



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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JULY 23, 2018

Regular meeting of the City Council held on Monday, July 23, 2018 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Delano, Juaire, Oram, Ossing, Robey, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 9:12 PM.

ORDERED: That the Minutes of the City Council meeting June 18, 2018, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Amendment, to Chapter 650 §5 & §17 as it pertains to Coffee Roasteries, Order No. 18-1007311, all were heard who wish to be heard, hearing closed at 8:06 PM; adopted.

Councilors Present: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juaire, Oram, Ossing & Robey.

ORDERED: That the RESCHEDULED PUBLIC HEARING On the Proposed Zoning Amendment, to Chapter 650 §5.B as it pertains to Ancillary Auto Sales, Order No. 18-1007224A, all were heard who wish to be heard, hearing closed at 8:12 PM; adopted.

Councilors Present: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juaire, Oram, Ossing & Robey.

Suspension of the Rules requested – granted to allow a Communication from the Mayor dated April 2, 2018 be entered into the record in opposition to this proposal.

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Amendment, to Chapter 650 §5, §22.A, C as it pertains to a Retirement Community Overlay District, 90 Crowley Drive, Order No. 18-1007198D, **MOVE TO A LATER TIME IN THIS MEETING**; adopted.

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Amendment, to Chapter 650 §5.B, §17, & §22 as it pertains to Ancillary Residential Communities, Williams Street, Order No. 18-1007287, all were heard who wish to be heard, hearing closed at 8:22 PM; adopted.

Councilors Present: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juaire, Oram, Ossing & Robey.

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Amendment, to Chapter 650 §5, §22.A, C as it pertains to a Retirement Community Overlay District, 90 Crowley Drive, Order No. 18-1007198D, all were heard who wish to be heard, hearing closed at 9:00 PM.

Councilors Present: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juaire, Oram, Ossing & Robey.

ORDERED: That the Assessor's transfer request in the amount of \$102,950.00 which moves funds from Principal Assessor to Professional & Technical Services to fund a new contract with Regional Resource Group (RRG) to continue providing services to the City, refer to **FINANCE COMMITTEE**; adopted.

		CITY OF MARLBOROUGH BUDGET TRANSFERS --											
		DEPT:	Assessor						FISCAL YEAR:	2019			
			FROM ACCOUNT:					TO ACCOUNT:					
Available Balance		Amount	Org Code	Object	Account Description:			Amount	Org Code	Object	Account Description:		Available Balance
<u>\$102,950.00</u>		<u>\$102,950.00</u>	<u>11410001</u>	<u>50160</u>	<u>Principal Assessor</u>			<u>\$102,950.00</u>	<u>11410004</u>	<u>53180</u>	<u>Prof. & Tech. Services</u>		<u>\$97,650.00</u>
		Reason:	Reclassify for Outside Serves					Reason:	Reallocate for new contract				
		\$102,950.00	Total					\$102,950.00	Total				

									\$2,510.00	11330001	50015	Comptroller		\$125,230.00
	Reason:								Reason:	Contractual	Obligation			
									\$180.00	11330002	50588	Temporary Clerical		\$8,460.00
	Reason:								Reason:	Contractual	Obligation			
									\$2,060.00	11350001	50020	Auditor		\$102,950.00
	Reason:								Reason:	Contractual	Obligation			
									\$1,770.00	11350001	50174	Chief Procurement		\$88,090.00
	Reason:								Reason:	Contractual	Obligation			
									\$1,685.00	11440001	50042	Collector		\$84,100.00
	Reason:								Reason:	Contractual	Obligation			
									\$2,400.00	11510001	50030	Solicitor		\$119,920.00
	Reason:								Reason:	Contractual	Obligation			
									\$2,025.00	11510001	50172	Assistant Solicitor		\$100,990.00
	Reason:								Reason:	Contractual	Obligation			
									\$930.00	11510001	50175	Paralegal		\$46,340.00
	Reason:								Reason:	Contractual	Obligation			
									\$2,020.00	11520001	50530	HR Director		\$100,820.00
	Reason:								Reason:	Contractual	Obligation			
									\$1,110.00	11520001	50532	HR Assistant		\$55,230.00
	Reason:								Reason:	Contractual	Obligation			
									\$930.00	11520001	50775	Administrative Assistant		\$46,340.00
	Reason:								Reason:	Contractual	Obligation			
									\$1,145.00	11550001	50014	IS Director		\$57,060.00
	Reason:								Reason:	Contractual	Obligation			

