

City of Marlborough Public Meeting Posting

Meeting Name: City Council Public Services Committee
Date: May 16, 2022
Time: 7:15 PM
Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 MAY -3 P 4: 24

This meeting will be held in the City Council Chamber. Public attendance is permitted. The meeting will be televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Please Note: This meeting may start later than the posted time due to earlier scheduled meetings.

1. Order No.22-1008554: Petition from Mass Electric to relocate and install a new pole to remove a tree guy on AMORY ROAD.
2. Order No.22-1008586: Petition from Mass Electric and Verizon New England to install a new pole and remove the old pole and install underground cable for city work around the pump station on Cullinane Drive.
3. Order No.22-1008587: Application for Taxi/Livery License from Nathan Sebuliba d/b/a Indelible Homecare, Inc., to operate a Livery Service with one vehicle at 97 Neil Street.
4. Order No.22-1008558: Petition of New Cingular Wireless, PCS, LLC, (d/b/a AT&T) for grant of location for one (1) small cell wireless facility to be located on an existing pole within the public right of way in the vicinity of 241 Forest Street.
PUBLIC HEARING HELD ON APRIL 25, 2022 /EXP. 6/28/22
5. Order No.22-1008570: Application for Special Permit from Cellco Partnership d/b/a Verizon Wireless to install a new stealth Wireless Communication Facility including an 800-foot stealth pole with accessory ground equipment at 739-769 Donald J. Lynch Boulevard.
PUBLIC HEARING HELD ON MAY 9, 2022

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.

City Council

From: Ayala, Gabriela <Gabriela.Ayala@nationalgrid.com>
Sent: Tuesday, May 10, 2022 1:08 PM
To: City Council
Cc: Steven Kerrigan; Wilson Chu; Karen Boule; Fraser, Michael
Subject: RE: [EXTERNAL] City Council Public Services Committee to meet Monday, May 16, 2022, Posting Agenda Attached

Hello Karen,

Mike Fraser will be attending this meeting. I copied him to this email.

Thank you,

Gabriela Ayala

Nationalgrid

Work Support

100 E Ashland St

Brockton, MA 02302

Gabriela.Ayala@Nationalgrid.com

From: City Council <citycouncil@marlborough-ma.gov>
Sent: Wednesday, May 4, 2022 4:55 PM
To: Ayala, Gabriela <Gabriela.Ayala@nationalgrid.com>
Cc: Steven Kerrigan <skerrigan@marlborough-ma.gov>; Wilson Chu <wchu@marlborough-ma.gov>; Karen Boule <kboule@marlborough-ma.gov>
Subject: [EXTERNAL] City Council Public Services Committee to meet Monday, May 16, 2022, Posting Agenda Attached

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. If you suspect this email is malicious, please use the 'Report Phish' button.

Hello Gabriela:

I have attached the notice of meeting for the **May 16, 2022** Public Services Committee to discuss the petitions for Amory Road and Cullinane Drive.

Please let us know who will be attending the meeting to address both petitions. The meeting will be held in the Council Chamber at City Hall as shown in the posting.

Please note that although the time to convene is 7:15 PM and the petitions are first on the list, the meeting could start later as two other committees are meeting beforehand.

Thank you for your anticipated response!

-Karen

Karen A. Boule



IN CITY COUNCIL

Marlborough, Mass., MARCH 28, 2022

ORDERED:

That there being no objection thereto set **MONDAY APRIL 11, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric to relocate and install a new pole to remove a tree guy on Amory Road, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE.**

ADOPTED

ORDER NO. 22-1008554

City Council

From: Thomas DiPersio
Sent: Wednesday, May 11, 2022 2:42 PM
To: City Council
Subject: Orders # 22-1008554 and 22-1008586
Attachments: Standard Conditions for Utility Petitions.docx

To the Public Services Committee:

Regarding Order 22-1008554: Petition of Massachusetts Electric to relocate and install a new pole to remove a tree guy on Amory Road, I offer the following:

- The new pole P4 shall be located at least 5 feet from the edge of the driveway to #61 Amory Road.
- National Grid and their contractor shall walk the job area with a representative of DPW/Engineering prior to start of work to review and approve of final location of the new pole.
- A Street Opening Permit is required from DPW/Engineering, which will outline pavement repair limits and specifications, if applicable.
- The attached standard conditions shall also apply.

