

**Councilors-at-Large**

Mark A. Oram  
 Michael H. Ossing  
 Samantha Perlman  
 Kathleen D. Robey

**Ward Councilors**

Ward 1 – Laura J. Wagner  
 Ward 2 – David Doucette  
 Ward 3 – J. Christian Dumais  
 Ward 4 – Teona C. Brown  
 Ward 5 – John J. Irish  
 Ward 6 – Sean A. Navin  
 Ward 7 – Donald R. Landers, Sr.

**Council President**

Michael H. Ossing

**Council Vice-President**

Kathleen D. Robey

**CITY OF MARLBOROUGH  
 CITY COUNCIL  
 MEETING MINUTES  
 MONDAY, MARCH 13, 2023**

The regular meeting of the City Council was held on Monday, March 13, 2023, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 8:15 PM.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

**ORDERED:** That the Minutes of the City Council meeting, FEBRUARY 27, 2023, **FILE;** adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

**ORDERED:** That the Transfer Request in the amount of \$700,000.00 which moves funds from Undesignated Fund (Free Cash) to Fringes to cover the cost of a 1% non-pensionable stipend for all city employees, **APPROVED;** adopted.

**(Councilor Robey & Perlman opposed; Councilor Dumais Abstained)**

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Mayor					FISCAL YEAR:	2023	
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$5,906,264.80	\$700,000.00	10000	35900	Undesignated Fund	\$700,000.00	11990006	51500	Fringes	\$0.00
	Reason:	To fund 1% non pensionable stipend							
	\$700,000.00	Total			\$700,000.00	Total			

Motion by Councilor Robey, seconded by the Chair to adopt the following:

**ORDERED:** That the Communication from City Solicitor Jason Grossfield, re: Proposed Amendments to Chapter 650 "Zoning", relative to certain provisions concerning mixed-use and affordable housing, in proper legal form, Order No. 22/23-1008721, **MOVED TO REPORTS OF COMMITTEE & FILE;** adopted.

Motion by Councilor Brown, seconded by the Chair to adopt the following:

ORDERED: That the Notice from MA Department of Agricultural Resources re: Yearly Operational Plan and Vegetation Management Plan, **FILE**; adopted.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) School Committee, January 24, 2023 & February 14, 2023.
- b) Commission on Disabilities, November 7, 2022.
- c) Conservation Commission, February 16, 2023.
- d) Historical Commission, January 19, 2023.
- e) Zoning Board of Appeals, February 9, 2023.

Motion by Councilor Perlman, seconded by the Chair to adopt the following:

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

- a) Rachael Conboy, 13 Bergeron Road, pothole or other road defect.

Reports of Committees:

Councilor Irish reported the following out of the Fiancne Committee:

**City Council Finance Committee  
Monday, March 23, 2023  
Minutes and Report**

This meeting convened at 6:30 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, [www.marlborough-ma.gov](http://www.marlborough-ma.gov).

Voting Members Present: Chair Irish, Councilors Dumais, Perlman, Brown and Oram.

Non-Voting Members Present: Councilors Ossing, Landers, Robey, Wagner, and Doucette (arrived 6:34 PM), and Councilor Navin (arrived 6:56 PM).

Mayor Vigeant and Department Heads addressed the following Orders:

**Order No. 23-1008806: Communication from Mayor Vigeant together with Mid-Year Transfer requests totaling \$1,643,050.00 from various departments for FY23, which moves funds from and to accounts as outlined in the transfer sheets.**

The Chair read the letter from Mayor Vigeant explaining the need for the transfers.

**On a motion by Councilor Oram, seconded by Chair, the committee voted 5-0 to recommend approval of the mid-year transfers, under a suspension of the rules at the City Council meeting on March 13, 2023.**

**Order No. 23-1008807: Communication from Mayor Vigeant requesting an increase in the spending limit for the public safety revolving fund for the remainder of Fiscal Year 2023 to \$203,000.00, together with proposed Order that the City Council authorizes increasing the maximum amount that may be expended from the Public Safety Revolving Fund during FY23 as set forth in Council Order No. 22-1008604B-1, from \$120,000.00 to \$203,000.00.**

Reports of Committee Continued:

The Mayor addressed this order.

