

RECEIVED
CITY CLERK'S OFFICE
CITY OF NAPLOROUGH

2016 SEP 22 P 12: 55

1. Minutes, City Council Meeting, September 12, 2016.
2. PUBLIC HEARING On the Petition from NGrid and Verizon New England, Inc. to install 2 Stub Poles P62-84 & P68-84 for reconducturing on Stevens St., Order No. 16-1006656.
3. PUBLIC HEARING On the Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Restaurant with a Drive-thru, 157 Apex Dr., Order No. 16-1006632.
 - a. Certification from Council President, Edward Clancy, as required under Chapter 79 of the Acts of 2006, re: for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Restaurant with a Drive-thru, 157 Apex Dr.
 - b. Certification from Councilor-at-Large, Kathleen Robey, as required under Chapter 79 of the Acts of 2006, re: for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Restaurant with a Drive-thru, 157 Apex Dr.
4. Communication from the Mayor re: MASSDOT, Complete Streets Funding Program: Project Prioritization Plan grant awarded to DPW in the amount of \$40,161.51 in which funds will be used to identify potential projects that may be eligible for up to \$400,000.00 in construction funding under the next phase of the Complete Streets program.
5. Communication from City Solicitor, Donald Rider, re: Amended Special Permit, Crabtree Lake Williams, LLC, Lakeside Ave. in proper legal form, Order No. 16-1006636A, X08/09-1002051E.
6. Application to further modify Special Permit from Crabtree Lake Williams LLC for Overlook at Lake Williams, Lakeside Ave., to accommodate changes to the design and configuration of the emergency access road and perimeter fencing in the vicinity of Bond St., likely affecting Conditions #20, #22, #23, #36, #38 and #39, X16-1006636A, X08/09/-1002051E.
7. Minutes, License Board, July 20, 2016.
8. Minutes, Board of Health, June 7, 2016.
9. Minutes, Conservation Commission, June 2 & 16, July 21, & September 1, 2016.
10. Minutes, Council on Aging, June 14, 2016.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From City Council

11. **Order No.16-1006517B - Application by Vrej Askanian to operate an LED illuminated changeable gas pricing sign at Discount Gas Station located at 50 Main Street. Motion made and seconded to TABLE UNTIL THE SEPTEMBER 26, 2016 CITY COUNCIL MEETING.**

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.



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

SEPTEMBER 12, 2016

Regular meeting of the City Council held on Monday, SEPTEMBER 12, 2016 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 9:16PM.

ORDERED: That the Minutes of the City Council meeting AUGUST 29, 2016, **FILE AS AMENDED**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Car Wash, specifically to allow for the use of a car wash at Apex Center in the Hospitality and Recreation Mixed Use Overlay District., 22 Apex Dr., Order No. 16-1006634, all were heard who wish to be heard, hearing recessed at 8:27 PM.

Councilors Present: Clancy, Delano, Doucette Elder, Tunnera, Irish, Landers, Juairé, Oram, Ossing, & Robey.

ORDERED: That the **PUBLIC HEARING** On the Proposed Zoning Amendment Allowing Assisted Living Facilities under Sections 650-5.B, 650-17, 650-18.A(44) and 650-48.A, Order No. 16-1006631, all were heard who wish to be heard, hearing recessed at 8:45 PM.

Councilors Present: Clancy, Delano, Doucette Elder, Tunnera, Irish, Landers, Juairé, Oram, Ossing, & Robey.

ORDERED: That the Communication from City Solicitor, Donald Rider re: Reporting Obligations after a Devastating Event, Order No. 16-1006458A, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from Ryan Development, LLC to withdraw its Special Permit application for the Veterinary Hospital at Apex Center, Order No. 16-1006633, **APPROVE WITHOUT PREJUDICE**; 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 Section 650-34, Marlborough Village District, and Section 650-41, Table of Lot Area, Yards, and Height of Structures, as follows:

1. By amending Section 650-41, Table of Lot Area, Yards, and Height of Structures, as follows (new text underlined, deleted text in strikethrough):

District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height	Minimum Lot Coverage
Marlborough Village District MV	5,000 square feet	25	10 ³	10 ¹⁴	10 ¹⁵	Minimum: 35 feet 6 stories; not to exceed a maximum of 70 feet ¹²	80% ¹³

NOTES:

1. Note deleted.
2. Applies to all buildings erected on or after January 27, 1969; all others, 10 feet.
3. Where abutting a residence district.
4. Except where abutting a residence district, shall be 50 feet.
5. Except for buildings extending through a block or to a railroad siding.
6. For the purpose of measuring setback distances for the corresponding height restrictions, an owner of LI or I zoned land may count abutting residentially zoned land toward the setback requirement if such land is owned by the same owner. Ownership of the residential land and the LI or I land must continue to be held by the same entity.
7. However, this frontage need not be contiguous.
8. No part of any principal building shall be within 25 feet of any exterior lot line nor shall any part of any building be closer to any exterior lot line than the minimum side yard requirement which would have been applicable in the zoning district in which the land in question was located before it was rezoned into a Retirement Community Residence District. A building may be as close as 25 feet to the front yard line of the exterior lot; provided, however, that no said building shall be less than 50 feet from the side line of a public way.
9. Excluding from lot size any land which prior to development of the site as a Retirement Community would be defined as a resource area as that term is defined in MGL c. 131, § 40.
10. Buildings on a Large Tract Development Lot, which are more than 1,200 feet from a Residential Zone, may be built to a maximum height of 85 feet.
11. Maximum lot coverage for a Large Tract Development Lot shall be 50%.
12. Within the Marlborough Village District, special permits may allow for an increase in height to 80 feet; also, provided that the height of any development adjacent to any residential district shall be stepped down and shall not exceed 52 feet. [See Section 650-33(F).]

13. Within the Marlborough Village District, special permits may allow for an increase in lot coverage.
14. Except along ~~Main Street~~ within the following streets in the Marlborough Village District where zero-foot setback is allowed by right: Main Street, the eastern side of South Bolton Street between Main Street and Granger Boulevard, and the northern side of Granger Boulevard between South Bolton Street and Main Street.
15. Except that a special permit may be granted to reduce this to zero where public safety will not be impacted and the reduction will yield a better design.

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, OCTOBER 3, 2016;** adopted.

ORDERED: That the Site Plan Application from Attorney Bergeron, on behalf of Marlborough on Main Development LLC, for a mixed-use project at 163-175 Main St. in the Marlborough Village District, refer to **URBAN AFFAIRS COMMITTEE;** adopted.

ORDERED: That the Communication from Central Mass. Mosquito Control Project re: Mosquito Control Update, **FILE;** adopted.

ORDERED: That Minutes, Zoning Board of Appeals, July 26 & August 24, 2016, **FILE;** adopted.

ORDERED: That Minutes, Cultural Council, November 2, 2015, **FILE;** adopted.

ORDERED: That the Minutes, License Board, July 20, 2016, **FILE;** adopted.

ORDERED: That the Minutes, Planning Board, July 25, 2016, **FILE;** adopted.

ORDERED: That the Minutes, School Committee, August 15, 2016, **FILE;** adopted.

ORDERED: That the Minutes, Conservation Commission, June 30, & August 4, 2016, **FILE;** adopted.

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

- a. Lori Grupposo, 109 John Dee Rd., Sterling, other property damage.
- b. Christopher Collette, 193 Hildreth St., pothole or other road defect.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee
Tuesday September 6, 2016
In Council Chambers**

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

- 1. Order No. 16-1006650 – Transfer \$84,827.75 from the Reserve for Salaries Account to fund the DPW Engineers contract for Fiscal Years 2016, 2017 and 2018:** The Finance Committee reviewed the Mayor's letter dated August 25, 2016 requesting the transfer of \$84,827.75 from the Reserve for Salaries account to fund the DPW Engineers contract. **The Finance Committee voted 3 – 0 to approve the DPW Engineers transfers.**

The Finance Committee agreed to support suspending the rules at the September 12, 2016 City Council meeting to approve the contract and transfers.

The Finance Committee adjourned at 7:15 PM.

Suspension of the Rules requested – granted

ORDERED: That the DPW transfer request in the amount of \$84,827.75 which moves funds from Reserve for Salaries to various accounts as noted on the attached spreadsheets to fund the recently ratified collective bargaining contract between the City and the DPW Engineers, MA Laborers District Council of the Laborers International Union of North America, Local 176 for FY16-18 which is in effect as of July 1, 2015, **APPROVED**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:				FISCAL YEAR:				2017
FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$84,827.75</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries</u>	<u>\$3,317.60</u>	<u>14001101</u>	<u>5108</u>	<u>GIS Administrator</u>	<u>\$61,718.93</u>
Reason:	<u>Contractual Obligation</u>			Reason:	<u>Contractual Obligation</u>			
				<u>\$7,540.40</u>	<u>14001101</u>	<u>50660</u>	<u>Asst. City Engineer</u>	<u>\$142,875.47</u>
Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$3,000.00</u>	<u>14001101</u>	<u>50700</u>	<u>Grade II Engineering Aide</u>	<u>\$38,096.30</u>
Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$11,836.00</u>	<u>14001101</u>	<u>50710</u>	<u>Junior Civil Engineer</u>	<u>\$234,499.83</u>
Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$400.20</u>	<u>14001103</u>	<u>51430</u>	<u>Longevity</u>	<u>\$10,055.00</u>
Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$514.48</u>	<u>14001103</u>	<u>51920</u>	<u>Sick Leave Buy Back</u>	<u>\$12,900.00</u>
Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$3,869.60</u>	<u>14001301</u>	<u>50660</u>	<u>General Foreman</u>	<u>\$73,398.15</u>
Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$205.44</u>	<u>14001303</u>	<u>51430</u>	<u>Longevity</u>	<u>\$37,840.00</u>
Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$133.42</u>	<u>14001303</u>	<u>51920</u>	<u>Sick Leave Buy Back</u>	<u>\$28,760.00</u>
Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$3,869.00</u>	<u>14001401</u>	<u>50692</u>	<u>Automotive Maintenance</u>	<u>\$73,383.13</u>

ORDERED: That the DPW Commissioner and Mayor meet with the Operations and Oversight Committee to discuss increases in water and sewer bills that appear to be out of line with the normal increases the residents should have expected after the repairs to the wastewater treatment plants, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the City Solicitor contact the Department of Revenue and any other department at the state level for a legal opinion whether the City of Marlborough is legally allowed to overcharge residents on water and sewer bills as a result of old and faulty water meters that may have undercharged residents in previous readings, refer **OPERATIONS AND OVERSIGHT COMMITTEE & THE CITY SOLICITOR**; adopted.

ORDERED: That the Reappointments of Robin Williams and James Griffin to the Board of Health for a term of two years expiring on the first Monday in February 2018, **APPROVED**; adopted.

Councilor Elder opposed.

ORDERED: That the Reappointment of Elizabeth Evangelous to the Board of Registrars for a term of three years to expire April 1, 2019, **APPROVED**; adopted.

ORDERED: That the Appointment of Thomas Pope to the Zoning Board of Appeals for a term expiring five years from date of City Council approval, **APPROVED**; adopted.