							\$1,870.00	11610001	50050	City Clerk		\$93,400.00
	Reason:						Reason:	Contractual Obligation				
							\$1,255.00	11610002	50290	Assistant City Clerk		\$62,560.00
	Reason:						Reason:	Contractual Obligation				
							\$285.00	11920002	50520	Facilities Parttime Clerk		\$13,990.00
	Reason:						Reason:	Contractual Obligation				
							\$3,295.00	12100001	50140	Police Chief		\$164,600.00
	Reason:						Reason:	Contractual Obligation				
							\$230.00	12100004	50566	Parking Officer		\$11,410.00
	Reason:						Reason:	Contractual Obligation				
							\$3,175.00	12200001	50130	Fire Chief		\$158,580.00
	Reason:						Reason:	Contractual Obligation				
							\$5,310.00	12200001	50330	Assistant Chief		\$265,200.00
	Reason:						Reason:	Contractual Obligation				
							\$1,910.00	12410001	50090	Building Commisioner		\$95,210.00
	Reason:						Reason:	Contractual Obligation				
							\$1,475.00	12410001	50095	Assistant Bldg. Comm.		\$73,550.00
	Reason:						Reason:	Contractual Obligation				
							\$1,550.00	12410001	50109	Environmental Officer		\$77,265.00
	Reason:						Reason:	Contractual Obligation				
							\$2,490.00	14001001	50600	DPW Commissioner		\$124,317.00
	Reason:						Reason:	Contractual Obligation				
							\$145.00	14001003	51920	Sick Leave Buy Back		\$6,930.00
	Reason:						Reason:	Contractual Obligation				
							\$175.00	14001003	51430	Longevity		\$8,441.00
	Reason:						Reason:	Contractual Obligation				
							\$2,060.00	60080001	50630	Assistant Comm.		\$102,939.00
	Reason:						Reason:	Contractual Obligation				

								\$2,060.00	14001001	50630	Assistant Comm.		\$102,940.00
	Reason:							Reason:	Contractual	Obligation			
								\$2,060.00	14001101	50640	City Engineer		\$102,940.00
	Reason:							Reason:	Contractual	Obligation			
								\$1,520.00	14920001	50110	Recreation Director		\$75,720.00
	Reason:							Reason:	Contractual	Obligation			
								\$1,800.00	15120001	50605	Director of Public Health		\$89,770.00
	Reason:							Reason:	Contractual	Obligation			
								\$1,340.00	15120001	50390	Nurse		\$66,910.00
	Reason:							Reason:	Contractual	Obligation			
								\$280.00	15120001	50220	Sealer of Weights		\$13,830.00
	Reason:							Reason:	Contractual	Obligation			
								\$1,535.00	15410001	50190	Director of Elderly Affairs		\$76,430.00
	Reason:							Reason:	Contractual	Obligation			
								\$670.00	15410001	50191	Program Coordinator		\$33,270.00
	Reason:							Reason:	Contractual	Obligation			
								\$1,070.00	15430001	50080	Veterans Director		\$53,360.00
	Reason:							Reason:	Contractual	Obligation			
								\$2,105.00	16100001	50230	Library Director		\$105,070.00
	Reason:							Reason:	Contractual	Obligation			
								\$1,285.00	16100003	51259	Partime Reference Libr.		\$63,700.00
	Reason:							Reason:	Contractual	Obligation			
								\$570.00	16100003	51262	Library Pages		\$27,990.00
	Reason:							Reason:	Contractual	Obligation			
								\$1,220.00	16100001	50300	Assistant Director		\$60,700.00
	Reason:							Reason:	Contractual	Obligation			
								\$305.00	15410001	50996	Social Service Coordinator		\$15,120.00
	Reason:							Reason:	Contractual	Obligation			
								\$480.00	11110002	50401	Partime Admin. Assist.		\$23,710.00
	Reason:							Reason:	Contractual	Obligation			
	\$70,905.00	Total						\$70,905.00	Total				

