



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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OCTOBER 29, 2018

Regular meeting of the City Council held on Monday, October 29, 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 8:48 PM.

ORDERED: That the Minutes of the City Council meeting OCTOBER 15, 2018, **TABLED UNTIL NOVEMBER 5, 2018**; adopted.

ORDERED: That the PUBLIC HEARING On the Petition from Eversource Energy to install 775' of 6" IP plastic gas main as a system improvement on Stow Road from the intersection of Simpson Road to the intersection of Fitzgerald Road, Order No. 18-1007247, all were heard who wish to be heard, hearing closed at 8:06 PM.

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

ORDERED: That the City of Marlborough, Massachusetts ("the City") appropriate the amount of \$23,780,902.00 (twenty-three million seven hundred eighty thousand nine hundred and two dollars) for the purpose of paying the costs of the renovation and construction project at the Marlborough Public Library located at 35 West Main Street. Costs shall include demolition, landscaping, paving, utility, and other site improvements incidental or directly related to such construction, renovation and expansion, architectural, engineering or other professional and legal expenses and fees associated with this project, temporary library operational space, storage and moving expenses, furnishings and equipment, and all other costs incidental or related to the Marlborough Public Library building.

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

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

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the City of Marlborough, Massachusetts (“the City”) appropriate the amount of \$10,000,000.00 (ten million dollars) for the purpose of paying the cost of building a new fire station in the City of Marlborough.

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

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

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **REFERS TO FINANCE COMMITTEE** the Workplace Charging Program grant in the amount of \$6,219.00 awarded to DPW to fund 50% of the cost to purchase two Level 2 Electric Vehicle Charging Stations; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re: request for Executive Session to discuss litigation involving property off Williams Street, **MOVED TO END OF AGENDA**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, DECEMBER 3, 2018** as a **RESCHEDULED DATE FOR PUBLIC HEARING** On the Application for Special Permit from Marlborough TOTG, LLC, to increase lot coverage area of 80% to 84% for patio area of proposed mixed use 5-story building with office/retail/restaurant space and residential units at 57 Main Street, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

Councilor Dumais recused.

ORDERED: That the Communication from City Clerk, Lisa Thomas re: November 6, 2018 State Election Call, **FILE**; adopted.

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

that NOLAN WAY be accepted as a public way

from COOK LANE to Terminus at Station 8+31.42,

that SPENSER CIRCLE be accepted as a public way

from NOLAN WAY to Terminus at Station 2+83.07, and

that REAGIN LANE be accepted as a public way

from COOK LANE to Terminus at Station 2+87.28,

and that their appurtenant easements be accepted as municipal easements,

as shown on plans thereof and as hereinafter described:

DESCRIPTION

Plan entitled, "Street Acceptance Plan of 'Nolan Way,' Mauro Farms, Marlborough, MA, prepared for: Capital Group Properties, 259 Turnpike Road, Suite 100, Southborough, Massachusetts (2 sheets), Dated: October 26, 2015, Scale: 1" = 20', Prepared by: Engineering Design Consultants, Inc., 32 Turnpike Road, Southborough, Massachusetts, which plan is to be recorded herewith;

Plan entitled, "Street Acceptance Plan of 'Spenser Circle,' Mauro Farms, Marlborough, MA, prepared for: Capital Group Properties, 259 Turnpike Road, Suite 100, Southborough, Massachusetts (1 sheet), Dated: October 26, 2015, Scale: 1" = 20', Prepared by: Engineering Design Consultants, Inc., 32 Turnpike Road, Southborough, Massachusetts, which plan is to be recorded herewith;

Plan entitled, "Street Acceptance Plan of 'Nolan Way & Spenser Circle,' Mauro Farms, Marlborough, MA, prepared for: Capital Group Properties, 259 Turnpike Road, Suite 100, Southborough, Massachusetts (2 sheets), Dated: October 26, 2015, Scale: 1" = 20', Prepared by: Engineering Design Consultants, Inc., 32 Turnpike Road, Southborough, Massachusetts, which plan is to be recorded herewith; and

Plan entitled, "Street Acceptance Plan of 'Reagin Lane,' Mauro Farms, Marlborough, MA, prepared for: Capital Group Properties, 259 Turnpike Road, Suite 100, Southborough, Massachusetts (3 sheets), Dated: October 26, 2015, Scale: 1" = 20', Prepared by: Engineering Design Consultants, Inc., 32 Turnpike Road, Southborough, Massachusetts, which plan is to be recorded herewith.

