



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
Lisa M. Thomas  
140 Main St.  
Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723**

**FEBRUARY 26, 2018**

Regular meeting of the City Council held on Monday, February 26, 2018 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juaire, Oram, Ossing, Robey, Delano, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 9:39 PM.

**ORDERED:** That the Minutes of the City Council meeting FEBRUARY 5, 2018, **FILE**; adopted.

**ORDERED:** That the PUBLIC HEARING On the Proposed Zoning Ordinance to further amend Chapter 650, § 650-59.C (11) entitled "Extension of time for action; leave to withdraw," as it pertains to Special Permit applications, all were heard who wish to be heard, hearing closed at 8:07 PM.

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

**ORDERED:** That the PUBLIC HEARING On the Proposed Zoning Ordinance to further amend Chapter 650, several subsections as it pertains to the Medical & Recreational Use of Marijuana, all were heard who wish to be heard, hearing closed at 9:20 PM.

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

**Councilor Juaire recused.**

**ORDERED:** At a regular meeting of the Marlborough City Council held on Monday, FEBRUARY 26, 2018 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, was **ORDERED ADVERTISED** as follows:

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 BY ADDING THERETO AS FOLLOWS:

1. Section 650-5, entitled "Definitions, Word Usage," is hereby amended by adding to said section the following definitions:

**MARIJUANA ESTABLISHMENT:** a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, marijuana delivery-only retailer, marijuana social consumption primary use establishment, marijuana social consumption mixed-use establishment, craft marijuana cooperative, marijuana transporter, marijuana micro-business, or any other type of licensed marijuana-related business, including but not limited to medical marijuana treatment centers which convert to or collocate with any of the aforementioned classes of marijuana establishments.

**RECREATIONAL MARIJUANA:** marijuana subject to regulation under 935 CMR 500.00, entitled “Adult Use of Marijuana,” as promulgated by the Massachusetts Cannabis Control Commission, the laws of the Commonwealth of Massachusetts, and the regulations and ordinances of the City of Marlborough.

**MARIJUANA ACCESSORIES:** equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

2. A new Section 650-38, entitled “TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS AND THE SALE OF MARIJUANA ACCESSORIES,” is hereby added, as follows:

**650-38 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS AND THE SALE OF MARIJUANA ACCESSORIES**

**A. Purpose**

By vote of the state election on November 8, 2016, the voters of the Commonwealth approved a law, Chapter 334 of the Acts of 2016, which regulates the cultivation, distribution, possession and use of marijuana for recreational purposes. By act of the Legislature, Chapter 351 of the Acts of 2016, the Cannabis Control Commission must issue initial regulations by March 15, 2018 and begin accepting applications for licenses by April 1, 2018. The Cannabis Control Commission must also adopt final regulations by July 1, 2018.

Pursuant to section 3 of chapter 94G of the Massachusetts General Laws, a municipality may adopt zoning regulations that impose reasonable safeguards on the operation of marijuana establishments. Chapter 334 of the Acts of 2016 also established the Cannabis Advisory Board to, among other things, advise on the preparation of regulations. It is expected that the Legislature, the Cannabis Control Commission, and the Cannabis Advisory Board’s will provide guidance to the City concerning the regulation of recreational marijuana establishments and marijuana retailers.

## B. Temporary Moratorium

The regulation of recreational marijuana establishments and the sale of marijuana accessories raises complex and novel legal, planning, and public safety issues. The City intends to adopt a temporary moratorium on the use of land and structures in the City for the purpose of recreational marijuana establishments and the sale of marijuana accessories. The temporary moratorium will provide the City with time to study, plan, consider and promulgate ordinances to address said complex and novel issues, including but not limited to assessing and incorporating State regulations, in a manner consistent with sound land use planning goals and objectives.

For the reasons sets forth above, and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for or by recreational marijuana establishments and the sale of marijuana accessories, as herein defined, including but not limited to accessory uses and home occupations. During the moratorium period, the City shall undertake a planning process to address the potential impacts of recreational marijuana in the City; consider Cannabis Control Commission regulations regarding recreational marijuana establishments, the sale of marijuana accessories, and related uses; consider such guidance as may be provided by the Legislature, the Cannabis Control Commission, and the Cannabis Advisory Board; determine whether the City shall restrict any or all recreational marijuana establishments, the sales of marijuana accessories or related uses through any available legal means, adopt provisions of the Zoning Code to address the impact and operation of recreational marijuana establishments, the sale of marijuana accessories, and related uses; and consider such other and further matters as set forth in M.G.L. c. 94G, § 3, M.G.L. c. 64N, § 3, and 935 CMR 500.000.

The moratorium shall be in effect through December 31, 2018 or the adoption by the City Council of ordinances that address recreational marijuana establishments, the sale of marijuana accessories, and related uses, whichever occurs first in time.

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE JOINT PUBLIC HEARING WITH PLANNING BOARD FOR MARCH 19, 2018**; adopted.

**Councilor Juairé recused.**

ORDERED: That the new elementary School Project which includes the following bond, refer to **FINANCE COMMITTEE AND ADVERTISE BOND**; adopted.