**On a motion by Councilor Dumais, seconded by Chair, the committee voted 5-0 to recommend approval of the Order as requested for the remainder of FY23.**

**Order No. 23-1008808: Communication from Mayor Vigeant together with proposed Order to Amend the Senior Citizen Property Tax Work Off Program to increase the amount of the tax deduction from \$1,000.00 to \$1,500.00 for eligible senior citizens.**

The Chair read the letter from the Mayor. The Mayor stated he would submit the annual report summarizing the program as required.

**On a motion by Councilor Perlman, seconded by Chair, the committee voted 5-0 to recommend approval of changes to the Senior Citizen Property Tax Work Off Program, under suspension of the rules at the City Council meeting on March 13, 2023.**

Motion made and seconded to adjourn; meeting adjourned at 7:25 PM.

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

**City Council Urban Affairs Committee  
Monday, March 23, 2023  
Minutes and Report**

This meeting convened at 7:28 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, [www.marlborough-ma.gov](http://www.marlborough-ma.gov).

Urban Affairs & Housing Committee voting members present: Chairman Katie Robey, Councilor Doucette, Councilor Landers, Councilor Navin, and Councilor Wagner.

Other Councilors present were Brown, Irish, Oram, Ossing and Perlman. (Councilor Dumais had recused himself from the Site Plan Review item and was not present for any of this meeting).

**Order No. 22-1008721 Communication from Solicitor Grossfield on behalf of Councilor Robey re: proposed amendments to Chapter 650 zoning relative to certain provisions concerning mixed use and affordable housing.**

This item was added to agenda to review the document submitted by the solicitor incorporating changes to the original document agreed to by the Urban Affairs Committee at its February 24<sup>th</sup> meeting.

The Chair read the communication from the solicitor with his opinion that including new clauses regarding the affordability levels (% of the Area Median Income/AMI) or household income eligibility would require a new public hearing so nothing was added to his document.

Chair also noted this would be reported out at the March 13<sup>th</sup> Council meeting and would require a suspension to act on due to its March 20<sup>th</sup> deadline.

**Councilor Doucette moved to recommend approval of the Updated Draft to amend Chapter 650-5, Chapter 650-26, and Chapter 650-37. Motion received a second and carried 5-0.**

Reports of Committee Continued:

The chair asked for agreement by the committee to request the solicitor create a new order that incorporates amendments to Chapter 650 regarding the affordability (% of the Area Median Income/AMI) levels and rent that would use the Commonwealth of Massachusetts Affordable Housing Program Income and Rent Limits specific to the Housing and Urban Development Metropolitan Fair Market Value (FMR) Area that includes Marlborough. This document is updated yearly, and income and rents would be adjusted accordingly.

**Councilor Doucette moved to make this request of the solicitor for placement on a future agenda; motion received a second and carried 5-0.**

**Order No. 22-1008694 Application for Site Plan Review from Attorney Falk on behalf of JW Capital Partners, LLC for a mixed-use project at 57 Main St. in the Marlborough Village Zoning District.**

Representing the applicant were Brian Falk, Attorney Mirick O'Connell; Will Adams, Principal @ JW Capital Partners LLC; Chris Dandreo, Procopio Companies; and Bruce Saluk, Site Engineer.

Attorney Falk reviewed the details of the project and the work done by the Site Plan Review Committee prior to coming to this body. The chair stated the application came to council in October of 2022, in December a time extension was agreed to until March 29, 2023, and went over some of the details from the prior project for this site, Tavern on the Green, that was approved in 2019 with a Special Permit due to its being over the allowed lot coverage. Chair opened it up for committee members to comment and then other councilors present tonight.

