

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 JAN 24 P 1:15

1. Minutes, City Council Meeting, January 7, 2019.
2. From City Council President Clancy – City Council Regular Meeting Schedule and City Council Committee Assignments for Legislative Year 2019.
3. Communication from the Mayor, re: Veto of Council Orders 17/18/19-1007034D, 18/19-1007321C & 18/19-1007322C, relative to Petitions of AT&T to place small cell sites on utility poles at various locations in the city.
4. Communication from the Mayor, re: Police Department transfer request in the amount of \$62,800.00 which moves funds from Reserved for Salaries account to Sick Leave Buy Back account to fund the sick leave retirement benefit of a retired Police Officer.
5. Communication from the Mayor, re: Police Department transfer request in the amount of \$11,000.00 which moves funds from Educational Incentive account to Initial Equipment account to pay for the initial equipment and clothing for new officers.
6. Communication from the Mayor, re: Gift Acceptance in the amount of \$100.00 from John & Margaret Dowling to the Police Department to be used for service awards to Police Officers.
7. Communication from the Mayor, re: Reappointment of Patricia Pope as Executive Director of the Council on Aging for a three-year term to expire from date of City Council approval.
8. From Councilor Delano, Chairman of the Urban Affairs Committee, Extension of Time until 10:00 PM on April 9, 2019 for action on Application for Special Permit from Avalon Marlborough II, Luxury Apartment Community located on a portion of 200 Forest Street within the Results Way Mixed Use Overlay District (RWMUOD), to increase the number of units from 350 to 473 (123 units), Order No. 18-1007314D. (Motion in order to approve the extension of time until April 9, 2019).
9. Communication from City Clerk, Lisa Thomas, re: Notice of her resignation/retirement effective March 18, 2019.
10. Communication from City Solicitor, Donald Rider, re: Request for Executive Session to discuss litigation strategy involving a property off Williams Street.
11. Communication from City Solicitor, Donald Rider, re: Cider Mill Estates Subdivision – Acceptance of Goodwin Street and McDermot Way as Public Ways.
12. Communication from Community Development Director, Douglas Bushman, re: Notice to the Council of his resignation as Executive Director effective January 10, 2019.
13. Communication from the Planning Board, re: Favorable Recommendation of Walker Brook Estates Subdivision, Acceptance of Allis Road and Bemis Road as Public Ways, Order No. 18-1007499.
14. Communication from the Planning Board, re: Favorable recommendation of Proposed Zoning Amendment, Section 650 §12 & §58 relative to Lawful Pre-Existing Nonconforming Single and Two-Family Residential Structures, Order No. 18-1007460A.

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

15. Communication from Attorney Kevin Eriksen of Walker Realty LLC, re: Apex Center – Revised Open Space Covenant, Order No. 16/17/18/19-1006443.
16. Communication from Attorney Douglas Rowe, re: Clarification as to ownership of real estate located at 57 Main Street and permitting authorization granted to TOTG, LLC, Order No. 18-1007424B.
17. Communication from Attorney Mark Bourbeau on behalf of Marlborough HUB LLC, re: Rezoning land off Valley Street.
18. Communication from Attorney Arthur Bergeron on behalf of Post Road Residential LLC, re: Proposed Zoning Amendment – Executive Residential Overlay District.
19. Communication from MA State Lottery Commission, re: Keno to Go, Marlboro Smoke Shop, 170 Pleasant Street.
20. Minutes, School Committee, November 27, 2018, December 11, 2018 & January 8, 2019.
21. Minutes, Council on Aging, December 11, 2018.
22. Minutes, Conservation Commission, November 1, 2018 & December 6, 2018.
23. Minutes, Planning Board, December 17, 2018.
24. Minutes, Zoning Board of Appeals, December 19, 2018.
25. CLAIMS:
 - a) Judith Graff, 52 Dudley Road, Berlin, other property damage and/or personal injury.
 - b) Robert Miller, 163 Kings Grant Road, pothole or other road defect.
 - c) Philip Raymond, 43 Chase Road, residential mailbox claim (2a).

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 JAN 24 A 7 45

**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

JANUARY 7, 2019

Regular meeting of the City Council held on Monday, January 7, 2019 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Delano, Juaire, Oram, Ossing, Robey, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 8:47 PM.

City Council President Clancy recognized the four new Police Officers (Nicolas Evangelous, Jeffrey Hernandez, Mark Ney & Brady Schartner) who recently joined the Police Department.

ORDERED:

ORGANIZATIONAL MEETING

Councilor Clancy called the meeting to order at 8:00 PM. The City Council President called for the Election of the City Council President Pro-Tem for the Year 2019. Councilor Ossing nominated Councilor Robey as President Pro-Tem. Councilor Delano seconded the motion for nomination of Councilor Robey as President Pro-Tem. Council President Clancy closed nominations and Councilor Delano seconded, for President Pro-Tem as there were no further nominations. Councilor Robey received eleven votes for President Pro-Tem. Yea – Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juaire, Ossing, Oram, & Robey.

Councilor Robey called for the Election of the City Council President of the Marlborough City Council for the Year 2019. Councilor Ossing nominated Councilor Clancy as President. Councilor Oram seconded the motion for nomination of Councilor Clancy as President. Councilor Delano moved to close nominations for President as there were no further nominations. Councilor Clancy received eleven votes for President. Yea – Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juaire, Ossing, Oram, & Robey.

President Clancy called for the Election of the City Council Vice-President of the Marlborough City Council for the Year 2019. Councilor Ossing nominated Councilor Delano as Vice-President. Councilor Tunnera seconded the motion for nomination of Councilor Delano as Vice-President. President Clancy closed nominations and Councilor Ossing seconded, for City Council Vice President as there were no further nominations. Councilor Delano received eleven votes for Vice-President. Yea – Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juaire, Ossing, Oram, & Robey.

President Clancy declared that the next meeting of the City Council will be Monday, January 28, 2019. Motion made by President Clancy and seconded by Council Ossing that the City Council accept the Rules from Year 2018 and carry over to Year 2019, **APPROVED**; adopted.

ORDERED: That the Minutes of the City Council meeting DECEMBER 17, 2018, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, FEBRUARY 25, 2019** as **DATE TO RESCHEDULE PUBLIC HEARING** On the Application for Special Permit from Attorney Sem Aykanian to modify existing Special Permit issued to Main Street Bank, 81 Granger Boulevard on June 22, 2009, Order No. 09-1002152C, to modify permit to allow for an electronic digital display (electronic message board) sign, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

Councilor Delano recused.

President Clancy called a recess at 8:13 PM and returned to open meeting at 8:17 PM.

ORDERED: That there being no objection thereto set **MONDAY, FEBRUARY 25, 2019** as **DATE TO RESCHEDULE PUBLIC HEARING** On the Application for Sign Special Permit, Main Street Bank, 81 Granger Boulevard Marlborough to operate an electronic message center sign at its bank located at 81 Granger Boulevard, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

Councilor Delano recused.

Suspension of the Rules requested – Motion by Councilor Ossing to move up agenda item #26 – granted.

ORDERED:

LIBRARY CONSTRUCTION BOND

That the City of Marlborough, Massachusetts (“the City”) appropriate the amount of \$23,780,902.00 (twenty-three million seven hundred eighty thousand nine hundred and two dollars) for the purpose of paying the costs of the renovation and construction project at the Marlborough Public Library located at 35 West Main Street. Costs shall include, but are not limited to, demolition, landscaping, paving, utility, and other site improvements incidental or directly related to such construction, renovation and expansion; architectural, engineering or other professional and legal expenses and fees associated with this project; temporary library operational space, storage and moving expenses; furnishings and equipment; and all other costs incidental or related to the Marlborough Public Library building.

To meet this appropriation, the Comptroller/Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, as amended and supplemented, or pursuant to any other enabling authority, and that the Mayor is authorized to contract for and expend any grants, aid, or gifts available for this project; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.

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

APPROVED; adopted.

Yea: 11 – Nay: 0

Yea: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Oram, Ossing & Robey.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** Executive Office of Elder Affairs (EOEA) grant in the amount of \$80,436.00 awarded to the Council on Aging which will be enhance the quality of life for the older population; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** Donation to K-9 Account grant in the amount of \$7,521.27 awarded to the Police Department to support Kaiser and Sargent Ken McKenzie; adopted.

ORDERED: That the Appointment of Brendan Downey to the Marlborough Historical Commission for a term to expire three years from date of confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

Suspension of the Rules requested – Motion by Councilor Doucette to accept the communication from Solicitor Rider and to substitute the modified conditions submitted for those that were included in the Council packet for the AT&T petitions – granted.

ORDERED: That the City Council for the City of Marlborough, pursuant to M.G.L. c. 166, § 22, does hereby approve the petition of New Cingular Wireless PCS, LLC (“AT&T”) dated August 9, 2017, filed with the City Clerk on September 21, 2017, to grant a location on an existing utility pole located at 319 East Main Street in Marlborough, which pole is designated as National Grid pole #35-84, in order for AT&T to deploy a small cell facility thereon by constructing and maintaining telecommunications wires and appurtenances, including a pole top antenna, equipment cabinet, circuit breaker box, electric meter main, related wiring, fiber optic cable, and conduit (the “Small Cell Facility”), all as depicted on plans submitted with AT&T’s petition and in photo simulations submitted to the City Council’s Wireless Communications Committee, which plans and photo simulations are incorporated;

subject, however, to the following conditions, which conditions shall be binding upon AT&T, its successors and/or assigns:

1. The Small Cell Facility shall be of such material and construction, and all work shall be done in such manner, as to be satisfactory to the City Council and the Engineering Division of the City’s Department of Public Works (the “City Engineering Division”).
2. AT&T shall indemnify and hold harmless the City against all damages, injuries, costs, expenses, and any and all claims, demands and liabilities whatsoever of every name and nature, both in law and equity, allegedly caused by the acts or neglect of AT&T, its employees, agents and servants, in any manner arising out of the rights and privileges granted herein to AT&T for its Small Cell Facility.
3. AT&T shall comply with the requirements of existing City ordinances, including but not limited to Chapter 473 thereof, entitled “Poles, Wires and Conduits,” as may be applicable, and such requirements as may hereafter be adopted governing the construction and maintenance of the Small Cell Facility.

4. AT&T shall not install its Small Cell Facility on double poles. If National Grid pole #35-84 becomes a double pole in the future, AT&T shall remove its Small Cell Facility to a single pole as expeditiously as possible within the guidelines then prescribed by National Grid, but in any event no later than December 31 of the year in which National Grid pole #35-84 becomes a double pole; provided, however, that if AT&T is unable to comply with the December 31 deadline for reasons fairly attributable to National Grid, AT&T shall submit to the City Council a letter, to be received by the City Council prior to such deadline, requesting that the Council extend the deadline to a specified date in the subsequent year and providing good cause in support of such request.
5. All cutting of and/or digging into City streets and/or sidewalks by or on behalf of AT&T in conjunction with its Small Cell Facility is prohibited, as is all underground installation associated with the Small Cell Facility; provided, however, that the grounding rod proposed to be installed as part of the Small Cell Facility is permitted as long as 1) AT&T installs the rod immediately adjacent to National Grid pole #35-84 so as to cause minimal disturbance to the surface of the street or sidewalk, and 2) AT&T restores the street or sidewalk surface to its pre-disturbance condition to the satisfaction of the City Engineering Division.
6. The Small Cell Facility shall be color-coordinated so as to best minimize the visual impact of the Facility.
7. The Small Cell Facility's equipment cabinet, circuit breaker box, and electric meter main shall be mounted on the side of National Grid pole #35-84 facing away from the roadway.
8. Any future modification of the Small Cell Facility by AT&T shall require further City Council approval.
9. Any future road reconstruction or repair project by the City and/or the Commonwealth requiring the relocation of National Grid pole #35-84 shall result in AT&T's moving their Small Cell Facility to another pole in a timely fashion after having been notified by the City Engineering Division about the road project; provided, however, that any such relocation shall require further City Council approval.
10. Prior to the commencement of construction and/or installation of the Small Cell Facility, AT&T shall provide the City Engineering Division with a written construction and/or installation schedule satisfactory to the Division.

11. Prior to the commencement of construction and/or installation of the Small Cell Facility, AT&T shall provide the City's Chief Procurement Officer (the "City CPO") with a bond from a surety authorized to do business in Massachusetts and satisfactory to the City CPO in an amount equal to the cost of removal of the Small Cell Facility from National Grid pole #35-84 and for the repair and/or restoration of the public way, in the vicinity of National Grid pole #35-84, to the condition the public way was in as of the date of this order, said amount to be determined by the City Engineering Division. The amount of the bond shall be the total of the estimate by the Division plus an annual increase of 3% for the operating life of the Small Cell Facility. AT&T shall notify the City CPO and the Division of any cancellation of, or change in the terms or conditions in, the bond.
12. Failure by AT&T to comply with any of the above conditions to the satisfaction of the City Council or, as applicable, the City Engineering Division or the City CPO shall result in the City Council's review of AT&T's petition granted herein.

APPROVED; adopted.

Yea: 11 – Nay: 0

Yea: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Oram, Ossing & Robey.

ORDERED: That the City Council for the City of Marlborough, pursuant to M.G.L. c. 166, § 22, does hereby approve the undated petition of New Cingular Wireless PCS, LLC ("AT&T"), filed with the City Clerk on June 13, 2018, to grant a location on an existing utility pole located on Francis Street at or near its intersection with East Main Street in Marlborough, which pole is designated as National Grid pole #11-50, in order for AT&T to deploy a small cell facility thereon by constructing and maintaining telecommunications wires and appurtenances, including a pole top antenna, equipment cabinet, circuit breaker box, electric meter main, related wiring, fiber optic cable, and conduit (the "Small Cell Facility"), all as depicted on plans submitted with AT&T's petition and in photo simulations submitted to the City Council's Wireless Communications Committee, which plans and photo simulations are incorporated;

subject, however, to the following conditions, which conditions shall be binding upon AT&T, its successors and/or assigns:

1. The Small Cell Facility shall be of such material and construction, and all work shall be done in such manner, as to be satisfactory to the City Council and the Engineering Division of the City's Department of Public Works (the "City Engineering Division").
2. AT&T shall indemnify and hold harmless the City against all damages, injuries, costs, expenses, and any and all claims, demands and liabilities whatsoever of every name and nature, both in law and equity, allegedly caused by the acts or neglect of AT&T, its employees, agents and servants, in any manner arising out of the rights and privileges granted herein to AT&T for its Small Cell Facility.

3. AT&T shall comply with the requirements of existing City ordinances, including but not limited to Chapter 473 thereof, entitled "Poles, Wires and Conduits," as may be applicable, and such requirements as may hereafter be adopted governing the construction and maintenance of the Small Cell Facility.
4. AT&T shall not install its Small Cell Facility on double poles. If National Grid pole #11-50 becomes a double pole in the future, AT&T shall remove its Small Cell Facility to a single pole as expeditiously as possible within the guidelines then prescribed by National Grid, but in any event no later than December 31 of the year in which National Grid pole #11-50 becomes a double pole; provided, however, that if AT&T is unable to comply with the December 31 deadline for reasons fairly attributable to National Grid, AT&T shall submit to the City Council a letter, to be received by the City Council prior to such deadline, requesting that the Council extend the deadline to a specified date in the subsequent year and providing good cause in support of such request.
5. All cutting of and/or digging into City streets and/or sidewalks by or on behalf of AT&T in conjunction with its Small Cell Facility is prohibited, as is all underground installation associated with the Small Cell Facility; provided, however, that the grounding rod proposed to be installed as part of the Small Cell Facility is permitted as long as 1) AT&T installs the rod immediately adjacent to National Grid pole #11-50 so as to cause minimal disturbance to the surface of the street or sidewalk, and 2) AT&T restores the street or sidewalk surface to its pre-disturbance condition to the satisfaction of the City Engineering Division.
6. The Small Cell Facility shall be color-coordinated so as to best minimize the visual impact of the Facility.
7. The Small Cell Facility's equipment cabinet, circuit breaker box, and electric meter main shall be mounted on the side of National Grid pole #11-50 facing away from the roadway.
8. Any future modification of the Small Cell Facility by AT&T shall require further City Council approval.
9. Any future road reconstruction or repair project by the City and/or the Commonwealth requiring the relocation of National Grid pole #11-50 shall result in AT&T's moving their Small Cell Facility to another pole in a timely fashion after having been notified by the City Engineering Division about the road project; provided, however, that any such relocation shall require further City Council approval.
10. Prior to the commencement of construction and/or installation of the Small Cell Facility, AT&T shall provide the City Engineering Division with a written construction and/or installation schedule satisfactory to the Division.

11. Prior to the commencement of construction and/or installation of the Small Cell Facility, AT&T shall provide the City's Chief Procurement Officer (the "City CPO") with a bond from a surety authorized to do business in Massachusetts and satisfactory to the City CPO in an amount equal to the cost of removal of the Small Cell Facility from National Grid pole #11-50 and for the repair and/or restoration of the public way, in the vicinity of National Grid pole #11-50, to the condition the public way was in as of the date of this order, said amount to be determined by the City Engineering Division. The amount of the bond shall be the total of the estimate by the Division plus an annual increase of 3% for the operating life of the Small Cell Facility. AT&T shall notify the City CPO and the Division of any cancellation of, or change in the terms or conditions in, the bond.
12. Failure by AT&T to comply with any of the above conditions to the satisfaction of the City Council or, as applicable, the City Engineering Division or the City CPO shall result in the City Council's review of AT&T's petition granted herein.

APPROVED; adopted.

Yea: 11 – Nay: 0

Yea: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Oram, Ossing & Robey.

ORDERED: That the City Council for the City of Marlborough, pursuant to M.G.L. c. 166, § 22, does hereby approve the undated petition of New Cingular Wireless PCS, LLC ("AT&T"), filed with the City Clerk on June 13, 2018, to grant a location on an existing utility pole located at 10 Neil Street in Marlborough, which pole is designated as National Grid pole #1, in order for AT&T to deploy a small cell facility thereon by constructing and maintaining telecommunications wires and appurtenances, including a pole top antenna, equipment cabinet, circuit breaker box, electric meter main, related wiring, fiber optic cable, and conduit (the "Small Cell Facility"), all as depicted on plans submitted with AT&T's petition and in photo simulations submitted to the City Council's Wireless Communications Committee, which plans and photo simulations are incorporated;

subject, however, to the following conditions, which conditions shall be binding upon AT&T, its successors and/or assigns:

1. The Small Cell Facility shall be of such material and construction, and all work shall be done in such manner, as to be satisfactory to the City Council and the Engineering Division of the City's Department of Public Works (the "City Engineering Division").
2. AT&T shall indemnify and hold harmless the City against all damages, injuries, costs, expenses, and any and all claims, demands and liabilities whatsoever of every name and nature, both in law and equity, allegedly caused by the acts or neglect of AT&T, its employees, agents and servants, in any manner arising out of the rights and privileges granted herein to AT&T for its Small Cell Facility.
3. AT&T shall comply with the requirements of existing City ordinances, including but not limited to Chapter 473 thereof, entitled "Poles, Wires and Conduits," as may be applicable, and such requirements as may hereafter be adopted governing the construction and maintenance of the Small Cell Facility.

4. AT&T shall not install its Small Cell Facility on National Grid pole #1 unless and until the double poles at that location as of the date of this order have been eliminated. If, after National Grid pole #1 becomes a single pole, it again becomes a double pole in the future, AT&T shall remove its Small Cell Facility to a single pole as expeditiously as possible within the guidelines then prescribed by National Grid, but in any event no later than December 31 of the year in which National Grid pole #1 becomes a double pole; provided, however, that if AT&T is unable to comply with the December 31 deadline for reasons fairly attributable to National Grid, AT&T shall submit to the City Council a letter, to be received by the City Council prior to such deadline, requesting that the Council extend the deadline to a specified date in the subsequent year and providing good cause in support of such request.
5. All cutting of and/or digging into City streets and/or sidewalks by or on behalf of AT&T in conjunction with its Small Cell Facility is prohibited, as is all underground installation associated with the Small Cell Facility; provided, however, that the grounding rod proposed to be installed as part of the Small Cell Facility is permitted as long as 1) AT&T installs the rod immediately adjacent to National Grid pole #1 so as to cause minimal disturbance to the surface of the street or sidewalk, and 2) AT&T restores the street or sidewalk surface to its pre-disturbance condition to the satisfaction of the City Engineering Division.
6. The Small Cell Facility shall be color-coordinated so as to best minimize the visual impact of the Facility.
7. The Small Cell Facility's equipment cabinet, circuit breaker box, and electric meter main shall be mounted on the side of National Grid pole #1 facing away from the roadway.
8. Any future modification of the Small Cell Facility by AT&T shall require further City Council approval.
9. Any future road reconstruction or repair project by the City and/or the Commonwealth requiring the relocation of National Grid pole #1 shall result in AT&T's moving their Small Cell Facility to another pole in a timely fashion after having been notified by the City Engineering Division about the road project; provided, however, that any such
10. Prior to the commencement of construction and/or installation of the Small Cell Facility, AT&T shall provide the City Engineering Division with a written construction and/or installation schedule satisfactory to the Division.

11. Prior to the commencement of construction and/or installation of the Small Cell Facility, AT&T shall provide the City's Chief Procurement Officer (the "City CPO") with a bond from a surety authorized to do business in Massachusetts and satisfactory to the City CPO in an amount equal to the cost of removal of the Small Cell Facility from National Grid pole #1 and for the repair and/or restoration of the public way, in the vicinity of National Grid pole #1, to the condition the public way was in as of the date of this order, said amount to be determined by the City Engineering Division. The amount of the bond shall be the total of the estimate by the Division plus an annual increase of 3% for the operating life of the Small Cell Facility. AT&T shall notify the City CPO and the Division of any cancellation of, or change in the terms or conditions in, the bond.
12. Failure by AT&T to comply with any of the above conditions to the satisfaction of the City Council or, as applicable, the City Engineering Division or the City CPO shall result in the City Council's review of AT&T's petition granted herein.

APPROVED; adopted.

Yea: 11 – Nay: 0

Yea: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Oram, Ossing & Robey.

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore Griffin, re: Proposed Amendment to Chapter 270-8.1 In Building Fire Department and Police Department Radio Coverage in proper legal form, Order No. 18-1007481A, **MOVED TO ITEM #23**; adopted.

ORDERED: That the Communication from Code Enforcement Officer, Pamela Wilderman, re: Application for a temporary, freestanding sign for Ventura X at 11 Apex Drive, along with the approval from Walker Realty LLC, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, FEBRUARY 25, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Marc Buchan to raze an existing one story single family residence and build a new two story single family residence on the same existing foundation footprint, 180 Cullinane Drive, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

ORDERED: That the Application for Livery License from Bismark Ohemeng d/b/a West Royal Car Service, 33 Paris Street, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Massachusetts Electric Company and Nantucket Electric Company, d/b/a National Grid re: Notice of Filing, Public Hearings and Procedural Conference, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, November 28, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, October 9, 2018 & November 13, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, November 27, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Retirement Board, November 27, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, December 3, 2018, **FILE**; adopted.

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

- a) Vanessa DeMasi, 10 Davis Street, Belmont, pothole or other road defect.
- b) Robert Gustafson, 134 Glen Street, other property damage and/or personal injury.
- c) Rosa Ruiz, 1 Winter Street, #1, pothole or other road defect.

Reports of Committees:

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

Meeting Name: City Council Urban Affairs Committee

Date: January 3, 2018

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

Convened: 5:30 PM – Adjourned: 5:45 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juare, Landers, and Doucette; Councilors Clancy, Irish (arrived 5:41 PM), and Ossing; Donald Rider (City Solicitor, City of Marlborough); Melynda and J.P. Gallagher (Lost Shoe Brewing and Roasting Company)

Absent: Urban Affairs Committee Member Councilor Tunnera

Order No. 18-1007462: Application for Special Permit from Melynda Gallagher on behalf of Lost Shoe Brewing and Roasting Company to allow for coffee roasting at their establishment within the Marlborough Village District, 19 Weed Street. The Urban Affairs Committee met with Melynda Gallagher and J.P. Gallagher of Lost Shoe Brewing and Roasting Company for a review of their special permit application to allow for coffee roasting at their location. Chairman Delano read through the special permit conditions listed below and any changes are noted.

1. Signage
2. Compliance with Local, State and Federal Laws
3. Public Peace and Good Order
4. Parking
5. Hours of Operation: The hours of operation of the Facility, in conjunction with the on-Site taproom and on-Site production brewery, shall not be earlier than 5:00 AM nor later than 1:00 AM on any day, subject to the approval of the Marlborough License Board. ~~If the Ward Councilor, Chief of Police or other Councilor has not heard of any complaints in a year's time, then the hours of operation can remain the same.~~

Motion made by Councilor Landers, seconded by the Chair, to strike the second sentence of special permit condition 5. Hours of Operation. The motion carried 4-0.

Reports of Committee Continued:

6. Limits of Use
7. Food Preparation
8. Certificate of Occupancy Required
9. No Expansion of Use Area or Change in Area Configuration
10. Subsequent Users
11. Required Approval Regarding Sanitary Conditions
12. Nuisance Odors: Nuisance odors emanating from this location as a result of the coffee roasting process shall not be allowed. If it is determined by the City Council or their designee that a nuisance odor is being generated, the roasting process must cease until said process can be conducted **without** creating nuisance odors.

Motion made by Councilor Juaire, seconded by the Chair, to include the above condition regarding nuisance odors. The motion carried 4-0.

The City Solicitor will place in legal form, if necessary.

The City Solicitor will also amend condition 5. Hours of Operation as requested by the Urban Affairs Committee. The City Solicitor was requested to make the changes and provide an updated Special Permit Decision, in proper legal form, to be presented to the City Council prior to the Monday, January 7, 2019 City Council meeting. The Urban Affairs Committee will make its report and recommend approval of the permit under a suspension of the rules at the January 7th meeting.

Motion made by Councilor Juaire, seconded by the Chair, to approve the special permit as amended. The motion carried 4-0.

Motion made by Councilor Juaire, seconded by the Chair, to request a suspension of the rules at the January 7, 2019 City Council meeting to vote on the Special Permit application of Lost Shoe Brewing and Roasting Company. The motion carried 4-0.

Motion made and seconded to adjourn. The motion carried 4-0. The meeting adjourned at 5:45 PM.