Title to the roadways shown as NOLAN WAY, SPENSER CIRCLE and REAGIN LANE on said plans, and title to all the municipal easements shown on said plans as:

Utility Easements:

- Utility Easement A, over Lot 13, containing 1,022 square feet
- Utility Easement B, over Parcel 21, containing 30,320 square feet
- Utility Easement C, over Lot 27, containing 0.04 acres
- Utility Easement D, over Lot 29, containing 0.03 acres
- Utility Easement E, over Parcel 30, containing 0.46 acres

Drain Easements:

- Drain Easement F, over Lot 29, containing 0.01 acres
- Drain Easement J, over Lot 29, containing 0.02 acres
- Drain Easement K, over Lot 28, containing 0.06 acres
- Drain Easement L, over Parcel 30, containing 0.19 acres
- Drain Easement N, over Lot 12, containing 1,782 square feet
- Drain Easement O, over Lot 10, containing 1,784 square feet

Sewer Easements:

- Sewer Easement G, over Lot 25, containing 0.03 acres
- Sewer Easement H, over Lot 28, containing 0.06 acres
- Sewer Easement I, over Lot 23, containing 0.05 acres

Water Easements:

- Water Easement P, over Lot 16, containing 2,195 square feet
- Water Easement Q, over Lot 18, containing 860 square feet

Landscape Easements:

- L-2, over Lot 2, containing 1,211 square feet
- L-3, over Lot 3, containing 1,227 square feet
- L-4, over Lot 4, containing 1,035 square feet
- L-5, over Lot 5, containing 1,085 square feet
- L-6, over Lot 6, containing 1,513 square feet
- L-7, over Lot 7, containing 1,401 square feet
- L-8, over Lot 8, containing 1,024 square feet
- L-9, over Lot 9, containing 1,570 square feet
- L-10, over Lot 10, containing 1,021 square feet
- L-11, over Lot 11, containing 1,358 square feet
- L-12, over Lot 12, containing 1,008 square feet
- L-13, over Lot 13, containing 1,395 square feet
- L-14, over Lot 14, containing 1,145 square feet
- L-15, over Lot 15, containing 1,963 square feet
- L-16, over Lot 16, containing 1,182 square feet
- L-17, over Lot 17, containing 1,151 square feet
- L-18, over Lot 18, containing 1,054 square feet
- L-19, over Lot 19, containing 1,028 square feet
- L-22, over Lot 22, containing 894 square feet
- L-25, over Lot 25, containing 1,661 square feet
- L-26, over Lot 26, containing 1,018 square feet
- L-27, over Lot 27, containing 1,026 square feet

- L-28, over Lot 28, containing 1,115 square feet
- L-29, over Lot 29, containing 1,086 square feet.

has been granted to the City of Marlborough in a quitclaim deed from Mauro Farms LLC, a Massachusetts limited liability company with a principal place of business at 259 Turnpike Road, Southborough, Massachusetts, said deed to be recorded herewith at the Middlesex County (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

NOLAN WAY, SPENSER CIRCLE and REAGIN LANE be accepted as public ways, and their appurtenant easements be accepted as municipal easements, in the City of Marlborough.

Refer to **PUBLIC SERVICES COMMITTEE AND PLANNING BOARD**; adopted.

ORDERED: That the City Council of the City of Marlborough, pursuant to the provisions and conditions of MGL c. 40, § 8C, does hereby accept from Mauro Farms LLC, a Massachusetts limited liability company, the attached deed of land in Marlborough, Middlesex County, Massachusetts shown and/or identified as Parcels 20, 21, 30, 31 and 32 on a plan entitled, “Definitive Subdivision Plan for Mauro Farm, Marlborough, Massachusetts,” prepared by Tunison Smith, P.O. Box 73, 115 Main St., Suite 2B, Easton, Massachusetts 02356, dated April 20, 2007, last revised October 15, 2007, which plan is recorded in the Middlesex South District Registry of Deeds as Plan No. 75 of 2008 (the “Subdivision Plan”) and to which Subdivision Plan reference is made for a more particular description of said Parcels 20, 21 and 30.

As only portions of Parcel 31 and Parcel 32 are shown on the Subdivision Plan, reference for a more particular description of said Parcels 31 and 32 is made to a plan entitled, “Plan of Land, Capital Group Properties, Lot 282 & 283, Map 71, City of Marlborough, Middlesex County, Commonwealth of Massachusetts, prepared by Control Point Associates, Inc., 352 Turnpike Road Southborough, MA 01772, dated October 26, 2017” (the “Land Plan”).