Councilor Navin stated it was sharp looking building, had concerns but would start with positive. He wasn't on council when this was before council or when MVD was approved. Likes former project due to its being smaller and that it would bring people to downtown and across that invisible line of Bolton St. so happy that developer was convinced to have a restaurant to give people more restaurant choices. He is concerned with the number of units, the parking, using the 2014 parking study in a post-pandemic world, using Bolton St. city lot for this project's need, and going from 55 units with 83 parking spots to 99 units with 25 parking spots.

Councilor Landers-people in city don't seem to want to walk to park, he thinks parking can be resolved if people realize that walking to a lot may take a few minutes, feels it is great project and hopes we can work on parking issues.

Councilor Doucette-concern with parking and size. It is good fit but we need to resolve overnight parking. Can we come up system to have people pay for permit? Not just this development issue, it is for other. The chair reminded all that the CDA owns garages and that is why council didn't put anything in regarding how spaces are allocated.

Councilor Wagner-likes project but understands the size may be startling. Feels project targets younger residents who might do ok without a car. Can we partner with a company like Boston Scientific to see if they could have employees live here and then have shuttle to work?

Councilor Perlman-is beautiful space and likes mixed use but shares concern re parking and the size of building and how it might impact Union Common. She wonders if bedroom breakdown is relevant with more people working from home and feels that you need a car without closer option for transit via bus or train.

Reports of Committee Continued:

Councilor Brown-concern is parking and issues residents in downtown currently have for parking, thinks people in city do need car.

Councilor Oram-this is in location that is already busy and has issues with parking. Concern with use of Bolton St. lot for this project and current residents wanting to use the lot. It looks beautiful but is in wrong area.

Councilor Irish-Can you increase parking? To get more parking on ground level would require reducing the commercial area which they don't want to do. Attorney Falk stated the current owner is selling property but not plans as he felt going underground for parking was not financially feasible.

The chair than reviewed the Site Plan Permit beginning with reading the communication from Priscilla Ryder on behalf of the Site Plan Review Committee. She mentioned the dates of plans will need to be added; suggested changing all use of **Site Plan Committee** to be **Site Plan Review Committee** and that they both reviewed and approved their draft rather than mentioning specific departments; #2 Green Design add new C with language that best efforts will be used to have electric in commercial portion of site; chair asked about solar and was told they are looking into it but not committing now; Councilor Oram asked about lack of mention of noise with response that it is mentioned in site conformance that National, State & City Codes must be met; chair mentioned that Site Plans for Tavern on the Green had 2 items that are not in this-1 was Structural soil and 2 was Tree protection report that referenced notes on pages of Site Plan sheets, will check with solicitor to see if needed; questioned the gate between Union Common and the building and that it completely blocks passage except for residents; reviewed the payment in lieu of parking with Attorney Falk stating we would be getting an updated plan showing an increase of parking spaces to 28 so the numbers will be recalculated; chair indicated she was not in favor of amending the regulations to allow for sticker system or other method to allow for parking for this site; chair was happy SPR Committee required a sidewalk along High St. but would ask that the exit onto High St. be available to enter and exist, not just be an emergency exit; applicant mentioned that a work ticket with National Grid to relocate or bury overhead utility lines in Exchange Street has been started.

After further discussion, it was agreed to keep this in committee and have the developer come back with Robert Michaud who did the transportation study so further questions can be asked and to have Procopio provide some information on sites they developed in similar size where less parking was provided and that it had minimal impact. The chair asked if petitioner would agree to a further extension of time to coordinate everyone's schedule for another meeting; the applicant agreed to extend the time until April 27<sup>th</sup>. Councilor Wagner moved to approve an extension of time for action until April 27<sup>th</sup>; it was seconded and approved 5-0.

