

### 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, SEPTEMBER 11, 2023**

The regular meeting of the City Council was held on Monday, September 11, 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 10:25 PM.

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

**ORDERED:** That the Minutes of the City Council meeting, August 21, 2023, **FILE**; adopted.

That the PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install a new joint owned Pole (Pole 3-5) on High Street approximately 300' east of the centerline of the intersection of High Street and Bolton Street and to install a new Manhole (1) and underground conduit from Pole 3-5 to new Manhole (1) and to existing Transformer 1-2 on Exchange Street, Order No. 23-1008950, **CONTINUED UNTIL SEPTEMBER 18, 2023, AT 8:00 PM**; adopted.

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

That the PUBLIC HEARING on the Proposed Amendment to City Code, Chapter 650 "Zoning" by adding a new section to create the "Sasseville Way Residential Overlay District", Order No. 23-1008941, all were heard who wish to be heard, hearing closed at 9:57 PM; adopted.

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

President Ossing called a recess at 9:57 PM and returned to open meeting at 10:02 PM.

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

**ORDERED:** That the Communication from the Mayor, re: Notification of Temporary Appointment pursuant to MGL Chapter 41 §61A of Theodore L. Scott as Interim Commissioner of the Department of Public Works effective August 22, 2023, for a 60-day term, **FILE**; adopted.

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

**ORDERED:** That the Communication from the Mayor, re: Notification of Temporary Appointment pursuant to MGL Chapter 41 §61A of Christopher J. Firicano as Interim Director of Finance effective September 5, 2023, for a 60-day term, **FILE**; adopted.

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

**ORDERED:** That the Communication from the Mayor, re: Certification of Free Cash in the amount of \$12,003,558.00, **FILE**; adopted.

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

**ORDERED:** That the Transfer Request in the amount of \$1,200,355.80 which moves funds from Undesignated Fund (Free Cash) to OPEB Trust, pursuant to the financial policies of the city, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Mayor				FISCAL YEAR:	2024		
		FROM ACCOUNT:				TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$12,003,558.00	\$1,200,355.80	10000	35900	Undesignated Fund	\$1,200,355.80	87500	35900	OPEB Trust	\$18,149,273.14
	Reason:	Transfer funds to OPEB trust							
	\$1,200,355.80	Total			\$1,200,355.80	Total			

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

**ORDERED:** That the Transfer Request in the amount of \$1,200,355.80 which moves funds from Undesignated Fund (Free Cash) to Undesignated Stabilization, pursuant to the financial policies of the city, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Mayor				FISCAL YEAR:	2024		
		FROM ACCOUNT:				TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$12,003,558.00	\$1,200,355.80	10000	35900	Undesignated Fund	\$1,200,355.80	83600	35900	Undesignated Stabilization	\$19,222,931.50
	Reason:	To increase undesignated stabilization funds							
	\$1,200,355.80	Total			\$1,200,355.80	Total			

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

ORDERED: That the Transfer Request in the amount of \$4,925,000.00 from Undesignated Fund (Free Cash) to Public Safety Equipment, for Public Safety Communication upgrades, referred to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Fire/Police				FISCAL YEAR:	2024		
		FROM ACCOUNT:				TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$12,003,558.00	\$4,925,000.00	10000	35900	Undesignated Fund	\$4,925,000.00	19300006	57160	Public Safety Equipment	\$0.00
	Reason:	For emergency communications systems and public safety equipment							
	\$4,925,000.00	Total			\$4,925,000.00	Total			

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

ORDERED: That the Proposed Easement for a parcel of land at South Bolton and Main Street, Map 70, Parcel 126 in addition to a Gift Acceptance from the Marlborough Historical Society, referred to the **LEGISLATIVE & LEGAL AFFAIRS COMMITTEE**; adopted.

**Councilor Landers Recused.**

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

ORDERED: That there being no objection thereto set **MONDAY OCTOBER 23, 2023**, as the **DATE FOR PUBLIC HEARING**, on the Application from Barlo Signs on behalf of Kennedy's Restaurant and Market for installation of a Free-Standing EMC Sign at 247 Maple Street, referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

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

ORDERED: That the Communication from Attorney Brian Falk on behalf of New England LLC, re: Proposed Zoning Amendment to Chapter 650 "Zoning" to amend §22 "Retirement Community Overlay Districts" to include Map 39, Parcels 5 and 26B located on Robin Hill Street currently located in the LI District to accommodate an over 55 community combining both townhouse and multifamily components for a new condominium ownership neighborhood, referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, OCTOBER 23, 2023**; adopted.

