclosures



CITY OF MARLBOROUGH
Department of Public Works
 Office of the Commissioner
 135 Neil Street
 Marlborough, Massachusetts 01752
 (508) 624-6910 Ext. 33100
 Facsimile (508) 624-7699 * TDD (508) 460-3610

August 23, 2017

Arthur Vigeant, Mayor
 City of Marlborough
 140 Main St.
 Marlborough, MA 01752

Dear Mayor Vigeant:

The Department of Public Works was recently awarded a Tier 3 Complete Streets Construction Funding Grant in the amount of \$388,710.00. The Complete Streets Funding Program was launched by the Massachusetts Department of Transportation on February 1, 2016, to provide technical assistance and project funding to foster Complete Streets on local roads.

A Complete Street is one that provides safe and accessible options for all travel modes - walking, biking, transit and vehicles. Designing streets with these principles provides safer, more accessible and comfortable means of travel between home, school, work, recreation and retail destinations and promotes more livable communities. We are pleased to receive this infrastructure grant to put these design principles into practice in Marlborough.

Funds will be expended on approved projects as detailed in the attached grant award notice. I respectfully request that you submit this grant for Council acceptance and approval at the next meeting of the City Council on August 28, 2017.

A copy of the grant acceptance form has also been attached for Council's review and consideration.

Sincerely,

John L. Ghiloni
 Commissioner of Public Works

Enclosure

cc: Thomas DiPersio, Jr.- City Engineer

8/24/2017

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Department of Public Works DATE: 8/23/2017

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: John L. Ghiloni, Commissioner

NAME OF GRANT: Tier 3 Complete Streets Construction Funding

GRANTOR: Massachusetts Department of Transportation

GRANT AMOUNT: \$388,710.00

GRANT PERIOD: FY18 and FY19 through 9-30-2018

SCOPE OF GRANT/ Local infrastructure improvements

ITEMS FUNDED Forest Street and Bartlett Street - Bike Accessibility Improvements - \$48,176

D'Angelo Drive- Sidewalk Improvement - \$70,934

City-Wide - New ADA Compliant Ramps - \$183,160

West Hill Road Wheelchair Ramps and Traffic Calming - \$86,440

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? No

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

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

ANY OTHER EXPOSURE TO CITY?

This is a reimbursement grant. These infrastructure improvements will be part of
larger-scale, planned projects that are additionally funded by capital bonds.

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: ASAP to ensure prompt reimbursement
processing.

**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**



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO

massDOT
Massachusetts Department of Transportation

July 19, 2017

Mayor Arthur Vigeant
140 Main Street
Marlborough, MA 01752

Dear Mayor Arthur Vigeant:

I am pleased to notify you that Marlborough's Tier 3 Complete Streets Construction Funding Application has been approved. This was a very competitive round with over forty-eight applicants and twenty-two awards. Marlborough should be very proud of their application. The municipal projects listed below are hereby approved for Fiscal Year 2018.

Municipal Rank	Project Name	Project Description	Award
1	Forest Street & Bartlett Street Bike Accessibility Improvements	Project consists of repurposing the existing roadway width to provide on-road bike lanes for a length of 9,600 feet connecting the southwest portion of the Town to downtown. Improvements consist of micro surfacing the roadway, and installing pavement markings and signage delineating the bike lane.	\$48,176
3	D'Angelo Drive - Sidewalk Improvement	Pedestrian Improvements - New Sidewalk providing pedestrian access where there is currently no sidewalk.	\$70,934
5	Town-wide - New ADA compliant ramps	Town-wide resurfacing and reconstructing new ADA curb cut compliant ramps. The project will consist of the replacement of approximately 45 non-compliant ramps in numerous locations around Town.	\$183,160
6	West Hill Road Wheelchair Ramps and Traffic Calming	Wheelchair ramp improvements to replace 10 ramps that are not currently ADA compliant. Install 5 crosswalks. Installation of 2 radar speed sign to reduce speeding.	\$86,440
		Total	\$388,710

By adding bike lanes to Forest and Bartlett Streets, the City will improve bicycling accommodations on a crucial roadway that connects the western section of Town to the rest of the Town via the recently installed bike lanes on Simarano Drive. The corridor connects

residential areas to large office parks, the Richer Elementary School, and recreational areas. The eastern end of the project abuts an environmental justice population allowing this community safer multimodal access to the various destinations along the corridor. The new sidewalk on D'Angelo Drive and bike lanes on Simarano Drive will provide multimodal connections from the businesses on D'Angelo Drive to the residences along Simarano Drive and Forest Street towards downtown. The City will enhance their own town-wide roadway repaving work with ADA/AAB-compliant Curb Ramps and Detectable Warning Surfaces, and address high speeds along West Hill Road with two radar speed signs.

MassDOT will be sending you a Contract Package in the next few weeks. We anticipate issuing the Notice to Proceed (NTP) by mid-August and the deadline for construction will be September 30, 2018. Please hold press releases until after the NTP is issued.

Thank you for your commitment to improving your local transportation network for all users, and for your participation in the Complete Streets Funding Program. MassDOT looks forward to working with you.

Sincerely,



Stephanie Pollack
Secretary and CEO

cc: Mark Dascoli, Associate City Engineer;
Eileen Gunn, MassDOT Complete Streets Program Administrator,
Jonathan Gulliver, MassDOT Acting Highway Administrator



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OF MARLBOROUGH

AUG 24 A 11:06

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
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patrieta Bernard
EXECUTIVE SECRETARY

August 24, 2017

City Council President Edward J. Clancy
Marlborough City Council
140 Main Street
Marlborough, MA 01752

**Re: Order of Taking by Eminent Domain Regarding Hudson Street/Mechanic Street
Roadway Improvements Project**

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval a proposed Order of Taking By Eminent Domain concerning roadway public safety improvements at the intersection of Hudson Street and Mechanic Street. The enclosed packet also contains a letter from John Ghiloni, Commissioner of Public Works. No appropriation is necessary to fund this taking.

Commissioner Ghiloni and City Engineer Tom DiPersio will be available to answer any specific questions relative to the project.

Thank you,

Arthur G. Vigeant
Mayor

Cc: John Ghiloni, Commissioner
Thomas DiPersio, City Engineer
Cynthia Panagore Griffin, Assistant City Solicitor



CITY OF MARLBOROUGH
Department of Public Works
Office of the Commissioner
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 33100
Facsimile (508) 624-7699 * TDD (508) 460-3610

August 24, 2017

Arthur G. Vigeant, Mayor
City Hall
140 Main Street
Marlborough, MA 01752

**RE: Order of Taking by Eminent Domain Regarding Hudson Street/Mechanic Street
Roadway Improvements Project**

Dear Mayor Vigeant:

I request that you send to the City Council, for its action, the attached Order of Taking by Eminent Domain. No appropriation is necessary.

By the proposed Order of Taking, the City would acquire permanent and temporary easement interests in private land located at the intersection of Hudson Street and Mechanic Street. The purpose of the takings, more fully described in the order, is related to roadway public safety improvements.

I am available to answer any specific questions relative to the project.

Sincerely,

John L. Ghiloni
John L. Ghiloni
Commissioner of Public Works

Enclosures

cc: Thomas DiPersio, City Engineer
Cynthia Panagore Griffin, Assistant City Solicitor

ORDERED:**Eminent Domain Order of Taking**

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare, safety, and common convenience require that legal interests in certain portions of land located on Hudson Street and Mechanic Street, as more particularly described herein, be taken for the purpose of the reconstruction, construction, repair and maintenance of roadway improvements on Hudson Street and Mechanic Street, and for other municipal purposes, and that the taking by eminent domain is reasonable and necessary to carry out the aforementioned purposes; and,

WHEREAS, in order to promote the public welfare, safety, common convenience, and necessity, it is necessary to take by Eminent Domain the easement interests in the land for the purposes and duration described herein; and,

WHEREAS, all preliminary requirements of Massachusetts General Laws Chapter 79 having been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79 and every power and authority thereto enabling, and in the exercise of the power and authority conferred by said laws, does hereby take by Eminent Domain the easement interests or fee simple interest in the following described land, including all trees and other vegetation thereon.

DESCRIPTION OF LAND TAKEN

1. **Street address: 8 Hudson Street, Marlborough, MA 01752**

Permanent easement for roadway widening purposes: Being an approximately 191.77 S.F. portion of the property located on 8 Hudson Street, Marlborough, MA, known and numbered as Map 56, Parcel 107 on the Assessors' Map of the City of Marlborough and shown as Parcel B on a plan entitled "Plan of Land in Marlborough, MA," dated April 30, 2016 and prepared by Thomas Dipersio, Jr. & Associates, Inc., 641 Concord Road, Marlborough, MA 01752, said plan to be recorded herewith.

OWNER: Bryan Rijo
8 Hudson Street
Marlborough, MA 01752

2. **Street Address: 159 Mechanic Street, Marlborough, MA**

Temporary easement for construction purposes: Being an approximately 1,242.27 S.F. portion of the property located at 159 Mechanic Street, Marlborough, MA, known and numbered as Map 56, Parcel 101 on the Assessors' Map of the City of Marlborough and shown as Parcel A on a plan entitled "Plan of Land in Marlborough, MA," dated April 30, 2016 and prepared by

Thomas Dipersio, Jr. & Associates, Inc., 641 Concord Road, Marlborough, MA 01752, said plan to be recorded herewith.

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Hudson Street and Mechanic Street.

Permanent easement for roadway widening purposes: Being an approximately 686.39 S.F. portion of the property located at 159 Mechanic Street, Marlborough, MA, known and numbered as Map 56, Parcel 101 on the Assessors' Map of the City of Marlborough and shown as Parcel C on a plan entitled "Plan of Land in Marlborough, MA," dated April 30, 2016 and prepared by Thomas Dipersio, Jr. & Associates, Inc., 641 Concord Road, Marlborough, MA 01752, said plan to be recorded herewith.

OWNER: Victor Alecio
159 Mechanic Street
Marlborough, MA 01752

The ownership of said parcels and each of them are supposed to be as stated herein, but said easements and each of them are hereby taken whether the ownership is as stated herein or otherwise. We determine that the damages, set forth in the Table of Awards below, have been sustained by the owners of said parcels upon which said easements, so taken, are located.

TABLE OF AWARDS

The City Council hereby makes the following awards for damages for the owner or owners of record:

<u>OWNERS</u>	<u>MARLBOROUGH ASSESSORS' MAP/PARCEL</u>	<u>AREA OF TAKING</u>	<u>AWARD</u>
Bryan Rijo Hudson Street Marlborough, MA 01752	56/107	191.77 S.F. +/- (permanent easement)	\$959
Victor Alecio 159 Mechanic Street Marlborough, MA 01752	56/101	1,242.27 S.F. +/- (temporary easement)	\$755
		686.39 S.F. +/- (permanent easement)	\$2,402

ADOPTED
In City Council
Order No. 17-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST



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CITY OF MARLBOROUGH

AUG 24 A 11: 01

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
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

August 24, 2017

City Council President Edward J. Clancy
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: School Project Update

Honorable President Clancy and Councilors:

Over the past two years, we have been working with the Massachusetts School Building Authority to undertake a school project in Marlborough to alleviate primarily overcrowding issues at the Raymond C. Richer Elementary School. Another goal of the project has been to assess whether it is feasible to put Marlborough fifth graders back into an elementary school setting. Thanks to your approval of funds for a professional study, we are steadily progressing through the Feasibility Study phase of the MSBA process.

The MSBA's mandated requirements are comprehensive and they require that we study all possible options and solutions to identify the best, long-term project for our community. This process is being overseen by our School Building Committee, which includes Councilor Robey as a member.

We are approximately midway through the Feasibility Study and would like to provide the City Council a full update. The first submittal we provided to the MSBA can be accessed on the School Building Committee page on the City's website along with additional information about the project.

Superintendent Greulich, her leadership team, the project architect, our project manager, and I are available to discuss with you in detail. We look forward to working closely with the City Council on a school project that will solve some of the facility challenges facing our students today.

Thank you,

Arthur G. Vigeant
Mayor



**City of Marlborough
Legal Department**

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

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
DONALD V. RIDER, JR.
CITY SOLICITOR
2017 AUG 24 A 9 33
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR
ELLEN M. STAVROPOULOS
PARALEGAL

August 24, 2017

Edward Clancy
President
Marlborough City Council

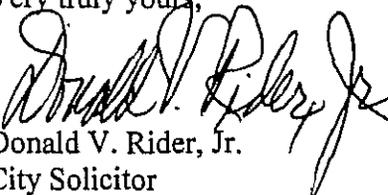
RE: Order No. 17-1006907.C
Application for a Special Permit
McDonald's USA, LLC
250 Maple Street, Marlborough

Dear President Clancy and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by McDonald's USA, LLC, seeking permission to remodel the restaurant and reconfigure the existing drive-through to add a second drive-through lane at 250 Maple Street.

I have enclosed a copy of the proposed decision. I certify that the decision is in proper legal form.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Nathaniel E. Mahonen, P.E., Bohler Engineering, agent for applicant

IN CITY COUNCIL

ORDERED:

DECISION ON A SPECIAL PERMIT

IN CITY COUNCIL

Special Permit
McDonald's USA, LLC
Order No. 17-1006907C

Locus:
250 Maple Street
Assessors Map 82, Lots 156 and 157B

DECISION ON A SPECIAL PERMIT CITY COUNCIL ORDER NO. 17-1006907C

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to McDonald's USA, LLC for modification to an existing drive-through facility at the existing restaurant at 250 Maple Street, Marlborough, MA, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. McDonald's USA, LLC, One McDonald's Plaza, Oak Brook, IL 60523, has a Northeast Region office located at 690 Canton Street, Westwood, MA 02090, and is hereinafter referred to as the "Applicant."

2. The Applicant is a subsidiary of McDonald's Corporation, One McDonald's Plaza, Oak Brook, IL 60523 which owns the premises known and numbered as 250 Maple Street, Marlborough, Massachusetts and further described on Marlborough Assessor's Maps as Map 82, Lots 156 and 157B (hereinafter, the "Site"). As the operator of the existing McDonald's restaurant and drive-through located at the Site, the Applicant proposes to remodel the restaurant and reconfigure the existing drive-through to add a second drive-through lane at the Site (hereinafter, the "Project").

3. Applicant has filed with City Clerk of the City of Marlborough an application for a Special Permit (hereinafter, the "Application"). Pursuant to Sections 650-14.B and 650-17 of the Zoning Ordinance of the City of Marlborough (2008 Code), Applicant is seeking permission for the expansion of an existing drive-through facility.

4. The Site is located in the Business zoning district as determined by the Zoning Map of the City of Marlborough.

5. In connection with the Application, Applicant has submitted a certified list of abutters, filing fees, and a detailed site plan titled "Site Development Plans for Proposed McDonald's with Drive-Thru, Location of Site: 250 Maple Street (Route 85), City of Marlborough, Middlesex County, Massachusetts, Map 82, Lot 156", prepared for McDonald's, drawn by Bohler Engineering, 352 Turnpike Road, Southborough, MA, scale 1"=20', dated April 20, 2017, most recently revised August 10, 2017 (hereinafter, the "Plans").

6. The Plans were certified by the Building Inspector of the City of Marlborough, acting on behalf of 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.

7. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

8. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on Monday, July 24, 2017.

9. Applicant, through its civil engineering consultant, presented testimony at the public hearing detailing the application, describing its impact upon municipal services, the neighborhood, and traffic.

10. The Applicant intends that the proposed drive-through addition will greatly improve overall operation and efficiency on-site. The Applicant represents that the additional order station will allow order times to be reduced and traffic to move more smoothly through the queue to ultimately reduce on-site stacking.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING
FINDINGS AND TAKES THE FOLLOWING ACTIONS**

A. Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.

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 when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by Applicant, its successors and/or assigns to the conditions more fully set forth herein.

C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough, hereby GRANTS Applicant a Special Permit to expand the existing drive-through as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on Applicant, its successors and/or assigns:

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 the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.

2. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority. Any changes to the Plans which alter the traffic patterns or landscaping, or reduce the overall green space of the Project, will require subsequent approval by the City Council.

3. Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of Applicant's facility.

4. The locations and design of signage shall be reviewed and approved by the City of Marlborough during Site Plan Review in accordance with the sign ordinance of the City of Marlborough. It is a further condition that the location of the signage shall not be substantially different than that shown on the Plans submitted herewith, allowing, however, for minor changes in the field so as to avoid conflicts with existing City infrastructure.

5. The location and placement of pavement markings and traffic directional signage shall be reviewed and approved by the City of Marlborough during Site Plan Review in accordance with applicable rules and regulations of the City of Marlborough.

6. All illuminations of individual parking lot light fixtures shall not be modified from the existing condition without prior approval by the Site Plan Review Committee.

7. There shall be no overnight parking at the Site, except that parking which is incidental to the continued 24-hour Site operations shall be allowed.

8. a. Applicant, its successors and/or assignees agrees to maintain the Project landscaping substantially in conformance with the Plans as submitted to the City Council and/or the City Council's Urban Affairs Committee, as may be amended during Site Plan Review.

b. Upon the completion of the proposed Maple Street improvements, to be constructed by others, Applicant, its successors and/or assigns shall install and maintain additional plantings off the southwesterly boundary of the Site, between the Site and the new sidewalk in the area designated on Sheet C-4 of the Plans. These plantings shall be a maximum height of thirty-six (36) inches so as to not impede sight distances. The final species and number of plantings shall be reviewed and approved by the City Engineer and Conservation Officer during construction, as will the plantings' future maintenance to be performed by Applicant, its successors and/or assigns.

9. No less than four (4) arborvitaes shall be installed and maintained on each side of the existing trash enclosure as shown on the Plans.

10. The drive-through shall employ a speaker system of a quality that seeks to minimize the noise emanating from the speaker system and in full compliance with the noise ordinance of the City of Marlborough. The drive-through audio speakers also shall not produce noise at the property line greater than that which would be allowed at the property line in a Residential zoning district, in accordance with the noise ordinance of the City of Marlborough.

11. All plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant as part of the 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.

12. Notwithstanding condition #1 above, the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the use of the Project as approved herein, or materially increase the impervious area of the Project, reduce the green area, or increase the size of the building shown on the Plans.

13. Parking areas will be swept and maintained by Applicant, its successors and/or assigns as necessary. Applicant, its successors and/or assigns shall be responsible for providing, installing and maintaining all signage or markings required by the Marlborough Traffic Commission. Such signage or markings shall meet the standards of the Manual on Uniform Traffic Control Devices.

14. The hours of operation for the restaurant will continue to be 24 hours per day, 7 days per week.

15. The hours of operation for the drive-through facility will continue to be 24 hours per day, 7 days per week.

16. As designated on Sheet C-4 of the Plans, Applicant shall erect no less than five (5) No Loud Music Anytime signs which advise its customers that loud vehicle music shall not be permitted at any time of any day (24 hours per day, 7 days per week).

17. Any work performed within the public way on Maple Street shall be done by Applicant, its successors and/or assigns during off-peak hours and, prior to commencement of such work, Applicant, its successors and/or assigns shall provide to the Engineering Division of

the City's Department of Public Works for its approval a traffic management plan relating to the said work.

18. All trenching shall be in compliance with Massachusetts law and pursuant to permits issued by the Engineering Division of the City's Department of Public Works.

19. During construction, no vehicles shall be staged on public ways.

20. In accordance with the provisions of M.G.L. c. 40A, § 11, Applicant, its successors and/or assigns at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before Applicant, its successors and/or assigns has applied to the Building Commissioner for a building permit concerning the Project. Applicant, its successors and/or assigns shall also furnish proof of recording to the City Solicitor's Office, the Building Department and the City Council immediately subsequent to recording.

Yea: _____ - Nay: _____ - Absent: _____

ADOPTED
In City Council
Order No. 17-1006907C

Adopted: _____ 2017

Approved by Mayor
Arthur Vigeant

Date: _____ 2017

A TRUE COPY

ATTEST: _____ City Clerk



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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
City of Marlborough
Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

2017 AUG 24 A 9:33
DONALD V. RIDER, JR.
CITY SOLICITOR
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR
ELLEN M. STAVROPOULOS
PARALEGAL

August 24, 2017

Edward Clancy
President
Marlborough City Council

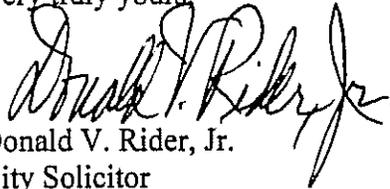
RE: Order No. 17-1006816D
Application for a Special Permit
BSL Marlborough Development LLC
421 Bolton Street, Marlborough

Dear President Clancy and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by BSL Marlborough Development LLC, seeking permission to build and operate an assisted living facility with a special care unit at 421 Bolton Street.

I have enclosed a copy of the proposed decision. I certify that the decision is in proper legal form.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Brian R. Falk, Esquire

IN CITY COUNCIL

ORDERED:

DECISION ON A SPECIAL PERMIT

IN CITY COUNCIL

Special Permit
BSL Marlborough Development LLC
Order No. 17-1006816D

**DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO. 17-1006816D**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to BSL Marlborough Development LLC (the "Applicant") to build and operate an assisted living facility with a special care unit at 421 Bolton Street, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The Applicant, BSL Marlborough Development LLC, is a duly organized and existing Limited Liability Company having a business address c/o Benchmark Senior Living, 201 Jones Road, Third Floor West, Waltham, Massachusetts 02451.
2. Richard and Jill Cochrane are the owners of the property located at 421 Bolton Street, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 30, Parcels 13 and 14, and the City of Marlborough is the owner of the property shown on the Marlborough Assessors Maps as Map 30, Parcel 700 (the "Site").
3. The Applicant proposes to build and operate a new 104-bed, 60,823+/- square foot assisted living facility with a special care unit at the Site (the "Use").
4. The Site is located in the Residence A-2 Zoning District, north of U.S. Route 20 and with frontage on Massachusetts State Route 85.
5. The Site has an area of approximately 677,332 square feet (15.5 acres).
6. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use, as provided in this Decision.
7. In connection with the Application, the Applicant has submitted a certified list of abutters, filing fees, and a detailed site plan entitled "Site Development Plans for Benchmark

Senior Living” prepared by Bohler Engineering and dated January 20, 2017, revised March 28, 2017, May 31, 2017 and July 18, 2017 (the “Plans”).

8. The Plans were certified by the Building Commissioner of the City of Marlborough, acting on behalf of 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.

9. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

10. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the Application on Monday, May 8, 2017. The hearing was opened and closed on that date. On June 19, 2017, the City Council approved an Agreement to Extend Time Limitations to extend the time for final action on the Application to September 12, 2017.

11. The Applicant, through its representatives, presented testimony at the public hearing detailing the Project, describing its impact upon municipal services, the neighborhood, and traffic.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING
FINDINGS AND TAKES THE FOLLOWING ACTIONS**

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

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 when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.

C. In accordance with Section 650-18(44)(c) of the Zoning Ordinance of the City of Marlborough, the City Council also finds that:

1. There is adequate access to and from the proposed assisted living facility for emergency response vehicles, insofar as the Plans demonstrate sufficient space for emergency response vehicles to enter and exit the Site.
2. Alternative access to the Site is not necessary, based upon the sufficiency of the Site’s primary access in the event of an emergency evacuation.
3. There are sufficient provisions for medical transport, based upon the Site’s access ways and layout.

4. The overall impact of the proposed assisted living facility will not adversely affect the neighborhood or the City, as the Site is located in the vicinity of similar or complimentary land uses and the Use, as conditioned in this Decision, will have minimal impact on the neighborhood and the City.

D. In accordance with Section 650-18(44).d.(1) and Section 650-59.C(12)(a) of the Zoning Ordinance of the City of Marlborough, the City Council also finds that the Applicant has agreed to donate approximately 10 acres of the Site to the City for municipal purposes (the "Donated Land"). The Donated Land will benefit the City and its citizens generally, and prior to the separation of the Donated Land from the Site, the Use conformed to the dimensional criteria set forth in Section 650-41 of the Zoning Ordinance of the City of Marlborough.

E. The Donated Land includes a walking trail in the southeast corner as shown on Sheet 4 of the Plans. The walking trail connects the 1LT Charles W. Whitcomb School and the athletic fields on the Marlborough High School property, although the trail was disturbed as a result of the construction of the athletic fields. The Applicant has agreed to clear the vegetation for a path to make the connection from the base of the slope by the athletic field around the slope out to Stevens Street. Such work shall be complete before the issuance of a final Occupancy Permit for the Use. The precise location of the clearing to reconnect the path will be identified in the field by the Applicant and the City Conservation Officer.

F. The City Council finds that the Plans comport with the design standards set forth in Section 650-18(44).d(3).

G. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to build and operate an assisted living facility with a special care unit as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws. 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 the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.

2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Project.

3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.

4. Modification of Plans. Notwithstanding conditions #1 and #3 above, the City Council or the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the use of the Project as approved herein, or materially increase the impervious area of the Project, reduce the green area, alter traffic flow, increase the size, shape or position of the building, or alter the fencing bordering the property, all as shown on the Plans.

5. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised 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.

6. Storm Water and Erosion Control Management. The Applicant, its successors and/or assigns shall ensure that its site superintendent during construction of the project is competent in stormwater and erosion control management. This individual(s) credentials shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan and the approved erosion control plan. The Applicant, its successors and/or assigns shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.

7. Parking. The Applicant shall provide 65 parking spaces at the Site, plus 10 additional overflow parking spaces, as shown on the Plans, which exceeds the parking required for the Use under Section 650-48.A(16) of the Zoning Ordinance of the City of Marlborough by 15 spaces. Prior to the issuance of the final Occupancy Permit, the Applicant shall enter into a written agreement with a third party for the provision of any off-site parking needed for holidays and special events at the Site.