Regarding Order 22-1008586: Petition of Massachusetts Electric and Verizon New England to install a new pole and remove the old pole and install underground cable for city work around the pump station on Cullinane Drive, I offer the following:

- This work is necessary for the City's pump station rehabilitation project, to accommodate the location of the new equipment.
- National Grid and their contractor shall coordinate the work with the DPW/Engineering pump station project managers.
- The attached standard conditions shall also apply.

Please contact me with any questions.

Thomas DiPersio, Jr., PE, PLS

City Engineer
Department of Public Works
135 Neil Street
Marlborough, MA 01752
Phone:(508)624-6910x33200
tdipersio@marlborough-ma.gov



STANDARD CONDITIONS FOR UTILITY PETITIONS

1. Any necessary easements are to be obtained from affected property owners.
2. A street opening permit must be applied for by the proposed contractor performing the work.
3. The contractor performing the work must obtain a street opening bond with the City of Marlborough.
4. The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
5. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
6. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
7. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
8. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
9. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
10. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
11. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

9

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

January 31, 2022

2022 MAR 24 A 8:14

To the City Council
of the City of Marlborough, Massachusetts

MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

request permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways:

Public
Swires
Public Hearing
4-11-22

Amory Rd

National Grid proposes to relocate and install new pole to remove tree guy.

Wherefore they pray that after due notice and hearing as provided by law, it be granted joint or identical locations for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked: **MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

Plan No. **30525576** Dated: **1/17/2022**

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

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

MASSACHUSETTS ELECTRIC COMPANY

By: *DR* **DBA Robert Leonida**
Manager of Distribution Design

VERIZON NEW ENGLAND, INC.

Albert Bessette
By: _____
Manager, R.O.W.

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

January 31, 2022

By the City Council
of the City of Marlborough, Massachusetts

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED:
that MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC. be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 31st day of January

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

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked-- filed with this order
Plan No. **30525576** Dated: **1/17/2022**

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

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

Amory Rd

National Grid proposes to relocate and install new pole to remove tree guy.

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

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

Clerk of Council

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

Book: _____ Page: _____

City Clerk

We hereby certify that on _____, at _____ o'clock, _____ M.
at _____ a public hearing was held on the petition of the
MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

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

Council of the City of

Marlborough, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the City Council of the City of Marlborough, Massachusetts, on the _____ day of _____ recorded with the records of location orders of said City, Book _____, Page _____.

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

Attest: _____
City Clerk



LEGEND

- EXISTING J/O POLE
- PROPOSED J/O POLE
- ⊙ PROPOSED MOVED J/O POLE
- ⋈ GUY
- OVERHEAD CONDUCTOR

POLE 3-5
PETITION

61 AMORY ROAD

MARLBORO MA.

Date: 1/17/2022

Designer: D.L.

WR: 30525576

nationalgrid

BENESH BETH A
54 AMORY RD
MARLBOROUGH, MA 01752

BRACKEN FRANCIS M
69 AMORY RD
MARLBOROUGH, MA 01752

DAVIS KAREN M
55 AMORY RD
MARLBOROUGH, MA 01752

LAKESHORE ASSOCIATION
C/O SAMUEL PARRISH
101 CULLINANE DR
MARLBOROUGH, MA 01752

MATROS MICHAEL A
2 SPRING LN
MARLBOROUGH, MA 01752

PRIKACKI JANICE L TR
65 AMORY RD
MARLBOROUGH, MA 01752



IN CITY COUNCIL

Marlborough, Mass., APRIL 25, 2022

ORDERED:

That there being no objection thereto set **MONDAY MAY 9, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric and Verizon New England, to install a new pole and remove the old pole and install underground cable for city work around the pump station on Cullinane Drive, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE**

ADOPTED

ORDER NO. 22-1008586

City Council

From: Thomas DiPersio
Sent: Wednesday, May 11, 2022 2:42 PM
To: City Council
Subject: Orders # 22-1008554 and 22-1008586
Attachments: Standard Conditions for Utility Petitions.docx

To the Public Services Committee:

Regarding Order 22-1008554: Petition of Massachusetts Electric to relocate and install a new pole to remove a tree guy on Amory Road, I offer the following:

- The new pole P4 shall be located at least 5 feet from the edge of the driveway to #61 Amory Road.
- National Grid and their contractor shall walk the job area with a representative of DPW/Engineering prior to start of work to review and approve of final location of the new pole.
- A Street Opening Permit is required from DPW/Engineering, which will outline pavement repair limits and specifications, if applicable.
- The attached standard conditions shall also apply.