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 AS FOLLOWS:

1. By amending the Zoning Map established by Section 650-8, “Boundaries Established; Zoning Map”, by superimposing the Retirement Community Overlay District, RCO-D/T and RCO-MF, over Assessors Map 39, Parcels 5 and 26B; and
2. By amending certain provisions of Section 650-22, “Retirement Community Overlay Districts”, as follows (new text underlined, deleted text in ~~strikethrough~~):

**§ 650-22. Retirement Community Overlay Districts.**

- A. Purpose. The purpose of the Retirement Community Overlay District shall be to advance the public health, safety and welfare by providing for the development of retirement communities that provide housing choices for persons aged 55 or over 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 and supportive services, will provide an appropriate environment for a retirement community.  
[Amended 4-8-2019 by Ord. No. 18/19-1007452G]
- B. Location. For the purposes of this section, a Retirement Community Overlay District shall be considered superimposed on the other districts existing at the time that any land in any said underlying district is also included in the Retirement Community Overlay District. The rezoning of any or all of the land included in the Retirement Community Overlay District from one underlying zoning classification to another shall not affect its inclusion in the Retirement Community Overlay District, unless said land is specifically removed from the said Retirement Community Overlay District.
- C. Permitted uses. All permitted uses must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein or as otherwise approved by the City Council as part of the Special Permit process. 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-detached and townhomes ~~or and~~ a retirement community-multifamily, as defined in § 650-5 except as otherwise set forth herein, consistent with the following provisions:  
[Amended 3-10-2003 by Ord. No. 03-9944B; 4-25-2011 by Ord. No. 11-1002806-1A; 4-8-2019 by Ord. No. 18/19-1007452G]
  - (1) Retirement community - detached and townhomes (RCO-D/T).
    - (a) No building in an RCO-D/T community shall be more than 2 1/2 stories in height.

- (b) Each building in an RCO-D/T community shall face either upon an existing street or upon a public or private way constructed within said RCO-D/T community and shall have a minimum front yard of no less than 20 feet from the edge of the paved way to the closest point of the structure and a side yard of not less than 10 feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least 10 feet distant from any other building by airline distance between the nearest points of the buildings.
- (c) No dwelling in an RCO-D/T community shall contain less than 1,000 square feet of living area or more than 2,400 square feet of living area.
- (d) All dwelling units in an RCO-D/T community shall be detached from the others or attached only along side walls in the so-called "townhouse" style.
- (e) The lot or lots on which an RCO-D/T community is located shall contain, on a consolidated basis, at least 7,000 square feet per housing unit.
- (f) No part of any principal building in an RCO-D/T community shall be less than 25 feet from any exterior lot line or less than 50 feet from the side of any public way.
- (g) Each dwelling unit in an RCO-D/T community shall have its own attached yard area.
- (h) Required off-street parking for each dwelling unit in an RCO-D/T community shall be adjacent thereto. Each unit shall be required to provide at least one parking space inside a garage and an additional space in front of a garage, said garage to be attached to said unit. The City Council may, as a condition of its special permit, require additional off-street parking areas to be used in common by dwelling unit owners and their invitees. In addition, the City Council may, as a condition of the special permit, require the adoption of legally enforceable condominium bylaws or other similar regulations to limit or prohibit the presence in an RCO-D/T community, either entirely or except in designated locations, of boats, boat trailers, campers, or other recreational vehicles.
- (i) Maximum combined lot coverage in an RCO-D/T community shall not exceed 40% of the total lot size.
- (j) Each lot or contiguous lots upon which an RCO-D/T community is located shall have total frontage on an existing public way of at least 250 feet. Each lot or combination of lots shall have a total size of not less than 10 acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial.
- (k) The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding RCO-D/T 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 an RCO-D/T community and limiting or prohibiting the presence in a RCO-D/T 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.