8. Donated Land; Lot Coverage. Pursuant to Finding D of this Decision and in accordance with Section 650-18(44)d(1) of the Zoning Ordinance of the City of Marlborough, the Applicant shall donate the Donated Land to the City for municipal purposes, and following the conveyance of the Donated Land to the City, the maximum lot coverage allowed for the Use as shown on the Plans may exceed 30% notwithstanding the dimensional criteria set forth in Section 650-41 of the Zoning Ordinance of the City of Marlborough. The Donated Land shall be deeded to the City within 60 days of the issuance of the Building Permit for the Use.

9. Mitigation Payment. The Applicant has agreed to donate One Hundred and Fifty Thousand Dollars (\$150,000, the "Mitigation Payment") to the City to mitigate the impacts of the Use on the City. The Mitigation Payment shall be made to the City within 60 days of the issuance of the Building Permit for the Use. The Mitigation Payment will benefit the City and its citizens generally. The Mitigation Payment includes Fourteen Thousand Dollars (\$14,000) in compensation to be paid by the Applicant to the City pursuant to the Applicant's February 16, 2017 Request to Purchase or Have City-Owned Property Abandoned for 13,401 SF +/- Land Off of Bolton Street, Assessor's Map No. 30, Parcel No. 700 ("Sewer Line Parcel"), subject to the

City Council's approval of the Applicant's Request by the City Council. The City would retain a permanent sewer easement in the Sewer Line Parcel. The \$14,000 valuation of the Sewer Line Parcel was established pursuant to a November 1, 2016 appraisal by Kenneth J. Croft III, Esq. of Foster Appraisal & Consulting Co., Inc. The Mitigation Payment also includes any compensation to be paid by the Applicant to the City for the acquisition of a drainage easement from the northern property line of the Site to the Proposed Connection to Existing Catch Basin on the property of the City of Marlborough (Marlborough Assessors Maps, Map 30, Lot 12) between the property line to the Site and Poirier Drive, as shown on Sheet 6 of the Plans, and subject to the City Engineer's review and the City Council's approval. The Mitigation Payment is intended to subsidize the City's construction of a concession stand and bathrooms for the athletic fields at the 1LT Charles W. Whitcomb School.

10. Traffic Mitigation. To mitigate any traffic-related concerns related to the proposed project, the Applicant has agreed to make the improvements specified in June 20, 2017 Memorandum of Jason Adams, P.E., PTOE of McMahon Transportation Engineers & Planners re "Vehicle Speed and Safety Assessment, Bolton Street (Route 85), Marlborough, Massachusetts;" and the June 25, 2017 Memorandum from Timothy F. Collins, Assistant City Engineer to the Traffic Commission re "Traffic Safety Plan in the Vicinity of #421 Bolton Street – for Benchmark Senior Living," all as approved by the City's Traffic Commission on July 25, 2017. Such traffic-related improvements shall be complete before the issuance of the final Occupancy Permit for the Use.

11. Job Fair. The Applicant shall hold a job fair in the City for the purpose of giving Marlborough residents an opportunity to apply for employment at the assisted living facility. This condition may be satisfied by the Applicant's participation in a job fair organized by the Marlborough Economic Development Corporation.

12. Recording of Decision. In accordance with the provisions of M.G.L. c. 40A, § 11, Applicant, its successors and/or assigns at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department and the City Solicitor's office.

Yea: _____ - Nay: _____ - Absent: _____

ADOPTED

In City Council

Order No. 17-1006816D

Adopted: _____ 2017

Approved by Mayor

Arthur Vigeant

Date: _____ 2017

A TRUE COPY

ATTEST: _____ City Clerk



City of Marlborough Legal Department

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

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DONALD V. RIDER, JR.
CITY SOLICITOR
2017 AUG 24
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR
ELLEN M. STAVROPOULOS
PARALEGAL

August 24, 2017

Edward J. Clancy
President
Marlborough City Council

RE: Self-Service Storage Facilities –
Proposed Zoning Amendment

Dear President Clancy and Members:

At your request, I am enclosing for the Council's consideration a proposed zoning amendment intended to better regulate self-service storage facilities in Marlborough. The amendment defines such facilities, specifies the minimum associated parking, and would allow such facilities by special permit in the Business, Commercial/Automotive, Limited Industrial and Industrial zoning districts.

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Mayor's Office
Building Commissioner

ORDERED:

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

I. Section 650-5, entitled "Definitions; word usage," is hereby amended:

a. By deleting in subsection B thereof the definition of SELF-STORAGE FACILITY in its entirety and inserting in place thereof the following definition:

SELF-SERVICE STORAGE FACILITY

A building, group of buildings or other structure, whether permanent or temporary, having compartments, rooms, spaces, containers or other type of units that are individually leased, rented, sold or otherwise contracted for by customers for the storage of personal or business goods or property, and where the facility owner/operator has limited access to the units. A self-service storage facility shall be considered synonymous with a self-storage facility, self-storage warehouse, mini-warehouse and mini-storage.

II. Section 650-48, entitled "Off-street parking," is hereby amended as follows:

a. By inserting in subsection A thereof new sub-subsections 17 and 18:

(17) A self-service storage facility shall provide a minimum of 1 parking space per employee and 1 parking space per 1,600 square feet of the facility.

III. Section 650-17, entitled "Table of Uses," is hereby amended as follows:

a. By regulating industrial uses so as to allow, by special permit, a self-service storage facility in the Business (B), Commercial Automotive (CA), Limited Industrial (LI) and Industrial (I) districts, as follows:

	RR	A1	A2	A3	RB	RC	RCR	B	CA	LI	I	MV
Self-service storage facility	N	N	N	N	N	N	N	SP	SP	SP	SP	N

ADOPTED
In City Council
Order No 17-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



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2017 JUL 26 P 4:4

CITY OF MARLBOROUGH
Office of the City Council
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610

**AGREEMENT TO EXTEND
TIME LIMITATIONS**

Order No.16-1006735

Application for Special Permit by Tiger Cat Properties, LLC, 24 Union Avenue, Suite 28,
Framingham, MA, for multi-family dwelling at 487 Lincoln Street (former Cozy Café),
Marlborough, Massachusetts 01752

-REFER TO URBAN AFFAIRS COMMITTEE
PUBLIC HEARING: DECEMBER 5, 2016

The decision of the special permit granting authority shall be made within ninety days following the date of such public hearing. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the City Clerk.

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 10:00 p.m. on **October 17, 2017**

By: _____
Edward J. Clancy, City Council President,
acting on behalf of, and at the direction of,
the special permit granting authority:
Marlborough City Council

By: _____
Aldo A. Cipriano, Esq.
Acting on behalf of, and at the direction of,
Petitioner:
Tiger Cat Properties, LLC



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2017 AUG -2 A 11:56

CITY OF MARLBOROUGH
Office of the City Council
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610

**AGREEMENT TO EXTEND
TIME LIMITATIONS**

Order No.17-1006800

Application for Special Permit by Mina Property Group, LLC, AutoMax, to construct a commercial automotive facility on less than 1 acre of land at 408 Maple Street

-REFER TO URBAN AFFAIRS COMMITTEE

PUBLIC HEARING: FEBRUARY 27, 2017

The decision of the special permit granting authority shall be made within ninety days following the date of such public hearing. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the City Clerk.

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 10:00 p.m. on October 17, 2017.

By: _____
Edward J. Clancy, City Council President,
acting on behalf of, and at the direction of,
the special permit granting authority:
Marlborough City Council

By: Pat Scorzelli
Pat Scorzelli
Acting on behalf of, and at the direction of,
Petitioner:
Mina Property Group, LLC



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2017 AUG 11 A 10:56

CITY OF MARLBOROUGH
Office of the City Council
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610

**AGREEMENT TO EXTEND
TIME LIMITATIONS**

Order No.17-1006816A: Application for Special Permit by BSL Marlborough Development LLC, Benchmark Senior Living, construction of 52-Unit Assisted Living Facility with Special Care Unit, 421 Bolton Street, Marlborough, Massachusetts
-REFER TO URBAN AFFAIRS COMMITTEE
PUBLIC HEARING: MAY 8, 2017

The decision of the special permit granting authority shall be made within ninety days following the date of such public hearing. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the City Clerk.

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 10:00 p.m. on **October 17, 2017**.

By: _____
Edward J. Clancy, City Council President,
acting on behalf of, and at the direction of,
the special permit granting authority:
Marlborough City Council

By: David McCay
David McCay, Esq.
Acting on behalf of, and at the direction of,
Petitioner:
BSL Marlborough Development LLC

MIRICK O'CONNELL

ATTORNEYS AT LAW

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CITY OF MARLBOROUGH

2017 AUG 21 P 1:42

David K. McCay
 Mirick O'Connell
 1800 West Park Drive, Suite 400
 Worcester, MA 01608-1477
 dmccay@mirickoconnell.com
 t 508.860.1460
 f 508.983.6273

August 16, 2017

VIA EMAIL AND FIRST CLASS MAIL

Karen Boule, Secretary
 Marlborough City Council
 Marlborough City Hall
 140 Main Street
 Marlborough, MA 01752

Re: Application for Special Permit for BSL Marlborough Development LLC
 421 Bolton Street

Dear Ms. Boule:

On behalf of BSL Marlborough Development LLC ("Benchmark") in the above-referenced matter, I respectfully request that the City Council add to its agenda at the next available City Council meeting the following two items:

1. Benchmark's February 16, 2007 Request to Purchase or Have City-Owned Property Abandoned for 13,401 SF +/- Land Off of Bolton Street, Assessor's Map No. 30, Parcel No. 700 ("Sewer Line Parcel"), with the City retaining a permanent sewer easement in the Sewer Line Parcel; and
2. Benchmark's requested acquisition of a drainage easement from the northern property line of the 421 Bolton Street site to the Proposed Connection to Existing Catch Basin on the property of the City of Marlborough (Assessor's Map 30, Lot 12) between the property line to the Site and Poirier Drive, as shown on Sheet 6 of the "Site Development Plans for Benchmark Senior Living" prepared by Bohler Engineering and dated January 27, 2017, revised March 28, 2017, May 31, 2017, and July 18, 2017.

Both of the requested agenda items are referenced in the proposed Decision for Special Permit, City Council Order No. 17-1006816C, Condition No. 9.

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

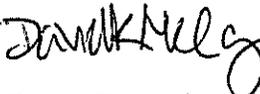
www.mirickoconnell.com

MIRICK O'CONNELL

Karen Boule, Secretary
Marlborough City Council
August 16, 2017
Page 2

Should you have any questions, please do not hesitate to contact me. Thank you in advance for the courtesy.

Very truly yours,



David K. McCay

DKM/ljg

cc: Eric Gardner (via email)
Arthur P. Bergeron, Esq. and Brian R. Falk, Esq. (via email)

MIRICK O'CONNELL

ATTORNEYS AT LAW

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 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

2017 AUG 21 P 1:41

David K. McCay
 Mirick O'Connell
 1800 West Park Drive, Suite 400
 Worcester, MA 01608-1477
 dmccay@mirickoconnell.com
 t 508.860.1460
 f 508.983.6273

August 16, 2017

VIA EMAIL AND FIRST CLASS MAIL
 Karen Boule, Secretary
 Marlborough City Council
 Marlborough City Hall
 140 Main Street
 Marlborough, MA 01752

 Re: Application for Special Permit for BSL Marlborough Development LLC
 421 Bolton Street

Dear Ms. Boule:

As requested, enclosed please find the following:

1. The two traffic-related memoranda referenced in the draft Special Permit Decision, Condition No. 10, and discussed at last night's Urban Affairs Committee meeting, the first from Jason Adams, P.E., PTOE of McMann Transportation Engineers & Planners dated June 20, 2017, and the second from Timothy F. Collins, Assistant City Engineer dated July 25, 2017;
2. The PowerPoint presentation prepared for the August 15, 2017 meeting of the Urban Affairs Committee; and
3. The original signed Extension Agreement.

I will ask Bohler Engineering to send to your attention two full size sets of the Site Development Plans.

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

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www.mirickoconnell.com

MIRICK O'CONNELL

Karen Boule, Secretary
Marlborough City Council
August 16, 2017
Page 2

Should you have any questions or need anything further, please do not hesitate to contact me or Brian Falk.

Very truly yours,



David K. McCay

DKM/ljg
Enclosures

cc: Eric Gardner (via email, w/enclosures)
Arthur P. Bergeron, Esq. and Brian R. Falk, Esq. (via email, w/enclosures)



McMAHON ASSOCIATES
 45 Bromfield Street, 6th Floor
 Boston, MA 02108
 p 617-556-0020 | f 617-556-0025

PRINCIPALS
 Joseph W. McMahon, P.E.
 Joseph J. DeSantis, P.E., PTOE
 John S. DePalma
 William T. Steffens
 Casey A. Moore, P.E.
 Gary R. McNaughton, P.E., PTOE

ASSOCIATES
 John J. Mitchell, P.E.
 Christopher J. Williams, P.E.
 R. Trent Ebersole, P.E.
 Matthew M. Kozsuch, P.E.
 Maureen Chlebek, P.E., PTOE
 Dean A. Carr, P.E.

MEMORANDUM

TO: Eric Gardner
FROM: Jason Adams, P.E., PTOE
DATE: June 20, 2017
RE: Vehicle Speed and Safety Assessment
 Bolton Street (Route 85)
 Marlborough, Massachusetts

McMahon Associates has completed an assessment of the vehicle speeds and crash history of Bolton Street (Route 85) in the immediate vicinity of the proposed assisted living facility project to be located in the southeast corner of the intersection of Bolton Street (Route 85) and Poirier Road in Marlborough, MA. Based on the direction of the City Council Urban Affairs Committee, McMahon has reviewed vehicles speeds and Massachusetts Department of Transportation (MassDOT) crash records, and has developed a set of improvements that could be implemented as part of the Benchmark project.

To assess existing vehicle speeds on Bolton Street (Route 85), Automatic Traffic Recorder (ATR) data was collected for a 48-hour period on Wednesday, May 24, 2017 and Thursday, May 27, 2017. Data was collected on Bolton Street (Route 85), south of the intersection with Poirier Road in the vicinity of the proposed site driveway. The Bolton Street (Route 85) data is summarized in Table 1, below.

Table 1: Bolton Street (Route 85) Vehicle Speeds

<u>Speeds (mph)</u>	<u>Northbound</u>	<u>Southbound</u>
Average	37	35
85th Percentile	41	38
Percent > 35 mph	62.8%	42.9%

The posted speed limit along Bolton Street (Route 85) is 35 miles per hour. As shown in Table 1, the average speed in the northbound direction was measured to be approximately 37 miles per hour and the average speed in the southbound direction was measured to be approximately 35 miles per hour. The 85th percentile speed was shown to be greater than the posted speed limit for both directions of travel on Bolton Street (Route 85), with 41 miles per hour recorded in the northbound direction and 38 miles per hour recorded in the southbound direction. Based on the ATR data, approximately 62.8% of the vehicles traveling in the northbound direction were traveling over the posted speed limit. In the

southbound direction, approximately 42.9% of the vehicle traffic was recorded to be traveling above the posted speed limit.

In order to determine if existing safety deficiencies are present along Bolton Street (Route 85) in the vicinity of the project, crash data for three locations along Bolton Street (Route 85) was obtained from MassDOT for the most recent three-year period available. This data includes complete yearly crash summaries for 2012, 2013, and 2014. A summary of the crash data is presented in Table 2, attached.

As shown in Table 2, the intersection of Bolton Street (Route 85) and Poirier Road is shown to have experienced a total of 19 reported crashes over the three-year period from 2012 to 2014. The resulting crash rate at the intersection is shown to be slightly above both the statewide and District 3 crash rates for an unsignalized intersection, 0.58 and 0.65 crashes per million entering vehicles, respectively. Marlborough High School is located at the end of Poirier Road, and the increased number of crashes at the intersection can likely be attributed to the high concentration of inexperienced drivers traveling through the intersection. A majority of the crashes, 15 of 19, occurred between 7:00 AM and 4:00 PM, when students would likely be coming from or traveling to the high school.

In addition to the intersection with Poirier Road, crash data was obtained at two locations on Bolton Street (Route 85), south of the proposed assisted living facility. The intersection of Bolton Street (Route 85) and the Bolton Manor Nursing Home driveway is shown to have experienced eight reported crashes between 2012 and 2014. The intersection of Bolton Street (Route 85) and the 397 Bolton Street Residences is shown to have experienced three total crashes over the three-year period reviewed. Both driveway locations were shown to have experienced crash rates lower than the statewide and District 3 average crash rates. Similar to the intersection of Bolton Street (Route 85) and Poirier Road, a majority of the crashes occurring at both driveway locations, 8 of 11, were reported to have occurred between 7:00 AM and 4:00 PM.

While the review of vehicle speeds and crash history does not indicate any significant speeding or safety issues, McMahon would recommend that minor improvements be constructed on Bolton Street (Route 85) to reduce vehicle speeds in the vicinity of the proposed project. The recommended improvements include the installation of upgraded signage along Bolton Street (Route 85) and the addition of pavement markings along Bolton Street (Route 85) to designate shoulders. The upgraded roadway signage would be compliant with the Manual on Uniform Traffic Control Devices (MUTCD) and would provide more information for drivers traveling along the roadway. The addition of pavement markings to designate roadway shoulders would reduce the width of the travel way along Bolton Street (Route 85). Based on studies conducted by MassDOT and the Federal Highway Administration (FHWA), the reduction of travel lane width is shown to be a traffic calming measure and is expected to result in reduced vehicle speeds. Figure 1 shows the recommended improvements.

Based on a review of the existing conditions on Bolton Street (Route 85), including speed and crash data, the recommended improvements shown in Figure 1 are expected to reduce vehicle speeds and improve safety along the roadway.

Table 2: Crash Summary

	Bolton Street at Poirier Road	Bolton Street at Bolton Manor Nursing Home	Bolton Street at 397 Bolton Street Residences
Year			
2012	3	4	0
2013	8	3	1
2014	<u>8</u>	<u>1</u>	<u>2</u>
Total	19	8	3
Type			
Angle	6	4	0
Rear-end	6	1	1
Sideswipe	2	1	0
Head-on	0	0	0
Single Vehicle	3	2	2
Other	<u>2</u>	<u>0</u>	<u>0</u>
Total	19	8	3
Severity			
Property Damage	16	6	2
Personal Injury	1	1	1
Fatality	0	0	0
Unknown	<u>2</u>	<u>1</u>	<u>0</u>
Total	19	8	3
Weather			
Clear	13	4	0
Cloudy	3	1	0
Rain	3	0	0
Snow	0	1	3
Ice	0	0	0
Sleet	0	1	0
Fog	0	0	0
Unknown	<u>0</u>	<u>1</u>	<u>0</u>
Total	19	8	3
Time			
7:00 AM to 4:00 PM	15	5	3
4:00 PM to 6:00 PM	1	2	0
6:00 PM to 7:00 AM	<u>3</u>	<u>1</u>	<u>0</u>
Total	19	8	3
Crash Rate	0.94	0.41	0.16

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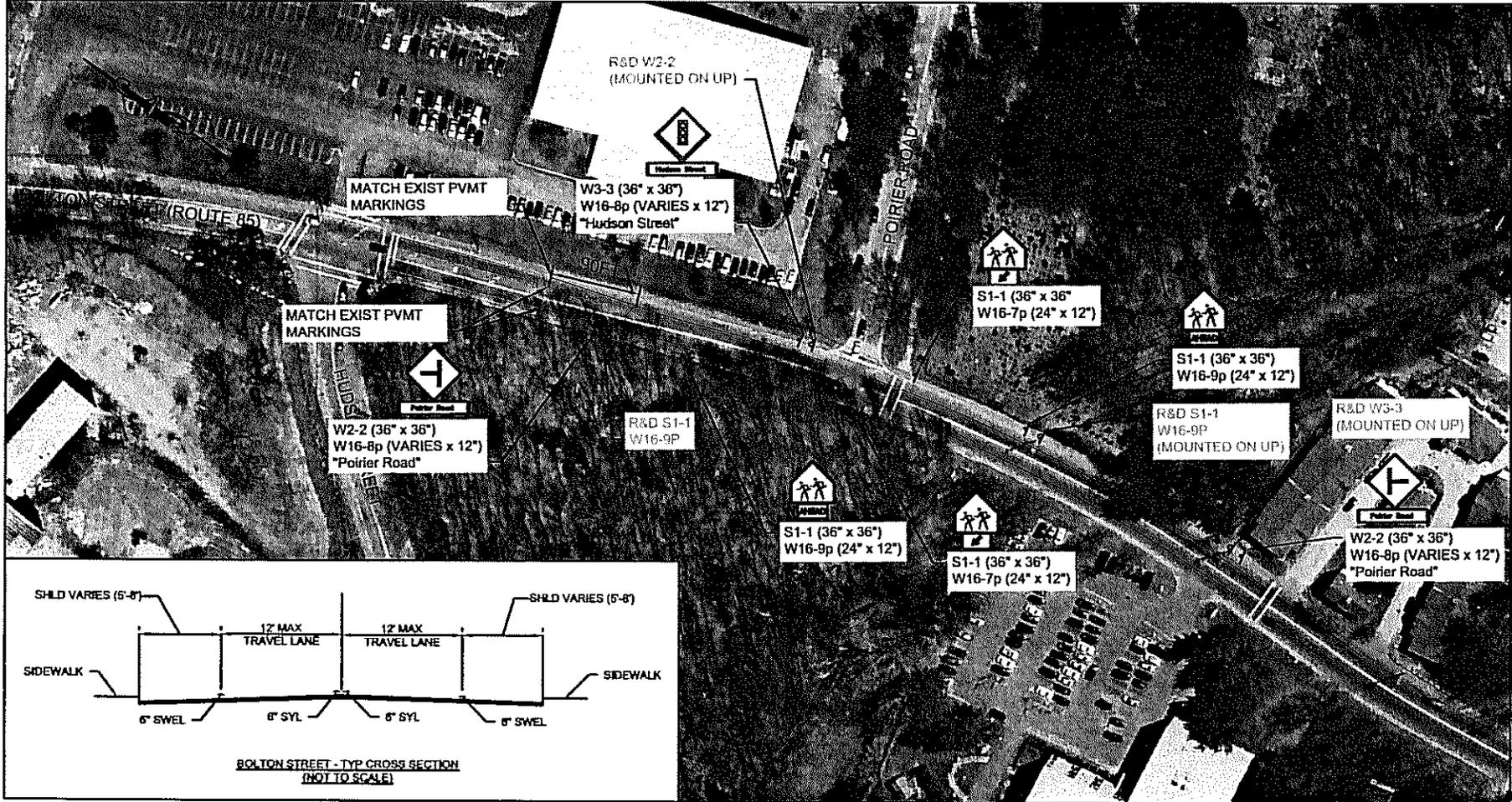


Figure 1
 Safety Improvements
 Bolton Street (Route 85)
 Marlborough, MA



CITY OF MARLBOROUGH
Department of Public Works
 Engineering Division
 135 Neil Street
 Marlborough, Massachusetts 01752
 (508) 624-6910 Ext. 7200
 Facsimile (508) 624-7699 TDD (508) 460-3610

MEMORANDUM

TO: TRAFFIC COMMISSION

FROM: TIMOTHY F. COLLINS – ASST. CITY ENGINEER

DATE: JULY 25, 2017

**RE: TRAFFIC SAFETY PLAN IN THE VICINITY OF #421 BOLTON STREET
 – FOR BENCHMARK SENIOR LIVING**

At the request of the Urban Affairs Committee of the Marlborough City Council, McMahon Transportation Engineers and Planners on behalf of Benchmark Senior Living came before the Traffic Commission with a presentation regarding upgrades to traffic safety in the vicinity of their proposed site - #421 Bolton Street.

The presentation made of behalf of Benchmark Senior Living has proposed pavement markings that would create two 12-foot travel lanes with shoulders varying in width between 5 ft. – 8 ft. between the Housing for Elderly site and in front of the Navin Skating Rink. The narrowing of the travel lane will act as a “traffic calming” measure and slow down traffic through this corridor. I would be concerned that the shoulders that would be created would be used for parking lanes (potentially using the sidewalks as well, when parking). A No Parking regulation should be incorporated into this design.

The signage plan includes advance warning signs for the side streets: Hudson Street, as a signalized intersection and Poirier Road (should be Drive), the driveway to Marlborough High School. The plan also replaces the existing signage, for school crosswalks, and placing them on new post. As this is a sidewalk plow route, signs on utility poles last longer than sign on their own post. I would recommend that the new signage be installed and that the locations of the signs remain as is.

After the presentation Councilor Clancy was asking that the proponent make improvements to the crosswalk located at the driveway exiting #397 Bolton Street – Bolton Street Senior Housing. The crosswalk ramp at the driveway exiting #397 Bolton Street is A.D.A. compliant, but the crosswalk ramp on the opposite side of the road – Marlborough Hills Nursing Home, is not A.D.A. complaint. There is granite curbing at the crosswalk which would need to be removed and ramps and a landing installed in the sidewalk.

Councilor Clancy also suggested the use of “electronic signage” as the signage suggested by McMahon to improve visibility on the posted speed in that area of Bolton Street. The posted Speed Limit through this section of Bolton Street (in both directions) is 35 MPH. electronic speed feedback signs have been permanently installed on Farm Road and Bigelow Street and movable electronic speed feedback have recently been purchased by the Marlborough Police Department and are being used at various locations throughout the City of Marlborough. These electronic speed feedback signs work very well to control speeding and would be helpful to deter speeding through this section of Bolton Street.

