

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, OCTOBER 2, 2023

The regular meeting of the City Council was held on Monday, October 2, 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 8:14 PM.

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

ORDERED: That the Minutes of the City Council meeting, September 18, 2023, **FILE**; adopted.

That the PUBLIC HEARING on the Proposed Zoning Amendment to Chapter 650 “Zoning” of the Code to add a new section to create the “Red Spring Road Overlay District” (RSR), Order No. 23-1008951, **CONTINUED UNTIL OCTOBER 23, 2023, AT 8:00 PM**; adopted.

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

Councilor Oram Recused.

That the 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, Order No. 23-1008965, be and is herewith **RESCHEDULED TO OCTOBER 23, 2023, AT 8:00 PM**; adopted.

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

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

ORDERED: That the Communication from City Clerk Steven Kerrigan, re: Preliminary Municipal Election Call, **FILE**; adopted.

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

ORDERED: That the Request for Approval of a Master Sign Plan for various internally illuminated wall and free-standing signs for Green Gold Group at 910 Boston Post Road East within the Wayside District, referred to **URBAN AFFAIRS COMMITTEE**; adopted.

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

ORDERED: That the Communication from the Department of Environmental Protection, re: Adoption of new regulations relating to reporting requirements for large entity vehicle fleet owners, referred to **MAYOR, DEPARTMENT OF PUBLIC WORKS, CONSERVATION OFFICER AND FILE**; adopted.

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

ORDERED: That the Communication from Ambri Incorporated, re: Notification of upcoming layoff of employees pursuant to the Worker Adjustment and Retraining Notification Act of 1988 (WARN) at 53 Brigham Street, **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, September 12, 2023.
- b) Conservation Commission, September 7, 2023.
- c) Planning Board, August 21, 2023.
- d) Traffic Commission, June 28, 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) Brenda Stacey, 132 Meetinghouse Road, Hingdale, NH, pothole or other road defect.
- b) Nicholas Schiappa, 59 Minehan Lane, other property damage and/or personal injury.

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

**City Council Public Services Committee
September 26, 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).

Voting members present: Chair Landers, Councilor Irish and Councilor Brown.
Also present were: Councilors Ossing and Robey.

Al Galvin from National Grid addressed the petition.

Order No. 23-1008950: Petition of Mass Electric and Verizon to install new joint owned pole on High Street approximately 300' east of the centerline of the intersection of High Street and Bolton Street and to install a new manhole and underground conduit from new pole to new manhole and to existing transformer 1-2 on Exchange Street.

Public Hearing opened on September 11, 2023; continued without input to September 18, 2023.

Reports of Committee Continued:

Chair Landers read the input from City Engineer DiPersio, dated September 26, 2023, stating the work is being proposed in response to a request related to the proposed apartment building project at 57 Main Street. Regardless of the possibility of that project moving forward, putting the electrical utilities underground would be acceptable to the DPW/Engineering Division. Mr. DiPersio added that the Engineering Division will approval the final location of the underground conduit in the field prior to the start of construction and that the attached standard conditions should also apply.

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 a new joint owned pole on High Street approximately 300' east of the centerline of the intersection of High Street and Bolton Street and to install a new manhole and underground conduit from the new pole to the new manhole and to existing transformer 1-2 on Exchange Street. Vote 3-0

On a motion made by Councilor Irish and seconded, the meeting adjourned at 7:23 PM.

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

**City Council Urban Affairs Committee
Tuesday, September 26, 2023
Minutes and Report**

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

Also present were Councilors Brown, Irish, Oram and Ossing.

Present for the applicant were Attorney Brian Falk, Andrew Montelli and John McFadyen, Post Road Realty, LLC.

Order No. 23-1008952: Application for Special Permit from Attorney Brian Falk on behalf of Post Road Realty, LLC to construct a multifamily and commercial (retail/restaurant/other commercial use) project in the Executive Residential Overlay (EROD) District which will consist of 475 residential units, 4800 s.f. of commercial space, 754 parking spaces, open space, landscaping and walking trails at Simarano Drive, Cedar Hill Street and Green District Boulevard.

The chair opened the meeting and Attorney Falk reviewed the economic positives for city reviewing the current project's value and discussing potential value with new project.

