

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Legislative and Legal Affairs Committee

Date: October 16, 2019

Time: 6:45 PM or

Immediately following the Conclusion of the Urban Affairs Committee Meeting

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

Agenda Items to be addressed:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 OCT -9 A 11:03

1. 09-23-2019 – **Order No. 19-1007792:** Communication from City Solicitor, Jason Grossfield, regarding Proposed Acceptance of a Utility Easement, 34 St. Martin Drive.
-Refer to Legislative and Legal Affairs Committee
2. 10-07-2019 – **Order No. 19-1007807:** Communication from City Solicitor, Jason Grossfield, regarding Acceptance of Open Space Parcel: “Goodale Estates” Subdivision/Open Space Development Special Permit.
-Refer to Legislative and Legal Affairs Committee

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.

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.



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 23, 2019

ORDERED:

That the Communication from City Solicitor, Jason Grossfield, re: Proposed Acceptance of a Utility Easement, 34 St. Martin Drive, be and is herewith refer **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the permanent utility easement shown as "Proposed 22' Wide Utility Easement", constituting a portion of land located at 34 St. Martin Drive, Marlborough, Middlesex County, Massachusetts, on a plan entitled "Easement Plan of Land in Marlborough, MA" as referenced below, containing 1,595+/- square feet, (0.04 acres, more or less), according to the plan, be accepted as a municipal easement as shown on the plan and as hereinafter described:

DESCRIPTION

The 22' wide utility easement shown as "Proposed 22' Wide Utility Easement", on a plan of land entitled "Easement Plan of Land in Marlborough, MA", Prepared by: Bruce Saluk & Associates, Inc. Civil Engineers & Surveyors, 576 Boston Post Road East, Marlborough, MA 01752, Date: July 12, 2017, last revised September 17, 2019 (the "Plan"), said Plan to be recorded herewith. Easement containing 1,595+/- square feet (0.04 acres, more or less), according to the Plan. Being a portion of the property owned in Marlborough by the Grantor and described in a deed recorded in the Middlesex South District Registry of Deeds in Book 72843, Page 197.

IT IS THEREFORE ORDERED THAT:

The 22' wide utility easement shown as "Proposed 22' Wide Utility Easement" on the Plan, constituting a portion of land located at 34 St. Martin Drive, containing 1,595+/- square feet (0.04 acres, more or less), being a portion of the property owned by Marlborough Technology Partners, LLC, a Delaware limited liability company with the usual address of 2765 Sand Hill Road, Suite 200, Menlo Park, California 94025 and described in a deed recorded in the Middlesex South District Registry of Deeds in Book 72843, Page 197, be accepted as a municipal easement in the City of Marlborough.

ADOPTED

ORDER NO. 19-1007792



City of Marlborough
Legal Department

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

7
RECEIVED JASON D. GROSSFIELD
CITY CLERK'S OFFICE SOLICITOR
CITY OF MARLBOROUGH
JASON M. PIQUES
ASSISTANT CITY SOLICITOR
2019 SEP 18 4:07
HEATHER H. GUTIERREZ
PARALEGAL
HPL

September 18, 2019

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

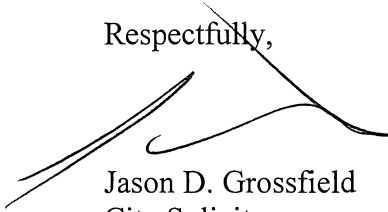
RE: Proposed Acceptance of 22' Wide Utility Easement, 34 St. Martin Drive, Marlborough

Dear Honorable President Clancy and Councilors:

Upon the request of the Department of Public Works, enclosed please find a proposed order to accept the grant of a "22' Wide Utility Easement" to the City of Marlborough, along with a copy of the easement and plan, relating to the above-referenced real property. I have reviewed the order and easement, and both are in proper legal form.

City Engineer Thomas DiPersio is available to answer any questions concerning this matter. An executed easement is forthcoming and will be provided in committee. Please feel free to contact me as well if you have any questions or concerns.

Respectfully,



Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
John L. Ghiloni, Commissioner of Public Works
Thomas DiPersio, City Engineer

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the permanent utility easement shown as "Proposed 22' Wide Utility Easement", constituting a portion of land located at 34 St. Martin Drive, Marlborough, Middlesex County, Massachusetts, on a plan entitled "Easement Plan of Land in Marlborough, MA" as referenced below, containing 1,595+/- square feet, (0.04 acres, more or less), according to the plan, be accepted as a municipal easement as shown on the plan and as hereinafter described:

DESCRIPTION

The 22' wide utility easement shown as "Proposed 22' Wide Utility Easement", on a plan of land entitled "Easement Plan of Land in Marlborough, MA", Prepared by: Bruce Saluk & Associates, Inc. Civil Engineers & Surveyors, 576 Boston Post Road East, Marlborough, MA 01752, Date: July 12, 2017, last revised September 17, 2019 (the "Plan"), said Plan to be recorded herewith. Easement containing 1,595+/- square feet (0.04 acres, more or less), according to the Plan. Being a portion of the property owned in Marlborough by the Grantor and described in a deed recorded in the Middlesex South District Registry of Deeds in Book 72843, Page 197.

IT IS THEREFORE ORDERED THAT:

The 22' wide utility easement shown as "Proposed 22' Wide Utility Easement" on the Plan, constituting a portion of land located at 34 St. Martin Drive, containing 1,595+/- square feet (0.04 acres, more or less), being a portion of the property owned by Marlborough Technology Partners, LLC, a Delaware limited liability company with the usual address of 2765 Sand Hill Road, Suite 200, Menlo Park, California 94025 and described in a deed recorded in the Middlesex South District Registry of Deeds in Book 72843, Page 197, be accepted as a municipal easement in the City of Marlborough.

ADOPTED
In City Council
Order No. 19-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

GRANT OF UTILITY EASEMENT

MARLBOROUGH TECHNOLOGY PARTNERS LLC, a Delaware limited liability company with a usual address of 2765 Sand Hill Road, Suite 200, Menlo Park, California 94025, hereinafter known as the Grantor, its successors and assigns, in consideration of the payment of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged,

Hereby grants to the CITY OF MARLBOROUGH, a municipal corporation formed under the laws of the Commonwealth of Massachusetts, and having an address at 140 Main Street, Marlborough, MA 01752 in Middlesex County, hereinafter referred to as the Grantee, its successors and assigns forever, with quitclaim covenants, a nonexclusive and perpetual right and easement to operate, construct, maintain, replace, repair, inspect, and improve municipal utilities, including but not limited to a water main and other appurtenances thereto consisting of but not limited to pipes, valves and fittings (hereinafter, collectively, the "Municipal Utilities") in and under a portion of land located at 34 St. Martin Drive, Marlborough, Middlesex County, Massachusetts and being more particularly described as follows:

DESCRIPTION

The 22'-wide utility easement shown as "Proposed 22' Wide Utility Easement" on a plan of land entitled "Easement Plan of Land in Marlborough, MA", prepared by Bruce Saluk & Associates, Inc., dated July 12, 2017, last revised September 17, 2019 (the "Plan"), said Plan to be recorded herewith.