Regarding Order 22-1008586: Petition of Massachusetts Electric and Verizon New England to install a new pole and remove the old pole and install underground cable for city work around the pump station on Cullinane Drive, I offer the following:

- This work is necessary for the City's pump station rehabilitation project, to accommodate the location of the new equipment.
- National Grid and their contractor shall coordinate the work with the DPW/Engineering pump station project managers.
- The attached standard conditions shall also apply.

Please contact me with any questions.

Thomas DiPersio, Jr., PE, PLS

City Engineer
Department of Public Works
135 Neil Street
Marlborough, MA 01752
Phone:(508)624-6910x33200
tdipersio@marlborough-ma.gov



STANDARD CONDITIONS FOR UTILITY PETITIONS

1. Any necessary easements are to be obtained from affected property owners.
2. A street opening permit must be applied for by the proposed contractor performing the work.
3. The contractor performing the work must obtain a street opening bond with the City of Marlborough.
4. The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
5. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
6. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
7. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
8. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
9. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
10. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
11. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

RECEIVED
CITY CLERK'S OFFICE
January 24, 2022 OF MARLBOROUGH

2022 APR 13 A 7:20

To the City Council
of the City of Marlborough, Massachusetts

MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

request permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways:

*Public
SMCS
Public
Hearing
5-9-22*

Cullinane Dr

National Grid request to install new pole and remove old pole and install underground cabel for Town work aorund pump station.

Wherefore they pray that after due notice and hearing as provided by law, it be granted joint or identical locations for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked: **MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

Plan No. **30413157** Dated: **1/17/2022**

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

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

MASSACHUSETTS ELECTRIC COMPANY

By: *[Signature]* **DBA Robert Leonida**
Manager of Distribution Design

VERIZON NEW ENGLAND, INC.

By: *Albert C Bessette*
Manager, R.O.W.

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

January 24, 2022

By the City Council
of the City of Marlborough, Massachusetts

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED:
that MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC. be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **17th day of January**

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

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked-- filed with this order
Plan No. **30413157** Dated: **1/17/2022**

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

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

Cullinane Dr

National Grid request to install new pole and remove old pole and install underground cabel for Town work aorund pump station.

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

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

Clerk of Council

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

Book: _____ Page: _____

City Clerk

We hereby certify that on _____, at _____ o'clock, _____ M.
at _____ a public hearing was held on the petition of the
MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

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

Council of the City of

Marlborough, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the City Council of the City of Marlborough, Massachusetts, on the _____ day of _____ recorded with the records of location orders of said City, Book _____, Page _____.

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

Attest: _____
City Clerk



185

187

189

CULLINANE DRIVE

180

12 RED SPRING ROAD

194

P18

P18-1

P50

LEGEND

- ⊕ EXISTING J/O POLE
- PROPOSED J/O POLE
- OVERHEAD CONDUCTOR

POLE 18-1
PETITION

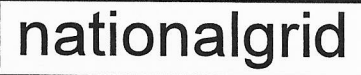
194 CULLINANE DRIVE

MARLBORO, MA.

Date: 1/17/2022

Designer: D.L.

W/R: 30413157





IN CITY COUNCIL

Marlborough, Mass., APRIL 25, 2022

ORDERED:

That the Application for Taxi/Livery License from Nathan Sebuliba d/b/a Indelible Homecare, Inc., to operate a Livery Service with one vehicle, 97 Neil Street, be and is herewith referred to **PUBLIC SERVICES COMMITTEE.**

ADOPTED

ORDER NO. 22-1008587

City Council

From: David Giorgi
Sent: Monday, May 2, 2022 1:10 PM
To: City Council
Cc: Karen Boule
Subject: RE: Request for Recommendation, Application for Taxi/Livery to operate from 97 Neil Street

Good Afternoon Council Members,

I have received the CORI check for Nathan Sebuliba and I do not have any objections to his application for a Taxi/Livery license.