The chair reviewed the comments from city department managers-Police Chief Giorgi commented on the impact of vehicle congestion will be minimal with most traffic moving to and from Rt. 495 as well as potential increase for service that comes from adding more residential units. Fire Chief Breen commented on need to confirm fire apparatus movement and emergency access to buildings in new phase but these can be discussed at site plan. City Engineer DiPersio offered several comments with proposals for additional conditions/modifying conditions as specified below:

Reports of Committee Continued:

- The applicant is proposing a significant relocation of Green District Boulevard through the 'Phase 3' site. This will necessitate the relocation of utility lines and the existing stormwater management facilities for 'Phases 1 and 2'. It also will necessitate substantial wetland buffer zone impacts. This extent of this relocation warrants further consideration. I recommend a condition that the applicant evaluate the use of parking decks for 'Phase 3', as they are proposing on 'Phase 4', in order to reduce the overall parking footprint so that the entire site can be moved to the southeast away from the wetlands.
- The following should be added to Condition 6 – Crosswalk Installation: The crosswalk work shall include proper wheelchair ramps, and pedestrian signals which are integrated into the existing traffic signal equipment.
- I request an additional condition that the applicant shall incorporate an assessment of existing drainage issues along the property line between 'Phase 4' and Cedar Hill Street into their overall site stormwater management design.
- Finally, the applicant should share up-to-date parking data from the Phase 1 site (number of units currently occupied vs average number of parking spaces being utilized per day). This could be helpful information for the Council, and also to be used during the future review of the Phase 3 and 4 site designs.

Attorney Falk provided a revised Decision on a Special Permit incorporating the comments. The chair began reviewing the draft. The City Council is Site Plan Issuing Authority but will incorporate comments from the Site Plan Review Committee but unlike Phase 1 & 2 where the special permit and site plans were reviewed together, the site plans will come before the City Council at a later date.

The chair asked for discussion on #5 Affordable Units where the applicant requests to buy out 5% of the affordable housing units. After input from the developer, and reminder this project is grandfathered for current zoning, all agreed to keep the buyout. Councilor Ossing had suggested a change to this section to strike "and shall be payable to a fund or funds designated by the City Council prior to submission of each payment" and replace with **and shall be deposited into the West Side Fire Station Stabilization Account 83600-32900**; it was agreed by committee to make change.

A new #6-Green District Boulevard Relocation had been added to convey request from engineering.

#7 Crosswalk Installation had a new sentence regarding crosswalk work including ADA-compliant wheelchair ramps and pedestrian signals integrated into existing traffic signal equipment.

A new #8-Drainage Assessment was added to convey request by engineering.

A new #9-Green Design was added by developer's attorney stating they would utilize best practices to design energy-efficient buildings, design buildings/accessory structures to accommodate solar energy facilities and use best efforts to provide all-electric utilities contingent on utility company committing to having such service available during construction timeline. Councilor Doucette offered an amendment to add "and/or other technology" at end of first sentence re solar energy facilities; committee agreed to add this.

Councilor Doucette moved to recommend approval of the Draft Decision on a Special Permit as amended, the motion was seconded and carried 4-0.

The chair will as for a Suspension of Rules at Monday, October 2, 2023 meeting to refer to Solicitor to be put in proper form for a future agenda.

Reports of Committee Continued:

Councilor Wagner moved to adjourn; it was seconded and carried 4-0. The meeting adjourned at 8:44 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 Attorney Brian Falk on behalf of Post Road Realty, LLC to construct a mixed-use, multi-family residential and commercial (retail/restaurant/other commercial use) project in the Executive Residential Overlay District (EROD) which will consist of 475 residential units at the corner of Simarano Drive and Cedar Hill Street, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE OCTOBER 23, 2023, COUNCIL MEETING**; adopted.

Suspension of the Rules requested – granted.

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

ORDERED: That the Proposed Amendment to the City Code, Chapter 125 “Personnel”, §6 “Salary Schedule” relative to the positions of Head of Adult Services and Technology, Programming and Outreach Librarian, Library Page, Houseworker, and Plumber as submitted by the Mayor (Order No. 23-1008938), be **ADVERTISED**; adopted.

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, **FILE**; 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:	
\$12,003,558.00	\$4,925,000.00	10000	35900	Undesignated Fund		\$4,925,000.00	19300006	57160	Public Safety Equipment	
	Reason:	For emergency communications systems and public safety equipment								
	\$4,925,000.00	Total				\$4,925,000.00	Total			

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 8:14 PM; adopted.