Collectively, the Subdivision Plan and the Land Plan are referred to herein as the “Plans.”

According to the Plans:

- Parcel 20 contains 42,296 square feet;
- Parcel 21 contains 46,129 square feet and a detention basin and a level spreader to be maintained by the Marlborough Department of Public Works;
- Parcel 30 contains 57,264 square feet and two detention basins to be maintained by the Marlborough Department of Public Works;
- Parcel 31 contains 22,974 square feet; and
- Parcel 32 contains 10,919 square feet.

These open space parcels are to be managed and controlled by the Marlborough Conservation Commission for the purposes of the promotion and development of natural resources, watershed protection, passive recreation and conservation.

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED; That the favorable recommendation of the Planning Board re: Proposed Zoning Amendment, Section 650 §40 pertinent to Large Scale Ground Mounted Solar Photovoltaic Installation Overlay District, Order No. 18-1007338A, **FILE**; adopted.

ORDERED; That the favorable recommendation of the Planning Board re: Proposed Zoning Amendment, Section 650 §7, §17, new §39 & §41, pertinent to Neighborhood Business District, Order No. 18-1007337B, **FILE**; adopted.

ORDERED: That the Sign Special Permit Application for Venture X at the Apex Center, **APPROVED**; adopted.

ORDERED: That the Communication from Cross Roads Industrial Park-Parcel G, Hayes Memorial Drive, Northborough, MA re: Environmental Notification Form, **FILE**; adopted.

ORDERED: That the Communication from MA State Lottery Commission re: Keno to Go, Guatemala Market, 518 Lincoln Street, **FILE**; adopted.

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

- a) Nancy Ribot, 231 Elm Street, other property damage and/or personal injury.
- b) Raymond Carreira, 39 Old Charter Road, other property damage and/or personal injury.
- c) Matthew Monti, 21 Masciarelli Drive, pothole or other road defect.

Reports of Committees:

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

Meeting Name: City Council Urban Affairs Committee

Date: October 23, 2018

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

Convened: 5:31 PM – Adjourned: 6:48 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juaire, Landers, and Doucette; Councilors Clancy, Dumais, and Ossing; Arthur Bergeron (Mirick O'Connell); Brian Falk (Mirick O'Connell); Marilyn Green (Developer); Tim Burke (Architect, Timothy Burke Architecture, Inc.); Vito Cologne (Engineer, Connorstone Engineering, Inc.)
Absent: Urban Affairs Committee Member Councilor Tunnera

Order No. 18-1007317: Site Plan Application from Attorney Falk, on behalf of M&E Ventures Corporation (Marilyn Green) for a mixed-use project at 28 South Bolton Street in the Marlborough Village District. The Urban Affairs Committee met with attorneys Arthur Bergeron and Brian Falk, Marilyn Green, owner and developer of 28 South Bolton Street, and the project architect and engineer for a discussion of the proposed mixed-use project. Atty. Bergeron gave a brief history of the project and how the project changed from the previous submission and the new building changed substantially with a contemporary look and lots of glass. Mr. Falk explained they met with the Site Plan Review Committee several times and they made changes based upon their requests and received a favorable recommendation from them along with a draft decision. The proposed structure will be thirty-six units, four one-bedroom and thirty-two two-bedroom units, with two retail and/or office spaces on the ground floor and an enclosed garage on the ground floor with twenty-nine spaces. They are short fourteen required parking spaces for the project and will pay the City a fee of \$140,000 in lieu of parking. The committee requested the applicant include a permit condition that a wireless tower will not be added to the site unless they come before City Council with a specific request for said use. Atty. Falk was requested to amend the draft Site Plan Approval with Conditions accordingly and to provide the revised decision to the Legal Department for their review.

Motion made by Councilor Juaire, seconded by the Chair to approve the Site Plan Approval with Conditions as amended. The motion carried 4-0 (Tunnera absent).

[Motion in order to suspend the rules to forward to the Legal Department requesting placement of the Site Plan Decision and documents, as revised, on the November 5, 2018 City Council agenda]

Reports of Committee Cont'd:

Order No. 18-1007420: Communication from Councilor Ossing regarding Funding for New School, Library Renovation and West Side Fire Station.

Councilor Ossing presented to the Urban Affairs Committee a review of the upcoming bonds for the school, library, and fire station and their impact on the City's taxes and the potential revenue from projects before the City Council. The library bond must be approved by January 2019 or lose the State's matching funds and the fire station bond request is in process. There is a need for housing across the City and Councilor Ossing presented a table of potential projects that could pay for the bonds. How can the projects be bonded while being fiscally responsible, managing the City's budget, and providing the lowest possible tax rates. The discussion focused on potential projects and they should each be taken on their own merits not only for the present but the future.

