



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

**NOVEMBER 13, 2017**

Regular meeting of the City Council held on Monday, November 13, 2017 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juare, Oram, Ossing, Robey, Doucette, Tunnera, Irish and Landers. Absent: Delano & Elder. Meeting adjourned at 8:50 PM.

**ORDERED:** That City Council President recognized the following of Boy Scout Troop 2 for their Citizenship and Community Merit Badges, **FILE**; adopted.

Andrew Fisher  
Andre Coullard  
Carson Byrnes  
Brandon Proteau

**ORDERED:** That the Minutes of the City Council meeting OCTOBER 30, 2017, **FILE**; adopted.

**ORDERED:** That the Public Hearing on the Petition of AT & T to deploy one small cell site which will be mounted on existing utility pole at 96 East Main Street, Order No. 17-1007033, all were heard who wish to be heard, hearing recessed at 8:22 PM.

**Councilors Present: Doucette, Tunnera, Irish, Clancy, Landers, Juare, Oram, Ossing & Robey.**  
**Absent: Delano & Elder.**

**ORDERED:** That the Public Hearing on the Petition of AT & T to deploy a small cell site which will be mounted on existing utility pole at 28 Concord Rd., Order No. 17-1007055, all were heard who wish to be heard, hearing recessed at 8:25 PM.

**Councilors Present: Doucette, Tunnera, Irish, Clancy, Landers, Juare, Oram, Ossing & Robey.**  
**Absent: Delano & Elder.**

**ORDERED:** That the Public Hearing on the Petition of AT & T to deploy one small cell site which will be mounted on existing utility pole at 96 East Main Street, Order No. 17-1007033, all were heard who wish to be heard, hearing recessed at 8:28 PM.

**Councilors Present: Doucette, Tunnera, Irish, Clancy, Landers, Juare, Oram, Ossing & Robey.**  
**Absent: Delano & Elder.**

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptances from MassDEP Sustainable Materials Recovery Program & Small Scale Initiatives Program to Department of Public Works in the amount of \$10,800.00 which incentivizes municipalities to improve recycling programs; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance from Marlborough Country Club to the Police Department in the amount of \$5,600.00 which will be used for supplies and training for K-9 program; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance from the Lions Club to Department of Public Works in the amount of \$3,801.00 to purchase a Murdock Drinking Fountain to install at Ghiloni Park; adopted.

ORDERED: That the Communication Other Post-Employment Benefits (OPEB) Trust Update, **FILE**; adopted.

ORDERED: That Communication from City Solicitor, Donald Rider, re: Application for Special Permit, CJG Enterprises, Inc., in its capacity as manager of Tiger Cat Properties, LLC, 487 Lincoln St., Cozy Café, in proper legal form, **MOVE TO ITEM 16**; adopted.

ORDERED: That the Department of Public Works be authorized to plow and remove snow from the following ways during the 2017-2018 snow season, in accordance with the provisions of Massachusetts General Laws Chapter 40 Section 6C, provided that said way be of such construction and condition that, in the opinion of the Commissioner of Public Works, said plowing can be safely and conveniently accomplished, **APPROVED**; adopted.

Allis Road – Walker Brook Estates, off Framingham Road  
Bemis Road – Walker Brook Estates, off Framingham Road

ORDERED: That the Communication from the Planning Board re: Proposed Zoning Amendment, Section 650-5, 48 & 17, Self Storage Facilities, **FILE**; adopted.

ORDERED: That the Communication from Keegan Werlin LLP, on behalf of Department of Public Utilities, Notice of Filing, Public Hearing, Procedural Conference & Request for Comments, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, October 16, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Other Post-Employment Benefits (OPEB) Trust Board, October 18, 2016, **FILE**; adopted.

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

- a. Lisa McNally, 212 Glen St., other property damage.

Reports of Committees:

THERE WERE NO REPORTS OF COMMITTEE.

ORDERED:

**SPECIAL PERMIT  
TIGER CAT PROPERTIES, LLC  
c/o CJG ENTERPRISES INC.**

**CITY OF MARLBOROUGH  
CITY COUNCIL ORDER NO. 16/17-1006735H**

The City Council of the City of Marlborough hereby GRANTS the Application for Special Permit of Applicant, as provided in the Decision and subject to the following findings of fact and conditions.