That the City of Marlborough appropriate the amount of Fifty-Six Million, Four Hundred Eighteen Thousand, Three Hundred and Thirty-Eight Dollars (\$56,418,338) for the purpose of paying the cost of a proposed new K-5 Elementary School to be constructed in Marlborough, MA on an existing athletic field located on a portion of land on Poirier Drive, which land is owned by the City of Marlborough and known and numbered on the Assessors Map of the City of Marlborough as Map 30 Parcel 12, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the City of Marlborough may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee.

To meet this appropriation, the Comptroller/Treasurer is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City of Marlborough acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City of Marlborough incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City of Marlborough; provided further that any grant that the City of Marlborough may receive from the MSBA for the proposed Project shall not exceed the lesser of (1) sixty-seven and seventy-one hundredths percent (67.71%) of eligible approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that, if invited to collaborate with the MSBA on said Project, the amount of borrowing which is authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Marlborough and the MSBA.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Mass Wildlife Management Grant awarded to the Conservation Commission in the amount of \$44,500.00 to hire a contractor to mow the shrub area and to remove dead girdled trees; adopted.

ORDERED: That the Appointment of William Doherty to the Parks and Recreation Commission for a term to expire three years from date of City Council approval and recognize Dennis Zilembo who resigned, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Appointment of Samantha Khosla to the Library Board of Trustees for a term to expire three years from date of City Council approval and recognize Ray Johnson's years of service, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore Griffin, re: Apex Center-Open Covenant and Restriction refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE & CONSERVATION COMMISSION**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, MARCH 19, 2018** as **DATE FOR PUBLIC HEARING** On the Application for Sign Special Permit, Marlborough Car Care, 175 Lakeside Avenue, for a new LED internally illuminated price sign measuring 4' by 8', refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

Motion by Councilor Delano to allow applicant to send notices either by Certified Mail, Return Receipt Requested or utilizing Certificate of Mailing; Carries.

ORDERED: That the Communication from Director LaScola, Department of Agricultural Resources, Division of Crop and Pest Services re: Apiary Program, **FILE**; adopted.

ORDERED: That the Communication from the Central MA Mosquito Control Project re: Budget Notification & Compliance Certification Policy, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, January 18, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Public Library Board of Trustees, January 2, 2018, **FILE**, adopted.

ORDERED: That the Minutes, License Board, December 27, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, January 2, 2018, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, January 9, 2018 & January 23, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Recreation Commission, January 17, 2018, **FILE**; adopted.

ORDERED: That the Minutes, OPEB Trust, October 27, 2017, **FILE**; adopted.

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

- a. John Nicholson, 302 Sudbury Street, residential mailbox claim 2(a).
- b. Anthony Ranallo, 120 Pleasant Street, Unit 204, Watertown, pothole or other road defect.
- c. Shawn Lambert, 50 Hamilton Circle, pothole or other road defect.
- d. Sylvia Colon, 655 Boston Post Road, Apt. 211, Sudbury, pothole or other road defect.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee  
Monday February 12, 2018  
In Council Chambers**

Finance Committee Members Present: Chairman Ossing; Councilors Robey, Oram, Irish and Dumais.

Finance Committee Members Absent: None

Other Councilors in Attendance: Councilor Clancy, Landers and Doucette.

The meeting convened at 7:00 PM.

**Order No. 18-1007164 – Mid-Year Transfers for \$472,860.00** - The Finance Committee reviewed the Mayor's letter dated February 1, 2018 requesting 5 mid-year transfers totaling \$472,860.00 from various departments. **The Finance Committee voted 5 - 0 to approve each of the 5 transfers totaling \$472,860.00.**

The Finance Committee adjourned at 7:27 PM.

Councilor Tunnera reported the following out of Personnel Committee:

**City Council Personnel Committee  
February 26, 2018  
City Council Chamber, 2<sup>nd</sup> Floor  
City Hall, 140 Main Street**

Convened: 6:00PM – Adjourned: 6:20PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Irish and Landers.

Councilors Clancy, Dumais, Ossing, and Robey; Councilor Doucette arrived late; Also: Mayor Vigeant; Appointees: Sean Fay, Colleen Hughes, Christopher Russ, Greg Gallagher

**Order No. 18-1007168 - The Appointments of Christopher Russ and Greg Gallagher to the Planning Board for five-year terms to expire the first Monday in February 2023. Recommendation of the Personnel Committee is to approve the appointments of Christopher Russ and Greg Gallagher to the Planning Board. 3-0**

**Order No. 18-1007169 - The Reappointments of Barbara Fenby, Colleen Hughes, Sean Fay and Philip Hodge to the Planning Board for five-years terms which expire on the first Monday in February 2023. Recommendation of the Personnel Committee is to approve the reappointments of Barbara Fenby, Colleen Hughes, Sean Fay and Philip Hodge to the Planning Board. 3-0**

Motion made by Councilor Irish, seconded to adjourn. The motion carried 3-0. The meeting adjourned at 6:20 PM.

**Suspension of the Rules requested – granted.**

ORDERED: That the Appointments of Christopher Russ & Greg Gallagher to the Planning Board for five-year terms to expire the first Monday in February 2023 and to thank Brian Dupont for his time on the Planning Board as he's not seeking reappointment, **APPROVED**; adopted.

**Suspension of the Rules requested – granted.**

ORDERED: That the Reappointments of Barbara Fenby, Colleen Hughes, Sean Fay and Philip Hodge to the Planning Board for five-years terms which expire on the first Monday in February 2023, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:39 PM.