ORDERED: That the Department of Public Works transfer request in the amount of \$26,290.00 which moves funds from Reserve for Salaries to various foreman payroll accounts as noted in the attached spreadsheets to fund the recently ratified agreement with DPW Foreman, Local 888 for FY19-FY21, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Comptroller				FISCAL YEAR:		2019		
		FROM ACCOUNT:				TO ACCOUNT:				
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$990,000.00	\$26,290.00	11990006	57820	Reserve for Salaries	\$6,165.00	14001301	50690	Foreman	\$222,176.64	
	Reason:	Recalculate amounts for contract obligations				Reason:	Contractual Obligation			
					\$205.00	14001303	51430	Longevity	\$31,000.00	
	Reason:					Reason:	Contractual Obligation			
					\$120.00	14001303	51920	Sick Leave Buyback	\$18,970.00	
	Reason:					Reason:	Contractual Obligation			
					\$1,545.00	14001401	50690	Foreman	\$74,027.88	
	Reason:					Reason:	Contractual Obligation			
					\$35.00	14001403	51430	Longevity	\$6,115.00	
	Reason:					Reason:	Contractual Obligation			
					\$6,165.00	14001501	50690	Foreman	\$296,111.55	
	Reason:					Reason:	Contractual Obligation			
					\$235.00	14001503	51430	Longevity	\$30,789.00	
	Reason:					Reason:	Contractual Obligation			
					\$180.00	14001503	51920	Sick Leave Buyback	\$25,250.00	
	Reason:					Reason:	Contractual Obligation			

						\$1,545.00	61090001	50780	Chief Pump Station Oper.		\$74,027.88
	Reason:					Reason:	Contractual Obligation				
						\$3,085.00	61090001	50690	Foreman		\$299,076.65
	Reason:					Reason:	Contractual Obligation				
						\$145.00	61090003	51430	Longevity		\$10,283.00
	Reason:					Reason:	Contractual Obligation				
						\$65.00	61090003	51920	Sick Leave Buyback		\$7,260.00
	Reason:					Reason:	Contractual Obligation				
						\$600.00	14001303	51940	Clothing Allowance		\$18,720.00
	Reason:					Reason:	Contractual Obligation				
						\$900.00	14001303	51980	License Allowance		\$0.00
	Reason:					Reason:	Contractual Obligation				
						\$200.00	14001403	51940	Clothing Allowance		\$5,085.00
	Reason:					Reason:	Contractual Obligation				
						\$300.00	14001403	51980	License Allowance		\$0.00
	Reason:					Reason:	Contractual Obligation				
						\$300.00	14001403	51970	Tools Allowance		\$0.00
	Reason:					Reason:	Contractual Obligation				
						\$800.00	14001503	51940	Clothing Allowance		\$20,700.00
	Reason:					Reason:	Contractual Obligation				
						\$1,200.00	14001503	51980	License Allowance		\$0.00
	Reason:					Reason:	Contractual Obligation				
						\$1,000.00	61090003	51940	Clothing Allowance		\$17,280.00
	Reason:					Reason:	Contractual Obligation				
						\$1,500.00	61090003	51980	License Allowance		\$0.00
	Reason:					Reason:	Contractual Obligation				
	\$26,290.00	Total				\$26,290.00	Total				

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** Healthy Summer Youth Jobs Grant in the amount of \$3,100.00 to fund youth jobs that benefit health care consumers and promote health and wellness by providing youth with opportunities in health-focused summer employment; adopted.

ORDERED: That the Appointments of Samantha Perlman, Kathy Oliver Jones, & Gabriele Luzzi to the Cultural Council for terms expiring three years from date of confirmation and recognition of members Chair David Elmore, Sandra Pirie St. Amour and Kim Beauchemin for their services as their appointments will expire this fall, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from the Mayor re: Massachusetts Interlocal Insurance Association (MIIA) Reward Credits from FY18, **FILE**; adopted.

ORDERED: That the Applications for 43D Priority Development Sites, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

I. Section 7 of Chapter 650, entitled “Districts Enumerated,” is hereby amended as follows:

(1) By deleting from the first sentence the number “12” and by inserting in place thereof the number “13”.