- (l) The City Council may, as a permit condition, require that a proposed RCO-D/T community be constructed entirely on one lot, and that, from and after the date of the issuance of the building permit for said community or any portion thereof, no subdivision of said lot 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.
- (m) No unit in an RCO-D/T community shall have more than three bedrooms.
- (n) If an RCO/DT community is proposed which contains at least 30 acres of land, the following provisions shall supersede those found elsewhere in § 650-22:
  - [1] The lot or lots on which an RCO/DT community is located shall contain at least 5,000 square feet per unit in the RCO/DT community;
  - [2] Maximum lot coverage in the RCO/DT community shall not exceed 50% of the total lot size, excluding from the lot size any land which, prior to development of the site as a RCO/DT community, would be defined as a "resource area," as that term is defined in MGL c. 131, § 40.
  - [3] Each lot or contiguous set of lots upon which a RCO/DT community is located shall have total frontage on an existing public way, or on a private way laid out by the City Council pursuant to MGL c. 82, § 21, of at least 250 feet; provided, however, that said frontage need not be continuous.
- (2) Retirement Community - Multifamily (RCO-MF).
  - (a) The total area of the tract of contiguous parcels to be developed as an RCO-MF shall not be less than 10 acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial and be located: **(i) within the area that lies within the perimeter of the following roadways: commencing at the Fitchburg Street intersection at the Route 85/290 Connector Road; then west along the Route 85/290 Connector Road to the intersection of Route 495; then south along Route 495 to where it passes over the intersection with Berlin Road; then southeasterly along Berlin Road to the intersection with West Hill Road; then easterly along West Hill Road to the intersection with Pleasant Street; then north along Pleasant Street to the intersection with Fitchburg Street; then north along Fitchburg Street to the intersection with the Route 85/290 Connector Road, all of said land being in reasonable proximity to the UMass Memorial Marlborough Hospital and the interstate highway intersection of Route 495 and Route 290; or (ii) within an area designated by the City Council through an amendment to the Zoning Map.**
  - (b) An RCO-MF may contain one- and two-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, barbershop, personal banking services, offices and accessory uses or structures, concierge and valet services, third-party vendor services, and recreation facilities.

- (c) No building in an RCO-MF shall be more than ~~three~~ four stories in height. **Subsurface parking levels shall not be considered a story, and there shall be no limitation on building height beyond the maximum of four stories.**
- (d) The total number of multifamily dwelling units in an RCO-MF shall be limited to 12 units per acre, **which may be located in multiple multifamily buildings within an RCO-MF and on a single parcel.**
- (e) No part of any principal building in an RCO-MF shall be less than 50 feet from any exterior lot line or less than 100 feet from any municipal public way.
- (f) Maximum combined lot coverage in an RCO-MF, including any permitted accessory structures, shall not exceed 40% of the tract or contiguous parcels.
- (g) The tract or contiguous parcels upon which an RCO-MF is located shall have a minimum total frontage on an existing public or private way of at least 200 feet.
- (h) The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding RCO-MF 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.
- (i) The City Council may, as a permit condition, require that a proposed RCO-MF 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.
- (j) A minimum of 1.0 parking space per dwelling unit shall be provided in an RCO-MF. Attached and detached garages shall count toward this parking requirement.
- (k) No dwelling unit in **a multifamily building with three or more stories** **in** an RCO-MF shall contain less than 500 square feet of living area or more than ~~1,300~~ **1,600** square feet of living area.
- (l) No building in an RCO-MF 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.

- (m) In an RCO-MF, 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
  - (n) vegetated areas, woodlands, wetlands and floodplain areas.
- (3) **Retirement Community – Combined RCO-D/T and RCO-MF.**
- (a) **The City Council may, by special permit, authorize a retirement community development with combined RCO-D/T and RCO-MF components on a single parcel or more than one contiguous parcel.**
  - (b) **The City Council may, by special permit, elect to vary the dimensional, parking, design, open space, and landscaping requirements applicable to a combined RCO-D/T and RCO-MF retirement community development upon finding that such change shall result in an improved design and will not nullify or substantially derogate from the intent or purpose of this section (§650-22 et seq.). This authority continues subsequent to occupancy.**

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

ORDERED: That there being no objection thereto set **MONDAY OCTOBER 2, 2023**, as the **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Brian Falk, on behalf of Somar Landscape, Inc., to construct and operate a Landscaper's Yard at the Airport Industrial Park, 59 Airport Boulevard, Unit 16, referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**; 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, June 27, 2023 & August 2, 2023.
- b) Conservation Commission, August 3, 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) Adam Foss, 9 Bellflower Road, Billerica, pothole or other road defect.
- b) Samantha Graham, 655 Boston Post Road, #2211, Sudbury, pothole or other road defect.
- c) Lori & Doug McCray, 12 Pioneer Trail, other property damage and/or personal injury.
- d) Verizon Post Office Box 60770, Oklahoma City, OK, other property damage and/or personal injury.

Councilor Landers reported the following out of the Public Services Committee:

**City Council Public Services Committee  
September 6, 2023  
Minutes and Report**

This meeting convened at 7:15 PM in the City Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page ([www.marlborough-ma.gov](http://www.marlborough-ma.gov)).

Voting members present: Chair Landers, Councilor Irish and Councilor Brown.

Other Councilors present: Councilors Navin, Robey, Wagner; Councilor Doucette arrived at 7:18 PM.

Jeff Silva was present for National Grid to address the petition.

