



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

MARCH 5, 2018

Regular meeting of the City Council held on Monday, March 5, 2018 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juaire, Ossing, Robey, Delano, Doucette, Dumais, Tunnera, Irish and Landers. Absent: Oram. Meeting adjourned at 8:29 PM.

ORDERED: That the Minutes of the City Council meeting FEBRUARY 26, 2018, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Amendment, adding the Assabet River Rail Trail Overlay District, (ARRTOD), all were heard who wish to be heard, hearing closed at 8:21 PM.

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

Absent: Oram.

ORDERED: Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as amended, be further amended by amending the Zoning Map established by Chapter 650 Zoning Article III Establishment of Districts Section 650-8 "Boundaries Established; Zoning Map". Said Zoning Map is amended by extending the Marlborough Village District shown on the City of Marlborough Massachusetts Zoning Map by including in said Marlborough Village District the area labeled "Proposed Zoning Amendment" on the map entitled "Marlborough Village District Zoning Amendment" described as follows, which area is currently located in the Residence B District:

Beginning at the 'RB' & 'MVD' Zoning District line at the southwest corner of property located at 9 McEnelly Street, listed as Lot 36 on Assessors Map 70, said point also located at the east side of the McEnelly Street stairway right-of way, thence

Northerly along said McEnelly Street stairway right-of-way 46 FT, thence

Westerly 8FT across said stairway right-of-way to the 'RB' & 'MVD' Zoning District line. Said point also being the southeast property corner of 20 McEnelly Street (Lot 76 on Assessors Map 70) and northeast property corner of 163-165 Main Street (Lot 77 on Assessors Map 70), thence

Southerly 45FT along the westerly side of said stairway right-of way to a point, thence

Easterly 7FT across said right-of-way to the point of beginning.

The above described area consists of 376 square feet.

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY APRIL 2, 2018**; adopted.

ORDERED: That the Reappointments of Robin Williams and Jim Griffin to the Board of Health for three year terms, expiring the first Monday in February, 2021, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Reappointments of Robert Kays, Brenda Calder and Mark Vital to the Parks and Recreation Commission for three year terms, expiring three years from the date of their confirmation. Also, recognize Nancy Klein for her six years of service as she will be stepping down this summer, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, MARCH 5, 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 RECEIVED FOR ITS 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 AMENDING AND ADDING THERETO AS FOLLOWS:

1. Section 650-22. A, entitled "Purpose" is hereby amended to read: Purpose. The purpose of the Retirement Community Overlay District shall be to advance the public health, safety and welfare by allowing for the development of retirement communities that provide housing choices for persons aged 55 or over and for the development of other multifamily residential housing on sites which are otherwise zoned for other purposes but which, because of the size of the parcel being developed and its proximity to other residential neighborhoods and/or residential amenities, will provide an appropriate environment for a retirement community and for other multifamily housing which may be developed in conjunction therewith.
2. Section 650-22. C, entitled "Permitted uses" is hereby amended to read: Permitted uses – Detached and Townhouse Style Dwellings. All permitted uses must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein. In addition to those uses which are allowed, either as of right or by special permit, in the underlying district of any land which has been included in the Retirement Community Overlay District, the City Council may, by special permit in accordance with §650-59, permit a retirement community, as defined in §650-5, consisting of detached dwelling units or townhouse style units subject to the following provisions:

3. Section 650-22, entitled “Retirement Community Overlay Districts,” is hereby amended by adding to said section a new subsection D as follows:

D. Permitted uses – Multifamily. All permitted uses must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein. In addition to those uses which are allowed, either as of right or by special permit, in the underlying district of any land which has been included in the Retirement Community Overlay District, the City Council may, by special permit in accordance with §650-59, permit a multifamily retirement community, as defined in §650-5, consistent with the following provisions:

- (1) The total area of the tract or contiguous parcels to be developed as a multifamily retirement community shall not be less than ten (10) acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial.
- (2) A multifamily retirement community may contain one (1), two (2) and three (3) bedroom units and studio units for independent living persons, and may include services and amenities for its residents, including but not limited to, dining facilities, in-unit kitchens, common rooms, activity rooms, exercise rooms, theater, chapel, library, pharmacy/gift shop/convenience store, beauty salon, barber shop, personal banking services, offices and accessory uses or structures, concierge and valet services, third-party vendor services, and recreation facilities.
- (3) No building in a multifamily retirement community shall be more than 3 stories in height.
- (4) The total number of dwelling units in a multifamily retirement community shall be limited to 12 units per acre.
- (5) No part of any principal building in a multifamily retirement community shall be less than 25 feet from any exterior lot line or less than 50 feet from any public way.
- (6) Maximum combined lot coverage in a multifamily retirement community, including any permitted accessory structures shall not exceed 40% of the tract or contiguous parcels.
- (7) The tract or contiguous parcels upon which a multifamily retirement community is located shall have a minimum total frontage on an existing public or private way of at least 200 feet.