ORDERED: That the Mayor meet with the Operations and Oversight Committee to discuss ancillary uses of the Senior Center, in direct opposition to what was discussed with the City Council. The Council was assured that the Center would only be used for activities for seniors, but the Veterans Agent was recently moved there **FILE**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider re: Application for LED Sign Special Permit, V & G Realty Trust, Vrej Askanian and Grace Kanoon, Trustees, 50 Main St., in proper legal form, Order No. 16-1006517A, **TABLED UNTIL SEPTEMBER 26, 2016**; adopted.

Councilor Elder opposed.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:16 PM.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 29, 2016

ORDERED:

That there being no objection thereto set **MONDAY, SEPTEMBER 26, 2016** as **DATE FOR PUBLIC HEARING** On the Petition from NGrid and Verizon New England, Inc. to install 2 Stub Poles P62-84 & P68-84 for reconducturing on Stevens St., be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 16-1006656



IN CITY COUNCIL

Marlborough, Mass., JULY 25, 2016

ORDERED:

That there being no objection thereto set **MONDAY, SEPTEMBER 26, 2016** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Restaurant with a Drive-thru, 157 Apex Dr., be and is herewith refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE.**

Ninety days after public hearing is 12/25/16 which falls on a Sunday, and Monday, 12/26/16 is a holiday, therefore 12/27/16 would be considered the 90th day.

ADOPTED

ORDER NO. 16-1006632

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2016 SEP 15 P 4:38

Certification Required Under Chapter 79 of the Acts of 2006
Examination of Evidence Received at September 26, 2016 Public Hearing
Application for Special Permit submitted by
Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC
for Proposed Restaurant with a Drive-Thru, 157 Apex Drive
Order No.16-1006632

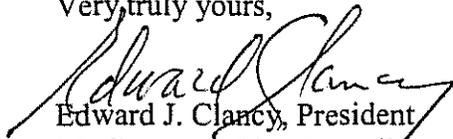
Dear Vice-President Delano and
Honorable Members of the Marlborough City Council:

Please enter the following statement into the record of the Public Hearing scheduled on September 26, 2016 on the application for a Special Permit submitted by Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC:

I am, unfortunately, unable to attend tonight's public hearing on the application for Special Permit for a proposed restaurant with a drive-thru window, 157 Apex Drive. However, please be advised that I wish to be able to take advantage of the procedure set forth in MGL c. 39, § 23D, previously approved by Order of the Marlborough City Council, which would authorize me to vote on the Special Permit application at a later City Council meeting, so long as I have certified in writing prior to such vote that I have examined all evidence received at tonight's public hearing. I intend to watch the videotape of the public hearing in the very near future, and in any event prior to any vote on the Special Permit application.

Therefore, if it is your desire to close the public hearing tonight, I would respectfully request that the closure be conditioned on my having submitted to the City Council, in the very near future, the written certification that I have examined all evidence received at tonight's public hearing. Thank you for your consideration.

Very truly yours,


Edward J. Clancy, President
Marlborough City Council
Ward Six Councilor

RECEIVED
CITY CLERK'S OFFICE
MARLBOROUGH
2016 SEP 26 4:38

Certification Required Under Chapter 79 of the Acts of 2006
Examination of Evidence Received at September 26, 2016 Public Hearing
Application for Special Permit submitted by
Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC
for Proposed Restaurant with a Drive-Thru, 157 Apex Drive
Order No.16-1006632

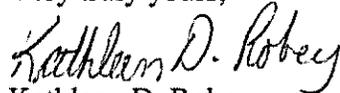
Dear Vice-President Delano and
Honorable Members of the Marlborough City Council:

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Therefore, if it is your desire to close the public hearing tonight, I would respectfully request that the closure be conditioned on my having submitted to the City Council, in the very near future, the written certification that I have examined all evidence received at tonight's public hearing. Thank you for your consideration.

Very truly yours,



Kathleen D. Robey
Marlborough City Council
City Councilor-At-Large



RECEIVED
CLERK'S OFFICE
MARLBOROUGH

SEP 22 A 10:37

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

September 22, 2016

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:

I am pleased to submit for your acceptance a grant in the amount of \$40,161.51 from the Massachusetts Department of Transportation. This grant award will fund the development of the Project Prioritization Plan in accordance with MassDOT's Complete Streets program.

As you may recall, last year the City adopted a Complete Streets policy to ensure that Complete Streets design principles are incorporated into road projects throughout the City. As a result of adopting that policy and participating in the Community Compact program launched by Governor Baker and spearheaded by Lieutenant Governor Polito, the City became eligible for significant grant funding.

The Prioritization Plan will identify potential projects that may then be eligible for up to \$400,000 in construction funding under the next phase of the Complete Streets program.

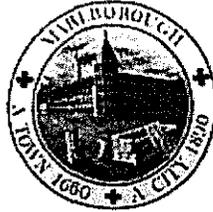
As always, I appreciate your participation in making the City eligible for this grant funding and will keep you updated as we continue to move through the program. I have attached the notification of grant award form and additional documentation regarding this grant.

If you have any questions or comments, please do not hesitate to contact me or Public Works Commissioner John Ghiloni.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



CITY OF MARLBOROUGH
Department of Public Works
Engineering Division
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 33200
Facsimile (508) 624-7699 TDD (508) 460-3610

September 21, 2016

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

RE: Complete Streets Prioritization Plan
MassDOT Grant

Dear Mayor Vigeant,

The City has been approved to enter an agreement with Stantec Consulting Services, Inc., for the development of the Tier 2 Project Prioritization Plan, in accordance with MassDOT's Complete Streets Program. MassDOT has agreed to reimburse the City for the amount of \$40,161.51 for the plan.

I am requesting the City Council's approval for the Department of Public Works to expend the funds in accordance with the approved agreement. If you have any questions please contact me at 508-624-6910 extension 33298.

Sincerely,

Thomas DiPersio, Jr., P.E.
City Engineer

cc: John L. Ghiloni – Commissioner of Public Works

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Department of Public Works DATE: 3-Aug-16

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

NAME OF GRANT: Complete Streets Funding Program: Project Prioritization Plan

GRANTOR: MASSDOT

GRANT AMOUNT: \$40,161.51

GRANT PERIOD: _____

SCOPE OF GRANT/
ITEMS FUNDED Stantec Consulting Services to establish and deliver a Complete Street
Prioritization Plan sufficient for Tier 2 programming. The Plan will identify projects,
and then these projects may be eligible for the \$400,000 construction funding offered
under Tier 3 of the Complete Streets funding program.

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:
N/A

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

N/A

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: _____

**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, Secretary & CEO
Thomas J. Tinlin, Administrator



AGREEMENT
NOTICE TO PROCEED

July 8, 2016

City of Marlborough
140 Main Street
Marlborough, MA 01752

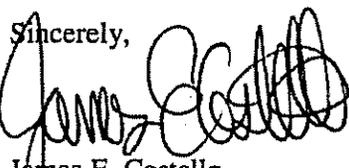
Agreement Number: 94810
Action Item #: 12
Action Item Date: July 6, 2016

Dear Mark Dascoli:

Enclosed is a signed copy of your agreement with the Massachusetts Department of Transportation (MassDOT) – Highway Division.

This agreement with the Town of Marlborough is regarding the procured services of the Stantec Consulting Services, Inc. to provide design and technical assistance services for the development of the Tier 2 Project Prioritization Plan, in accordance with the statewide Complete Streets Program.

The duration of this agreement shall be from July 1, 2016 to December 30, 2016, with a total maximum obligation amount of \$40,161.51.

Sincerely,

James E. Costello
Director of Contracts and Records

JEC/smf

cc: Fiscal
Contracts and Records

E-mail:
Michael Schwartz, Project Management
Eileen Gunn, Project Manager
Maria Conti, Budget
John Mangan, CCU Administrator

Ten Park Plaza, Suite 5510, Boston, MA 02116
Tel: 857-368-9537, TTY: 857-368-0623
www.mass.gov/massdot

Massachusetts Department of Transportation - Highway Division

Agreement

Amount Range: \$0 to \$100,000

Originating Office: Consultant Contracts **Agreement #:** 94810
Agreement Type: Municipal Earmark/Bond Agreement **Project ID:** X16T170- P11
Project/Location: Marlborough/ Prepare a Complete Streets Project Prioritization Plan
Vendor/Party Name: City of Marlborough
Vendor/Party Address: 140 Main Street
Marlborough, MA 01752
Original Max. Obligation: \$40,161.51 **Completion Date/Duration:** December 30, 2016
NTP Date: 7-1-2016 **Federal Aid Number:** N/A

Description:

Enclosed is a copy of the proposed Agreement Number 94810 with the City of Marlborough, who have procured the services of Stantec Consulting Services, Inc., an approved design consultant, for the development of the Tier 2 Project Prioritization Plan, in accordance with MassDOT's Complete Streets Program.

The City will submit the Project Prioritization Plan to MassDOT identifying up to twenty (20) potential projects for review and approval in accordance with the Tier 2 municipal requirements of the Complete Streets Funding Program.

The design consultant has submitted a fee proposal totaling \$40,161.51 for performing the tasks required to prepare the Prioritization Plan, and to provide the services required to support the Plan.

MassDOT has agreed to reimburse the City for a total amount not to exceed \$40,161.51. Any costs in excess of this amount will be paid by the City of Marlborough.

It is herewith recommended that the subject Agreement with the City of Marlborough be approved for award for a maximum amount of \$40,161.51.

cc: Eileen Gunn; Michael Schwartz; Maria Conti; Michael O'Hara (District 3)

Submitted By:	Approved By:
<u>John F. Mangan</u> 6/24/16 Consultant Contract Administrator Date	<u>Thomas A. Di Paolo</u> 7/1/16 Chief Engineer Date
<u>Maria Conti</u> 6/24/16 Director- Roadway Project Management Date	<u>[Signature]</u> 7/1/16 General Counsel Date
<u>[Signature]</u> 6/24/16 Budget/C.E.P.O. Date	NIR Highway Administrator Date
<u>[Signature]</u> 7-2-2016 Director of Contracts & Records Date	NIR Secretary/CEO Date

DOT AWARD 03-25-2010

Item Number: 12
Date: JUL 06 2016

[Handwritten initials]

MASSDOT STANDARD CONTRACT FORM



This form is issued and published by the Massachusetts Department of Transportation (MassDOT or Department). Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract.