Thank you,
David

From: City Council <citycouncil@marlborough-ma.gov>
Sent: Friday, April 29, 2022 4:57 PM
To: David Giorgi <dgiorgi@marlborough-ma.gov>
Cc: Karen Boule <kboule@marlborough-ma.gov>
Subject: Request for Recommendation, Application for Taxi/Livery to operate from 97 Neil Street

Chief: The Public Services Committee has received the following application for review and recommendation to the City Council. Please forward your recommendation based on CORI check and location.

Thank you.

-Karen

Karen A. Boule, Secretary
Marlborough City Council
City Hall, 2nd Floor
Marlborough, MA 01752
508-460-3711
citycouncil@marlborough-ma.gov

04-25-22 – Order No.22-1008587: Application for Taxi/Livery License from Nathan Sebuliba d/b/a Indelible Homecare, Inc., to operate a Livery License with ONE (1) VEHICLE at 97 Neil Street.

-REFER TO PUBLIC SERVICES



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 APR 11 A 8:08

**Steven W. Kerrigan
City Clerk**

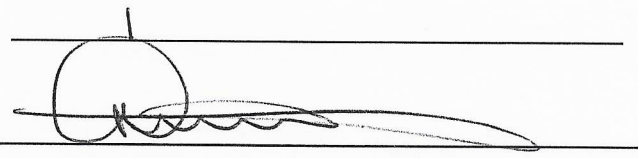
**CITY OF MARLBOROUGH
TAXI AND/OR LIVERY SERVICE LICENSE APPLICATION**

I. TYPE OF LICENSE: _____ TAXI _____ LIVERY

2. APPLICANT'S (LICENSEE) INFORMATION:

- A. Name: NATHAN SERULIBA
- B. Address: 97 NEIL ST, MARLBOROUGH MA 01752
- C. Telephone Number: 781 475 0531
- D. Business Name: INDELIBLE HOMECARE INC
- E. Business Address: 97 NEIL ST MARLBOROUGH MA 01752
- F. Business Number: _____

3. NUMBER OF VEHICLES: 1

APPLICANT'S SIGNATURE 

**CITY OF MARLBOROUGH
TAXI/LIVERY LICENSE**

is hereby granted a Taxi/Livery License as approved by the City Council of the City of Marlborough. In accordance with the Code of the City of Marlborough, Chapter 568, this License shall expire two (2) years from the date of issue. Application for renewal of said License shall be made to the City Council through the Office of the City Clerk.

EXPIRATION DATE: _____

A TRUE COPY
ATTEST:
City Clerk



IN CITY COUNCIL

Marlborough, Mass., MARCH 28, 2022

ORDERED:

That there being no objection thereto set **MONDAY APRIL 11, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition of New Cingular Wireless, PCS, LLC (d/b/a AT&T) for a grant of location for one (1) small cell wireless facility to be located on an existing pole within the public right of way in the vicinity of 241 Forest Street, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 22-1008558

City Council

From: Thomas DiPersio
Sent: Wednesday, May 11, 2022 3:44 PM
To: City Council
Subject: Petition for small cell wireless facility

To the Public Services Committee:

Regarding the Petition of New Cingular Wireless, PCS, LLC (d/b/a AT&T) for a grant of location for one small cell wireless facility to be located on existing pole within the public right of way in the vicinity of 241 Forest Street, I offer the following for your consideration:

I have reviewed the proposed application and draft decision, and offer the following for your consideration:

- The application indicates that the proposed equipment will be installed at a height of 11 feet above ground level as required by the Ordinance.
- The application indicates that the antenna is to be mounted on an existing pole that is 38 feet six inches tall, with the antenna extending to a total height of 41 feet six inches. This is higher than the 35 foot maximum in accordance with the Ordinance. The Committee has dealt with this issue on previous petitions for similar antenna that were installed on existing poles of greater than 35 feet in height. I defer to the Committee's decision on this but from an engineering standpoint I do not have an issue with allowing the equipment as proposed at this height at this particular location.

Please contact me with any questions.