\\mcmahon\resources\mcmahon\working\projects\marlboro - Marlborough Design File.dwg 04/12/17

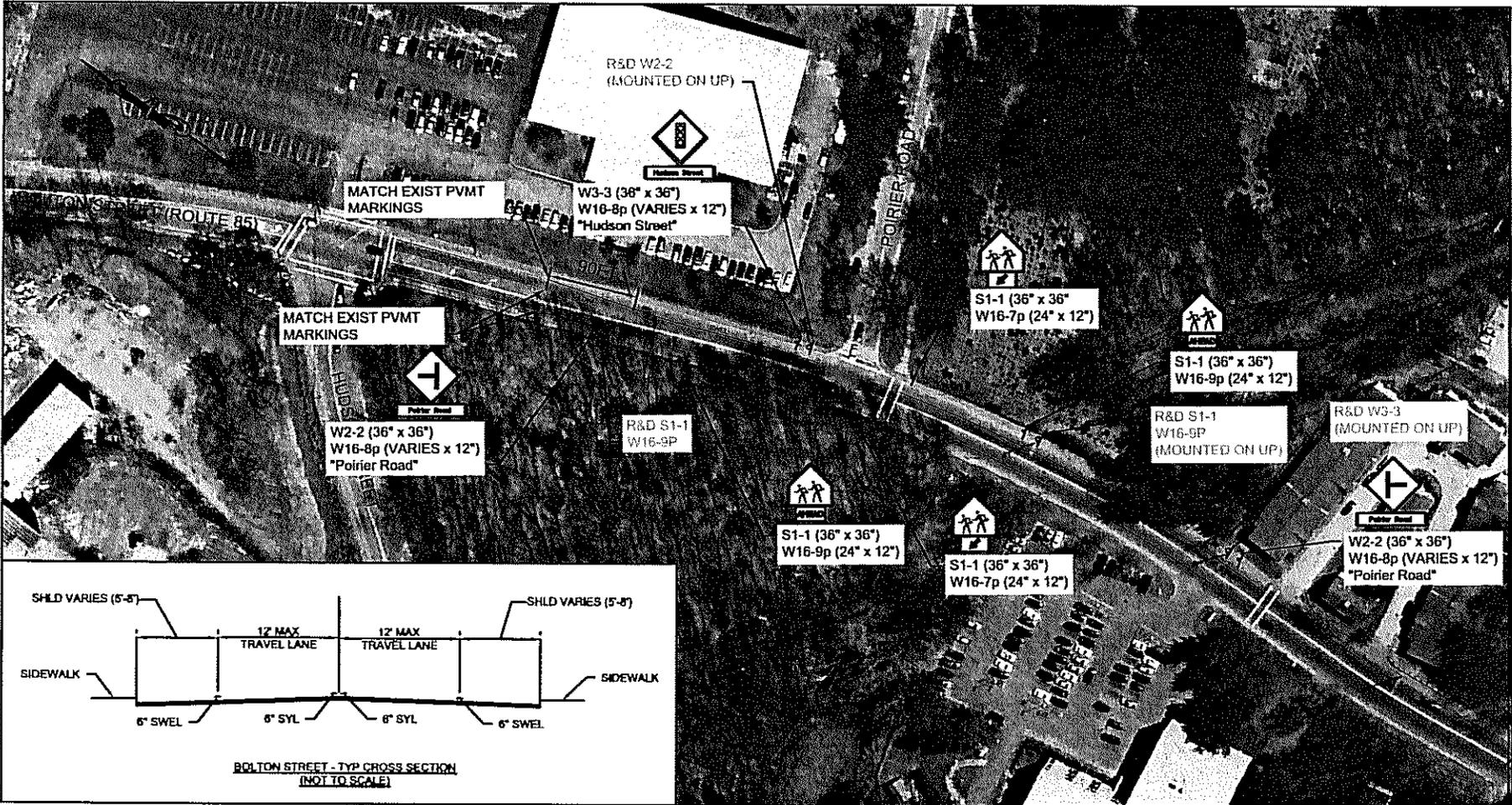


Figure 1
 Safety Improvements
 Bolton Street (Route 85)
 Marlborough, MA

The Branches at Marlborough

City Council Urban Affairs Committee Application for Special Permit

August 15, 2017

Eric Gardner, Director of Development, Benchmark Senior Living

David McCay, Mirick O'Connell

Project Engineer: Luke DiStefano, Bohler Engineering

Jesse Johnson, P.E., Bohler Engineering

Project Architect: David Udelsman, AIA, Udelsman Associates

Traffic Engineer: Jason T. Adams, P.E., PTOE, McMahon Associates

The Branches at Marlborough



Status Update

Other Boards and Committees

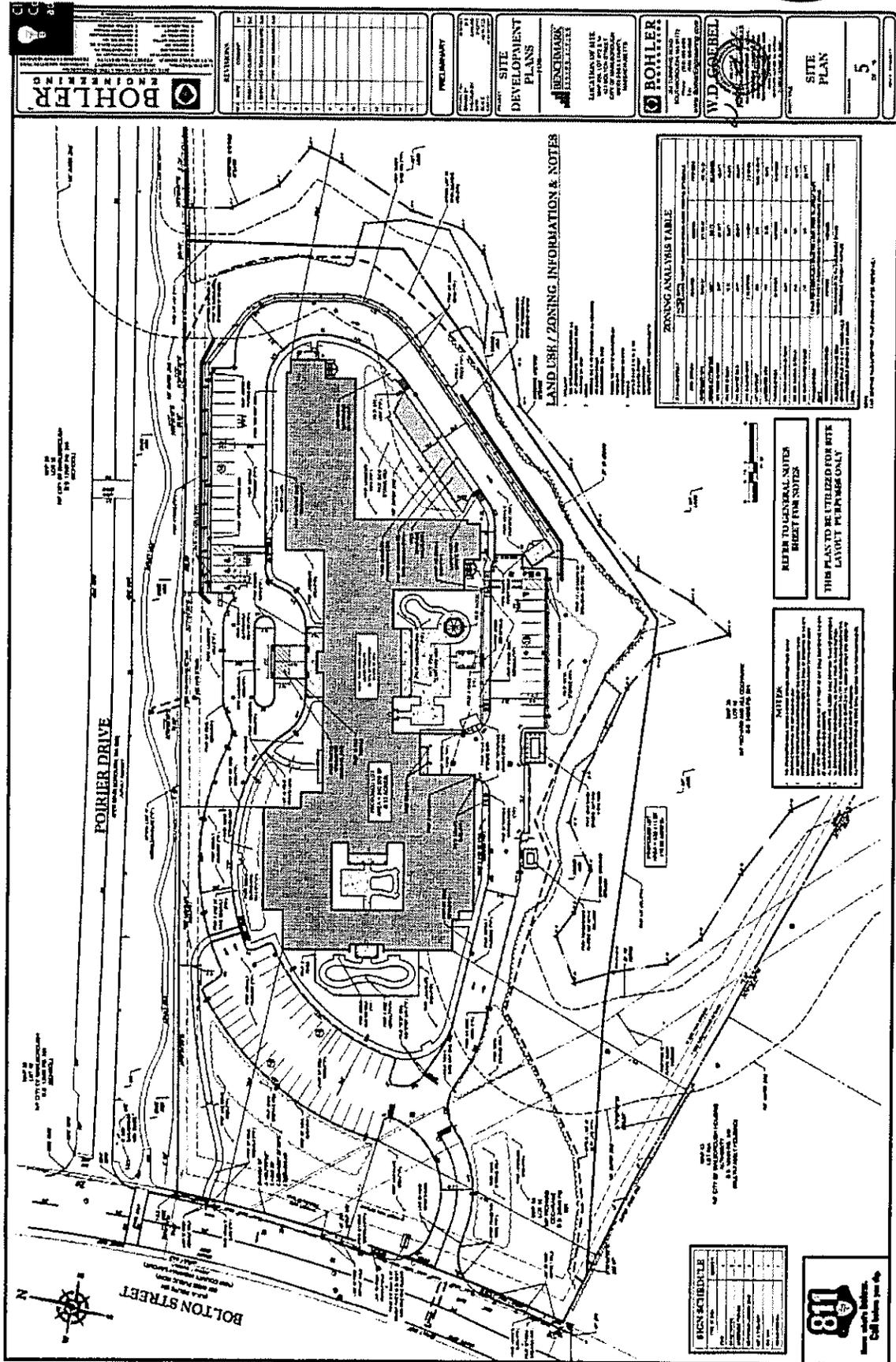
- Conservation Commission: Order of Conditions approved
- Site Plan Review Committee: Complete, except formal approval (pending special permit). No outstanding issues
- Traffic Commission: Approved

Significant Changes

- Traffic circulation reversed for better flow
- Detention basins removed – underground stormwater mgmt.
- Parking: added 10 additional “overflow” parking spaces
 - 75 total. 15 spaces (25%) more than ordinance requires
- Traffic improvements
- Drainage easement by Poirier Drive to connect to existing catch basin



Updated Site Plan



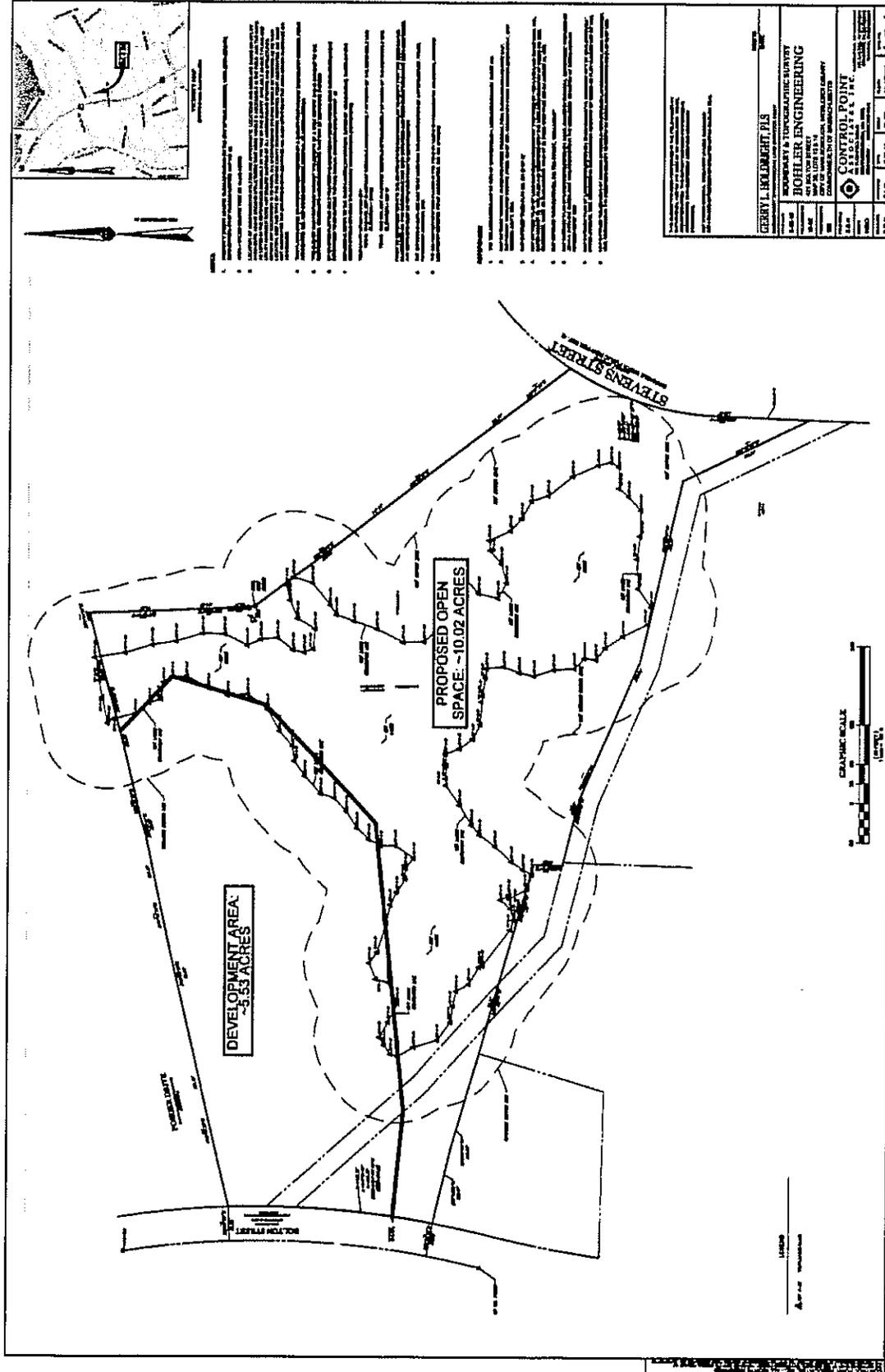
BEN SCHIBDULE

NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE OF TOTAL AREA
1	RESIDENTIAL	10,000	10.0%
2	COMMERCIAL	20,000	20.0%
3	INDUSTRIAL	30,000	30.0%
4	OFFICE	40,000	40.0%
5	RECREATION	50,000	50.0%
6	UNDEVELOPED	60,000	60.0%
7	TOTAL	100,000	100.0%

Agreed Mitigation

- 10 acres donated to City. Almost 2/3 of property
- \$150,000, including Sewer Parcel (\$14,000) and drainage easement
 - Need City Council approval of parcel and easement
- Approx. \$30,000 worth of traffic mitigation
 - New, improved signage
 - Pavement markings along shoulder
 - Flashing speed sign
 - Handicap-accessible ramp in crosswalk opposite senior apartments
- Trail connection by HS athletic field

The Branches at Marlborough



NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
4. THE PROPOSED OPEN SPACE SHALL BE MAINTAINED AS SUCH AND NOT BE DEVELOPED FOR ANY OTHER PURPOSE.
5. THE DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE ZONING REGULATIONS AND SUBDIVISION LAWS.
6. THE ENGINEER HAS CONDUCTED A VISUAL IMPACT ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT VISUAL IMPACT ON THE SURROUNDING ENVIRONMENT.
7. THE PROPOSED DEVELOPMENT SHALL BE DESIGNED TO BE VISUALLY SCREENED FROM THE SURROUNDING ENVIRONMENT.
8. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY INFRASTRUCTURE AND UTILITIES.
9. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE ENGINEERING STANDARDS AND PRACTICES.
10. THE ENGINEER HAS CONDUCTED A TRAFFIC ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING TRAFFIC NETWORK.
11. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY TRAFFIC IMPROVEMENTS.
12. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE TRAFFIC ENGINEERING STANDARDS AND PRACTICES.
13. THE ENGINEER HAS CONDUCTED A NOISE ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING NOISE ENVIRONMENT.
14. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY NOISE MITIGATION MEASURES.
15. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE NOISE ENGINEERING STANDARDS AND PRACTICES.
16. THE ENGINEER HAS CONDUCTED A WATER QUALITY ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING WATER QUALITY.
17. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY WATER QUALITY IMPROVEMENTS.
18. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE WATER QUALITY ENGINEERING STANDARDS AND PRACTICES.
19. THE ENGINEER HAS CONDUCTED A SOIL CONTACTION ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING SOIL CONTACTION.
20. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY SOIL CONTACTION IMPROVEMENTS.
21. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE SOIL CONTACTION ENGINEERING STANDARDS AND PRACTICES.
22. THE ENGINEER HAS CONDUCTED A SEISMIC ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING SEISMIC ENVIRONMENT.
23. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY SEISMIC IMPROVEMENTS.
24. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE SEISMIC ENGINEERING STANDARDS AND PRACTICES.
25. THE ENGINEER HAS CONDUCTED A HISTORIC PRESERVATION ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING HISTORIC PRESERVATION.
26. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY HISTORIC PRESERVATION IMPROVEMENTS.
27. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE HISTORIC PRESERVATION ENGINEERING STANDARDS AND PRACTICES.
28. THE ENGINEER HAS CONDUCTED A CULTURAL RESOURCE ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING CULTURAL RESOURCES.
29. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY CULTURAL RESOURCE IMPROVEMENTS.
30. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE CULTURAL RESOURCE ENGINEERING STANDARDS AND PRACTICES.
31. THE ENGINEER HAS CONDUCTED A VISUAL QUALITY ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING VISUAL QUALITY.
32. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY VISUAL QUALITY IMPROVEMENTS.
33. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE VISUAL QUALITY ENGINEERING STANDARDS AND PRACTICES.
34. THE ENGINEER HAS CONDUCTED A SCENIC QUALITY ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING SCENIC QUALITY.
35. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY SCENIC QUALITY IMPROVEMENTS.
36. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE SCENIC QUALITY ENGINEERING STANDARDS AND PRACTICES.
37. THE ENGINEER HAS CONDUCTED A SOUNDSCAPE ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING SOUNDSCAPE.
38. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY SOUNDSCAPE IMPROVEMENTS.
39. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE SOUNDSCAPE ENGINEERING STANDARDS AND PRACTICES.
40. THE ENGINEER HAS CONDUCTED A MICROCLIMATE ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING MICROCLIMATE.
41. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY MICROCLIMATE IMPROVEMENTS.
42. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE MICROCLIMATE ENGINEERING STANDARDS AND PRACTICES.
43. THE ENGINEER HAS CONDUCTED A BIODIVERSITY ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING BIODIVERSITY.
44. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY BIODIVERSITY IMPROVEMENTS.
45. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE BIODIVERSITY ENGINEERING STANDARDS AND PRACTICES.
46. THE ENGINEER HAS CONDUCTED A CLIMATE CHANGE ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING CLIMATE CHANGE.
47. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY CLIMATE CHANGE IMPROVEMENTS.
48. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE CLIMATE CHANGE ENGINEERING STANDARDS AND PRACTICES.
49. THE ENGINEER HAS CONDUCTED A SOCIAL EQUITY ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING SOCIAL EQUITY.
50. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY SOCIAL EQUITY IMPROVEMENTS.
51. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE SOCIAL EQUITY ENGINEERING STANDARDS AND PRACTICES.
52. THE ENGINEER HAS CONDUCTED A COMMUNITY ENGAGEMENT ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING COMMUNITY ENGAGEMENT.
53. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY COMMUNITY ENGAGEMENT IMPROVEMENTS.
54. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE COMMUNITY ENGAGEMENT ENGINEERING STANDARDS AND PRACTICES.
55. THE ENGINEER HAS CONDUCTED A PUBLIC PARTICIPATION ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING PUBLIC PARTICIPATION.
56. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY PUBLIC PARTICIPATION IMPROVEMENTS.
57. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE PUBLIC PARTICIPATION ENGINEERING STANDARDS AND PRACTICES.
58. THE ENGINEER HAS CONDUCTED A TRANSPARENT GOVERNANCE ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING TRANSPARENT GOVERNANCE.
59. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY TRANSPARENT GOVERNANCE IMPROVEMENTS.
60. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE TRANSPARENT GOVERNANCE ENGINEERING STANDARDS AND PRACTICES.
61. THE ENGINEER HAS CONDUCTED A DATA DRIVEN ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING DATA DRIVEN ANALYSIS.
62. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY DATA DRIVEN ANALYSIS IMPROVEMENTS.
63. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE DATA DRIVEN ANALYSIS ENGINEERING STANDARDS AND PRACTICES.
64. THE ENGINEER HAS CONDUCTED A PARTNER ENGAGEMENT ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING PARTNER ENGAGEMENT.
65. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY PARTNER ENGAGEMENT IMPROVEMENTS.
66. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE PARTNER ENGAGEMENT ENGINEERING STANDARDS AND PRACTICES.
67. THE ENGINEER HAS CONDUCTED A COMMUNITY DEVELOPMENT ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING COMMUNITY DEVELOPMENT.
68. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY COMMUNITY DEVELOPMENT IMPROVEMENTS.
69. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE COMMUNITY DEVELOPMENT ENGINEERING STANDARDS AND PRACTICES.
70. THE ENGINEER HAS CONDUCTED A SOCIAL INCLUSION ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING SOCIAL INCLUSION.
71. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY SOCIAL INCLUSION IMPROVEMENTS.
72. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE SOCIAL INCLUSION ENGINEERING STANDARDS AND PRACTICES.
73. THE ENGINEER HAS CONDUCTED A COMMUNITY RESILIENCE ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING COMMUNITY RESILIENCE.
74. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY COMMUNITY RESILIENCE IMPROVEMENTS.
75. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE COMMUNITY RESILIENCE ENGINEERING STANDARDS AND PRACTICES.
76. THE ENGINEER HAS CONDUCTED A COMMUNITY WELLBEING ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING COMMUNITY WELLBEING.
77. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY COMMUNITY WELLBEING IMPROVEMENTS.
78. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE COMMUNITY WELLBEING ENGINEERING STANDARDS AND PRACTICES.
79. THE ENGINEER HAS CONDUCTED A COMMUNITY ENGAGEMENT ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING COMMUNITY ENGAGEMENT.
80. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY COMMUNITY ENGAGEMENT IMPROVEMENTS.
81. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE COMMUNITY ENGAGEMENT ENGINEERING STANDARDS AND PRACTICES.
82. THE ENGINEER HAS CONDUCTED A COMMUNITY DEVELOPMENT ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING COMMUNITY DEVELOPMENT.
83. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY COMMUNITY DEVELOPMENT IMPROVEMENTS.
84. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE COMMUNITY DEVELOPMENT ENGINEERING STANDARDS AND PRACTICES.
85. THE ENGINEER HAS CONDUCTED A COMMUNITY RESILIENCE ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING COMMUNITY RESILIENCE.
86. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY COMMUNITY RESILIENCE IMPROVEMENTS.
87. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE COMMUNITY RESILIENCE ENGINEERING STANDARDS AND PRACTICES.
88. THE ENGINEER HAS CONDUCTED A COMMUNITY WELLBEING ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING COMMUNITY WELLBEING.
89. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY COMMUNITY WELLBEING IMPROVEMENTS.
90. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE COMMUNITY WELLBEING ENGINEERING STANDARDS AND PRACTICES.
91. THE ENGINEER HAS CONDUCTED A COMMUNITY ENGAGEMENT ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING COMMUNITY ENGAGEMENT.
92. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY COMMUNITY ENGAGEMENT IMPROVEMENTS.
93. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE COMMUNITY ENGAGEMENT ENGINEERING STANDARDS AND PRACTICES.
94. THE ENGINEER HAS CONDUCTED A COMMUNITY DEVELOPMENT ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING COMMUNITY DEVELOPMENT.
95. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY COMMUNITY DEVELOPMENT IMPROVEMENTS.
96. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE COMMUNITY DEVELOPMENT ENGINEERING STANDARDS AND PRACTICES.
97. THE ENGINEER HAS CONDUCTED A COMMUNITY RESILIENCE ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING COMMUNITY RESILIENCE.
98. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY COMMUNITY RESILIENCE IMPROVEMENTS.
99. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE COMMUNITY RESILIENCE ENGINEERING STANDARDS AND PRACTICES.
100. THE ENGINEER HAS CONDUCTED A COMMUNITY WELLBEING ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING COMMUNITY WELLBEING.
101. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY COMMUNITY WELLBEING IMPROVEMENTS.
102. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE COMMUNITY WELLBEING ENGINEERING STANDARDS AND PRACTICES.

CERRY L. BOLLENGRANT, P.E. CIVIL ENGINEER 1000 STATE STREET BOZALLEN, MONTGOMERY COUNTY MD 20611-1014 (301) 261-1014 COMMUNICATIONS BY TELEPHONE		DATE: 10/27/14 SHEET NO.: 1 OF 1
CONTROL POINT 11111 MARLBOROUGH STREET MARLBOROUGH, MA 01501 (508) 485-1111		SCALE: AS SHOWN DRAWN BY: [Name] CHECKED BY: [Name]



CITY OF MARLBOROUGH
Office of the City Council
 140 Main Street
 Marlborough, Massachusetts 01752
 (508) 460-3711 TDD (508) 460-3610

**AGREEMENT TO EXTEND
 TIME LIMITATIONS**

Order No.17-1006816A: Application for Special Permit by BSL Marlborough Development LLC, Benchmark Senior Living, construction of 52-Unit Assisted Living Facility with Special Care Unit, 421 Bolton Street, Marlborough, Massachusetts
 -REFER TO URBAN AFFAIRS COMMITTEE
PUBLIC HEARING: MAY 8, 2017

The decision of the special permit granting authority shall be made within ninety days following the date of such public hearing. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the City Clerk.

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 10:00 p.m. on **October 17, 2017**.

By: _____
 Edward J. Clancy, City Council President,
 acting on behalf of, and at the direction of,
 the special permit granting authority:
Marlborough City Council

By: David McCay
 David McCay, Esq.
 Acting on behalf of, and at the direction of,
 Petitioner:
BSL Marlborough Development LLC

MIRICK O'CONNELL

ATTORNEYS AT LAW

 RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

2017 AUG 24 A 10:02

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

August 24, 2017

 Councilor Edward Clancy, President
 Marlborough City Council
 City Hall
 Marlborough, MA 01752

 Re: Benchmark – Sewer and Drainage Easements

Dear Councilor Clancy:

On behalf of BSL Marlborough Development LLC (“Benchmark”), I respectfully request that the City Council add to its agenda at the next City Council meeting the enclosed Order regarding the conveyance of land and easements at 421 Bolton Street.