CONTRACTOR LEGAL NAME: City of Marlborough (and d/b/a):	DEPARTMENT NAME: Massachusetts Department of Transportation MMARS Department Code: DOT
Legal Address: (W-9, W-4, T&C): 140 Main Street, Marlborough, MA 01752	Business Mailing Address: 10 Park Plaza, Room 4260, Boston, MA 02116
Contract Manager: Mark Dascoli, Associate City Engineer	Billing Address (if different):
E-Mail: mdascoli@marlborough-ma.gov	Contract Manager: Eileen Gunn
Phone: 508-624-6910 Ext. 33206 Fax:	E-Mail: Eileen.gunn@dot.state.ma.us
Contractor Vendor Code: VC6000192112	Phone: 857-368-8817 Fax:
Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address ID must be set up for EFT payments.)	MMARS Doc ID(s): CT DOT 6433 INTF 00X0 2017 A 0094810 RFR/Procurement or Other ID Number: 00 94810
<input checked="" type="checkbox"/> NEW CONTRACT PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> <u>Statewide Contract</u> (OSD or an OSD-designated Department) <input type="checkbox"/> <u>Collective Purchase</u> (Attach OSD approval, scope, budget) <input type="checkbox"/> <u>Department Procurement</u> (Includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <u>Emergency Contract</u> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach <u>Employment Status Form</u> , scope, budget) <input checked="" type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification, scope and budget)	<input type="checkbox"/> CONTRACT AMENDMENT Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____. Enter Amendment Amount: \$ _____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> <u>Amendment to Scope or Budget</u> (Attach updated scope and budget) <input type="checkbox"/> <u>Interim Contract</u> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach any updates to scope or budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification and updated scope and budget)
The following MassDOT TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> <u>MassDOT Terms and Conditions</u>	
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for MassDOT/Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> <u>Rate Contract</u> (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> <u>Maximum Obligation Contract</u> Enter Total Maximum Obligation for total duration of this Contract (or <u>new Total</u> if Contract is being amended). \$ 40,161.51	
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: ___agree to standard 45 day cycle ___ statutory/legal or Ready Payments (G.L. c. 29, § 23A); <input checked="" type="checkbox"/> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See <u>Prompt Pay Discounts Policy</u> .)	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) This Agreement (Number 94810) is between MassDOT and the City of Marlborough which is participating in the Statewide Complete Streets Program. The funds in this agreement will be for the City of Marlborough to develop a Complete Streets Prioritization Plan (Tier 2).	
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date <u>LATER</u> than the <u>Effective Date</u> below and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 3. were incurred as of _____, 20____, a date <u>PRIOR</u> to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth and MassDOT from further claims related to these obligations.	
CONTRACT END DATE: Contract performance shall terminate as of <u>December 30</u> , 20 <u>16</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.	
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (Incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the MassDOT Terms and Conditions http://transnet/docs/ComAppMassDOTTermsandConditions.doc , this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.	
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>Arthur G. Vigeant</u> , Date: <u>2/15/16</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Arthur G. Vigeant</u> Print Title: <u>Mayor</u>	AUTHORIZING SIGNATURE FOR MassDOT: X: <u>Thomas A. DiPaolo</u> , Date: <u>2/1/16</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Thomas DiPaolo P.E.</u> Print Title: <u>Assistant Chief Engineer</u>



City of Marlborough Legal Department

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

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

2016 SEP 22 A 11:23
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

September 22, 2016

Edward Clancy
President
Marlborough City Council

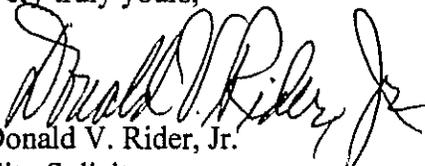
RE: Order No. 16-1006636B
x08/09-1002051E
Application to Amend Special Permit
Crabtree Lake Williams, LLC
Lakeside Avenue, Marlborough

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 Crabtree Lake Williams, LLC ("Crabtree"), seeking permission to amend its 2009 special permit at its condominium project on Lakeside Avenue in Marlborough. Specifically, Crabtree seeks to modify Condition #2 of the original special permit in order to vary the method of securing i) the completion of the remaining special permit conditions and ii) the issuance of occupancy permits for individual condominium units.

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: Arthur Bergeron, Esquire
Brian Falk, Esquire

_____, 2016

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. 16-1006636B
x08/09-1002051E

Application of:
Crabtree Lake Williams, LLC

Locus:
Lakeside Avenue, Marlborough, MA
MBLU 67-45, 68-30A

**DECISION ON AN AMENDMENT TO ORIGINAL SPECIAL PERMIT
CITY COUNCIL ORDER NO. 16-1006636B
X08/09-1002051E**

The City Council of the City of Marlborough hereby **GRANTS** the Application of Crabtree Lake Williams, LLC as provided in the DECISION and subject to the following FINDINGS OF FACTS AND CONDITIONS.

Decision filed: _____, 2016

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [] day of [], 2016.

APPEALS

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

ATTEST:
City Clerk

**DECISION ON AN AMENDMENT
TO ORIGINAL SPECIAL PERMIT**

**CITY COUNCIL ORDER NO. 16-1006636B
X08/09-1002051E**

Application of:
Crabtree Lake Williams, LLC

Locus:
Lakeside Avenue, Marlborough, MA
MBLU 67-45, 68-30A

FINDINGS OF FACT AND CONDITIONS

The City Council of the City of Marlborough hereby GRANTS the application of Crabtree Lake Williams, LLC, a Massachusetts limited liability company having a mailing address of 50 Deer Run, Ayer, Massachusetts 01432 (the "Applicant"), to amend an existing special permit, as provided in this Decision and subject to the following Findings of Fact and Conditions.

PROCEDURAL FINDINGS OF FACT

1. Applicant is the owner of certain real estate located on Lakeside Avenue, Marlborough, MA, as shown on City of Marlborough Assessors Maps Map 67, Parcel 45 and Map 68, Parcel 30A (the "Site").
2. On June 18, 2009, the City Council of the City of Marlborough voted to grant a special permit concerning the Site, as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 53183, Page 1 (the "Original Special Permit").
3. The Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an application to modify Condition #2 of the Original Special Permit in order to vary the method of securing i) the completion of the remaining Special Permit conditions and ii) the issuance of occupancy permits for individual condominium units, under the provisions of M.G.L. c. 40A, § 9 and the Marlborough Zoning Ordinance, Article VI, § 650-59.C(20) (the "Application").
4. In connection with the Application, Applicant filed a Summary Impact Statement, certified list of abutters, filing fee and copies of the existing site plan for the Site.
5. The existing site plan was certified by the Planning Department of the City of Marlborough, acting by and through the Building Commissioner, as having complied with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit or an amendment thereof.

6. Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application, and the City Clerk caused to be advertised the public hearing's date in the MetroWest Daily News and sent notice of said hearing to abutters entitled to notice under law.

7. On Monday, August 29, 2016, the City Council held a public hearing concerning the Application. The hearing was opened and closed on that date.

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

9. The Procedural Findings of Fact specified above supplement those made in the Original Special Permit, which are expressly incorporated herein by reference.

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

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

B. The City Council finds that the proposed use of the Site 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. The City Council, pursuant to its authority under M.G.L. c. 40A, § 9 and Chapter 650 of the Marlborough Zoning Ordinance, GRANTS the Applicant an amendment to modify Condition #2 of the Original Special Permit (the "Amended Special Permit") in order to vary the method of securing i) the completion of the Special Permit conditions and ii) the issuance of occupancy permits for individual condominium units, by deleting said Condition #2 in its entirety and inserting in place thereof the following:

2. Site Plan Review. The issuance of the Amended Special Permit is further subject to detailed Site Plan Review, in accordance with the City of Marlborough Code, prior to issuance of the Building Permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall become further conditions to the Amended Special Permit. A Permanent Occupancy Permit for any of the individual condominium units may issue upon a written determination by the Building Commissioner that the Site, or a phased portion thereof, is substantially complete, providing for a phased development of the Site; provided, however, that no Permanent Occupancy Permit shall be issued for any of the last four (4) individual condominium units until the Building Commissioner issues a written determination that (i) all conditions of the Amended Special Permit have been complied with by the Applicant, or (ii) any

remaining items of work necessary to comply with all conditions of the Amended Special Permit have been secured by the Applicant through a bond, cash deposit, letter of credit, tri-party agreement or other form of security deemed satisfactory to the Building Commissioner. Site Plan Review shall be consistent with the Amended Special Permit. Any violation of a condition of the Site Plan Approval shall be a violation of the Amended Special Permit.

All other conditions of the Original Special Permit shall continue in full force and effect, and are expressly incorporated herein by reference.

In accordance with the provisions of M.G.L. c. 40A, § 11, Applicant, its successors and/or assigns at its expense shall record this Amended Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Amended Special Permit has elapsed with no appeal having been filed, and further shall provide to the Building Commissioner's office and the City Solicitor's office a copy of the recorded Amended Special Permit before the issuance of any Occupancy Permit, permanent or otherwise, regarding the Site.

Yea: _____ - Nay: _____ - Absent: _____

ADOPTED
In City Council
Order No. 16-1006636B
x08/09-1002051E

Adopted: _____ 2016

Approved by Mayor
Arthur Vigeant
Date: _____ 2016

A TRUE COPY
ATTEST: _____ City Clerk



MIRICK O'CONNELL
ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 SEP 22 A 11: Arthur P. Bergeron
Mirick O'Connell
1800 West Park Drive, Suite 400
Westborough, MA 01581-3926
abergeron@mirickoconnell.com
t 508.860.1470
f 508.463.1385

September 22, 2016

VIA HAND DELIVERY

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

Re: Application to Modify Special Permit;
Overlook at Lake Williams, Lakeside Avenue

Dear Councilor Clancy:

Enclosed please find an application to amend the Special Permit for the Overlook at Lake Williams condominium community, located along Lakeview Avenue, submitted on behalf of my client Crabtree Lake Williams LLC.

As part of the applicant's recent application to amend the Special Permit, the applicant is seeking to further amend the Special Permit to accommodate changes to the design and configuration of the emergency access road and perimeter fencing in the vicinity of Bond Street.

Very truly yours,

Arthur P. Bergeron

APB/ljk

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Crabtree Lake Williams LLC

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

Lakeside Avenue, MBLU 67-45 and 68-30A

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

50 Deer Run, Ayer, MA 01432

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

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

Article 650 Section 17 Paragraph _____ Sub-paragraph Residential Use Multifamily Dwelling (4)

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

Business (B)

7. Specific reason(s) for seeking Special Permit

As part of the applicant's recent application to amend the Special Permit for the Overlook at Lake Williams residential condominium project, recorded at Book 53183, Page 1, Order No. 08/09-1002051E (copy attached), the applicant is seeking to further amend the Special Permit to accommodate changes to the design and configuration of the emergency access road and perimeter fencing in the vicinity of Bond Street, likely affecting Conditions #20, #22, #23, #36, #38 and #39.

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

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

Arthur P. Bergeron (BRF)
Signature of Petitioner or Applicant

Arthur P. Bergeron
Address: Mirick, O'Connell, DeMallie & Lougee, LLP
1800 West Park Drive
Westborough, MA 01581

Telephone No. 508-860-1470

Date: _____

City Clerk's Office

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

Crabtree Lake Williams LLC

(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting Authorities**)

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Crabtree Lake Williams LLC Address: (see front)

Project Name: Overlook at Lake Williams Address: Lakeside Avenue

1. PROPOSED USE: (describe) 60-Unit residential condominium community

2. EXPANSION OR NEW: Modification of existing special permit

3. SIZE: floor area sq. ft. _____ 1st floor _____ all floors _____

buildings 15 # stories 27 feet +/- lot area (s.f.) 1,358,636.4 +/-
(31.19 acres)

4. LOT COVERAGE: 11.06 %Landscaped area: 88.94 %

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 120 Peak period: 120

6. TRAFFIC:

(A) Number of vehicles parked on site:
During regular hours: 100 Peak period: 150

(B) How many service vehicles will service the development and on what schedule?
1 trash pickup per week.