Thomas DiPersio, Jr., PE, PLS

City Engineer
Department of Public Works
135 Neil Street
Marlborough, MA 01752
Phone:(508)624-6910x33200
tdipersio@marlborough-ma.gov



City Council

From: City Council
Sent: Wednesday, May 11, 2022 3:51 PM
To: Dolan, Michael R.
Cc: Mike Ossing; Don Landers; Donald Landers (donald_landers@msn.com); Karen Boule
Subject: Comment from City Engineer for your info: Petition for small cell wireless facility

For your info and file:
KB

Karen A. Boule, Secretary
Marlborough City Council
City Hall, 2nd Floor
Marlborough, MA 01752
508-460-3711
citycouncil@marlborough-ma.gov

From: Thomas DiPersio <tdipersio@marlborough-ma.gov>
Sent: Wednesday, May 11, 2022 3:44 PM
To: City Council <citycouncil@marlborough-ma.gov>
Subject: Petition for small cell wireless facility

To the Public Services Committee:

Regarding the Petition of New Cingular Wireless, PCS, LLC (d/b/a AT&T) for a grant of location for one small cell wireless facility to be located on existing pole within the public right of way in the vicinity of 241 Forest Street, I offer the following for your consideration:

I have reviewed the proposed application and draft decision, and offer the following for your consideration:

- The application indicates that the proposed equipment will be installed at a height of 11 feet above ground level as required by the Ordinance.
- The application indicates that the antenna is to be mounted on an existing pole that is 38 feet six inches tall, with the antenna extending to a total height of 41 feet six inches. This is higher than the 35 foot maximum in accordance with the Ordinance. The Committee has dealt with this issue on previous petitions for similar antenna that were installed on existing poles of greater than 35 feet in height. I defer to the Committee's decision on this but from an engineering standpoint I do not have an issue with allowing the equipment as proposed at this height at this particular location.

Please contact me with any questions.

Thomas DiPersio, Jr., PE, PLS
City Engineer
Department of Public Works
135 Neil Street
Marlborough, MA 01752
Phone:(508)624-6910x33200
tdipersio@marlborough-ma.gov

IN CITY COUNCIL

ORDERED:

Marlborough, Mass. _____

PAGE 1

That the City Council for the City of Marlborough, pursuant to M.G.L. c. 166, §22 and Chapter 473, Article III of the City of Marlborough General Code entitled “Small Cell Wireless Facilities Within Public Rights-of-Way,” does hereby approve the petition of New Cingular Wireless PCS LLC (“AT&T”) dated February 23, 2022, filed with the City Clerk on _____, 2022, to grant a location on an existing utility pole located in the public right of way adjacent to 241 Forest Street in Marlborough, which pole is designated as National Grid pole #25-2, in order for AT&T to deploy a small cell facility thereon by constructing and maintaining telecommunications wires and appurtenances, including a pole top canister antenna, remote radio heads and associated wires, cables, fiber damarc box, electric meter and associated equipment (the “Small Cell Facility”) all as depicted on plans submitted with AT&T’s petition and in a photo simulation submitted to the City Council and Public Services Committee, which plans are attached hereto and incorporated herein; 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, Article III, entitled “Small Cell Wireless Facilities Within Public Rights-of-Way,” as may be applicable, and such requirements as may hereafter be adopted governing the construction and maintenance of the Small Cell Facility. To the extent any requested relief from the siting standards in City Ord. Ch. 473, Article III is authorized by this approval, such relief is provided consistent with Ord. Sec. 473-27(B).
4. AT&T shall not install its Small Cell Facility on double poles. If National Grid pole #25-2 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 31st of the year in which National Grid pole #25-2 becomes a double pole; provided, however, that if AT&T is unable to comply with the December 31st 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.

IN CITY COUNCIL

ORDERED:

Marlborough, Mass. _____

PAGE 2

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 #25-2 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 remote radio heads and associated wires, cables, fiber demarc box, electric meter and associated equipment shall be mounted on the side of National Grid pole #25-2 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 #25-2 shall result in AT&T 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 #25-2 and for the repair and/or restoration of the public way, in the vicinity of National Grid pole #25-2, 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. Each year on July 1st, AT&T shall submit an affidavit that the Small Cell Facility remains in use and that the Small Cell Facility remains covered by liability insurance naming the City as an additional insured.

IN CITY COUNCIL

ORDERED:

Marlborough, Mass. _____

PAGE 3

13. Each year on July 1st, AT&T shall pay to the City of Marlborough an annual recertification fee of \$250.00 for each year that the Small Cell Facility remains in use.
14. If the Small Cell Facility is no longer in use, it shall be removed by AT&T, at its expense, within 60 days. If the Small Cell Facility is not removed by AT&T within 60 days of it no longer being in use, AT&T shall pay a fine of \$100.00 per day until such installation is removed by AT&T.
15. 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.