**EVIDENCE**

1. The Applicant, CJG Enterprises, Inc., is a duly organized and existing Massachusetts Corporation with a principal place of business at 24 Union Avenue, Suite 28, Framingham, MA 01702 (the "Applicant").
2. The property owner is Tiger Cat Properties LLC, a duly organized Massachusetts Limited Liability Company (the "Owner"). The Applicant is the Owner's manager.
3. The location of the proposed project is 487 Lincoln Street, Marlborough, MA and more particularly identified on the City of Marlborough Assessor's Maps as Parcel 186 on Plate 68, and furthermore particularly described in deeds recorded with the Middlesex South District Registry of Deeds, Book 64590, Page 519 and 524 (the "Site").
4. The Applicant seeks a multi-family dwelling Special Permit to construct nine (9) residential Garden style apartment units consisting of two (2) pre-existing bedroom units, three (3) studio units in the renovated portion of the existing structure and four (4) one-bedroom units in the proposed addition on the Site (the "Project").
5. The total number of bedrooms in units proposed is nine bedrooms.
6. All units will be market rate rental units with marketing to young professionals in the greater Marlborough area.
7. The Applicant is acting on behalf of the Owner for purposes of this Special Permit Application (the "Application").
8. The front portion of the property is located in zoning district Business B and the back of the lot is located in Residence B, both of which allow multifamily dwellings subject to the grant of special permit.

9. The Building Commissioner, acting on behalf of the City Planner, provided a Certificate of Completeness of Application as required by Paragraph 7 of the Rules and Regulations of Application/Petition for Special Permit by the City of Council under the Marlborough Zoning Ordinance, Chapter 650-59.
10. The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council as they pertain to the Application for a Special Permit to convert the current structure at the Site and construct nine (9) residential Garden style apartment units on the Site.
11. A public hearing was held on December 5, 2016, in compliance with the requirements of the Code of the City of Marlborough and by the provisions of M.G.L. Chapter 40A, as amended, and all necessary abutters were provided notice as required by law, as certified by the Office of the Board of Assessors of Marlborough. The time for the City Council to take final action on the Application was timely extended by the parties' agreement to March 14, 2017 and further to April 25, 2017, June 6, 2017, September 12, 2017 and December 19, 2017.
12. The Applicant presented oral testimony and demonstrative evidence at the public hearing that the Project meets all applicable Special Permit criteria provided by M.G.L. Chapter 40A, as amended, and the Code of the City of Marlborough including, without limitation, Article V, Section 650-18, Paragraph A, Subparagraph 4, including generally Section 650-59, and that the use sought and its impact and characteristics are not in conflict with public health, safety, convenience and welfare and not detrimental nor offensive so long as the conditions, safeguards or limitations imposed herein are complied with.
13. Three site plan review meetings were conducted with the Site Plan Review Committee on September 6, 2016, February 7, 2017 and June 6, 2017.
14. The Site Plan submitted with the Application is entitled, "Proposed Residences at 487 Lincoln Street, Marlborough, MA", Prepared for CJG Enterprises, Inc., 24 Union Avenue, Framingham, MA 01702; Owned by Tiger Cat Properties, LLC, 24 Union Avenue, Framingham, MA 01702; Prepared by Bruce Saluk & Associates, Inc., Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752, scale 1' = 20', dated December 12, 2015, last revised July 5, 2017, (the "Plan"), attached hereto as "Attachment A".
15. The Architectural Plans submitted with the application are entitled "Proposed Multi-Family Residences 487 Lincoln Street, Marlborough, MA, James MacDonald, Maple Avenue Design, dated August 8, 2017" (the "Architectural Plans") are attached hereto as "Attachment B".