(2) By inserting at the end of the list of District types, the following:

Neighborhood Business District

NB

II. Section 17 of Chapter 650, entitled “Table of Uses,” is hereby amended as provided in the highlighted portions of Exhibit “A” attached to this order, which Exhibit “A” includes amendments not limited to the following:

(1) By inserting under the heading entitled “Zoning District Abbreviations” a new zoning district abbreviation as follows: “NB”; and

(2) By inserting beneath said new district abbreviation NB the letters “Y”, “N”, or “SP” as shown on said Exhibit “A”.

III. Section 41 of Chapter 650, entitled “Table of Lot Area, Yards, and Height of Structures”, is hereby amended as provided in the highlighted portions of Exhibit “B” attached to this order.

IV. Chapter 650, is hereby amended by inserting a new § 39, entitled “Neighborhood Business District (NB)”, as follows:

§ 650-39 NEIGHBORHOOD BUSINESS DISTRICT (NB)

- A. Purposes and Objectives. The purposes and objectives of the Neighborhood Business District are to encourage retail establishments and services that primarily serve the surrounding neighborhoods; enable multi-family residential and/or mixed use projects to be developed, particularly on underutilized parcels; encourage re-use/redevelopment of existing commercial, industrial or institutional properties located in the neighborhood; and assist the neighborhood to reach its full potential by encouraging restaurants, uses that take advantage of nearby open space, such as the Assabet River Rail Trail, and uses that take advantage of adjacent walkable, pedestrian-oriented neighborhoods.
- B. Parking Requirements. Except as otherwise provided in this section, parking and circulation requirements shall conform to the provisions of §§ 650-48 and 650-49 of the Zoning Ordinance.
- (1) The following provisions are applicable within the Neighborhood Business District:
- [a.] Retail sales: 1 space per 250 Square feet of Gross Floor Area;
- [b.] Multi-family dwelling units: 1 space per bedroom to a maximum of 2 spaces per unit; and
- [c.] Restaurants, brew pubs and other eating places: The Special Permit Granting Authority may reduce the total number of required spaces by 50% if there is a municipally-owned lot, shared parking arrangement, or significant amount of on-street spaces within 300 feet of said uses.
- C. Open Space Requirements for Conversion from a 2-Family Dwelling to a 3-Family Dwelling and for Multifamily dwellings.
- (1) Minimum Open Space. The minimum amount of Open Space per residential unit shall be 100 sq. ft. The open space shall be designed as usable for sitting, recreation, etc. Up to 50% of the required open space may be private open space placed in the building (recreation rooms, pools); as individual unit balconies large enough for a table and chairs; or on the roof of the structure as a garden or sitting area. Front yard planting/buffer strips which are designed for public seating or other amenities to improve the public realm, and which are made available to the public, may be included in the required open space; other required buffer and planting strips shall not count towards the required open spaces.

- (2) Ground Level Open Space. All or a portion of ground level open space may be reserved for residents of the development, or made available for public use. Special permits proposals for developments which include public benefits such as public seating areas are preferred.
- (3) Joint Open Space. Two or more developments may cooperate to share usable open space on one lot, as long as the minimum square footage per unit is maintained, and the joint open space is within 300 feet of participating developments.
- (4) Waiver as Part of Special Permit or Under Site Plan Review. In development or redevelopment proposals where, because of site-specific circumstances, it is not possible to meet the minimum standards for Open Space, or where there is not sufficient space for ground level open space on the parcel, or where it is not desirable or possible to establish the required amount of open space for other reasons, the City, as part of Special Permit or Site Plan Review, may negotiate with the developer and may set other conditions of approval to ensure or encourage other open space benefits, or may waive strict adherence to this provision. Improvements made to an existing nearby public open space parcel, or the Assabet River Rail Trail, may be included in these negotiations.

D. Project Review.

- (1) Site Plan Review. Projects within the Neighborhood Business District shall be subject to site plan approval in accordance with § 270-2 of the City Code.
 - (a) Site plan review applies to as of right uses and uses available by grant of a special permit within the Neighborhood Business District. Site plan review applicability includes, but is not limited to, new construction of any building or structure; addition to an existing building or structure; and increase in area of on-site parking or loading areas.
- (2) Multi-family Design Review Guidelines and Review Criteria. Multi-family projects within the Neighborhood Business District will be reviewed consistent with the non-mandatory Multi-family Design Review Guidelines and Review Criteria, which guidelines and criteria will be available at the Building Department and/or on the official website of the City of Marlborough.