**Order No. 23-1008940: Petition from Mass Electric and Verizon New England to install two new jointly owned poles, #22-25, and #22-26, on Forest Street approximately 1500' east of the centerline of the intersection of Forest Street and Sandini Road to serve a new building at 201 Forest Street.**

Jeff Silva from National Grid arrived to address the petition replying to Chair Landers that the work was likely 4-6 weeks out.

Chair Landers read the input from City Engineer DiPersio, dated September 1, 2023, stating he was without issue to the petition of Massachusetts Electric and Verizon New England subject to attached standard conditions for utility petitions.

Chair Landers read the standard conditions into the record.

On a Motion by Councilor Irish, seconded by the Chair, the Public Services Committee recommends approval of the petition from Mass Electric and Verizon New England to install two new jointly owned poles #22-25 and #22-26 on Forest Street approximately 1500' east of the centerline of the intersection of Forest Street and Sandini Road to service a new building at 201 Forest Street. Vote 3-0

On a motion by Councilor Brown and seconded, the meeting adjourned at 7:22 PM.

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

**City Council Urban Affairs Committee  
September 6, 2023  
Minutes and Report**

This meeting convened at 7:15 PM in the City Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page ([www.marlborough-ma.gov](http://www.marlborough-ma.gov)).

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

Other Councilors present: Councilor Irish. Councilor Perlman arrived for the second order.

Others present are listed with the order.

Reports of Committee Continued:

**Order No. 23-1008826: Application for Special Permit from Rick Marino, Trustee on behalf of Marco Realty Trust to expand a pre-existing nonconforming use pursuant to City Code Chapter 650 “Zoning” 12 (B) in the Marlborough Village District (MV) at 13-15 Mechanic Street.**

The chair welcomed property owner, Rick Marino, his attorney, David Click, and engineer, David Marquedant. The chair read through the comments from the managers asking if the petitioners had copies; they did and had no issues adding the language to the special permit decision. The first amendment from the Building Commissioner was to add language that the applicant shall maintain and provide access for 7-9 Mechanic Street Right of Way per approved recorded plans; and the second amendment from the Conservation and Sustainability Officer was to Landscaping to read: As part of the Site Plan Review submittal additional plantings may be required beyond that specified in the zoning code in order to improve the site appearance on this prominent and visible section of Mechanic Street and Main Street.

The chair read through the Special Permit suggesting additional language be added that there would be no sale of cars on this site, there would be no operation on the site on Sunday, and there would be no outdoor storage on the site.

Councilor Wagner stated her strong objection to approving the special permit and the requested expansion of the business as the City Council had rezoned downtown (in 2014) and auto sales and repair were no longer a permitted use in the Marlborough Village District. Other councilors were in favor of allowing the expansion noting the wide community support of the owner and his business practices. Councilor Doucette moved to approve the Decision to Grant a Special Permit as amended; the motion was seconded. The motion carried 4-1 (Wagner opposed).

The chair stated she would ask for a suspension of the rules at the upcoming Council Meeting on Sept. 11 to have this referred to the solicitor to be put in proper form and it would be on a future council agenda for the council to vote on the special permit.

**Order No. 23-1008939: Application for Special Permit from George Voyiatzis to convert an existing structure into a multi-family residential building consisting of seventeen (17) units in the Neighborhood Business District (NB) at 358 Lincoln Street.**

Present for the applicant were Attorney Brian Falk and Mr. Voyiatzis.

The chair read through the managers comments. Attorney Falk had provided an updated copy of the Special Permit that included comments from managers, specifically those of Conservation and Sustainability officer to add a new condition #6: Landscaping and Screening: The Site Plan Review Committee shall review the Site’s landscaping and screening and shall be authorized to require additional fencing or landscaping as needed to provide appropriate buffers and screening for the adjacent properties and future residents of this project; changing #6 to #7 and adding the following language from the City Engineer: The landscaping shown on the approved site plan within easement areas shall be maintained in perpetuity as part of the 358 Lincoln Street property maintenance.

Councilors were supportive of this project and excited about its impact on Lincoln Street. Questions were asked about traffic impacts during construction and were told the parking lot would be used to stage and there would be no need to open Lincoln Street for any utility connections so there should be minimal impact during construction which is expected to take 18 months to complete.

Councilor Doucette moved to approve the Draft Special Permit with the amendments offered by the managers, the motion was seconded and carried 5-0.

Reports of Committee Continued:

The chair stated this would be reported out at the Monday, Sept. 11 council meeting with request to suspend the rules to refer to solicitor with it being on a future agenda for a vote.

