

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 27, 2023

The regular meeting of the City Council was held on Monday, March 27, 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 8:28 PM.

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

ORDERED: That the Minutes of the Special City Council Meeting, MARCH 13, 2023, **FILE**; adopted.

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

ORDERED: That the Minutes of the City Council meeting, MARCH 13, 2023, **FILE**; adopted.

That the PUBLIC HEARING on the Application for a Special Permit from Connorstone Engineering, on behalf of Trombetta Family Limited Partnership, to allow the use of an existing Contractor/Landscape Contractor Yard within the LI district to be located at 655 Farm Road, Order No. 23-1008824, all were heard who wish to be heard, hearing closed at 8:14 PM, adopted.

Councilors Present: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.

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

ORDERED: That the Communication from Councilors Ossing & Wagner, re: Municipal Aggregation – March 2023 Update, **FILE**; adopted.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$2,000,000.00 from the MassWorks Infrastructure Program awarded to the Department of Public Works to fund roadway improvements on Cedar Hill Street; adopted.

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

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street, referred to **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, Antoine Bitar, d/b/a Hannoush Jewelers, 601 Donald J. Lynch Boulevard, referred to **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, Best Buy Stores LP #820, d/b/a Best Buy, 769 Donald J. Lynch Boulevard, referred to **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License Gerald Dumais, d/b/a Dumais & Sons Secondhand Store, 65 Mechanic Street, referred to **PUBLIC SERVICES COMMITTEE**; adopted.

Councilor Dumais Recused.

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

ORDERED: That the Communication from MA Department of Public Utilities, re: Petition of MA Electric and Nantucket Electric d/b/a National Grid for Approval of their 2023 Energy Efficiency Reconciling Factors for effect May 1, 2023, **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) Planning Board, January 23, 2023 & February 13, 2023.
- b) Traffic Commission, November 30, 2022.

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

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

- a) Andre Blais, 8 Houde Street, residential mailbox claim (2a).
- b) Vuong Duong, 24 Marien Lane, pothole or other road defect.

Reports of Committees:

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

**City Council Urban Affairs Committee
Monday, March 15, 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.

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

Other Councilors Present: Councilor Ossing.

Also present for the applicant were Mary L. Kilcommons, Director of Operations Alliance Health Management Services, LLC; Stephen Copper, Executive Director, Alliance Health at Marie Esther; and Katherine Robinson, Senior Associate LWDA Design.

Order No. 22-1008768 Application for a Special permit from Stephen Copper, on behalf of Alliance Health & Human Services to renovate 10,490 sf of an existing building to provide 12 additional rest home beds at 720 Boston Post Road East within the Wayside Zoning District.

The chair stated the required public hearing was opened and closed on January 23, 2023, without support, opposition or questions heard from abutters or other members of the public. Although this work has been completed, the Building Commissioner notified the applicant that a special permit was required as this was an extension of a pre-existing, nonconforming convalescent/nursing home use. The applicant provided a draft Decision which was sent to managers for review with Priscilla Ryder, conservation/sustainability officer, replying she had no issues with the proposal. The chair reviewed the draft decision with the committee. A change was made to the condition #2. Future site changes to strike the word **may** and insert the word **shall**, to read "shall be subject to site plan review."

Councilor Navin moved to recommend approving the grant of a special permit to expand the pre-existing nonconforming convalescent/nursing home use together with decision as amended; motion was seconded, and vote carried 5-0.

The chair explained this would be reported out of committee at the council's March 27 meeting with a request for a suspension of rules so this could be referred to solicitor to be put in proper form for the April 10, 2023, meeting.

Councilor Doucette moved to adjourn; it was seconded and carried 5-0. The meeting was adjourned at 7:12 PM.

**City Council Urban Affairs 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.

Reports of Committees:

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

Other Councilors present: Councilor Brown, Oram, and Ossing.

Present for the applicant were Brian Falk, Attorney, Mirick O'Connell; Will Adams, Principal @ JW Capital Partners, LLC; Chris Dandreo, Procopio Companies; Bruce Saluk, Site Engineer; and Robert Michaud, P.E., Managing Principal MDM transportation Consultants, Inc.

Order No. 22-23-1008649 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.

The chair called the meeting to order reminding everyone that this meeting was called to give the applicant an opportunity to further detail its parking study and councilors to ask questions and for Procopio to provide information on sites it has developed in similar size where less parking was provided with minimal impact.

The chair described new documentation provided to councilors, including additional information from her regarding the sites that Procopio provided, a letter from Paul Donhauser, VP Global Real Estate, Facilities Operations, Environment, Health & Safety @ Boston Scientific (read into record by Attorney Falk), a report from Councilor Ossing of previous downtown project approvals with the number of bedroom units, parking spaces required, spaces provided and number to be paid in-lieu, and a news article from Mayor Vigeant with information from Haverhill mayor's State of city address.