Containing 1,595± square feet (0.04 acres, more or less) (the "Easement Area"), according to said Plan.

Being a portion of the property owned in Marlborough by the Grantor and described in a deed recorded in the Middlesex South District Registry of Deeds in Book 72843, Page 197.

The above-granted rights being more particularly described as the nonexclusive and perpetual right and easement to lay, inspect, construct, reconstruct, relocate, operate, maintain, alter, renew, repair, replace, add to and remove municipal utilities including the necessary pipes, conduits, manholes, valves, fittings, vaults, castings and/or other appurtenances that are or shall be required to install and operate municipal utilities under the easement area and to do all other acts incidental to the foregoing, including the right to pass and repass over the land of the Grantor, its successors and assigns, with people, equipment, and supplies for access thereto for all of the above purposes.

Also granted is the perpetual right and easement at any time and from time to time to clear the Easement Area and to keep it cleared of trees, roots, branches, shrubs, brush, bushes, structures,

objects and surfaces as may, in the opinion of the Grantee, its successors and assigns, interfere with the safe and efficient operation and maintenance of said Municipal Utilities.

By acceptance of this easement, the Grantee, for itself, its successors and assigns, hereby agrees, now and in the future, to defend, indemnify, and hold the Grantor (including its successors, assigns, employees, tenants, invitees, agents, and licensees) (the "Indemnified Parties") harmless from and against any and all claims, liabilities, losses, damages, actions, suits, costs, expenses, and reasonable attorneys' fees, including any for injury or death to persons or damage to property, occurring in the Easement Area arising from or in connection with the Grantee's use thereof, or arising from or in connection with the negligent exercise of any right or easement granted to the Grantee hereunder or the breach of any covenant, obligation or agreement of the Grantee hereunder, or otherwise arising from or in connection with any negligent act(s) or omission(s) by the Grantee, its employees, agents, tenants, invitees, guests, licenses, successors or assigns; provided, however, that the obligation to indemnify and hold harmless the Indemnified Parties shall exclude such liabilities, losses and damages that result solely from the negligence or misconduct of any of the Indemnified Parties who may otherwise be entitled to indemnity rights hereunder. The indemnifications provision shall survive conveyance of the dominant and servient estates, and shall run in perpetuity for the benefit of the then-owner of the Grantor's property.

The Grantee, for itself, its successors and assigns, further agrees that, solely at its own cost, it will restore the surface disturbed by it in the exercise of the rights herein granted substantially to the same condition as existed prior to its being disturbed.

The Grantee further agrees it shall not impair or obstruct Grantor's access from St. Martin Drive to the Grantor's property adjacent to the Easement Area shown on said Plan, and the Grantor's egress to said St. Martin Drive from said property, during the course of installation and maintenance of the Municipal Utilities. Any relocation of the Easement Area shall require the express written consent of Grantor, which shall be given at Grantor's sole and absolute discretion.

The Grantor, its successors and assigns, agrees to refrain from placing any building or other permanent object or encroachment within the Easement Area which would affect and/or interfere with the purpose of the easement granted herein. Notwithstanding the foregoing, Grantor, its successors and assigns, reserves the right to use the surface of the Easement Area for any purpose not inconsistent with the rights hereby conveyed, including but not limited to installation and maintenance of signage, landscaping, paving, curbing, walkways, parking areas and access drives provided the same does not unreasonably interfere with the rights herein granted. The Grantor, its successors and assigns may grant to others, including utility companies, a right and easement to install utilities within the Easement Area provided same does not interfere with Grantee's rights or use of the Easement Area.

In witness whereof, this Grant of Utility Easement is executed under seal this _____ day of _____, 2019.

MARLBOROUGH TECHNOLOGY PARTNERS LLC,
a Delaware limited liability company

By: Menlo Equities V LLC,
a California limited liability company,
its manager

By: Menlo Legacy Holdings, L.P.,
a California limited partnership,
its managing member

By: _____
Name:
Title:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of)

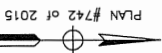
On _____, 2019 before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature:
My Commission Expires:

FOR REGIST



PLAN #742 of 2015

NOTES:

1. THE LAND SHOWN IS LISTED AS ASSESSORS LOT 2B ON MAP 118 AND IS LOCATED IN ZONE I (INDUSTRIAL).

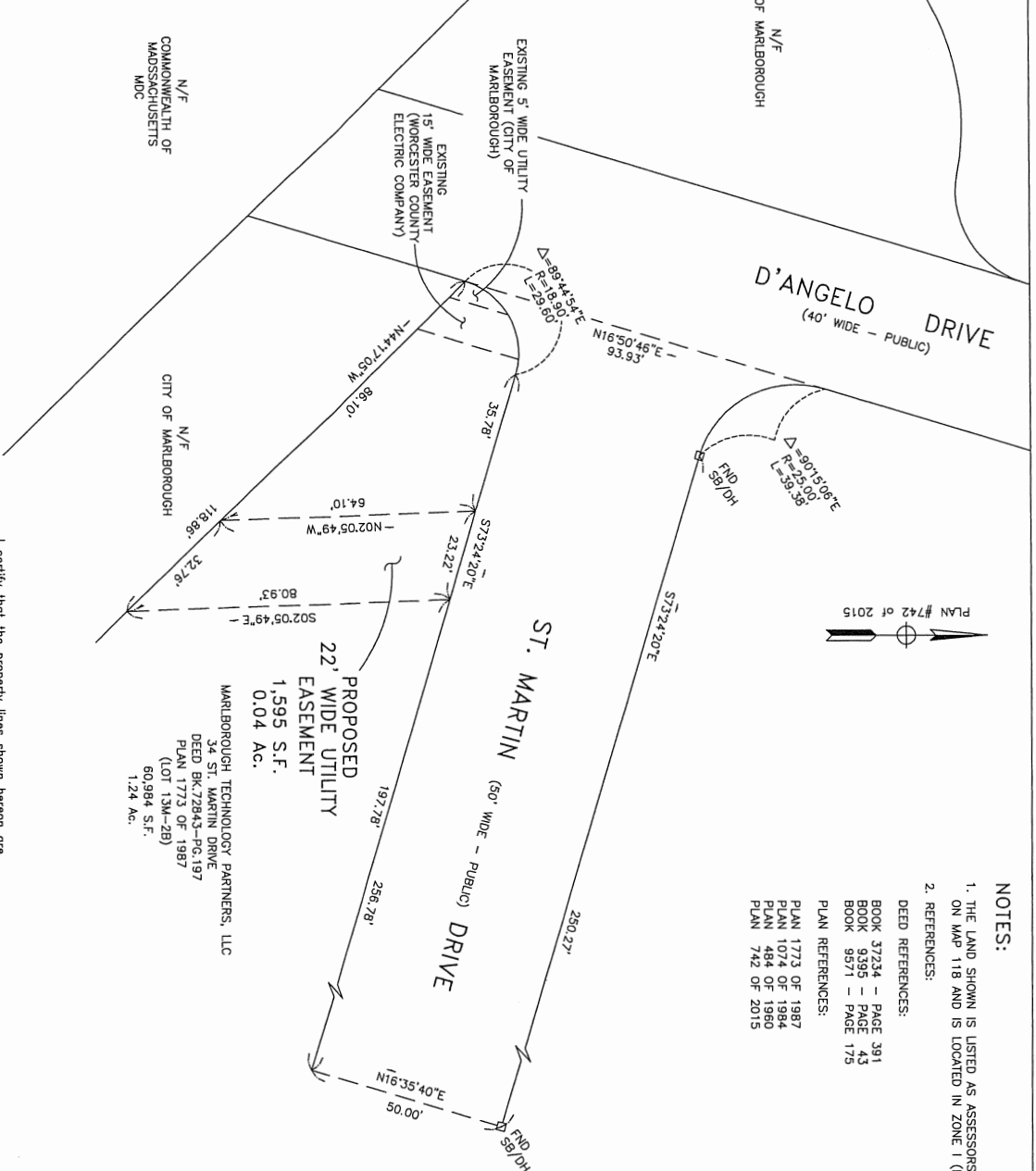
2. REFERENCES:

DEED REFERENCES:

BOOK 37234 - PAGE 391
BOOK 9395 - PAGE 43
BOOK 9571 - PAGE 175

PLAN REFERENCES:

PLAN 1773 OF 1987
PLAN 1074 OF 1984
PLAN 484 OF 1960
PLAN 742 OF 2015



**PROPOSED
22' WIDE UTILITY
EASEMENT**
1,595 S.F.
0.04 AC.

MARLBOROUGH TECHNOLOGY PARTNERS, LLC
31 ST. MARTIN DRIVE
DEED BK.72843-PG.197
PLAN 1773 OF 1987
(LOT 13M-2B)
60,984 S.F.
1.24 AC.

**EASEMENT
PLAN OF LAND**

**IN
MARLBOROUGH**

PREPARED FOR:

CITY OF MARLBOROUGH
140 MAIN STREET
MARLBOROUGH, MA 01752

PREPARED BY:

BRUCE SALUK & ASSOCIATES
CIVIL ENGINEERS & SURVEYORS
576 BOSTON POST ROAD
MARLBOROUGH, MA 01752

DATE: JULY 12, 2017

REVISED 9/17/19

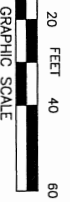
FILE:

I certify that the property lines shown hereon are the lines dividing existing ownerships and the lines of streets and ways shown are those of public or private ownership. I have no knowledge of any other new lines for division of existing ownership or for new ways are shown. The certification shown hereon is intended to meet Registry of Deeds requirements and is not a certification to the title or ownership of the properties shown.

I certify that this plan conforms to the rules and regulations of the Registry of Deeds or the Commonwealth of Massachusetts.

Bruce M. Saluk
Professional Land Surveyor
#35415

Date _____



GRAPHIC SCALE



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

ORDERED:

That the City Council of the City of Marlborough, pursuant to the provisions and conditions of MGL c. 40, § 8C, does hereby accept from Northborough Capital Partners, LLC, a Rhode Island limited liability company the attached deed of land in Marlborough, County of Middlesex, Commonwealth of Massachusetts, shown as "OPEN SPACE" on Sheet 2 of 2 in a plan entitled "DEFINITIVE PROPERTY PLAN - GOODALE ESTATES - MARLBOROUGH, MA" Prepared for: Paul & Alex Ricciardi, 101 Adams Street, Quincy, MA 02189; Prepared by: Bruce Saluk, & Associates, Inc., 576 Boston Post Road East, Marlborough, MA 01752; Dated: July 19, 2016; Revised: September 22, 2016 and October 14, 2016, which plan is recorded in the Middlesex South District Registry of Deeds as Plan No. 1099 of 2016 (the "Plan") to which reference is made for a more particular description of said "OPEN SPACE" parcel.

Said Open Space parcel contains 5.06 acres, more or less, according to said Plan.

Said Open Space parcel is to be managed and controlled by the Marlborough Conservation Commission for the purposes of the promotion and development of natural resources, watershed protection, passive recreation, and conservation.

And further, that the City accepts a payment of \$5,000.00 to be allocated to the City's Conservation Maintenance Fund as required by the Special Permit granted by the Planning Board for the Open Space Development at Goodale Street, in accordance with MGL c. 44, s. 53A., be and is herewith refer **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

ADOPTED

ORDER NO. 19-1007807



City of Marlborough

Legal Department

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

11
JASON D. GROSSFIELD
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
ASSISTANT CITY SOLICITOR
2019 SEP 25 A 10:44
HEATHER H. GUTIERREZ
PARALEGAL

September 25, 2019

Ltr

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

Re: Acceptance of Open Space Parcel: "Goodale Estates"
Subdivision / Open Space Development Special Permit

Dear Honorable President Clancy and Councilors:

Enclosed for consideration, please find a proposed order to accept a deed to the City of Marlborough for the open space parcel, comprising 5.06+/- acres of land, in connection with the above-referenced subdivision. Pursuant to MGL c. 40, § 8C, the parcel would be placed under the management and control of the Conservation Commission for the purposes of the promotion and development of natural resources, watershed protection, passive recreation and conservation. In addition, the order authorizes acceptance of a payment of \$5,000.00 to the Conservation Maintenance Fund pursuant to the above-referenced special permit.

For reference purposes, please also find enclosed a copy of the relevant subdivision plan and a GIS map showing the open space parcel. Please feel free to contact me as well if you have any questions or concerns.