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Lighting will comply with the requirements of the approved Site Plan.

8. NOISE:

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

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

9. AIR: What sources of potential air pollution will exist at the development? Automobiles.

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

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

***Attach additional sheets if necessary**



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall

140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: September 20, 2016

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Overlook at Lake Williams

Project Use Summary: Residential

Project Street Address: 215 Lakeside Avenue

Plate: _____ Parcel: 67-45; 68-30A

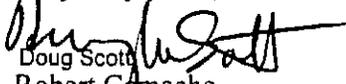
Applicant/Developer Name: Crabtree Lake Williams LLC

Plan Date: 7/15/2013 Revision Date: 4/14/2014

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,


Doug Scott
Robert Camacho

Interim Building Commissioner

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

\$862.50

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



**Lisa M. Thomas
City Clerk**

Dear Applicant,

To ensure that each department listed below receives a copy of your completed Special Permit application, please hand-deliver to each department as instructions indicate below.

PLACE A CHECK-MARK AFTER HAND-DELIVERING THE APPLICATION TO THE FOLLOWING DEPARTMENTS AND SIGN YOUR NAME & DATE IT ACCORDINGLY. MAKE SURE THIS PAGE IS SIGNED AND RETURNED TO THE CITY CLERK'S OFFICE WITH THE COMPLETED APPLICATION. THE CITY CLERK'S OFFICE WILL NOT ACCEPT THE APPLICATION WITHOUT THE SIGNATURE OF THE APPLICANT OR PETITIONER AS INDICATED BELOW.

3 SETS	OFFICE OF THE CITY CLERK	<input checked="" type="checkbox"/>
1 SET	POLICE CHIEF	<input checked="" type="checkbox"/>
1 SET	FIRE CHIEF	<input checked="" type="checkbox"/>
1 SET	CITY ENGINEER	<input checked="" type="checkbox"/>
1 SET	CITY PLANNER	<input checked="" type="checkbox"/>
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED)	<input checked="" type="checkbox"/>
1 SET	BUILDING INSPECTOR	<input checked="" type="checkbox"/>
12 SETS	OFFICE OF THE CITY COUNCIL	<input checked="" type="checkbox"/>



Signature

9/22/16

Date

Thank you for your cooperation in this matter.

Sincerely,

Lisa M. Thomas
City Clerk



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

**Lisa M. Thomas
City Clerk**

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

Company Name

Crabtree Lake Williams LLC

Owner Name/Officer Name of LLC or Corporation

B. Duke Pointer, Manager

Owner/Officer Complete Address and Telephone Number

50 Deer Run

Ayer, MA 01432

Signature of Applicant

Attorney on behalf of Applicant, if applicable

 Attorney Brian R. Falk, Esq.

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



Tax Collector

54
RIBAKOFF CHARLES K II TR
EJR REAL ESTATE TRUST
PO BOX 912
WORCESTER, MA 01613-0912

67
MASSACHUSETTS ELEMENTARY SCHOOL
PRINCIPALS EDUCATION FOUNDATION INC
28 LORD RD #130
MARLBOROUGH, MA 01752

67
28 LORD ROAD LLC
5 COBBLESTONE WAY
SHREWSBURY, MA 01545

67
CRABTREE LAKE WILLIAMS LLC
PO BOX 377
MARLBOROUGH, MA 01752

67
SCHAFFER ROBERT W TR
LORD RD 135 TRUST
93 NASHAWAY RD
BOLTON, MA 01740

67
R & B REALTY PARTNERS LLC
28 LORD RD #280
MARLBOROUGH, MA 01752

67
CRABTREE LAKE WILLIAMS LLC
N/O JOSEPH TROLLA
24 ICE HOUSE LANDING
MARLBOROUGH, MA 01752

67
QPS LLC
1 SUNNY HILL DR
OXFORD, MA 01540

67
KIRSHE GREGORY A TR DWBH REALTY TRUS
C/O UNITED SOLUTIONS INC
28 LORD RD #285
MARLBOROUGH, MA 01752

67
CRABTREE LAKE WILLIAMS LLC
N/O DENISE SPEZIALE
26 ICE HOUSE LANDING
MARLBOROUGH, MA 01752

67
NEW ENGLAND SCHOOL DEVELOPMENT COU
28 LORD RD #210
MARLBOROUGH, MA 01752

67
SAFFLOWER LLC
PO BOX 590179
NEWTON CENTER, MA 02459

67
CRABTREE LAKE WILLIAMS LLC
N/O BARBARA SCHACHT
120 ICE HOUSE LANDING
MARLBOROUGH, MA 01752

67
BAM HOLDINGS LLC
28 LORD RD #215
MARLBOROUGH, MA 01752

67
RIBAKOFF CHARLES K II TR
EJR REAL ESTATE TRUST
PO BOX 912
WORCESTER, MA 01613-0912

67
CRABTREE LAKE WILLIAMS LLC
N/O CAROL MCCOMBS
122 ICE HOUSE LANDING
MARLBOROUGH, MA 01752

67
MIDDLESEX MEDICAL SERVICES INC
28 LORD RD #225
MARLBOROUGH, MA 01752

67
ARCHILA VICTOR M
ADRIANA A ARCHILA
21 BALCOM RD
MARLBOROUGH, MA 01752

67
CRABTREE LAKE WILLIAMS LLC
N/O MATTHEW GUSDORF & NICOLE MORRISC
126 ICE HOUSE LANDING
MARLBOROUGH, MA 01752

67
NEW ENGLAND SCHOOL DEVELOPMENT COU
28 LORD RD #210
MARLBOROUGH, MA 01752

67
GRADIJAN DAVID
359 ELM ST
MARLBOROUGH, MA 01752

67
METRO PARK CORPORATION
42 WESTBORO RD
NORTH GRAFTON, MA 01536

67
MIDDLESEX MEDICAL SERVICES INC
28 LORD RD #255
MARLBOROUGH, MA 01752

67
CEDAR HILL ASSOCIATES IV
C/O ALAN GERMAIN
25 COACHMAN RIDGE
SHREWSBURY, MA 01545

67
352 ELM STREET REALTY CORP
28 LORD RD #105
MARLBOROUGH, MA 01752

67
KOUL ANUPAM
37 ASPEN AVE
SOUTH GRAFTON, MA 01560

67
CEDAR HILL ASSOCIATES IV
C/O ALAN GERMAIN
25 COACHMAN RIDGE
SHREWSBURY, MA 01545

67
MASSACHUSETTS ELEMENTARY SCHOOL
PRINCIPALS EDUCATION FOUNDATION INC
28 LORD RD #125
MARLBOROUGH, MA 01752

67
KIRSHE GREGORY A TR DWBH REALTY TRUS
C/O UNITED SOLUTIONS INC
28 LORD RD #285
MARLBOROUGH, MA 01752

68
WALKER JAREK
166 WINTER ST
MARLBOROUGH, MA 01752

68
PACIFIC GEORGE R
158 WINTER ST
MARLBOROUGH, MA 01752

68
LEWIS JENNIFER E
STEVEN W LEWIS
150 WINTER ST
MARLBOROUGH, MA 01752

68
CHAN GEORGE TR
N/O MAGDALENA CASTELLON
142 WINTER ST
MARLBOROUGH, MA 01752

68
FERREIRA ANTONIO A
OLGA L FERREIRA
47 BRIGHAM ST
HUDSON, MA 01749

68
BLAIS SYLVIO
MARY ELLEN BLAIS
39 COMMONWEALTH AVE
MARLBOROUGH, MA 01752

68
SOUMOULIS DAVID P
116 WINTER ST
MARLBOROUGH, MA 01752

68
SEMIDEY MIGUEL
SANDRA SEMIDEY
50 BOND ST
MARLBOROUGH, MA 01752

68
SERRANO ILIANA E
52 BOND ST
MARLBOROUGH, MA 01752

68
RABELO SALLY E
LEONARDO O RABELO
35 BOND ST
MARLBOROUGH, MA 01752

68
RICH CAROLE A
BRIAN J RICH
41 BOND ST
MARLBOROUGH, MA 01752

68
SEYMOUR RALPH J TR
RAH RAH REALTY TRUST
47 BOND ST
MARLBOROUGH, MA 01752

68
LANDRY ROBERT W
SANDRA A LANDRY
51 BOND ST
MARLBOROUGH, MA 01752

68
ENEGUESS THOMAS J
CARLENE M ENEGUESS
8 PENNICHUCK ST
NASHUA, MA 03064-1239

68
CHEN HUAIMO
KAJIA WANG
30 DANFORTH LN
BOLTON, MA 01740

68
RASSI RUBEN
65 BOND ST
MARLBOROUGH, MA 01752

68
LACROIX LOUIS P TR
MARIE A LACROIX TR
102 WINTER ST
MARLBOROUGH, MA 01752

68
DEMORAIS REGINALDO
233 SOUTH ST
MARLBOROUGH, MA 01752

68
BENWAY JAY M
LONA A BENWAY
84 WINTER ST
MARLBOROUGH, MA 01752

68
SILVA BLANCA N
PO BOX 436
MARLBOROUGH, MA 01752

68
CLOUTIER RICHARD O
SALLY A CLOUTIER
62 WINTER ST
MARLBOROUGH, MA 01752

68
LANDRY ROBERT W
SANDRA A LANDRY
51 BOND ST
MARLBOROUGH, MA 01752

68
BRENNAN JAMES M TR
FRANCIS J BRENNAN TR
48 WINTER ST
MARLBOROUGH, MA 01752

68
ERLANDSON GERALD R
SELMA R ERLANDSON
40 WINTER ST
MARLBOROUGH, MA 01752

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ERLANDSON GERALD R
SELMA R ERLANDSON
40 WINTER ST
MARLBOROUGH, MA 01752