The applicant provided a document with information on their projects in Lynn w/comparable sites in Haverhill and Everett as well as new Site Plan Approval with Conditions document that included:

- the latest set of plans as revised March 22, 2023, and Landscape Plan revised October 24, 2022
- amendment to Green Design adding in (b) applicant shall use best effort to provide all-electric utilities in non-residential portion of project
- amending G 1. Payment in Lieu of Parking to list parking spaces provided at 28 which changes number to have payment in-lieu of to 60, and the amount to be paid in-lieu if a car-share service was provided to be \$520,000
- Amending G 2. Off-site Parking to delete "Options to be considered may include amending the regulations to allow for sticker system or other method to achieve parking needs."

Mr. Michaud provided a packet with parking demand information using 3 city lots-Court Street Garage, South Bolton Street surface lot and 55 Bolton Street surface lot with a study taken the 3rd week of December 2022 on a Tuesday, Friday, and Saturday as well as some offsite demand information. Councilors asked questions and expressed opinions around the new normal of people working at home, current residents using the parking garage during winter street parking ban, and whether the new Bolton St. lot has an overnight restriction.

Discussion continued on the information provided regarding Procopio's sample projects in Lynn, both near transit stations comparing them to Marlborough with no transit station. The chair asked the applicant why they were proposing 99 units when the prior project at the site was approved for 55 units; applicant responded it wasn't financially feasible for them. There was a lengthy conversation on the type of housing in the project and the need or lack thereof for cars by the type of renter they are targeting.

Reports of Committees:

The chair suggested that language be included to specify where the funds from the payment in-lieu will go to ensure the proper handling of the funds as specified in the zoning ordinance. It was agreed to ask solicitor to add the following language to the site plan decision, “that prior to final certificate of occupancy the payment of \$520,000 shall be deposited into a fund called the ‘City of Marlborough Downtown Parking’ account.”

Councilor Navin moved to recommend to deny the Site Plan for JW Capital Partners, LLC as amended. Before a second was offered, there was discussion whether the applicant was willing to come back with change to number of units and parking. The applicant stated that to reduce the project by a whole floor is not financially viable and they proposed a project that met the regulations for mixed-use in the Marlborough Village District. **The chair offered a second to motion to recommend denial.** After further discussion, the chair called for a vote. To help clarify the vote, **the chair stated the vote-those in favor of recommending denial of Site Plan as amended were Councilor Navin & Robey; those not in favor of recommendation to deny were Councilor Doucette, Landers, and Wagner. The recommendation to deny the Site Plan for JW Capital Partners, LLC, as amended, did not carry 2-3.**

Councilor Navin suggested this be reported out without a recommendation of the committee; however, **Councilor Wagner moved to approve the Site Plan for JW Capital Partners, LLC as amended, (to include the establishment of the City of Marlborough Downtown Parking account), Councilor Doucette gave second. The chair called the vote-voting in favor of motion to recommend approval were Councilors Landers, Doucette, and Wagner and those voting not in favor of recommendation to approve were Councilors Navin and Robey. The recommendation to approve the Site Plan for JW Capital Partners, LLC, as amended, carried 3-2.**

The chair stated that with 1 abstention, there will be ten members voting with 6 votes needed for approval. This will be reported out at the March 27th council meeting with request to suspend rules to refer to solicitor to put in proper form and include language to create an account for the parking funds and be placed for vote of council on April 10th.

Councilor Doucette moved to adjourn, the motion was seconded and carried 5-0. The meeting was adjourned at 9:30 PM.

Suspension of the Rules requested – granted.

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

ORDERED: That the Application for Special Permit from Stephen Copper, on behalf of Alliance Health & Human Services to renovate 10,490 sf of the existing building to provide twelve (12) rest home beds at 720 Boston Post Road East within the Wayside District, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE APRIL 10, 2023, COUNCIL MEETING**; adopted.

Suspension of the Rules requested – granted.

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

ORDERED That the Application for Site Plan Review as amended from Attorney Brian Falk, on behalf of JW Capital Partners, LLC, for a mix-use project at 57 Main Street in the Marlborough Village District, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE APRIL 10, 2023, COUNCIL MEETING**; 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 the Urban Affairs Committee vote on March 13, 2023, the City Solicitor is requested to create an Order to amend Chapter 650 “Zoning” regarding the affordability (% of Area Median Income/AMI) levels and corresponding rent using the Housing and Urban Development Metropolitan Fair Market Rents (FMR) Area that includes Marlborough, **APPROVED**; adopted.

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

ORDERED That the City Council authorizes increasing the maximum amount that may be expended from the Public Safety Revolving Fund during fiscal year 2023 as set forth in Council Order No. 22-1008604B-1, from \$120,000.00 to \$203,000.00, **APPROVED**; 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 8:28 PM; adopted.