Respectfully,



Jason D. Grossfield
City Solicitor

Enclosures

cc: Arthur G. Vigeant, Mayor
Adam S. Clavell, Esq.
Planning Board
Priscilla Ryder, Conservation Officer
Thomas DiPersio, Jr., City Engineer
Timothy Collins, Assistant City Engineer
Diane Smith, City Auditor

ORDERED:

That the City Council of the City of Marlborough, pursuant to the provisions and conditions of MGL c. 40, § 8C, does hereby accept from Northborough Capital Partners, LLC, a Rhode Island limited liability company the attached deed of land in Marlborough, County of Middlesex, Commonwealth of Massachusetts, shown as "OPEN SPACE" on Sheet 2 of 2 in a plan entitled "DEFINITIVE PROPERTY PLAN - GOODALE ESTATES - MARLBOROUGH, MA"

Prepared for: Paul & Alex Ricciardi, 101 Adams Street, Quincy, MA 02189; Prepared by: Bruce Saluk, & Associates, Inc., 576 Boston Post Road East, Marlborough, MA 01752; Dated: July 19, 2016; Revised: September 22, 2016 and October 14, 2016, which plan is recorded in the Middlesex South District Registry of Deeds as Plan No. 1099 of 2016 (the "Plan") to which reference is made for a more particular description of said "OPEN SPACE" parcel.

Said Open Space parcel contains 5.06 acres, more or less, according to said Plan.

Said Open Space parcel is to be managed and controlled by the Marlborough Conservation Commission for the purposes of the promotion and development of natural resources, watershed protection, passive recreation, and conservation.

And further, that the City accepts a payment of \$5,000.00 to be allocated to the City's Conservation Maintenance Fund as required by the Special Permit granted by the Planning Board for the Open Space Development at Goodale Street, in accordance with MGL c. 44, s. 53A.

ADOPTED

In City Council
Order No. 19-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

SEP 23 2019

QUITCLAIM DEED

NORTHBOROUGH CAPITAL PARTNERS, LLC, a Rhode Island limited liability company with an address of 4 Courthouse Lane, Suite 16, Chelmsford, Massachusetts 01824 (“Grantor”), for consideration paid of ONE DOLLAR (\$1.00) receipt of which is hereby acknowledged, grants to the **CITY OF MARLBOROUGH**, a municipal corporation with an address of 140 Main Street, Marlborough, MA 01752 (“Grantee”), with QUITCLAIM COVENANTS, the following described property:

The land in Marlborough, County of Middlesex, Commonwealth of Massachusetts, shown as “OPEN SPACE” on Sheet 2 of 2 in a plan entitled “DEFINITIVE PROPERTY PLAN - GOODALE ESTATES - MARLBOROUGH, MA” Prepared for: Paul & Alex Ricciardi, 101 Adams Street, Quincy, MA 02189; Prepared by: Bruce Saluk, & Associates, Inc., 576 Boston Post Road East, Marlborough, MA 01752; Dated: July 19, 2016; Revised: September 22, 2016 and October 14, 2016, which plan is recorded in the Middlesex South District Registry of Deeds as Plan No. 1099 of 2016 (the “Plan”) to which reference is made for a more particular description of said “OPEN SPACE” parcel.

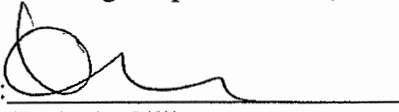
Said Open Space parcel contains 5.06 acres, more or less, according to said Plan.

The Open Space parcel is conveyed as an open space parcel to the Grantee, in accordance with Condition 6.a of the “Certificate of Vote Definitive Subdivision Plan Goodale Estates Goodale Street” of the City of Marlborough Planning Board dated October 24, 2016 and recorded with said Registry in Book 68420, Page 373, under the provisions of M.G.L. c. 40, s. 8C, and is to be managed and controlled by the City of Marlborough Conservation Commission for the purposes of the promotion and development of natural resources, watershed protection, passive recreation, and conservation.

Being a portion of the same premises conveyed to the Grantor herein by Deed in Lieu of Foreclosure dated October 18, 2018 and recorded in Book 71768, Page 336 of the Middlesex South District Registry of Deeds, said premises transferred hereunder not being “all or substantially all” of the assets of Grantor. This is not a homestead property and Grantor hereby releases all other interests herein.

IN WITNESS WHEREOF, NORTHBOROUGH CAPITAL PARTNERS, LLC has caused this QUITCLAIM DEED to be executed by Kevin A. Gillis, a duly authorized Managing Director/Manager this 20th day of SEPTEMBER, 2019.

Northborough Capital Partners, LLC

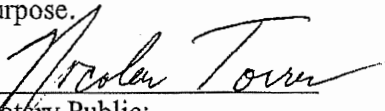
By: 
Kevin A. Gillis,
Managing Director/Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

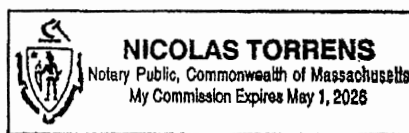
September 20, 2019

As of the above date, before me, the undersigned notary public, personally appeared Kevin A. Gillis, as Managing Director/Manager of Northborough Capital Partners, LLC, and proved to me through satisfactory evidence of identification, which was a copy of a state driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public:
My commission expires: May 1, 2026

FOR REFERENCE ONLY:

Jenks Lane
Marlborough, MA
Middlesex County Plan 1099 of 2016





Marlborough, MA

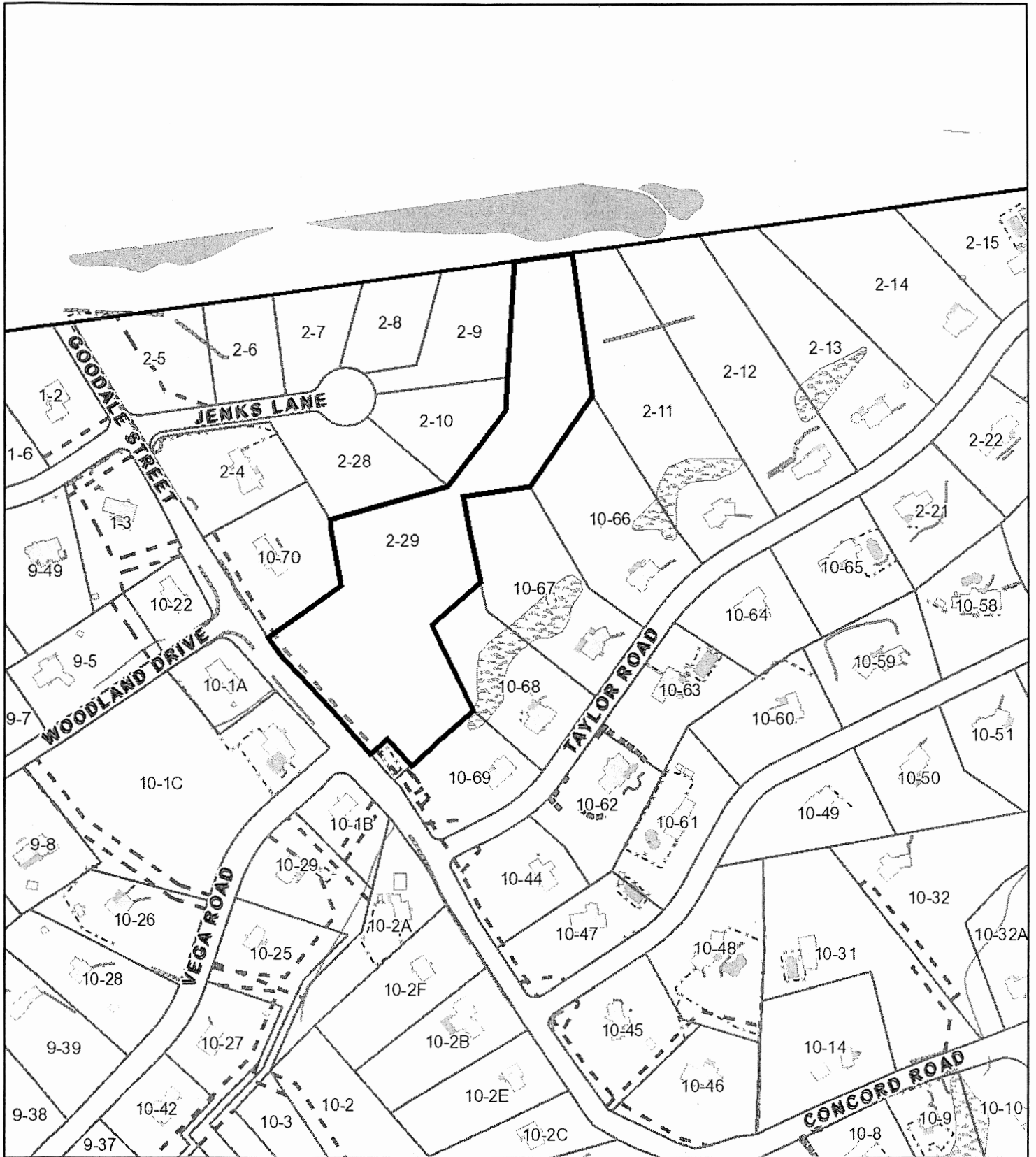
1 inch = 278 Feet



September 24, 2019



www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

AREA SCHEDULE

TRACT	=	512,136 S.F.	(11.58 Ac.)
LOTS 1 - 7	=	264,899 S.F.	(6.08 Ac.)
OPEN SPACE LOT	=	220,277 S.F.	(5.06 Ac.)
R.O.W.	=	26,962 S.F.	(0.62 Ac.)
EASEMENT (ON SITE)	=	20,715 S.F.	(0.48 Ac.)

ZONING SCHEDULE

ZONE RESIDENTIAL RR
DIMENSIONAL REQUIREMENTS FOR OPEN SPACE DEVELOPMENT

AREA	20,000 S.F.
FRONTAGE	70 FT. ^{*1}
SIDE YARD	15 FT.
FRONT YARD	25 FT.
REAR YARD	25 FT.
COVERAGE	25 %

*1 - 50 FT. FOR LOTS ON DEAD END CIRCLE

NOTES:

- 1.) THE LAND SHOWN IS LISTED AS PARCELS ON ASSESSOR MAP 7, AND IS LOCATED WITHIN THE RESIDENCE "R" ZONE.
- 2.) AN OPEN SPACE SPECIAL PERMIT HAS BEEN GRANTED BY THE PLANNING BOARD.
- 3.) EXCLUSIVE USE EASEMENT SHALL BE FOR THE BENEFIT OF THE CITY OF MARLBOROUGH FOR MAINTENANCE OF THE DETENTION BASIN.
- 4.) REFERENCES:
 DATED REFERENCE: BOOK PAGE
 37308 228
 PLAN REFERENCE: PLAN 1247 OF 1987

APPROVED BY THE MARLBOROUGH PLANNING BOARD SUBJECT TO ITS SUBDIVISION REGULATIONS, DATE AND COVENANT TO BE RECORDED HERewith.

MARLBOROUGH PLANNING BOARD:

[Signature]
[Signature]
[Signature]

DATE APPROVED: _____

DATE SIGNED: _____

SUCH ENDORSEMENT SHALL NOT BE DEEMED TO CONSTITUTE DETERMINATION OF COMPLIANCE WITH REQUIREMENTS OF ZONING BYLAW

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE: 11-10-16
 REG. LAND SURVEYOR: *[Signature]*



I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE MARLBOROUGH PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND HE-CORING OF SAID NOTICE.

DATE: November 11, 2016
 CITY CLERK: *[Signature]*

Middlesex Registry of Deeds,
 Southern District
 Cambridge, Massachusetts
 Plan No. 189 U824 2016
 Rec'd 11-29 2016
 at 2 H 50 M P M

Attest:
[Signature]
 Registrar

FOR REGISTRY USE

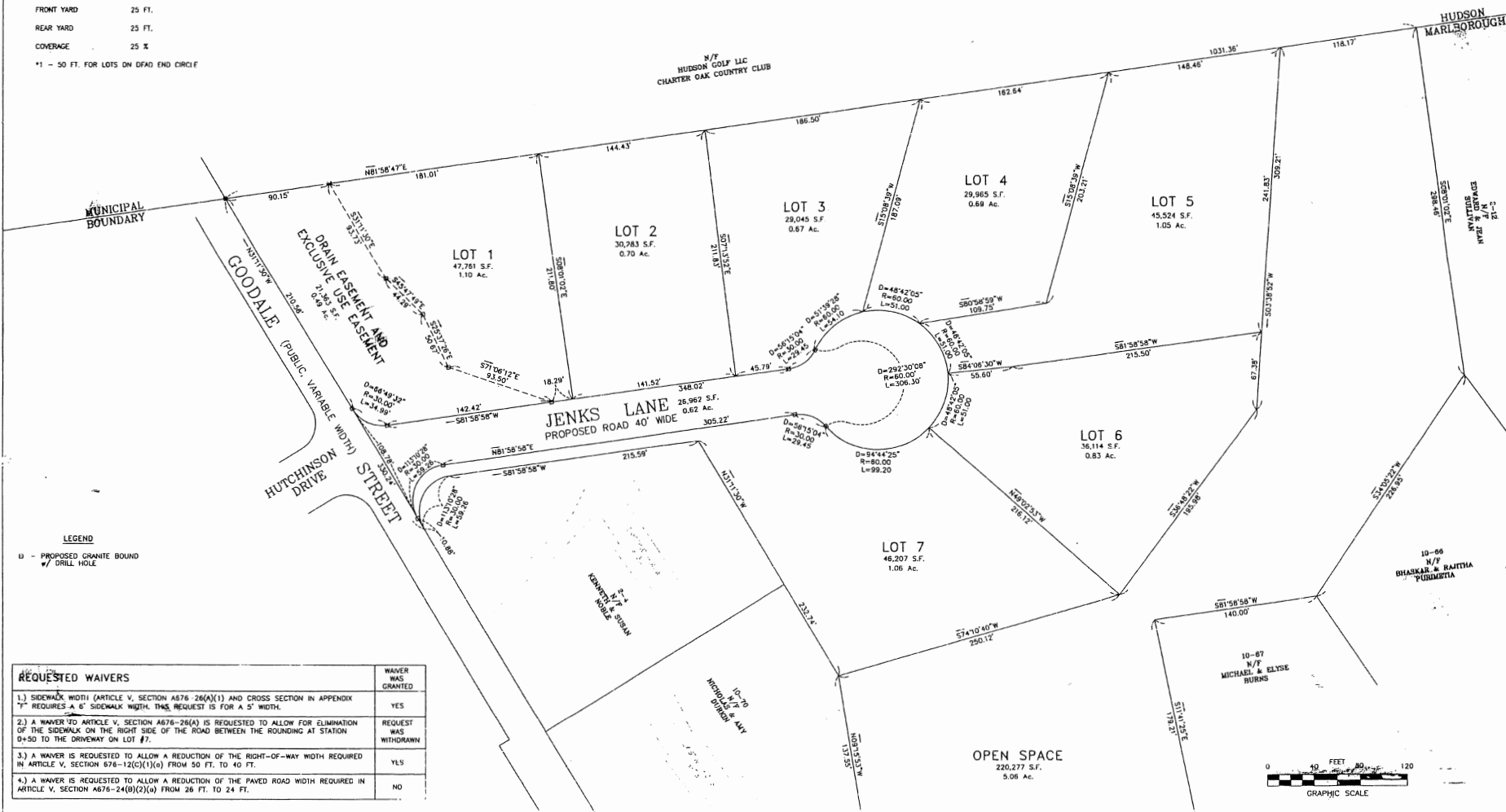
PREPARED BY:
 BRUCE SALUK & ASSOC., INC.
 CIVIL ENGINEERING & LAND SURVEYING
 574 BOSTON POST ROAD EAST
 MARLBOROUGH, MA 01501
 TEL: 508-485-1822
 FAX: 508-485-1825