Be and is herewith APPROVED.

ADOPTED

In City Council

Order No.

Approved by Mayor Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST:

TOLLING AGREEMENT

This Tolling Agreement is made and entered into this 11th day of April, 2022 ("Effective Date") by and between New Cingular Wireless PCS LLC ("AT&T") and the City of Marlborough, Massachusetts.

RECITALS

WHEREAS, AT&T has filed an application dated February 23, 2022 under G.L. c. 166, §22 and Chapter 473, Article III of the City of Marlborough General Code for the location of a small cell wireless facility and the necessary sustaining and protecting fixtures on an existing utility pole (#25-2) located adjacent to 241 Forest Street, Marlborough, Massachusetts;

WHEREAS, the City has undertaken to schedule the application for review with Public Services Committee;

WHEREAS, the City and AT&T working cooperatively are agreeable to allowing additional time to complete the review of the application in an orderly manner;

NOW, THEREFORE, the Parties agree as follows:

1. The time period within which the City must issue a written order approving or rejecting the application shall be extended through June 28, 2022 (the "Extension Date").
2. If the City fails to act on the application by the Extension Date, this Agreement shall not be construed to waive or otherwise impair the rights of the parties with respect to: (a) any claim that such failure to act is an "unreasonable delay" under 47 U.S.C. 332(c)(7)(B) or otherwise, and (b) the City to rebut such claims.

IN WITNESS WHEREOF, the Parties hereto have set their hands and caused this Agreement to be effective as of the Effective Date.

New Cingular Wireless PCS LLC

City of Marlborough, Massachusetts

Signature: Michael R. Dolan (jud)

Signature: [Handwritten Signature]

Print Name: Michael R. Dolan, Esq.

Print Name: MICHAEL A. OSSING

Title: Attorney and Agent for New Cingular Wireless PCS LLC

Title: COUNCIL PRESIDENT

Date: April 11, 2022

Date: APRIL 14, 2022



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

**Steven W. Kerrigan
City Clerk**

**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City Council of the City of Marlborough will hold a **PUBLIC HEARING** in City Council Chambers, City Hall, 140 Main Street, on **Monday, April 11, 2022, at 8:00 PM** on the Petition of New Cingular Wireless, PCS, LLC (d/b/a AT&T) for a grant of location for one (1) small cell wireless facility to be located on an existing pole within the public right of way in the vicinity of 241 Forest Street.

The application materials and plans are available for viewing both in the Office of the City Clerk, City Hall, 140 Main Street, Marlborough, MA 01752, Telephone: 508-460-3775 and on the city website.

Per Order of City Council
22-10088558

*Continued at
request of petitioner
until 4/25/22 @ 8pm*



IN CITY COUNCIL

Marlborough, Mass., APRIL 11, 2022

ORDERED:

That there being no objection thereto set **MONDAY MAY 9, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Application for a Special Permit and Site Plan Approval from Cellco Partnership d/b/a Verizon Wireless to install a new stealth Wireless Communication Facility, including an 80-foot stealth pole with accessory ground equipment at 739-769 Donald J. Lynch Boulevard, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE AND ADVERTISE**.

One-hundred fifty days after the date of filing (04/06/22) is 09/03/22 which falls on a Saturday, therefore 09/06/22 would be considered the 150th day.

ADOPTED

ORDER NO. 22-1008570

_____, 2022

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT
AND
SITE PLAN APPROVAL**

In City Council
Order No. _____

Application of:
Cellco Partnership d/b/a Verizon Wireless
c/o Gehring & Associates, LLC
P. O. Box 98
West Mystic, CT 06388

Locus:
739-769 Donald Lynch Boulevard, Marlborough, MA
Assessor's Map 50, Parcel 7B

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit and Site Plan Approval to Cellco Partnership d/b/a Verizon Wireless to allow for the construction of a new Personal Wireless Communications Facility stealth pole tower with accessory ground equipment including a diesel-fueled stand-by generator inside a fenced and secured site compound pursuant to the submitted plans, as provided in the DECISION and subject to the Findings of Fact and Conditions therein.

Decision date: _____, 2022

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [] day of [], 2022.