Suspension of the Rules requested – granted

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Special Permit for Lost Shoe Brewing and Roasting Company, to allow for coffee roasting at their establishment within the Marlborough Village District, 19 Weed Street in proper legal form, Order No. 18/19-1007462A, **FILE**; adopted.

ORDERED:

**DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO. 18/19-1007462**

The City Council of the City of Marlborough hereby **GRANTS** the application for a Special Permit to Lost Shoe Brewing and Roasting Company, LLC (hereinafter “Applicant Tenant”), as provided in this Decision and subject to the following Findings of Facts and Conditions:

FINDINGS OF FACTS AND CONDITIONS

1. The landlord is Downtown Marlborough, LLC, a duly organized and existing Limited Liability Company established under the laws of the state of Massachusetts with its principal place of business located at 63 Court Street, Boston, MA 02108.
2. Applicant Tenant is a duly organized and existing Massachusetts Limited Liability Company with its principal place of business at Ashcroft Law Firm, LLC, 200 State Street, Boston, MA 02109 and has duly filed its Certificate of Organization Limited Liability Company with the City Clerk of the City of Marlborough to operate its business at the subject location. The LLC managers of the Applicant Tenant are Melynda Gallagher and John Paul Gallagher.
3. The landlord is the title owner of the property located at 19 Weed Street (the “Site”). The landlord and Applicant Tenant have executed or will execute a lease regarding the Site and its use pursuant to the terms of this special permit regarding the Site.
4. The Applicant Tenant seeks permission to utilize the Site as a coffee roasting facility (the “Facility”). The Site is located in the Marlborough Village zoning district. Coffee roasting is allowed in the Marlborough Village zoning district by special permit.
5. The Applicant Tenant, on November 14, 2018, filed with the City Clerk of the City of Marlborough, an Application for a Special Permit under the provisions of § 650-17 and pursuant to the procedures specified in § 650-59 of the Marlborough Zoning Ordinance (the “Application”).
6. The Site contains an existing two-unit commercial building. The Site is shown in the building on plans submitted with or subsequent to the Application, the first said plan entitled “Existing Conditions/Demo” and the second plan being a floor plan entitled “1st Floor Plan”; both plans prepared for: Lost Shoe Brewing & Roasting, 19 Weed Street, Marlborough, MA 01752; both plans prepared by: Austin Design, Inc., 2 Mead Street, Greenfield, MA 01301; both plans dated: June 1, 2018 (collectively, the “Plans”), which Plans are attached hereto. No modifications are proposed to the exterior of the building, minor structural modifications are proposed to the interior of the building, and no parking areas will be created or modified.
7. The Applicant Tenant seeks a special permit allowing the establishment and operation of the Facility. The Site will also include an on-Site taproom with retail sales for serving the roasted coffee as well as beer brewed in an on-Site production brewery.

8. The Plans have been certified by the Building Commissioner, acting on behalf of the City Planner, as having complied with Rule 7 of the Rules and Regulations promulgated by the City Council for the issuance of a special permit.
9. Pursuant to the Rules and Regulations of the City Council and the provisions of M.G.L. c. 40A, the City Council established a date for public hearing for the Application and the City Clerk caused to be advertised said date in the MetroWest Daily News and sent written notice of said hearing to those abutters entitled to notice under law.
10. The Marlborough City Council pursuant to M.G.L. c. 40A held a public hearing on December 17, 2018, concerning the Application. The hearing was opened and closed at that meeting.
11. The Applicant Tenant presented evidence at the public hearing detailing the proposed use and its projected limited impact upon City services, the neighborhood and traffic.
12. At the public hearing, Melynda Gallagher, who will be managing the operation of the business, described the proposed business as being one that would involve roasting coffee on-site while utilizing a Vortex EcoFilter for odor and smoke control. She indicated that coffee is roasted at 400± degrees for ten to fifteen minutes; that at around five minutes, the coffee begins to turn a light brown color and smells like sweet, baking bread and that it is not until around the ten-minute point that it develops roast-type aromas and the smoke becomes more noticeable; that, of the ten to fifteen minutes, only two to four minutes are in the stage where the roasting produces roast-type smells and noticeable smoke; that smoke will be directed into a Vortex EcoFilter which uses atomized water to suppress up to eighty-percent of the smoke and odor; and that once that smoke and odor has processed through the EcoFilter, it will exit the building as water vapor. In response to questions from city councilors, she indicated that:
 - a) twenty pounds of coffee can be roasted in one batch;
 - b) starting out, roasting would take place two to three days a week for about an hour per day;
 - c) the roasting process does not differentiate between certified organic and non-organic coffee beans;
 - d) the Vortex EcoFilter filtration system would vent through the roof towards the front of the building near the garage door; and
 - e) the business hopes to open in January 2019.
13. No member of the public spoke, either in favor of or in opposition to the proposal.
14. Following the public hearing, the Urban Affairs Committee held a meeting on January 3, 2019 during which this Application was discussed. At that meeting, the parties discussed various issues and proposed permit conditions to deal with them.

REASONS FOR APPROVAL OF APPLICATION FOR SPECIAL PERMIT

- A. The City Council finds that the Applicant Tenant has complied with all Rules and Regulations promulgated by the Marlborough City Council for an application as they pertain to the requested special permit (the “Special Permit”).
- B. The use of the Site for coffee roasting is an appropriate use of the Site and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough, subject to appropriate terms and conditions provided for herein. The use sought and its impacts and characteristics are not in conflict with the public health, safety, convenience and welfare, provided the safeguards and limitations imposed herein are met.
- C. The City Council, pursuant to its authority under M.G.L. c. 40A, § 9 and Chapter 650 of the Marlborough City Code, **GRANTS** the Applicant Tenant, its successors and assigns, a Special Permit to establish and operate a coffee roasting facility as per plans filed with the City Council and the City Clerk, **SUBJECT TO THE FOLLOWING CONDITIONS**, which shall be applicable to Applicant Tenant and its successors and assigns, and a violation of which shall be a violation of this Special Permit:
 1. Signage: Any signage installed or erected on the Site shall meet the requirements of the Sign Ordinance of the City of Marlborough, without variance.
 2. Compliance with Local, State and Federal Laws: The Applicant Tenant agrees to comply with all rules, regulations and ordinances from the City of Marlborough, the Commonwealth of Massachusetts, and Federal Government as they may apply to the construction, maintenance of equipment, and operation of the Facility.
 3. Public Peace and Good Order: The Applicant Tenant agrees to maintain public peace and good order at all times. In the event the Chief of Police determines that either the business or the Applicant Tenant is acting contrary to public peace and good order, the Chief shall notify the Applicant Tenant in writing and shall direct the Applicant Tenant that it shall put corrective measures into effect within seven calendar days of such written notification. Upon the failure or inability of the Applicant Tenant to implement such corrective measures within such period, the Police Chief may require the Applicant Tenant to employ one or more police detail officers during such hours or days that the Police Chief in the exercise of his sole discretion deems to be necessary for the purpose of correcting the conditions. Applicant Tenant shall obtain appropriate CORI information regarding all employees of Applicant Tenant, and shall keep said information available for inspection by local police upon request.
 4. Parking: No on-street parking shall be permitted on Weed Street or any other abutting side street or public way or public property except for municipal parking spaces.
 5. Hours of Operation: The hours of operation of the Facility, in conjunction with the on-Site taproom and on-Site production brewery, shall not be earlier than 5:00 AM nor later than 1:00 AM on any day, subject to the approval of the Marlborough License Board.

6. Limits of Use: The proposed principal use of the Site is to roast coffee, brew beer, and serve these products in the on-Site taproom. No other kinds of public use shall be allowed at or in the Site except those the Building Commissioner deems ancillary to this principal use.
7. Food Preparation: No food shall be prepared by the Applicant Tenant at or in the Site unless and until the Applicant Tenant obtains a permit and any other approvals from the Director of the Marlborough Board of Health and pays the accompanying fees.
8. Certificate of Occupancy Required: No use of the Site will be made pursuant to this Special Permit unless and until a Certificate of Occupancy has been obtained from the Building Commissioner regarding the change of use of the Site.
9. No Expansion of Use Area or Change in Area Configuration: Only the area of the Site, containing approximately 4,600 sq. ft., which has been specified in the Plans attached hereto, will be used for the proposed use. To the extent that a substantial increase in, or a change in the configuration of, the area used for this use is desired, the Building Commissioner shall determine whether such increase or change constitutes a substantial change of the permitted use, and if so, no such area increase or configuration change shall be permitted unless and until this Special Permit has been modified by the City Council.
10. Subsequent Users: Before any successor tenant uses the Site for the uses allowed in this Special Permit, the Director of the Marlborough Board of Health shall determine in writing that any permit required of Applicant Tenant, and any other permit determined by the Director to be necessary, has been obtained.
11. Required Approval Regarding Sanitary Conditions: Prior to the beginning of operation of the business, the Director of the Marlborough Board of Health shall determine in writing what, if any, special sanitary requirements are necessary at or in the Site in order to ensure that the Facility does not cause unusual health risks to those using the Facility or to the public. The Director may later, in writing, amend and/or add to said requirements as the Director deems necessary. Such determination, and any such amendments and/or additions, shall be provided by the Director to the City Council. Any failure by the Applicant Tenant to comply with said sanitary requirements shall be a violation of this Special Permit.
12. Nuisance Odors. Nuisance odors and airborne pollutants emanating from the Site to the outdoor air as a result of the coffee roasting process allowed under this Special Permit shall be prohibited. If it is determined by the City Council or the Board of Health that such odors and/or pollutants are emanating from the Site to the outdoor air, the coffee roasting process shall cease until such time as it can be conducted, to the satisfaction of the Board of Health, without such odors and/or pollutants emanating from the Site to the outdoor air.
13. Recordation: In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant Tenant shall, at its expense, record this Special Permit with the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having being filed. The Applicant Tenant shall provide a copy of the recorded Special Permit to the City Council, the City Solicitor, and the Building Commissioner.

Yea:11 – Nay: 0

Yea: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Oram, Ossing & Robey

ORDERED: That the Appointment of Fred Haas to the Library Board of Trustees for a 3-year term to expire from date of confirmation, **APPROVED**; adopted.

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore Griffin, re: Proposed Amendment to Chapter 270-8.1 In Building Fire Department and Police Department Radio Coverage in proper legal form, Order No. 18-1007481A, **FILE**; adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY THE FOLLOWING AMENDMENT TO ARTICLE II OF CHAPTER 270:

1. Section 8.1 of Chapter 270 (§ 270-8.1), entitled “In-building Fire Department and Police Department radio coverage,” is hereby amended by striking paragraph A. therefrom and inserting place thereof the following:

A. The Marlborough Fire Department requires that, in accordance with 780 CMR 916.1, et seq., of the Code of Massachusetts Regulations, as amended, all new buildings and new additions to existing buildings provide reliable radio communications for emergency responders within the building based upon the existing coverage levels of the Marlborough Fire Department and the Marlborough Police Department communication systems at the exterior of the building. This section shall not require improvement of existing public safety communication systems.

2. The effective date of this amendment shall be the date of its passage.

APPROVED; adopted.

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

ORDERED: That the City Council of the City of Marlborough, having care, custody, management, and control of a certain parcel of land and the building thereon located at 25 East Main Street, Marlborough, MA, also identified as Assessors Map 70 Parcel 379 (the “Property), said Property having been acquired by the City by foreclosure of tax title dated April 2, 2009 and recorded with the South Middlesex County Registry of Deeds at Book 52530 Page 243, does by 2/3rds vote hereby transfer pursuant to MGL Chapter 40, § 15A the purpose of the land from general municipal purposes to the purpose of disposition by sale, and hereby declares, pursuant to MGL Chapter 30B, § 16(a), that the Property is available for disposition by sale;

Further, by majority votes subsumed by the 2/3rds vote, a separate vote being unnecessary, the City Council of the City of Marlborough hereby declares pursuant to MGL Chapter 30B, § 16(a) that the Property is available for disposition by sale, and requires that said sale be conducted in accordance with MGL Chapter 30B subject, but not limited to, any terms and re-use restrictions as may be determined by the Mayor, as hereby authorized to so determine, which are in the best interests of the City of Marlborough; and

Further, that the City Council sets the price to be paid at not less than \$202,200.00, and thus authorizes the Mayor, by simple majority vote pursuant to MGL Chapter 40, § 3, which vote is subsumed by the 2/3rds vote, a separate vote being unnecessary, to execute a Deed of sale for said Property.

APPROVED; adopted.

Yea: 11 – Nay: 0

Yea: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Oram, Ossing & Robey.

ORDERED: That the Stabilization transfer request in the amount of \$887,745.00 which moves funds from Undesignated Fund (“Free Cash”) to Undesignated Stabilization, **APPROVED;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS –									
DEPT:		Mayor				FISCAL YEAR:		2019	
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$8,877,451.00	\$887,745.00	10000	35900	Undesignated Fund	\$887,745.00	83600	32925	Undesignated Stabilization	\$12,988,519.44
Reason:		To increase undesignated stabilization funds							
	\$887,745.00	Total			\$887,745.00	Total			

ORDERED: That the OPEB transfer request in the amount of \$887,745.00 which moves funds from Undesignated Fund (“Free Cash”) to OPEB Trust, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT:		Mayor				FISCAL YEAR:		2019	
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$8,877,451.00	\$887,745.00	10000	35900	Undesignated Fund	\$887,745.00	87500	35900	OPEB Trust	\$9,154,936.35
Reason:		Transfer funds to OPEB trust							
	\$887,745.00	Total			\$887,745.00	Total			

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:47 PM; adopted.

City Council Regular Meeting Schedule – 2019

RECEIVED
CLERK'S OFFICE
CITY OF MARLBOROUGH

January 7

January 28

2019 JAN 14 A 8:37

February 11

February 25

March 11

March 25

April 8

April 29

May 6

May 20

June 3

June 17

July 22

August 26

September 9

September 23

October 7

October 21

October 28

November 18

December 2

Tax Classification Public Hearing

December 16

CITY COUNCIL COMMITTEES

2019

Edward J. Clancy, President
Joseph F. Delano, Jr., Vice-President

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 JAN 14 A 8 37

FINANCE

Michael H. Ossing
Kathleen D. Robey
Mark A. Oram
Christian Dumais
John J. Irish

PUBLIC SERVICES

Donald R. Landers
David Doucette
John J. Irish

LEGISLATIVE & LEGAL AFFAIRS

Kathleen D. Robey
Donald R. Landers
Joseph F. Delano, Jr.

AFFORDABLE HOUSING

*Combined with
Urban Affairs in 2008*

WIRELESS COMMUNICATIONS

David Doucette
Mark A. Oram
Peter J. Juairé

PUBLIC SAFETY

John J. Irish
Robert J. Tunnera
Michael H. Ossing

URBAN AFFAIRS & HOUSING

Joseph F. Delano, Jr.
Peter J. Juairé
Donald R. Landers
David Doucette
Robert J. Tunnera

HUMAN SERVICES

Mark A. Oram
Donald R. Landers
Christian Dumais

VETERANS' AFFAIRS

Peter J. Juairé
Michael H. Ossing
Kathleen D. Robey

OPERATIONS & OVERSIGHT

Peter J. Juairé
Kathleen D. Robey
Donald R. Landers

OPEN SPACE

Christian Dumais
David Doucette
Joseph F. Delano Jr.

PERSONNEL

Robert J. Tunnera
John J. Irish
Donald R. Landers

RULES COMMITTEE

Edward J. Clancy
Joseph F. Delano, Jr.
Michael H. Ossing

FIRST PERSON NAMED SHALL SERVE AS CHAIRMAN
The second person named denotes vice-chair. The President or Vice-President may serve as an ex-officio member of any of the above Committees to form the required quorum.



City of Marlborough Office of the Mayor

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

Arthur G. Vigeant
MAYOR
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 JAN 15 12:00
Patricia Bernard
EXECUTIVE SECRETARY
J. Milano
EXECUTIVE AIDE

January 14, 2019

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

Re: Veto of City Council Orders

Honorable President Clancy and Councilors:

I am hereby notifying you of my veto of the following three City Council orders:

- City Council Order 18/19-1007322C
- City Council Order 18/19-1007321C
- City Council Order 17/18/19-1007034D

The City Council has deliberated the merits of small cell sites on utility poles in Marlborough, but I do not support approving the installation of small cell equipment on poles in various locations around Marlborough. This bulky, mechanical equipment will dominate utility poles and sightlines around Marlborough. I believe there will be a significant impact to safety and the poles' ability to withstand wear and tear of New England weather if we continue to overburden them with equipment.

More broadly, we have ongoing issues throughout Marlborough with cable wires and telephone wires strewn haphazardly, left dangling on poles, or wrapped around poles. Double poles, or segments of poles, remain a problem. No single entity is solely responsible. They all, particularly the cable companies, look upon our community with disregard by failing to improve the appearance of their infrastructure.

It should not be my job or City employees' jobs to ride around Marlborough pointing out problems. Until and unless these ongoing issues are resolved, I will oppose new equipment on utility poles in Marlborough.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,


Arthur G. Vigeant
Mayor



City of Marlborough
Office of the Mayor

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

RECEIVED
Arthur G. Vigeant
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
MAVOR
Nicholas J. Milano
2019 JAN 24 A 9:52
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

January 22, 2019

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

Re: Transfer Request – Marlborough Police Department

Honorable President Clancy and Councilors:

I am pleased to submit for your review a transfer request in the amount of \$62,800.00 for the sick leave retirement benefit of a recently retired longtime Marlborough Police Officer. Upon your approval, these funds will be moved from the Reserve for Salaries account into the Sick Leave Buy Back account.

Please see enclosed a letter from Chief Giorgi and the transfer sheet.

Thank you for your consideration and please do not hesitate to contact me or Chief Giorgi with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough POLICE DEPARTMENT

355 Bolton St
Marlborough, Ma. 01752
Phone: 508-485-1212 Fax: 508-624-6949



DAVID A. GIORGI
Chief of Police

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

January 17, 2019



Dear Mayor Vigeant:

Per the attached transfer request form, I am requesting one transfer of \$62,800.00 to allow for sufficient funds to pay the contractual retirement payment of unused Sick Leave for a command officer who retired from the department on January 7, 2019. The request is to transfer funds into the Sick Leave Buyback account from the Reserve for Salaries account to allow for sufficient funding for this account for this payment. The contractual payment to this officer of their unused vacation days can be covered using the Police Sergeants line account which has sufficient funding. The attached request form details the requested transfer.

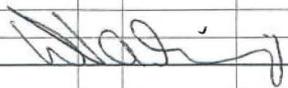
Please let me know if you have any questions.

Sincerely,

David A. Giorgi
Chief of Police

Cc: D. Smith; B. Doheny

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT.	POLICE								FY:	2019
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$816,832.65	\$62,800.00	11990006	57820	Reserve for Salaries	\$62,800.00	12100003	51920	Sick Leave Buy back	\$9,910.41	
	Reason:	Budgeted retirement payment to officer				Contractual sick leave retirement payment				
	Reason:									
	Reason:									
	Reason:									
	Reason:									
	Reason:									
	\$62,800.00	Total			\$62,800.00	Total				
					Department Head signature:					
					Auditor signature:					
					Comptroller signature:					



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

RECEIVED
Arthur G. Vigean
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
MAYOR
Nicholas J. Milano
2019 JAN 24 A 9:52
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

January 22, 2019

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

Re: Transfer Request – Marlborough Police Department

Honorable President Clancy and Councilors:

I am pleased to submit for your review a transfer in the amount of \$11,000.00 for the Initial Clothing account in the Marlborough Police Department budget. Upon your approval, these funds will be moved from the Educational Incentive account into Initial Clothing.

These funds will help pay the costs of initial equipment and clothing for new officers. We are currently scheduled to have one candidate enter the academy in February and one in March. We anticipate potentially hiring one more officer prior to the end of the fiscal year to fill vacancies due to retirements.

Thank you for your consideration and please do not hesitate to contact me or Chief Giorgi with any questions.

Sincerely,


Arthur G. Vigean
Mayor

Enclosures



City of Marlborough POLICE DEPARTMENT

355 Bolton St
Marlborough, Ma. 01752
Phone: 508-485-1212 Fax: 508-624-6949



DAVID A. GIORGI
Chief of Police

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



January 10, 2019

Dear Mayor Vigeant:

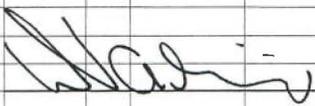
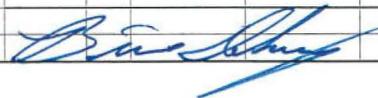
Per the attached transfer request form, I am requesting one internal transfer of \$11,000.00 to allow for sufficient funds to be properly allocated to the appropriate line items within the police department budget. The request is to transfer funds into the Initial Clothing account from the Educational Incentive account to allow for sufficient funding for this account for the remainder of the fiscal year. As we have discussed, due to three anticipated retirements before the end of FY19, we will be sending two candidates to spring police academies and possibly hiring another recent academy graduate. Therefore, we anticipate more funds to be needed in the Initial Clothing account to equip the officers- the attached request form also contains a brief reason for the transfer request. In addition, this transfer request is from within the existing police department budget and I do not anticipate any other significant surpluses or deficits.

Please let me know if you have any questions.

Sincerely,

David A. Giorgi
Chief of Police

Cc: D. Smith; B. Doheny

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT.	POLICE						FY:	2019		
	FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$310,434.44	\$11,000.00	12100003	51440	Educational Incentive	\$11,000.00	12100006	51975	Initial Equipment	\$225.72	
	Reason:	Account surplus				Equipment for three new officers				
	Reason:									
	Reason:									
	Reason:									
	Reason:									
	Reason:									
	\$11,000.00	Total			\$11,000.00	Total				
					Department Head signature:					
					Auditor signature:					
					Comptroller signature:					



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
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 JAN 24 A 9:52
Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

January 22, 2019

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

Re: Grant Acceptance – Marlborough Police Department

Honorable President Clancy and Councilors:

I am pleased to submit for your acceptance a gift in the amount of \$100.00 for the Marlborough Police Department from John and Margaret Dowling. We appreciate the Dowlings' support for our officers and these funds will be used to pay costs of gifts for officers, such as ceremonial plaques or other tokens in appreciation of their service.

Thank you for your consideration and please do not hesitate to contact me or Chief Giorgi with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough Police Department

355 Bolton Street, Marlborough, Massachusetts 01752
Tel. (508)-485-1212 Fax (508)-624-6938

David A. Giorgi
Chief of Police

December 30, 2018

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



Dear Mayor Vigeant:

The Marlborough Police Department has received a \$100 gift from Mr. John P. Dowling and Mrs. Margaret T. Dowling of 38 Vega Road in Marlborough. Mr. and Mrs. Dowling made a gracious donation to the department for our "Christmas Fund". I spoke with Mr. Dowling who stated that he intended the gift to be made to the members of the department for use at events during the Holiday season.

I have attached a copy of the check mailed by Mr. and Mrs. Dowling and I am requesting that the gift award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

David A. Giorgi
Chief of Police

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: POLICE DATE: 12/30/2018

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: CHIEF DAVID A. GIORGI

NAME OF GRANT: _____

GRANTOR: Mr. John P. Dowling and Mrs. Margaret T. Dowling(residents)

GRANT AMOUNT: \$100

GRANT PERIOD: _____

SCOPE OF GRANT/
ITEMS FUNDED DONATION

IS A POSITION BEING
CREATED: N/A

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

ARE MATCHING CITY
FUNDS REQUIRED? N/A

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:

ANY OTHER EXPOSURE TO CITY? N/A

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: NO

**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**

DOCUMENT CONTAINS COLORED BACKGROUND ON WHITE PAPER, "VOID" FEATURE, SIMULATED WATERMARK (REVERSE SIDE) MICRO-PRINT BORDER.

Account: **CHRISTMAS FUND**

PLEASE POST THIS PAYMENT FOR OUR MUTUAL CUSTOMER

\$100.00

JOHN P DOWLING
MARGARET T DOWLING
38 VEGA RD
MARLBOROUGH, MA 01752-1649

Please Direct Any Questions To
(855) 739-0856
Payment Processing Center
P.O. Box 74618
Chicago, IL 60675-4618

70-2382/719

0066551439

December 21, 2018

NORTHERN TRUST

14109 5891009 014121 014121 00001/00001 k14109

Pay **ONE HUNDRED AND 00/100** -----

DOLLARS

\$ *******100.00**

TO
THE
ORDER
OF

MARLBOROUGH POLICE DEPARTMENT
355 BOLTON ST
MARLBOROUGH, MA 01752-3935



REMITTANCE VOID IF NOT CASHED WITHIN 90 DAYS.

John P. Dowling

AUTHORIZED SIGNATURE

⑈0066551439⑈ ⑆071923828⑆ 0035110046⑈



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 JAN 24 A 9 52
Arthur G. Vigeant
MAYOR
Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

January 22, 2019

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

Re: Reappointment of Patricia Pope

Honorable President Clancy and Councilors:

I am pleased to submit for your review and confirmation the reappointment of Patricia Pope as the Executive Director of the Marlborough Council on Aging to a term to expire three years from the date of City Council confirmation.

Over the past three years, the Council on Aging has expanded its program offerings and activities for seniors. Trish Pope and the Senior Center staff have worked hard to take advantage of the beautiful new facility to ensure it is well-run and a place where seniors can socialize, exercise, and build a community. Ms. Pope and her team have also tackled some of the challenges facing Marlborough's seniors, particularly Alzheimer's and dementia. The Council on Aging is currently partnering with the AARP to conduct a survey in Marlborough to better analyze what services it can provide and challenges residents face when aging in Marlborough.

Thank you for your consideration of this reappointment and please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 JAN 23 P 4:10

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

**AGREEMENT TO EXTEND
TIME LIMITATIONS**

Order No.18-1007314

Application for Special Permit from Avalon Marlborough II, Luxury Apartment Community located on a portion of 200 Forest Street in the Results Way Mixed Used Overlay District, to increase the number of units from 350 to 473 (increase of 123 units)

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

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 10:00 p.m. on April 9, 2019

By: _____
Joseph F. Delano, Jr., Urban Affairs Chairman

acting on behalf of, and at the direction of,
the special permit granting authority:

Marlborough City Council

By: _____

Attorney for Petitioner
For Petitioner

J. Delano 1/22/19



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 JAN -9 P 12:43

**Lisa M. Thomas
City Clerk**

January 3, 2019

Council President Clancy
City Council Office
140 Main St.
Marlborough, MA 01752

Dear Mr. President,

It is with a heavy heart that I announce my resignation effective Monday, March 18, 2019. It has been extremely rewarding serving at the pleasure of City Council as well as serving previous members including Mayor Vigeant. The relationships I've forged with administration, department heads and especially staff, will be immeasurably remembered.