As part of Benchmark’s application for a special permit for an assisted living facility, Benchmark is seeking:

1. The acquisition of 13,401 SF +/- of land held for sewer purposes, Assessor’s Map No. 30, Parcel No. 700, with the City retaining a permanent sewer easement in the parcel; and
2. The acquisition of a drainage easement over City property located along Poirier Drive, Assessor’s Map 30, Lot 12.

Both of these items are referenced in the proposed Decision for Special Permit, City Council Order No. 17-1006816D, Condition No. 9. Please take the appropriate steps for review by the City Council.

Very truly yours,



Brian R. Falk

BRF/

 cc: Eric Gardner (via email)
 David K. McCay, Esq. and Arthur P. Bergeron, Esq. (via email)

Encl.

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

ORDERED:

1. Having taken by eminent domain the fee interest in 13,401 SF+/- of land off of Bolton Street for sewer purposes, said land being shown on City Assessor's Map No. 30 as Parcel No. 700 (the "Sewer Parcel"), and pursuant to M.G.L. c. 40, §§ 15 and 15A having received notification from the Commissioner of Public Works having charge of the Sewer Parcel that the City's fee interest in the Sewer Parcel is no longer needed for sewer purposes so long as the City retains an easement under the Sewer Parcel for sewer purposes in the area labeled "Proposed 30 FT Wide Sewer Easement" on a plan entitled "Proposed Easement Sketch Plan" dated 8/16/2017 prepared by Bohler Engineering, the City Council hereby:
 - a. Pursuant to M.G.L. c. 40, § 15A, transfers the Sewer Parcel to the City Council for the purpose of disposition by sale;
 - b. Pursuant to M.G.L. c. 30B, § 16(a), declares that the Sewer Parcel is available for disposition by sale;
 - c. Pursuant to M.G.L. c. 40, § 15, sets the minimum price to be paid for the Sewer Parcel at \$14,000 pursuant to a determination of value set forth in a November 1, 2016 appraisal by Kenneth J. Croft III, Esq. of Foster Appraisal & Consulting Co., Inc; and
 - d. Pursuant to M.G.L. c. 40, § 15, authorizes the Mayor to convey the Sewer Parcel by sale, subject to the City's retention of an easement for sewer purposes consistent with this Order.

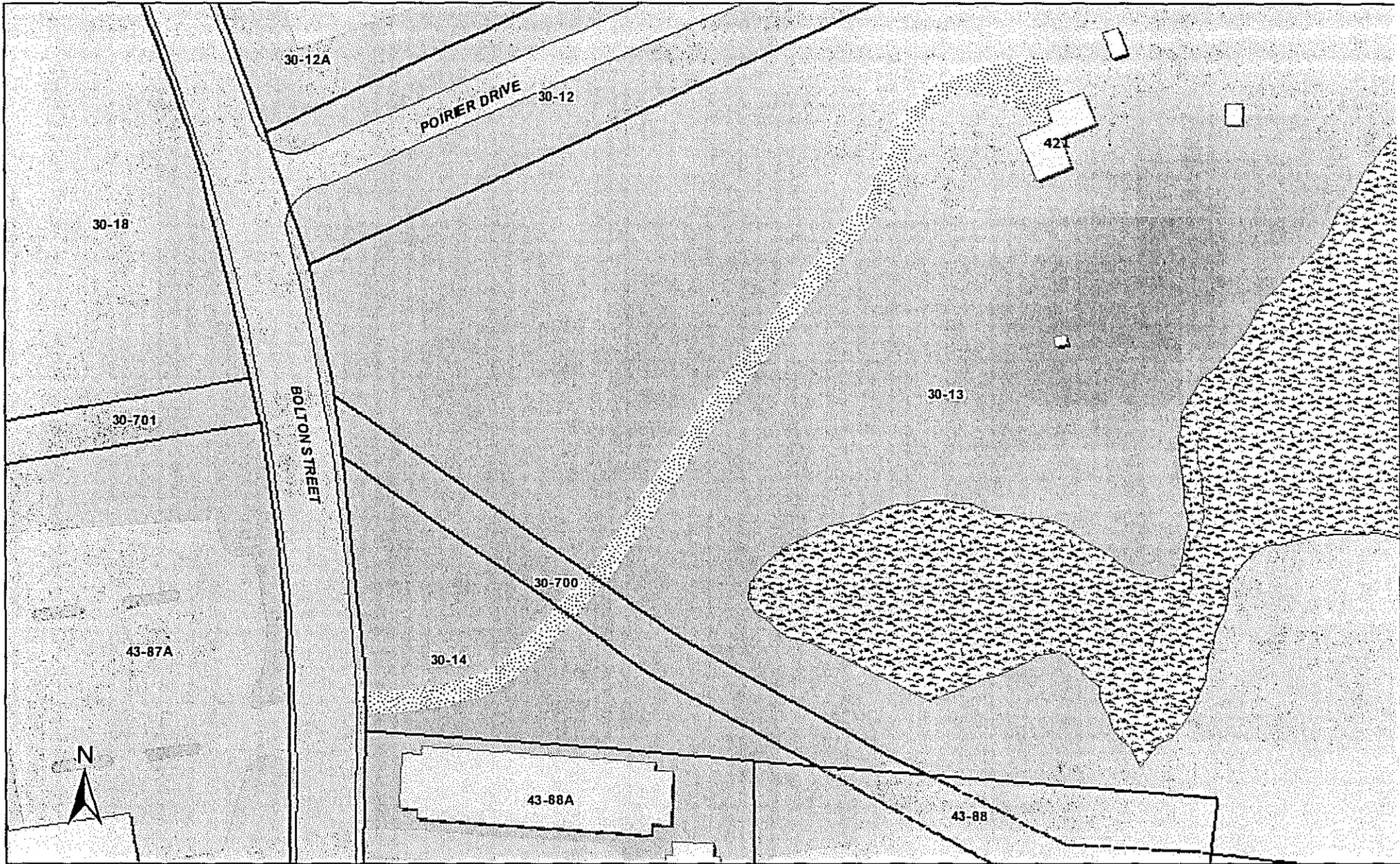
2. Having taken by eminent domain the fee interest in land located at 431 Bolton Street for school purposes, said land being shown on City Assessor's Map No. 30 as Parcel No. 12 (the "School Parcel"), and pursuant to M.G.L. c. 40, §§ 15 and 15A having received notification from the School Committee having charge of the School Parcel that a drainage easement within a 1,123 SF+/- area of the School Parcel labeled "Proposed 30 FT Wide Drainage Easement" on a plan entitled "Proposed Easement Sketch Plan" dated 8/16/2017 prepared by Bohler Engineering (the "Drainage Easement Area"), is not needed for school purposes, the City Council hereby:
 - a. Pursuant to M.G.L. c. 40, § 15A, transfers the Drainage Easement Area to the City Council for the purpose of disposition by sale;
 - b. Pursuant to M.G.L. c. 30B, § 16(a), declares that the Drainage Easement Area is available for disposition by sale;
 - c. Pursuant to M.G.L. c. 40, § 15, sets the minimum price to be paid for the Drainage Easement Area at \$0; and
 - d. Pursuant to M.G.L. c. 40, § 15, authorizes the Mayor to convey a drainage easement within the Drainage Easement Area by sale consistent with this Order.

ADOPTED
In City Council
Order No. 17-

Adopted

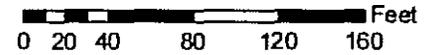
Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



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

1 inch = 89 feet

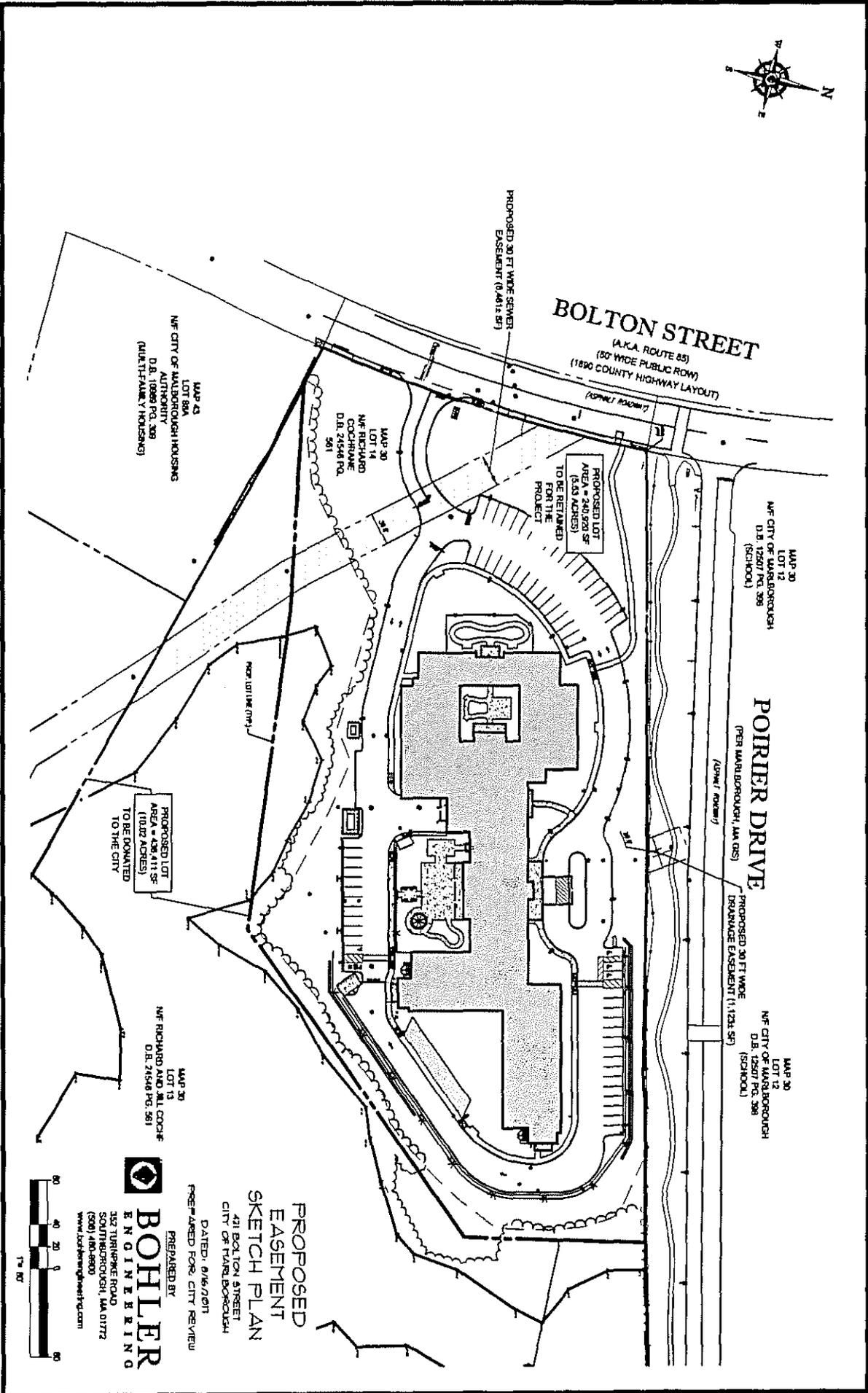


July 14, 2016

City of Marlborough



All Marlborough GIS data is to be considered a generalized spatial representation that is subject to revisions. This information is provided as a visual representation only and is not to be used as a legal or official representation of legal boundaries. This web site is not intended to be used as the exclusive basis for decision.



PROPOSED EASEMENT SKETCH PLAN
421 BOLTON STREET
CITY OF MARLBOROUGH

DATED: 6/16/2011
PREPARED FOR: CITY REVIEW

PREPARED BY
BOHLER ENGINEERING
352 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772
(508) 461-6600
www.bohlereng.com

WALKER REALTY LLC

August 23, 2017

Councilor Edward Clancy, President Marlborough City Council
City Hall
Marlborough, MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2017 AUG 24 A 9:58

Re: Apex Center- 21 Apex Drive

Dear Councilor Clancy and Councilors:

Enclosed please find the renderings of 21 Apex Drive, which building is currently under construction, along with copies of the previously approved renderings. Included on the revised renderings, please find images of the proposed building as submitted to the City of Marlborough Building Department for 21 Apex Drive. The building signage depicted on the attached renderings are in full zoning compliance but has been included in the packet at the request of Building Commissioner Douglas Scott. Walker Realty LLC hereby requests that the City Council place the attached on their August 28th, 2017 agenda for discussion. Thank you in advance for your attention and consideration to this matter.

Sincerely,

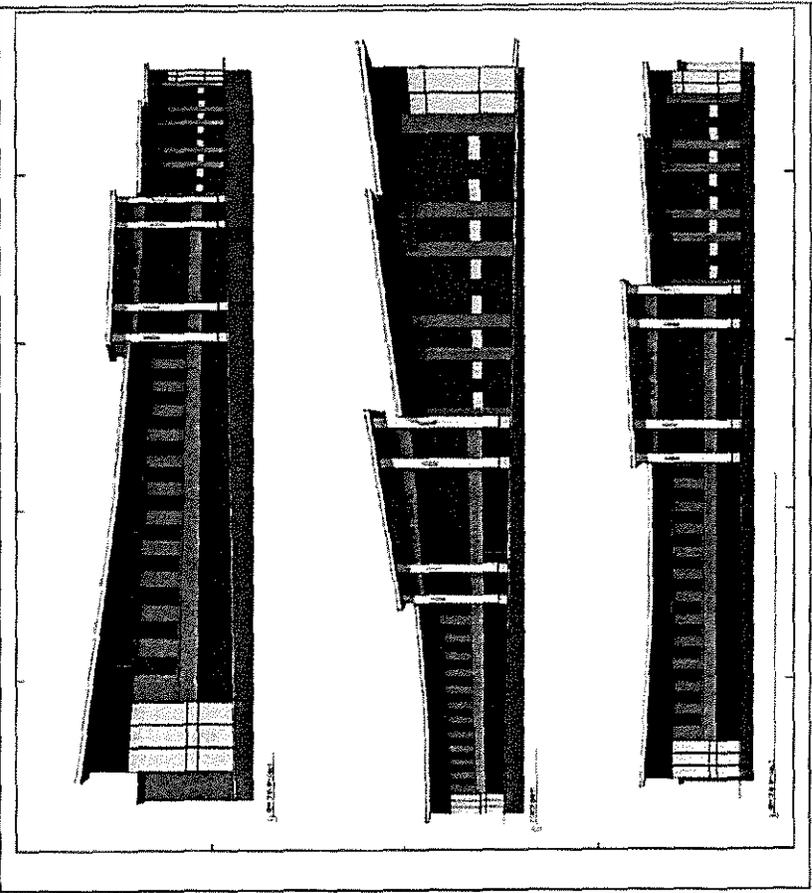
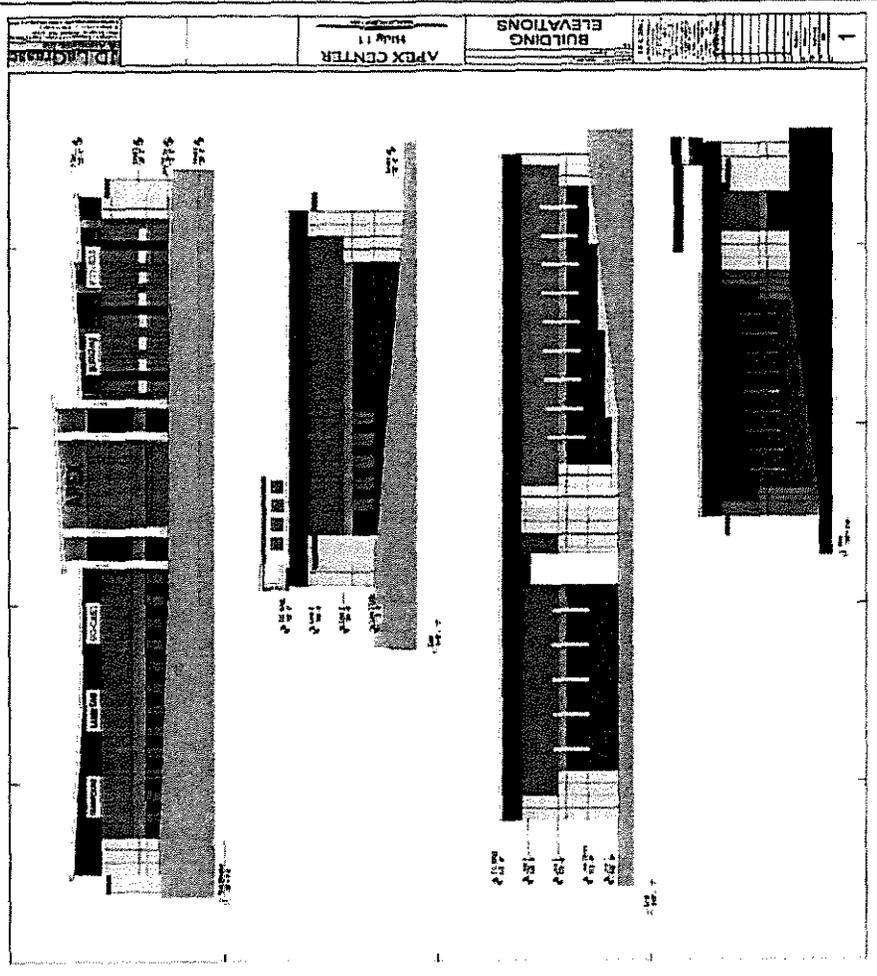
Walker Realty LLC



Kevin S. Eriksen, Esq.

Previously Approved Bandering

APEX DRIVE





RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 AUG 24 A 9:40

Apex Sign Requests

<u>Address</u>	<u>Business Name</u>	<u>Type/Size</u>
21 Apex Drive	Apex Center of New England	Flat Wall Sign/259.88 Square Feet
21 Apex Drive	Apex Center of New England	Flat Wall Sign/46.5 Square Feet
21 Apex Drive	Pit Stop Tavern	175 Square Feet
21 Apex Drive	Breakout Games	Flat Wall Sign/175 Square Feet
160 Apex Drive, Unit C	Sports Clips Haircuts	Flat Wall Sign/29.86 Square Feet
160 Apex Drive, Unit F	Hot Table	Flat Wall Sign/67.65 Square Feet
160 Apex Drive, Unit F	Hot Table	Flat Wall Sign/67.65 Square Feet
160 Apex Drive, Unit F	Hot Table	Flat Wall Sign/50 Square Feet

Wall Item A and
Accent Lights Item M

BP. 2017-00999



City of Marlborough

BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752

Date: 8/11/17 Permit No. _____

Address/Location of Sign 11-169 Apex Dr (21 Apex Dr.)

Name of Business Apex Center of New England

Name of Owner of Business Robert Walker Telephone 978-692-9450

Type of Sign: (check off which applies)

Flat Wall Free Standing Awning Banner Projecting

Does this site have a Special Permit YES NO

Is this a replacement of a same size existing sign(s) YES NO

Dimensions Sign: Apex Entertainment Sign Only

Length 24'-9" Width 10'-6" Height (Free Standing) _____ Area 259.88 SF

Location of Sign on Bld. North South East West

Dimensions Façade:

Length 97'-6" Width 50' Area _____

[Signature]
Signature of Responsible Party

603-882-2638x0 Melissa Naranjo
Telephone

Installer Company Barlo Signs Telephone 603-882-2638x0

melissa@barlosigns.com
Email

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

[Signature]
Signature

8/11/17
Date

Cost of Sign(s) _____

Permit Fee \$ 260.00

✓ 3623

10/1/19

BP. 2017.0001000



City of Marlborough BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752

Date: 8/11/17 Permit No. _____

Address/Location of Sign 11-169 Apex Dr (21 Apex Dr)

Name of Business Apex Center of New England

Name of Owner of Business Robert Walker Telephone 978-692-9450

Type of Sign: (check off which applies)

Flat Wall Free Standing Awning Banner Projecting

Does this site have a Special Permit YES NO

Is this a replacement of a same size existing sign(s) YES NO

Dimensions Sign: 12' TALL BOWLING PINS

Length 3'-10 1/2" Width 12' Height (Free Standing) _____ Area 46.5 SF

Location of Sign on Bld. North South East West

Dimensions Façade:

Length 121'-6" Width 50' Area _____

[Signature] Signature of Responsible Party Telephone 603-882-2638x0 Melissa Naranjo

Installer Company Barlo Signs Telephone 603-882-2638x0

melissa@barlosigns.com

Email

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

[Signature] Signature Date 8/11/17

Cost of Sign(s) _____ Permit Fee \$ 50.-

✓3623



City of Marlborough

BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752

Date: 8 11 17

Permit No. _____

Address/Location of Sign APEX CENTER 11-169 APEX CENTER DRIVE (21 Apex)

Name of Business PIT STOP TAVERN

Name of Owner of Business SAME Telephone _____

Type of Sign: (check off which applies)

Flat Wall Free Standing Awning Banner Projecting

Does this site have a Special Permit YES NO

Is this a replacement of a same size existing sign(s) YES NO

Dimensions Sign: See enclosed plans Pit Stop Tavern Sign Only

Length 25' Width 7' Height (Free Standing) _____ Area 175

Location of Sign on Bld. North South East West

Dimensions Façade:

Length _____ Width _____ Area _____

JR
Signature of Responsible Party

JENN ROBICHAUD 603 882 2638 X 333
Telephone

Installer Company BARLO SIGNS Telephone 603 882 2638 X 333

jenn@barloesigns.com
Email

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

JR
Signature

8 11 17
Date

Cost of Sign(s) 10,000

Permit Fee \$ _____



City of Marlborough
BUILDING DEPARTMENT
140 Main Street
Marlborough, Massachusetts 01752

Date: 8/22/17 Permit No.

Address/Location of Sign 21 Apex Dr

Name of Business Breakout Games

Name of Owner of Business Robert Walker Telephone 978-692-9450

Type of Sign: (check off which applies)

X Flat Wall Free Standing Awning Banner Projecting

Does this site have a Special Permit X YES NO

Is this a replacement of a same size existing sign(s) YES X NO

Dimensions Sign:

Length 25' Width 7' Height (Free Standing) Area 175 SF

Location of Sign on Bld. North X South East West

Dimensions Façade:

Length Width Area

Signature of Responsible Party Telephone 603-882-2638x0

Installer Company Barlo Signs Telephone 603-882-2638x0

melissa@barlosigns.com

Email

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

Signature Date 8/22/17

Cost of Sign(s) \$17,300 Permit Fee \$



City of Marlborough

BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752

Date: 8/22/17

Permit No. _____

Address/Location of Sign 160 Apex Dr. Unit C

Name of Business Sports Clips Haircuts

Name of Owner of Business Robert Walker Telephone 978-692-9450

Type of Sign: (check off which applies)

Flat Wall Free Standing Awning Banner Projecting

Does this site have a Special Permit YES NO

Is this a replacement of a same size existing sign(s) YES NO

Dimensions Sign:

Length 11'9" Width 1'11 1/2" Height (Free Standing) _____ Area Total SF=29.86

Location of Sign on Bld. North _____ South East _____ West _____

Dimensions Façade:

Length 20' Width _____ Area _____

 603-882-2638x0
Signature of Responsible Party Telephone

Installer Company Barlo Signs Telephone 603-882-2638x0

melissa@barlosigns.com
Email

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

 8/22/17
Signature Date

Cost of Sign(s) \$4600

Permit Fee \$ _____

Sign A

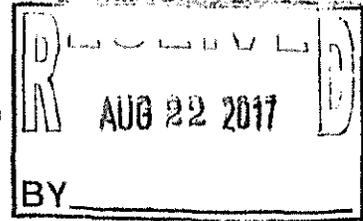
Wall Sign
Item A



City of Marlborough

BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752



Date: 8/16/17 Permit No. _____

Address/Location of Sign 160 Apex Drive, Unit F

Name of Business Hot Table

Name of Owner of Business Robert Walker Telephone 978-692-9450

Type of Sign: (check off which applies)

Flat Wall Free Standing Awning Banner Projecting

Does this site have a Special Permit YES NO

Is this a replacement of a same size existing sign(s) YES NO

Dimensions Sign:

Length 16' Width 3'-6" Height (Free Standing) _____ Area 56 SF Total Area= 67.65 SF
Length 8'-10 1/2" Width 1'-3 3/4" Area 11.65 SF

Location of Sign on Bld. North South East West

Dimensions Façade:

Length 42'-3" Width 27'-8" Area _____

Telephone 603-882-2638x0
Signature of Responsible Party Telephone

Installer Company Barlo Signs Telephone 603-882-2638x0

melissa@barlosigns.com

Email

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

8/16/17
Signature Date

Cost of Sign(s) \$7,400 Permit Fee \$ 60

Sign B

Wall Sign
Item B

21-8



City of Marlborough

BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752

Date: 8/16/17

Permit No. _____

Address/Location of Sign 160 Apex Drive, Unit F

Name of Business Hot Table

Name of Owner of Business Robert Walker Telephone 978-692-9450

Type of Sign: (check off which applies)

Flat Wall Free Standing Awning Banner Projecting

Does this site have a Special Permit YES NO

Is this a replacement of a same size existing sign(s) YES NO

Dimensions Sign:

Length 16' Width 3'-6" Height (Free Standing) _____ Area 56 SF Total Area= 67.65 SF
Length 8'-10 1/2" Width 1'-3 3/4" Area 11.65 SF

Location of Sign on Bld. North South _____ East _____ West _____

Dimensions Façade:

Length 42'-3" Width 21'-4" Area _____

[Signature] 603-882-2638x0
Signature of Responsible Party Telephone

Installer Company Barlo Signs Telephone 603-882-2638x0

melissa@barlosigns.com
Email

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

[Signature] 8/16/17
Signature Date

Cost of Sign(s) \$7,400 Permit Fee \$ 68

Sign C



City of Marlborough
BUILDING DEPARTMENT
140 Main Street
Marlborough, Massachusetts 01752

Date: 8/16/17 Permit No. _____

Address/Location of Sign 160 Apex Drive, Unit F

Name of Business Hot Table

Name of Owner of Business Robert Walker Telephone 978-692-9450

Type of Sign: (check off which applies)

Flat Wall Free Standing Awning Banner Projecting

Does this site have a Special Permit YES NO

Is this a replacement of a same size existing sign(s) YES NO

Dimensions Sign:

Length 7'-5 3/4" Width 6'-8" Height (Free Standing) _____ Area 50 SF

Location of Sign on Bld. North South East West

Dimensions Façade:

Length 58'-2" Width 27'-8" Area _____

[Signature] _____ Telephone 603-882-2638x0
Signature of Responsible Party

Installer Company Barlo Signs Telephone 603-882-2638x0

melissa@barlosigns.com _____

Email

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

[Signature] _____ Date 8/16/17
Signature

Cost of Sign(s) _____ Permit Fee \$ 50

Team Copy

PETITION FOR POLE RE-LOCATIONS

To the City Clerks Office
City of Marlborough, Massachusetts

August 2, 2017 RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 AUG -3 A 9:00

MASSACHUSETTS ELECTRIC COMPANY requests permission to relocate poles, wires and fixtures, including the necessary sustaining and protecting fixtures along and across the following public way:

Maple Street

**National Grid request relocate 3 solely owned electric poles (poles 54,55,&56-1)
DOT 604810 Road improvements- Relocate poles**

Wherefore it asks that it be granted a relocation for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said pole to be erected substantially in accordance with the plan filed herewith marked:

MASSACHUSETTS ELECTRIC COMPANY

Plan No. **19166872** Dated: **6/8/2017**

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such pole and buildings as said petitioner may desire for distributing purposes.