68
CAMERON ROBERT A
TERESA K CAMERON
32 WINTER ST
MARLBOROUGH, MA 01752

68
GRASSO PASAQUALE F JR TR
SUSAN M LEFEBVRE TR
26 WINTER ST
MARLBOROUGH, MA 01752

68
COMMUNITY DEVELOPMENT AUTHORITY
140 MAIN ST
MARLBOROUGH, MA 01752

68
MESSIER LEOPOLD TR
WINTER STREET REALTY TRUST
67 WINTER ST
MARLBOROUGH, MA 01752

68
HIGGINS JEFFREY
PO BOX 805
NORTHBOROUGH, MA 01532

68
CUCAFATE RONALD V
91 WINTER ST
MARLBOROUGH, MA 01752

68
PIERRE JEAN JACQUES
LUCILE PIERRE
97 WINTER ST
MARLBOROUGH, MA 01752

68
HEBERT NATHAN
105 WINTER ST
MARLBOROUGH, MA 01752

68
NORRIS ADRIENNE F
JOSEPH C LANE
115 WINTER ST
MARLBOROUGH, MA 01752

68
DAVIS CYNTHIA
RENE LEFEVRE
280 ELM ST #A1
DOOR 1
MARLBOROUGH, MA 01752

68
MARADIAGA RAFAEL
280 ELM ST #A2
DOOR 2
MARLBOROUGH, MA 01752

68
GELLER BARRY S
LISA M GELLER
280 ELM ST #A3
DOOR 3
MARLBOROUGH, MA 01752

68
DOWLATABADI ALI
280 ELM ST #A4
DOOR 4
MARLBOROUGH, MA 01752

68
MERRILL ANNAMAE F TR
MERRILL 280-5 ELM STREET REALTY TRUST
66 FERRECCHIA DR
MARLBOROUGH, MA 01752

68
SEMERARO JEFFREY A
SANDRA B SEMERARO
280 ELM ST #A6
DOOR 6
MARLBOROUGH, MA 01752

68
BORGES LUCIANO M
280 ELM ST #A7
DOOR 7
MARLBOROUGH, MA 01752

68
LANE PATRICIA M
280 ELM ST #A8
DOOR 8
MARLBOROUGH, MA 01752

68
SCHWEIHOFFER DONALD
RENEE SCHWEIHOFFER
280 ELM ST #B1
DOOR 9
MARLBOROUGH, MA 01752

68
MAZZARELLA FRANK A
280 ELM ST #B2
DOOR 10
MARLBOROUGH, MA 01752

68
FERRANTI DAVID S
SUSAN A FERRANTI
280 ELM ST #B3
DOOR 11
MARLBOROUGH, MA 01752

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KIM SUNG SIL
MYUNG JAAE LEE
280 ELM ST #B4
DOOR 12
MARLBOROUGH, MA 01752

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VIEIRA LUIZ F JR
280 ELM ST #B5
DOOR 13
MARLBOROUGH, MA 01752

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BRENNAN RICHARD J JR
LORI BONNELL
280 ELM ST #B6
DOOR 14
MARLBOROUGH, MA 01752

68
SILVERMAN LINDA G
280 ELM ST #B7
DOOR 15
MARLBOROUGH, MA 01752

68
PELLETIER MICHAEL J
KRISTIN A PELLETIER
206 WESTON ST
WALTHAM, MA 02453-1711

68
COELHO LUIZ FERNANDO S
ANDREA M COELHO
280 ELM ST #B9
MARLBOROUGH, MA 01752

68
BURGESS LAUREN J
280 ELM ST #B10
DOOR 18
MARLBOROUGH, MA 01752

68
CARPENTER ALBERT J
PATRICIA M CARPENTER
280 ELM ST #C1
DOOR 19
MARLBOROUGH, MA 01752

68
VASQUEZ ADA
280 ELM ST #C2
DOOR 20
MARLBOROUGH, MA 01752

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DUNHAM SUSAN J
280 ELM ST #C3
DOOR 21
MARLBOROUGH, MA 01752

68
VALERA SHIRLEY A
280 ELM ST #C4
DOOR 22
MARLBOROUGH, MA 01752

68
KURZMAN STEPHEN A
KORINA Z PELTAK
55 FITZGERALD RD
MARLBOROUGH, MA 01752

68
CHAULK KIMBERLY A
280 ELM ST #C6
DOOR 24
MARLBOROUGH, MA 01752

68
MERRILL ANNAMAE F TR
MERRILL 280-25 ELM STREET REALTY TRUST
66 FERRECCHIA DR
MARLBOROUGH, MA 01752

68
CORNWELL JENNIFER A
JONATHAN M JODOIN
280 ELM ST #C8
DOOR 26
MARLBOROUGH, MA 01752

68
CHARCHAFJI LAYLA
GEORGE CHARCHAFJI
280 ELM ST #C9
DOOR 27
MARLBOROUGH, MA 01752

68
BRAVERNICK JULIA
280 ELM ST #C10
DOOR 28
MARLBOROUGH, MA 01752

68
CLOONAN JAMES R
ROBERT J CLOONAN
PO BOX 1638
FRAMINGHAM, MA 01701

68
DEOLIVEIRA CHARLES
280 ELM ST #D2
DOOR 30
MARLBOROUGH, MA 01752

68
TIMPONE THOMAS
280 ELM ST #D3
DOOR 31
MARLBOROUGH, MA 01752

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PEREZ FILIBERTO
280 ELM ST #D4
DOOR 32
MARLBOROUGH, MA 01752

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NEVES JAMILA
280 ELM ST #D5
DOOR 33
MARLBOROUGH, MA 01752

68
MAGEZI SANYU E
280 ELM ST #D6
DOOR 34
MARLBOROUGH, MA 01752

68
COX JOHN J
280 ELM ST #E1
DOOR 35
MARLBOROUGH, MA 01752

68
MERRILL ANNAMAE F TR
MERRILL 280-36 ELM STREET REALTY TRUST
66 FERRECCHIA DR
MARLBOROUGH, MA 01752

68
MCMAHON PAMELA J
280 ELM ST #E3
DOOR 37
MARLBOROUGH, MA 01752

68
ALLEN LINDA K
530 GRAFTON ST
SHREWSBURY, MA 01545

68
SZABLEWSKI LAURIE R
280 ELM ST #E5
DOOR 39
MARLBOROUGH, MA 01752

68
HALBERSTADT PETER J JR
ALISON L CALLAHAN
11 VIRGINIA RD
AUBURNDALE, MA 02466-2214

68
MORAES NOEMIA S
GUSTAVO SANTOS MORAES FERNANDA S MO
280 ELM ST #E7
MARLBOROUGH, MA 01752

68
DIBUONO SUZANNE J
280 ELM ST #E8
DOOR 42
MARLBOROUGH, MA 01752

68
FOGACA EDMAR L
JOCELI L FOGACA
280 ELM ST #E9
DOOR 43
MARLBOROUGH, MA 01752

68
DOLAN ROBERT T JR
310 ELM ST
MARLBOROUGH, MA 01752

68
CRABTREE LAKE WILLIAMS LLC
PO BOX 377
MARLBOROUGH, MA 01752

68
GRESKA ROBERT A
44 BOND ST
MARLBOROUGH, MA 01752

68
RABELO SALLY E
LEONARDO O RABELO
35 BOND ST
MARLBOROUGH, MA 01752

68
MANNING JOHN D TR
83 WINTER STREET REALTY TRUST
83 WINTER ST
MARLBOROUGH, MA 01752

68
FERNANDES ALEX J
ANNAMMA A FERNANDES
143 WINTER ST
MARLBOROUGH, MA 01752

68
SIEMINSKI BETH-ANN
129 WINTER ST
MARLBOROUGH, MA 01752

79
CITY OF MARLBOROUGH
140 MAIN ST
MARLBOROUGH, MA 01752

79
MANFELD HOTEL ENTERPRISES
N/O M F INVESTMENT COMPANY
HOLIDAY INN
265-A LAKESIDE AVE
MARLBOROUGH, MA 01752

80
BONANNO A RICHARD TR
EDWARD K DAVIDIAN TR
249 LAKESIDE AVE
MARLBOROUGH, MA 01752

80
CYPHERS KENNETH P
DIANE E CYPHERS
453 HOSMER ST
MARLBOROUGH, MA 01752

80
DLT FAMILY LIMITED PARTNERSHIP
5 FOX HOLLOW LN
SHARON, MA 02067

80
GOSTANIAN WILLIAM H TR
N/O ST MARY THOMAS LLC
KAMAL ARMANIOUS
8 WIXTEAD CT
EAST DOUGLAS, MA 01561

80
MASSACHUSETTS VETERINARY MEDICAL AS:
163-165 LAKESIDE AVE
MARLBOROUGH, MA 01752

80

EILERS ROXANNE
N/O KENNETH EILERS
20 BOND ST
MARLBOROUGH, MA 01752

80

MCGILVRAY WILLIAM D
JANET C MCGILVRAY
21 BOND ST
MARLBOROUGH, MA 01752

80

MCCARRICK MATTHEW
CHRISTINE M MCCARRICK
617 GREENDALE AVE
NEEDHAM, MA 02492

80

BRODEUR CLAIRE L
PO BOX 1024
MARLBOROUGH, MA 01752

80

WEAVER BRIAN R
28 BOND ST
MARLBOROUGH, MA 01752

80

SHAW WHITNEY R TR
WRS REALTY TRUST
169 LAKESIDE AVE
MARLBOROUGH, MA 01752

80

SULLIVAN RONALD
CAROL ANN SULLIVAN
36 BOND ST
MARLBOROUGH, MA 01752

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CITY OF MARLBOROUGH
140 MAIN ST
MARLBOROUGH, MA 01752

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ROBY BRIAN K
N/O RICHARD TOMANEK
1 CORTLAND DR
HUDSON, MA 01749

80

SULLIVAN RONALD
CAROL ANN SULLIVAN
36 BOND ST
MARLBOROUGH, MA 01752

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SULLIVAN RONALD
CAROL ANN SULLIVAN
36 BOND ST
MARLBOROUGH, MA 01752

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DUNN JAMES M
29 BOND ST
MARLBOROUGH, MA 01752

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TOMANEK RICHARD
1 CORTLAND DR
HUDSON, MA 01749

80

WATTU DAVID G
JANET R WATTU
15 BOND ST
MARLBOROUGH, MA 01752

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2016 SEP 15 P 12:10

**City of Marlborough
License Board**

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

**Minutes of the License Board Regular Meeting Held Wednesday, July 20, 2016
at 7:30 pm, City Hall, 1st floor, Council Committee Room.**

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

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

New Business

1. ONE DAY PERMITS

- **Loyal Order of Moose (8)**
Member Mitrakas motioned for approval, Member Bouvier seconded
Board vote: 3-0 approved
- **ITAM (5)**
Member Mitrakas motioned for approval, Member Bouvier seconded
Board vote: 3-0 approved

**2. Change of Premise Application – Firefly's
Chris Flood, Esq.**

Attorney Flood presented the application requesting removal of a portion of the premises from the basement on the side of the building facing Concord Street, a 8' x 3' area with a locked gate, that will no longer be part of the Liquor Licensed premise but used exclusively for the catering business.

Public Meeting opened at 7:33
Requests for other positive comments/questions returned none
Requests for negative comments returned none

Public Meeting Closed at 7:37
Member Mitrakas motioned for approval, Member Bouvier seconded; Board
vote: 3-0 approved

3. Change of Manager – Firefly’s
Chris Flood, Esq./Steve Urliss

Chris Flood, Esq. presented the application that places Steve Uliss as the manager of the establishment

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

4. Class II Car Dealership Application – Amando Lamas
Application was not complete – no location.

5. Reports from Chairman

- Correspondence re: ITAM from Ms. Tayler
- Agreed that a letter would be sent to Ms. Taylor acknowledging receipt and while recognizing the parking issues it is legal and not the purview of this board. While not discounting that the public drunkenness may have been observed by the complainant, the music, noise and drinking were not deemed in excess by a Board member who attended the event for several hours in the late afternoon.
- Member Mitrakas motioned to have the letter drafted by the clerk and the letter from the complainant placed in file, Member Bouvier seconded. Board vote 3-0 to draft letter and place complainant letter on file.

6. Misc. Correspondence

- There was no correspondence to review

7. Review of Minutes

June 29, 2016, Regular meeting

Member Bouvier motioned to accept and place on file the minutes of the June 29, 2016 regular meeting Member Mitrakas seconded. Board Vote 3- 0 to approve June 29, 2016 minutes of regular meeting and place on file.