E. Authority of the Special Permit Granting Authority. The City Council shall be the permit granting authority for special permit approval in the Neighborhood Business District.

- V. The Zoning Map described in § 650-8 is amended as shown on the accompanying Map (Exhibit “C”). The newly established Neighborhood Business District shall include all or portions of the properties shown on the Map existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors’ Map and Parcel Number):

Map 68, Parcels 115, 116, 118, 119, 121, 130, 131, 132, 134, 135, 136, 154, 155, 156, 157, 158, 159, 162, 163, 164, 166, 167, 183, 184, 185, 186, 188, 189, 190, 200, 201, 202, 203; and

Map 69, Parcels 19B, 20, 21, 22, 23, 24, 25, 26, 27, 86, 87, 88, 89, 91, 94, 95, 96, 97, 99, 108, 109, 239, 240, 241, 242, 243, 243A, 243B, 257, 258, 259, 260, 261, 262, 263, 264, 265, 267, 269, 271, 274, 275, 276, 280, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 336, 337, 338, 338A, 339, 339A, 340, 341, 342, 343, 345, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 357A, 357B, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 392, 523, 523A, 528;

Those portions of Map 69, Parcels 79, 81, and 334 which are located within the B zoning district existing as of the day of this amendment; and

Map 56, Parcels 79, 80, 81, 85.

- VI. The effective date of these amendments shall be the date of their passage.

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY SEPTEMBER 10, 2018.**

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. That a new Section 40 be inserted into Chapter 650, as follows:

ARTICLE VI

§ 650-40 Large-scale Ground-mounted Solar Photovoltaic Overlay District

A. Purpose and Objectives:

- 1) The Large-scale Ground-mounted Solar Photovoltaic Overlay District (herein, also a “LGSPOD”) allows the application of supplemental land use controls within the boundaries of a certain overlay district as an alternative to land use controls that exist in the underlying district(s). The purpose of this section is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and which provide adequate financial assurance for the eventual decommissioning of such installations.
- 2) The provisions set forth in this section apply to the construction, operation and/or repair of large-scale ground-mounted solar photovoltaic installations.
- 3) This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

B. Designation of overlay location; as-of-right use. For the purposes of this Section, the LGSPOD shall be superimposed on the other district(s) existing at the time that any land in any said underlying district is also included in the LGSPOD, as designated by the Marlborough City Council in accordance with M.G.L. c.40A, §5, where ground-mounted large-scale solar photovoltaic installations may be sited as of right. Except as specifically provided herein, uses and provisions of Article V of Chapter 650 relating to the underlying zoning district not otherwise impacted by this Section shall continue to remain in full force and effect. In the event of any conflict between the provisions of this section and any other provisions of the Zoning Ordinance, the provisions of this Section shall govern and control. The LGSPOD overlay zoning district is located on the northerly side of Parameter Street, consisting of the parcels identified in Exhibit A annexed hereto and incorporated by reference herein, and as indicated on the Zoning Map of the City of Marlborough. Said map is hereby made a part of this chapter and is on file in the office of the City Clerk.

C. Definitions. As used in this section, following terms shall have the meanings indicated:

As-of-Right Siting: As-of-Right Siting shall mean that development under this § 650-40 may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval, however said as-of-right development is subject to site plan review as provided under Chapter 270 Code of the City of Marlborough and this § 650-40. Projects cannot be prohibited, but can be subject to reasonable regulation.

Large-Scale Ground-mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground, is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

Solar Photovoltaic Installation: A solar photovoltaic array that is constructed at a location where other allowable uses of the underlying property may occur.

Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

Site Plan Review: Review by Site Plan Review procedures as governed by § 270-2 of the Code of the City of Marlborough and this § 650-40.

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

Solar Photovoltaic Array: An arrangement of solar photovoltaic panels.