- (8) The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding multifamily retirement community regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in a retirement community and limiting or prohibiting the presence in a retirement community of boats, boat trailers, or recreational vehicles, be made a part of the special permit and that any change to or failure to enforce said provisions shall be a violation of said special permit.
- (9) The City Council may, as a permit condition, require that a proposed multifamily retirement community be constructed entirely on one tract and that, from and after the date of the issuance of the building permit for said community no subdivision of said tract shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.
- (10) A minimum of 1.0 parking space per dwelling unit shall be provided in a multifamily retirement community. Attached and detached garages shall count toward this parking requirement.
- (11) No dwelling unit in a multifamily retirement community shall contain less than 500 square feet of living area or more than 1300 square feet of living area.
- (12) No building in a multifamily retirement community need be located or placed further from the exterior line of any street or public way than the average distance from such street or way line of the dwellings or other principal buildings located on the lots adjacent thereto on either side. In determining such average, a vacant side lot having a frontage of 50 feet or more shall be considered as though occupied by a building having the required setback, and a lot separated from the lot in question only by a vacant lot having a frontage of less than 50 feet shall be deemed an adjacent lot. The point of measurement of the average distance shall be from the closest point of the principal building to the street or public way regardless of parcel ownership.
- (13) In a multifamily retirement community, there shall be provided with each multifamily building a landscaped area equal to the greatest single floor area of the building, provided that such landscaped area may include undisturbed natural areas such as vegetated areas, woodlands, wetlands and floodplain areas.

SET A PUBLIC HEARING FOR MAY 7, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD; adopted.

ORDERED: That there being no objection thereto set **MONDAY, APRIL 2, 2018** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from New England Hydroponics, to use an existing property for retail sales of gardening supplies, 19 Brigham Street, Unit 6, refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY APRIL 2, 2018** as **DATE FOR PUBLIC HEARING** On the Petition of NGrid to install new pole 34-5 for service to Shell Gas Station, 342 Boston Post Road East, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from James Harrington, 51 Christie Way, #52E, re: The Heights Wheeler Hill **FILE**; adopted.

ORDERED: That the Communication from Norfolk County Agricultural High School re: Notification of tuition rates for the 2018/2019 school year, refer to **SCHOOL COMMITTEE AND FILE**; adopted.

ORDERED: That the Minutes, Planning Board, January 22, 2018, **FILE**; adopted.

ORDERED: That the Minutes, School Building Committee, December 4, 2017 & December 11, 2017, **FILE**, adopted.

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

- a. Kevin Brasley, 10 Sherwood Meadows, Pembroke, NH, pothole or other road defect.
- b. Robert Clark, 67 Vega Road, residential mailbox claim 2(a).
- c. Ellen Leonard, 137 Desimone Drive, pothole or other road defect.
- d. Sohir Mankaruos, 1 Spruce Drive, Upton, pothole or other road defect.

Reports of Committees:

THERE WERE NO REPORTS OF COMMITTEE.

ORDERED: That the Mid-Year Transfer Requests as outlined in the spreadsheets below totaling \$472,860.00, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:		Department of Public Works/Public Facilities				FISCAL YEAR:		2018	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$344,704.28	\$75,000.00	61090001	50740	Equipment Operator	\$75,000.00	14001304	53140	Contract Services	\$275,639.06
	Reason:	Vacant Position				Anticipated cost to cover remainder of FY18			
\$93,541.10	\$25,000.00	11920001	50292	Building Maint. Craftsman	\$25,000.00	11920006	52469	Repair & Maint. Bldgs.	\$99,531.71
	Reason:	Vacant Position				Anticipated cost to cover remainder of FY18			
\$84,370.56	\$60,000.00	14001406	54830	Fuel & Lubricants	\$60,000.00	11920006	53420	Telephone Services	\$26,828.65
	Reason:	Decrease cost of fuel				Anticipated cost to cover remainder of FY18			
	\$160,000.00	Total			\$160,000.00	Total			