I have taken great strides to empower my staff with the knowledge necessary to embrace the forward-thinking mantra. I wish my staff the very best in their careers here at City Hall and feel confident that the transition after my departure will be nearly seamless. They are consummate professionals whose unwavering dedication and support have been the cornerstone of the City Clerk's office.

I am extremely proud of our accomplishments in the City Clerk's office as it pertains to procedure, protocol and software knowledge. I derive excitement from streamlining practices by utilizing software available to everyone. My many years of teaching software classes in Worcester has been the driving force to simplify, organize, and facilitate techniques.

I would like to thank the City Council and Mayor Vigeant for their enthusiastic support over the years. I look forward to the next chapter of my life. Perhaps in the future, I can serve this wonderful city in another capacity using my software expertise.

Sincerely,

Lisa M. Thomas
City Clerk



City of Marlborough Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
DONALD V. RIDER, JR.
CITY CLERK'S OFFICE
CITY SOLICITOR
CITY OF MARLBOROUGH
2019 JAN 24 A 9 59
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR
ELLEN M. STAVROPOULOS
PARALEGAL

January 24, 2019

Edward Clancy
President
Marlborough City Council

RE: Executive Session Request –
Litigation Involving Property off Williams Street

Dear President Clancy and Members:

I respectfully ask for an executive session with the Council on Monday evening to discuss strategy in litigation involving property off Williams Street.

I have enclosed a proposed motion, which includes re-convening in open session.

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosure (Motion)

MOTION:

It is moved, in conformance with MGL c. 30A, § 21(a)(3), that the Marlborough City Council conduct an executive session for the purpose of discussing strategy in litigation involving property off Williams Street, as an open meeting may have a detrimental effect on the litigating position of the City Council, and the chair hereby declares that an open meeting may have that effect.

It is further moved and stated that the City Council will re-convene in open session after the executive session.



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 OF MARLBOROUGH
DONALD V. RIDER, JR.
CITY SOLICITOR

2019 JAN 24 10 50 AM
CYNTHIA M. PARAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

January 24, 2019

Edward Clancy
President
Marlborough City Council

RE: Cider Mill Estates Subdivision –
Acceptance of Goodwin Street and McDermot Way as Public Ways

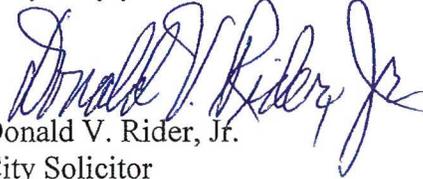
Dear President Clancy and Members:

As part of the Cider Mill Estates subdivision located off Dufresne Drive (which in turn is off West Hill Road), I am enclosing for your review a proposed order to accept Goodwin Street and McDermot Way as public ways, and to accept their appurtenant easements (drainage and flowage) as municipal easements. Also enclosed are a copy of the acceptance plan and the signed deed.

After this matter has been referred to the Planning Board pursuant to MGL c. 41, § 81I for its report, I will be happy to meet with Public Services during its deliberations.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosures

cc: Paul Beattie, Esquire
Planning Board
Thomas DiPersio, City Engineer
Timothy Collins, Assistant City Engineer

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require:

that GOODWIN STREET be accepted as a public way

from Dufresne Drive at Station 0+25 to Goodwin Street's terminus, and

that MCDERMOT WAY be accepted as a public way

from Dufresne Drive at Station 0+25 to and terminating at Goodwin Street,

and that their appurtenant easements be accepted as municipal easements,

as shown on a plan thereof and as hereinafter described:

DESCRIPTION

Plan entitled, " 'Cider Mill Estates' - Acceptance Plan of Goodwin Street, McDermot Way, and Municipal Easements, Marlborough, Massachusetts," Owner: West Hill, LLC, 120 Quarry Drive, Milford, MA 01757; To Be Deeded to: City of Marlborough, 140 Main Street, Marlborough, MA 01752; Prepared By: Guerriere & Halnon, Inc., Engineering & Land Surveying, 333 West Street, Milford, MA 01757; Dated: July 19, 2018; Scale: 1"=40', which plan is to be recorded herewith.

Title to the roadways shown as GOODWIN STREET and MCDERMOT WAY on said plan, and title to all the municipal easements shown on said plan as:

- Goodwin Street - Flowage Easement, over Lot #1, Lot #2, Lot #5 and Lot #6, containing 19,386 square feet
- McDermot Way - Drainage Easement over Lot #1 and Lot #2, containing 4,895 square feet

has been granted to the City of Marlborough in a quitclaim deed from West Hill, LLC, a Massachusetts limited liability corporation with a principal place of business at 120 Quarry Drive, Milford, Massachusetts, said deed to be recorded herewith at the Middlesex County (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

GOODWIN STREET and MCDERMOT WAY be accepted as public ways, and their appurtenant easements be accepted as municipal easements, in the City of Marlborough.

PLAN 107 OF 108
SEE PLAN 106 FOR THE REST OF THE PROJECT

7. CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.
"THIS CERTIFICATION IS INTENDED TO MEET THE REQUIREMENTS OF THE REGISTER OF DEEDS AND IT IS NOT A CERTIFICATION TO THE TITLE OR CORRECTNESS OF LAND DEPICTED HEREON."
8. CERTIFY THAT THE PROPERTY LINES DEPICTED ON THIS PLAN ARE THE LINES OF THE PROPERTY OWNERS AND THE LINES OF THE STREETS AND WAYS DEPICTED ARE THOSE OF THE CITY OF MARLBOROUGH AND WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR EGRESS OF EGRESS OR CORRIDOR ARE FOR NEW WAYS ARE DEPICTED HEREON.



July 19, 2018
JEFFREY J. SHEEHAN MA P.L.C. 3270

NOTE: CONSTRUCTION ON THIS PROJECT IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

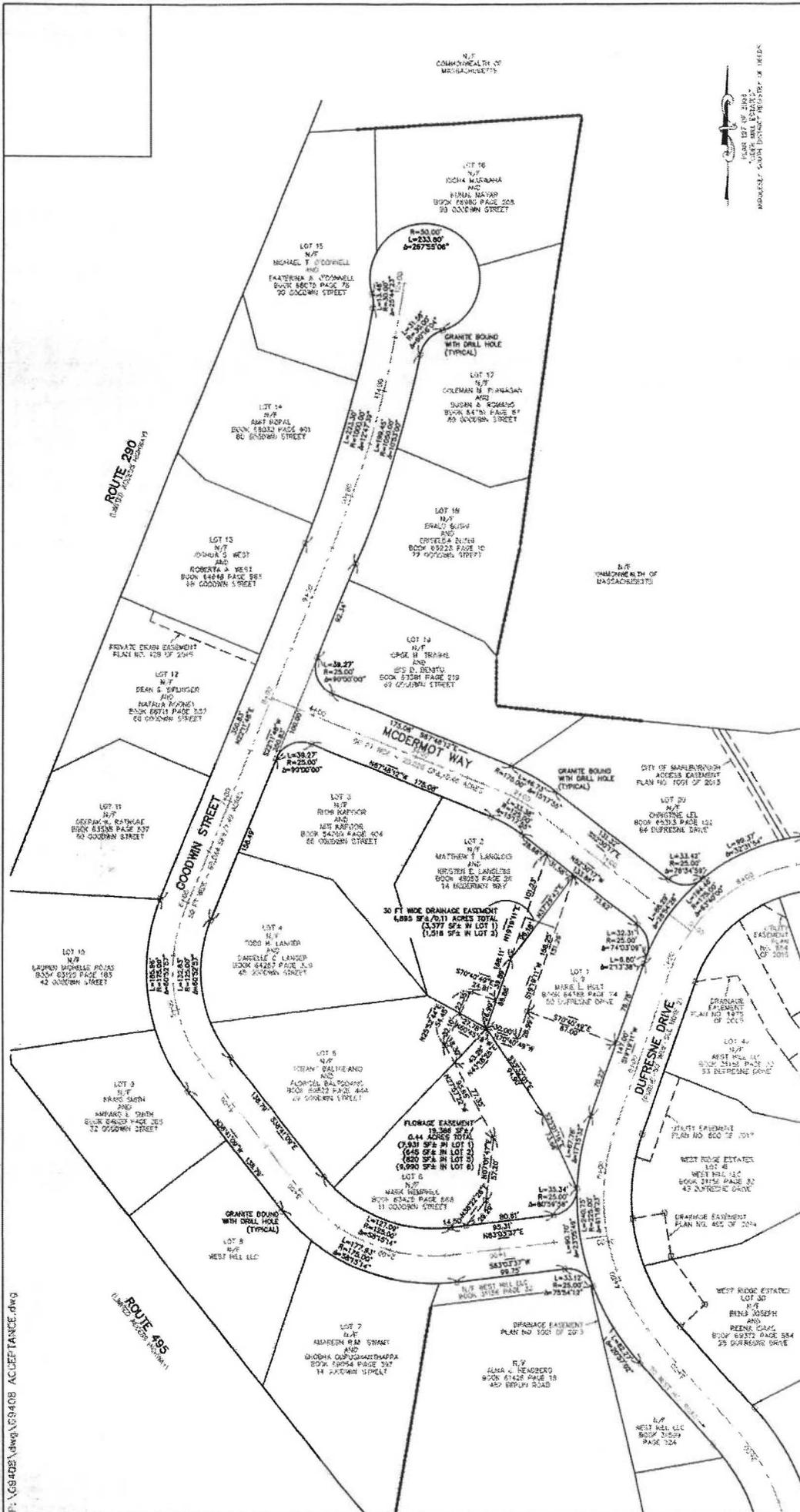
DIG SAFE NOTE

UTILITY AND PUBLIC UTILITIES FROM FIELD LOCATIONS AND MAY BE FOUND UNEXPECTEDLY. ANY OTHER UTILITIES OR SERVICES WHICH ARE NOT INDICATED ON THIS PLAN SHOULD BE LOCATED BY THE CONTRACTOR BEFORE EXCAVATION AND DRILLING. CALL "DIG-SAFE" AT 811.

EXISTING LINES OTHER THAN THOSE INDICATED ON THIS PLAN MAY BE ON THE SITE. THE CONTRACTOR IS BOUND TO PROCEED WITH CAUTION WITH ALL WORK, ESPECIALLY EXCAVATION WORK, AND TO MAKE ALL REASONABLE INVESTIGATIONS AS TO POSSIBLE UNRECORDED UTILITY LINES.

NOTES

- SEE THE FOLLOWING PLANS FILED AT THE REGISTER OF DEEDS:
 - PLAN 430 OF 2007
 - PLAN 814 OF 2718
 - PLAN 402 OF 2916
 - PLAN 408 OF 2914
 - PLAN 1051 OF 2013
 - PLAN 1476 OF 2015
 - PLAN 197 OF 2013
 - PLAN 154 OF 2013
 - PLAN 285 OF 2007
 - PLAN 172 OF 2010
 - PLAN 173 OF 2010
 - PLAN 425 OF 1999
 - PLAN 016 OF 1988
 - PLAN 077 OF 1921
- IMPROVED DRIVE IS AN ACCEPTED PUBLIC STREET. SEE PLAN 1501 OF 2015.
- THE PURPOSE AND INTENT OF THIS PLAN IS TO CORRECTLY DEPICT GOODWIN STREET AND MCDERMOTT WAY AS Laid OUT AND THE THREE (3) BOUND POINTS ARE LOCATED AS SHOWN.



OWNER:
WEST HILL LLC
120 QUARRY DRIVE
MARLBOROUGH, MA 01757
BOOK 31188 PAGE 33
BOOK 31218 PAGE 453
MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS

TO BE DEED TO:
CITY OF MARLBOROUGH
140 MAIN STREET
MARLBOROUGH, MA 01752

"CIDER MILL ESTATES"
ACCEPTANCE PLAN
OF
GOODWIN STREET,
MCDERMOTT WAY,
AND MUNICIPAL EASEMENTS
MARLBOROUGH, MASSACHUSETTS
SCALE: 1"=40'
DATE: JULY 19, 2018

Guerriere & Halton, Inc.
1000 WEST STREET, MARLBOROUGH, MASSACHUSETTS 01752
(508) 475-0200 FAX (508) 475-0445
www.guerriere-halton.com

0 20 40 FEET 80
0 5 10 METERS 20 30

Quitclaim Deed

West Hill, LLC, a Massachusetts Limited Liability Company and having its usual place of business at 120 Quarry Drive – 2nd Floor, Milford, Worcester County, Massachusetts for consideration paid, and in full consideration of Nominal Consideration of Less Than One Hundred Dollars (Less than \$100.00) grants to The City of Marlborough, Massachusetts, a municipal corporation, having an address at City Hall, 140 Main Street, Marlborough, Middlesex County, Massachusetts 01752 **with Quitclaim Covenants**, the land in Marlborough, Middlesex County, Massachusetts described below:

(Description and encumbrances, if any)

Those certain parcels of land in Marlborough, Middlesex County, Massachusetts, being all the Grantor's right, title and interest in and to Goodwin Street and McDermot Way, private 50' wide roadways in the said City of Marlborough more fully described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, WHICH INCLUDES FLOWAGE AND DRAINAGE EASEMENTS AS NOTED THEREIN.

Not all, or substantially all, of the Grantor's assets in the Commonwealth of Massachusetts.

For Grantor's Title, see Book 31219 Page 453, Book 31156 Page 032 and Book 31599 Page 323 with said Middlesex South Registry of Deeds.

In Witness Whereof, the said West Hill LLC has caused its seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Richard E. Terrill, its Agent hereto duly authorized, this 7th day of AUGUST in the year two thousand and eighteen.

Signed and sealed in the presence of:

West Hill, LLC

Paul J. Beattie

by

Richard E. Terrill
Richard E. Terrill, Authorized Signatory

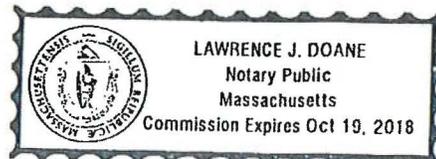
The Commonwealth of Massachusetts

Worcester, ss

On this the 7th day of AUGUST, 2018, before me, Lawrence J. Doane, the undersigned Notary Public, personally appeared Richard E. Terrill, who proved to me through satisfactory evidence of Identity, which was a driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Lawrence J. Doane
Notary Public
My Commission Expires:

Return to: Paul J. Beattie, Esq.
F.R.E. Building Co., Inc.
120 Quarry Drive – 2nd Floor
Milford, MA 01757



Pjb/2/cidermillquitclaimdeed2

G-9408
Goodwin Street and McDermot Way
Marlborough, Massachusetts

A certain parcel of land located in the City of Marlborough, County of Middlesex, Commonwealth of Massachusetts, depicted on a plan entitled "Cider Mill Estates" Acceptance Plan of Goodwin Street, McDermot Way. And Municipal Easements Marlborough, Massachusetts Scale: 1"=40' Date: July 19, 2018", prepared by Guerriere & Halnon, Inc., Milford, MA, bounded and described as follows;

Beginning at a bound at the intersection of the Westerly line of Dufresne Drive and the Southerly line of Goodwin Street, said bound being Westerly of Dufresne Drive centerline station 4+00 as depicted on the aforementioned plan:

Thence Northwesterly following a curve to the Left having a radius of 25.00 feet for a length of 33.12 feet to a bound;

Thence South 83 degrees 03 minutes 37 seconds West 99.75 feet to bound;

Thence Northwesterly following a curve to the Right having a radius of 175.00 feet for a length of 177.93 feet to a bound;

Thence North 38 degrees 41 minutes 09 seconds West 138.79 feet to a bound;

Thence Northerly following a curve to the Right having a radius of 175.00 feet for a length of 185.96 feet to a bound;

Thence North 22 degrees 11 minutes 48 seconds East 350.83 feet to a bound;

Thence Northerly following a curve to the Left having a radius of 1000.00 feet for a length of 223.30 feet to a bound;

Thence Northerly following a curve to Left having a radius of 30.00 feet for a length of 13.48 feet to a bound;

Thence Northerly, Easterly and Southerly following a curve to the right at the terminus of a cul-de-sac having a radius of 50.00 feet for a length of 233.80 feet to a bound;

Thence Southerly following a curve to the left having a radius of 30.00 feet for a length of 31.56 feet to a bound;

Thence Southerly following a curve to the right having a radius of 1050.00 feet for a length of 199.45 feet to a bound;

Thence South 22 degrees 11 minutes 48 seconds West 92.34 feet to a bound;

Thence Southeasterly following a curve to left having a radius of 25.00 feet for a length of 39.27 feet to a bound at the Northerly side of McDermot Wat as depicted on said plan;

Thence South 67 degrees 48 minutes 12 seconds East 175.08 feet to a bound;

Thence Easterly following a curve to the right having a radius of 175.00 feet for a length of 46.73 feet to a bound;

Thence South 52 degrees 30 minutes 17 seconds East 131.32 feet to a bound;

Thence Easterly following a curve to the left having a radius of 25.00 feet for a length of 33.42 feet to a bound at said Dufresne Drive;

Thence Southerly along said Dufresne Drive following a curve to the left having a radius of 175.00 feet for a length of 88.29 feet to a bound;

Thence Westerly following a curve to the left having a radius of 25.00 feet for a length of 32.31 feet to a bound;

Thence North 52 degrees 30 minutes 17 seconds West 133.88 feet to a bound;

Thence Westerly following a curve to the left having a radius of 125.00 feet for a length of 33.38 feet to a bound;

Thence North 67 degrees 48 minutes 12 seconds West 175.08 feet to a bound;

Thence Southwesterly following a curve to the left having a radius of 25.00 feet for a length of 39.27 feet to a bound at said Goodwin Street;

Thence South 22 degrees 11 minutes 48 seconds West 158.49 feet to a bound;

Thence Southeasterly following a curve to the left having a radius of 125.00 feet for a length of 132.83 feet to a bound;

Thence South 38 degrees 41 minutes 09 seconds East 138.79 feet to a bound;

Thence Southeasterly following a curve to the left having a radius 125.00 for a length of 127.09 feet to a bound;

Thence North 83 degrees 03 minutes 37 seconds East 95.31 feet to a bound;

Thence Northeasterly following a curve to the left having a radius of 25.00 feet for a length of 35.34 feet to a bound at said Dufresne Drive;

Thence Southerly along said Dufresne Drive following a curve to the left having a radius of 225.00 feet to a length of 90.70 feet to said bound marking the point and place of beginning.

The herein described parcel, containing 85,070 square feet (1.95 acres), is a portion of the property conveyed to West Hill LLC by deeds in Book 31156, Page 32 and Book 31219, Page 453 recorded at the Middlesex District Registry of Deeds.

G-9408
McDermot Way
Drainage Easement
Marlborough, Massachusetts

A certain Drainage Easement located in the City of Marlborough, County of Middlesex, Commonwealth of Massachusetts, depicted on a plan entitled "Cider Mill Estates" Acceptance Plan of Goodwin Street, McDermot Way. And Municipal Easements Marlborough, Massachusetts Scale: 1"=40' Date: July 19, 2018", prepared by Guerriere & Halnon, Inc., Milford, MA, bounded and described as follows;

Beginning at a bound at on the Southerly side of McDermot Way marking the Northeasterly corner of the herein described Easement, the Northeasterly corner of Lot 2 and the Northwesterly corner of Lot 1 as depicted on the aforementioned plan:

Thence South 19 degrees 19 minutes 11 seconds West 131.26 feet to bound at a Flowage Easement as depicted on said plan;

Thence continuing South 19 degrees 19 minutes 11 seconds West 26.99 feet to a point;

Thence North 70 degrees 40 minutes 49 seconds West 30.00 feet to a point marking the intersection of said Lot 1 and Lot 2 and Lot 5 and Lot 6 as depicted on said plan;

Thence along said Lot 1 and Lot 2 North 19 degrees 19 minutes 11 seconds East 66.88 feet to a point;

Thence continuing North 19 degrees 19 minutes 11 seconds East 101.23 feet to a bound at said McDermot Street;

Thence South 52 degrees 30 minutes 17 seconds East 31.58 feet to said bound marking the point and place of beginning.

The herein described Drainage Easement, containing 4,895 square feet (0.11 acres), is a portion of the property conveyed to West Hill LLC by deeds in Book 31156, Page 32 and Book 31219, Page 453 recorded at the Middlesex District Registry of Deeds and is to encumber said Lot 1 and Lot 2.

G-9408
Goodwin Street
Flowage Easement
Marlborough, Massachusetts

A certain Flowage Easement located in the City of Marlborough, County of Middlesex, Commonwealth of Massachusetts, depicted on a plan entitled "Cider Mill Estates" Acceptance Plan of Goodwin Street, McDermot Way. And Municipal Easements Marlborough, Massachusetts Scale: 1"=40' Date: July 19, 2018", prepared by Guerriere & Halnon, Inc., Milford, MA, bounded and described as follows;

Beginning at a bound at the intersection of the Northerly line of Goodwin Street and the Westerly line of Dufresne Drive and marking a Lot corner of Lot 1 and Lot 6 as depicted on the aforementioned plan:

Thence Southwesterly following a curve to the right having a radius of 25.00 feet for a length of 35.34 feet to a bound;

Thence South 83 degrees 03 minutes 37 seconds West 80.81 feet to bound, the last two courses following said Goodwin Street;

Thence North 38 degrees 22 minutes 26 seconds East 29.29 feet to a bound;

Thence North 07 degrees 01 minutes 47 seconds East 57.20 feet to a bound;

Thence North 27 degrees 57 minutes 22 seconds West 77.35 feet to a point at the Lot 5 and Lot 6 line as depicted on said plan;

Thence continuing North 27 degrees 57 minutes 22 seconds West 18.30 feet to a bound;

Thence North 25 degrees 52 minutes 44 seconds East 32.10 feet to a point at the Lot 5 and Lot 2 line as depicted on said plan;

Thence continuing North 25 degrees 52 minutes 44 seconds East 22.35 feet to a bound;

Thence South 70 degrees 40 minutes 49 seconds East 24.81 feet to a bound at a Drainage Easement and the Lot 1 and Lot 2 line as depicted on said plan;

Thence along said lot line South 19 degrees 19 minutes 11 seconds West 26.99 feet to a point marking the intersection of said Lot 1, Lot 2, Lot 5 and Lot 6:

Thence South 70 degrees 40 minutes 49 seconds East 30.00 feet to a point;

Thence North 19 degrees 19 minutes 11 seconds East 26.99 feet to a bound, the last three courses following said Drainage Easement;

Thence South 70 degrees 40 minutes 49 seconds East 87.00 feet to a bound at said Dufresne Drive;

Thence South 19 degrees 19 minutes 11 seconds West 70.22 feet to a bound;

Thence Southerly following a curve to the left having a radius of 225.00 feet for a length of 67.78 feet to said bound marking the point and place of beginning, the last two courses following said Dufresne Drive.

The herein described Flowage Easement, containing 19,386 square feet (0.44 acres), is a portion of the property conveyed to West Hill LLC by deeds in Book 31156, Page 32 and Book 31219, Page 453 recorded at the Middlesex District Registry of Deeds and is to encumber said Lot 1, Lot 2, Lot 5 and Lot 6.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 JAN -9 P 12:43

MARLBOROUGH COMMUNITY DEVELOPMENT AUTHORITY
250 Main Street • Marlborough, MA 01752

January 7, 2019

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

RE: City of Marlborough – Thank You

To President Edward J. Clancy and the Marlborough City Council:

As I have communicated to the Marlborough Community Development Authority, Thursday, January 10th, 2019 will be my last day as Executive Director. I have accepted the position as Executive Director of the Fitchburg Housing Authority. Leaving Marlborough was one of the most difficult professional, and I would say personnel decisions, I have ever made. To be blunt I fell in love with Marlborough, its people, institutions and history. However, circumstances and opportunity came together at once such that I could not pass by the next challenge in my career.

I want to thank everyone for the last seven (7) years as first the Housing Director and then the Executive Director of the MCDA. During this time-period so much has been accomplished. To say that the MCDA has changed since January of 2012 would truly be an understatement. In addition, the MCDA is now fulfilling its original mission of being a joint housing-community development agency. In its almost forty-year history this did not occur until 2015! Credit for this goes to Mayor Vigeant and the MCDA Board.

The year 2019 will be one of the most important years of the MCDA's existence with millions being invested in the Pleasant Street Apartments and over one million dollars in Community Development Block grant funds for street improvements, anti-opiate education in cooperation with the Boys/Girls Club and hundreds of thousands of dollars for single-family home improvements. The last time the CDBG was awarded to Marlborough was in 2011. I do not foresee another time-gap like that occurring again.

The MCDA is in great hands with a staff second to none. In 2012 the existing staff had little formalized training. Now, the staff is almost entirely new, and thousands have been invested in training, making them truly the best in the profession. By every objective measure from DHCD to HUD, the MCDA has stood out for excellence and achieving results. The accomplishments that the MCDA has achieved are due to its staff and excellent guidance from its Chairman and Board of Commissioners.

I would be remiss if I did not thank key municipal staff members who have provided me so much assistance over the years.

- DPW Commissioner John Ghiloni,
- Treasurer/Comptroller Brian Doheny
- Auditor Diane Smith
- CPO Beverly Sleeper
- Health Director Cathleen Liberty
- City Clerk Lisa M. Thomas
- COE Director Trish Pope
- HR Director David Brumby
- Conservation Director Pricilla Ryder
- IT Director Mark Gibbs
- Police Chief David Giorgi
- City Solicitors: Cynthia M. Panagore Griffin & Donald Rider

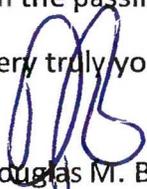
I apologize for those that I have missed naming. I would be remiss in not mentioning the guidance and suggestions of Marlborough DPW Commissioner John Ghiloni that he provided to me and the MCDA over the years. He is truly an asset to the people of Marlborough for both his dedication and knowledge and how he gets the job done with little fanfare. In addition, City Council Clerk Karen A. Boule was always helpful in assisting me in getting requests for information to the City Council. Other notable City employees include Pamala Wilderman and Police Officers Bordy Wicks and Keith Moro who the MCDA has worked so closely with over these past few years. In addition, Nick Milano and Patricia Bernard have been a constant source of information and support. The Mayor and the City are well served by these two dedicated public servants.