D. General Requirements for all large-scale ground-mounted solar photovoltaic installations. The following requirements are common to all large-scale ground-mounted solar photovoltaic installations to be sited in designated overlay locations:

1. Compliance with Laws, Ordinances and Regulations. The construction and operation of all large-scale ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable security, safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a large-scale ground-mounted solar photovoltaic installation shall be constructed in accordance with the State Building Code.
2. Building Permit and Building Inspection. No large-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.
3. Fees. The application for a building permit for a large-scale ground-mounted solar photovoltaic installation must be accompanied by the fee required for a building permit.

4. Site Plan Review. Large-scale ground-mounted solar photovoltaic installations shall undergo site plan review by Site Plan Review prior to construction, installation or modification as provided in § 270-2 of the Code of the City of Marlborough and in this section, as follows:
 - a. General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.
 - b. Required Documents. Pursuant to the site plan review process, the project proponent shall provide the following documents:
 - i. A site plan showing:
 1. Property lines and physical features, including roads, for the project site;
 2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation, fences or other screening structures;
 3. Drawings of the large-scale ground-mounted solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
 4. One or three-line electrical diagram detailing the large-scale ground-mounted solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 5. Documentation of the major system components to be used, including the photovoltaic panels, mounting system, and inverter;
 6. Name, address, and contact information for proposed system installer;
 7. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 8. The name, contact information and signature of any agents representing the project proponent;
 9. Emergency services access points and through points; and
 - ii. Documentation of actual or prospective access and control of the project site (see also Section E herein); and
 - iii. An operation and maintenance plan (see also Section F herein); and

- iv. Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
 - v. Proof of liability insurance; and
 - vi. Description of financial surety that satisfies Section L herein; and
 - vii. A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and otherwise informs abutters within 300' of the property line of the project site. Site Plan Review may waive documentary requirements as it deems appropriate.
- E. Site Control. The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed large-scale ground-mounted solar photovoltaic installation.
- F. Operation & Maintenance Plan. The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.
- G. Utility Notification. No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to Site Plan Review that the utility company that operates the electrical grid where the installation is to be located has been informed of the large-scale ground-mounted solar photovoltaic installation's owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- H. Dimension and Density Requirements.
 - a. Setbacks. For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:
 - i. Front yard. The front yard depth shall be at least 10 feet; provided, however, that where the lot abuts a conservation use, residential use, or public way, the front yard depth shall be comprised of a no-clear vegetated buffer of not less than 50 feet and, as measured therefrom, a no-build buffer of not less than 50 feet. Site Plan Review may require plantings in the 50 foot no-clear vegetated buffer if none exist.
 - ii. Side yard. Each side yard shall have a depth at least 15 feet; provided, however, that where the lot abuts a conservation use, residential use, or public way, the side yard depth shall be comprised of a no-clear vegetated buffer of not less than 50 feet and, as measured therefrom, a no-build buffer of not less than 50 feet. Site Plan Review may require plantings in the 50 foot no-clear vegetated buffer if none exist.

- iii. Rear yard. The rear yard depth shall be at least 25 feet; provided, however, that where the lot abuts a conservation use, residential use, or public way, the rear yard depth shall be comprised of a no-clear vegetated buffer of not less than 50 feet and, as measured therefrom, a no-build buffer of not less than 50 feet. Site Plan Review may require plantings in the 50 foot no-clear vegetated buffer if none exist.
 - b. Appurtenant Structures. All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.
- I. Design Standards.
- a. Lighting. Lighting of large-scale ground-mounted solar installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the large-scale ground-mounted solar installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
 - b. Signage. Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Chapter 526 of the Code of the City of Marlborough. A sign consistent with the City's sign ordinances shall be required to identify the owner and provide a 24-hour emergency contact phone number. Large-scale ground-mounted solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the large-scale ground-mounted solar.
 - c. Utility Connections. Reasonable efforts, as determined by Site Plan Review, shall be made to place all utility connections from the large-scale ground-mounted solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
 - d. Screening. Every abutting property, private way, private driveway, and public way shall be visually screened from the project through any one or combination of the following: location, distance, plantings, existing vegetation.
 - e. Top soil. No top soil shall be removed from the site. Said topsoil shall be stockpiled on site and used to stabilize the site with a minimum cover of 6 inches cover of loam. Any topsoil remaining after stabilization shall be stockpiled on site for use during decommissioning.