Your petitioner agrees to reserve space for one crossarm at a suitable point on each of said poles for the fire, telephone and telegraph signal wires belonging to the municipality and used exclusively for municipal purposes.

MASSACHUSETTS ELECTRIC COMPANY

By: *Eric Weidman*
Manager of Distribution Design

ORDER FOR POLE RE-LOCATIONS

August 2, 2017

By the City Clerks Office
City of Marlborough, Massachusetts

IT IS HEREBY ORDERED:

that **MASSACHUSETTS ELECTRIC COMPANY** be and they are hereby granted relocations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protective fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the **2nd day of August, 2017**

All construction under this order shall be in accordance with the following conditions:--

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked--

MASSACHUSETTS ELECTRIC COMPANY

Plan No. **19166872** Dated **6/8/2017**

There may be attached to said pole by **MASSACHUSETTS ELECTRIC COMPANY** not to exceed twenty wires and all of said wires and cables shall be placed at a height of not less than eighteen feet from

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:--

Maple Street

**National Grid request relocate 3 solely owned electric poles (poles 54,55,&56-1)
DOT 604810 Road improvements- Relocate poles**

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the

_____, 2017

Clerk of Selectmen

CERTIFICATE

I hereby certify that the foregoing is a true copy of a relocation order adopted by the

_____, 2017 and recorded with the records of location orders of said
Town, Book: _____, Page: _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____
Town Clerk

Pole & UG Petition/Permit Request Form

City
Town of Marlborough WR # 19166872
(circle one)

Install _____ SO
(quantity) JO Poles on _____
(circle one) (street name)

Remove _____ SO
(quantity) JO Poles on _____
(circle one) (street name)

Relocate 3 SO
(quantity) JO Poles on Maple St (RT 85)
(circle one) (street name)

Beginning at a point approximately 77.5 feet South of the centerline
(distance) (compass heading)

of the intersection of Maple St and Walker St
(street name)

and continuing approximately 268 feet in a South direction.
(distance) (compass heading)

Install underground facilities:

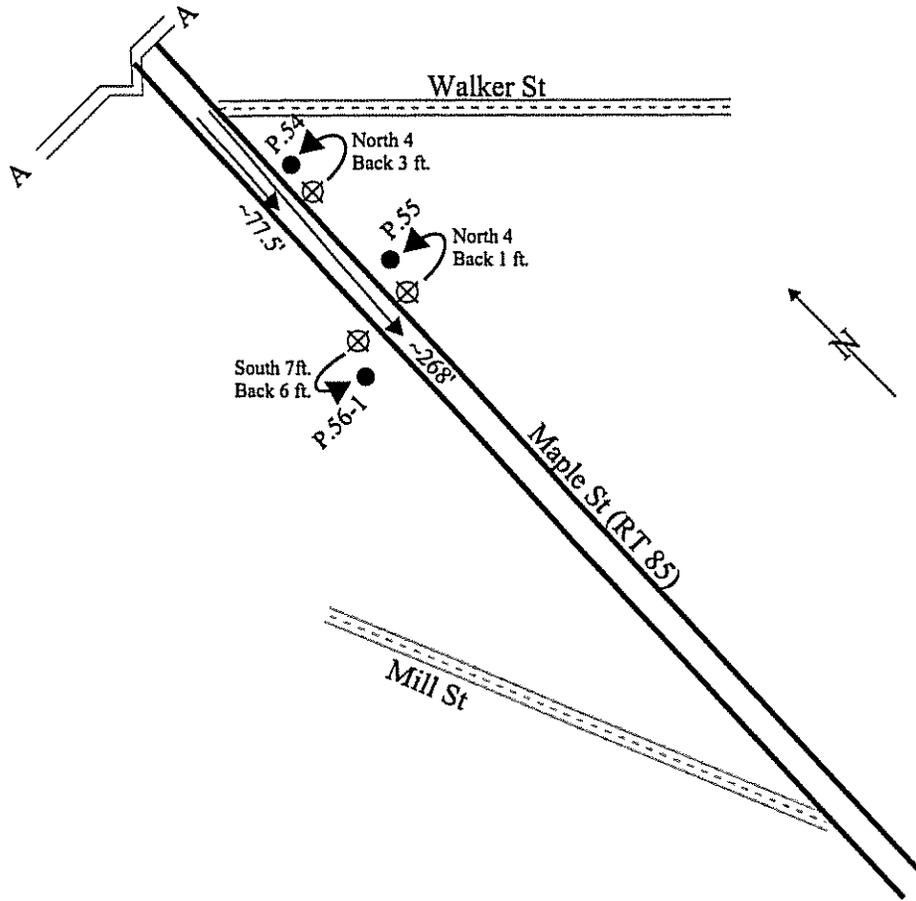
Street(s) _____

Description of Work:

DOT 604810 Road Improvements - Relocate poles
Relocate 3 sole owned electric poles (poles 54, 55, & 56-1)

ENGINEER David Terk

DATE 6/8/2017



JOINT OWNED POLE PETITION	nationalgrid And Verizon New England, Inc.
● Proposed NGRID Pole Locations	Date: 8/1/2017
○ Existing NGRID Pole Locations	Plan Number: DOT 604810 - Maple St (RT 85) Road Improvements
⦿ Proposed J.O. Pole Locations	To Accompany Petition Dated:
⓪ Existing J.O. Pole Locations	To The: City Of Marlborough
⊕ Existing Telephone Co. Pole Locations	For Proposed: Pole: Location:
⊙ Existing NGRID Pole Location To Be Made J.O.	Date Of Original Grant:
⊗ Existing Pole Locations To Be Removed	
DISTANCES ARE APPROXIMATE	

**ABUTTERS LISTING for Pole Relocation Maple St & Framingham Rd
MARLBOROUGH, MA**

Map	Block	Lot	Unit	Owner's Name	Co_Owner's Name	Address	City	ST Zip	Parcel Location
82	138			CITY OF MARLBOROUGH	CENTRAL FIRE STATION	140 MAIN ST	MARLBOROUGH	MA 01752	215 MAPLE ST
82	139			J A C S INC		223 MAPLE ST	MARLBOROUGH	MA 01752	223 MAPLE ST
82	141			KENNEDY DENNIS P TR	CAROLYN M KENNEDY TR	80 CAMERON DR	MARLBOROUGH	MA 01752	247 MAPLE ST
82	143			MONTI LOUIS P JR		4 AUBURN ST	MARLBOROUGH	MA 01752	241 MAPLE ST
82	149			LG MONTI LLC		18 AKBARN RD	MARLBOROUGH	MA 01752	274 MAPLE ST
82	150			GIOMBETTI DONALD A TR	THARON E GIOMBETTI TR	60 GLEN ST	MARLBOROUGH	MA 01752	256 MAPLE ST
82	151			HASSAPES NICHOLAS TR	LINDA D HASSAPES TR	42 FRAMINGHAM RD	MARLBOROUGH	MA 01752	42 FRAMINGHAM RD
82	154			MONTI ANTHONY J	RHONDA L MONTI	38 FRAMINGHAM RD	MARLBOROUGH	MA 01752	38 FRAMINGHAM RD
82	156			MCDONALDS CORPORATION (20-0352)	C/O DAVID BALDACCI	PO BOX 902	SPENCER	MA 01562	250 MAPLE ST
82	158			M & E REALTY ASSOC LLC		172 WORCESTER RD	NATICK	MA 01760	MAPLE ST
82	159			M & E REALTY ASSOC LLC		172 WORCESTER RD	NATICK	MA 01760	226 WORCESTER RD
82	160			PARKER EDWARD T		26 WINDMILL DR	MARLBOROUGH	MA 01752	214 MAPLE ST
82	161			STODDARD CRAIG		212 MAPLE ST	MARLBOROUGH	MA 01752	212 MAPLE ST
82	281	230	5	MARLBOROUGH MAPLE STREET LLC		230 MAPLE ST #6	MARLBOROUGH	MA 01752	230 MAPLE ST #5
82	281	230	6	MARLBOROUGH MAPLE STREET LLC		230 MAPLE ST #6	MARLBOROUGH	MA 01752	230 MAPLE ST #6
82	281	246	1	246 MAPLE LLC		246 MAPLE ST #1	MARLBOROUGH	MA 01752	246 MAPLE ST #1
82	281	246	2	RENAL CARE PROPERTIES LLC		5 SAUNDERS RD	SUDBURY	MA 01776	246 MAPLE ST #2
82	281	246	3	246 MAPLE LLC		246 MAPLE ST #3	MARLBOROUGH	MA 01752	246 MAPLE ST #3
82	281	246	4	NINA PROPERTY GROUP LLC		1199 WORCESTER RD	FRAMINGHAM	MA 01701	246 MAPLE ST #4
82	138A			K5 REALTY TRUST LLC	C/O KENNEDYS IRISH PUB	247 MAPLE ST	MARLBOROUGH	MA 01752	MAPLE ST
82	157B			MCDONALDS CORPORATION (20-0352)		C/O DAVID BALDACCI	SPENCER	MA 01562	0 MAPLE ST
93	33			MOBIL OIL CORP	H/O K5 REALTY TRUST LLC	247 MAPLE ST	MARLBOROUGH	MA 01752	279 MAPLE ST
93	34			METROPOLITAN DISTRICT COMMISSION		ATTN DCR	BOSTON	MA 02114-2104	0 MAPLE ST
93	36			DONNARUMMA BENJAMIN P TR	255-263 BOSTON TURNPIKE REALTY TR	329 MAPLE ST	MARLBOROUGH	MA 01752	299 MAPLE ST
93	40			MASON FRANCIS E	BRENDA J MASON	71 FISHER RD	SOUTHBORO	MA 01772	311 MAPLE ST
93	68			NOLAN CASSIDY MAPLE STREET LLC		24 ANNIE MOORE RD	BOLTON	MA 01740	418 MAPLE ST
93	91			VALLER WILROSE	MARJORIS E VALLER	47 FRAMINGHAM RD	MARLBOROUGH	MA 01752	47 FRAMINGHAM RD
93	97			SCRIVANOS CONSTANTINE L TR	NECTARIA REALTY TRUST	3 PLUFF AVE	NORTH READING	MA 01835	312 MAPLE ST
93	99			WRIGHT TERRILL W	JACQUELINE A WRIGHT	301 MAPLE ST	MARLBOROUGH	MA 01752	MAPLE ST
93	67A			MARLBOROUGH MAPLE REAL ESTATE TR		C/O CREATIVE DEVELOPMENT	NEWTON UPPER FA	MA 02464	420 MAPLE ST
93	89A			JUSTICE RESOURCE INSTITUTE INC	WAYSIDE COMMUNITY PROGRAMS INC	160 GOULD ST STE 300	NEEDHAM	MA 02494	56 FRAMINGHAM RD
104	37			ARCIERI ROBERT TR	GWENLIZ REALTY TRUST	75 EAST MAIN ST	WESTBOROUGH	MA 01581	525 MAPLE ST
104	38			ARCIERI ROBERT TR	MIL0 REALTY TRUST	75 EAST MAIN ST	WESTBOROUGH	MA 01581	MAPLE ST

**ABUTTERS LISTING for Pole Relocation Maple St & Framingham Rd
MARLBOROUGH, MA**

Map	Block	Lot	Unit	Owner's Name	Co_Owner's Name	Address	City	ST Zip	Parcel Location
104	42			A & S DEVELOPMENT LLC	C/O ARTHUR VIGRANT	186 MAIN ST	MARLBOROUGH	MA 01752	417 MAPLE ST
104	44			NAPOLEON REALTY CORP		428 MAPLE ST	MARLBOROUGH	MA 01752	424 MAPLE ST
104	45			LEVRSQUE CLAUDE B	C/O WAYSIDE FORD INC	428 MAPLE ST	MARLBOROUGH	MA 01752	428 MAPLE ST
104	46			CITY OF MARLBOROUGH		140 MAIN ST	MARLBOROUGH	MA 01752	MAPLE ST
104	53			VIGRANT JOAN M TR	R VIGRANT D LEVIN TRS JMV REALTY TR	525 SUGAR RD	BOLTON	MA 01740	415 MAPLE ST
104	42A			ARCIERI ROBERT TR	MIL0 REALTY TRUST	75 EAST MAIN ST	WESTBOROUGH	MA 01581	433 MAPLE ST

MARLBOROUGH ASSESSORS

Andrew C. Amos
William K. Silverstein
Janet May

Town Copy

PETITION FOR POLE LOCATIONS

August 2, 2017 RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 AUG -3 A 9:00

To the City Clerks Office
City of Marlborough, Massachusetts

MASSACHUSETTS ELECTRIC COMPANY requests permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said company may deem necessary, in the following public way or ways;

Maple Street & Framingham Road

**National Grid request install one solely owned electric service pole.
DOT 604810 - Road improvement Project - RT 85**

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain pole and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked:

MASSACHUSETTS ELECTRIC COMPANY

Plan No. 20637614 Dated 8/1/2017

Your petitioner agrees to reserve space for one crossarm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used exclusively for municipal purposes.

MASSACHUSETTS ELECTRIC COMPANY

By: *Eric Widman*
Manager of Distribution Design *EW*

ORDER FOR POLE LOCATIONS

August 2, 2017

By the City Clerks Office
City of Marlborough Massachusetts

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED:
that **MASSACHUSETTS ELECTRIC COMPANY** be and they are hereby granted locations for and permission
to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as
said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of
said Company dated the
2nd day of August, 2017

All construction under this order shall be in accordance with the following conditions:--

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon
the plan marked--

MASSACHUSETTS ELECTRIC COMPANY

Plan No. **20637614** Dated **8/1/2017** filed with this order

There may attached to said **MASSACHUSETTS ELECTRIC COMPANY** not to exceed twenty wires, and all
of said wires and cables shall be placed at a height of not less than eighteen feet from the ground.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and
the number of poles which may be erected thereon under this order:--

Maple Street & Framingham Road

National Grid request install one solely owned electric service pole.

DOT 604810 - Road improvement Project - RT 85

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting
public ways for the purpose of making connections with such poles and buildings as each of said petitioner may
desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the

_____, 2017

Clerk of Selectmen

Received and entered in the records of location orders
City of Marlborough Massachusetts

Book: _____ Page: _____

Attest: _____
Town Clerk

I hereby certify that on _____, _____, at _____ o'clock, _____ M.,
at _____ a public hearing was held on the petition of

MASSACHUSETTS ELECTRIC COMPANY

for permission to erect the poles, wires and fixtures described in the order herewith recorded, and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires and fixtures under said order.

And that thereupon said order was duly adopted.

Selectmen of the Town of _____

0

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the _____ of the Town of _____, Massachusetts, on the _____ day of _____, _____, and recorded with the records of location orders of provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____
Town Clerk

Pole & UG Petition/Permit Request Form

City
Town of Marlborough WR # 20637614

Install 1 JO Poles on Framingham Rd

Remove SO JO Poles on

Relocate SO JO Poles on

Beginning at a point approximately 258 feet Southeast of the centerline

of the intersection of Maple St & Framingham Rd

and continuing approximately 3 feet in a Southeast direction.

Install underground facilities:

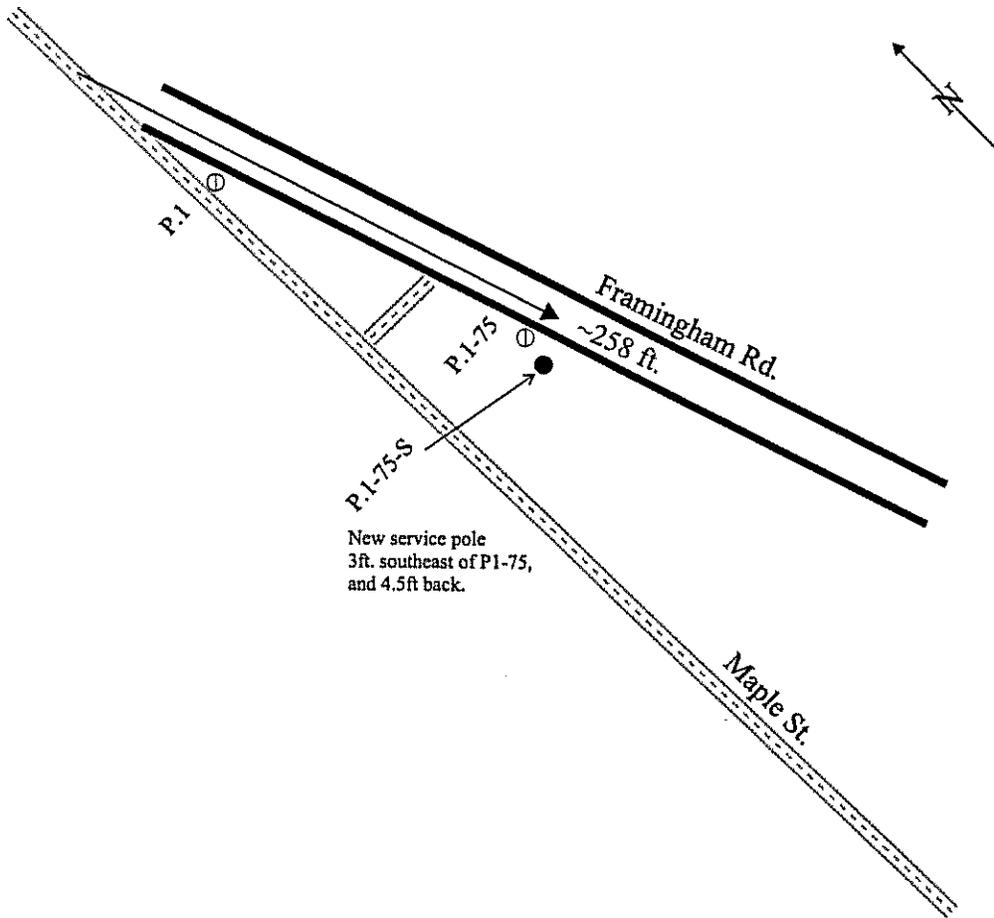
Street(s)

Description of Work:

DOT 604810 - Road Improvement Project -RT 85 (Maple St) Relocate poles and associated facilities
Install one sole owned electric service pole.

ENGINEER David Terk

DATE 8/1/17



JOINT OWNED POLE PETITION	nationalgrid And Verizon New England, Inc.
<input checked="" type="checkbox"/> Proposed NGRID Pole Locations	Date: 8/1/2017
<input type="checkbox"/> Existing NGRID Pole Locations	Plan Number: DOT 604810 - Maple St (RT 85) Road Improvements
<input checked="" type="checkbox"/> Proposed J.O. Pole Locations	To Accompany Petition Dated:
<input type="checkbox"/> Existing J.O. Pole Locations	To The: City Of Marlborough
<input checked="" type="checkbox"/> Existing Telephone Co. Pole Locations	For Proposed: Pole: Location:
<input type="checkbox"/> Existing NGRID Pole Location To Be Made J.O.	Date Of Original Grant:
<input checked="" type="checkbox"/> Existing Pole Locations To Be Removed	
DISTANCES ARE APPROXIMATE	

**ABUTTERS LISTING for Pole Relocation Maple St & Framingham Rd
MARLBOROUGH, MA**

Map	Block	Lot	Unit	Owner's Name	Co_Owner's Name	Address	City	St Zip	Parcel Location
82	138			CITY OF MARLBOROUGH	CENTRAL FIRE STATION	140 MAIN ST	MARLBOROUGH	MA 01752	215 MAPLE ST
82	139			J A C S INC		223 MAPLE ST	MARLBOROUGH	MA 01752	223 MAPLE ST
82	141			KENNEDY DENNIS P TR	CAROLYN M KENNEDY TR	80 CAMERON DR	MARLBOROUGH	MA 01752	247 MAPLE ST
82	143			MONTI LOUIS P JR		4 AUBURN ST	MARLBOROUGH	MA 01752	241 MAPLE ST
82	149			LA MONTI LLC		18 AHEARN RD	MARLBOROUGH	MA 01752	274 MAPLE ST
82	150			GIOMBETTI DONALD A TR	THARON E GIOMBETTI TR	80 GLEN ST	MARLBOROUGH	MA 01752	256 MAPLE ST
82	151			WASSAPES NICHOLAS TR	LINDA D WASSAPES TR	42 FRAMINGHAM RD	MARLBOROUGH	MA 01752	42 FRAMINGHAM RD
82	154			MONTI ANTHONY J	REONDA L MONTI	38 FRAMINGHAM RD	MARLBOROUGH	MA 01752	38 FRAMINGHAM RD
82	156			MCDONALDS CORPORATION (20-0352)	C/O DAVID BALDACCI	PO BOX 902	SPENCER	MA 01562	250 MAPLE ST
82	158			M & E REALTY ASSOC LLC		172 WORCESTER RD	NATICK	MA 01760	MAPLE ST
82	159			M & E REALTY ASSOC LLC		172 WORCESTER RD	NATICK	MA 01760	226 MAPLE ST
82	160			PARKER HOWARD T		26 WINDMILL DR	MARLBOROUGH	MA 01752	214 MAPLE ST
82	161			STOODARD CRAIG		212 MAPLE ST	MARLBOROUGH	MA 01752	212 MAPLE ST
82	281	230	5	MARLBOROUGH MAPLE STREET LLC		230 MAPLE ST #6	MARLBOROUGH	MA 01752	230 MAPLE ST #5
82	281	230	6	MARLBOROUGH MAPLE STREET LLC		230 MAPLE ST #6	MARLBOROUGH	MA 01752	230 MAPLE ST #6
82	281	246	1	246 MAPLE LLC		246 MAPLE ST #1	MARLBOROUGH	MA 01752	246 MAPLE ST #1
82	281	246	2	RRNAL CARE PROPERTIES LLC		5 SAUNDERS RD	SUDBURY	MA 01776	246 MAPLE ST #2
82	281	246	3	246 MAPLE LLC		246 MAPLE ST #3	MARLBOROUGH	MA 01752	246 MAPLE ST #3
82	281	246	4	NINA PROPERTY GROUP LLC		1199 WORCESTER RD	FRAMINGHAM	MA 01701	246 MAPLE ST #4
82	138A			KS REALTY TRUST LLC	C/O KENNEDYS IRISH PUB	247 MAPLE ST	MARLBOROUGH	MA 01752	MAPLE ST
82	157B			MCDONALDS CORPORATION (20-0352)	C/O DAVID BALDACCI	C/O DAVID BALDACCI	SPENCER	MA 01562	0 MAPLE ST
93	33			NOBLE OIL CORP	N/O KS REALTY TRUST LLC	247 MAPLE ST	MARLBOROUGH	MA 01752	279 MAPLE ST
93	34			METROPOLITAN DISTRICT COMMISSION		ATTN DCR	BOSTON	MA 02114-2104	0 MAPLE ST
93	36			DONNARDOMA BENJAMIN P TR	255-263 BOSTON TURNPIKE REALTY TR	329 MAPLE ST	MARLBOROUGH	MA 01752	299 MAPLE ST
93	40			MASON FRANCIS E	BRENDA J MASON	71 FISHER RD	SOUTHBORO	MA 01772	311 MAPLE ST
93	68			NOLAN CASSIDY MAPLE STREET LLC		24 ANNIE MOORE RD	BOLTON	MA 01740	418 MAPLE ST
93	91			VALLBE WILROSE	MARJORIE E VALLBE	47 FRAMINGHAM RD	MARLBOROUGH	MA 01752	47 FRAMINGHAM RD
93	97			SCRIVANOS CONSTANTINE L TR	NECTARIA REALTY TRUST	3 FLOPP AVE	NORTH READING	MA 01835	312 MAPLE ST
93	99			WRIGHT TERRILL W	JACQUELINE A WRIGHT	301 MAPLE ST	MARLBOROUGH	MA 01752	MAPLE ST
93	67A			MARLBOROUGH MAPLE REAL ESTATE TR		C/O CREATIVE DEVELOPMENT	NEWTON UPPER FA	MA 02464	420 MAPLE ST
93	89A			JUSTICE RESOURCE INSTITUTE INC	NAYSIDE COMMUNITY PROGRAMS INC	160 GOULD ST STH 300	HELDHAM	MA 02494	56 FRAMINGHAM RD
104	37			ARCIERI ROBERT TR	GWENLIZ REALTY TRUST	75 EAST MAIN ST	WESTBOROUGH	MA 01581	525 MAPLE ST
104	38			ARCIERI ROBERT TR	MILLO REALTY TRUST	75 EAST MAIN ST	WESTBOROUGH	MA 01581	MAPLE ST

**ABUTTERS LISTING for Pole Relocation Maple St & Framingham Rd
MARLBOROUGH, MA**

Map	Block	Lot	Unit	Owner's Name	Co_Owner's Name	Address	City	ST Zip	Parcel Location
104	42			A & S DEVELOPMENT LLC	C/O ARTHUR VIGRANT	186 MAIN ST	MARLBOROUGH	MA 01752	417 MAPLE ST
104	46			NAPOLEON REALTY CORP		428 MAPLE ST	MARLBOROUGH	MA 01752	424 MAPLE ST
104	45			LEVRESQUE CLAUDE B	C/O WAYSIDE FORD INC	428 MAPLE ST	MARLBOROUGH	MA 01752	428 MAPLE ST
104	46			CITY OF MARLBOROUGH		140 MAIN ST	MARLBOROUGH	MA 01752	MAPLE ST
104	53			VIGRANT JOAN N TR	R VIGRANT D LEVIN TRS JMV REALTY TR	525 SUGAR RD	BOLTON	MA 01740	415 MAPLE ST
104	42A			ARCINNI ROBERT TR	MILQ REALTY TRUST	75 EAST MAIN ST	WESTBOROUGH	MA 01581	433 MAPLE ST

MARLBOROUGH ASSESSORS

Anthony C. Amadio
William H. Silverstein
Janet May De

Town Copy

PETITION FOR JOINT POLE RE-LOCATIONS

To the City Council
of the City of Marlborough, Massachusetts

August 2, 2013 RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 AUG 18 A 11:31

MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

request permission to relocate poles, wires, cables and fixtures, including anchors, guys and other such necessary sustaining and protecting fixtures, along and across the following public way or ways:-

Maple Street

DOT 604810 Road Improvements- Relocate Poles. National Grid request relocate 1 solely owned electric pole to be mad jointly owned (pole 37-84). Relocate 17 jointly owned poles (remaining poles)

Wherefore they ask that they be granted a joint relocation for and permission to erect and maintain poles, wires, cables and fixtures to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as they must find necessary, said poles to be located substantially in accordance with the plan filed herewith marked: Plan No. 19166872 Dated: 8/1/2017

Also for permission to lay and maintain underground cables conduits, wires and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one cross arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

MASSACHUSETTS ELECTRIC COMPANY

By: *Eric Widman*
Manager of Distribution Design *EB*

VERIZON NEW ENGLAND, INC.