Next meeting will be Wednesday. August 24, 2016 at 7:30

Motion made to adjourn: 8:30 pm vote: 3-0 for adjournment.

Respectfully submitted,



Walter Bonin, Chairman
August 24, 2016



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2015 SEP 15 P 12:10

BOH MEETING MINUTES – 06/07/16

Attending

John Curran, Vice Chair
James Griffin, Member

Also in attendance: Cathleen Liberty, Director of Public Health, and Tina Nolin, Senior Clerk

Absent: Robin Williams, Chair

Meeting called to order 6:30 pm

REVIEW OF MEETING MINUTES

Meeting minutes of March 5, 2016

Motion to accept March 5, 2016 minutes with amendment clarifying the nurses' discussion and the Vaccine Clinic Pilot Program – Vice Chair Curran

Second – Member Griffin

2-0 Vote to accept and place on file the minutes of March 2, 2016 Yes, Vice Chair Curran; yes, Member Griffin

Absent, Chair Williams

Meeting minutes of April 5, 2016 – Meeting was cancelled, thus there are no minutes

BOARD BUSINESS

• Emergency Preparedness Presentation

Ken Zeekis presented the Drive-Thru Emergency Dispensing Site and Protocol that would be at the High School, should an emergency situation present itself in the city. The Drive-Thru site would be the first such site in Region 4.

Director Liberty agreed to forward to the Board if they wished a copy of the full plan details and explained that the plan is a living document that can be adjusted and changed as they moved forward.

• MRC Presentation

Postponed until a later date

• Budget

Mayor Vigeant was present to answer any questions from the Board related to the budget, the budget process. The Mayor welcomed the presence of the Board Chair at future budget meetings with the Department head which would not occur again until next spring when they begin preparing for FY18.

PUBLIC HEALTH ISSUES

• Review, Update, Discussion of the Immunization Program

Director Liberty reported the clinic had not started yet, but was working on getting the clinic up and running. There was much discussion as to why the clinic was not running when the Board had voted to begin the clinic on May 5, 2016.

Sheltering Regulations

Director Liberty discussed briefly the email she had sent the Board regarding the information she had learned from the Health Agent in Chelmsford regarding their adoption of similar regulations, as well as several articles related to such regulations and their purpose as an answer to Public Health concerns among families and children participating in such programs.

Member Griffin reported that he had spoken to the Mass Coalition for the Homeless and they said these regulations are standard with what other towns are adopting and that there was nothing outrageous about it and therefore graciously declined an invitation to address the board regarding the issue.

The Board tabled voting on the regulations until they had further information.

MONTHLY REPORTS

• Nurses Report

Director Liberty presented the Public Health Nurse's report – report was accepted and approved to be placed on file.

• Sanitarians' report

Presented by Director Liberty - reports were accepted and approved to be placed on file.

ADJOURN

Motion – to adjourn meeting at 7:41 pm-Member Griffin

Second – Vice Chair Curran

2-0 vote to adjourn Board of Health Meeting at 7:41 pm, Yes, Vice Chair Curran; yes, Member Griffin

Absent, Chair Williams

Next Board of Health meeting will be set via email when all could check calendars.

Respectfully submitted,



Chairperson Williams

September 13, 2016
Dated

Cc: Board of Health Members
City Council
City Clerk
City of Marlborough Website

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

June 2, 2016 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

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CITY OF MARLBOROUGH

2016 SEP 20 P 3:50

Present: Edward Clancy-Chairman, John Skarin, Allan White; Karin Paquin, Dennis Demers, Lawrence Roy and David Williams

Also present was Priscilla Ryder - Conservation Officer

Absent: None

Minutes: Approval of minutes May 5, and May 19, 2016- These were not yet complete, this item was tabled to the next meeting.

Public Hearings:

Request for Determination of Applicability
39 Vega Rd. – Sewer connection - owner: Carole Dembek

(Allan White recused himself from this discussion due to a conflict of interest)

No one was present, Ms. Ryder has been to the site and noted that the owner wanted to make a connection to the sewer which runs between their house and the pond on Vega Rd. She recommended straw waddle erosion controls be installed between the sewer connection and the pond. The project should not take more than a day or so and should be stabilized once backfilled. After some discussion, the Commission voted unanimously 6-0 to issue a negative determination with standard conditions on erosion control and notification.

Request for Determination of Applicability
300 Nickerson Rd. - Normandy Real Estate Partners

Patrick Connolly of Beals Associates was present representing the owner Normandy Real Estate Partners. He explained that after going out to lay out what was approved in the field on the previous plan, they realized the volleyball court could not fit. They re-evaluated the wetland in April and realized that the wetland area is a man-made structure with rip rap swales that are now filled with wetland plants. They have re-defined the wetland to not include these manmade swales. With that adjustment, they have a slightly altered plan which will impact one of the drainage swales in which they propose to add a pipe. The rest of the plan remains the same. They are looking for approval to this new revised plan. After some discussion, about moving material from site, the addition of erosion controls and flared ends at either end of the drainage pipe, and the requirement for the City Engineer to review and approve/amend the plans as necessary, the

Commission voted unanimously 7-0 to issue a negative determination with standard conditions and those noted above.

Notice of Intent

Boston Post Rd. – Apex Center - Ryan Development LLC

Joe Peznola of Hancock Associates and Doug Vigneau of VHB were present representing Ryan Development. Mr. Peznola gave an overview of the project which is a proposal to construct a mixed use commercial development under the City's Hospitality and Recreation Mixed Use Overlay District near wetlands and Millham Brook. The project area is 43 acres bounded by Rte. 20, Glen St., the Preserve at Ames development and Millham brook. It falls within the Millham Brook Water Supply Protection District. The wetlands were delineated in 2009 and are valid through Dec. 2016. He explained that the site will contain, 2 hotels, one entertainment complex, one 5 story office building, numerous restaurant and retail buildings. Work is being proposed within the 100' buffer zone and 200' Riverfront area. A plan showing the impacts in each of the resource areas was provided. There are no impacts in the area from 0-25 feet from the wetland, a small amount of impact between 25'-35' and greater impact between 35'-50'. The plans have a chart with these numbers. The developer has offered to replace and relocate the sewer line and re-route it outside the wetland and outside the 50' buffer zone. The site will be primarily a fill site and during construction the retaining walls will act as "dams". The wall will be at least 1' from the edge of the erosion controls as shown on the plans.

Matt Heil from Sanborn Head is the Licensed Site Professional (LSP) hired by Ryan Dev. and Mark Arnold from Goddard Consulting will be the site erosion control consultant were also present. Mr. Peznola explained the storm water management system on the site which meets the storm water standards has been designed to include underground detention/recharge systems throughout the site to maintain the current storm water drainage patterns. All overflows will occur outside the Zone A. The Commission noted that these drainage systems will need to be reviewed by the City Engineer before they render any approval.

Doug Vigneau of VHB explained the wetlands on the site which were approved in 2009 and subsequently were extended through the State Extension act until Dec. 2016. He stated that there is beaver activity on the site which will need to be addressed. He noted that the wetland flags do need to be replaced in the field since they are not visible. The existing sewer line was videotaped and was found full of roots and is in need of replacement. They met with DEP to discuss inflow and infiltration. They have filed their Final Environmental Impact Report on May 31st comment period will be 30 days from June 8th. They plan to have an erosion control and sedimentation plan which will be developed with the contractor involved. There are no rare and endangered species mapped for this area. There will be no ground water or surface water impacts, all development will be outside the 100'

Riverfront Area, a small portion of the 50' buffer zone will be impacted as allowed under the new zoning overlay district for this area and will be 4.7% (6% is allowed).

Mr. Matt Heil from Sanborn Head LSP. He will be preparing the soil management for the next meeting; they are still taking soil samples to collect data to create an accurate plan. It will be similar to the plan prepared for Fairfield and the Preserve at Ames project which was part of the same orchard. They know the soil contains lead arsenate, DDT, and Dieldrin all which have low water solubility and high soil absorption. Because of these characteristics the pesticides are bound to the top soil and do not move. Ms. Ryder noted that the city will hire an independent LSP to review these technical documents to ensure they are in compliance with the Mass Contingency Plan (MCP) requirements as suggested by DEP. The site being an apple orchard does not need to comply with the MCP per se, but per DEP recommendation on other orchards in the area, the MCP should be followed to protect public health.

Mr. Demers asked the following: 1) the block wall and what type is to be used, 2) where blasting is anticipated since there is ledge on the property 3) his concern that the culvert at Rte. 20 and Millham Brook does overtop during big storms. He asked the rate and volume pre and post construction be calculated and reviewed to ensure this project doesn't create additional problems. Mr. Roy asked about wildlife in the area. Mr. Clancy asked questions about the sewer pipe and its location in Zone A and its size to ensure it will always have enough capacity even with future development. Mr. Peznola explained that a public sewer, especially to replace a leaky one, is an improvement and allowed, because it is a public utility line. The current pipe once abandoned will be abandoned in place with the ends capped. He will work with City Engineer Tom DiPersio regarding capacity and pipe size.

Chairman Clancy opened the **discussion to the audience:**

Mr. Peter Nuccio of 116 Glen St. asked: 1) are buildings allowed in the buffer zone, 2) he is concerned with blasting. There are underground streams in the neighborhood and everyone has a sump pump, so he's concerned this will be disturbed with blasting. Mr. Peznola explained that the blasting contractor will have a protocol. 3) what will be the process for dust control.

Mr. Sawyer of 33 Teller St. expressed similar concerns.

The Commission agreed that a site visit was necessary for a site of this size and set Thursday, June 9th at 5:00 behind the 99 Restaurant as the site visit date. Abutters were invited to attend.

The hearing was continued to the next meeting on June 16, 2016.

Certificate of Compliance:

DEP 212-1047 251 Locke Dr. – discussion - At the request of the new owner, Ms. Ryder did a site inspection prior to the meeting and noted that there are a few hoods missing and the owner had questions about replacement of the guardrail and if wood was acceptable. The Commission agreed a wood guardrail would be acceptable and continued this item until the next meeting for the items noted to be addressed.

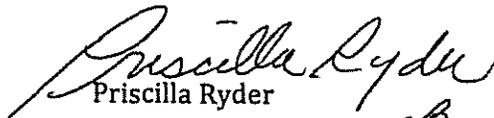
Discussion/Correspondence/Other Business:

- 329 Maple St. – Wetland violation discussion. Attorney Bergeron had called prior to the meeting to ask if this item could be continued. The Commission continued this to the June 16th meeting.
- Letter from DCR – dated May 18, 2016 RE: O&M inspection of the Tyler Flood facility on Tuesday, June 14, 2016 at 9:30 AM- Mr. Williams indicated he would attend. the Commission accepted this correspondence and placed on file
- Letter from National Grid, dated May 16, 2016 RE: New England Power Company – maintenance work along the existing H160 electric transmission corridor. The Commission accepted this correspondence and placed it on file.