Councilor Doucette moved to adjourn; it was seconded and carried 5-0. The meeting adjourned at 8:18 pm.

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

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

ORDERED: At the Regular Meeting of the Marlborough City Council held on September 11, 2023, the following bond, **ORDERED ADVERTISED**; adopted.

**PUBLIC SAFETY EQUIPMENT BOND**

That the sum of \$4,925,000.00 (four million nine hundred twenty-five thousand dollars) be and is hereby appropriated for emergency communication systems and public safety equipment.

That to meet said appropriations, the Finance Director/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$4,925,000.00 under and pursuant to the provisions of Chapter 44, Section 7(1) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough (the “City”) therefor; 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 costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**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 George Voyiatzis to convert an existing structure into a multi-family residential building consisting of seventeen (17) units in the Neighborhood Business District (NB) at 358 Lincoln Street, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE SEPTEMBER 18, 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 the Application for Special Permit from Rick Marino, Trustee on behalf of Marco Realty Trust to expand a pre-existing nonconforming use pursuant to City Code Chapter 650 “Zoning” 12 (B) in the Marlborough Village District (MV) at 13-15 Mechanic Street, be further amended as follows:

**Finding of Facts Original**

3. In accordance with Article IV, Section 650-12.B, of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), the Applicant proposes certain non-structural modifications to the preexisting nonconforming garage (including improving the front façade, installing two garage doors along the side of the building, installation of a bathroom along with an equipment storage platform and three automotive lifts all within the existing structural envelope) in addition to a modification in the preexisting nonconforming use at the Site (namely, residential/commercial/auto glass repair, replacement or installation) to strictly a general auto repair use including but not limited to Brake service and repairs, Fluid changes, Electrical, Alternator, Battery, Wheels, Tires, Alignment, Balance, Hoses, Belts, Suspension, Steering repairs, Emission diagnostics and repairs, Car Care (detail and cleaning), Powertrain diagnostics, repairs and replace, Water pumps, Timing belts, Seals, Gaskets, Air conditioning repairs and replacement, Auto glass, Window motors and Regulators, Hybrid diagnostics and repairs, Maintenance and tuning, Exhaust, Cooling system replacements including radiators, Wheel bearings, Mirrors, and minor autobody related items such as replacement of broken Headlights and assemblies, Brake light, Tail light, Fog light and assemblies (the “Use”). As shown on the Plans referenced in paragraph 5 below, the Use consists of an existing metal commercial garage to contain the general automotive repair operation, accessory parking area, and front landscaped area along Mechanic Street.

**New proposed-**

3. In accordance with Article IV, Section 650-12.B, of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), the Applicant proposes to make certain non-structural modifications to the existing garage at the property including improving the front façade, installing two garage doors along the side of the building, new bathroom, equipment storage platform and three automotive lifts all within the current structural envelope for the purposes of conducting automobile repair services to complement and serve as an expansion of the ongoing use of automotive repairs at applicant’s abutting property at 19 Mechanic Street.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS AND TAKES THE FOLLOWING ACTIONS****B. original-**

The City Council finds that the proposed non-structural modifications to the garage and the general auto repair use would not be substantially more detrimental to the neighborhood than the existing auto repair/garage use of the Site.

**Proposed new-**

The City Council finds that the proposed non-structural modifications to the garage and the general auto repair use would not be substantially more detrimental to the neighborhood than the existing glass repair use of the Site.

E. SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

**Original**

4. Operations. All auto repair activities shall take place indoors. All loading and unloading shall take place within the Site and not on Mechanic Street, and no deliveries of materials or equipment or shipments from the Site shall be permitted on Sunday. The maximum hours for auto repair activities (excluding administrative and maintenance operations, and employees arriving and leaving before and after shifts) shall be Monday through Saturday from 7:00 a.m. to 7:00 p.m.

**New**

Operations. All auto repair activities shall take place indoors. All loading and unloading shall take place within the Site and not on Mechanic Street, and no deliveries of materials or equipment or shipments from the Site shall be permitted on Sunday. The operating hours shall be Monday through Saturday from 7:00 a.m. to 7:00 p.m. There shall be no operation of business on Sunday. No sale of cars shall be allowed at this site. No outside storage is allowed on the site.

Be and is herewith **APPROVED**; adopted.

**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 Rick Marino, Trustee on behalf of Marco Realty Trust to expand a pre-existing nonconforming use pursuant to City Code Chapter 650 “Zoning” 12 (B) in the Marlborough Village District (MV) at 13-15 Mechanic Street, as amended, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE SEPTEMBER 18, 2023, COUNCIL MEETING**; 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 10:25 PM; adopted.