By: *Alb. E. D...*
Manager, R.O.W.

ORDER FOR JOINT POLE RELOCATION

August 2, 2013

By the City Council
of the City of Marlborough, Massachusetts

IT IS HEREBY ORDERED:

that **MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.** be and they are hereby granted a joint relocation for and permission to erect and maintain poles and wires to be replaced thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **2nd day of August, 2017**

All construction under this order shall be in accordance with the following conditions:-
Poles shall be sound and timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked:

Plan No. **19166872** Dated: **8/1/2017** filed with said petition.

There may be attached to said poles by said **MASSACHUSETTS ELECTRIC COMPANY** necessary wires, cables and fixtures and by said **VERIZON NEW ENGLAND, INC.** not to exceed **40** wires and **4** cables and all of said wires and cables shall be placed at a height of not less than **18** feet from the ground at highway crossings, and not less than **16** feet from the ground elsewhere.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:-

Maple Street

DOT 604810 Road Improvements- Relocate Poles. National Grid request relocate 1 solely owned electric pole to be mad jointly owned (pole 37-84). Relocate 17 jointly owned poles (remaining poles)

Also that permission be and herby is granted to each of said Companies to lay and maintain underground cables, conduits, wires and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Marlborough, Massachusetts held on the _____ day of _____ 2013

Clerk of Council

CERTIFICATE

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Marlborough, Massachusetts held on the _____ day of _____ 2013

recorded with the records of location orders of said City,
Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____
City Clerk

Pole & UG Petition/Permit Request Form

City Town of Marlborough WR # 19166872

Install (quantity) SO JO Poles on (street name)

Remove (quantity) SO JO Poles on (street name)

Relocate 18 (quantity) SO JO Poles on Maple St (RT 85) (street name)

Beginning at a point approximately 50 feet North of the centerline

of the intersection of Maple St and Mill St (street name)

and continuing approximately 4,030 feet in a North direction.

Install underground facilities:

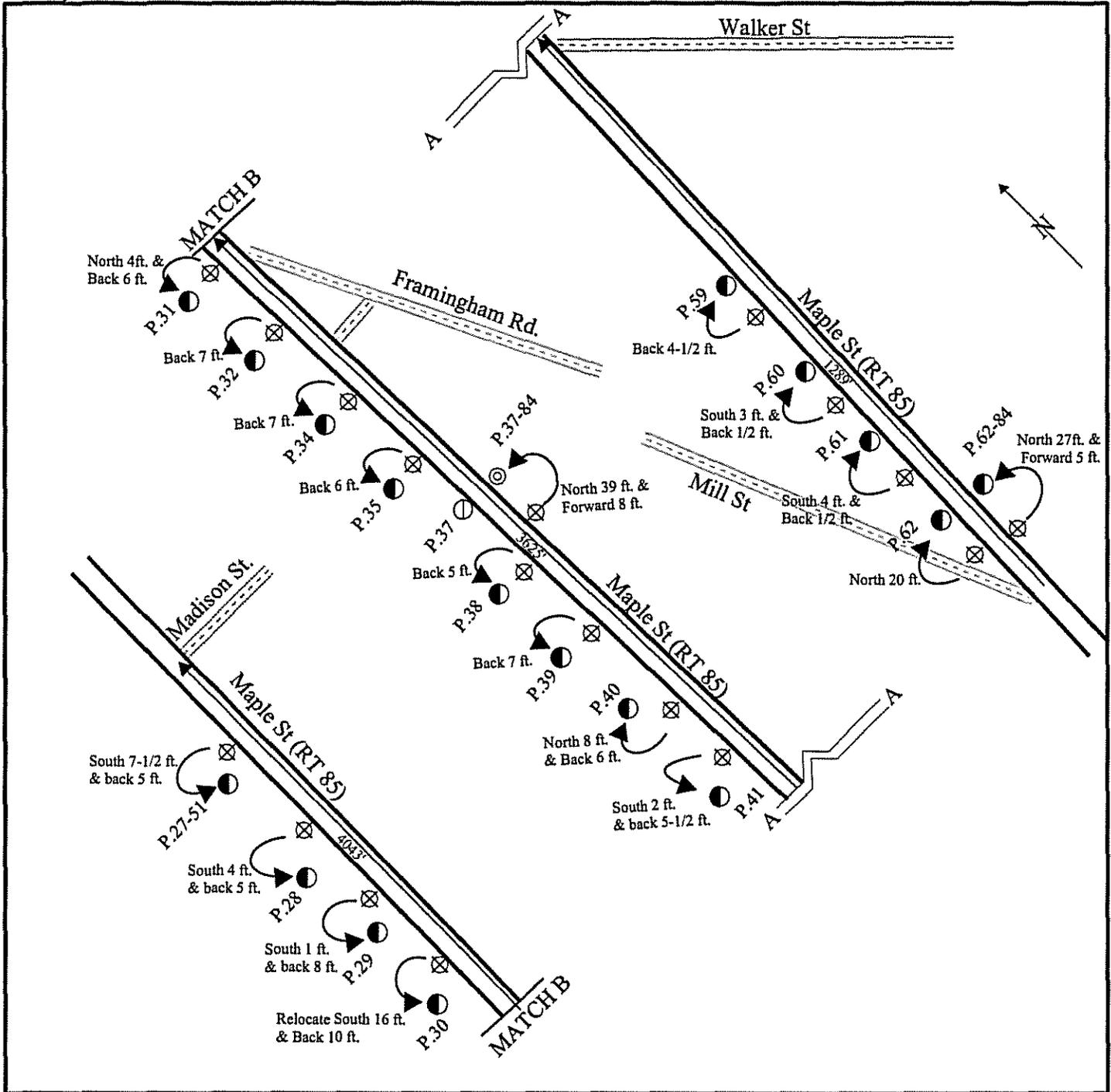
Street(s)

Description of Work:

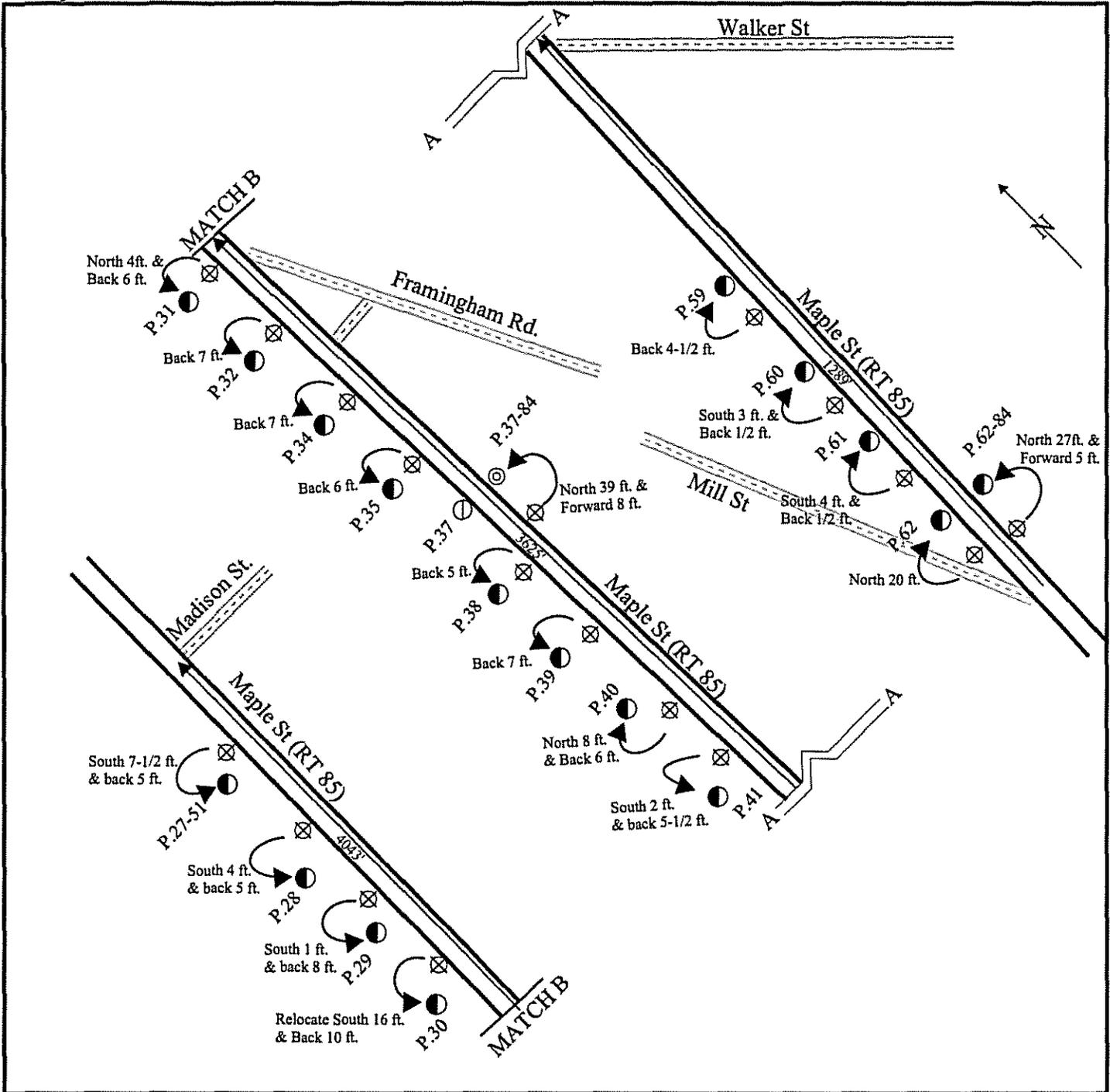
DOT 604810 Road improvements - Relocate poles
Relocate 1 sole owned electric pole to be made jointly owned (pole 37-84)
Relocate 17 jointly owned poles (remaining poles)

ENGINEER David Terk

DATE 8/1/2017



JOINT OWNED POLE PETITION		nationalgrid And Verizon New England, Inc.	
●	Proposed NGRID Pole Locations	Date: 8/1/2017	
○	Existing NGRID Pole Locations	Plan Number: DOT 604810 - Maple St (RT 85) Road Improvements	
⊙	Proposed J.O. Pole Locations	To Accompany Petition Dated:	
⓪	Existing J.O. Pole Locations	To The: City Of Marlborough	
⊕	Existing Telephone Co. Pole Locations	For Proposed: Pole: Location:	
⊗	Existing NGRID Pole Location To Be Made J.O.	Date Of Original Grant:	
⊗	Existing Pole Locations To Be Removed		
DISTANCES ARE APPROXIMATE			



JOINT OWNED POLE PETITION		nationalgrid And Verizon New England, Inc.	
● Proposed NGRID Pole Locations		Date: 8/1/2017	
○ Existing NGRID Pole Locations		Plan Number: DOT 604810 - Maple St (RT 85) Road Improvements	
● Proposed J.O. Pole Locations		To Accompany Petition Dated:	
⊙ Existing J.O. Pole Locations		To The: City Of Marlborough	
⊕ Existing Telephone Co. Pole Locations		For Proposed: Pole: Location:	
⊙ Existing NGRID Pole Location To Be Made J.O.		Date Of Original Grant:	
⊗ Existing Pole Locations To Be Removed			
DISTANCES ARE APPROXIMATE			

**ABUTTERS LISTING for Pole Relocation Maple St & Framingham Rd
MARLBOROUGH, MA**

Map	Block	Lot	Unit	Owner's Name	Co_Owner's Name	Address	City	ST Zip	Parcel Location
82	138			CITY OF MARLBOROUGH	CENTRAL FIRE STATION	140 MAIN ST	MARLBOROUGH	MA 01752	215 MAPLE ST
82	139			J A C S INC		223 MAPLE ST	MARLBOROUGH	MA 01752	223 MAPLE ST
82	141			KENNEDY DENNIS P TR	CAROLYN M KENNEDY TR	80 CAMERON DR	MARLBOROUGH	MA 01752	247 MAPLE ST
82	143			MONTI LOUIS P JR		4 AUBURN ST	MARLBOROUGH	MA 01752	241 MAPLE ST
82	149			LG MONTI LLC		18 AUBURN RD	MARLBOROUGH	MA 01752	274 MAPLE ST
82	150			GIOMBETTI DONALD A TR	THARON E GIOMBETTI TR	80 GLEN ST	MARLBOROUGH	MA 01752	256 MAPLE ST
82	151			HASSAPES NICHOLAS TR	LINDA D HASSAPES TR	42 FRAMINGHAM RD	MARLBOROUGH	MA 01752	42 FRAMINGHAM RD
82	154			MONTI ANTHONY J	RHONDA L MONTI	38 FRAMINGHAM RD	MARLBOROUGH	MA 01752	38 FRAMINGHAM RD
82	156			MCDONALDS CORPORATION (20-0352)	C/O DAVID BALDACCI	PO BOX 902	SPENCER	MA 01562	250 MAPLE ST
82	158			M & B REALTY ASSOC LLC		172 WORCESTER RD	NATICK	MA 01760	MAPLE ST
82	159			M & B REALTY ASSOC LLC		172 WORCESTER RD	NATICK	MA 01760	226 MAPLE ST
82	160			PARKER EDWARD T		26 WINDMILL DR	MARLBOROUGH	MA 01752	214 MAPLE ST
82	161			STODDARD CRAIG		212 MAPLE ST	MARLBOROUGH	MA 01752	212 MAPLE ST
82	281	230	5	MARLBOROUGH MAPLE STREET LLC		230 MAPLE ST #6	MARLBOROUGH	MA 01752	230 MAPLE ST #5
82	281	230	6	MARLBOROUGH MAPLE STREET LLC		230 MAPLE ST #6	MARLBOROUGH	MA 01752	230 MAPLE ST #6
82	281	246	1	246 MAPLE LLC		246 MAPLE ST #1	MARLBOROUGH	MA 01752	246 MAPLE ST #1
82	281	246	2	RENAL CARE PROPERTIES LLC		5 SAUNDERS RD	SUDBURY	MA 01776	246 MAPLE ST #2
82	281	246	3	246 MAPLE LLC		246 MAPLE ST #3	MARLBOROUGH	MA 01752	246 MAPLE ST #3
82	281	246	4	NINA PROPERTY GROUP LLC		1199 WORCESTER RD	FRAMINGHAM	MA 01701	246 MAPLE ST #4
82	138A			K5 REALTY TRUST LLC	C/O KENNEDYS IRISH PUB	247 MAPLE ST	MARLBOROUGH	MA 01752	MAPLE ST
82	157B			MCDONALDS CORPORATION (20-0352)		C/O DAVID BALDACCI	SPENCER	MA 01562	0 MAPLE ST
93	33			MOBIL OIL CORP	N/O K5 REALTY TRUST LLC	247 MAPLE ST	MARLBOROUGH	MA 01752	279 MAPLE ST
93	34			METROPOLITAN DISTRICT COMMISSION		ATTN DCR	BOSTON	MA 02114-2104	0 MAPLE ST
93	36			DONNARUMMA BENJAMIN P TR	255-263 BOSTON TURNPIKE REALTY TR	329 MAPLE ST	MARLBOROUGH	MA 01752	299 MAPLE ST
93	40			MASON FRANCIS E	BRENDA J MASON	71 FISHER RD	SOUTHBORO	MA 01772	311 MAPLE ST
93	68			NOLAN CASSIDY MAPLE STREET LLC		24 ANNIE MOORE RD	BOLTON	MA 01740	418 MAPLE ST
93	91			VALLER WILROSE	MARJORIE E VALLEE	47 FRAMINGHAM RD	MARLBOROUGH	MA 01752	47 FRAMINGHAM RD
93	97			SCRIVANOS CONSTANTINE I TR	NECTARIA REALTY TRUST	3 FLUFF AVE	NORTH READING	MA 01835	312 MAPLE ST
93	99			WRIGHT TERRILL W	JACQUELINE A WRIGHT	301 MAPLE ST	MARLBOROUGH	MA 01752	MAPLE ST
93	67A			MARLBOROUGH MAPLE REAL ESTATE TR		C/O CREATIVE DEVELOPMENT	NEWTON UPPER FA	MA 02464	420 MAPLE ST
93	89A			JUSTICE RESOURCE INSTITUTE INC	NAYSIDE COMMUNITY PROGRAMS INC	160 GOULD ST STE 300	NEEDHAM	MA 02494	56 FRAMINGHAM RD
104	37			ARCIERI ROBERT TR	GWENLIZ REALTY TRUST	75 EAST MAIN ST	WESTBOROUGH	MA 01581	525 MAPLE ST
104	38			ARCIERI ROBERT TR	MILO REALTY TRUST	75 EAST MAIN ST	WESTBOROUGH	MA 01581	MAPLE ST

**ABUTTERS LISTING for Pole Relocation Maple St & Framingham Rd
MARLBOROUGH, MA**

Map	Block	Lot	Unit	Owner's Name	Co_Owner's Name	Address	City	ST Zip	Parcel Location
104	42			A & S DEVELOPMENT LLC	C/O ARTHUR VIGANT	186 MAIN ST	MARLBOROUGH	MA 01752	417 MAPLE ST
104	44			NAPOLEON REALTY CORP		428 MAPLE ST	MARLBOROUGH	MA 01752	424 MAPLE ST
104	45			LEVESQUE CLAUDE B	C/O WAYSIDE FORD INC	428 MAPLE ST	MARLBOROUGH	MA 01752	428 MAPLE ST
104	46			CITY OF MARLBOROUGH		140 MAIN ST	MARLBOROUGH	MA 01752	MAPLE ST
104	53			VIGANT JOAN M TR	R VIGANT D LEVIN TRS JMV REALTY TR	525 SUGAR RD	BOLTON	MA 01740	415 MAPLE ST
104	42A			ARCIERI ROBERT TR	MILLO REALTY TRUST	75 EAST MAIN ST	NESTBOROUGH	MA 01581	433 MAPLE ST

MARLBOROUGH ASSESSORS

Anthony C. Amore
William K. Silverstein
Joan May De

Town Copy

PETITION FOR JOINT POLE RE-LOCATIONS

August 2, 2013

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

To the City Council
of the City of Marlborough, Massachusetts

2011 AUG 18 A 11:31

MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

request permission to relocate poles, wires, cables and fixtures, including anchors, guys and other such necessary sustaining and protecting fixtures, along and across the following public way or ways:-

Framingham Road

**DOT 604810 - Road improvement Project - RT 85 (Maple Street) National
Grid request relocate poles and associated facilities.**

Wherefore they ask that they be granted a joint relocation for and permission to erect and maintain poles, wires, cables and fixtures to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as they must find necessary, said poles to be located substantially in accordance with the plan filed herewith marked: Plan No. 20637614 Dated: 8/1/2017

Also for permission to lay and maintain underground cables conduits, wires and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one cross arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

MASSACHUSETTS ELECTRIC COMPANY

By: Eric Widman *EW*
Manager of Distribution Design

VERIZON NEW ENGLAND, INC.

By: Alb. E. Donnell
Manager, R.O.W.

ORDER FOR JOINT POLE RELOCATION

August 2, 2013

By the City Council
of the City of Marlborough, Massachusetts

IT IS HEREBY ORDERED:

that **MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.** be and they are hereby granted a joint relocation for and permission to erect and maintain poles and wires to be replaced thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **2nd day of August, 2017**

All construction under this order shall be in accordance with the following conditions:-
Poles shall be sound and timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked:

Plan No. **20637614** Dated: **8/1/2017** filed with said petition.

There may be attached to said poles by said **MASSACHUSETTS ELECTRIC COMPANY** necessary wires, cables and fixtures and by said **VERIZON NEW ENGLAND, INC.** not to exceed **40** wires and **4** cables and all of said wires and cables shall be placed at a height of not less than **18** feet from the ground at highway crossings, and not less than **16** feet from the ground elsewhere.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:-

Framingham Road

DOT 604810 - Road improvement Project - RT 85 (Maple Street) National Grid request relocate poles and associated facilities.

Also that permission be and herby is granted to each of said Companies to lay and maintain underground cables, conduits, wires and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Marlborough, Massachusetts held on the _____ day of _____ 2013

Clerk of Council

CERTIFICATE

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Marlborough, Massachusetts held on the _____ day of _____ 2013

recorded with the records of location orders of said City,

Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____
City Clerk

Pole & UG Petition/Permit Request Form

City Town of Marlborough WR # 20637614

Install (quantity) SO JO Poles on (street name)

Remove (quantity) SO JO Poles on (street name)

Relocate 2 (quantity) JO Poles on Framingham Rd (street name)

Beginning at a point approximately 190 feet Southeast of the centerline

of the intersection of Maple St & Framingham Rd (street name)

and continuing approximately 110 feet in a Southeast direction.