J. Safety and Environmental Standards.

- a. Emergency Services. The large-scale ground-mounted solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Chief of the Marlborough Fire Department. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. Everything means of shutting down the large-scale ground-mounted photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- b. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and ordinances.

K. Monitoring and Maintenance.

- a. Large-scale Ground-mounted Solar Photovoltaic Installation Conditions. The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief and emergency medical services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access or through road(s). Landscaping and fencing, including vegetation used for screening, shall be maintained in good condition.
- b. Modifications. After the required permits, have been issued, the Building Commissioner may approve minor non-material modifications to a large-sale ground-mounted solar photovoltaic installation. All major material modifications to a large-scale ground-mounted solar photovoltaic installation made after issuance of the required permits shall require approval by Site Plan Review.

L. Abandonment or Decommissioning.

- a. Removal Requirements. Any large-scale ground-mounted solar photovoltaic installation which has been discontinued by reaching the end of its useful life, reaching the end of a lease term without renewal or extension, or having been abandoned (as provided in paragraph L.b. herein) shall be removed as herein provided. The owner or operator shall physically remove the installation no more than 150 days after the date of said discontinued operations. The owner or operator shall notify Site Plan Review by certified mail of the proposed date of discontinued operations and plans for removal by decommissioning. Decommissioning shall consist of:

- i. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion, including use of any remaining topsoil stockpiled on site. Site Plan Review may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
 - b. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar photovoltaic installation shall be considered abandoned when it fails to operate for more than six months without the written consent of the Building Commissioner. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the City may enter the property and physically remove the installation.
 - c. Financial surety. Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through a cash escrow account with interest retained for escalating decommissioning costs, bond or otherwise, to cover the cost of removal in the event that the City must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by Site Plan Review, but in no event in excess more than 125% of the cost of removal and compliance with additional requirements set forth herein, as determined by Site Plan Review. Such surety will not be required for municipally owned or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. Site Plan Review may request the proponent to provide an update of the fully inclusive estimate of costs associated with removal every five years following the issuance of a building permit. Site Plan Review may require the proponent to provide additional surety based on the updated cost estimate.
- M. The effective date of these amendments shall be the date of their passage.

EXHIBIT A

The newly established Large-scale Ground-mounted Solar Photovoltaic Overlay District shall include all or portions of the properties shown on the Zoning Map existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

Assessors Map 98, Parcel 8	Assessors Map 98, Parcel 7A
Assessors Map 98, Parcel 9	Assessors Map 98, Parcel 10
Assessors Map 108, Parcel 1	Assessors Map 108, Parcel 2
Assessors Map 109, Parcel 1	Assessors Map 109, Parcel 5

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY SEPTEMBER 10, 2018.**

ORDERED: That the Site Plan Application Fee on East Main Street, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 10, 2018** as **DATE FOR PUBLIC HEARING** Application for Special Permit from Ninja Twins LLC, re: building a gym for children located at 19 Brigham Street, #8, refer to **URBAN AFFAIRS COMMITTEE, & ADVERTISE**; adopted.

ORDERED: That the Communication from Paul Goldman re: Opposition to Special Permit for 21 Patten Drive, Order No. 18-1007244A, **FILE**; adopted.

ORDERED: That the Communication from various residents and business owners listed below re: Support of the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136L **FILE**; adopted.