	CITY OF MARLBOROUGH BUDGET TRANSFERS --									
	DEPT:		Department of Public Works/Public Facilities				FISCAL YEAR:		2018	
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$34,140.35	\$10,000.00	14001002	50062	Finance Asst.	\$88,000.00	14001505	54610	General Materials	\$42.21	
	Reason:	Vacant Position				Anticipated cost to cover remainder of FY18				
\$35,837.09	\$18,000.00	14001002	50770	Senior Clerk						
	Reason:	Vacant Position								
\$178,022.19	\$60,000.00	14001101	50710	Jr. Civil Engineer						
	Reason:	Vacant Position								
\$401,441.82	\$60,000.00	14001503	50740	Equipment Operators	\$79,000.00	14001506	54640	Park Maintance	\$13.07	
	Reason:	Vacant Position				Anticipated cost to cover remainder of FY18				
\$131,784.22	\$19,000.00	60085001	50850	Sewage Tr Plt Operators						
	Reason:	Vacant Position								
	\$167,000.00	Total			\$167,000.00	Total				

		CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT: Police Department								FY: 2018				
		FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Available Balance	
\$372,563	\$15,000.00	12100003	51440	Educational Incentive		\$10,000.00	12100006	52560	Vehicle Maintenance & Repa		\$17,399	
	Reason:	Surplus due to vacant positions					2 additonal cruisers in fleet, repairs to older cruisers					
						\$5,000	12100005	54220	Office Supplies/Expenses		\$9,589	
	Reason:						Ammo, accreditation, additional class trainings					
	\$15,000.00	Total				\$15,000.00	Total					

CITY OF MARLBOROUGH BUDGET TRANSFERS --											
	DEPT:	Various					FISCAL YEAR:	2018			
		FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Available Balance	
\$15,000.00	\$15,000.00	15410006	57075	COA Transportation	\$9,900.00	11520006	57380	Conference & Training		\$3,289.70	
	Reason:	Received grant funding that has been used instead					To fund an opportunity expense not budgeted				
\$14,240.00	\$12,000.00	11620006	53871	Pollworkers	\$25,000.00	15430006	57710	Veterans Benefits		\$59,995.48	
		City wide preliminary municipal election not needed					More veterans seeking services than budgeted				
\$3,206.55	\$2,000.00	11620003	51460	Constables at Polls							
	Reason:	City wide preliminary municipal election not needed									
\$29,729.12	\$4,000.00	16100003	50860	Full Time Library Clerk							
	Reason:	Available due to vacancies									
\$19,709.38	\$1,900.00	16100003	51262	Library Pages							
	Reason:	Available due to vacancies									
	\$34,900.00	Total			\$34,900.00	Total					

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Various				FISCAL YEAR:		2018	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$26,705.00	\$2,400.00	12410004	53140	Bldg-Contract Services	\$2,400.00	12410001	50090	Building Commissioner	\$30,937.17
	Reason:	Outside services not needed thus far				To fund position thru June 30th			
\$851.42	\$700.00	14920003	51920	Recreation Sick Leave Buy	\$700.00	15430001	50080	Veterans Director	\$21,206.52
		Less sick leave bought than budgeted				To fund position thru June 30th			
\$500,000.00	\$92,860.00	11990006	57820	Reserve for Salaries	\$8,600.00	11350002	50550	Auditor Head Clerk	\$24,522.20
	Reason:					Retirement payout			
					\$3,000.00	11350003	51920	Auditor Sick Leave Buy	\$6.48
	Reason:					Retirement payout			
					\$1,880.00	11350003	51430	Auditor Longevity	\$2.93
	Reason:					Retirement payout			
					\$2,550.00	11330002	50062	Treasurer Finance Asst	\$53,765.96
						Retirement payout			
					\$22,100.00	11330003	51920	Treasurer Sick Leave Buy	\$2.72
						Retirement payout			
					\$110.00	11330003	51430	Treasurer Longevity	\$1,268.27
						Retirement payout			
					\$15,270.00	12100001	50420	Police Officers	\$1,564,674.91
						Retirement payout			
					\$34,350.00	12100003	51920	Police Sick Leave Buy	\$0.00
						Retirement payout			
					\$5,000.00	12100001	50140	Police Chief	\$69,691.70
						Accreditation stipend per contract			
	\$95,960.00	Total			\$95,960.00	Total			

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:29 PM.