I want to thank the MCDA Board and the people of Marlborough for whom I served over these past seven years. In my brief tenure, in my adopted home, I have witnessed so much positive change. Sometimes it takes an outsider with fresh eyes to truly see what is happening. In Marlborough the community is moving forward. From what I see, there is no challenge that the people and institutions of the city could not overcome.

Leading one of the most important agencies that a government could have which is to house and care for seniors, veterans and the disabled should only be held by those with a strong commitment and the necessary background for such an important role. Thank you for your confidence in me and my great office and maintenance staff consisting of: Vonnie Morris, Andrew Skoog, Maria Torres, Jean Bernard, Jen Sleeper, Chad Carter, Yoko Ishii, Frank Hinkley, Gary Patricks and Mike Brodeur. They have made these past few years a great success.

Sometime during the chaotic first few months of my tenure in 2012 I made a promise that when I turned the keys over to my replacement they would not be found in the same situation that I found myself in. To the City Council and to the people of Marlborough with the passing of the keys that promise has been fulfilled.

Very truly yours


Douglas M. Bushman, Esq.
Executive Director (2012-2019)



MARLBOROUGH COMMUNITY DEVELOPMENT AUTHORITY
250 Main Street • Marlborough, MA 01752

January 7, 2019

RE: Official Notice of Resignation – Thursday, January 10th, 2019

MCDA Chair Mayor Arthur G. Vigeant, Board of Commissioners, & Marlborough Tenant Association:

Thursday, January 10th, 2019 will be my last day as the Executive Director of the Marlborough Community Development Authority. As I communicated to the Board at the at the December 18th, 2019 meeting the official resignation notice would be contingent upon DHCD approving my contract with the Fitchburg Housing Authority. This final approval has been granted and the contract has been executed.

I want to thank everyone for the last seven years as first the Housing Director and then the Executive Director of the MCDA. During this time-period so much has been accomplished. To say that the MCDA has changed since January of 2012 would truly be an understatement. In addition the MCDA is now fulfilling its original mission of being a joint housing-community development agency. In it's almost forty-year history this did not occur until 2015.

The MCDA is in great hands with a staff second to none. I would be remiss in not naming this great team of housing professionals: Vonnie Morris, Andrew Skoog, Maria Torres, Jean Bernard, Jen Sleeper, Chad Carter, Yoko Ishii, Frank Hinkley, Gary Patricks and Mike Brodeur. They have made these past few years a great success. In addition, I want to thank our great tenants and clients that we serve for they are the reason the MCDA exists.

The year 2019, will be an incredible year of progress and more changes for the authority and for those it serves. Leading one of the most important agencies that a government could have which is to house and care for seniors, veterans and the disabled should only be held by those with a strong commitment and the necessary background for such an important role. Thank you for your confidence in me

Feel free to contact me if you have any questions. In addition, whomever the Board entrusts as the next steward of the MCDA please let them know they are free to contact me.

Sometime during the chaotic first few months of my tenure in 2012 I made a promise that when I turned the keys over to my replacement they would not be found in the same situation. That promise has been fulfilled.

Very truly yours

Douglas M. Bushman, Esq.

Executive Director (2012-2019)

dbushman@bushmanlaw.com / 860/250-9888

T: 508.624.6908 • F: 508.460.3749 • www.marlborough-ma.gov/mcda



City of Marlborough Planning Board

Administrative Offices
135 Neil St.
Marlborough, MA 01752

PLANNING BOARD

Barbara L. Fenby, Chair
Philip Hodge
Sean N. Fay
George LaVenture
Christopher Russ
Matthew Elder
Krista Holmi, Administrator
(508) 624-6910 x33200
kholmi@marlborough-ma.gov

January 10, 2019

Mr. Edward Clancy
Council President
140 Main St.
Marlborough, MA 01752

RE: Walker Brook Estates Subdivision
Acceptance of Allis Road and Bemis Road as Public Ways
(Council Order 18-1007499)

Honorable President Clancy and Members:

At its regular meeting on January 7, 2019, the Planning Board took the following action:

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to accept and file the favorable recommendation of the City Engineer, Thomas DiPersio, that the roadways of the Walker Brook Estates be considered for acceptance as public ways and to reduce the maintenance bond securing the completion of the subdivision from sixty-three thousand dollars (\$63,000) to zero (\$0). Motion carried.

On a motion by Mr. Hodge, seconded by Mr. LaVenture, the Board further voted to recommend to the Marlborough City Council that Allis Road and Bemis Road be accepted as public ways and their appurtenant easements be accepted as municipal easements in the City of Marlborough, as shown on the Street Acceptance Plan entitled: "Plan of Acceptance of Allis, Bemis Road and Municipal Easements, Marlborough, Massachusetts," Prepared for: The City of Marlborough; Prepared by: Bruce Saluk & Associates, Inc., Civil Engineering & Land Surveying, 576 Boston Post Road East, Marlborough, MA 01752; Dated: June 1, 2018, last revised December 12, 2018; Scale: 1"=120' (Sheet 1 of 2), 1"=60' (Sheet 2 of 2). Motion carried.

Should you need further information, don't hesitate to contact me.

Sincerely,

Barbara L. Fenby
Chairperson

City Clerk ✓
DPW Commissioner
Melanson Development Group, Inc.

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 JAN 11 P 3:41



City of Marlborough Planning Board

Administrative Offices
135 Neil St.
Marlborough, MA 01752

PLANNING BOARD

Barbara L. Fenby, Chair
Philip Hodge
Sean N. Fay
George LaVenture
Christopher Russ
Matthew Elder
Krista Holmi, Administrator
(508) 624-6910 x33200
kholmi@marlborough-ma.gov

January 14, 2019

Edward Clancy
Marlborough City Council
140 Main St.
Marlborough, MA 01752

RE: Council Order 18-1007460, Proposed Zoning Amendment: Lawful Pre-Existing
Nonconforming Single and Two-Family Residential Structures

Honorable President Clancy and Councilors:

At its regularly scheduled Planning Board meeting on January 7, 2019, the Board took the following action regarding the above referenced Council order:

On a motion by Mr. Hodge and seconded by Mr. LaVenture, the Board voted to make a favorable recommendation to the City Council on the proposed zoning amendment. Motion carried.

Sincerely,

Barbara L. Fenby
Chairperson

cc: City Clerk
File

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 JAN 14 P 1:43

WALKER REALTY LLC

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 JAN -9 A 8:25

January 8, 2019

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

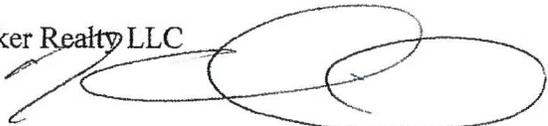
Re: Apex Center- Open Space Covenant

Dear Councilor Clancy and Councilors:

In accordance with paragraph 20 of that certain Development Agreement dated July 25, 2016 (hereinafter the "Development Agreement") by and between Walker Realty LLC (hereinafter the "Applicant") and the City of Marlborough, attached please find the proposed Open Space Covenant (hereinafter the "Covenant") along with a proposed Order to Approve the Open Space Covenant. A previous version of the Covenant was approved as to form by the City Council on or around October 25, 2018. That version of the Covenant contained language prohibiting snow storage within the Open Space area. At the time that language was added, the Applicant objected to its inclusion based upon the following grounds: 1) the Applicant was preparing a snow management plan in consultation with the Conservation Commission and this plan would govern snow storage for the entire project, therefore obviating the need for the snow storage prohibition in the Covenant; 2) the snow management/snow storage plan proposed to the Conservation Commission conflicted with, or potentially conflicted with, the final Open Space area, thereby creating a contradiction between the two documents; and 3) the Development Agreement contemplated that the Open Space area would be an area protected from future development and disturbance. Snow storage is neither development nor disturbance and accordingly, the prohibition was apparently beyond the intended scope of the Covenant. The purpose of this filing is to remove the prohibition of snow storage from the proposed Covenant. In addition, in reviewing the previously approved Covenant form, the Applicant noted that the Covenant was missing a required party. Namely, 11 Apex LLC is the fee owner of certain land subject to the Covenant and must be made a party to the same. For ease of reference, the Applicant is submitting both a clean version of the revised Covenant as well as a redlined version showing the changes from the previously approved Covenant form. Thank you for your attention to this matter. Please do not hesitate to contact me directly with any questions.

Very truly yours,

Walker Realty LLC


Kevin S. Eriksen, Esq.

ORDERED:

That the City of Marlborough does hereby approve, and accept the gift thereof, the Open Space Covenant and Restriction for the perpetual conservation and preservation of open space, passive recreation, and assurance that the subject land will be retained in perpetuity in its natural, scenic, wetlands and wooded conditions in accordance with the terms of said Open Space Covenant and Restriction, concerning that certain land designated and labeled as "Open Space" on a plan entitled "Open Space Exhibit, for Apex Center, 240 Boston Post Road West, Marlborough, MA, Marlborough, Massachusetts, Prepared for Walker Realty, LLC, 4 Lan Drive, Westford, MA, Scale 1'= 200", dated March 21, 2018, prepared by Hancock Associates, 315 Elm Street, Marlborough, MA 01752", said Plan to be recorded as Exhibit A to the Open Space Covenant and Restriction, and this Order to be recorded as Exhibit B to the Open Space Covenant and Restriction, with the Middlesex County South Registry of Deeds.

ADOPTED

In City Council

Order No. 16/17/18-1006443WW

Adopted

Approved by Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST:

OPEN SPACE COVENANT AND RESTRICTION

This OPEN SPACE COVENANT AND RESTRICTION (hereinafter, the “Covenant”) is entered into this ____ day of _____ 2019 by Walker Realty LLC, a Massachusetts limited liability corporation with a usual address of 4 Lan Drive, Westford, MA 01886, Marlboro Hospitality, LLC, a Massachusetts limited liability company with a usual address of 4 Lan Drive, Westford, MA 01886, and 11 Apex, LLC, a Massachusetts limited liability company with a usual address of 4 Lan Drive, Westford, MA 01886, their respective successors as fee owners of the hereinafter described Restricted Land (hereinafter, collectively, the “Covenanting Party”) with the City of Marlborough, a municipal corporation with an address of 140 Main Street, Marlborough, MA 01752 (hereinafter, the “Benefitted Party”).

Reference is made to the following facts which set forth the background to this Covenant:

- A. The Covenanting Party is the fee owner of certain property located off Boston Post Road West, Marlborough, Massachusetts known as Lots 11, 12, and 13A as shown on a plan entitled “Subdivision Plan of Land in Marlborough, Massachusetts” prepared by VHB Inc., dated May 4, 2017, revised through June 14, 2017 and recorded at Middlesex County South Registry of Deeds at Plan Book 2017, Plan 574, (the “Property”), said Restricted Land being a portion thereof.
- B. Pursuant to Section 650-35 of the City of Marlborough Zoning Ordinance, the Property is located within the Hospitality and Mixed Use Overlay District (hereinafter, the “HRMUOD”).
- C. Pursuant to the provisions of Section 650-35 of the City of Marlborough Zoning Ordinance, the Marlborough City Council approved a Development Agreement, which is recorded with the Middlesex South Registry of Deeds in Book 68164, Page 152, for the development of the Property as permitted in the HRMUOD.
- D. Pursuant to paragraph 20 of said Development Agreement, the Covenanting Party is required as a condition of site plan approval to grant to the Benefitted Party a perpetual easement for an additional non-disturbance area to be left as undevelopable Open Space (hereinafter, the “Restricted Land”) at the Property (hereinafter, the “Covenant Requirement”).
- E. In connection with site plan approval, pursuant to the Development Agreement the Covenanting Party desires to restrict 638,500 square feet or 14.6 acres of land, more or less, more particularly described on the plan entitled “Open Space Exhibit, For: Apex Center, 240 Boston Post Road W, Marlborough, MA,” dated 3/21/18 and designated as Exhibit A attached hereto and incorporated herein as the Restricted Land consisting of open space left substantially in its natural state as undevelopable open space in accordance with the terms of this Covenant and in fulfillment of the Covenant Requirement.

NOW THEREFORE for good and valuable consideration, which is acknowledged, the undersigned hereby COVENANTS with the City of Marlborough, acting by and through its Mayor, duly authorized by the Marlborough City Council, as follows:

I. COVENATING PARTY:

Walker Realty LLC, a Massachusetts limited liability company, Marlborough Hospitality LLC, a Massachusetts limited liability company and 11 Apex LLC, a Massachusetts limited liability company, are the fee owners of the Restricted Land.

II. PURPOSES:

The purposes of this Open Space Covenant and Restriction (hereinafter, this "Covenant") are for the perpetual conservation and preservation of open space, passive recreation, and to assure that the Restricted Land will be retained, in perpetuity, in its natural, scenic, wetlands and wooded condition.

III. PROHIBITED AND PERMITTED ACTS AND USES:

A. Prohibited Acts and Uses: Subject to the exceptions set forth hereinafter, the Covenanting Party will not perform or permit the following acts and uses which are expressly prohibited on, above, and below the Restricted Land:

1. Constructing or placing any buildings, constructing or placing parking, roadways or walkways or other structures or pads from asphalt, stone, synthetic or concrete or other materials, fences, signs, billboards or other advertising displays, antennas, utility poles, towers, cabinets, telecommunications equipment of any kind, conduits, lines or other temporary or permanent structures, facilities or accessory uses whatsoever, including portions thereof, on, below, or above the Restricted Land;
2. Mining, excavating, dredging or removing from the Restricted Land soil, loam, peat, gravel, sand, rock or other mineral resources or natural deposits;
3. Placing, filling, storing or dumping on the Restricted Land of soil, refuse, trash, vehicle bodies or parts, rubbish, chemicals, debris, junk, waste or other objects, substances or materials whatsoever or the installation of underground storage tanks;
4. Cutting, removing or otherwise destroying trees, grasses or other vegetation;
5. The stockpiling and composting of stumps, trees, shrubs, grasses, brush limbs or similar materials;
6. Any uses or acts which would impair or be detrimental to the public walking trail easements recorded with the Middlesex County South Registry of Deeds in Book 70162, Page 310

and Book 70162, Page 318, and to the sewer easement, recorded with the Middlesex County South Registry of Deeds in Book 70162, Page 327;

7. Activities detrimental to drainage, flood control, water conservation, wildlife habitat, erosion control or soil conservation;
 8. Hunting, trapping and fishing;
 9. Any other use of the Restricted Land or activity adverse to conservation or which would materially impair the character of the land as open space left substantially in its natural state, unless necessary for protection of the land as such land left substantially in its natural state; and
 10. Use of motorized vehicles including but not limited to trucks, cars, all-terrain vehicles, dirt bikes, motorcycles, campers, trailers and snowmobiles.
- B. Exceptions to Otherwise Prohibited Acts and Uses: Notwithstanding anything to the contrary contained in Paragraph A. above, the following acts and uses are permitted:
1. The maintenance and modification of vegetation, excavation, dredging, removal of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposits on the Restricted Land for conservation, habitat management or scientific purposes;
 2. Construction, reconstruction, modification, inspection, maintenance, repair and use of easements of record, drainage facilities, wastewater facilities and other utilities and rights of way, if any, to service the Property, of which the Restricted Land is a part, and/or to service any other land outside of the Property which is Benefitted by these appurtenances, together with any and all rights and easements of record necessary and desirable to effectuate the foregoing;
 3. Drainage from adjoining land;
 4. The erection and maintenance of signs identifying ownership of the Restricted Land, its status as land subject to an Open Space Covenant and Restriction, the restrictions on the use of the Restricted Land, the identity of areas of interest, natural features or other characteristics of the Restricted Land, and the aforementioned public walking trail easements recorded with the Middlesex County South Registry of Deeds;
 5. With the prior approval of the Tree Warden of the City of Marlborough, the removal of hazardous, downed, dead or dying trees or tree limbs, although some deadfall may remain as den trees and to otherwise support wildlife; the de minimus cutting and removal of shrubs and other vegetation, the planting of native trees, shrubs and other vegetation, and the removal of debris or trash for normal maintenance of the Restricted Land in a natural condition and to prevent threat of injury or damage to persons or property;

6. Measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare and or endangered species including selective planting of native trees, shrubs and plant species, and removal of non-native and invasive plant species;
7. The placing of fences and benches that do not interfere with the purposes of this Covenant;
8. Trapping to control nuisance wildlife species pursuant to M.G.L. c. 131, § 80A;
9. The maintenance, removal or replacement of utilities, underground structures, good drainage, soil conservation or to other permissible uses of the Restricted Land;
10. On the aforementioned public walking trails only, the use of the Restricted Land by the public for passive recreational activities such as walking, snowshoeing, biking, cross-country skiing, nature study, bird watching, and the like;
11. The repair, maintenance, and reconstruction of the walking trails and the sewer easement, and appurtenances thereto, in conformance with the recorded walking trail easements and sewer easement, recorded at the Middlesex County South Registry of Deeds as provided herein, including but not limited to upgrading the surface of the walking trails, and as reasonably necessary such fences, bridges, gates, and stone walls, if any, as may be located on the Restricted Land; and
12. Motorized vehicles necessary for public safety (e.g., fire, police, ambulance and other government officials) in carrying out their lawful duties or as necessary in furtherance of any use permitted under this Section III (B).

IV. MAINTENANCE AND STEWARDSHIP OF THE RESTRICTED LAND

The Benefitted Party, its agents and assigns, may enter upon the Restricted Land at reasonable times and with reasonable advanced written notice to monitor the Covenanting Party's compliance with this Covenant and to otherwise enforce the terms thereof, provided, however, that the Benefitted Party shall provide reasonable notice of entry to the Covenanting Party.

V. MISCELLANEOUS

- A. The burdens of this Covenant shall run with the Restricted Land in perpetuity and shall be enforceable against the Covenanting Party and the successors and assigns of the Covenanting Party holding any interest in the Restricted Land, provided however, Covenanting Party and each successive owner of the Restricted Land (or portion(s) thereof) shall be liable only for those matters arising during the respective party's ownership of the Restricted Land (or portion(s) thereof) and only to the extent of its ownership of the Restricted Land (or portion(s) thereof). Nothing contained in this Covenant shall be construed to entitle the Benefitted Party to bring any action against the Covenanting Party for any injury or change in the Restricted Land resulting from causes beyond the Covenanting Party's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Covenanting Party under emergencies, conditions to abate, prevent or mitigate significant injury to the Restricted Land from such causes.

- B. The rights hereby granted shall include the right to enforce this Covenant by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations. The Covenanting Party covenants and agrees to reimburse the Benefitted Party all reasonable costs and expenses (including reasonable attorney's fees) incurred in enforcing this Covenant or in taking reasonable measures to remedy, correct, or abate any violation thereof, provided that a violation of this Covenant is acknowledged by the Covenanting Party to have occurred or determined by a court of competent jurisdiction to have occurred.
- C. Any election by the Benefitted Party as to the manner and timing of its right to enforce this covenant and restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.
- D. This Covenant may be amended to permit additional uses permitted within open space land in the City of Marlborough by the recording of an instrument executed by the Covenanting Party and the Benefitted Party, with approval of the Marlborough City Council and the Mayor of the City of Marlborough.
- E. This Covenanting Party and the Benefitted Party, on their own behalf and on behalf of their successors and assigns, agree and represent as follows: (i) pursuant to M.G.L. c. 184, § 23, the foregoing Covenant is a gift for the public purpose of preservation of land in its natural state with rights of public access thereto as provided in the above-referenced walking trail easements; and (ii) pursuant to M.G.L. c. 184, § 26, the foregoing Covenant is a restriction held by a governmental body, which shall be duly recorded and indexed in the grantor index on the registry of deeds or registered in the registry of deeds in the registry district of the land court for the county or district wherein the land lies so as to affect its title, and which describes the land by metes and bounds or by reference to a recorded or registered plan showing its boundaries. Accordingly, the foregoing Covenant shall remain in effect in perpetuity, and shall not be subject to the limitation on the period of a covenant of unlimited duration set forth in M.G.L. c. 184, § 23 on the periods of its enforceability set forth in M.G.L. c. 184, § 27.
- F. The Benefitted Party is authorized to record or file notices or instruments, if any, appropriate to assuring the perpetual enforceability of this Covenant. Without limiting any of the foregoing, the Covenanting Party its successors and assigns agree to execute any such reasonable instruments within a commercially reasonable period of time after written request of the Benefitted Party.
- G. The foregoing is not intended to constitute a conservation restriction under M.G.L. c. 184, §§ 31 and 32.
- H. The foregoing Covenant is not intended to be a disposition of land or easement and is not intended to be subject to the provisions of Article 97 of the Constitution of the Commonwealth. Further, by acceptance hereof, the Benefitted Party hereby specifically contractually agrees with the Covenanting Party, in consideration for the grant of this Covenant, to retain the right to release or modify the terms of this Covenant without being subject to the provisions of Article 97 of the Constitution of the Commonwealth.

- I. By Order of the Marlborough City Council, attached hereto as Exhibit B, this Covenant has been approved, and the gift thereof accepted, by the Marlborough City Council in accordance with paragraph 20 of the Development Agreement, which paragraph concerns the recording of a perpetual easement for an additional non-disturbance area at the Property to be left as undevelopable Open Space.

- J. This Covenant shall be and is binding upon the grantee's or successors in title to the Covenanting Party, which agrees to incorporate by reference the terms of this Open Space Covenant and Restriction in any deed or other legal instrument by which it divests itself of any interest in all or any portion of the Restricted Land, it being the express intention and understanding and agreement that this covenant shall constitute a covenant running with the land. Without limitation, the Covenanting Party, on its own behalf and on behalf of its successors and assigns, waives and relinquishes any right to assert that the Covenant does not constitute a gift to a governmental body for a public purpose.

The Marlborough City Council shall be the Benefitted Party under this Covenant until the City Council transfers, if at all, said status as Benefitted Party to the Conservation Commission of the City of Marlborough, after which the Conservation Commission shall be the Benefitted Party under this Covenant until the City Council transfers said status as Benefitted Party under this Covenant, if at all, to itself or to another department, board or commission of the City of Marlborough.

- K. If any provision of this Covenant shall to any extent be held invalid, the remainder shall not be affected.

- L. The Covenanting Party and the Benefitted Party intend that the covenants and restrictions arising hereunder take effect on the day and year this Restriction is recorded in the official records of the Middlesex County South Registry of Deeds, after all signatures have been affixed hereto. This document and any exhibits thereto shall be recorded in a timely manner by the Benefitting Party, at its sole expense, upon execution by all parties.

Witness our hands and seals this ____ day of _____, 2019.

THE REST OF THIS PAGE INTENTIONALLY BLANK. SIGNATURE PAGES FOLLOW.

FOR THE COVENANTING PARTY:

WALKER REALTY LLC

Robert Walker, Manager

FOR THE BENEFITTED PARTY:

THE CITY OF MARLBOROUGH
By and through its duly authorized Mayor:

Arthur G. Vigeant, Mayor
In his official capacity

MARLBOROUGH HOSPITALITY LLC

Robert Walker, Manager

11 APEX LLC

Robert Walker, Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 2019, before me, the undersigned notary public, personally appeared Robert A. Walker, Manager, proved to me through satisfactory evidence of identification, which was Personal Knowledge to be the person whose name is signed on the preceding/attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

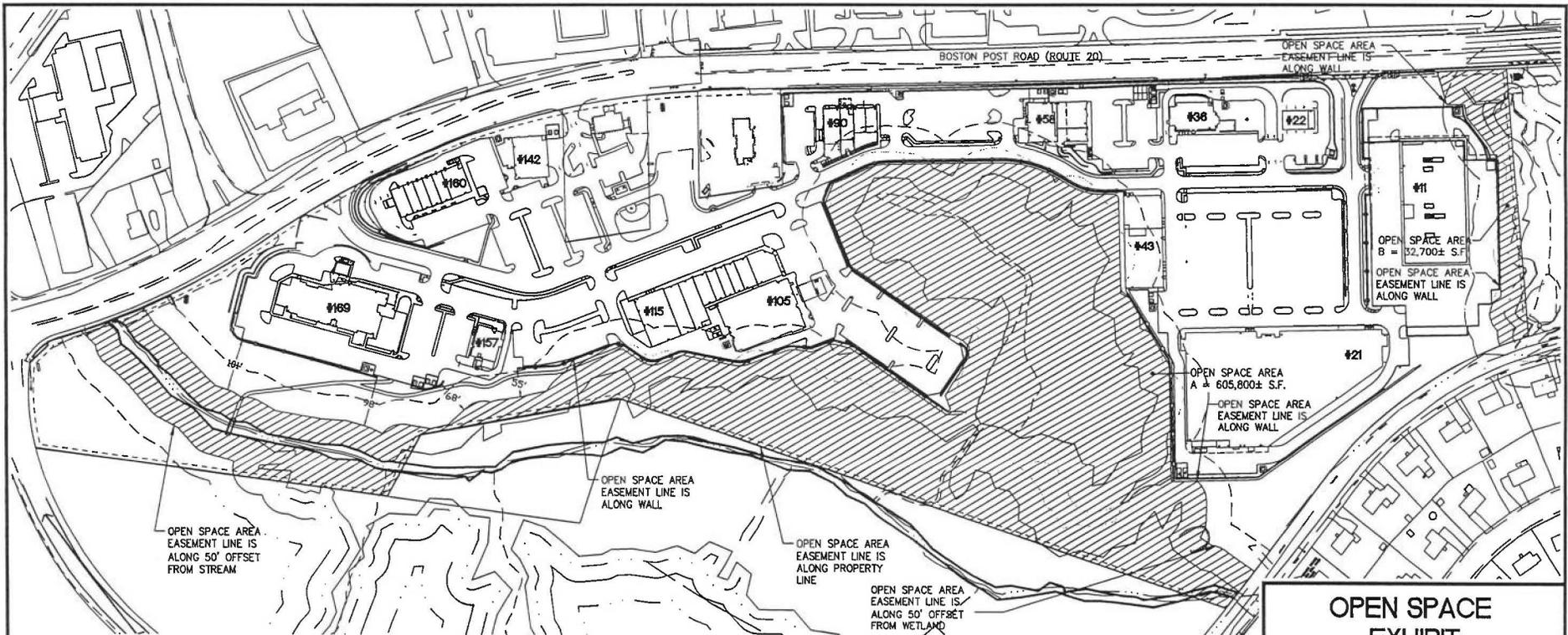
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 2019, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, proved to me through satisfactory evidence of identification, which was _____ (source of identification) to be the person whose name is signed on the preceding/attached document in his official capacity as the Mayor of the City of Marlborough, and acknowledged to me that he signed it voluntarily for its stated purpose.