Motion made by Councilor Juaire, seconded by the Chair to accept and place on file. The motion carried 4-0 (Tunnera absent).

Motion made and seconded to adjourn. The motion carried 4-0 (Tunnera absent). The meeting adjourned at 6:48 PM.

Suspension of the Rules requested – granted

ORDERED: That the Site Plan Application from Attorney Falk, on behalf of M&E Ventures Corporation (Marilyn Green) for a mixed-use project at 28 South Bolton Street in the Marlborough Village District, refer **LEGAL DEPARTMENT TO PLACE IN PROPER LEGAL FORM**; adopted.

Suspension of the Rules requested – granted

ORDERED: That the Communication from Attorney Bergeron re: Proposed Zoning Ordinance as it pertains to the Marlborough Village District, **RECHEDULE the PUBLIC HEARING for NOVEMBER 19, 2018 and READVERTISE**; adopted.

ORDERED: That the Reappointment of Human Resources Director, David Brumby, for a term of three years to commence from date of City Council confirmation, **APPROVED**; adopted.

ORDERED: That the Reappointment of Collector, Eileen Bristol, for a term of two years to commence from date of City Council confirmation, **APPROVED**; adopted.

ORDERED: That the Reappointment of Comptroller, Brian Doheny, for a term of three years to commence from date of City Council confirmation, **APPROVED**; adopted.

ORDERED: That the Appointment of Melanie Whapham to the Marlborough Historical Commission for a term of three years to commence upon City Council approval, **APPROVED**; adopted.

ORDERED: That the Appointment of Monica Lucey to the Marlborough Cultural Council for a term to expire three years from date of confirmation, **APPROVED**; 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, **APPROVED**; adopted.

ORDERED: That officials from Eversource be invited to attend a meeting of the City Council Public Safety Committee to update the City Council on the status of gas lines and related infrastructure in the City of Marlborough, **FILE**; adopted.

ORDERED: That the Police Department may, at its discretion, set up a Do Not Knock Registry, which allows Marlborough residents to submit to their Police Department their home addresses for inclusion on the Registry so that a vendor does not knock on or solicit at the residents' doors, **APPROVED**; adopted.

ORDERED: That the Proposed Zoning Amendment, to Chapter 650 §5, §22.A, C as it pertains to a Retirement Community Overlay District, 90 Crowley Drive which was denied and time for action has expired, **FILE**; adopted.

ORDERED: That the Application for Special Permit from Attorney Bergeron on behalf of Garden Remedies, Inc., for a Medical Marijuana Treatment Center and Adult Use Marijuana Retail Establishment, 416 Boston Post Road East, refer to **LEGAL DEAPRTMENT TO PLACE IN PROPER LEGAL FORM**; adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING § 551-1, ENTITLED "STREET NAMES," OF CHAPTER 551 AS FOLLOWS:

- I. Chapter 551 is hereby amended by deleting the title of § 551-1 in its entirety and inserting in place thereof the following title:

Names of public streets, highways, places, buildings, spaces and other public assets.

- II. Chapter 551 is hereby amended by inserting into § 551-1 the following new paragraph:

- C. The Board of Library Trustees, having care, custody, management and supervision of the Marlborough Public Library pursuant to § 11 of chapter 78 of the Massachusetts General Laws and § 28 of Division 3 of the Charter of the City of Marlborough may name public assets located in and at the Marlborough Public Library, including internal and external spaces, furnishings, collections, equipment or fixtures, under such terms and conditions as may be specified in a naming policy adopted by the Board of Library Trustees for said public assets which are not otherwise governed by paragraphs A. and B. herein. Said authority of the Board of Library Trustees is in addition to, and not in lieu of, such powers and authorities of the Board of Library Trustees as may be provided by statute, regulation, ordinance or law.

TABLED UNTIL NOVEMBER 19, 2018 CITY COUNCIL MEETING; adopted.

ORDERED: That the Proposed Zoning Amendment to Chapter 650, §7, §17, new §39 & §41 as it relates to Neighborhood Business District, **TABLED UNTIL NOVEMBER 19, 2018 CITY COUNCIL MEETING**; adopted.

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

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

APPROVED; adopted.

Yea: 11 – Nay: 0

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:48 PM; adopted.