**BASED ON THE ABOVE, THE MARLBOROUGH CITY COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT AND TAKES THE FOLLOWING ACTIONS:**

The City Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinance, Chapter 650, makes the following findings of fact and **GRANTS** the Applicant a Special Permit for a multi-family dwelling in the existing structure and proposed addition thereto, **SUBJECT TO THE FOLLOWING CONDITIONS:**

**FINDINGS OF FACT**

1. The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council as they pertain to the Application for a Special Permit to renovate and construct a multifamily structure consisting of nine (9) residential Garden style apartment units on the Site.
2. The Marlborough City Council finds that all necessary fees for the proposed Special Permit have been paid.
3. The Marlborough City Council finds that the Application was properly completed and filed by Applicant, and that all necessary abutters were provided notice as required by law, as certified by the Office of the Board of Assessors of Marlborough prior to Application submission.
4. The Plan accompanying said Application was completed in accordance with the all applicable Rules and Regulations.
5. The Summary Impact Statement filed with said Application is sufficient for said Application and that no further studies or requirements are necessary.
6. The City Department reports as required by the Code of the City of Marlborough have been received and incorporated as deemed appropriate by the said Marlborough City Council into this final decision.
7. The Marlborough City Council finds generally that the use sought by Applicant and its impact and characteristics is not in conflict with the public health, safety, convenience and welfare and is not detrimental or offensive to the neighborhood; and further, that the use of the Site for nine (9) residential Garden Style apartment units in a multi-family dwelling complex is appropriate for the Site and is in harmony with, and does not derogate from, the intent and purpose of M.G.L. Chapter 40A and/or the Code for the City of Marlborough.
8. The Marlborough City Council therefore **GRANTS** to the Applicant a Special Permit to construct (9) residential Garden style apartment units on the Site, pursuant to its authority under M.G.L. Chapter 40A and the Code of the City of Marlborough, with the following conditions:

**CONDITIONS**

- A. The Marlborough City Council conditions its approval on subsequent Site Plan Review and approval as provided under Chapter 270 of the City Code entitled *Building and Site Development*. The Plan may be subject further to modification by the Site Plan Review Committee to the extent allowed by the Code of the City of Marlborough. Other conditions and limitations may be imposed at the time of the final Site Plan Approval by said Committee, which are not inconsistent with any term or condition attached to this Special Permit.
- B. The Applicant will work with the Site Plan Review Committee to coordinate any minor cosmetic and mutually acceptable modifications to the Project and/or Site to make the same more consistent in appearance so as to fit into the neighborhood.
- C. The Site will be improved by adding a sidewalk and sight lines in and out of the Site.
- D. Snow storage will be to the rear of the Site with any excess amount not being able to be stored to be removed expeditiously in accordance with Massachusetts DEP Regulations for removal.
- E. Structures will be refurbished for a higher value rating of insulation and up to date energy efficient appliances will be installed.
- F. The proposed reduction in lot coverage from 89% to 79% will reduce Site runoff and improve the site drainage condition.
- G. The Project will be protected by an automatic sprinkler system under a NFPA Section 13R installation due to the low water pressure in the area.
- H. Construction of the nine (9) multifamily Garden style apartment units is to be in accordance with all applicable building codes currently in effect in the City of Marlborough.
- I. The existing sewer & water service connections to the existing building shall be replaced with new service connections. A fire service connection will also be provided.
- J. The architectural design of the renovated existing structure and addition will be consistent with the plans and renderings, including the Architectural Plans, furnished by Designer, James Macdonald, Maple Ave. Design, Sudbury, MA.
- K. The exterior paint scheme and tones of the building will be gray and white as evidenced by renderings furnished to City Council.
- L. Granite counter tops or an equivalent will be installed in the kitchen together with stainless steel appliances.
- M. The flooring in the kitchen area will be quality ceramic tiles and the apartment unit flooring will be engineered hardwood floor.
- N. The exterior features of the multi-family structure will be maintained in good condition, as will the landscaping which will also be consistent with plans and representations made to the City Council.