**Councilor Wagner moved to adjourn; it was seconded and carried 5-0. The meeting was adjourned at 9:33 PM.**



CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		DPW - East Plant				FISCAL YEAR:		2023	
		FROM ACCOUNT:						TO ACCOUNT:	
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$190,120	\$20,000.00	60081001	50850	Treatment Plant Operator	\$20,000.00	60081006	52464	Rep/Maint - East Plant	\$25,700.30
Reason:		Excess due to vacancy						Increased equipment repair	
\$66,100	\$20,000.00	60081001	50750	Equipment Operator	\$20,000.00	60081006	52464	Rep/Maint - East Plant	\$25,700.30
Reason:		Excess due to vacancy						Increased equipment repair	
\$510,044	\$183,000.00	60086006	52935	Solid Waste Disposal	\$183,000.00	60081006	55950	East Waste Water	\$25,637.81
Reason:		Less sludge than anticipated						Increased chemical cost	
\$510,044	\$35,000.00	60086006	52935	Solid Waste Disposal	\$35,000.00	60081003	51310	Overtime - Regular	\$16,588.18
Reason:		Less sludge than anticipated						Increased overtime usage	
	\$258,000.00	Total			\$258,000.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		DPW - West Plant				FISCAL YEAR:		2023	
		FROM ACCOUNT:						TO ACCOUNT:	
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$510,044	\$30,000.00	60086006	52935	Solid Waste Disposal	\$30,000.00	60085003	51310	Overtime - Regular	\$21,463.62
Reason:		Less sludge than anticipated						Increased overtime usage	
\$510,044	\$70,000.00	60086006	52935	Solid Waste Disposal	\$70,000.00	60085006	55980	West Waste Water	\$87,481.57
Reason:		Less sludge than anticipated						Increased chemical cost	
\$510,044	\$40,000.00	60086006	52935	Solid Waste Disposal	\$40,000.00	60085006	52463	Rep/Maint - West Plant	\$2,514.03
Reason:		Less sludge than anticipated						Additional repair/maint needed	
\$53,551	\$7,500.00	60081001	50910	Hd Treatment Plant Operator	\$7,500.00	60085006	52463	Rep/Maint - West Plant	\$2,514.03
Reason:		Excess due to vacancy						Additional repair/maint needed	
	\$147,500.00	Total			\$147,500.00	Total			

	CITY OF MARLBOROUGH									
	BUDGET TRANSFERS --									
	DEPT:	DPW - Sewer				FISCAL YEAR:	2023			
		FROM ACCOUNT:				TO ACCOUNT:				
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$510,044	\$27,000.00	60086006	52935	Solid Waste Disposal	\$27,000.00	61090006	52320	Water - MWRA		\$0.00
	Reason:	Less sludge than anticipated				Increased chemical cost				
\$510,044	\$90,000.00	60086006	52935	Solid Waste Disposal	\$90,000.00	60080006	55660	Pumping Station		\$2,625.52
		Less sludge than anticipated				Increased equipment repair				
	\$117,000.00	Total			\$117,000.00	Total				

	CITY OF MARLBOROUGH										
	BUDGET TRANSFERS --										
	DEPT:	DPW - Water					FISCAL YEAR:	2023			
		FROM ACCOUNT:					TO ACCOUNT:				
Available										Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance	
\$59,500	\$45,000.00	14001101	50700	Grade 2 Engineer	\$45,000.00	60080004	53110	Legal Services		\$0.00	
	Reason:	Excess due to vacancy					Northborough - legal fees				
\$147,929	\$15,000.00	61090001	50690	Foreman	\$15,000.00	60080004	53110	Legal Services		\$0.00	
	Reason:	Excess due to vacancy					Northborough - legal fees				
\$190,120	\$20,000.00	60081001	50850	Treatment Plant Operator	\$20,000.00	60080004	53110	Legal Services		\$0.00	
	Reason:	Excess due to vacancy					Northborough - legal fees				
\$34,864	\$20,000.00	14001503	51240	Part-Time Help	\$20,000.00	60080004	53110	Legal Services		\$0.00	
	Reason:	Excess due to vacancy					Northborough - legal fees				
	\$100,000.00	Total			\$100,000.00	Total					



CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT: DPW - Facilities and Administration						FISCAL YEAR: 2023			
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$97,950.22	\$20,000.00	11920003	50560	Custodian	\$20,000.00	11920006	52469	Rep/Maint Buildings	\$91,529.03
Reason:		Excess due to vacancy				Increased building repair			
\$42,300.00	\$42,300.00	11920001	50291	Asst Comm. - Facilities	\$42,300.00	13032006	52469	Rep/Maint Buildings	\$177,563.27
Reason:		Excess due to vacancy				Increased building repair			
\$26,140.00	\$8,000.00	13032001	50291	Asst Comm. - Facilities	\$8,000.00	11920006	53999	Other Services	\$52,639.91
Reason:		Excess due to vacancy				Increased material cost			
\$26,140.00	\$700.00	13032001	50291	Asst Comm. - Facilities	\$700.00	14001002	50062	Financial Analyst	\$24,789.27
Reason:		Excess due to vacancy				Former employee benefit cost			
	\$71,000.00	Total			\$71,000.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT: DPW - Fleet and RDF						FISCAL YEAR: 2023			
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$66,100	\$7,000.00	60081001	50750	Equipment Operator	\$7,000.00	14001403	51310	Overtime - Regular	\$3,091.72
Reason:		Excess due to vacancy				Usage due to vacancy			
\$66,100	\$30,000.00	60081001	50750	Equipment Operator	\$30,000.00	14003003	51310	Overtime - Regular	\$4,915.69
Reason:		Excess due to vacancy				Usage due to vacancy			
	\$37,000.00	Total			\$37,000.00	Total			

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	FIRE					FISCAL YEAR:	2023		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$337,330.59	\$50,000.00	12200001	50810	Fire Lieutenant	\$50,000.00	12200006	52560	Vehicle Repair & Maint		\$96,934.49
	Reason:	Vacancy						Cost increases due to service issues w/ fleet		
\$20,007.00	\$1,500.00	12200002	50400	Part time Clerk	\$1,500.00	12200006	51990	Meal allowance		\$940.82
	Reason:	Vacancy						Significant events requiring mutual aid from several communities increased rehab expenses		
\$337,330.59	\$10,000.00	12200001	50810	Fire Lieutenant	\$10,000.00	12200007	58512	Fire Dept Equipment		\$10,812.37
	Reason:	Vacancy						Equipment for new Squad 1		
\$55,005.86	\$15,000.00	12200003	51430	Longevity	\$15,000.00	12200007	58512	Fire Dept Equipment		\$10,812.37
	Reason:	Retirements						Equipment for new Squad 1		
\$20,007.00	\$10,000.00	12200002	50400	Part time Clerk	\$10,000.00	12200006	58590	Protective Equipment		\$22,494.80
	Reason:	Vacancy						New hire cost over runs		
	\$86,500.00	Total			\$86,500.00	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	IT					FISCAL YEAR:	2023		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$50,000.00	\$29,000.00	11550002	50520	Principal Clerk -IT	\$29,750.00	11550006	53420	Telephone-City		\$12,691.00
	Reason:	Position vacant for part of the year						Due to upgrade of phone switches		
\$129,758.84	\$30,500.00	16100003	51261	Part-Time Library Clerks	\$29,750.00	11550006	53421	Telephone-School		\$2,533.53
	Reason:	Vacancies						Due to upgrade of phone switches		
	\$59,500.00	Total			\$59,500.00	Total				

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Legal					FISCAL YEAR:	2023	
		FROM ACCOUNT:					TO ACCOUNT:		
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$29,093.62	\$8,000.00	11510001	50030	Paralegal	\$48,500.00	11510004	53110	Legal Services	\$4,552.50
	Reason:	Position vac ant for part of the year					Needed to fully fund through June 30th		
\$5,906,264.80	\$40,500.00	10000	35900	Undesignated Fund Balance					
	\$48,500.00	Total			\$48,500.00	Total			