APPEALS

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

A TRUE COPY
ATTEST:

City Clerk

ORDERED:

IN CITY COUNCIL

**DECISION ON A SPECIAL PERMIT
and SITE PLAN APPROVAL**

ORDER NO. _____

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit and Site Plan Approval to Cellco Partnership d/b/a Verizon Wireless to allow for the construction of a new Personal Wireless Communications Facility stealth monopole tower with accessory ground equipment including a diesel-fueled stand-by power generator pursuant to the submitted plans, as provided in the DECISION and subject to the Findings of Fact and Conditions therein.

FINDINGS OF FACT

1. The Applicant is a duly organized and existing corporation and FCC Licensee having a local business address of 118 Flanders Road, Westborough, MA 01581 with correspondences being sent via Applicant's Agent c/o Gehring & Associates, LLC, P. O. Box 98, West Mystic, CT 06388.
2. The Applicant is licensed by the FCC to provide personal wireless services in the City of Marlborough and surrounding areas and currently has a problem with significant gaps in coverage and capacity issues with coverage that could be alleviated by installing a new site on the subject location as shown on the submitted RF Report and plans.
3. The Site is located in the Limited Industrial (LI) Zoning District which allows a Special Permit be issued for Personal Wireless Service Facilities.
4. On April 6, 2022, the Applicant filed with the City Clerk of the City of Marlborough an application (hereinafter referred to as the "Application") for a Special Permit and Site Plan Approval under Chapter 650 (Zoning) of the Code of the City of Marlborough (hereinafter referred to as the "Zoning Ordinance"), Section 650-25 titled Wireless Communications Facilities and Section 650-59 governing special permits.
5. In connection with the Application for a Special Permit, the Applicant submitted a certified list of abutters, required filing fees and a copies of the complete application, which were circulated among and delivered to the various City departments as required under the filing process.
6. Pursuant to the Rules and Regulations of the City Council of the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council

established a date for a public hearing on the Application, and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters and the planning boards of all surrounding towns entitled thereto in accordance with applicable regulations and law.

7. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on May 9, 2022. The public hearing was held in the City Council Chamber, at the Marlborough City Hall, 140 Main Street. The public hearing was closed on May 9, 2022.
8. The Applicant presented testimony at the public hearing wherein all Twelve (12) Tabs of the contents of the submitted Application Binders were reviewed and the submitted materials and substantial evidence was recapped and reviewed as follows:

Tab 1 - City of Marlborough required application forms.

Tab 2 - Statement in Support of Application wherein all the Zoning Ordinance provisions pertaining to wireless facilities and special permits are analyzed line-by-line in addition to an Alternate Site Analysis justifying the choice of the subject property for the proposed installation.

Tab 3 - Landowner Authorization - demonstrating Verizon's leasehold interest in the property with permission to file the submitted application.

Tab 4 - Assessor's Field Card, Tax Map and Deed, for reference.

Tab 5 - Copies of Applicant's twelve (12) FCC Licenses authorizing broadcasts from Marlborough and the surrounding areas, thereby establishing the Applicant's status as a federal licensee afforded certain protections under the federal Telecommunications Act of 1996 (47 U.S.C. 332(c)(7)(B)).

Tab 6 - Radio Frequency Engineer's RF Report describing why the site is needed, complete with coverage maps showing the significant capacity and coverage problems the subject site is designed to rectify.

Tab 7 - Confirmation of RF Emissions compliance pursuant to applicable FCC regulations wherein it is predicted the facility will give off less than six percent (6%) of the maximum allowed for such facilities on the ground adjacent to the facility thereby demonstrating full compliance with federal law pertaining to RF emissions.

Tab 8 - FAA clearance to build the proposed stealth pole as it will not be an obstruction or hazard to air navigation.

Tab 9 - An Acoustical Report demonstrating compliance with all applicable noise regulations.

Tab 10 - Statement from a licensed Real Estate Appraiser concluding that construction of the proposed facility will have no deleterious impact on surrounding property values.

Tab 11 - Photosimulations created by performing a balloon float on March 2, 2022, with another, second balloon float being advertised and performed on May 4th as required under the Zoning Ordinance. The photos demonstrated limited visibility and minimal visual impact to the surrounding area.

An exhibit was passed out to the Councilors showing the proposed pole painted different colors so that the Council can choose.

Tab 12 - Site Plans and Elevation Drawings by Chappell Engineering, with last revision date March 18, 2022, showing the proposed facility which will occupy four (4) parking

spaces adjacent to the existing building which currently hosts the EMS and DSW stores, next door to Best Buy.