- | | |
|--|--|
| 1. Craig Perry, 122E. Broadmeadow Street | 16. Dianne Doucette, 153 Diconzo Boulevard |
| 2. Edward Baker, 247 Bigelow Street | 17. Sharon Martin, 48 King's Grant Road |
| 3. Kimberly Cohen, 22 Wright Drive | 18. Jodi Eldridge, 150 Ash Street |
| 4. Dave Kemp, 849 Boston Post Road East | 19. Dan Russo, 127 Wagon Hill Road |
| 5. Linda Kemp, 124H Broadmeadow Street | 20. Christine Forte, 261 Naugler Avenue |
| 6. Ellen Brien, 105 Warren Avenue | 21. Kevin Moitoso, 74 Silver Leaf Way #21 |
| 7. Bonnie Logan, 136 Greenwood Street | 22. Stephen Creamer, 125 Spoonhill Avenue |
| 8. Donna Lynch, 84B Crystal Brook Way | 23. Diana DeFalco, 127 Langelier Lane |
| 9. Leslie Harries, 99 Westminster Drive | 24. Wayside Athletic Club & Milin Associates, LLC, 80 Broadmeadow Street |
| 10. Dawn Ocoin, 60 West Hill Road | 25. Isaac Matos, 153 Main Street |
| 11. Marie Fernald, 104 Mechanic Street | 26. Mike Sadofsky, 424 Sudbury Street |
| 12. Janie Power, 242 Wilson Street | 27. Karen Mulvey, 21 Summit Avenue |
| 13. Mike Sadofsky, 424 Sudbury Street | 28. Linda Felch Gibson, 743B Farm Road |
| 14. Sal Femino, 5 Ahern Road | |
| 15. Jeremy Adelson, 24 St. Ives Way | |

ORDERED: That the Communication from Douglas Sylvester, 111 Wagon Hill Road re: Opposition of the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136L, **FILE**; adopted.

ORDERED: That the Communication from Central Mass Mosquito Control re: Personnel in the Area on July 5, 11, 18, & 25, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, May 21, 2018 & June 4, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, May 1, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, May 17, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Retirement Board, May 29, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, May 30, 2018, **FILE**; adopted.

ORDERED: That the Minutes, License Board, May 30, 2018 & June 12, 2018, **FILE**; adopted.

ORDERED: That the Minutes Commission on Disabilities, May 1, 2018 & June 5, 2018, **FILE**; adopted.

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

- a. Donna Barberio, 14 Cross Street, Southborough, pothole or other road defect claim.
- b. Kristen Langlois, 14 McDermot Way, other property damage and/or personal injury.
- c. Paul Fiore, 111 Denoncourt Street, residential mailbox claim 2(a).
- d. Christine Johansen, 38 Denoncourt Street, residential mailbox claim 2(a).
- e. Joan Ledoux, 58 Walcott Circle, other property damage and/or personal injury.
- f. Tania Benedetto, 27 Ruth Drive, pothole or other road defect claim.
- g. Farm Family Insurance on behalf of Scott Robinson, 148 Chestnut Street.

Reports of Committees:

THERE WERE NO REPORTS OF COMMITTEE

ORDERED: That the Application for Renewal of Junk Dealer's/Second Hand License, Best Buy Stores, LP 1966, 601 Donald Lynch Boulevard, **FILE** as the location at 601 Donald Lynch Boulevard closed the previous month and was unlikely to restart operations; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's/Second Hand License, Best Buy Stores, LP 820, 769 Donald Lynch Boulevard, **APPROVED**; adopted.

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that SLOCUMB LANE be accepted as a public way

from Station 0+00 at the sideline of STETSON DRIVE to Terminus,

and that its appurtenant headwall maintenance easement be accepted as a municipal easement,

as shown on a plan thereof and as hereinafter described:

DESCRIPTION

Plan entitled, “‘CARISBROOKE II’ Acceptance Plan of Slocumb Lane and Headwall Maintenance Easement in Marlborough, Massachusetts,” Owner: Slocumb Realty, LLC, 120 Quarry Drive, Milford, MA 01757, Book 43031, Page 384; To Be Deeded to: City of Marlborough, 140 Main Street, Marlborough, MA 01752; Scale: 40 feet to an inch; Dated: September 26, 2017, last revised January 18, 2018; prepared by: Guerriere & Halnon, Inc., Engineering & Land Surveying, 333 West Street, Milford, MA 01757, which plan is to be recorded herewith.

Title to the roadway shown as SLOCUMB LANE on said plan, and title to a headwall maintenance easement shown as HEADWALL MAINTENANCE EASEMENT on said plan, has been granted to the City of Marlborough in a quitclaim deed from Slocumb Realty LLC, a Massachusetts limited liability company having its usual place of business at 120 Quarry Drive, 2nd Floor, Milford, Massachusetts, said deed to be recorded herewith at the Middlesex County (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

SLOCUMB LANE be accepted as a public way, and its appurtenant headwall maintenance easement be accepted as a municipal easement, in the City of Marlborough, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:12 PM.