Install underground facilities:

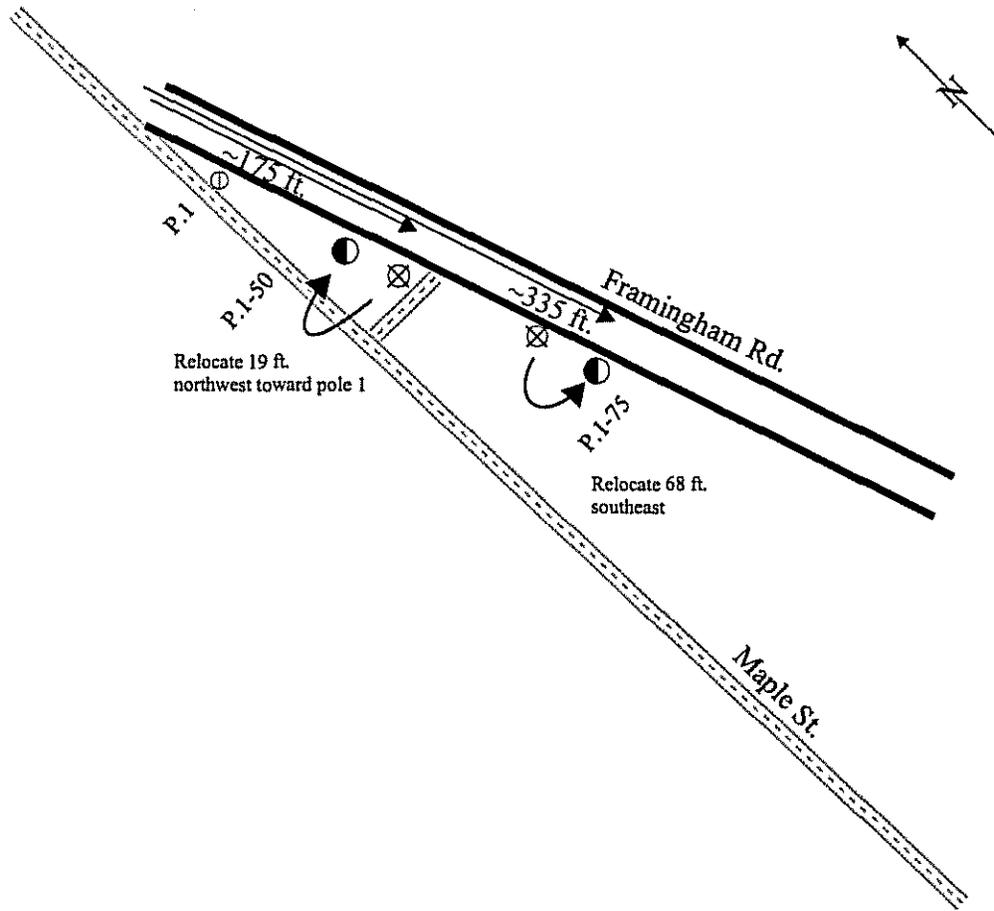
Street(s)

Description of Work:

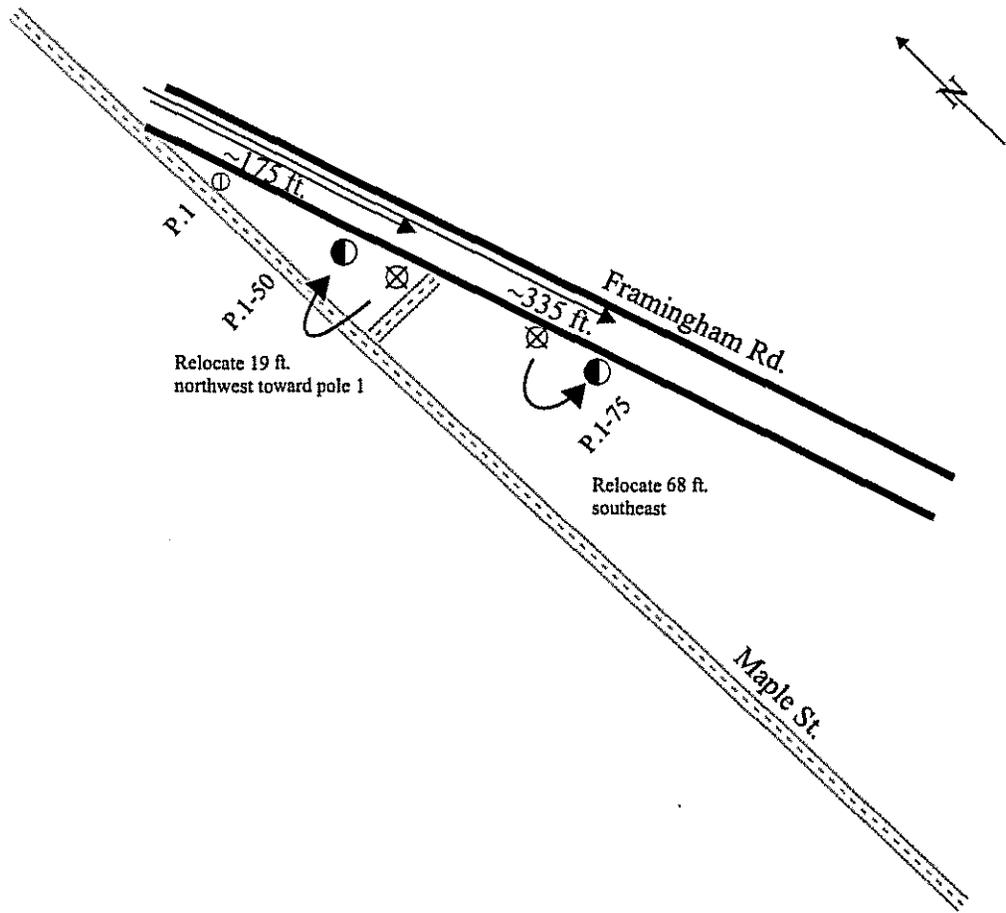
DOT 604810 - Road Improvement Project -RT 85 (Maple St) Relocate poles and associated facilities

ENGINEER David Terk

DATE 8/1/17



JOINT OWNED POLE PETITION	nationalgrid And Verizon New England, Inc.
● Proposed NGRID Pole Locations	Date: 8/1/2017
○ Existing NGRID Pole Locations	Plan Number: DOT 604810 - Maple St (RT 85) Road Improvements
● Proposed J.O. Pole Locations	To Accompany Petition Dated:
Ⓢ Existing J.O. Pole Locations	To The: City Of Marlborough
⊕ Existing Telephone Co. Pole Locations	For Proposed: Pole: Location:
⊙ Existing NGRID Pole Location To Be Made J.O.	Date Of Original Grant:
⊗ Existing Pole Locations To Be Removed	
DISTANCES ARE APPROXIMATE	



JOINT OWNED POLE PETITION	
●	Proposed NGRID Pole Locations
○	Existing NGRID Pole Locations
⦿	Proposed J.O. Pole Locations
⓪	Existing J.O. Pole Locations
⊕	Existing Telephone Co. Pole Locations
⊙	Existing NGRID Pole Location To Be Made J.O.
⊗	Existing Pole Locations To Be Removed
DISTANCES ARE APPROXIMATE	

nationalgrid And Verizon New England, Inc.	
Date:	8/1/2017
Plan Number:	DOT 604810 - Maple St (RT 85) Road Improvements
To Accompany Petition Dated:	
To The:	City Of Marlborough
For Proposed:	Pole: Location:
Date Of Original Grant:	

**ABUTTERS LISTING for Pole Relocation Maple St & Framingham Rd
MARLBOROUGH, MA**

Map	Block	Lot	Unit	Owner's Name	Co-Owner's Name	Address	City	ST Zip	Parcel Location
82	138			CITY OF MARLBOROUGH	CENTRAL FIRE STATION	140 MAIN ST	MARLBOROUGH	MA 01752	215 MAPLE ST
82	139			J A C & INC		223 MAPLE ST	MARLBOROUGH	MA 01752	223 MAPLE ST
82	141			KENNEDY DENNIS P TR	CAROLYN M KENNEDY TR	80 CAMERON DR	MARLBOROUGH	MA 01752	247 MAPLE ST
82	143			MONTI LOUIS P JR		4 AUBURN ST	MARLBOROUGH	MA 01752	241 MAPLE ST
82	149			LO MONTI LLC		18 ABBARN RD	MARLBOROUGH	MA 01752	274 MAPLE ST
82	150			GIOMBETTI DONALD A TR	THARON E GIOMBETTI TR	80 GLEN ST	MARLBOROUGH	MA 01752	256 MAPLE ST
82	151			HASSAPES NICHOLAS TR	LINDA D HASSAPES TR	42 FRAMINGHAM RD	MARLBOROUGH	MA 01752	42 FRAMINGHAM RD
82	154			MONTI ANTHONY J	RHONDA L MONTI	38 FRAMINGHAM RD	MARLBOROUGH	MA 01752	38 FRAMINGHAM RD
82	156			MCDONALDS CORPORATION (20-0352)	C/O DAVID BALDACCI	PO BOX 902	SPENCER	MA 01562	250 MAPLE ST
82	158			M & E REALTY ASSOC LLC		172 WORCESTER RD	NATICK	MA 01760	MAPLE ST
82	159			M & E REALTY ASSOC LLC		172 WORCESTER RD	NATICK	MA 01760	226 MAPLE ST
82	160			PARKER EDWARD T		26 WINDMILL DR	MARLBOROUGH	MA 01752	214 MAPLE ST
82	161			STODDARD CRAIG		212 MAPLE ST	MARLBOROUGH	MA 01752	212 MAPLE ST
82	281	230	5	MARLBOROUGH MAPLE STREET LLC		230 MAPLE ST #6	MARLBOROUGH	MA 01752	230 MAPLE ST #5
82	281	230	6	MARLBOROUGH MAPLE STREET LLC		230 MAPLE ST #6	MARLBOROUGH	MA 01752	230 MAPLE ST #6
82	281	246	1	246 MAPLE LLC		246 MAPLE ST #1	MARLBOROUGH	MA 01752	246 MAPLE ST #1
82	281	246	2	RENAL CARE PROPERTIES LLC		5 SAUNDERS RD	SUDBURY	MA 01776	246 MAPLE ST #2
82	281	246	3	246 MAPLE LLC		246 MAPLE ST #3	MARLBOROUGH	MA 01752	246 MAPLE ST #3
82	281	246	4	NINA PROPERTY GROUP LLC		1199 WORCESTER RD	FRAMINGHAM	MA 01701	246 MAPLE ST #4
82	138A			K5 REALTY TRUST LLC	C/O KENNEDYS IRISH PUB	247 MAPLE ST	MARLBOROUGH	MA 01752	MAPLE ST
82	157B			MCDONALDS CORPORATION (20-0352)		C/O DAVID BALDACCI	SPENCER	MA 01562	0 MAPLE ST
93	33			MOBIL OIL CORP	N/O K5 REALTY TRUST LLC	247 MAPLE ST	MARLBOROUGH	MA 01752	279 MAPLE ST
93	34			METROPOLITAN DISTRICT COMMISSION		ATTN DCR	BOSTON	MA 02114-2104	0 MAPLE ST
93	36			DONNARIPPA BENJAMIN P TR	255-263 BOSTON TURNPIKE REALTY TR	329 MAPLE ST	MARLBOROUGH	MA 01752	299 MAPLE ST
93	40			MASON FRANCIS R	BRENDA J MASON	71 FISHER RD	SOUTHBORD	MA 01772	311 MAPLE ST
93	68			NOLAN CASSIDY MAPLE STREET LLC		24 ANNIE MOORE RD	BOLTON	MA 01740	418 MAPLE ST
93	91			VALLEE WILROSE	MARJORIE E VALLEE	47 FRAMINGHAM RD	MARLBOROUGH	MA 01752	47 FRAMINGHAM RD
93	97			SCRIVANOS CONSTANTINE L TR	NECTARIA REALTY TRUST	3 PLOFF AVY	NORTH READING	MA 01835	312 MAPLE ST
93	99			WRIGHT TERRILL W	JACQUELINE A WRIGHT	301 MAPLE ST	MARLBOROUGH	MA 01752	MAPLE ST
93	67A			MARLBOROUGH MAPLE REAL ESTATE TR		C/O CREATIVE DEVELOPMENT	NEWTON UPPER FA	MA 02464	420 MAPLE ST
93	89A			JUSTICE RESOURCE INSTITUTE INC	WAYSIDE COMMUNITY PROGRAMS INC	160 GOULD ST BKS 300	WRENTHAM	MA 02494	56 FRAMINGHAM RD
104	37			ARCIERI ROBERT TR	ONEWIZ REALTY TRUST	75 EAST MAIN ST	WESTBOROUGH	MA 01581	525 MAPLE ST
104	38			ARCIERI ROBERT TR	MIL0 REALTY TRUST	75 EAST MAIN ST	WESTBOROUGH	MA 01581	MAPLE ST

**ABUTTERS LISTING for Pole Relocation Maple St & Framingham Rd
MARLBOROUGH, MA**

Map	Block	Lot	Unit	Owner's Name	Co_Owner's Name	Address	City	ST Zip	Parcel Location
104	42			A & S DEVELOPMENT LLC	C/O ARTHUR VIGANT	186 MAIN ST	MARLBOROUGH	MA 01752	417 MAPLE ST
104	44			NAPOLSON REALTY CORP		428 MAPLE ST	MARLBOROUGH	MA 01752	424 MAPLE ST
104	45			LEVESQUE CLAUDE B	C/O WAYSIDE FORD INC	428 MAPLE ST	MARLBOROUGH	MA 01752	428 MAPLE ST
104	46			CITY OF MARLBOROUGH		140 MAIN ST	MARLBOROUGH	MA 01752	MAPLE ST
104	53			VIGANT JOAN M TR	R VIGANT D LEVIN TRS JMV REALTY TR	525 SUGAR RD	BOLTON	MA 01740	415 MAPLE ST
104	42A			ARCIERI ROBERT TR	MILLO REALTY TRUST	75 EAST MAIN ST	WESTBOROUGH	MA 01581	433 MAPLE ST

MARLBOROUGH ASSESSORS

Anthony C. Amadio
Ellen K. Silverstein
Joan May De

MEMO

Central Mass. Mosquito Control Project

www.cmmcp.org



DATE: Aug. 21, 2017
 SUBJECT: Mosquito Control Update
 TO: CMMCP member Boards of Health
 FROM: Timothy Deschamps, Executive Director

The standard residential spraying program will cease at the end of August due to reduced mosquito populations and decreasing service requests from residents. As we get closer to the end of summer, cooler night time temperatures tend to predominate. Low temperatures reduce mosquito activity and the effectiveness of the pesticide. Spraying is not allowed until after sunset, and is prohibited at temperatures below 50°F due to label restrictions.

West Nile Virus has been found in many areas in Mass. this year, with no human cases to date. **We are entering into the highest risk part of the season, a time where spraying interventions may not always be possible.** Our surveillance staff will continue to trap, identify and test mosquitoes until MDPH ends the testing program, typically mid-October. Please continue to push the message of exercising caution when outside, using repellents and wearing long sleeved shirts and long pants whenever possible.

If virus is identified in your community, we will coordinate with you to determine the appropriate response. Risk from mosquito-borne disease may be present even after spraying, and may be present until we have several widespread, killing frosts.

On our website we post weekly information from our arbovirus surveillance program: <http://www.cmmcp.org/summary.htm>. Please feel free to contact me if you have any questions, and you can log on to our website at any time at <http://www.cmmcp.org> for additional information.

Thank you

cc: Member City/Town Clerks
 Member Police Departments



Find us on
Facebook

<https://www.facebook.com/Central.Mass.Mosquito>

follow us on
twitter

<https://twitter.com/CMassMosquito>

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes**

**June 15, 2017 (Thursday)
Marlborough City Hall - 3rd Floor, Memorial Hall
7:00 PM**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2017 JUL 24 P 3:41

Present: Edward Clancy-Chairman, Dennis Demers, Karin Paquin and Allan White. Also present was Priscilla Ryder - Conservation Officer.

Absent: Lawrence Roy, John Skarin and David Williams.

Approval of Minutes - The minutes of May 18, 2017 were approved unanimously as written.

Public Hearings

Request for Determination of Applicability

38 Gikas Ln. - John Miller

John Miller the new owner of this property was present. He explained that he proposes to install an above ground pool and wooden deck within 27 ft. of the wetland. The 20 ft. buffer zone wetland markers are in place and will mark the limit of work. No work or clearing will be done beyond this area. All work will be on the existing lawn area which is flat. They will remove top soil add stone and add the deck. Earth work will be minimal. After some discussion, the Commission voted unanimously 4-0 to issue a negative determination with standard conditions.

Request for Determination of Applicability

230B Boston Post Rd. (Marshalls) - The TJX Companies

Bob Leahy of Commonwealth Building Inc. was present to represent the TJX Companies. He explained they are proposing to remove asphalt and replace it with a concrete pad loading dock behind the current Marshalls store. This will allow for better traffic flow during deliveries and make them more efficient. Mowry Brook is about 40+ feet away from the work area. The Commission asked questions about stockpile location, erosion controls if needed, drain protection if needed. The Commission noted all excess materials must be removed from the site and the drainage path to the brook protected. After some discussion, the Commission voted unanimously 4-0 to issue a negative determination with standard conditions and those as noted.

Request for Determination of Applicability

48 Paquin Dr. - Barrie Hunter

Mr. Hunter explained that over the winter his concrete retaining wall began to collapsed; so, he is having it repaired. He started work without a permit, however once Ms. Ryder informed him he needed a permit, he filed it right away. The new wall is a block wall with geogrid and drainage behind the wall. The previous wall had no drainage, no rebar and was poorly built. The new wall ft. is more substantial. They needed to excavate behind the wall to allow for proper drainage and to add the geogrid. Work is within 30 ft. of Ft. Meadow Reservoir, so they installed silt fencing between the work and the lake. He showed pictures of the old and new wall to the Commission. After some discussion, the Commission voted unanimously 4-0 to issue a negative determination with standard conditions for inspections and stabilization.

Notice of Intent

421 Bolton St. - BSL Marlborough Development LLC

David McCay of Mirick O'Connell, Eric Gardner of BSL Marlborough Development, LLC, and Jesse Johnson P.E. from Bohler Engineering were all present. Mr. McCay provided an overview of the project which is the construction of an assisted living and memory care facility with parking, landscaping and utilities. Mr. Johnson explained the project, building, drainage and limit of disturbance which is away from the 20 ft. buffer zone. The drainage system consists of underground infiltration systems for the roof runoff and two detention basins. The Storm Water Pollution Prevention Plan will be submitted once the contractor is hired to do the work and will be submitted at that time. The 10 acres including the wetland and area along Stevens St. will be donated to the city as part of this proposal. There was some discussion about drainage and about protecting the trees on the high school property near the sidewalk. Tom DiPersio, city engineer, was present and noted he'd provided written comments on the drainage and is fine with the design. Mr. Clancy gave a history of the house. The Commission asked that they keep some of the stump grindings on site since they are good for erosion control. Dust will need to be controlled to avoid problems with the senior housing next door. After further discussion, the Commission continued the hearing to the next meeting on July 20th. Ms. Ryder will draft a set of conditions for that meeting.

Certificate of Compliance

- DEP 212-1162 21 Gikas Ln. (Lot 8) – Full - Ms. Ryder noted that she has done an inspection and all the conditions of the Order of Conditions have been met. The Commission voted unanimously 4-0 to issue a full Certificate of Compliance with ongoing conditions as noted.
- DEP 212-101 40 Felton St. – Full - Ms. Ryder noted that during a title search the lawyer noted that this old Order of Conditions was still attached to the deed. This house has been done for a long time. Mr. Ryder noted no issues. The Commission voted unanimously 4-0 to issue a full Certificate of Compliance for this lot.

Discussions:

- Emergency Certificate for 114 Concord Rd. - Ms. Ryder noted that she issued an Emergency Certificate for the immediate repair of the leaky sewer line that was discovered last week. The work has been completed and no issues were reported. The Commission voted unanimously 4-0 to ratify the Emergency Certificate.
- DEP 212-1149 - review Elm St. and DEP 212-1168 - Bolton St. culverts - DPW to discuss possible changes. Tom DiPersio, city engineer, explained that they are looking into some different methods to line the culvert at Bolton St. The proposal discussed during the hearing process is not going to work as they do not believe they can get the culvert dry enough using that method. They would prefer to do a pipe insert and then grout the voids, which will accomplish the result of preventing further deterioration of the roadway. The Commission asked if there would be any loss in volume with the pipe.
- New England Power Company d/b/a National Grid – W23W Reconductoring Project – Joint 401 Water Quality Certification (with a variance request)/404 Pre-construction Notification application.

Northborough, Marlborough and Southborough. This is a water quality permit that the state will issue. Ms. Ryder noted she believes they are exempt from WPA although they need to replace some large poles etc. She will inquire.

- Environmental Notification Form – Sudbury-Hudson Transmission Reliability Project – Sudbury, Marlborough, Stow and Hudson – Comments due June 13, 2017. Ms. Ryder and Ms. Paquin both attended the site walk for this project. A very small portion about 50 ft. of the Desert Natural Area is within this proposed transmission line layout. The concern is the impact this transmission line underground will have on all the pitch pine scrub oak restoration work we have already invested in. Ms. Ryder will draft some comments and share with the Commission before sending. Comments are due July 4th.

Correspondence/Other Business:

- Letter to Robert Walker, dated 6/7/2017 RE: Wetland violation notice – Apex Center – Phase 2 (DEP 212-1181 - \$600 fine)- Ms. Ryder discussed the violation and remedy.

Adjournment

There being no further business, the meeting was adjourned at 9:05 PM.

Respectfully submitted;


Priscilla Ryder
Conservation Officer

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

July 20, 2017 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 AUG 11 P 3:32

Present: Edward Clancy-Chairman, Allan White, John Skarin, Dennis Demers and Karin Paquin. Priscilla Ryder-Conservation Officer was also present.

Absent: David Williams and Lawrence Roy

Approval of Minutes – The minutes of June 15, 2017 were reviewed and approved 5-0 as written.

Public Hearings

Notice of Intent (Continuation) – Review Draft Order of Conditions

421 Bolton St. - BSL Marlborough Development LLC

Jesse Johnson of Bohler Engineering and a representative from Benchmark were present. Mr. Johnson went through the changes he'd made to the plans based on comments received from the last meeting and from the City Engineer for the proposed assisted living and memory care facility. He noted that the existing trail between the schools that runs through this property will be verified in the field and the connections to the two school properties would be decided with city engineer, conservation officer and school officials. He noted that the drainage on the plans has changed from open detention basins to closed underground systems with pretreatment in the first chamber. Fencing above slopes and slope stability was discussed as well as making sure operations are done in such a way not to disturb the senior housing next door. After further discussion about construction phasing and inspection ports, the hearing was closed. The Commission reviewed a set of draft Order of Conditions and made some changes based on the discussion. The Commission voted unanimously 5-0 to issue an Order of Conditions as drafted and amended.

Certificates of Compliance:

- 212-313 29 Draper Circle – Partial Certificate (re-issue). Ms. Ryder noted that the old Certificate of Compliance was apparently never recorded. The lawyers needed a more current one to record. The Commission voted unanimously 5-0 to re-issue a partial certificate.
- 212-704 362 Elm St. – Full Certificate (work never started). Ms. Ryder noted that to clear the file, a Certificate of Compliance should be issued. The Commission voted unanimously 5-0 to issue a full Certificate of Compliance, noting the project was never started.
- 212-848 800 Nickerson Rd. – Full Certificate (re-issue). Ms. Ryder noted that the old Certificate was apparently never recorded. A more current Certificate was needed for

recording purpose. The Commission voted unanimously 5-0 to re-issue a full Certificate of Compliance.

Discussions:

- DEP 212-1177 Apex – Minor changes to sewer connection Phase I - Order of Conditions. Tom DiPersio, City Engineer, explained that when the contractor was getting ready to do the sewer connection into Rte. 20, it was determined to be very deep (17 feet) with very steep slopes and difficult location for a sewer connection. The alternative location was determined to be about 30 feet uphill where the sewer could connect into the existing sewer line and avoid the drains and other utility conflicts. Ms. Ryder and Mr. Clancy had inspected the location and due to the tight timeframe and with Mr. Clancy's blessing that this could be considered a minor change to the plans as there is no additional impact beyond what had already been approved. The Commission asked about the depth of the new line (10 feet) and the construction specifics and blocking off the live line when the new line is connected. After some discussion, the Commission voted 5-0 to approve the changes as minor changes to the plans. No amended Order of Conditions is required at this time. The changes will be reflected in the as-built plans for the project.
- DEP 212-1181 Apex – Minor drainage amendment to Phase 2 Order of Conditions - Addition of drain to divert ground water. (Building 12). Ms. Ryder presented a plan showing the minor change to add a drain to divert groundwater around the building and directly into the wetland. The Commission reviewed the plans and confirmed that this was a minor change and voted 5-0 to approve this addition to the plans. No amendment to the Order of Conditions is required.
- DEP 212-1117 Ames St. – Talia (aka Brookview Apartments) – Storm water inspection frequency reduction request. The Commission reviewed the e-mail request from Mark Arnold of Goddard Consulting regarding reducing the pre-storm and storm inspections to storms of 1" or greater since the site is substantially stabilized. Mr. Clancy noted that he agreed, given the stability of the site over the past few storms and based on the inspection reports the Commission has received. After some discussion, the Commission voted unanimously 5-0 to approve this reduced inspection schedule.

Violations:

- Letter issued to Jim Shalek, dated June 30, 2017 RE: Wetland violation notice – Rte. 20 Intersection Improvements – Apex Center – Phase 2 (DEP 212-1187) - \$300 fine (vote to ratify). Ms. Ryder explained the violation as outlined in the letter. The Commission voted 5-0 to ratify the violation notice.
- Applebriar Lane– Bell Partners – Emergency Certificate - Mr. Clancy explained that on July 3rd, he received a call regarding a sewer discharge into the detention basin at the apartment complex on Applebriar lane. He and the DPW worked with the owners of the site to get the raw sewerage pumped out of the drain line and have the pipe repaired. This was done

promptly, however, the receiving water at the detention basin was filled with sewerage and appeared to have been leaking for a while. On July 10th Ms. Ryder issued an Emergency Certificate to allow for the cleanup and removal of all the contaminated – sewerage laden – soil within the detention basin. This included cleaning the pipes and outlet structure and loaming and seeding the basin once it was cleaned. Ms. Ryder noted that all the work has been done by Rodenhiser and looks good. There is no longer a smell and the area looks clean. The Commission voted 5-0 to ratify the Enforcement Order.

Correspondence/ The following items were reviewed and the Commission voted unanimously 5-0 to accept and place on file.

- Letter/report from DPW (Forestry Dept.), dated: June 6, 2017... RE: Rights of Way Application in accordance with the approved Yearly Operational Plan.
- Letter from Fish and Wildlife Service, dated July 3, 2017 RE: EEA #15703 Sudbury-Hudson Transmission Reliability Project.
- Letter from Nationalgrid, dated July 11, 2017 RE: Mass. Electric Company d/b/a National Grid G7 Asset Condition Refurbishment Project.