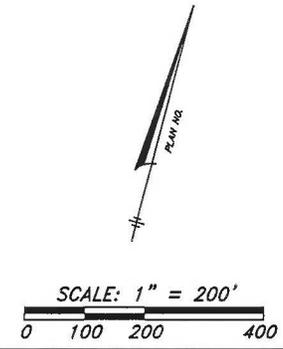
Notary Public
My Commission Expires

EXHIBIT A



OPEN SPACE AREAS:

TOTAL OPEN SPACE 605,800 + 32,700 = 638,500 S.F.



OPEN SPACE EXHIBIT			
FOR: APEX CENTER 240 BOSTON POST RD W, MARLBOROUGH, MA			
PREPARED FOR: WALKER REALTY, LLC 4 LAN DRIVE, WESTFORD, MA			
HANCOCK Associates 315 Elm Street, Marlborough, MA 01752 VOICE (508) 460-1111, FAX (508) 460-1121			
JOB NO: 19576	DATE: 3/21/18	DRWN BY: ETC	CHK BY: JP

EXHIBIT B

OPEN SPACE COVENANT AND RESTRICTION

This OPEN SPACE COVENANT AND RESTRICTION (hereinafter, the "Covenant") is entered into this ___ day of _____ 2019~~8~~ by Walker Realty LLC, a Massachusetts limited liability corporation with a usual address of 4 Lan Drive, Westford, MA 01886, ~~and~~ Marlboro Hospitality, LLC, a Massachusetts limited liability company with a usual address of 4 Lan Drive, Westford, MA 01886, and 11 Apex, LLC, a Massachusetts limited liability company with a usual address of 4 Lan Drive, Westford, MA 01886. their respective successors as fee owners of the hereinafter described Restricted Land (hereinafter, collectively, the "Covenanting Party") with the City of Marlborough, a municipal corporation with an address of 140 Main Street, Marlborough, MA 01752 (hereinafter, the "Benefitted Party").

Reference is made to the following facts which set forth the background to this Covenant:

- A. The Covenanting Party is the fee owner of certain property located off Boston Post Road West, Marlborough, Massachusetts known as Lots 11, 12, and 13A as shown on a plan entitled "Subdivision Plan of Land in Marlborough, Massachusetts" prepared by VHB Inc., dated May 4, 2017, revised through June 14, 2017 and recorded at Middlesex County South Registry of Deeds at Plan Book 2017, Plan 574, (the "Property"), said Restricted Land being a portion thereof.
- B. Pursuant to Section 650-35 of the City of Marlborough Zoning Ordinance, the Property is located within the Hospitality and Mixed Use Overlay District (hereinafter, the "HRMUOD").
- C. Pursuant to the provisions of Section 650-35 of the City of Marlborough Zoning Ordinance, the Marlborough City Council approved a Development Agreement, which is recorded with the Middlesex South Registry of Deeds in Book 68164, Page 152, for the development of the Property as permitted in the HRMUOD.
- D. Pursuant to paragraph 20 of said Development Agreement, the Covenanting Party is required as a condition of site plan approval to grant to the Benefitted Party a perpetual easement for an additional non-disturbance area to be left as undevelopable Open Space (hereinafter, the "Restricted Land") at the Property (hereinafter, the "Covenant Requirement").
- E. In connection with site plan approval, pursuant to the Development Agreement the Covenanting Party desires to restrict 638,500 square feet or 14.6 acres of land, more or less, more particularly described on the plan entitled "Open Space Exhibit, For: Apex Center, 240 Boston Post Road W, Marlborough, MA," dated 3/21/18 and designated as Exhibit A attached hereto and incorporated herein as the Restricted Land consisting of open space left substantially in its natural state as undevelopable open space in accordance with the terms of this Covenant and in fulfillment of the Covenant Requirement.

NOW THEREFORE for good and valuable consideration, which is acknowledged, the undersigned hereby COVENANTS with the City of Marlborough, acting by and through its Mayor, duly authorized by the Marlborough City Council, as follows:

I. COVENATING PARTY:

Walker Realty LLC, a Massachusetts limited liability ~~company~~~~operation~~, and Marlborough Hospitality LLC, a Massachusetts limited liability company and 11 Apex LLC, a Massachusetts limited liability company, are the fee owners of the Restricted Land.

II. PURPOSES:

The purposes of this Open Space Covenant and Restriction (hereinafter, this "Covenant") are for the perpetual conservation and preservation of open space, passive recreation, and to assure that the Restricted Land will be retained, in perpetuity, in its natural, scenic, wetlands and wooded condition.

III. PROHIBITED AND PERMITTED ACTS AND USES:

A. Prohibited Acts and Uses: Subject to the exceptions set forth hereinafter, the Covenanting Party will not perform or permit the following acts and uses which are expressly prohibited on, above, and below the Restricted Land:

1. Constructing or placing any buildings, constructing or placing parking, roadways or walkways or other structures or pads from asphalt, stone, synthetic or concrete or other materials, fences, signs, billboards or other advertising displays, antennas, utility poles, towers, cabinets, telecommunications equipment of any kind, conduits, lines or other temporary or permanent structures, facilities or accessory uses whatsoever, including portions thereof, on, below, or above the Restricted Land;
2. Mining, excavating, dredging or removing from the Restricted Land soil, loam, peat, gravel, sand, rock or other mineral resources or natural deposits;
3. Placing, filling, storing or dumping on the Restricted Land of soil, refuse, trash, vehicle bodies or parts, rubbish, chemicals, debris, junk, waste or other objects, substances or materials whatsoever or the installation of underground storage tanks;
4. Cutting, removing or otherwise destroying trees, grasses or other vegetation;
5. The stockpiling and composting of stumps, trees, shrubs, grasses, brush limbs or similar materials ~~and snow~~;
6. Any uses or acts which would impair or be detrimental to the public walking trail easements recorded with the Middlesex County South Registry of Deeds in Book 70162, Page 310

and Book 70162, Page 318, and to the sewer easement, recorded with the Middlesex County South Registry of Deeds in Book 70162, Page 327;

7. Activities detrimental to drainage, flood control, water conservation, wildlife habitat, erosion control or soil conservation;
 8. Hunting, trapping and fishing;
 9. Any other use of the Restricted Land or activity adverse to conservation or which would materially impair the character of the land as open space left substantially in its natural state, unless necessary for protection of the land as such land left substantially in its natural state; and
 10. Use of motorized vehicles including but not limited to trucks, cars, all-terrain vehicles, dirt bikes, motorcycles, campers, trailers and snowmobiles.
- B. Exceptions to Otherwise Prohibited Acts and Uses: Notwithstanding anything to the contrary contained in Paragraph A. above, the following acts and uses are permitted:
1. The maintenance and modification of vegetation, excavation, dredging, removal of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposits on the Restricted Land for conservation, habitat management or scientific purposes;
 2. Construction, reconstruction, modification, inspection, maintenance, repair and use of easements of record, drainage facilities, wastewater facilities and other utilities and rights of way, if any, to service the Property, of which the Restricted Land is a part, and/or to service any other land outside of the Property which is Benefitted by these appurtenances, together with any and all rights and easements of record necessary and desirable to effectuate the foregoing;
 3. Drainage from adjoining land;
 4. The erection and maintenance of signs identifying ownership of the Restricted Land, its status as land subject to an Open Space Covenant and Restriction, the restrictions on the use of the Restricted Land, the identity of areas of interest, natural features or other characteristics of the Restricted Land, and the aforementioned public walking trail easements recorded with the Middlesex County South Registry of Deeds;
 5. With the prior approval of the Tree Warden of the City of Marlborough, the removal of hazardous, downed, dead or dying trees or tree limbs, although some deadfall may remain as den trees and to otherwise support wildlife; the de minimus cutting and removal of shrubs and other vegetation, the planting of native trees, shrubs and other vegetation, and the removal of debris or trash for normal maintenance of the Restricted Land in a natural condition and to prevent threat of injury or damage to persons or property;

6. Measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare and or endangered species including selective planting of native trees, shrubs and plant species, and removal of non-native and invasive plant species;
7. The placing of fences and benches that do not interfere with the purposes of this Covenant;
8. Trapping to control nuisance wildlife species pursuant to M.G.L. c. 131, § 80A;
9. The maintenance, removal or replacement of utilities, underground structures, good drainage, soil conservation or to other permissible uses of the Restricted Land;
10. On the aforementioned public walking trails only, the use of the Restricted Land by the public for passive recreational activities such as walking, snowshoeing, biking, cross-country skiing, nature study, bird watching, and the like;
11. The repair, maintenance, and reconstruction of the walking trails and the sewer easement, and appurtenances thereto, in conformance with the recorded walking trail easements and sewer easement, recorded at the Middlesex County South Registry of Deeds as provided herein, including but not limited to upgrading the surface of the walking trails, and as reasonably necessary such fences, bridges, gates, and stonewalls, if any, as may be located on the Restricted Land; and
12. Motorized vehicles necessary for public safety (e.g., fire, police, ambulance and other government officials) in carrying out their lawful duties or as necessary in furtherance of any use permitted under this Section III (B).

IV. MAINTENANCE AND STEWARDSHIP OF THE RESTRICTED LAND

The Benefitted Party, its agents and assigns, may enter upon the Restricted Land at reasonable times and with reasonable advanced written notice to monitor the Covenanting Party's compliance with this Covenant and to otherwise enforce the terms thereof, provided, however, that the Benefitted Party shall provide reasonable notice of entry to the Covenanting Party.

V. MISCELLANEOUS

- A. The burdens of this Covenant shall run with the Restricted Land in perpetuity and shall be enforceable against the Covenanting Party and the successors and assigns of the Covenanting Party holding any interest in the Restricted Land, provided however, Covenanting Party and each successive owner of the Restricted Land (or portion(s) thereof) shall be liable only for those matters arising during the respective party's ownership of the Restricted Land (or portion(s) thereof) and only to the extent of its ownership of the Restricted Land (or portion(s) thereof). Nothing contained in this Covenant shall be construed to entitle the Benefitted Party to bring any action against the Covenanting Party for any injury or change in the Restricted Land resulting from causes beyond the Covenanting Party's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Covenanting Party under emergencies, conditions to abate, prevent or mitigate significant injury to the Restricted Land from such causes.

- B. The rights hereby granted shall include the right to enforce this Covenant by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations. The Covenanting Party covenants and agrees to reimburse the Benefitted Party all reasonable costs and expenses (including reasonable attorney's fees) incurred in enforcing this Covenant or in taking reasonable measures to remedy, correct, or abate any violation thereof, provided that a violation of this Covenant is acknowledged by the Covenanting Party to have occurred or determined by a court of competent jurisdiction to have occurred.
- C. Any election by the Benefitted Party as to the manner and timing of its right to enforce this covenant and restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.
- D. This Covenant may be amended to permit additional uses permitted within open space land in the City of Marlborough by the recording of an instrument executed by the Covenanting Party and the Benefitted Party, with approval of the Marlborough City Council and the Mayor of the City of Marlborough.
- E. This Covenanting Party and the Benefitted Party, on their own behalf and on behalf of their successors and assigns, agree and represent as follows: (i) pursuant to M.G.L. c. 184, § 23, the foregoing Covenant is a gift for the public purpose of preservation of land in its natural state with rights of public access thereto as provided in the above-referenced walking trail easements; and (ii) pursuant to M.G.L. c. 184, § 26, the foregoing Covenant is a restriction held by a governmental body, which shall be duly recorded and indexed in the grantor index on the registry of deeds or registered in the registry of deeds in the registry district of the land court for the county or district wherein the land lies so as to affect its title, and which describes the land by metes and bounds or by reference to a recorded or registered plan showing its boundaries. Accordingly, the foregoing Covenant shall remain in effect in perpetuity, and shall not be subject to the limitation on the period of a covenant of unlimited duration set forth in M.G.L. c 184, § 23 on the periods of its enforceability set forth in M.G.L. c. 184, § 27.
- F. The Benefitted Party is authorized to record or file notices or instruments, if any, appropriate to assuring the perpetual enforceability of this Covenant. Without limiting any of the foregoing, the Covenanting Party its successors and assigns agree to execute any such reasonable instruments within a commercially reasonable period of time after written request of the Benefitted Party.
- G. The foregoing is not intended to constitute a conservation restriction under M.G.L. c. 184, §§ 31 and 32.
- H. The foregoing Covenant is not intended to be a disposition of land or easement and is not intended to be subject to the provisions of Article 97 of the Constitution of the Commonwealth. Further, by acceptance hereof, the Benefitted Party hereby specifically contractually agrees with the Covenanting Party, in consideration for the grant of this Covenant, to retain the right to release or modify the terms of this Covenant without being subject to the provisions of Article 97 of the Constitution of the Commonwealth.

- I. By Order of the Marlborough City Council, attached hereto as Exhibit B, this Covenant has been approved, and the gift thereof accepted, by the Marlborough City Council in accordance with paragraph 20 of the Development Agreement, which paragraph concerns the recording of a perpetual easement for an additional non-disturbance area at the Property to be left as undevelopable Open Space.

- J. This Covenant shall be and is binding upon the grantee's or successors in title to the Covenanting Party, which agrees to incorporate by reference the terms of this Open Space Covenant and Restriction in any deed or other legal instrument by which it divests itself of any interest in all or any portion of the Restricted Land, it being the express intention and understanding and agreement that this covenant shall constitute a covenant running with the land. Without limitation, the Covenanting Party, on its own behalf and on behalf of its successors and assigns, waives and relinquishes any right to assert that the Covenant does not constitute a gift to a governmental body for a public purpose.

The Marlborough City Council shall be the Benefitted Party under this Covenant until the City Council transfers, if at all, said status as Benefitted Party to the Conservation Commission of the City of Marlborough, after which the Conservation Commission shall be the Benefitted Party under this Covenant until the City Council transfers said status as Benefitted Party under this Covenant, if at all, to itself or to another department, board or commission of the City of Marlborough.

- K. If any provision of this Covenant shall to any extent be held invalid, the remainder shall not be affected.

- L. The Covenanting Party and the Benefitted Party intend that the covenants and restrictions arising hereunder take effect on the day and year this Restriction is recorded in the official records of the Middlesex County South Registry of Deeds, after all signatures have been affixed hereto. This document and any exhibits thereto shall be recorded in a timely manner by the Benefitting Party, at its sole expense, upon execution by all parties.

Witness our hands and seals this ____ day of _____, 20198.

THE REST OF THIS PAGE INTENTIONALLY BLANK. SIGNATURE PAGES FOLLOW.

FOR THE COVENANTING PARTY:

FOR THE BENEFITTED PARTY:

WALKER REALTY LLC

THE CITY OF MARLBOROUGH
By and through its duly authorized Mayor:

Robert Walker, Manager

Arthur G. Vigeant, Mayor
In his official capacity

MARLBOROUGH HOSPITALITY LLC

Robert Walker, Manager

11 APEX LLC

Robert Walker, Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, ~~2018~~2019, before me, the undersigned notary public, personally appeared Robert A. Walker, Manager, proved to me through satisfactory evidence of identification, which was Personal Knowledge to be the person whose name is signed on the preceding/attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, ~~2018~~2019, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, proved to me through satisfactory evidence of identification, which was _____ (source of identification) to be the person whose name is signed on the preceding/attached document in his official capacity as the Mayor of the City of Marlborough, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires

EXHIBIT A

EXHIBIT B

Formatted: Indent: Left: 0", First line: 0"

BARBARA H. ROWE
DOUGLAS J. ROWE



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

21 COTTING AVENUE
POST OFFICE BOX 617
MARLBOROUGH, MA 01752
TEL: (508) 485-5555
FAX: (508) 485-8888
email: bhr@rowelawoffice.com
email: djr@rowelawoffice.com

2019 JAN 22 P 4:31

ROWE LAW OFFICE

January 17, 2019

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

Re: Special Permit, # 18-1007424A, 57 Main Street

Dear President Clancy:

Please be advised that I represent the John P. Rowe Funeral Home, Inc, its sole shareholders John P. Rowe, Jr. and J. Peter Rowe, and John P. Rowe, Jr. and J. Peter Rowe in their individual capacities and enter my Appearance for them in the matter of the Special Permit pending before the Council.

There is a valid and existing purchase and sale agreement between my clients and the applicant Marlborough TOTG, LLC, which provides in part that the buyer may apply for permits in its own name, which it has in this instance and that is ratified by the Sellers.

To clarify any questions concerning the real estate being sold there are three parcels, two standing in the corporate name and one owned as tenants in common by John P. Rowe, Jr. and J. Peter Rowe, all of whom are signatories to the purchase and sale agreement.

Please contact me with any questions regarding the above.

Respectfully,

A handwritten signature in cursive script, appearing to read "Douglas J. Rowe".

Douglas J. Rowe, Esq
BBO 431720

DROHAN TOCCHIO & MORGAN, P.C.

ATTORNEYS AT LAW
175 DERBY STREET, SUITE 30
HINGHAM, MASSACHUSETTS 02043
Telephone: (781) 749-7200 ~ Facsimile: (781) 740-4335
www.dtm-law.com

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 JAN 23 P 4:01

MARK S. BOURBEAU
mbourbeau@dtm-law.com

January 23, 2019

Via First Class Mail

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

RE: Rezoning off Valley Street
Assessor's Map 82 Parcel 125C, Marlborough HUB, LLC.

Attn. President and Members:

On behalf of Marlborough HUB, LLC., we are writing to petition the City Council to rezone its land off Valley Street, identified as Assessor's Map 82 Parcel 125C, "Parcel 125C." Said Parcel 125C is currently zoned Industrial, whereas the abutting property on the west side is zoned Residence C, and on the east zoned Business, as shown on the attached exhibit. As such, please submit this petition to the City Council for the rezoning of Parcel 125C, owned by Marlborough HUB, LLC from Industrial to Residence C. This will maintain a consistent zoning use pattern for the subject area west of the Business Zone, and provide for a consistent use in conjunction with the Petitioner's adjoining residentially-zoned parcel, Map 82 Parcel 125. Further, Parcel 125C consists of a long-abandoned railroad bed, which currently forms an isolated 50 foot-wide finger of Industrially Zoned land projecting east from Valley Street, but due to its size, configuration, and lack of connection to any other Industrial properties is totally impractical for any current or likely future industrial use.

We would suggest the language for the Zoning Amendment read as follows:

That the land off Valley Street owned by Marlborough HUB, LLC., shown on Assessor's Map 82 as Parcel 125C, presently zoned "Industrial", be rezoned as "Residence C", as said parcel 125C is contiguous to the proponent's residentially zoned land, Assessors' Parcel 125, and neither contiguous to any other industrially zoned land, and not practical or feasible for lawful industrial use.

Edward Clancy, President
Marlborough City Council
January 23, 2019
Page 2

Thank for your consideration and assistance with this rezoning effort. We look forward to this matter being placed on the City Council Agenda for consideration, and remain available to provide and present support for this rezoning effort.

Sincerely,

A handwritten signature in black ink that reads "Mark S. Bourbeau". The signature is written in a cursive style. To the right of the signature, the initials "MKS" are written in a smaller, more legible font.

Mark S. Bourbeau

/kks

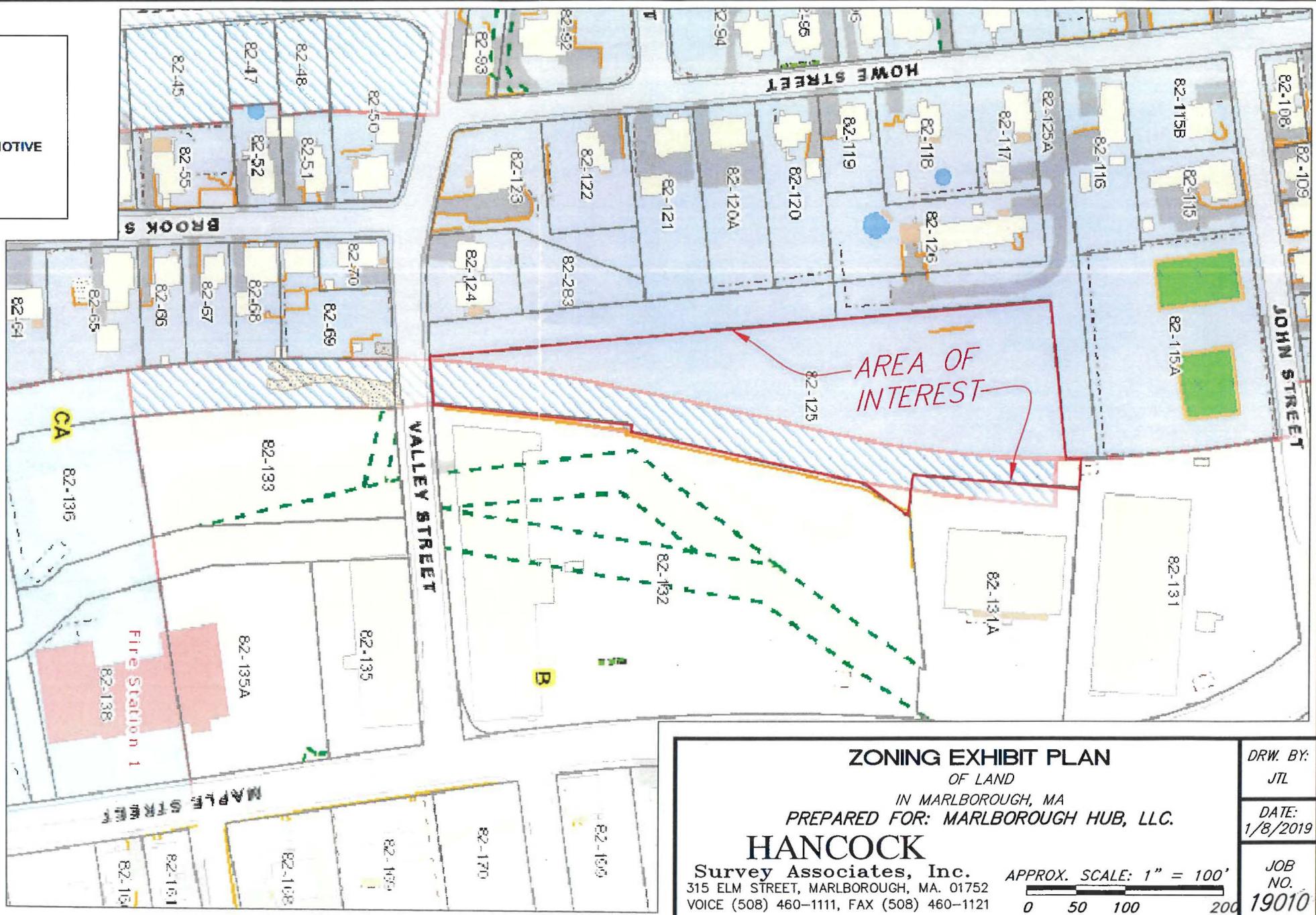
LEGEND:

	RC RESIDENCE C
	B BUSINESS
	CA COMMERCIAL AUTOMOTIVE
	I INDUSTRIAL

MERIDIAN FROM MARLBOROUGH, MA GIS SYSTEM

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING LOCATION OF A STRIP OF INDUSTRIAL ZONED LAND BETWEEN HOWE STREET AND MAPLE STREET, AS WELL AS THE SURROUNDING ZONING DISTRICTS.
2. ALL ZONING AND PARCEL INFORMATION SHOWN HEREON HAS BEEN TAKEN FROM THE MARLBOROUGH, MA GIS SYSTEM AS DEPICTED ON JANUARY 8, 2019.



ZONING EXHIBIT PLAN
OF LAND
IN MARLBOROUGH, MA
PREPARED FOR: MARLBOROUGH HUB, LLC.

HANCOCK
Survey Associates, Inc.
315 ELM STREET, MARLBOROUGH, MA. 01752
VOICE (508) 460-1111, FAX (508) 460-1121

APPROX. SCALE: 1" = 100'



DRW. BY: JTL
DATE: 1/8/2019
JOB NO. 19010

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 JAN 24 A 11: 39

Arthur P. Bergeron
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
abergeron@mirickoconnell.com
t 508.929.1652
f 508.463.1385

January 24, 2019

HAND DELIVERED

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

Re: Proposed Zoning Amendment – Executive Residential Overlay District

Dear Councilor Clancy:

I represent Post Road Residential LLC, the prospective buyer of approximately 43 acres of land on the easterly side of Simarano Drive between the Interstate 495 Interchange and Cedar Hill Road, currently owned by BP Crane Meadow, LLC. The property is located in the Industrial and Limited Industrial Zoning Districts.

As noted in the enclosed letter of authorization, BP Crane Meadow, LLC, requests in accordance with M.G.L. c. 40A, § 5 that the City Council consider amending the Zoning Ordinance as specified in the attached Proposed Order, to create a new Executive Residential Overlay District over the property. Please refer this matter to the Planning Board and take the appropriate steps for review by the City Council.

Pursuant to City Council Order No. 91-3822A, I am notifying you that Mirick O'Connell is representing Post Road Residential LLC in this matter before the City Council.

Very truly yours,



Arthur P. Bergeron

APB/brf
Enclosures

cc: Client
Brian R. Falk, Esq.