- O. All storage for tenants will be located in the individual rental units. No commercial storage nor tenant storage will be allowed elsewhere in the building including the basement for fire safety purposes.
- P. Washers and dryers will be located in an area between the existing building and the addition and will be available to tenants on a daily basis.
- Q. The exterior of the original building facing Lincoln Street will include a plaque indicating the historical nature of the activities at the site of the Cozy Café.
- R. In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant shall apply to the Building Commissioner for a building permit concerning the Project. Applicant shall provide a copy of the recorded Special Permit to the City Council's office, the Building Commissioner's office, and the City Solicitor's office.
- S. All work performed at the Site shall be in compliance with this Special Permit decision. No other building or construction shall occur or happen without a change or modification of this Special Permit.
- T. Applicant shall provide side yard and rear yard fencing and landscaping as depicted on the revised Plan which shall include trees to the front portion of the landscaped area together with other plantings.
- U. No outdoor grilling or cooking will be permitted on the Site, and lease documents will so specify this prohibition for fire safety purposes.
- V. The Site Plan shows one parking space that was eliminated so as to improve internal lot turning and motor vehicle access.
- W. Applicant, in conjunction with the Owner, and in consideration of the historical and iconic nature of the original neighborhood café structure, will feature brass lanterns on the front façade together with a brass plaque in recognition of the historic nature of the site and to ensure that the structure redesign and façade are commensurate with the historic nature of the neighborhood.

**Yea: 9 – Absent: 2**

**Yea: Doucette, Tunnera, Irish, Clancy, Landers, Juairé, Oram, Ossing & Robey.**

**Absent: Delano & Elder**

ORDERED: Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended as follows.

1. In Section 650-35 A.(2.), by deleting “43.6 acres” and replacing with “45.2 acres”.
2. By Amending Exhibit A of Section 650-35 to include the following additional parcels:

Assessors Map 78, Parcel 14A  
Assessors Map 78, Parcel 23

3. In Section 650-35 E.(1).(i.), adding the following language to the end of the Section:

“, except that nothing in this Section shall be deemed to prohibit or limit the existing drive-through facility on Assessors Map 78, Parcel 23, nor to prohibit or limit the existing dedicated driveway with a curb cut onto a public way located on Assessors Map 78, Parcel 23, the same being preexisting conditions which shall continue to be allowed notwithstanding anything contained in the HRMUOD to the contrary, however said existing drive-through facility and existing dedicated driveway with a curb cut onto a public way shall remain subject to Section 650-12.”
4. In Section 650-35 E.(1).(j.), adding the following language to the end of the Section:

“, except that nothing in this Section shall be deemed to prohibit or limit the existing drive-through facility on Assessors Map 78, Parcel 14A, nor to prohibit or limit the existing dedicated driveway with a curb cut onto a public way located on Assessor Map 78, Parcel 14A, the same being preexisting conditions which shall continue to be allowed, notwithstanding anything contained in the HRMUOD to the contrary, however said existing drive-through facility and existing dedicated driveway with a curb cut onto a public way shall remain subject to Section 650-12.”
5. In Section 650-35 E.(2).(a.), adding the following language to the end of the Section:

“, expressly excluding drive-through facilities located on Assessors Map 78, Parcel 23, which facilities are existing and shall not require a Special Permit under this Section,

however, said existing drive-through facilities shall remain subject to Section 650-12.

6. In Section 650-35 E.(2.)(b.), adding the following language to the end of the Section:  
“, expressly excluding drive-through facilities located on Assessors Map 78, Parcel 14A, which facilities are existing and shall not require a Special Permit under this Section, however said existing drive-through facilities shall remain subject to Section 650-12.”
7. In Section 650-35 E.(2.)(d.), adding the following language to the end of the Section:  
“, excluding so-called Dry Cleaning drop stores where no dry cleaning is performed on premise, which shall be permitted in the HRMUOD as of right.”
8. In Section 650-35 H., insert a new paragraph 9 as follows:  
“Lawful signage which exists on the date of approval of this amendment to Section 650-35 H. at or on Assessor’s Map 78, Parcel 14A and Assessors Map 78, Parcel 23 shall continue to be allowed, notwithstanding anything contained in the HRMUOD to the contrary, however any changes or alterations to said existing signage, whether on or outside of the buildings located on said parcels, including any freestanding signs, shall be in conformity with Section 650-35 H. and subject to approval of the City Council.”

**APPROVED;** adopted.

**October 30, 2017**

**First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted.**

**Councilor Oram opposed to passage in one evening. This item was placed on the agenda for the next City Council meeting on November 13, 2017.**

**November 13, 2017**

**There was a voice vote approval of 9-2 (Councilor Delano and Elder were absent).**

**ORDERED:** There being no further business, the regular meeting of the City Council is herewith adjourned at 8:50 PM.