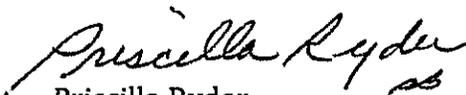
Other Business:

- 245 Lakeshore Drive – DEP 212- 1188 - Mr. Garofalo dropped off a revised plan showing the house shifted back 10 feet from the road. Making the house 33' from the lake rather than 43' from the lake. The Commission agreed this is a minor change and voted 5-0 to approve the changes as minor change.

Adjournment

There being no further business, the meeting was adjourned at 8:21 PM.

Respectfully submitted,



Priscilla Ryder
Conservation Officer

June 28, 2017

RECEIVED
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CITY OF MARLBOROUGH

2017 JUL 26 A 11: 32



**CITY OF MARLBOROUGH
OFFICE OF TRAFFIC COMMISSION
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 017**

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Wednesday, June 28, 2017 at 10:00am in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief David Giorgi, DPW Commissioner John Ghiloni, Fire Chief Kevin Breen and City Clerk Lisa Thomas. Also present: City Engineer Tom DiPersio, Assistant City Engineer Tim Collins and City Councilor Ed Clancy. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, May 30, 2017.

MOTION was made, seconded, duly VOTED:
TO APPROVE – Accept and Place on File

Chief Giorgi made a motion to suspend the rules to start the meeting with two items not on the agenda. All in Favor.

1 - Vehicles Speed and Safety Assessment – Bolton Street (Route 85)

Dave McCay, from Mirick O'Connell, and Francisco Lovera, from McMahon Associates, were in attendance for this issue. They provided a copy of the "Vehicle Speed and Safety Assessment" (speed and crash history) that was completed in the area of the proposed assisted living project to be located at the intersection of Bolton Street and Poirier Road (421 Bolton Street). They also mentioned that they have three different permits pending with the City, a Special Permit with City Council one with Site Plan and one with the Conservation Committee. Questions about traffic were brought up under all three permits and they were asked to perform a traffic study here to determine what could be done to mitigate any issues. Their report outlines what they found and what they propose.

They collected data over a 48-hour period on Wednesday, May 24th and Thursday, May 25th, 2017. Data was collected using an Automatic Traffic Recorder. The posted speed

limit along Bolton Street is 35 mph. The average speed traveling southbound was approx. 37 mph and the average speed traveling northbound was 35 mph. The 85th percentile was found to be greater than the posted speed limit with 38mph for southbound traffic and 41 mph for northbound traffic. (See report for more specifics.)

They also reviewed crash data from MassDOT at three locations for the most recent three-year period available. Crash data at Poirier Drive is slightly above statewide averages for an unsignalized intersection, however, Marlborough High School is located at the end of Poirier Drive. The higher crash rate “can likely be attributed to the high concentration of inexperienced drivers traveling through the intersection”, as stated in their report. The other two areas they looked at had crash rates lower than the statewide average. (See report for more specifics.)

Their review did not find any significant speeding or safety issues; however, they would still recommend minor improvements to reduce speed in the area of the proposed project.

- 1) Upgraded signage along Bolton Street
- 2) Addition of pavement markings along Bolton Street to designate shoulders.

The pavement markings for the shoulders reduce the width of the travel lane. Studies have shown that this is a traffic calming measure which leads to reduced vehicle speed. The intent is not to change the roadway just restrict it with “visual cues” for drivers.

Councilor Clancy said that he had received traffic concerns from senior housing before this project. Residents have trouble when trying to get out of the driveway and turn onto Rte. 85 and also when they are decelerating to turn into the driveway. There is also a crosswalk for the Reservoir Facility across the street but it is not handicap accessible on the easterly side. He also mentioned issues with speeding over the crest of the hill by the Police Department. The proposed facility is a 24 hour per day facility as is the existing Senior Housing and Reservoir Facility. The new facility will also have emergency vehicles entering the location. He would like to see an illuminated sign here closer to the PD. He said that he has talked to Dave Bushman about these issues before.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for review as well as handicapped access and speed signs.

2 – Beach Street

Chief Giorgi received an email regarding speeding on Beach Street which was forwarded by City Council. The original email came from a resident of Beach Street. He did not place this issue on the original agenda as he saw it more as a speed and enforcement issue for the Police Department rather than a Traffic Commission issue. He requested that radar patrols be done in the area. He also went out to Beach Street himself and agrees that it is a narrow street used as a “cut through”, however, he did see adequate signage in place.

In addition to speed patrols the resident had also asked about possible speed bumps, flashing lights, more signage and/or deaf child sign. He was looking for any suggestions. Tim Collins advised as to the procedure for obtaining a Warning Sign, such as a Deaf

Child Sign. He passed out a copy of the Warning Sign Permit Application. The application would need to be completed by a parent on an annual basis.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT for enforcement. Chief Giorgi will contact the resident to advise as to what was discussed and provide a copy of the warning sign permit application.

and

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to review for proper signage and/or other recommendations.

2 – New Business

2a) Hudson Street bike path concerns.

Chief Giorgi received an email on this issue from a frequent user of the bike trail. She had concerns about cars not stopping at the crosswalk and almost hitting her or others. She said that the signals added on Ash Street have helped to make drivers more aware of the path. She asked if this could possibly be done on Hudson Street.

Chief Giorgi advised that he responded to her and that he had the “sandwich board” crosswalk sign put out in the crosswalk and was looking for any feedback. It was discussed that the crosswalk is already highlighted in green and has advance warning signs in place. The push button crossing on Fitchburg Street was also discussed.

Councilor Clancy said that he thinks the green crosswalk has held up well. It is a special paint with an applique that was initially installed as a test. Tim Collins noted that any signage needs to read “Yield to Pedestrians in Crosswalk” not “Stop for Pedestrians”.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for cost on any other appropriate signage.

and

MOTION was made, seconded, duly VOTED to TABLE for any additional feedback.

2b) Newton Street Bus Parking

Tim Collins asked that this item be placed back on the Agenda. A while ago, four parking spaces on Newton Street at the corner of Granger Blvd. were reserved for bus parking at specific hours to allow for bus pickup and drop off. The funding for this bus service into Boston has been lost so the reserved spaces are no longer necessary. He was asking that the regulation for the parking spaces be rescinded.

Councilor Clancy asked what would happen if the service resumed at a later date. Is it better to temporarily suspend the regulation rather than rescind it? All agreed this made more sense and that it was a more involved process to change the regulation.

MOTION was made, seconded, duly VOTED to suspend the regulation for the reserved bus parking.

2c) Request for Stop Signs at junction of Stevens Street at Oakcrest Avenue.

This request came from a local resident after she attended a recent public hearing regarding the renovation of the Marlborough High School baseball field. Safety, traffic and speed in the area were a large concern at the meeting.

City Engineer Tom DiPersio said that one of the concerns was trying to turn out of Oakcrest. People also often park on Oakcrest and walk across the street to the field. There is also no good handicapped access to the field. The City is planning to put in a small parking lot on Oakcrest for handicapped parking. Residents are also concerned that this will become a drop off area, which will bring more cars onto Oakcrest. Mr. DiPersio said that the parking lot would need to be clearly marked that it was for handicapped access to the field only and not for drop off.

Councilor Clancy also commented on the speed of cars coming down Stevens Street. Tim Collins said that when coming out of Oakcrest, on the right, the City has already done an easement in order to clean up the corner. There was also continued discussion on the fact that stop signs are not to be used to reduce speed and that the Traffic Commission has continued to follow the MUTCD guidelines for the proper use of stop signs. Traffic volume and accident history are two of the main factors.

Councilor Clancy asked what the speed limit is in the area. Mr. Collins said that it is a thickly settled zone with a 30-mph speed limit, marked with advisory signs. There are also two school zones with reduced speeds during school hours near the high school and middle school. The City does have the ability to reduce the speed in thickly settled zones if it is determined to be a "Safety Zone" and the state is notified.

All agreed that this is an area which needs to be monitored and that, at this point, it is really more of an enforcement issue.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT for enforcement. Chief Giorgi advised that he would contact the resident who made the request and explain what was discussed.

3-Old Business

3a) Traffic Commission rules and regulations update.

Karen Lambert provided a copy of the invoice from General Code for the Traffic Code update and the initial estimate that had two questions that needed to be answered by the Traffic Commission. One question was regarding changing the term "Building Inspector" to "Building Commissioner" in any reference under Chapter 586. The other question was on "dates of enactment" for the amendments. There are 42 amendments in total and the cost is \$3,090.

All agreed yes to question one and no on dates for question two. Any future amendments will be added with a specific effective date. These 42 will be added with no date as they were not dated at the time they were voted upon.

Chief Giorgi wanted to pay the invoice out of the current year's budget. Lisa Thomas would like the Traffic portion to be recodified before they City Code is done. The City's portion is normally updated in August.

MOTION was made, seconded, duly VOTED to TABLE until recodification is complete.

3b) Traffic Concerns at Wilson & Hemenway Sts.

UPDATE: Wilson Street will be reconstructed next year. Commissioner Ghiloni would rather wait until then before making any changes. Fire Chief Breen said that he went out here again and does not anticipate any problems with fire apparatus.

MOTION was made, seconded, duly VOTED to ACCEPT and PLACE ON FILE.

.3c) Request for stop signs on Weed St. at Florence St.

Commissioner Ghiloni advised that this issue is still pending and needs to stay on the agenda.

MOTION was made, seconded, duly VOTED to TABLE.

3d) Elm Street @ Bigelow St. intersection concerns.

UPDATE: Chief Giorgi said that Officer Wicks spoke to him about complaints he has received about large vehicles attempting to make the turn at this intersection if the roadway is narrowed as marked on the pavement. Fire Chief Breen commented that he has also heard similar complaints as did Commissioner Ghiloni. Commissioner Ghiloni said he is not sure if he is ready to realign this intersection yet. The center line was actually just repainted and would need to be blacked out and moved if changes were made.

MOTION was made, seconded, duly VOTED to TABLE for all to look at again.

3e) Signage/stop condition on Dicenzo Blvd. at Boston Post Rd.

This area falls under the control of MassDOT and is part of the project under review. A meeting was held recently with MassDOT; however, it was more of an introductory meeting and did not get into anything specific. This is all part of a project to be done in 2019. Engineering will continue to be involved and this issue is not something for the Traffic Commission at this time.

MOTION was made, seconded, duly VOTED to REMOVE from the AGENDA.

3f) Request for turn lane into 894 Boston Post Rd. East.

This area falls under the control of MassDOT and is part of the project under review. A meeting was held recently with MassDOT; however, it was more of an introductory meeting and did not get into anything specific. This is all part of a project to be done in 2019. Engineering will continue to be involved and this issue is not something for the Traffic Commission at this time.

MOTION was made, seconded, duly VOTED to REMOVE from the AGENDA.

3g) Cider Hill Condominiums: Frequent accidents and Traffic Safety.

This area falls under the control of MassDOT and is part of the project under review. A meeting was held recently with MassDOT; however, it was more of an introductory meeting and did not get into anything specific. This is all part of a project to be done in 2019. Engineering will continue to be involved and this issue is not something for the Traffic Commission at this time.

MOTION was made, seconded, duly VOTED to REMOVE from the AGENDA.

3h) See Click Fix – Request for Dead End Street Sign at Water St. & Hayden St.

Tim Collins advised that the Dead-End Sign is all set and that it is very clear as to the way to get to the park and Senior Center.

MOTION was made, seconded, duly VOTED to ACCEPT and PLACE ON FILE. REMOVE from the AGENDA.

3i) Speed Concerns on Hemenway Street (specifically between St. Mathias Church and the Church of LDS).

UPDATE: Tim Collins advised that this area is now properly signed. One new sign was added.

MOTION was made, seconded, duly VOTED to REMOVE from the AGENDA.

3j) Traffic Concerns at Freemont St. & Highland St.

This item should have been removed from the agenda after last month's meeting.

MOTION was made, seconded, duly VOTED to ACCEPT and PLACE ON FILE

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:59 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

-Meeting Agenda for Wednesday, June 28, 2017. (Including City of Marlborough Meeting Posting).

-Draft of Traffic Commission Minutes from May 30, 2017.

-Email from local resident to Chief Giorgi, dated 5/24/17, re: Hudson Street: bike path concerns.

-Email from Tim Collins to Traffic Commission Members, dated 6/12/17, re: Newton Street – Bus Parking (including copy of regulation and diagram).

-Email from Jenna Salvucci Haddad to Chief Giorgi, dated 6/13/17, re: Request for stop signs at junction of Stevens St. and Oakcrest Ave.

Additional Handouts:

-Email from Dave Bradley to Mayor Vigeant, dated 5/25/17, re: Speeding on Beach Street (forwarded by Patricia Bernard to Chief Giorgi).

-Email from Tim Collins to Traffic Commission Members, dated 6/27/17, re: Bigelow Street and Elm Street.

-Copy of Invoice and Price Estimate from General Code for Traffic Supplement No. 1.

-Copy of Application for “Warning Sign”.

-GCIS Map of Newton Street at Granger Blvd. showing reserved bus parking area.

-Memo from McMahon Engineers, dated 6/20/17, re: Vehicle Speed and Safety Assessment, Bolton Street (Route 85), Marlborough, MA

**City of Marlborough
License Board**

140 Main Street, Lower Level
Marlborough, MA 01752
(508) 460-3751 FAX (508) 460-3625

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**Minutes of the License Board Regular Meeting Held Wednesday, April 26, 2017
at 7:30 pm, City Hall, 1st floor, Council Committee Room.**

Attending: Walter Bonin (WB), Chairman; Gregory Mitrakas (GM); David Bouvier (DB)
Member; Tina Nolin, Clerk

Meeting called to order by Walter Bonin, Chairman at 7:30 PM

New Business

1. ONE DAY PERMITS

- **Masonic Hall / Stevie's Eatery**

Member Mitrakas motioned for approval, Member Bouvier seconded
Board vote: 3-0 approved

- **The Vin Bin**

Member Mitrakas motioned for approval, Member Bouvier seconded
Board vote: 3-0 approved

- **Strange Brew**

Member Mitrakas motioned for approval, Member Bouvier seconded
Board vote: 3-0 approved

Discussed briefly opening a brewery and tap house in their location (former Lazer Zone) and eventually an outdoor beer garden. Wanted to get Board's initial reactions to and confirm that beer and wine licenses are available. Confirmed licenses were available.

- **ITAM**

Member Mitrakas motioned for approval, Member Bouvier seconded
Board vote: 3-0 approved

2. Application for New All Alcohol Liquor License for Evviva Cucina – 142 Apex Drive

Public Meeting opened at 7:51

- Locally owned restaurant (3rd location in MA)
- Currently under construction – 5200 sq ft and 2200 sq ft patio
- Requested hours from 8:00 AM – 1:00 AM Mon-Sat and 10:00 AM – 1:00 AM Sun.
- Applied for common victualler license and entertainment license

No questions, positive or negative comments from public

Public meeting closed at 7:59 PM

Member Mitrakas motioned for approval, Member Bouvier seconded
Board vote: 3-0 approved

License Board Meeting Minutes-April 26, 2017, Page 2

3. Application for New All Alcohol Liquor License for Evviva Cucina – 142 Apex Drive
Public Meeting opened at 8:00

- Locally owned restaurant by Apex (7 locations) – Up scale American grill restaurant
- Currently under construction
- Requested hours from 8:00 AM – 1:00 AM Mon-Sat and 10:00 AM – 1:00 AM Sun.
- Applied for common victualler license and entertainment license (Full)

No questions, positive or negative comments from public

Public meeting closed at 8:12 PM

Member Mitrakas motioned for approval, Member Bouvier seconded

Board vote: 3-0 approved

4. Welly's Restaurant (150 Main St) - Informal Discussion regarding changing their current Wine 7 Malt + Cordial License to All Alcohol License

Wemerson Viera represented the establishment in presenting the request for the new license. No further renovations and/or changes at the location are planned. The discussion was generated by growing requests among customers who want a specific drink and walk away when it cannot be served. Wemerson cited that they had been in the location now for 8 years and have had no problems or issues. Board agreed.

Member Mitrakas explained that the issue from the Board's perspective is that since there are licenses available for sale in the city, Welly's will need to purchase one of them if they want the All Alcohol License. Being asked, the Board explained given the size of the Apex project, the number of new jobs coming into the city and the new tax base the Board had made the decision to handle those license requests differently, as an exception to the rule. Discussion finished with Wemerson saying he would follow-up with the Clerk to obtain contact information of licensees who had a license on the market.

5. Reports from the Chairman

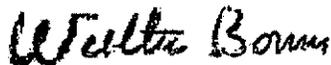
No reports

6. Review minutes –

- March 29, 2017 Meeting – Member Mitrakas motioned to accept minutes with suggested additions and place on file, Member Bouvier seconded, Vote: 3 – 0 to accept minutes with suggested additions and place on file.

Member Mitrakas motion to adjourn at 9:04 pm, seconded by Member Bouvier Vote: 3-0 for to adjourn. The next meeting of the License Board is Wednesday, May 31, 2017.

Respectfully submitted,



Walter Bonin, Chairman

City of Marlborough
License Board
 140 Main Street, Lower Level
 Marlborough, MA 01752
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Minutes of the License Board Regular Meeting Held Wednesday, May 31, 2017
 at 7:30 pm, City Hall, 1st floor, Council Committee Room.

Attending: Walter Bonin (WB), Chairman; Gregory Mitrakas (GM); David Bouvier (DB)
 Member; Tina Nolin, Clerk

Meeting called to order by Walter Bonin, Chairman at 7:30 PM

New Business

1. ONE DAY PERMITS

Masonic Hall / Stevie's Eatery

Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

Immaculate Conception

Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

American Cancer Society

Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

Employment Options

Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

ITAM

Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

Moose Lodge

Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

2. Application for Beer and Wine License for Hampton Inn – 277 Boston Post Road W

Melissa Martins, General Manager presented

Public Meeting was opened at 7:34. The hotel applied for a Beer and Wine license to add as an offering to guests on premise. Alcohol will be kept in a refrigerator in a locked room accessed by front desk workers who will be TIPS certified. Guests must produce id for age, as well as, be in the hotel's system as a registered guest to purchase any alcohol. When asked by the Board, Ms. Martins explained that they do not currently have mini-bars in the rooms, nor do they have a restaurant in the hotel.

There were no questions, positive or negative comments from public. The public meeting was closed at 7:40 PM

Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

License Board Meeting Minutes-May 31, 2017, Page 2

- 3. License Transfer Application Fish Restaurant and Wine Bar – 29 South Bolton St.**
Jessica Sewell, new owner presented she as buying the restaurant and was thus looking to also transfer the license into her name.

Public Meeting was opened at 7:43 PM. Councilor Elder spoke out in support of Ms. Sewell and her application. No further questions, or positive or negative comments came from the public. Public meeting was closed at 7:50 PM

Member Mitrakas motioned for approval, Member Bouvier seconded, Board vote: 3-0 approved.

- 4. Application for New All Alcohol Liquor License for True North Hospitality Group – Hyatt Hotel at Apex Site, 169 Apex Drive**
Kevin Erikson, Esq presented the application. Hotel was looking for an extension of morning hours to be 8:00 AM, for flexibility purposes and exceptional events vs. general use.

Public meeting was opened at 7:53 PM. Councilor Juaire presented a letter on behalf of Councilor Robie who was unable to attend the meeting due to a meeting conflict. The letter voiced opposition to the change in hours. Councilor Elder also voiced opposition to the change in the hours of the license, as did Ms. Noreen Bucchino an abutter from the Glenn Street neighborhood. The public meeting closed at 8:12 PM

Member Mitrakas motioned to approve the license application with an amendment to the time of operation of the liquor license being Monday through Saturday starting at 10:00 AM and not the 8:00 AM requested. Member Bouvier seconded. Board vote: 3-0 approved with time amended.

Also Applied for common victualler license and entertainment license (Full) and Entertainment license. Member Mitrakas motioned to approval both applications, Member Bouvier seconded Board vote: 3-0 approved

- 5. Application for New All Alcohol Liquor License for the Apex Entertainment LLC, 21 Apex Drive, Ste 1A & 2A**
Kevin Erikson, Esq presented the application. Complex was looking for an extension of morning hours to be 8:00 AM, for flexibility purposes and exceptional events vs. general use. The license is requested for the entire area with several dispensing areas throughout.

Public meeting was opened at 8:15 PM. Councilor Juaire presented a letter on behalf of Councilor Robie who was unable to attend the meeting due to a meeting conflict. The letter voiced opposition to the earlier hours. Councilor Elder also voiced opposition to the change in the hours of the license, as did Ms. Noreen Bucchino and Mr. Peter Lojko abutters in the Glenn Street neighborhood. Discussion also covered the bowling alleys and go-carts as pertains to drinking. The public meeting closed at 8:40 PM

Member Mitrakas motioned to approve the license application with an amendment to the time of operation of the liquor license being Monday through Saturday starting at 10:00 AM and not the 8:00 AM requested, that larger plans of the establishment be included, an SOP with regards to how alcohol would be handled relative to go-cart use, and a copy of the license Pledge was turned in to accompany the application. Member Bouvier seconded. Board vote: 3-0 approved with amendments.

License Board Meeting Minutes-May 31, 2017, Page 3

Also Applied for common victualler license and entertainment license Member Mitrakas motioned to approval both applications, Member Bouvier seconded; Board vote: 3-0 approved

6. Psychic Reading & Fortune Tellers Permit**Psychic Readings by Cheska**

Mariea Bimbo presented the application. Chairman Bonin reported seeking legal opinion from the City's Legal Department regarding waving or keeping the residency regulation.

Member Mitrakas motioned for approval, Member Bouvier seconded, Board vote: 3-0 approved.

7. Reports from the Chairman**8. Review minutes –**

- April 29, 2017 Meeting – Member Mitrakas motioned to accept minutes and place on file, Member Bouvier seconded, Vote: 3 – 0 to accept minutes with suggested additions and place on file.

Member Mitrakas motion to adjourn at 9:07 pm, seconded by Member Bouvier Vote: 3-0 for to adjourn. The next meeting of the License Board is Wednesday, June 21, 2017.

Respectfully submitted,



Walter Bonin, Chairman

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**City of Marlborough
License Board**
140 Main Street, Lower Level
Marlborough, MA 01752
(508) 460-3751 FAX (508) 460-3625

Minutes of the Emergency License Board Regular Meeting Held Friday, June 12, 2017
at 12:30 pm, City Hall, 1st floor, Council Committee Room.

Attending: Walter Bonin, Chairman; Gregory Mitrakas, David Bouvier, Member, Tina Nolin,
Clerk

Meeting called to order by Walter Bonin, Chairman at 12:30 PM

New Business

1. ONE DAY PERMITS

STEVIE'S EATERY / MASONIC HALL

Member Mitrakas motioned for approval, seconded Member Bouvier

Board vote: 3-0 approved

Motion made to adjourn: 12:40 pm vote: 3-0 for adjournment.

Respectfully submitted,



Walter Bonin, Chairman

ALL RELATED DOCUMENTS CAN BE SEEN IN THE LICENSE BOARD OFFICE

City of Marlborough
License Board
 140 Main Street, Lower Level
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Minutes of the License Board Regular Meeting Held Wednesday, June 21, 2017
 at 7:30 pm, City Hall, 1st floor, Council Committee Room.

Attending: Walter Bonin (WB), Chairman; Gregory Mitrakas (GM); David Bouvier (DB)
 Member; Tina Nolin, Clerk

Meeting called to order by Walter Bonin, Chairman at 7:30 PM

New Business

1. ONE DAY PERMITS

Masonic Hall / Stevie's Eatery (2 permits)

Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

Sts. Anargyroi Greek Orthodox Church

Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

ITAM (6 Permits)

Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

Moose Lodge (6 Permits)

Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

2. Class I Dealership License for Colonial Ford of Marlboro, Inc. (purchasing Wayside Ford)
 428 Maple Street (Patrick Brum, CEO of transferee Douglas Rowe, Esq. presented)

Site to be cleaned up prior to license being issued. Member Mitrakas motioned for approval with site clean-up requirement, Member Bouvier seconded; Board vote: 3-0 approved

3. Chapa Quinté, 201 Main Street -- Discussion of Beer and Wine License

Naiara Rabelo presented.

Ms. Rabelo spoke on the dinner menu. Member Mitrakas voiced being in favor of a menu update. Ms. Rabelo also showed pictures of their outside dining area. The establishment will move forward with filing a formal application.

License Board Meeting Minutes-June 21, 2017, Page 2

4. Apex Entertainment Center, LLC - Apex Entertainment LLC, Inc., 21 Apex Drive, Ste 1A & Ste 2A – Continuation & Open Issues (Kevin Erikson, Esq. presented)

Board wants a Standard Operating Procedure (SOP) in place to make sure people don't get into a go-cart, after drinking. Member Bouvier mentioned perhaps having a wristband upon arrival. Attorney Erickson stated that he could not answer at this point how the matter will be handled. Agreed that Apex will submit the final procedure to board before board will deliver license. Board to will send the application to the ABCC prior to the local approval of the SOP regarding the go-carts. Additionally, final signed pledge agreement is still due.

Member Mitrakas motioned to approve application for sending to ABCC but not handing over the license until a go-cart/drinks SOP is approved and in place, Member Bouvier seconded
Board vote: 3-0 approved

5. Reports from the Chairman**6. Review minutes –**

- May 31, 2017 Meeting – Member Mitrakas motioned to accept minutes and place on file, Member Bouvier seconded, Vote: 3 – 0 to accept minutes with suggested additions and place on file.

Member Mitrakas motion to adjourn, seconded by Member Bouvier Vote: 3-0 for to adjourn.

The next meeting of the License Board is Wednesday, July 26, 2017.

Respectfully submitted,



Walter Bonin, Chairman