BP CRANE MEADOW, LLC
c/o Boston Properties, Inc.
800 Boylston Street, Suite 1900
Boston, Massachusetts 02199

January 24, 2019

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

RE: Proposed Zoning Amendment

Dear Councilor Clancy:

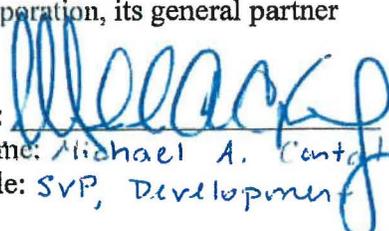
Please be advised that the undersigned, BP Crane Meadow, LLC, is the owner of certain properties located at 107 Simarano Drive and along Cedar Hill Street, shown on Assessors Map 116 as Parcels 5, 11, and 12, and does hereby authorize Mirick O'Connell, on behalf of Post Road Residential, LLC, to submit to the City Council for consideration that certain proposed zoning amendment to superimpose a new Executive Residential Overlay District over these parcels that is included in the package submitted by Arthur P. Bergeron, Esq. on behalf of Post Road Residential LLC dated as of January 24, 2019.

Thank you for your time and attention to this matter.

BP Crane Meadow, LLC, a Delaware limited liability company

By: Boston Properties Limited Partnership, a Delaware limited partnership, its sole member and manager

By: Boston Properties, Inc., a Delaware corporation, its general partner

By: 
Name: Michael A. Contaglopa
Title: SVP, Development

ORDERED:

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as amended, be further amended by adding a new §650-36, Executive Residential Overlay District, as follows:

§650-36 – EXECUTIVE RESIDENTIAL OVERLAY DISTRICT

A. Purpose and Objectives

The Executive Residential Overlay District (“EROD”) allows the application of supplemental land use controls within the boundaries of a certain overlay district, subject to City Council approval, as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the EROD are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety, and welfare by promoting integrated, pedestrian-friendly, residential and mixed-use development with convenient access to employment options in Marlborough’s southwest quadrant and along Interstate 495.

B. Location of EROD; Development Phasing

1. For the purposes of this Section (§650-36 et. seq.), the EROD is located on the easterly side of Simarano Drive between the Interstate 495 Interchange and Cedar Hill Road containing approximately 43 acres as indicated on the City Zoning Map and more particularly described in Exhibit “A” annexed hereto and incorporated by reference herein.
2. Within the EROD, there may be one or more phases of development (“ERO Phase”). Each ERO Phase may consist of one or more parcels of land and may include any eligible use set forth in Subsection D below, which may be commingled within a single structure or located in separate structures on one or more parcels. Parcels within the EROD may be combined or subdivided and held under separate ownership or leaseholds. Each ERO Phase shall be subject to Site Plan Approval.
3. Upon the issuance of Site Plan Approval for an ERO Phase on a parcel or parcels in the EROD, this Section (§650-36 et. seq.) shall govern said parcel as developed in accordance with the Site Plan Approval.
4. Except as specifically provided herein, the provisions of the Zoning Ordinance relating to the underlying zoning districts not otherwise impacted by this Section (§650-36 et. seq.) shall continue to remain in full force and effect. In the event of any conflict between the provisions of this Section (§650-36 et. seq.) and any other provision of the Zoning Ordinance, the provisions of this Section (§650-36 et. seq.) shall govern and control.

C. Authority of Permit Granting Authority

1. The City Council shall be the Permit Granting Authority for Special Permits and Site Plan Approvals in the EROD. Special Permits shall require a two-thirds vote of the City Council; Site Plan Approvals shall require a simple majority vote.
2. At the request of an applicant as part of an initial application or as part of a modification pursuant to Subsection H, the City Council may elect to vary the dimensional, parking, design, and landscaping requirements applicable to an ERO Phase by Site Plan Approval upon finding that such change shall result in an improved design and will not nullify or substantially derogate from the intent or purpose of this Section (§650-36 et. seq.).
3. An application for Site Plan Approval for an ERO Phase shall comply with the City Council's Rules for Site Plan Approval. An application for a Special Permit for a use in the EROD shall comply with the requirements of §650-59 of the Zoning Ordinance.

D. Eligible Uses

1. The following uses are permitted BY-RIGHT in the EROD:
 - a. Multifamily Dwellings, up to 450 dwelling units.
 - b. Restaurant, café with or without table service (including outside seating and service) with or without drive-thru, provided that said facilities have no dedicated driveway with a curb cut on a public way.
 - c. Co-working or shared working spaces.
 - d. Health, sports and fitness clubs (indoor and/or outdoor) and related facilities.
 - e. Retail sales and services.
 - f. Offices, professional offices, banks, insurance, and financial institutions.
 - g. Consumer service establishments complementary to the other principal uses.
 - h. Brew pubs.
 - i. Distilleries with attached restaurants.
 - j. Accessory solar energy installations, including but not limited to roof-top systems and solar parking canopies.
 - k. Uses allowed by right in the underlying zoning district.

1. Accessory uses.
2. The following additional uses are permitted BY SPECIAL PERMIT in the EROD:
 - a. Multifamily Dwellings in excess of 450 dwelling units.
 - b. Uses allowed by special permit in the underlying zoning district.
3. All uses not specified in Subsection D.1 and Subsection D.2 above shall be deemed prohibited in the EROD.
4. Once an ERO Phase receives Site Plan Approval, individual uses within the ERO Phase may be changed without further Site Plan Approval, unless such change otherwise requires Site Plan Approval under §270-2 of the Marlborough City Code or a modification to a Site Plan Approval under Subsection H.3.
5. Multifamily dwellings in the EROD shall be subject to Section 650-26 of the Zoning Ordinance.

E. Dimensional Requirements

1. Notwithstanding any provisions of the Zoning Ordinance to the contrary, development in the EROD shall be subject to the following dimensional standards:
 - a. Minimum lot area: none.
 - b. Minimum Lot Frontage: none.
 - c. Minimum Front Yard or Setback from a Public Way: 20 feet.
 - d. Minimum Side and Rear Yard: 25 feet.
 - e. Maximum Building Height: 80 feet, no limitation on stories.
 - f. Maximum Lot Coverage: 60%, over the entire EROD.
2. Notwithstanding anything contained herein to the contrary, there shall be no yard or setback requirements or planting strips required as to internal lot lines within the EROD.

F. Parking Requirements

1. Parking Locations – Parking may be provided at ground level, underground, or in parking garages. Parking garages may be free standing or part of buildings dedicated to other permitted uses. Parking garages may contain accessory solar energy installation.

2. Required Parking Spaces – An ERO Phase shall provide parking as follows: 1 parking space per bedroom; 1 parking space per 250 square feet of office or co-working / shared working space; 1 parking space for every 3 seats plus 1 parking space for every 3 employees for a restaurant or other food/beverage service use; and 1 parking space for each 100 square feet of public floor area of other commercial space; provided, however, that the City Council may, through Site Plan Approval, authorize a reduction in the required number of parking spaces upon finding that the parking provided for the ERO Phase is sufficient to meet demand.
3. Parking Space Dimensions – Each parking space shall be no less than 9' x 18' except that the use of compact spaces (no smaller than 8' x 16') may be utilized throughout provided that no more than 33% of the total parking spaces within an ERO Phase shall be compact spaces.
4. Except as otherwise provided in this Section (§650-36 et. seq.), parking and circulation requirements in the EROD shall conform with the provisions of §650-48 and §650-49 of the Zoning Ordinance.

G. Design Standards

1. Design Criteria – An application for Site Plan Approval under this Section (§650-36 et. seq.) shall adhere to the design criteria specified in §270-2 of the Marlborough City Code.
2. Roadways – To the extent feasible, internal roadways shall be constructed using the methods and materials prescribed in the Rules and Regulations for the Subdivision of Land in the City, but shall not be required to conform to the subdivision standards or dimensional requirements thereof, provided that those roadways shall be adequate for the intended vehicular and pedestrian traffic. The design of ways and parking circulation should be as efficient as possible to reduce the overall development impact and area of impervious surfaces.
3. Landscaping – Landscaping in the EROD shall conform with the provisions of §650-47 of the Zoning Ordinance, except that continuous landscaped strips shall be provided along all public ways with an average minimum width of 10 feet, with at least one tree per 50 linear feet of planting area length on average or with groups of trees spaced no further apart than 100 linear feet on average.
4. Storm Water Management System – An ERO Phase shall have a storm water management system designed in accordance with the Rules and Regulations for the Subdivision of Land in the City, the Department of Environmental Protection's Storm Water Management Guidelines, and the City's Stormwater Ordinance, §271 of the Marlborough City Code.
5. Signage – Except as otherwise provided in this Section (§650-36 et. seq.), signage shall conform to the provisions of §526 of the Marlborough City Code.

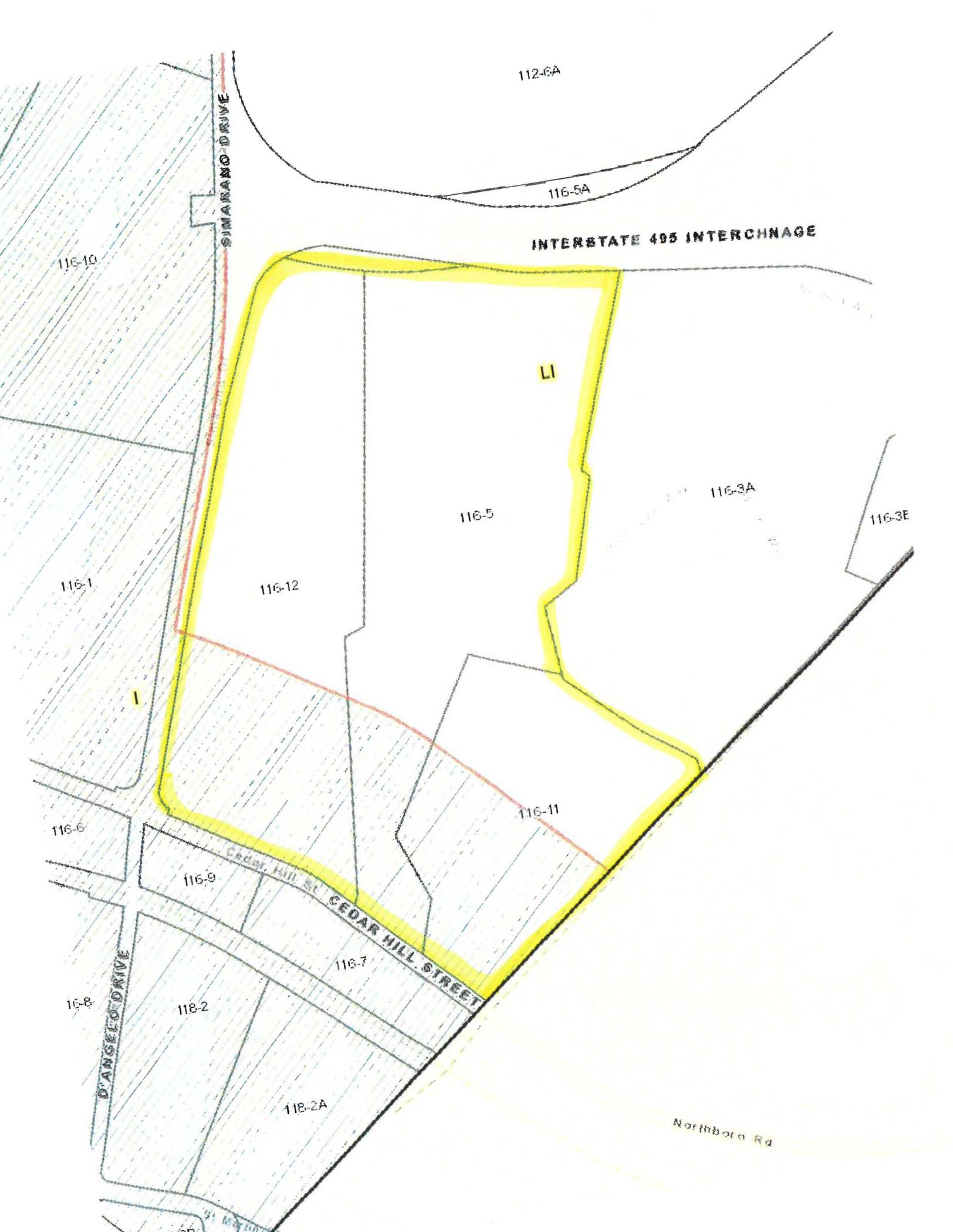
H. Modifications

1. After approval, applicants may seek modifications to any approved Special Permits or Site Plan Approvals.
2. Special Permits – Major modifications to a Special Permit may be granted by a two-thirds vote of the City Council, and minor modifications to Special Permit may be granted by the Building Commissioner. The Building Commissioner shall have jurisdiction to determine whether a requested modification to a Special Permit is major or a minor. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce a material increase in impact on City services, the environment, or the neighborhood. Where the effect of a modification to a Special Permit is quantifiable (by way of example only, modifications to building size or location, parking count or location, or other such quantifiable modification), it shall be presumed minor if the quantifiable effect does not result in a ten percent (10%) or greater variation from the applicable approval, provided however, that said modification would not result in a violation of any provision of this Section (§650-36 et. seq.). If it is determined that a modification to a Special Permit is not minor, per §650-59 of the Zoning Ordinance, an application for a revised Special Permit shall be filed, and a public hearing shall be held in the same manner as required for a new application.
3. Site Plan Approvals – Major modifications to a Site Plan Approval may be granted by a majority vote of the City Council, and minor modifications to a Site Plan Approval may be granted by the Building Commissioner. The Building Commissioner shall have jurisdiction to determine whether a requested modification to a Site Plan Approval is major or a minor. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce a material increase in impact on City services, the environment, or the neighborhood. Where the effect of a modification to a Site Plan Approval is quantifiable (by way of example only, modifications to building size or location, parking count or location, or other such quantifiable modification), it shall be presumed minor if the quantifiable effect does not result in a ten percent (10%) or greater variation from the applicable approval, provided however, that said modification would not result in a violation of any provision of this Section (§650-36 et. seq.). If it is determined that a modification to a Site Plan Approval is not minor, an application for a revised Site Plan Approval shall be filed in accordance with the City Council's Rules for Site Plan Approval.

EXHIBIT A

The Executive Residential Overlay District shall include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

- Assessors Map 116, Parcel 5
- Assessors Map 116, Parcel 11
- Assessors Map 116, Parcel 12



112-6A

116-5A

INTERSTATE 495 INTERCHNAGE

LI

116-10

116-1

116-5

116-12

116-3A

116-3E

116-11

116-6

116-9

Cedar Hill St

CEDAR HILL STREET

116-7

116-8

118-2

118-2A

Northboro Rd

D'ANGELO DRIVE

SIMARANO DRIVE



Massachusetts State Lottery Commission

DEBORAH B. GOLDBERG
Treasurer and Receiver General

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

MICHAEL R. SWEENEY
Executive Director

2019 JAN 10 P 12:14

January 8, 2019

Marlborough City Council
140 Main Street
Marlborough, MA 01752

Dear Sir/Madam:

The Massachusetts State Lottery is offering existing, non-pouring agents our KENO To Go game, a transaction which is identical to the already existing on-line games, such as Megabucks and Mass Cash. At this time, the Lottery is not providing agents with a KENO monitor as part of this program.

In accordance with M.G.L. c 10, section 27A, as amended, you are hereby notified that the following existing agent(s) in your community will be eligible to sell the KENO To Go product:

Marlboro Smoke Shop
170 Pleasant St.

If you object to these agent(s) selling KENO To Go, you must do so, in writing, within twenty-one (21) days of receipt of this letter. Please address your written objection to Carol-Ann Fraser, General Counsel, Legal Department, Massachusetts State Lottery Commission, 60 Columbian Street, Braintree, MA 02184. Should you have any questions regarding this program or any other issue relative to the Lottery, please call me at 781-849-5555. I look forward to working with you as the Lottery continues its' efforts to support the 351 cities and towns of the Commonwealth.

Sincerely,

Michael R. Sweeney
Executive Director

7001 2510 0004 5229 0169



Supporting the 351 Cities and Towns of Massachusetts



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 JAN -9 A 9:15

Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

Call to Order

November 27, 2018

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 pm at the District Education Center, 17 Washington Street, Marlborough, MA. Members present included Mrs. Bodin-Hettinger, Mrs. Matthews, Mrs. Ryan, Mrs. Hennessy and Mr. Geary.

Superintendent Michael Bergeron, Assistant Superintendent of Teaching and Learning, Mary Murphy, Director of Finance and Operations Douglas Dias were also present.

In attendance were MEA Representative Rupal Patel, Student Representative Timothy Goliger and Administrative Support Christine Martinelli.

This meeting was recorded by local cable WMCT-TV and is available for review.

2. **Pledge of Allegiance:** James Acosta, Mayflower Council Marlborough Boy Scout Troop 2, led the Pledge of Allegiance.

3. **Presentation:**

- A. **FY19 Akiruno Trip**

Rupal Patel, Whitcomb School Akiruno Exchange Program Advisor, spoke briefly about the hard work the twelve students put in to prepare for their trip to Akiruno, Japan. Since being chosen to go last February, the students held multiple fundraisers, met every Wednesday morning at 7:15 to learn Japanese language and learn about the Japanese culture. Mrs. Patel also thanked the three chaperones who accompanied the students, and others, whose hard work helped make this trip possible. Mrs. Patel then invited the students and chaperones up to share their experiences from their trip with the School Committee. In addition to a slide show from their recent trip, a video of past Exchange Students from both MPS and Akiruno was shown. In the video, they spoke of how the Program experience changed their lives in so many positive ways.

Mrs. Bodin-Hettinger, who was on this recent trip, presented Mayor Vigeant with a gift from the Mayor of Akiruno. While in Japan, she had presented a gift to the City of Akiruno and Mayor, on behalf of the City of Marlborough and Mayor Vigeant.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

4. **Committee Discussion/Directives: None**

5. **Communications:**

Superintendent Bergeron shared a letter and postcard that was sent to him from Mr. Lowell Joerg, a 90-year-old gentleman from Stockton, CA. He had been at an antique store recently and found the well preserved, old circa 1908 postcard showing the Walker Building, when it was the High School. Mr. Joerg went on to say, heritage is important and should be preserved, and took it upon himself to 'send it home where it can be appreciated' in Marlborough. In return for Mr. Joerg's kind gesture, the Superintendent sent him a MPS shirt.

6. **Superintendents Report:**

Superintendent Bergeron began his report recognizing two students, Eliana Greenstein Himle and Morgan Raun, for the *Massachusetts Association of School Superintendent's Award*. Individually, the students stood at the podium as the Superintendent read their lengthy list of accomplishments, then presented them with a *Certificate of Academic Excellence* from MASS.

Dan Riley, MHS Principal recognized two students, Lou Vigeant and Halle McCabe, for the *National School Development Council Award*. Tatiana Barthold was recognized, for the DAR Good Citizen Award. Individually, the students stood at the podium as Mr. Riley read their lengthy list of accomplishments, then presented them with their certificate.

Additionally, MHS Assistant Principals John Travers and Steve Bishop were present to read the names of the seventy-two, 2019 *John and Abigail Adams Scholarship* recipients for their hard work and achievement. This scholarship entitles the recipient to four years of free tuition at any University of Massachusetts campus, or any state or community college and is based on outstanding MCAS results.

Mrs. Hennessy pointed out to the School Committee that there were about 10 students receiving the John and Abigail Adams Scholarship who had participated in the Akiruno Exchange Program.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

A. Director of Finance & Operations Report

Mr. Dias is requesting the adoption of the FY19 budget calendar for this year. The five calendar dates can be found on the MPS Website and are subject to change.

It was reported there is a negative Cafeteria balance of -\$3,549 as of 11/19/2018, compared to a negative balance of -\$2,591 at the same period last year. The Finance & Operations office, along with Food Services and school administrators, will continue to communicate with families, to ensure they are aware of the f/r lunch program.

On November 13 and 14, MASBO consultants performed a review of the district's transportation operations to identify points of strengths and weaknesses. Their formal report is expected in a few weeks, and with the information from this review, they will make targeted recommendations based on their observations.

Mrs. Matthews voiced concern regarding voting on dates for the budget calendar before the public hearing. She would like the vote to take place after the public hearing on the 26th, giving the public time to have a say before the committee votes.

7. Acceptance of Minutes

A. Minutes of the October 9, 2018 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant, to approve as submitted, the minutes of the October 9, 2018 School Committee Meeting.

Motion passed 6-0-0.

B. Minutes of the October 23, 2018 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant, to approve as submitted, the minutes of the October 23, 2018 School Committee Meeting.

Motion passed 6-0-0.

C. Minutes of the November 13, 2018 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant, to approve as amended, the minutes of the November 13, 2018 School Committee Meeting.

Motion passed 6-0-0.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

8. Public Participation: None

9. Action Items/Reports:

A. Memorandum of Understanding between the Marlborough School Committee and Marlborough School Administrative Office Support Association

A motion was made by Mrs. Matthews, seconded by Chairman Vigeant, to approve the Memorandum of Understanding between the Marlborough School Committee and Marlborough School Administrative Office Support Association for 2018 – 2021.

Motion passed 6-0-0.

B. Approval of New Position – Principal of new, unnamed K-5 Elementary School

Superintendent Bergeron requested this Action item be tabled until the next School Committee meeting in December.

A motion was made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant, to table the Approval of the New Position until the next regularly scheduled School Committee meeting.

Motion passed 6-0-0.

C. Policy Acceptance

Policy #2.310 Organization of the School Committee, was brought forward for First Read, to the full School Committee, and is now being moved forward for acceptance. A motion to approve was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve Policy #2.310 Organization of the School Committee.

Motion passed 6-0-0.

Policy #2.331 Duties of the Mayor as Chairperson, was brought forward for First Read, to the full School Committee, and is now being moved forward for acceptance. A motion to approve was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve Policy #2.331 Duties of the Mayor as Chairperson.

Motion passed 6-0-0.

Policy #2.332 Duties of the Vice Chairperson, was brought forward for First Read, to the full School Committee, and is now being moved forward for acceptance. A motion to approve was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve Policy #2.332 Duties of the Vice Chairperson.

Motion passed 6-0-0.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

Policy #2.410 Time and Place of Meetings, was brought forward for First Read, to the full School Committee, and is now being moved forward for acceptance. A motion to approve was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve Policy #2.410 Time and Place of Meetings.

Motion passed 6-0-0.

Policy #6.550 Social Media, was brought forward for First Read, to the full School Committee, and is now being moved forward for acceptance. A motion to approve was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve Policy #6.550 Social Media.

Motion passed 6-0-0.

Policy #7.970 Internet Acceptable Usage, was brought forward for First Read, to the full School Committee, and is now being moved forward for acceptance. A motion to approve was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve Policy #7.970 Internet Acceptable Usage.

Motion passed 6-0-0.

Policy #7.981 Computer Network User Agreement, was brought forward for First Read, to the full School Committee, and is now being moved forward for acceptance. A motion to approve was made by Mrs. Hennessy, seconded by Chairman Vigeant, to approve Policy #7.981 Computer Network User Agreement.

Motion passed 6-0-0.

D. Policies for Removal

Policy #2.261 Conflict of Interest

A motion was made by Mrs. Hennessy, seconded by Chairman Vigeant, to remove Policy #2.261 Conflict of Interest.

Motion passed 6-0-0.

Superintendent Bergeron wanted the public to understand, the committee is removing the policy, they are not removing their responsibility to the law. This is already stated in general law that we follow, so we do not need to have it in a policy as well.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

Policy #2.420 Open Meeting Law

A motion to was made by Mrs. Hennessy, seconded by Chairman Vigeant, to remove Policy #2.420 Open Meeting Law.

Motion passed 6-0-0.

E. Acceptance of Donations and Gifts

Donor's Choose, Maker Space Classroom donation of \$302.39 in materials for Whitcomb School. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant, to approve the \$302.39 from Donor's Choose.

Motion passed 6-0-0.

Follett Buy Back Program paid Jaworek Elementary, \$26.70 for payment of books sold through the Consignment Buy-Back program. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant, to approve the \$26.70 from Follett for books sold.

Motion passed 6-0-0.

Raytheon Company donation of \$2,500.00 for the Marlborough Public Schools STEM program. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant, to approve the \$2,500.00 from Raytheon Company.

Motion passed 6-0-0.

Early Childhood Special Education ECSE Program Federal Entitlement Grant, awarded the Early Childhood Center School, a grant of \$66,162.00. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant, to approve the \$66,162.00 from ECSE Program Federal Entitlement Grant.

Motion passed 6-0-0.

10. Reports of School Committee Sub-Committees:

Mrs. Hennessy gave a Policy Committee update. The committee continues to work through the Policy booklet to make updates. She also announced the next Policy Committee meeting is December 19.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

Mrs. Matthews asked the Superintendent if all the School Committee members could be copied on the Policy meetings, so they are kept informed.

11. Members' Forum:

Mrs. Matthews reviewed the warrant and will be reviewing and signing it with Mr. Dias.

Mrs. Ryan informed the committee about the Vendor Fair at MHS on December 6, during the rescheduled Parent Teacher Conference. It is from 6:00 – 8:30 and will have crafts, baked goods and raffles for sale. The proceeds will support the MHS All-Nighter.

12. Adjournment:

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn at 8:35 pm.

Motion passed 6-0-0.

Respectfully submitted,

Heidi Matthews
Secretary, Marlborough School Committee

HM/cm

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 JAN -9 A 9 15

Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

Call to Order

December 11, 2018

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 pm at the District Education Center, 17 Washington Street, Marlborough, MA. Members present included Mrs. Bodin-Hettinger, Mrs. Ryan, Mrs. Hennessy and Mr. Geary.

Superintendent Michael Bergeron, Assistant Superintendent of Teaching and Learning, Mary Murphy, Director of Finance and Operations Douglas Dias were also present.

In attendance were Student Representative Timothy Goliger and Administrative Support Christine Martinelli.

This meeting was recorded by local cable WMCT-TV and is available for review.

2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.
3. **Presentation: None**
4. **Committee Discussion/Directives: None**
5. **Communications:**

Motion by Mrs. Bodin-Hettinger to move Item #9A up. Seconded by Chairman Vigeant. Motion passed 5-0-0.

9A. Massachusetts Electric (National Grid) Easement Approval

Marlborough City's John Ghiloni and Cynthia Panagore Griffin asked the committee to approve easements National Grid will need to run their lines for the new elementary school. A motion was made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant, to approve Massachusetts Electric (National Grid) Easement.