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Human Resources					FISCAL YEAR:	2023	
		FROM ACCOUNT:					TO ACCOUNT:		
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$129,758.84	\$22,775.00	16100003	51261	Part-Time Library Clerks	\$15,000.00	11520001	50530	HR Director	\$32,102.15
	Reason:	Vacancies					Needed to fully fund through June 30th		
					\$7,775.00	11520006	57380	Conference & Training	\$33,190.22
	Reason:						To cover requested training through June 30th		
	\$22,775.00	Total			\$22,775.00	Total			

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Board of Health					FISCAL YEAR:	2023	
		FROM ACCOUNT:					TO ACCOUNT:		
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$10,595.00	\$1,071.68	15120001	50220	Sealer of Weights-BOH	\$450.00	15120003	51430	Longevity	\$0.00
	Reason:	Available funds					Employee eligible but was not budgeted		
					\$621.68	15120003	51920	Sick Leave BuyBack	\$0.00
	Reason:						Employee eligible but was not budgeted		
	\$1,071.68	Total			\$1,071.68	Total			

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED WHEREAS, the City of Marlborough accepted Massachusetts General Laws Chapter 59, § 5K (City Council Order No. 12-1004062A) authorizing the establishment of a property tax work-off program for senior citizens beginning in FY 2013;

WHEREAS, the City adopted local rules for the program as set forth in City Council Order No. 12-1004062A, later amended in 2019 by City Council Order No. 19-1007547B;

WHEREAS, the City seeks to increase the maximum abatement that senior citizen volunteers may earn for a fiscal year in this program from \$1,000.00 to \$1,500.00;

NOW THEREFORE, it is hereby ordered that the City adopts the following local rules for the program, superseding the above-referenced prior adopted local rules, effective March 13, 2023:

**CITY OF MARLBOROUGH****SENIOR CITIZEN PROPERTY TAX WORK-OFF ABATEMENT PROGRAM RULES**

- A. Age. The individual applying to participate in the program must have attained the age of sixty (60) years prior to the start of the tax year for which that applicant seeks a reduction in his or her real property tax obligation.
- B. Property Ownership. The applicant seeking the reduction must have resided in the City for at least five (5) consecutive calendar years prior to the start of the tax year for which that applicant seeks a reduction in his or her real property tax obligation.

The property as to which the tax reduction is sought must be owned by, or serve as the primary residence of, the applicant seeking the reduction. Qualified rental properties must be owner-occupied.

The property as to which the tax reduction is sought shall be eligible for only one (1) abatement per tax year, no matter how many individuals may be the recorded owners of that property.

- C. Qualifications The applicant seeking the reduction must have annual gross income, as calculated by the Department of Revenue, that qualifies for the senior circuit breaker tax credit in the calendar year prior to the start of the tax year for which that applicant seeks a reduction in his or her real property tax obligations.

No individual is eligible to seek a reduction in his or her real property tax obligations if, for the tax year he or she would otherwise be eligible, he or she is employed by the City of Marlborough on either a full-time or part-time basis.

All individuals will be required to disclose any potential or perceived conflicts of interest on their application, including but not limited to, residing in the same residence or household with a full or part-time City employee, and working for a business or entity that performs contractual services for the City.

- D. Maximum Abatement and Hourly Rate The maximum abatement that a participant may earn is \$1,500.00 per fiscal year. A participant will receive credit for their services at an hourly rate equal to the state's minimum wage rate (currently \$15.00 per hour, therefore, a participant must work a total of 100 hours to receive the maximum abatement).

- E. Program Administration Limitations If the number of eligible applicants for this program exceeds the number of available positions in a given fiscal year, a lottery shall be held by the Council on Aging to determine placement. From time to time, eligible applicants who possess unique skills or talents that would aid municipal operations may be placed in positions upon direct approval of the Mayor. The number of annual participants will not exceed 30 (fractional volunteers can be combined to equal one participant) without prior City Council approval.