DEFINITIVE
 PROPERTY PLAN
 GOODALE ESTATES -
 MARLBOROUGH, MA

OWNED BY:
 GOODALE FALLIS
 c/o SALLY GOODALE
 SUITE 202
 SALLY, NH 03070

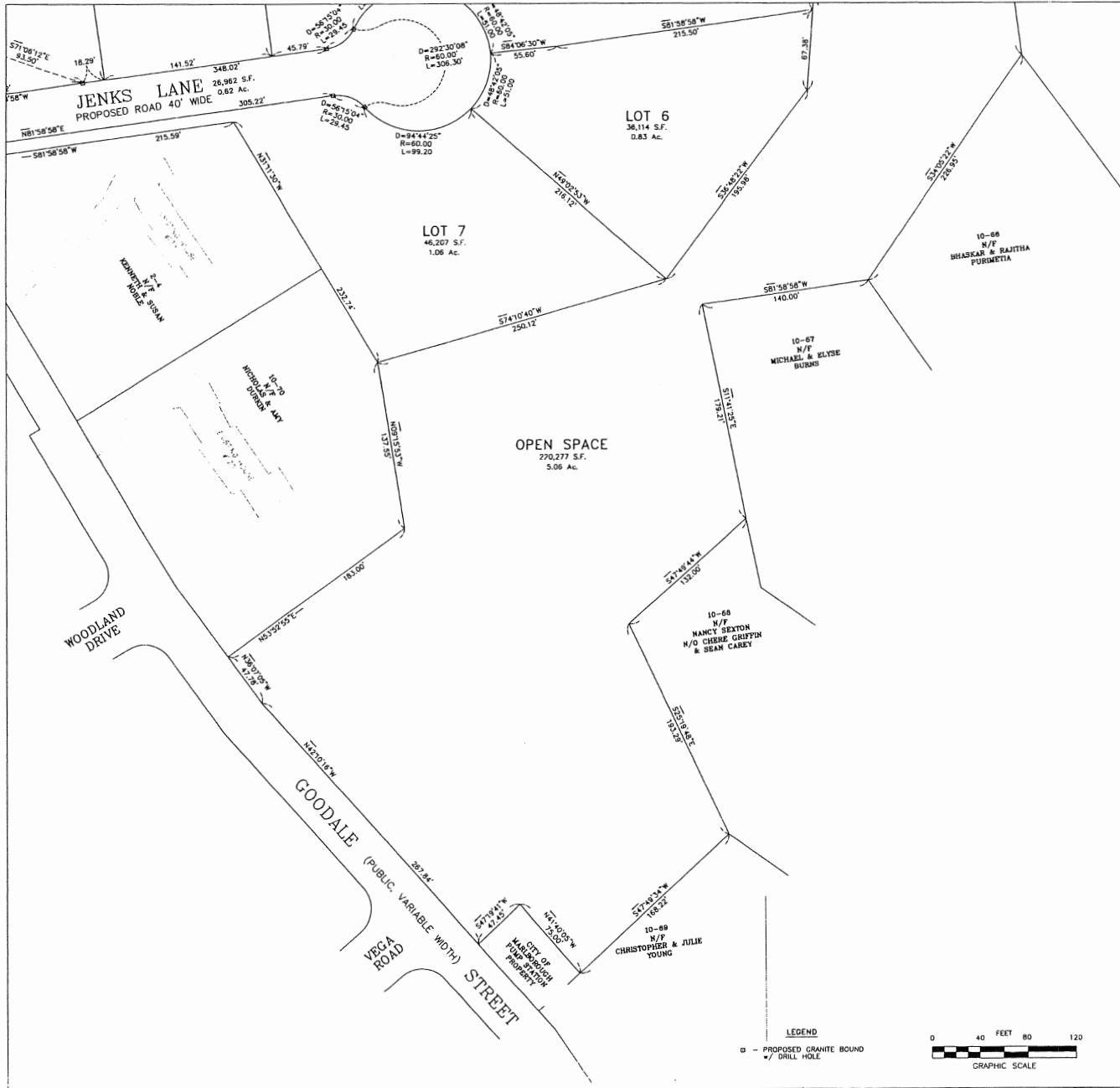
DATE: March 19, 2016

P1



REQUESTED WAIVERS	WAIVER WAS GRANTED
1.) SIDEWALK WIDTH (ARTICLE V, SECTION A676-26(A)(1) AND CROSS SECTION IN APPENDIX 7 ¹ REQUIRES A 6' SIDEWALK WIDTH. THIS REQUEST IS FOR A 5' WIDTH.	YES
2.) A WAIVER TO ARTICLE V, SECTION A676-26(A) IS REQUESTED TO ALLOW FOR ELIMINATION OF THE SIDEWALK ON THE RIGHT SIDE OF THE ROAD BETWEEN THE ROUNDING AT STATION 0+50 TO THE DRIVEWAY ON LOT #7.	REQUEST WAS WITHDRAWN
3.) A WAIVER IS REQUESTED TO ALLOW A REDUCTION OF THE RIGHT-OF-WAY WIDTH REQUIRED IN ARTICLE V, SECTION 676-12(C)(1)(a) FROM 50 FT. TO 40 FT.	YES
4.) A WAIVER IS REQUESTED TO ALLOW A REDUCTION OF THE PAVED ROAD WIDTH REQUIRED IN ARTICLE V, SECTION A676-24(B)(2)(a) FROM 26 FT. TO 24 FT.	NO