Motion passed 5-0-0.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

6. Superintendents Report

Approval of Principal position for Elementary School - Mr. Bergeron asked the committee to approve the principal position for the new Elementary School. He would like to hire someone to work within the MPS team for a while, before the new school opens to 610 students. There is much to learn within the MPS district, learning the evaluation process, time to learn the elementary curriculum, as well as, building staff relationships, being part of hiring, and making many decisions about the building before it is ready to open.

Entry Plan – The Superintendent is at the end of the in-person interviews for his Entry Plan. He will have an electronic tool, *Survey Monkey*, available for parents, staff and any community members, who did not meet with him, to share their thoughts. Mr. Bergeron gave his thanks to all the staff who met with him and their important input, allowing him to learn more about MPS.

FY20 Budget - Superintendent Bergeron reported on the draft calendar in tonight’s agenda, and about the two-year ongoing discussion with the committee, that FY21 is going to be a tough year financially, due to the bus contract expiration and the opening of the fourth elementary school. He proposes a conservative budget this year, while trying to maintain the focus of increasing student achievement.

A. Assistant Superintendent of Teaching & Learning Report

Creating Literacy-Rich Opportunities Professional Learning Network – High School teachers, Kara Manzelli, Amy Verreault, Leah Canonico, Kristin Arbeene, and Supervisor of Humanities Jodie Reyes are participating in this DESE sponsored Professional Learning Network. Along with other districts, they are engaged with the impact of using texts sets, or groups of texts offering various perspectives on a topic, on student literacy. They are also creating text sets, designed to build student’s vocabulary and content knowledge.

Passage of Civics Bill – On November 8, Governor Charlie Baker signed into law a “Bill to Promote and Enhance Civic Engagement”. Two of the provisions under this bill is the establishment of a civics project requirement in grade 8, “designed to promote a student’s ability” in the many areas of civics, and the bill also directs the Department of Elementary and Secondary Education (DESE) to establish a commonwealth civics challenge for eighth grade civics projects, beginning in 2022-2023.

Student Representative, Timothy Goliger asked what was being done in the classrooms to ensure the emphasis of literacy in classroom content.

www.mps-edu.org



Marlborough Public Schools

*School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509*

B. Director of Finance & Operations Report

Mr. Dias updated the committee on finalizing the budget schedule, making one change in the language of the March 12 date. The complete report can be found in the School Committee packet of December 11, 2018; Director of Finance & Operations Report. He also reported there is a negative Cafeteria Balance of -\$3,404.27 as of 12-04-18, compared to a negative balance of -\$2,591 at the same period last year. His office, along with Food Services and school administrators, continue working to communicate with families who may not be aware of the f/r lunch program.

Mrs. Bodin-Hettinger asked if plans were still in place in reaching out to the families to recoup the money, and if there is any increase with families signing up for the f/r lunches.

C. Director of Student Services Report

DESE has notified the district that during the 2019 – 2020 school year, we will be participating in the new process, and significantly reduced in size, Tiered Focused Monitoring. In November, Ms. O'Brien participated in training for this new process. It will include a self - assessment during the summer, onsite visits from DESE during the school year and support provided to the district from DESE prior to the on-site visit, based on any areas of need identified through the self-assessment. Ms. O'Brien explained the different elements of Year 1 of cycle, Year 4 of cycle and the criteria for Special Education and Civil Rights. The complete report can be found in the School Committee packet of December 11, 2018; Director of Student Services Report.

Ms. O'Brien also reported on the Out of District (OOD) placements remaining stable, with currently 60 students in OOD placements compared to 56 students at her last report. She reported there are several students in the process of transitioning back to district programs.

Mrs. Hennessy voiced concern about making sure there is enough support from DESE for the ELL population and to keep pushing them to provide this support. She also asked how the student records are selected for DESE's review. Mrs. Hennessy suggested it would be helpful for Ms. O'Brien to provide the committee with bullet points of some of the elements of Special Education Criteria and Civil Rights Criteria.

Mrs. Bodin-Hettinger also was interested in the Civil Rights Criteria because in the past some of the Civil Rights issues have crossed over into the Special Education and EL population issues.

www.mps-edu.org



Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

7. **Acceptance of Minutes: None**

8. **Public Participation: None**

9. **Action Items/Reports:**

A. Moved to after #5.

B. Approval of New Position – Principal of new, unnamed K-5 Elementary School (tabled at the November 27, 2018 meeting)

A motion was made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant, to approve the new position - Principal of new, unnamed K-5 Elementary School.

Motion passed 5-0-0.

Mrs. Bodin-Hettinger asked Superintendent Bergeron if the new Principal's position would be opened to internal applicants from within the district.

Mrs. Hennessy's question was about the approval of this position prior to the budget, knowing the budget would get tighter and how this position would fold into the budget discussion.

C. FY19 Operating Budget Transfers

A motion was made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant, to approve the FY19 Operating Budget Transfers.

Motion passed 5-0-0.

D. FY20 Budget Calendar Approval

A motion was made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant, to approve the FY20 Budget Calendar.

Motion passed 5-0-0.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

*School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509*

E. Acceptance of Donations and Gifts

The **Brigham Family Trust** awarded \$5,000.00 to the Whitcomb School's Vex Robotic Team. A motion was made by Mrs. Ryan and seconded by Chairman Vigeant, to accept with gratitude the \$5,000.00 from the Brigham Family Trust.

Motion passed 5-0-0.

The **Department of Elementary and Secondary Education, Emergency Impact Aid for Displaced Students**, awarded \$90,585.00 in Federal Grants to Marlborough Public Schools, for their role in welcoming displaced students. A motion was made by Mrs. Ryan and seconded by Chairman Vigeant, to approve the \$90,585.00 in Federal Grants from DESE.

Motion passed 5-0-0.

Mrs. Bodin-Hettinger asked if these displaced students were from Puerto Rico. Superintendent clarified this money is reimbursement for the sixteen students that were with us last year. Mary Murphy clarified to the committee that the majority of the sixteen students did return home to Puerto Rico.

10. Reports of School Committee Sub-Committees: None

11. Members' Forum:

Student Representative Timothy Goliger reminded everyone that the MHS Winter Concert is Wednesday, December 12 at 7:00. The 5th grade concert is next Tuesday, December 18 and the 6th grade concert was postponed until January 15.

Superintendent Bergeron asked a committee member to sign the warrant in Mrs. Matthew's absence.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

12. Adjournment:

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn at 8:05 pm.

Motion passed 5-0-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Heidi Matthews', with a long horizontal flourish extending to the right.

Heidi Matthews
Secretary, Marlborough School Committee

HM/cm

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 JAN 23 A 8:35

Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

Call to Order

January 8, 2019

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 pm at the District Education Center, 17 Washington Street, Marlborough, MA. Members present included Mrs. Matthews, Mrs. Bodin-Hettinger, Mrs. Ryan, Mrs. Hennessy and Mr. Geary.

Superintendent Michael Bergeron, Assistant Superintendent of Teaching and Learning, Mary Murphy, Director of Finance and Operations Douglas Dias were also present.

In attendance were MEA Representative Rupal Patel, Student Representative Timothy Goliger and Administrative Support Christine Martinelli.

This meeting was recorded by local cable WMCT-TV and is available for review.

2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.

3. **Presentation:**

- A. **MHS Student Advisory Update** on various activities at Marlborough High School.

Allison Lucas, 10th grade – updated the committee on the high school swim team, which is a co-op team with Nashoba, Hudson and Clinton. She enjoys the co-op experience which allows her to meet new people and teammates from the other districts. The team meets two to three times a week for practice, do team bonding practices, have two meets a week, and they participated in Swim for Hunger to raise money for the Food Pantry. Allison ended her update saying she would like MHS to have more co-op sports teams. Mrs. Bodin-Hettinger shared that the Girls Hockey team and the Tennis team are both co-op teams for Marlborough.

Hattie Parker, 9th grade – talked about the Panther Period MHS has every Wednesday. She believes the 9th graders appreciate this period which allows them to study, catch up on school work and homework. Hattie believes they mostly use this period very efficiently, though sometimes due to overcrowded classrooms or unproductive class meetings, their time is not used as efficiently. She ended her update sharing she really values the one-hour Panther period every Wednesday to do work and be productive.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

Alicia Bibi, 11th grade - updated the committee on MHS Winter Track team. She has been running for three years and the team is like a big family. This year's team members are low compared to other years, with only 20 girls on the team. Alicia compared this with other towns they compete against which have 50 to 150 girls on their team. She went on to share that the coaches are great and push them hard to do their best. And, though the team is small they work hard to prove themselves and they are getting better every day. Their next meet is with Fitchburg High School on Wednesday, January 9 at 5:00 pm.

Mrs. Hennessy asked, with the low numbers of girls on the team, would this be a good opportunity to see about making this a co-op team with other districts with small teams.

Timothy Goliger, 12th grade – updated the committee on the music department in the district. He congratulated the 5th graders for their Holiday concert held a few weeks ago. He is very impressed to see these kids, who just got their instruments in September, grow into budding musicians and perform so well at the concert. Tim went on to share that Wednesday, January 9 is the 7th and 8th grade concert and Tuesday, January 15 is the 6th grade concert. Last, he shared that on March 29 – 31, MHS will perform West Side Story, which he is performing in, in the role of Tony.

B. Marlborough Educator Foundation (MEF) Grant Award, awards grants to MPS teachers.

Valerie Cowan, MEF Officer, shared with the committee that MEF has been giving grants since 1997. She went on to say they have given out over 177 different grants in 19 years and with this money have helped 10,000 students by helping MPS teachers with the grants for their classrooms or schools. This year they are awarding \$7,104.79 in grants. The grants are:

1. Hi-Lo Books for the MHS Library - Alyson Cox-\$400 (MHS)
2. It's Not Easy Being Green (Screen) – Kelly Hall - \$1,070.15 (Whitcomb)
3. 3 in 1 Easel for Everyone - Katherine Spacek - \$1,454.00 (Kane)
4. Regulation Stations to Assist with Social/Emotional Regulation - Susan Rosenthal and Sarah Caliri - \$2,062.66 (Richer)
5. 7th grade engineering 3D Design - Mark Rodriguez - \$2,117.79 (Whitcomb)

Mrs. Cowan introduced the other MEF Officers attending the meeting with her, Michael Brossi, Ayako Barnum and Sue Pearl.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

She also informed the committee that their foundation helps a lot of MPS teachers and needs volunteers to help raise money for grants. MEF will be sending a letter out to teachers to get names of people who might like to volunteer. Mrs. Cowan pointed out it is only about a ten-hour commitment a year, having only 4 – 5 meetings a year, and only a couple of fundraisers. They are looking for people who would like an organization they can donate a little time to, but that makes a huge impact to MPS students.

4. Committee Discussion/Directives: None

5. Communications: None

Mrs. Bodin-Hettinger made a motion to move up Action Item 9A, Business Professionals of America Leadership Conference, in front of the Superintendent's Report, Chairman Vigeant seconded.

Motion passed 6-0-0.

9A. Business Professional of America Leadership Conference

Jayne Haley, Advisor of Business Professional of America and teacher at MHS, asked the School Committee to approve the students and chaperones going to State Leadership Conference being held at the Sheraton Tara in Framingham, March 2 - 4. A motion was made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant, to approve the Business Professional of America Leadership Conference.

Motion passed 6-0-0.

6. Superintendents Report

Principal Search Committee – The position of Principal at the new elementary school has been posted and Superintendent Bergeron is asking for a School Committee volunteer to be on the Principal Search Committee. They will first do a paper screening and then go into the interview process.

Mrs. Ryan volunteered to be on the search committee.

Entry Plan – The Superintendent thanked everyone who participated in the survey posted online. He received close to 200 complete responses. In early March, Mr. Bergeron will bring his Entry Plan findings before the committee so they can review his finding, see what he has learned and how this affects the district's strategic plan in the future.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

Grants and Business Partnerships – a report was provided to show the wonderful support the district receives from partnerships, donations and grants. The Superintendent believes this shows the positive relationship between MPS and the business community. He will continue to give a bi-annual report to update the committee on this support, so they can reflect on all the different and generous partners the district has. The complete report can be found in the School Committee packet of January 8, 2019; Superintendent’s Report.

Mission and Core Values – The Superintendent reported that there was a clear consensus from his leadership team, that the mission and core values statement should be updated before trying to establish a vision for the district. He will ask the Policy Committee to bring this forward for discussion.

Mrs. Hennessy stated the consensus of the Policy Sub Committee meeting believed it was a broader issue and it would be a better idea to have this discussion with the full committee at a School Committee meeting. Mrs. Matthews suggested adding this on at a planned workshop coming up. Mrs. Bodin-Hettinger concurred, since the workshop will be around goal setting, this would be a natural part of that conversation.

Mrs. Bodin-Hettinger also asked Superintendent Bergeron why MEF was not among the names on the Grants and Business Partnership list. He stated the list was made before they had MEF’s total.

A. Assistant Superintendent of Teaching & Learning Report

District wide ALICE Training – Throughout January, all employees are to complete an online training provided by the ALICE Training Institute. The goal is to have all school employees complete the ALICE basic certification for schools. The district will be applying for an ALICE Organizational Certificate this year. To obtain this certificate, 75% of all staff must complete the training.

Boys and Girls Club Tutoring – In hopes that this will be the first step towards establishing academic supports for students throughout the community, Marlborough Boys & Girls Club and the Marlborough Public Schools, began a new tutoring program for Marlborough students. Beginning January 8, two tutors will be available two afternoons a week to tutor students at the Boys & Girls Club. One tutor will focus on supporting our EL students and the other will support K-8 students as a Title I tutor.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

Mrs. Bodin-Hettinger stated she was thrilled having tutoring through the Boys and Girls Club.

Superintendent Bergeron thanked Chris Duane of the Boys and Girls Club.

7. Acceptance of Minutes:

A. Minutes of November 27, 2018 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant, to approve the School Committee minutes of November 27, 2018.

Motion passed 6-0-0.

B. Minutes of December 11, 2018 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant, to approve the School Committee minutes of December 11, 2018.

Motion passed 6-0-0.

8. Public Participation: None

9. Action Items/Reports:

B. FY19 Operating Budget Transfers

Mr. Dias is recommending transfers within the FY19 operating budget, the monies are being transferred for balance purposes. The complete report can be found in the School Committee packet of January 8, 2018; Action Item 9B. A motion was made by Mrs. Matthews, seconded by Chairman Vigeant, to approve the FY19 Operating Budget Transfers.

Motion passed 6-0-0.

C. Policies for First Read

Mrs. Hennessy asked the committee to make a motion for a suspension of rules, so they can potentially vote on Policy #1.100 Non-Discrimination.

Chairman Vigeant made a motion to approve taking off Policy #1.100 from First Read, Mrs. Matthews seconded.

Motion passed 6-0-0.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

Mrs. Hennessy read the remaining fifteen policies for First Read and asked the committee to contact her if they had any questions. These policies will be voted on at the next School Committee meeting.

1. #2.210 Powers & Duties
2. #2.333 Duties of Secretary
3. #2.340 School Committee-Superintendent Relationship
4. #2.350 Sub-Committees
5. #2.400 School Committee Meetings
6. #2.421 Regular Meetings
7. #2.432 Special Meetings
8. #2.441 Rules of Order
9. #2.442 Order of Business
10. #2.442.1 Presentation
11. #2.442.2 Communications
12. #2.442.3 Superintendent's Report
13. #7.191 Student Fees
14. #8.100 Attendance
15. #9.200 Home Education

D. Policies for Removal

Mrs. Hennessy made a motion for removal of three policies; #3.620 Bid Level, #3.800 Kindergarten Fee and #7.190 Athletic Transportation fee, Chairman Vigeant seconded the motion to remove the three policies.

Motion passed 6-0-0.

E. Acceptance of Donations and Gifts

Cummings Properties, LLC Employee Directed Giving, gave a donation of \$1,000.00 to the Early Childhood Center, in honor of Jose DaSilva of Marlborough. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant, to accept, with gratitude, the \$1,000.00 from the Cummings Properties.

Motion passed 6-0-0.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

Lifetouch National School Studios donated \$1,187.71 commission check to Kane Elementary, \$1,453.73 commission check to Whitcomb School, \$1,511.00 commission check to Richer Elementary, as part of commissions to the school for individual and class photos. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant, to accept, with gratitude, the donations from Lifetouch National School Studios.

Motion passed 6-0-0.

Bose Corporation donated forty-eight (48) wireless headphones and sixty (60) wired headphones, valued at \$21,600.00, to Richer Elementary for students to use. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant, to accept, with gratitude, the donated headphones from Bose Corporation.

Motion passed 6-0-0.

Cub Scout Pack 41, Mayflower Council of Richer Elementary School, donated eleven (11) - \$25.00 gift cards to Wal-Mart, from \$275.00 they raised. A motion was made by Mrs. Matthews, seconded by Chairman Vigeant, to accept, with gratitude, the \$275.00 of Wal-Mart gift cards from Cub Scout Pack 41.

Motion passed 6-0-0.

2018-2019 Marlborough Educators Foundation (MEF) awarded recipients a total of \$7,104.79 to MPS teachers at MHS, Whitcomb School, and Kane and Richer Elementary Schools. A motion was made by Mrs. Matthews, seconded by Chairman Vigeant, to accept, with gratitude, the awards presented to MPS staff from MEF.

Motion passed 6-0-0.

Mrs. Ryan asked for a detailed listing of names of recipients and grant descriptions from MEF since it was not provided in the packet.

10. Reports of School Committee Sub-Committees: None

11. Members' Forum:

Mrs. Matthew's has reviewed the warrant and will sign it.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

Mrs. Bodin-Hettinger wanted to profile Jill Morin and her amazing YouTube videos and hopes everyone is watching them. She especially wanted people to look at Jill's most recent video on EL students and their MCAS scores. This can be viewed on the MPS website as well.

Superintendent Bergeron thanked Main Street Journal and everyone who contributes at the paper, for producing another great edition of Panther Pride.

12. Adjournment:

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn at 8:09 pm.
Motion passed 6-0-0.

Respectfully submitted,

Heidi Matthews
Secretary, Marlborough School Committee

HM/cm

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.

CITY OF MARLBOROUGH MEETING MINUTES

MEETING: Council on Aging Board of Directors Meeting

DATE: December 11, 2018

TIME: 8:30 A.M.

LOCATION: Sr. Center Conference Rm, 40 New Street, Marlborough, MA

ATTENDANCE: Leslie Biggar, Joseph Bisol, Richard Collins, Jim Confrey, Brenda Costa, Richard Cygan, Marie Elwood, Pat Gallier, Jeanne McGeough, Mike Ossing, Trish Pope

EXCUSED: Judy Kane

- I. CALL TO ORDER at 8:35 a.m.
- II. Approval of October and November Meeting Minutes
- III. DIRECTOR'S UPDATE – Trish Pope

The upstairs wall construction begins on January 2nd, starting with the floors. Construction will take about a month. Yoga will be cancelled during construction and the other programs will be relocated downstairs.

There has been a small increase in the cost of classes.

The Friends of the Marlboro Seniors received a \$4000 Brigham grant for the greenhouse furnishings.

The senior center had two shine volunteers during Medicare open enrollment. The over flow was sent to Framingham.

Trish met with housing last week. Alicia will rotate on Thursdays going to housing, including Academy Knoll.

Trish has applied for a 12 day liquor license. The Friends of the Marlboro Seniors will pay for the additional insurance.

Fran Kane donations are being made to the Men's Group. The COA Board is donating \$100 to the Men's Group in Fran Kane's name.

IV. BOARD UPDATES

- A. BAYPATH ELDER SERVICES UPDATE – Richard Cygan

The BayPath November board highlights attached. (Att. #1)

B. TRANSPORTATION REPORT FOR JUNE, JULY & AUGUST – Jeanne McGeough

See attached November Transportation Report. (Att. #2)

V. Meeting adjourned at 9:00 am.

The next board meeting is Tuesday, January 8, 2019 at 8:30 a.m. in the conference room at the Senior Center, 40 New Street, Marlborough, MA.

Respectfully Submitted,

Brenda Costa, Secretary

Last Board Meeting of 2018:

December 19, 2018

BayPath Board of Directors:

Ms. Alessandro stated that Larry Griffin would be re-joining the Board as an at-large member. His nomination will be on the agenda next month.

CARF

BayPath will be submitting the application for Adult Family Care accreditation. We continue to work on all the documents and changes that we need to make to ensure that we are in compliance for the accreditation visit, which we anticipate will be in March or April.

Strategic Plan

Ms. Alessandro thanked Mr. Barrette, Mr. Beeler, and Ms. Costa for volunteering to be on the five person committee that will be working on re-branding the agency. Ms. Alessandro will obtain several staff volunteers as well. The committee will begin meeting after Thanksgiving.

Mass Home Care and contracting opportunities

Ms. Alessandro has been speaking with Lisa Gurgone, Executive Director of Mass Home Care, Kelly Magee Wright, Executive Director at Minuteman Senior Services and Meg Hogan, Chief Executive Officer at Boston Senior Home Care regarding the formation of an Administrative Services Unit (ASU). Ms. Alessandro stated that the ASAP network is in favor of moving forward on the proposed ASU, which will be the vehicle through which we can obtain statewide contracts. The Board voted in favor of participating in the ASU and also voted to sign an Operating Agreement upon review of the document.

Clinical Operations

Ms. Sheehan recognized Silvia Dominguez Bodie in the Healthy Living program is the recipient of The Kate Lorig Healthy Living Innovation Award! Kate Lorig was the creator of the evidence-based healthy living programs from the University of Stanford. This award recognizes the innovative efforts of individuals for their creative thinking, commitment, and implementation of ideas that improve the quality of life for older adults through healthy aging programs.

Area Agency on Aging

Ms. Bakstran highlighted the Nursing Home Ombudsman program and Money Management volunteer program. In the month of October, those two programs alone had 400 volunteer hours, equivalent to three fulltime employees. She thanked all of the volunteers for their hard work as well as Sue Burns who manages Money Management and Mary Brooks our Ombudsman.

Board Meeting Highlights – November 14, 2018

Home Care Programs: Total 1,151 consumers enrolled

Town Analysis

Town	Consumer #	Town	Consumer #
Ashland	44	Natick	121
Dover	3	Northborough	33
Framingham	205	Sherborn	1
Holliston	44	Southborough	9
Hopkinton	30	Sudbury	41
Hudson	72	Wayland	24
Marlborough	105	Westborough	26

Enhanced Community Options Program (ECOP)	241
Choices Program	152

Nutrition - Meal Days - 22

TOWN	TOTAL	TOWN	TOTAL
Ashland	491	Natick	1412
Dover	23	Northborough	329
Framingham	4764	Sherborn	87
Holliston	623	Southborough	294
Hopkinton	312	Sudbury	470
Hudson	1297	Wayland	930
Marlborough	2631	Westborough	349
		Total	14,012

MARLBOROUGH SENIOR CENTER TRANSPORTATION REPORT
MONTH OF NOVEMBER, 2018

TOTAL NUMBER OF TRIPS = 110

BROKEN DOWN

SUPERMARKET/SHOPPING/RESTAURANTS = 9

SENIOR CENTER = 52

CITY VAN- OTHER = 29

MWRTA = 20

NEW APPLICANTS = 5

NEW RIDERS = 4

CITY OF MARLBOROUGH
CONSERVATION COMMISSION

Minutes

November 1, 2018 (Thursday)

Marlborough City Hall – 1st floor Committee Room

7:00 PM

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 JAN 14 P 5:01

Present: Edward Clancy- Chairman, John Skarin, Karin Paquin, Allan White, William Dunbar, Dennis Demers, David Williams, and Priscilla Ryder Conservation Officer.

Absent: none

Acceptance of Minutes: The minute of September 6, September 20 and October 4, 2018 were reviewed and unanimously approved.

Public Hearings:

Request for Determination of Applicability

382 Stearns Rd. – Jason and Kerry Mahoney-owners

Mr. Jim Cross, the contractor and Mr. Mahoney, were present. Mr. Cross explained that they want to replace the deck with something that is 1.5' wider and longer. They will need to replace everything since it is not to code. New sona tubes will be installed as the footings. All work is outside the wetland and on existing lawn or deck area. They acknowledge they are in the 20' buffer zone, but aren't altering anything that isn't already cleared. Ms. Ryder noted she has visited the site. The house and deck were built prior to the city's 20' wetland setback policy. She noted no "new" work is being done in the resource area or area that is not already being maintained. The Commission asked about the proximity of the work to wetlands and where any excess materials will go. Mr. Cross indicated that all excess materials would be removed from the site. After further discussion the Commission voted unanimously 7-0 to issue a negative determination of applicability with standard conditions.

Request for Determination of Applicability (continuation)

Howe and Valley Streets – Marlborough HUB LLC

Jacob Lemieux of Hancock Engineering was present. He recapped that this is a housing subdivision project containing 8 units. A portion of the property lies within the 100' buffer zone to a wetland that runs through the adjacent Design Pak apartment property. At the previous meeting the Commission raised concerns about the old railroad bed location and possible soil contamination. They hired ENSTRAT to do some test holes to test the soil the results were provided to the Commission prior to the meeting. The tests showed no oil or coal tar contamination. No rails or ballast remain and had been removed a while ago. Most of the site appears to be fill, so no "original soil" seems to remain. The Commission asked if there was a plan showing the test pit locations. Mr. Lemieux indicated he would provide it electronically the next day. The Commission asked if they had tested for arsenic and lead which were often used in herbicides when the railroad was active. Mr. Lemieux explained that they weren't intending to disturb the old rail road bed location and also, they have located the infiltration basin outside of this area. However, if soils look suspicious ENSTRAT has a note on how to manage such soils as outlined in the report. There was discussion of removal of the invasive Japanese Knotweed as well as other invasive plants and removal of these would be advantageous for the future home owners

and the environment, therefore the Commission suggested a condition that would allow landscaping to the wall, in addition to requiring the testing of the soil for arsenic and lead. After some discussion, the Commission voted unanimously 7-0 to issue a negative determination with standard conditions and those noted above regarding landscaping and testing for arsenic and lead. The Commission asked that the document be held until the test pit locations have been provided.

