



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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SEPTEMBER 12, 2016

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

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

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

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

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

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

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

ORDERED: That the Communication from Ryan Development, LLC to withdraw its Special Permit application for the Veterinary Hospital at Apex Center, Order No. 16-1006633, **APPROVE WITHOUT PREJUDICE**; adopted.

ORDERED:

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended by amending certain provisions of Section 650-34, Marlborough Village District, and Section 650-41, Table of Lot Area, Yards, and Height of Structures, as follows:

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

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

NOTES:

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

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

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

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

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

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

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

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

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

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

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

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

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

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

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

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

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

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

The Finance Committee adjourned at 7:15 PM.

Suspension of the Rules requested – granted

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

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

Reason:					Reason:	Contractual Obligation			
					\$104.07	14001403	51430	Longevity	\$3,870.00
Reason:					Reason:	Contractual Obligation			
					\$133.42	14001403	51920	Sick Leave Buy Back	\$5,430.00
Reason:					Reason:	Contractual Obligation			
					\$3,868.87	14001501	50680	General Foreman	\$73,383.15
Reason:					Reason:	Contractual Obligation			
					\$205.44	14001503	51430	Longevity	\$27,726.74
Reason:					Reason:	Contractual Obligation			
					\$133.42	14001503	51920	Sick Leave Buy Back	\$19,511.09
Reason:					Reason:	Contractual Obligation			
					\$3,240.50	60080001	50570	Chemist	\$60,089.93
Reason:					Reason:	Contractual Obligation			
					\$2,465.40	60080001	50580	Asst. Chemist	\$44,090.27
Reason:					Reason:	Contractual Obligation			
					\$28.41	60080003	51430	Longevity	\$710.00
Reason:					Reason:	Contractual Obligation			
					\$109.25	60080003	51920	Sick Leave Buy Back	\$2,735.00
Reason:					Reason:	Contractual Obligation			
					\$15,012.20	60081001	50850	Treatment Plant Operator	\$275,527.97
Reason:					Reason:	Contractual Obligation			
					\$3,868.87	60081001	50910	Chief Treatment Plant Oper.	\$73,383.14
Reason:					Reason:	Contractual Obligation			
					\$447.66	60081003	51430	Longevity	\$11,750.00
Reason:					Reason:	Contractual Obligation			
					\$233.51	60081003	51920	Sick Leave Buy Back	\$10,470.00
Reason:					Reason:	Contractual Obligation			
					\$12,009.80	60085001	50850	Treatment Plant Operator	\$220,963.00
Reason:					Reason:	Contractual Obligation			
					\$3,868.87	60085001	50910	Chief Treatment Plant Oper.	\$73,383.12
Reason:					Reason:	Contractual Obligation			
					\$309.54	60085003	51430	Longevity	\$11,300.00
Reason:					Reason:	Contractual Obligation			
					\$233.51	60085003	51920	Sick Leave Buy Back	\$8,340.00
Reason:					Reason:	Contractual Obligation			
					\$3,868.87	61090001	50680	General Foreman	\$73,383.12
Reason:					Reason:	Contractual Obligation			
Reason:					Reason:				
\$84,827.75	Total				\$84,827.75	Total			

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

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

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

Councilor Elder opposed.

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

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

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

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

Councilor Elder opposed.

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