Meetings – Next Conservation meetings – June 16th and July 7, 2016 (Thursdays)

Adjournment - There being no further business, the meeting was adjourned at 9:14 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer 

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes
June 16, 2016 (Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM**

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CITY OF MARLBOROUGH

2016 SEP 20 P 3: 50

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

Absent: David Williams

Approval of Minutes – The minutes of May 5, 2016 were reviewed and unanimously approved.

Public Hearings:

Notice of Intent

74 Boivin Dr. - Old South Street Realty

Michael Hassett, of Guerierre and Halnon, and Robert Valchuis the owner was both present. Mr. Hassett explained that they would like to build a house on this lot. A small retaining wall will be needed to raise the grade a bit. He discussed that they would building the two houses (see below) at the same time to blend the grading etc. The large boulder on site will remain. The two lots will have separate driveways off the cul-de-sac. 25' from the wetland a 4' high field stone retaining wall will be installed. There will be 5' from the wall to the edge of the foundation. They will build the wall first. There should be a balanced cut and fill between the two lots. There being no other questions the hearing was closed. Ms. Ryder will draft conditions for the next meeting. Ms. Ryder noted that the 20' wetland boundary markers are not all there she only found one. These will need to be installed.

Notice of Intent

176 Farm Rd. - Old South Street Realty

Mr. Hassett of Guerierre and Halnon was present and explained that based on comments from DPW Engineering this house will have an address of 80 Boivin Dr. and access driveway and utilities off Boivin Dr. The gravel driveway from Farm Rd. will be eliminated. There will be a common drive between the future #84 and this lot. Utilities will be provided off Boivin Dr. Grading as noted above will be done at the same time for both 74 and 80 Boivin Dr. for easier construction and grading. The Commission discussed wetland boundary markers and the need for a driveway easement over lot 7 (#84 Boivin). After some discussion, the Commission voted to close the hearing and Ms. Ryder will draft an Order of Conditions for review at the July 7th meeting.

Request for Determination of Applicability

Ames St. Brookview/Preserve at Ames - Fairfield Marlborough Limited Partnership

Mark Arnold from Goddard Consulting, the site wetland consultant; Kevin Malley of Fairfield Dev. and John Shipe of Shipe Consulting were present. They explained that there were some minor changes to the plans they wanted to include and get approval from the Commission.

These changes are as follows:

1. Smoking stations are to be added around both buildings in the parking lot as shown on the revised plans. The buildings are non-smoking, so if visitors or smokers rent the units they have a designated smoking area.
2. There is a slight rise in the height of the fence around the detention basin which is very minor.
3. They would like to add a dog park behind the building in Phase 2. 60% of the dog park as shown on the plans will have astro-turf for dogs called "K-9 grass". 40% will be regular grass. They provided a management plan to ensure that dog waste is picked up. They will have 12 places for "poop bag" dispensers and places to throw it away. The area where the dog park is to be located will be regraded and a pipe added to accommodate the runoff from Central Steel (abutter) to ensure drainage is conveyed. The Commission asked if there is any issue with the BOH or "dog waste" contamination to the city's adjacent water supply tributary. Ms. Ryder will ask.

After further discussion, the Commission determined that the dog park was acceptable along with the smoking stations and fence alteration. The Commission voted unanimously 6-0 to issue a negative Determination of Applicability with standard conditions.

Notice of Intent (Continuation)

Boston Post Rd. – Apex Center - Ryan Development LLC

Atty. Arthur Bergeron from Merrick O'Connell along with Kevin Erikson from Ryan Dev. LLC and Joe Peznola from Hancock Associates. Mr. Erikson explained that the owner Mr. Walker could not attend, but extended his gratitude for all the hard work being done by the city to review this project. They want to open the project in September 2017 and any delay will be a problem for them. Chairman Clancy noted that the Commission is enforcing a state law, so DEP would be reviewing this filling too and providing input and a DEP permit number. He noted that he was disappointed in the site walk held on June 9th since the flags were not all there and it was a bit disorganized.

Mr. Peznola explained that he had submitted a letter dated June 7th from Ryan Dev. to modify the Notice of Intent (NOI.) They would like to approach the project in two phases. The first NOI will cover: erosion controls, walls, sedimentation basins and diversion swales, soil management plan, cuts, fills and blasting. Then they will plan to

file another NOI for the rest of the project including drainage, building, pavement and utilities. DEP has asked for the submittal of a modified NOI and narrative as well.

He explained that the work is limited on the 50' buffer zone impact. At the suggestion of MAPC the parking lot was reconfigured, so that the impacts are under 4% of the 50' buffer zone. Mr. Peznola showed an overall site plan broken into sub watershed areas, noted the erosion controls and limit of work. All sub catchment areas have been sized and a temporary detention basin designed to meet the flow. He went through each area and explained the sequence which generally follows this: 1. Install erosion control (compost socks or equivalent), straw wattles, orange construction fence and chain link fence and silt fencing. 2. Cut trees, but no stumping or grubbing 3. Create sedimentation ponds and walls only and remove top soil from these areas and stockpile. 4. Build detention ponds and simultaneously the walls to keep drainage on site. 5. Move dirt around. He detailed sequencing for each of the sub units.

There was a lengthy discussion about construction sequencing and not opening the entire site up at once to avoid washout disaster. The proximity of the sewer line to the retaining wall and the need for the City Engineer to weigh in.

Mr. Matt Heil from Sanborn Head explained the soil management plan. The plan is to manage the first 12" of the top soil where arsenic and lead have been adsorbed. Their testing revealed that the contamination is not below this level. Items that must be controlled during construction are: 1. Dust control – dust monitoring stations will be installed which will text or e-mail site contractors and the LSP's, so that action can be taken immediately. Water from water trucks will be used to keep the dust down. 2. Post development soil cap system. The proposal is to mix the dirty soil with the clean soils to a level acceptable to the Geotech Engineer. Only a layer of clean soil will be placed over these mixed layers. He explained that there is no significant risk on site now. Republic will be the general contractor and he will be well versed in the soil management protocol. 3. Roots will be removed from the site. Soil on the roots will be shaken on site to remove the soil clumped to the roots.

The Commission discussed the need for the following information at the next meeting on June 30th. 1. Soil Management Plan, 2. Plan showing footings for wall, 3. Discuss sewer line relocation. The hearing was continued to the June 30th meeting.

Certificate of Compliance:

- DEP 212-998 714 Farm Rd. – Full - Ms. Ryder has not had a chance to inspect, this item was continued to the next meeting.
- DEP 212-1031 74 Boivin Dr. Ms. Ryder noted that this project had never started. She recommended this permit be closed. It will be replaced by a new Notice of Intent for a slightly

different lot configuration. The Commission voted unanimously 6-0 to issue a Certificate of Compliance.

- DEP 212-680 73 Dean Rd. (Lot 2) – Full – Ms. Ryder noted all work has been completed and the 20' wetland boundary markers installed. The Commission voted unanimously 6-0 to issue a full Certificate of Compliance.

Discussion:

- All Star Auto – 329 Maple St. – Violation follow up - The attorney called before the meeting and asked if this item could be continued to July 7th. This item was continued.

Other Business/Correspondence: The Commission reviewed the following correspondence and voted unanimously to accept and place on file.

- Letter to Olnezedia Custodia DaCruz, dated May 25, 2016 RE: Illegal Storage of Commercial Equipment, Violation of Wetlands Protection Act, 233 South Street – from Pam Wilderman
- Letter from John G. Crowe Associates, Inc. dated June 8, 2016 RE: Pedestrian Safety Improvements and BMP Cleaning, Spring 2016 O & M Inspection Report – Raytheon Co. – Hager Pond Campus.

Meetings – Next Conservation meetings – The Commission agreed to hold the next meetings on June 30th and July 21st. 2016 (Thursdays) since there would not be a quorum on July 7th.

Adjournment: There being no further business, the meeting was adjourned at 9:22 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer *sb*

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

July 21, 2016 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

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CITY OF MARLBOROUGH

2016 SEP 20 P 3:51

Present: Edward Clancy – Chairman, John Skarin, Lawrence Roy, Allan White, and Dennis Demers.
Also present was Priscilla Ryder - Conservation Officer.

Absent: David Williams and Karin Paquin

Public Hearings:

Notice of Intent

187 Cullinane Dr. - Marc Buchan

Mr. Buchan was present and explained that they want to remove the existing house and replace it with a new house that will be 2 stories, it will be 30' from the water's edge as required by zoning. Erosion controls will be installed. He noted and Ms. Ryder reiterated that Thomas DiPersio had done the plans prior to becoming City Engineer, so he would not be reviewing these plans due to a conflict of interest, but others in his office would review them. All excess materials will be removed from the site. There was some discussion about the need for a zoning variance or city council special permit. The owner asked how that process worked. The Commission discussed the house location and how high it was above Ft. Meadow. With proper erosion controls there should be no issue. After some discussion about the zoning issues, the Commission closed the hearing. A draft set of conditions will be drafted for review at the next meeting. The Commission asked that it include some disclaimer that if the zoning decision changes the building substantially and the foot print falls outside that shown on the approved plans, then the owner would need to come back and amend the Order of Conditions. This will be reviewed at the next meeting.

Notices of Intent – reopen public hearing – abutters were not properly notified

74 Boivin Dr. and 176 Farm Rd. – Old South Street Realty

74 Boivin Dr. - Peter Lavoie of Guerriere and Halnon, was present representing Old South Street Realty. He noted that the hearing needed to be reopened, because unfortunately the neighbors were not properly notified. He discussed each lot: 74 Boivin Dr. will be graded as shown on the plans. The 20' no disturbed zone will be marked in the field with the same type of marker found in the field. The new markers will be reflected on the as-built plan as well.

175 Farm Rd. has since been renumbered to 84 Boivin Dr. as required by the City Engineer. The utilities for this lot will come off the cul-de-sac too. The erosion controls and 20' buffer zone markers were discussed. The silt fence line was adjusted to preserve more trees.

After some discussion, the Commission voted to close the hearing.

Draft Orders of Conditions:

- 74 Boivin Dr. and 84 Boivin Dr. (formerly 176 Farm Rd.) – The Commission reviewed the draft Order of Conditions for each of these lots. The Commission voted unanimously 5-0 to issue the draft Orders of Conditions as drafted and amended for 74 Boivin Dr. The Commission voted unanimously 5-0 to issue the draft Order of Conditions as drafted and amended for 84 Boivin Dr.

Certificate of Compliance:

- DEP 212-998 714 Farm Rd. – subdivision Order of Conditions - not all work is complete, this item was continued to the next meeting.

Discussion:

- 329 Maple St. – Violation Notice. Attorney Arthur Bergeron was present. He explained that the owner is interested in selling the property if he can, but wants to know what the Commission will require as mitigation. The Commission discussed. 1) Fence along brook to prevent cars and snow dumping into the brook. 2) storage bins outside of the floodplain. 3) fence across the brook to be removed. 4) There were trees before on adjacent property which have been removed and paved, these should be replaced somehow on the property. By the brook preferably. After some discussion, Attorney Bergeron indicated that they would generate a plan to address these violations. They could provide it at the August 18th meeting.

Other Business/Correspondence:

- Letter from Hatch Mott MacDonald, dated June 30, 2016, RE: Notification of Pipeline Maintenance Activities, Tennessee Gas Pipeline Co. – 200-2 Line and Fitchburg Lateral City of Marlborough, Middlesex County, Mass.