The Council on Aging, in cooperation with the Assessor's Office and the Personnel Department of the City, shall have the responsibility to maintain a record for each applicant participating in the program, including but not limited to records for the number of hours of service volunteered by each applicant and the total amount by which his or her real property tax obligation has been reduced on his or her tax bill. A copy of such records shall be provided to the applicant prior to the issuance of his or her actual tax bill.

Prior to the end of each fiscal year, the Mayor's office shall furnish an annual report and summary of this program to the City Council.

**APPROVED;** adopted.

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

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED That the Request to Extend Time Limitations from Attorney Falk on behalf of JW Capital Partners, LLC on the Application for Site Plan Approval, to build a mix-use project at 57 Main Street in the Marlborough Village District, until 11:00 PM on April 27, 2023, **APPROVED;** adopted.

**Councilor Dumais Recused.**

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

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED THAT, PURSUANT TO SECTION 5 OF CHAPTER 40A OF THE GENERAL LAWS, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT CHAPTER 650 OF THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. By amending Chapter 650 (Zoning), Section 650-5 (Definitions; word usage), Subsection B, "Mixed Use" definition, to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

**MIXED USE**

- (1) A combination of permitted (Y) or special permit (SP) residential/business uses as listed in §650-17, Table of Use Regulations, for a particular zoning district, located on the same lot and arranged vertically in multiple stories of a structure or horizontally adjacent to one another in one or more buildings.
- (2) ~~The To achieve a mix of residential to business uses, such as retail or restaurant, uses shall be that is balanced and compatible, and shall contribute to a vibrant downtown atmosphere, including a combination of ground floor street front uses, such as retail or restaurant.~~

~~(3) Ground floors of buildings fronting streets or public accessways shall be reserved for restricted to nonresidential uses, except as specified below:~~

Dwelling units shall be allowed on ground floors of a buildings ~~if:~~

~~(a) The building that is set behind another a mixed-use building that has business commercial uses on the ground floor and residential on other floors so long as the building set behind does not face a public way; or (b) The residential portion of the ground floor of a building is set behind street front nonresidential uses within the same building.~~

II. By amending Chapter 650 (Zoning), Section 650-26 (Affordable Housing), to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

§ 650-26. Affordable housing.

A. This section 650-26 shall apply to all developments that result in or contain eight (8) or more dwelling units, in all zoning districts, for the following types of uses: multifamily dwelling(s) or mixed-use development containing multifamily dwelling(s). This section shall apply as set forth above unless an exception is otherwise stated in this section 650-26. Compliance with this section shall be made a condition of any special permit or site plan approval that is required for the development. All special permits granted to applicants to construct multifamily dwellings thereby increasing the number or density of residential dwellings to a number or level greater than that allowable as a matter of right under the zoning classification for the subject parcel shall require the following.

(1) Developments of 20-8 or more units.

- (a) Number of on-site affordable units. TheA development subject to this Section 650-26 shall-i) provide that at least 15% of the dwelling units to be constructed for homeownership or rental purposes will be made available at affordable prices to home buyers or renters. If a development results in or contains twenty (20) or more dwelling units, then at least 20% of the dwelling units shall be made available at affordable prices, rather than 15%.; or ii) if authorized by a majority of the City Council, provide a sum not less than \$50,000 per affordable dwelling unit that would have been required in Item i) above to be deposited as directed by the City Council into the fund for economic development created by Chapter 126 of the Acts of 2011 or into another fund designated by the City Council.; If when applying the specified percentage to the total number of units to determine the required number of affordable units, the resulting number of affordable units includes a fraction of a unit, this fraction, if equal to or over one-half, shall be rounded up to the next whole number.
- (b) Local preference. The development plan shall provide that all legally permissible efforts shall be made to provide 70% of the affordable dwelling units to eligible residents of the City of Marlborough.
- (c) Distribution of affordable units. Dwelling units to be sold or rented at affordable prices shall be integrated into the overall development to prevent physical segregation of such units.
- (d) Appearance. The exterior of the affordable units shall be designed to be compatible with and as nearly indistinguishable from the market rate units as possible.