1899 of 2016 (1 OF 2)



I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE MARLBOROUGH PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE, AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

DATE: November 13, 2016

CITY CLERK: [Signature]

APPROVED BY THE MARLBOROUGH PLANNING BOARD SUBJECT TO ITS SUBDIVISION REGULATIONS, DATE AND COVENANT TO BE RECORDED HERewith.

MARLBOROUGH PLANNING BOARD:

[Signature]
[Signature]

DATE APPROVED: _____

DATE SIGNED: _____

SUCH ENDORSEMENT SHALL NOT BE DEEMED TO CONSTITUTE DETERMINATION OF COMPLIANCE WITH REQUIREMENTS OF ZONING BYLAW

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE: 11-16-16

REG. LAND SURVEYOR: [Signature]



NO.	DATE	BY	REVISION
1			
2			
3			
4			
5			
6			
7	10/17/16	MR. P. SALUK	REVISION
8			
9			
10			

PREPARED BY:
BRUCE SALUK & ASSOC., INC.
CIVIL ENGINEERING & LAND SURVEYING
576 BOSWORTH ST. 2ND FLOOR
MARLBOROUGH, MA 01501
TEL: 508-481-1882
FAX: 508-481-1889

DEFINITIVE PROPERTY PLAN
GOODALE ESTATES -
MARLBOROUGH, MA

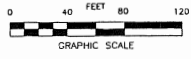
OWNED BY:
GOODALE FARMS INC.
c/o SAMTEX USA LLC
5105 JULES ROAD
SALEM, NH 03078-4844

PREPARED FOR:
PAUL & ALEX RICCIARDI
101 ADAMS STREET
QUINCY, MA 02169
TEL: 917-719-2687

DATE: JULY 19, 2016

FOR REGISTRY USE

PLAN NO. 1099 OF 2016
SHEET 2 OF 2



1099 OF 2016 (2 OF 2)

P2

FILE: 253701.dwg

fs

City of Marlborough Commonwealth of Massachusetts

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH



PLANNING BOARD

Barbara L. Fenby, Chair
Colleen M. Hughes
Philip J. Hodge
Brian DuPont
Sean N. Fay
Shawn McCarthy

2016 OCT 23 A 9:13



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Page: 1 of 5 11/16/2016 03:30 PM

Melissa Peltier - Secretary
Phone: (508) 460-3769
Fax: (508) 460-3736
Email: MPeltier@marlborough-ma.gov

CERTIFICATE OF VOTE DEFINITIVE SUBDIVISION PLAN GOODALE ESTATES GOODALE STREET

October 24, 2016

Pursuant to § 650-28 of the Marlborough City Code, the Planning Board of the City of Marlborough (the "Planning Board") hereby certifies that on October 24, 2016 it voted to approve a Definitive Subdivision Plan for an Open Space Residential Subdivision, for which this Board had granted a Special Permit on May 9, 2016 to Valre Realty Trust for property located on Goodale Street owned by Goodale Farms, Inc. as follows:

PROCEDURAL FINDINGS:

1. On July 25, 2016, an application (the "Application") was submitted to the Planning Board on behalf of the Valre Realty Trust with a principal place of business of 101 Adams Street, Quincy, MA 02169 (the "Applicant"), pursuant to M.G.L. c. 41, § 81O, and the Planning Board's Rules and Regulations Governing the Subdivision of Land in Marlborough (the "Rules and Regulations"), seeking approval of a seven (7) single family housing unit definitive subdivision plan as shown on a plan entitled "GOODALE ESTATES A DEFINITIVE SUBDIVISION PLAN MARLBOROUGH, MASSACHUSETTS;" Prepared for: Paul & Alex Ricciardi, 101 Adams Street, Quincy, MA 02189; Prepared by: Bruce Saluk, & Associates, Inc., 576 Boston Post Road East, Marlborough, MA 01752; Dated: July 19, 2016; Revised: September 22, 2016, Last Revised October 17, 2016 (the "Plan"), on land identified on the City of Marlborough's Assessor's

Goodale Farms Inc
owner

37309-228

Map ("Assessor's Map") as Map 2, Parcel 5, located on Goodale Street, owned by Goodale Farms, Inc. ("Goodale Farms") (the "Development").

2. The Plan was based on the residential subdivision concept plan layout for which an Open Space Special Permit was granted by the Board on May 9, 2016 and recorded in the Middlesex South District Registry of Deeds on June 13, 2016 in Book 67413, Page 304.
3. The Planning Board provided copies of the Application to other City boards and commissions, departments and officials including, but not limited to, the Board of Health, Building Commissioner, Conservation Commission, Department of Public Works, Fire Chief, City Engineer and City Solicitor.
4. The Board of Health of the City of Marlborough made no comment on the Application or the Plan, and 45 days has elapsed since submittal of the Plan on July 25, 2016.
5. After notice and publication was provided pursuant to the applicable provisions of M.G.L. c. 41, § 81T of the Subdivision Control Law, and the applicable provisions of the Rules and Regulations, a public hearing on the Application commenced on September 12, 2016. The Planning Board closed the public hearing on September 12, 2016.
6. Planning Board members Barbara Fenby, Colleen Hughes, Sean Fay, Phillip Hodge and Brian DuPont were present for the public hearing.
7. Planning Board members Barbara Fenby, Sean Fay, Colleen Hughes, Phillip Hodge and Brian DuPont were present at a duly authorized meeting on the Application on September 12, 2016; members Fenby, Fay, Hughes, Hodge and McCarthy were present at a duly authorized meeting on the Application on October 3, 2016; members Fenby, Fay, Hughes and McCarthy were present at a duly authorized meeting on the Application on October 17, 2016; and members Fenby, Fay, Hughes and Hodge were present at a duly authorized meeting on the Application on October 24, 2016.

PROJECT FINDINGS:

1. The subject property consists of one (1) parcel owned by Goodale Farms and identified on the Assessor's Maps as Map 2, Parcel 5.
2. In seeking approval of the Plan and in accordance with the Open Space Special Permit, the Applicant proposes to build seven (7) single family homes and to convey to the City 5.02 acres of permanently protected open space, subject to conditions set forth below.
3. The Development, as governed by the conditions set forth in this Certificate of Vote, is consistent with the applicable provisions of the Subdivision Control Law and the Rules and Regulations.