9. At the Public Hearing, there were no members of the public speaking in opposition to the proposed application.
10. No written comments in favor or in opposition were received regarding the proposed application.
11. Only one member of the public had any questions or comments, which pertained to the stand-by generator's fuel source (diesel) and how the paint on the proposed pole would be adhered (Applicant said answer would be provided to committee).
12. No Councilors had any questions voiced at the Public Hearing.

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

- A. The Applicant has complied with the Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds the proposed Use of the Site is in harmony with the intent and general purpose of the Zoning Ordinance of the City of Marlborough when subject to appropriate terms and conditions as provided in this Decision.
- C. The City Council finds that there are no other existing communications towers or tall buildings in the vicinity of the subject property that could accommodate the Applicant's antennas thereby justifying the need to construct this new proposed facility.
- D. The City Council recognizes the Applicant is a federal licensee afforded certain protection under federal telecommunications law including, but not limited to, that municipalities cannot prohibit or have the effect of prohibiting the provision of personal wireless service facilities, the City may not discriminate among functionally equivalent service providers, and the City cannot consider the environmental effects of radio frequency emissions in their deliberations; although it is noted the proposed facility will be fully compliant in that regard.
- E. The City Council confirms the Applicant has demonstrated the need to construct the proposed facility to solve certain wireless coverage and capacity issues that currently exist in its network in the vicinity as enumerated in the submitted RF report.
- F. The City Council finds that the proposed unmanned and unoccupied facility will use no water or sewer services or any other municipal services and will not burden the school system with additional students.

G. The City Council finds that the proposed use, of enhanced wireless telecommunications, is good for business and good for the public safety and convenience where much of the population now owns and relies on wireless connectivity and a majority of 911 calls are now made on wireless telephones.

H. The City Council finds that the Applicant is proposing to construct the proposed piece of wireless infrastructure, which will benefit the residents, businesses and visitors to that area of Marlborough at no cost to the taxpayers of Marlborough.

H. The City Council finds that there are adequate, ample, in-fact surplus, parking spaces on the host parcel so the Applicant's use of four (4) parking spaces for its development will have de minimis and negligible overall impact on the parking situation on site.

I. The City Council finds the proposed unmanned and unoccupied facility will have no impact whatsoever on traffic and pedestrian safety in the area.

J. The City Council finds the proposed facility will not be contrary to the public health , safety, convenience and welfare and will not be offensive or detrimental given its modest height which is in-fact lower than the average height of all the surrounding towers the subject site will connect with.

K. The City Council finds the Applicant has a contractual relationship with its landlord landowner to remove the facility upon termination of tenancy so its request for a waiver from having to provide an additional surety is hereby granted.

L. The City Council finds that the Applicant is correct that FAA and FCC compliance do not need to be annually recertified and thus grants a waiver from that provision of the Ordinance requiring such.

M. The City Council, pursuant to its authority under MGL Chapter 40A and the City of Marlborough Zoning Ordinance, Section 650-25 and Section 650-59, and generally Chapter 270, **GRANTS** to the Applicant a Special Permit and Site Plan Approval for construction of a new stealth pole Personal Wireless Communications Facility as shown on the submitted plans, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction on the Site shall be in accordance with all applicable building codes currently in effect in the City of Marlborough and according to the submitted plans by Chappell Engineering with last revision date March 18, 2022, which includes sheets T01, C01, C02, A01, A02, and A03.
2. All work performed on the Site shall comply with this Decision. No other building or construction or activity shall occur without further modification of this Special Permit, unless otherwise authorized under federal law governing wireless facilities. (47 C.F.R. 1.6001) The Applicant respectfully reserves all rights under federal law.

3. The proposed stealth monopole shall be painted the color _____ as discussed and approved by Committee and ratified by the full Council.
4. Routine testing of the stand-by generator shall only occur during weekdays between 10AM and 2PM.
5. No signage or advertising of any sort shall be permitted on the proposed stealth pole.
6. There shall be no climbing pegs which would allow unauthorized individuals to climb the proposed pole.
7. In accordance with the provisions of Massachusetts General Laws Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council Office, the Building Department and the City Solicitor's Office.

Yea:

Nay:

Absent:

Abstain:

Signed by City Council President
Michael H. Ossing

ADOPTED
In City Council
Order No. _____