- (e) Minimum and maximum floor areas. Affordable housing units shall have a gross floor area not less than the minimum required by the State Department of Housing and Community Development under the regulations created under the authority of MGL Chapter 40B.
- (f) Period of affordability. Limitations and safeguards shall be imposed to ensure the continued availability of the designated affordable units ~~for a minimum of 99 years or~~ in perpetuity. Such limitations and safeguards may be in the form of deed restrictions, resale monitoring, requirements for income verification of purchasers and/or tenants, rent level controls and the like.
- (g) Limitation on change in affordability. In no event shall any change in affordability occur if the minimum percentage of affordable units required in the entire City under MGL Chapter 40B has either not been met at that time or such change in affordability would cause the City to fall below that percentage.
- (h) Staging of affordable and market-rate units. No more than 50% of the building permits for the market-rate units shall be issued until construction has commenced on 30% of the affordable units. No more than 50% of the occupancy permits for the market-rate units shall be issued until 30% of the occupancy permits for the affordable units have been issued. The City Council may modify this provision for developments under 50 units.
- ~~(i) Alternate site. The City Council may allow the developer to build some or all of the affordable housing required by Subsection A(1)(a) on an alternate site within the City, provided that the City Council determines that this is in the best interest of the City and orders that this specific condition be attached to the special permit. The location of the alternate site shall either be specified at the time of approval for the special permit or selected within six months of said application and shall then be subject to approval by the Housing Partnership Committee or its successor, by the City Council if otherwise required by this Zoning Ordinance and by any other proper authority as may be required by law. The development of the alternate site shall comply with Subsection A(1)(b), (e), (f), (g), (h) and (j) of this section, and the staging of development on the alternate site shall be governed by Subsection A(1)(h) applied to all units on both the main and alternate sites.~~
- ~~(j) Guaranty of performance. No certificate of occupancy shall be issued for any unit within a development subject to this section until all actions necessary to preserve the affordability of the affordable units in compliance with this section and include the affordable units on the subsidized housing inventory, including without limitation, a deed restriction, regulatory agreement and declaration of restrictive covenants, and/or any other restrictive instrument necessary, and all other required documentation, have been executed and registered or recorded by the developer, in a form satisfactory to the City Solicitor. The City Council shall require security in a form satisfactory to the City Council and City Solicitor to guarantee performance, including preservation of affordability, under this subsection, and no building permit shall be issued until and unless said security has been provided.~~
- ~~(2) Developments of 19 or fewer units. All provisions of Subsection A(1) above applicable to 20 or more units may also be applied to developments of 19 or fewer units as the City Council finds practical.~~



(32) The provisions of this section shall not apply to a special permit for an existing retirement community, or the expansion of an existing retirement community as governed by §§ 650-21 and 650-22. This subsection will be effective pursuant to the applicable provisions of Chapter 40A of the General Laws.

(4) ~~The provisions of this section shall not apply to projects which are granted special permits within the Marlborough Village District.~~

III. By amending Chapter 650 (Zoning), Section 650-37 (Special Provisions Applicable to the Wayside Zoning District), Subsection H(4)(a), entitled “Mixed Uses”, by inserting the following sentence at the end of the existing subsection: Floor usage in a mixed-use development shall conform to subsection (2) of the definition of “Mixed Use” set forth in Section 650-5(B).

IV. The effective date of these amendments shall be the date of passage.

**APPROVED;** adopted.

**First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.**

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED That the Request for Approval of a Flat Wall Sign, Harry’s Construction, 561 Boston Post Road East, within the Wayside District, **APPROVED;** adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED That there being no objection thereto set **MONDAY APRIL 10, 2023**, as the **DATE FOR PUBLIC HEARING**, on Application for a Special Permit from Attorney Sem Aykanian, on behalf of SUCIU LLC, d/b/a Exela Storage, to add additional storage units to a nonconforming storage facility to be located at 846 Boston Post Road East within the Wayside District, referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE;** adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 8:15 PM; adopted.