4. The Applicant has represented to the Board that the Development, as governed by the conditions of this Certificate of Vote, will not present a public safety hazard to the City or surrounding properties.

WAIVERS:

After the public hearing, followed by deliberations on the Plan as amended, the Planning Board did on October 24 2016, by a vote of 4 in favor and 0 opposed, grant the following waivers to the Rules and Regulations, in connection with the Plan, as amended (citations below are to the Marlborough City Code, Chapter A676, entitled "Subdivision Regulations"):

1) **Section 676-12 Streets, C.(1)(a) Width**

REQUIRED: 50 FEET FOR ALL SECONDARY ROADS

ALLOWED: 40 FEET FOR THE PROPOSED SUBDIVISION ROAD

2) **Section 676-26 Sidewalks, curbs and gutters, A(1) and Cross section in App. F Sidewalk Width**

REQUIRED: 6-foot sidewalk width, including curb

ALLOWED: 5-foot sidewalk width, including curb

The Planning Board granted these waivers after determining that such action is in the public interest and is not inconsistent with the intent and purpose of the Subdivision Control Law and with the Rules and Regulations.

CONDITIONS:

The Planning Board on October 24 2016, by a vote of 4 to 0, approved the Plan, as amended, as described above, subject to the following conditions:

1. Prior to their installation, all final landscaping, signage and/or improvements within the subdivision road's right of way shall be approved by the City Engineer.
2. The Applicant shall provide for a performance guarantee, in a manner acceptable to the Planning Board, to ensure that the required improvements will be constructed and/or installed in accordance with the approved Plan.
3. Pursuant to Section A676-10.H¼ of the Rules and Regulations, immediately upon providing the performance guarantee to construct an approved definitive subdivision plan, the Applicant shall deed to the City the subdivision road as well as all municipal utility easements, if any; and shall provide the City with a certificate of liability insurance, naming the City as an additional insured relative to the subdivision road as well as all municipal utility easements, if any, to be deeded to the City.
4. The Applicant at its sole expense shall record at the Middlesex South District Registry of Deeds an executed copy of this Certificate of Vote and of the approved

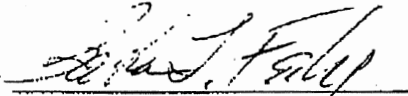
Plan, and shall forthwith provide those recorded copies to the Planning Board and the Solicitor's office.

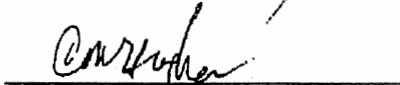
5. Any future change, modification or amendment to the approved Plan, as may be approved by the Planning Board, shall be in accordance with the requirements of M.G.L. Chapter 41, § 81W.
6. The Applicant shall comply with the conditions of the Open Space Special Permit, including but not limited to the following:
 - a. Pursuant to § 650-28G of the Ordinance, the Applicant shall, following an inspection with the City's tree warden of the open space parcel and a removal of hazardous trees at Goodale Estates' expense, and subsequent to the approval of the definitive subdivision plan of the Development but prior to the issuance of any building permits, convey to the City no less than a 5.02 acre parcel of land shown on sheet 4 of 4 of the Concept Plans as "Open Space" which shall be preserved for conservation, passive recreational use, and preservation of open space.
 - b. Prior to conveying the open space parcel to the City, the Applicant at its expense shall provide to the City an attorney's certification that the Applicant has clear title to the open space parcel.
 - c. Prior to conveying the open space parcel to the City, the Applicant at its expense shall provide to the City an assessment of the open space parcel showing that the parcel is free of oil and hazardous material within the meaning of M.G.L. c. 21E.
 - d. Prior to conveying the open space parcel to the City, the Applicant shall pay to the City the sum of five thousand dollars (\$5,000) to be allocated for the City's Conservation Maintenance Fund to support the future maintenance of the open space parcel.
 - e. The Applicant shall construct a sidewalk on the westerly side of Goodale Street between Hutchinson Drive and Woodland Drive, provided the City owns, or is able to acquire, sufficient width in the roadway right of way for the Applicant to construct the sidewalk. In the event that the City, as determined by the City Engineer or his designee, is unable or unwilling to provide sufficient roadway right of way width for the Applicant to construct the sidewalk, the Applicant shall construct an unpaved gravel path on the easterly side of Goodale Street in the existing roadway right of way owned by the City between Taylor Road and the proposed Jenks Road.
 - f. At the pump station on Goodale Street abutting the subdivision, the Applicant shall construct, to the satisfaction of the City Engineer or his designee, parking improvements not to exceed 400 square feet and not to exceed a cost of five thousand dollars (\$5,000.00).

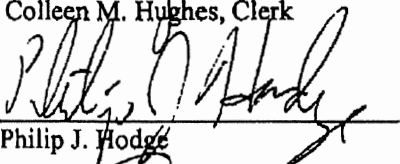
7. All conditions herein shall apply to Applicant, its successors and assigns, and to its successors in title to the Development.

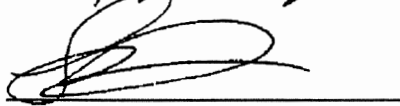
RECORD OF VOTE:

The following members of the Planning Board voted on October 24 2016 to approve the Plan, as amended:


Barbara L. Fenby, Chair

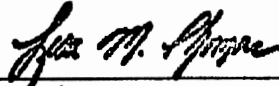

Colleen M. Hughes, Clerk


Philip J. Hodge


Sean N. Fay

CERTIFICATE

I hereby certify that twenty (20) days have elapsed since the filing of the above-referenced Certificate of Vote in the Office of Marlborough City Clerk on October 25, 2016, and that no notice of an appeal of that decision has been timely filed with said Office.

A True Copy Attest: 
Lisa M. Thomas
Marlborough City Clerk

November 15, 2016
Date

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND OF WHITE PAPER AND ORIGINAL DOCUMENT SECURITY SCREEN ON BACK WITH THE MID ROCK SECURITY ICON

Northborough Realty Holdings, LLC

4 Courthouse Lane, Suite 16
Chelmsford, MA 01824

BANKRI

Bank Rhode Island

10858

3-22/483

9/19/2019

PAY
TO THE
ORDER OF: City of Marlborough-Conservation

\$ **5,000.00

Five Thousand and 00/100*****

DOLLARS

City of Marlborough-Conservation
Town Hall
140 Main Street
Marlborough, MA 01752



MEMO
Goodale Estates Open Space Fee

⑈010858⑈ ⑆011501682⑆ 042035428⑈

Security features included. Details on back.