Notice of Intent- 212-1202 (continuation)

186 Reservoir St. – Fabriana Menezes

Mrs. Menezes was present and explained that her engineer has provided some revised plans. One which clearly marks the 30' setback from the water per the Floodplain and Wetlands Protection District requirements. She also had plans that showed the driveway location, one is within 2' of the 30' set back, the second one honors the 30' setback from the waterline. The first allows a better turning maneuverability. She asked if she could split the project in two, one for the deck and the next for the addition and driveway. The Commission noted that if the plans change again based on her conversations with her consultants, she would need to come back and reopen the hearing. An easier solution would be for her to file an Request for Determination of Applicability (RDA) for the deck, so that can be approved separately from the Notice of Intent (NOI) for the addition and the driveway. Mrs. Menezes also noted that she may need to go to the Zoning Board of Appeals as well for the building setback requirement. After some discussion the Commission voted to continue the hearing to the 2nd meeting in January – January 17th. With the applicant's consent the hearing was continued to January 17, 2018.

Violation

- 12 Rose Pointe – The homeowner, Mourad Boudoukara, appeared regarding the violation notice he received – he apologized for not making it to the previous meetings, he was out of the country. The Commission noted that if he lets the vegetation come back in the spring, Ms. Ryder can evaluate whether additional plantings to restore the buffer zone will be needed. Ms. Ryder will inspect in May. Ms. Ryder will notify owner on May 1st to set up a time for inspection.

Draft Order of Conditions

- DEP 212-1204 - 249 Lakeshore Dr. The Commission reviewed the draft Order of Conditions to this property, they made a few changes then **voted unanimously 7-0 to issue the Order of Conditions as written and amended.**

Certificates of Compliance

- DEP 212-1149 Elm Street Culvert – City of Marlborough - FULL - Ms. Ryder noted that the area next to the stream near Millham Brook does not have any grass or vegetation on it yet. The Commission noted that this needs to be loamed and seeded before a Certificate of Compliance can be issued. Ms. Ryder will convey.

- DEP 212-645 and DEP 212-631 – Simmons Rd. - Ms. Ryder noted that when she pulled the file the Certificates had already been issued, so she was able to address their request.

Correspondence/ Other Business

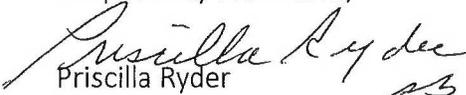
The following correspondence were reviewed, and the Commission voted unanimously to accept and place on file.

- Letter from DCR 8-21-18 Re: Forest Cutting Practices Act clarification
- Environmental Notification Form (ENF) – Parcel G Hayes Memorial Dr. – Cross Roads Industrial Park, comments due Nov. 13, 2018. Ms. Ryder noted that she has looked at the document briefly, the trigger appears to be Natural Heritage and Endangered Species protection issues due to work proposed in Northborough. A Conservation Restriction in Northborough is proposed to protect a larger piece of the property for future protection. There may not be any significant issues in Marlborough related to the ENF.
- Dog owners make Good Dogs – sample brochure for Conservation Land – Ms. Ryder noted this is an example on what could be used at properties that have dog “poop” issues.

Next meeting - November 15, 2018

Adjournment - There being no further business, the meeting was adjourned at 8:35 PM .

Respectfully submitted;


Priscilla Ryder

Conservation officer

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes
December 6, 2018 (Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 JAN 14 P 5:01

Present: Edward Clancy-Chairman, David Williams, Allan White, Dennis Demers, John Skarin, Karin Paquin and William Dunbar. Also present was Conservation Officer Priscilla Ryder.

Absent: None

Acceptance of Minutes: The minutes of November 1, 2018 were reviewed and unanimously approved.

Public Hearings

Request for Determination of Applicability
MassDOT – I-495 and Route 20

Cori Beckwith of MassDOT, Michael Turgeon and Jared of Jacobs Engineering and Steve Winn from McCourt Construction were all present. Mr. Turgeon explained that MassDOT proposes to remove approximately 30 trees adjacent to I-495 and Route 20 East within the 100 ft. buffer zone of the stream that flows into Lake Williams (the south east clover of this four-leaf clover interchange). Some traffic cameras were recently installed and the line of sight for these cameras is now being blocked by these trees that are close to the road; they are mostly oaks and pines. The wetland was flagged and all tree work will be outside this zone, but within the 50' buffer zone. No equipment will be entering this area, the trees will be hand cut and a crane will lift them up from the roadway. No grubbing or ground disturbance is anticipated. The tree stumps will be cut and sealed to limit regrowth. The Commission asked about access and debris removal. Mr. Winn explained that all tree materials that are cut will be removed from the site. Mr. Clancy noted that the bridge construction contractors were leaving a mess at their staging area and wanted that conveyed back to the contractor to clean up the mess. Mr. Winn said he would convey. After some discussion, the Commission closed the hearing and voted unanimously 7-0 to issue a negative Determination of Applicability with standard conditions. Mr. Winn noted that they will be using a subcontractor, Mayer Tree removal service, to get the trees out and hope to start next week or the week after, they will notify the Commission as to the date.

Abbreviated Notice of Resource Area Delineation
377 Simarano Dr. – IPG Photonics Corp

Ron Strohsahl from Oxbow Associates was present representing IPG Photonics Corp. He noted that he had been before the Commission last April for the delineation of the adjacent parcel, and tonight he was seeking approval of the wetland delineation of the 377 Simarano Dr. parcel. There are three wetland series delineated – B flag series along the main wetland and along the ditch between the two buildings and E flag and C flag along the drainage channel beside Simarano Dr. Ms. Ryder noted she has checked most of the B series, but didn't check B86-B100 yet. However, based on the topography in this area, she is confident the flags are OK. She recommended that the Commission approve the wetland line contingent upon her inspection of the final flags. The Commission discussed the drainage outlet structure and the origin of

several of the channels. Then the Commission closed the hearing and voted unanimously 7-0 to approve the wetland line contingent upon final flag inspection and approval by Ms. Ryder and Mr. Dunbar.

Request for Determination of Applicability

186 Reservoir St. - Fabriana Menezes

Ms. Menezes, owner, was present. Chairman Clancy noted that this is a request for the deck only and not the addition. Ms. Ryder explained that the original Notice of Intent (NOI) filing for the addition and driveway which is still pending approval was continued at the last hearing to the January 10th meeting pending the approval of the Zoning Board of Appeals for several variances requested. Ms. Menezes agreed that tonight the review is simply for the deck and patio as shown on the revised plans submitted. Mr. Clancy asked about how many supports are needed etc. Ms. Menezes had supplied this information at the last meeting and the Commission had given its “informal approval” pending the formal filing this evening for the deck approval only. After further discussion about excess soil being removed from site and the need for more detail on the patio to be constructed under the deck, the Commission voted unanimously 7-0 to approve the DECK ONLY, not the patio, with standard conditions. The patio will be reviewed as part of the Notice of Intent for the addition and driveway which is under review as noted above.

Certificates of Compliance:

- 212-831 80, 91, & 125 Boston Post Rd. – Avalon Orchards- This request is missing the Conservation Restriction(CR) that is still to be finalized with the Legal Dept. once this is completed this certificate can be reviewed. This item was tabled until the CR is received.
- 212-1170 69 Slocumb Ln. - Ms. Ryder has done a site inspection and all conditions have been met, she recommended a Full Certificate be issued. The Commission voted unanimously 7-0 to issue a Full Certificate of Compliance for this property.
- 212-1173 79 Slocumb Ln. - Ms. Ryder has done a site inspection and all conditions have been met, she recommended a Full Certificate be issued. The Commission voted unanimously 7-0 to issue a Full Certificate of Compliance for this property.
- 212-998 #724 Farm Common – Partial Certificate of Compliance request - at the request of the new homeowners’ association, they would like a partial certificate issued for this last unit. They know the cul-de-sac re-vegetation issue is still pending and needs to be finalized, therefore only a partial certificate is requested. A full certificate will be requested once the cul-de-sac issue is resolved. The Commission agreed and voted unanimously 7-0 to issue a partial certificate for 724 Farm Common only.

Discussion:

- Boroughs Loop Trail update - Boardwalk – success and budget - Ms. Ryder provided an update on the Boroughs Loop Trail construction. 5 scouts and one Rotary Club Work day have successfully constructed 6 separate sections of the trail this fall, including a very impressive helical pier boardwalk at the Cider Knoll Conservation Land. The remaining trail construction will occur in the spring. Thanks to Tim Puopolo, the city hired consultant, who helped coordinate 7 weekend work days, and Commissioner Paquin who also participated in all workdays, and Commissioner Dunbar who helped with one work day. Eagle scouts, Andrew Desmarais, Brian Boxel, Ian Harvey, Brian O’Leary and Zach Ritter, and the Rotary Club work Day coordinator Lynn Faust, and Mark Vital from AMSA who recruited 29 AMSA students. In addition, for 7 separate Saturdays, the Carpenters Union of New England Regional Council of Carpenters, organized by Charles Ryan had 4-8 union members each

day who lent their carpentry skills and worked alongside the boy scouts and volunteers to construct the helical pier boardwalk. This is a great start to completing the trail by next summer. Ms. Ryder is forming a trails committee and will be recruiting more scouts and volunteer groups to help. She also noted that the Recreational Trails Grant and Rotary Club donation have paid for materials and the consultants time, but does not cover the cost of lunches which were provided for the scouts and carpenters union on the boardwalk, she asked if reimbursements could be made through the Conservation Maintenance Fund. The Commission unanimously approved this reimbursement. In the future, the scouts will be asked to plan to pay for lunches as all materials will be provided, so that would be the only fundraising item they would need to cover.

Correspondence:

The following correspondence were reviewed, and the Commission voted unanimously to accept and place on file.

- Mass Trails Grant round now open
- Letter from ADDA Farms – Donald Wright, dated Nov. 23, 2018 RE: Hay harvested.
- Letter from DEP, dated Oct. 29, 2018 RE: Water Quality Certification – construction of helical pier boardwalk and walking trail which will be part of the Boroughs Loop Trail.
- Letter from Legal Dept., dated Oct. 25, 2018 RE: Mauro Farm subdivision – Acceptance of Open Space Parcels.
- The Annual Christmas Party – Dec. 20, 2018 (Thursday)

Other Business:

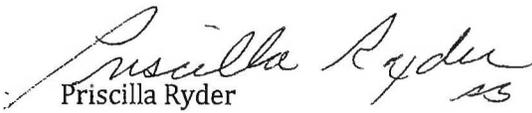
- Lot 12 Dufresne Dr. – Ms. Ryder noted that she received a call from the project engineer noting that groundwater was discovered one foot below their finished grade, so they are proposing to lift up the foundation 2 feet which will require a retaining wall in the back yard. No further expansion is needed, and the work will be within the same footprint only higher in elevation. The Commission agreed this would be a minor change and approved it as a minor change. Ms. Ryder will convey in writing to the applicant.
- DEP 212-1198 Lot G – distribution facility - 150 Hayes Memorial Dr. – Ms. Ryder noted that during the site plan review process the detention basin design changed to move the basin closer to the access drive, but the grading would stay the same. The Commission requested that the applicant submit amended plans and a letter explaining the changes be submitted for review and approval prior to construction. Ms. Ryder will convey in writing to the applicant.
- Ms. Ryder reported that Commission Member Karin Paquin attended a regional MAPC trails meeting at which several regional trails maps and future trail connections were reviewed and discussed. Ms. Paquin noted that miles of aqueduct trails in the state are now open to pedestrian traffic, which is quite an accomplishment. The trail connections are also impressive. Ms. Ryder will provide the link to these maps to members, so they can see them as well.

Next Meetings - December 20, 2018 (Thursday) - Ms. Ryder noted that as there are no new filings, so this meeting will be cancelled. The next meeting will be on January 10 and 24th (as there are 5 Thursdays in January).

Adjournment

There being no further business the meeting was adjourned at 8:15 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 December 17, 2018

Call to Order

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Phil Hodge, Sean Fay, George LaVenture and Chris Russ. Also in attendance were City Engineer, Thomas DiPersio, City Solicitor, Don Rider, and Planning Board Administrator, Krista Holmi.

1. Meeting Minutes

A. December 3, 2018

Mr. LaVenture requested several amendments to the draft minutes. Item 4 B. Substitute "Lemieux" for "LaVenture" in line 4. Remove reference to hearing closure. Item 6A added additional comment regarding barn location. Item 10A. Added comment by Solicitor Rider. On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to accept and file the minutes of December 3, 2018 as amended. Motion carried.

2. Chair's Business

- A. Set public hearing date- Proposed Zoning Map Amendment, Council Order No. 18-1007483, Section 650-8, Rezoning Map 82, Parcels 42 and 42E (Lacombe St.) from Industrial (I) zoning district to Commercial Automotive (CA) zoning district. The public hearing on Council Order 18-1007483 was scheduled for January 28, 2019.
- B. Set public hearing date – Proposed Zoning Map Amendment, Council Order No. 18-1007484, Sec. 650-8, Rezoning Map 104, Parcels 29 and 29A (Mill St. South) from Industrial (I) zoning district to Commercial Automotive (CA) zoning district. The public hearing on Council Order 18-1007484 was scheduled for January 28, 2019.
- C. Set public hearing date – Proposed Zoning Amendment, Council Order No. 18-1007452A, Sec. 650-5, entitled Definitions; word usage: Retirement Community- Detached and Townhomes, Retirement Community- Multifamily; Section 650-22A, entitled "Purpose", and Section 650-22C, entitled "Permitted Uses. The public hearing on Council Order 18-1007452A was scheduled for February 11, 2019.

3. Approval Not Required

- A. 150 Hayes Memorial Drive, Middlesex South Book 1228, Page 149, Allen & Major Associates on behalf of The Gutierrez Company. David Robinson, Project Engineer Allen & Major Associates and Scott Weiss of The Gutierrez Company were present.

The Planning Board took the following action:

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

To accept and file the December 12, 2018 recommendation letter from Assistant City Engineer Collins, and to endorse the December 11, 2018 plan of land believed Approval Not Required under the subdivision control law. Motion carried.

4. Public Hearings (See 7A for Continued discussion on the Marlborough Hub)

5. Subdivision Progress Reports (Updates and Discussion)

A. Subdivision Status Report

Mr. DiPersio indicated he had no updates aside from the item below.

B. Walker Brook Estates – Communication from Solicitor Rider re: Acceptance Plans

Mr. LaVenture read the December 13, 2018 letter from Solicitor Rider to the Marlborough City Council re: Acceptance of Allis Road and Bemis Road as Public Ways. The matter of acceptance of the roadways as public ways and the acceptance of their appurtenant easements as municipal easements will be referred to the Public Services Committee (and Planning Board) for final recommendation. Solicitor Rider mentioned that the developer needs to sign the deed. This will be arranged prior to the Public Services Committee meeting.

6. Preliminary/Open Space/Limited Development Subdivisions

A. Hager St. Open Space Special Permit- Letter from Engineering.

Mr. LaVenture read the December 13, 2018 letter from City Engineer DiPersio. The letter details that the applicant has satisfactorily demonstrated that the property can be subdivided into at least four lots and that Engineering favorably recommends the granting of a special permit for the construction of the requested three-lot development via an Approval Not Required Plan. Several outstanding items relating to the open space development special permit application remain. The Board asked Mr. Bemis to provide a determination that the proposed use of the "Parcel A" barn to serve the adjacent "agricultural" use (proposed cow grazing) in the open space meets zoning. The open space note on the plan may not be appropriate. Mr. Fay believes the note which makes a zoning statement should be removed and that the zoning-related issues should be included by the applicant in the "findings". To date, the Board has not received the requested language for the special permit conditions. An extension on the decision is required if the applicant needs additional time. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the communication. Motion carried.

B. Communication from Peter Bemis regarding the request for extension of decision on the Open Space Development Special Permit Application.

Mr. LaVenture read the December 13, 2018 letter from Peter Bemis of Engineering Design Consultants, Inc. regarding the January 31, 2019 requested extension on the decision for the Special Permit Application. Mr. Bemis indicates that the project's attorney (Arthur Anderson) should have documentation prepared by next week, allowing ample time for review prior to the deadline. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept, file and grant the request for extension of the decision on the Open Space Special Permit Application until January 31, 2019. Motion carried.

7. Definitive Subdivision Submission Updates

A. Marlborough Hub, City Engineer Letter Re: Waivers

Mr. LaVenture read into the record the December 13, 2018 letter from City Engineer DiPersio re: Definitive Subdivision Plan Waiver Review "Marlborough Hub".

The letter outlines each of the four requested waivers including 1) Property line street radius at an intersection - Easement requested on one side and 25' radius vs. 30' radius 2) Right-of-Way width for secondary street- 40' vs. 50' , 3) Pavement width – 28' instead of 32', 4) Width of sidewalks – (1) four-foot and (1) six-foot sidewalk proposed instead of (2) six-foot sidewalks. Engineering did not object to the waivers but expressed that consideration should be given to the eventual planned density of the development. At higher densities allowed by zoning, a reduced right-of-way and roadway width may not be sufficient.

Of the four requested waivers, waiver 1 received the least objection from the Board. Mr. Russ expressed a potential concern about increased drainage requirements with a wider street. Mr. LaVenture is less inclined to support waivers to the City's standards. The consensus of the Board was that it was incumbent upon the applicant to demonstrate to the Board's satisfaction that granting of a waiver is in the public interest and otherwise consistent with the general intent and purposes of the Board's rules and regulations. Increasing the viability of any development project, decreasing development costs, or easing the burdens of an applicant's development is not justification for the waiver unless it is also in the public's interest. The Board feels strongly that the plan should show two ADA-compliant sidewalks.

Ms. Fenby asked whether a vote on the waivers was required that evening. Mr. DiPersio indicated that once the Board votes on the waivers, Engineering can focus on which plan to review... the no-waiver concept plan or the 4-waiver plan.

The Board would like additional time to consider the waivers but was in favor of communicating the sense of the meeting and overall impressions of the waivers to the applicant team. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to send a communication to the Marlborough Hub applicant regarding their impression/concerns over the requested waivers. Motion carried.

8. Signs (None)

9. Informal Discussion (None)

10. Unfinished Business (None)

11. Calendar Updates

The Board requested calendar updates on the following items:

A. Three public hearings under item 2A

January 28, 2019 (two proposed changes to zoning districts) and Feb. 11, 2019 (Proposed amendment on retirement communities.)

B. Decision on Hager St. Open Space Special Permit application: January 31 (January 28 Meeting).

12. Public Notices of other Cities & Towns (None)

On a motion by Mr. Russ, seconded by Mr. Hodge, the Board voted to adjourn the meeting of the Planning Board. Motion carried.

Respectfully submitted,



George LaVenture/Clerk

/kih

City of Marlborough
Zoning Board of Appeals
Minutes
December 19, 2018

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 JAN -3 P 3:33

Members Present: Ralph Loftin-Acting Chairman, Thomas Golden, Thomas Pope and Robert Levine

Zoning Board of Appeals Case # 1450-2018

Applicant: Colbea Enterprises, LLC
Location: 342 Boston Post Rd. East (Shell Station)

Representative Present:

- Atty. Elizabeth McDonough Noonan, Adler Pollock & Sheehan P.C. One Citizens Plaza, 8th floor, Providence, RI 02903-1345.
- Alan J. Micale, P.E., Ayoub Engineering, 414 Benefit Street, Pawtucket, RI 02861.
- Andrew R. Delli Carpini, Colbea Enterprises, LLC East Side Enterprises, LLC, 2050 Plainfield Pike, Cranston, RI 02921.

Petition: Applicant - Colbea Enterprises, LLC proposes to demolish the existing structure and construct a 4000 sq. ft. building with 5 fuel dispensing station (10 pumps) at 342 Boston Post Rd. East. (Map 59 Parcel 11) located in Zoning District Business. Seeking variances on the propose deviations are as follows:

1. Section 650-41, Table of Lot Area, Yards and Height” a 50 ft. front yard setback is required vs. the proposed 32.3 ft. for the new canopy over the fuel dispensing area.
2. Section 650-47(D)(5)(a), requires the planting of 1 tree per 30 linear feet of street frontage planting within the front landscaped strip, as per 650-47E.
3. Section 650-47(E)(1)(b), landscaping requirements - requires a frontage landscaped strip of 25 ft. vs. the propose 10 ft. landscaped strip.

The Board reiterated that there are only 4 members present this evening. And to receive relief on the variances requested, the applicant must receive 4 affirmative votes.

The hearing was opened on Oct. 31, 2018, with continuation dates of November 27, 2018 and this evening December 19, 2018.

Atty. Noonan started that her clients are requesting 3 variances this evening. And the only other permit they may need to apply for is a “sign” permit.

Atty. Noonan stated:

- The existing car wash will be removed.
- The petition will change the character of the area with a more modern look.
- The design for the lot is governed by the topography of the lot.
- The proposal will improve the site
- Safety will be upgraded
- They are currently working with the Site Plan Review Committee.

Alan J. Micale, P.E., of Ayoub Engineering gave an over view of the lot in question:

- Landscaping:
 - Landscaping was taken into consideration when designing the traffic pattern within the lot and the pedestrian flow.
 - Traffic circulation will be improved.
 - There will be 10 fueling pumps
 - No trees are proposed for the 10 ft. landscape strip at the front. Low growing material will be planted for better visibility of the pumps from the street.
 - Front yard setback - The canopy will be set back 32.2 ft. vs. the 50 ft. required for front yard setback. Existing canopy is 9.7 ft from the front property line. (note: there is an old Zoning Board Case 1044-90 for the old canopy).
 - Storm water system will be upgraded.
 - The existing underground tanks which are about 29 yrs. old will be replaced.
 - The gas station will be opened 24/7.

Andrew Delli, of Colbea Enterprises, LLC (Applicant) stated the following:

- He currently and will be operating the improved site.
- He operates approximately 34 Seasons Corner Markets. The name of the proposed convenient store.
- The proposed layout will be an improvement to the site as far as efficiency, visibility that the cashier can see all the pumps, no bottle necking as in the existing site, and of course safety.
- They are amicable if the Zoning Board of Appeals and the city would like some input about where the trees should be planted.
- Cannot push the proposed store back. By the time we add the new equipment, the store has to be a certain size.
- The proposed new building may act as a sound barrier for the condos at the rear.
- Proposing 13 trees to be planted around the perimeter of the lot.
- Fire suppression at the proposed canopy.
- Improve storm water system
- Removal of 3 old tanks and replacing with 2 new improved tanks.
- Existing car wash will be removed.

Ralph Loftin – Board member

- Asked if there will be trees planted in the 10 ft. front landscape strip? City code states 1 tree for every 30 ft. Answer-No. There will be no trees in the 10 ft. front landscaping strip. But, 13 trees will be planted within the perimeter of the lot.
- If there were to be trees in the 10 ft. landscape strip, how many trees would be planted. Answer: 2 or 3 trees would be planted in the front landscape strip. Trees would block the view of the pumps from the street.
- Feels that the design on this existing lot is a self-created hardship. There are other designs the applicant can go with.

Robert Levine – Board member

- Asked the applicant if they can go with a small store. Answer: With all the new ADA restrictions (aisle space in the store, bathroom regulations) the store must be a certain size to accommodate with the new rules.

HARDSHIP:

- Atty. Noonan stated – The “use” will remain the same. We are asking for a few variances which will not be a detriment to the public good. The existing car wash will be removed. They will have no drive thru. They have limited area to develop; considering the proposed size and layout of the structures (building and canopy). The improvement to the lot will enhance the “safety” within the lot.
- According to her letter dated November 17, 2018, the hardship is caused by the following:
 - Shape of the lot as well as the shape and location of the canopy has to do with the safety hazards that would result to people and the property if the canopy was not allowed to be built in the location proposed. Citing Furlong v. Zoning Board of Appeals of Salem.
 - Also, these variances diminish the risk of an existing harm and prevent even greater risk of harm that would result from complying with the ordinance.
 - Also, the proposal would diminish the risk of an existing harm as it moved the fueling pumps further from the road. Providing a much safer layout for the tanker truck, pedestrians and vehicles to traverse the site.
 - And the propose front 10 ft. landscaping strip will prevent the risk of harm of drivers having a difficult time viewing the property that could cause needless rubber necking or “eyes off the road” long gazes.

The Board finds:

- To rebuild as proposed, the applicant will need 3 variances. This is a non-conforming structure. The proposal will make the lot less non-conforming.
- Granting the variances will not nullify or detract from the intent or purpose of the Zoning Ordinance. The “use” will remain as gas station and convenient store as zoned. (Business Zone)
- Bob Levine - They are tearing down what is existing on the site to create a new and improve site with regards to traffic circulation, landscape and safety for their customers.
- Thomas Golden stated in making a 100% improvement to the lot, one must conform to all current city and state codes, i.e. the number of parking spaces required and ADA compliance outside and within the proposed new store. He would be in favor of granting the 3 variances.

The Board reviewed some of the cases Atty. Noonan provided in her December 17, 2018 letter. The Board felt the lot conformed to lot area and the setback of the proposed building was conforming. The location of the new proposed canopy will be setback 32.2 ft. from the property line...vs. the old canopy being 9.7 ft. to the property line.

The Board asked if anyone was present to speak in favor or in opposition to the petition. There were none.

Paul Giunta – 25 Westminster Street, Marlborough, MA - had a few questions. He stated that he is speaking as a private citizen and he is the chairman of the Zoning Board of Appeals. He has recused himself from the matter and is not speaking as a ZBA chairman. Mr. Giunta's concerns were:

- The purpose of the loading zone on the left side of the pumps? Answer: The applicant stated it is for deliveries. The air pump and vacuum station will be located in this area.
- The proposed store will be 5 ft. from the rear property line. Answer: Yes
- Parking spaces – they will have 24 parking spaces vs. the 25 required.
- Mr. Giunta stated he lives in the condo complex next to the gas station and is involved with the City in the beautification of Rte. 20. His concern was if the State decides to widen Rte. 20 would that affect the 10 ft. landscape strip? Would the State take some of proposed 10 ft. front landscape strip? Answer: This was recognized as a potential problem.
- Mr. Giunta was hoping that if improvements were to be done on Rte. 20, the improvements would be extended to Concord Rd (due to the number of accidents in that location) not just to the bank at the corner of Rte. 20 and Phelps St.

With no other testimony taken or given the public hearing was closed.

Acting Chairman, Ralph Loftin, cited each variance request and put it to a vote. On a vote of 4-0 variances were granted on the 3 requested for relief.

On a motion made by Thomas Pope and seconded by Robert Levine, the public hearing was closed.

Respectfully submitted,



Ralph Loftin
Acting Chairman
Zoning Board of Appeals