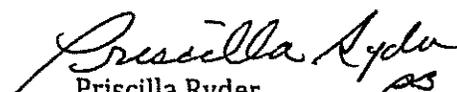
Project updates:

- Sudbury St. sewer project – Chairman Clancy indicated that he'd checked the erosion controls while Ms. Ryder was away and it was not properly keyed into the ground. This will need to be re-inspected.

Meetings – Next Conservation meetings – August 4th and August 18th, 2016 (Thursdays)

Adjournment - There being no further business, the meeting was adjourned at 7:54 PM

Respectfully submitted,


Priscilla Ryder
Conservation Officer

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

September 1, 2016 (Thursday)

**Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM**

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CITY OF MARLBOROUGH

2016 SEP 20 P 3:50

Present: Edward Clancy- Chairman, John Skarin, Lawrence Roy, Allan White, and Karin Paquin. Also present was Priscilla Ryder-Conservation Officer

Absent: David Williams and Dennis Demers

Approval of Minutes – The minutes of June 30th and August 4th, 2016 were reviewed and unanimously 5-0, approved

Public Hearings:

Amended Notices of Intent (Continuation)

Slocumb Ln. – Slocumb Realty LLC - #69, 79, 78 and 90

Peter Lavoie of Guerriere and Halnon and Alex Gow project manager for Fafard Real Estate Dev. were both present. Mr. Lavoie explained what is on site today. The silt fence falls at the 100' buffer zone. The fill that was brought in has stayed within this silt fence line. The amount of fill is what they need to construct the slopes for the house lots. Chairman Clancy noted that the piles are huge. Mr. Gow explained that they have finally paved the roadway, the majority of the fill does fall on #90 Slocumb. They did loam the three large piles and will add some seed this week. He explained that the amount of soil added is being contained. Mr. Lavoie showed a plan with the toe of slope located 40' from the wetland boundary. The lots slopes on this revised plan are blended together and not scalloped as previously approved. Chairman Clancy asked why they needed to extend the slopes closer to the wetland when they already had approved house lots for these 4 lots. Why are they seeking an amendment? Mr. Gow explained that the yards are too small and they have not been able to sell the lots with this smaller yards. Therefore, they are asking for an amendment to change the grading on the lots to allow for a better yard and blend the yards together which also helps to make them bigger. Mr. Lavoie explained that it will also be easier to build the lots and compact them with the lots blended together. After some discussion and concern that they are pushing the lots closer to the wetland, the Commission decided that they would allow for the slope to be 50' away from the wetland on all lots except #90 which is already further away. The Commission asked Mr. Lavoie and Mr. Gow if they could revise the plans to meet this new requirement. After some discussion, they agreed to come back to the next meeting with a grading plan showing fill at least 50' away from the wetland. The Commission continued the hearing to the September 15th meeting and asked Ms. Ryder to draft amended conditions for review at that meeting as well.

Notice of Intent

Boston Post Rd. – Apex Center Phase 2 – Site Construction–Walker Realty LLC

Mr. Joe Peznola of Hancock Associates, Mr. Kevin Erikson and Mr. Robert Walker of Walker Realty LLC, Doug Vigneau of VHB, and Joe Trolla of Walker Realty, Vinny Farise of ETL and Steve Dowaliby of SAK Environmental were all present. Mr. Peznola noted that at the last meeting two items remained. Questions about the culvert velocity at Rte. 20 and review of the drainage calculations by the City Engineer.

A culvert analysis was performed that compared the existing pipe slope and velocity and the anticipated velocity and provided them to Tom DiPersio for review. Mr. DiPersio has reviewed these calculations and has concurred that the new design is acceptable.

Regarding the drainage issue, they have revised the plans to meet Tom DiPersio's comments. All the infiltration chambers will be the same type as shown on the plans. The treatment system is the isolator rows which will remove 84% of the Total Suspended Solids (TSS). There was a question as to whether the chambers will be able to stand the weight of the crane. Although they can, the crane will be placed on the opposite side of the building so this won't be an issue.

All buildings will be on fill which will be built on compacted lifts. The infiltration systems will be put in place after the foundations are in place and all compacted soils under the buildings will be removed to allow for infiltration.

Chairman Clancy read the note from DEP on the Notification of Wetland Protection Act File Number provided today 9-1-2016. The note indicates that BMP's are located within Zone A of the public drinking water supply which are prohibited in the Mass. Stormwater Handbook. And then need to demonstrate that recharge chambers will drain within 6-72 hours. Mr. Peznola asked to address these comments and noted that there are Drinking Water Regulations in Zone A which list prohibitions. He reviewed 310 CMR 10 and the 2008 Stormwater Handbook and 310 CMR 10.105 6.K. standards referenced. It is his opinion that the Standard #6 of the Stormwater regulations is being met by their design. He is of the opinion that the BMP's provided on their plans does benefit the city's water supply and therefore, argument can be made that this meets the wetland regulatory requirements. Mr. Clancy stated that Ms. Ryder and Mr. DiPersio should meet with DEP to clarify what is required. Anything DEP requires the Commission will likely require.

Chairman Clancy asked if the earth moving contractor under the previous order DEP 212-1177 has been hired. Mr. Ryan said yes Vinny Farise from ET & L was present to discuss the issues. Mr. Clancy noted that condition #32 of the order requires the contractor to address several issues to the Commission. Mr. Farise explained his company is familiar with the soil type in Marlborough. They will constantly keep an eye on the weather and someone on site will always be in charge of checking before and after each rain event. They will likely have 2-3 crews working on walls and

drainage throughout the site. They are a big operation and have water trucks and can have two working constantly to control dust. They also have a sweeper and will keep all the roads clean. They are aware of the soil contamination, although he hasn't read the report, but one of his workers has and is well aware of the health and control issues that are on site.

Steve Dowaliby from SAK Environmental, the city's LSP, asked if he was aware of the air monitoring program and notification details. Mr. Farise again said one of his workers has reviewed it and they will follow whatever protocol has been laid out by the LSP and notification etc.

Mr. Peznola explained that at this stage, they do not have a detailed landscaping plan, but agreed that it would be submitted to the Commission before the planting season next spring (2017) This can be conditioned. Ms. Ryder noted that the neighborhood should be notified since there are quite a few who are interested in weighing in on the landscape plans on the Glen St. side.

Chairman Clancy asked the audience if there were any questions, no one had comments or questions.

After further discussion about the need to discuss the drainage with DEP, the Commission contemplated leaving the hearing open and having Ms. Ryder draft conditions for the next meeting. This would allow new information to be submitted if needed. Mr. Ryan and Mr. Peznola both asked that the hearing be closed and that they will be able to address the DEP issues. The Commission, at the applicant's request, closed the hearing and asked Ms. Ryder to draft conditions for the next meeting.

Draft Orders of Conditions:

- 187 Cullinane Dr. – (DEP 212-1180) - remove and replace existing house. The Commission reviewed the draft Order of Conditions and voted unanimously 5-0 to accept the conditions as written.

Certificate of Compliance:

- DEP 212-1124 93 Framingham Rd. (Walker Brook Estates) 5 Allis Rd. (Lot 5) – Partial Certificate. Ms. Ryder noted that this is the subdivision Order of Conditions and includes Lot 5 which is outside of wetland jurisdiction, but is stable. The Commission voted unanimously 5-0 to issue a partial Certificate of Compliance for lot 5.

Extension Permit:

- DEP 212-949 Ft. Meadow drawdown – 2 yr. extension (Hudson is good till 8/26/2018) Ms. Ryder noted that this Order of Conditions will expire this year. She recommended a two-year extension. The Commission voted unanimously 5-0 to issue a two year extension on this permit.

Discussion:

- Goodale Estates definitive subdivision plan - Ms. Ryder showed the Commission the definitive subdivision plans which follows the concept plan presented a few months ago.
- Mauro Farm – Open Space - The project is almost completed. The Planning Board is looking to determine who and how the open space parcels should be transferred. The consensus is these parcels should be Conservation Land.
- Ft. Meadow Reservoir drawdown – Hudson Conservation and Ft. Meadow Commission voted not to have a drawdown this winter.

Other Business/Correspondence:

- 329 Maple St. – Violation letter – at the request of the owner by phone call this was continued to the Sept. 15th meeting.
- Fall Conference 2016 – Managing Mass. Forests – Oct. 29, 2016 (Saturday), 9am-4pm Holyoke Community College. This item was accepted and placed on file.

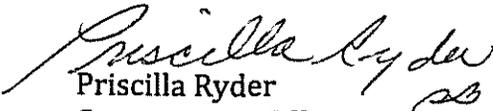
Project updates:

- Hudson St. (Howe's Landing) - There was some silty discharge onto Hudson St. during the last rain event, that was cleaned up quickly by the contractor. Mr. Clancy noted that he inspected the erosion controls while Ms. Ryder was out and they were in the right place, but not yet completed.

Meetings – Next Conservation meetings – Sept. 15th and Oct. 6, 2016 (Thursdays)

Adjournment - There being no further business, the meeting was adjourned at 8:57 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer

CITY OF MARLBOROUGH MEETING MINUTES

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2016 SEP 22 A 10:22

Meeting: Council on Aging Board of Directors Meeting

Date: Tuesday, June 14, 2016

Time: 8:30 AM

Location: Senior Center, 40 New Street, Conference Room

ATTENDANCE: *Leslie Biggar, Jim Confrey, Brenda Costa, Richard Cygan, Marie Elwood, Jeanne McGeough, Trish Pope*

Excused: *Richard Collins, Pat Gallier, Judith Kane*

- I. CALL TO ORDER at 8:30 a.m.
- II. APPROVAL OF May 10, 2016 MINUTES
- III. DIRECTOR'S UPDATE – Trish Pope, Director

Trish reported that the Cummings grant has been received.

Camp Marlborough will be held on Fridays this summer in the park adjacent to the senior center. During inclement weather, the camp will use the center's big room for campers to view movies.

Furniture is being purchased for senior center's patio.

The senior center building is available for rent by the community for events.

Exercise sign up will be held in July.

The city's veteran's agent is moving to an office at the senior center.

There are a few summer events planned at the senior center, including two dances.

IV. BOARD UPDATES

A. BAYPATH ELDER SERVICES UPDATE – Brenda Costa

Marlborough COA representatives to the BayPath Board were discussed. Brenda Costa will report to Jim Confrey on whether or not new representatives are needed for the coming fiscal year 2016-1017.

B. TRANSPORTATION REPORT – Jeanne McGeough

There were 120 trips in May: A total of 70 were to Senior Center, which is a significant increase.

V. NEW/OLD BUSINESS

A. DISCUSS SENIOR CENTER ISSUES AND HAPPENINGS

There was nothing new to bring before the board at this time.

B. DISCUSS BOARD RE-APPOINTMENTS

There has been no movement on re-appointments since the last board meeting.

VI. MEETING ADJOURNED AT 9:08 a.m.

The next board meeting is Tuesday, September 13, 2016 at 8:30 a.m. in the conference room at the Senior Center, 40 New Street, Marlborough, MA.

Respectfully Submitted,

Brenda Costa, Secretary