

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 – Robert J. Tunnera
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, FEBRUARY 22, 2021

The regular meeting of the City Council was held on Monday, February 22, 2021 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Doucette, Dumais, Tunnera, Irish, Navin & Landers. Councilors Participating Remotely: Wagner, Oram, Perlman & Robey. Meeting adjourned at 9:26 PM.

Council President Ossing explained that this meeting is being held under the Emergency Order of the Governor allowing relief from the Open Meeting Law (MGL c. 30A §20). The Emergency Order allows for remote participation by public bodies. President Ossing further stated that all votes of the City Council will be taken by roll call vote pursuant to 940 CMR 29.10.

The City Council President asked for a roll call to confirm attendance of all City Councilors.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED: That the Minutes of the City Council meeting, February 8, 2021, **FILE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

Mayor Vigeant provided the City Council with an update on the vaccine rollout and the city's efforts regarding COVID-19.

ORDERED: That the PUBLIC HEARING on the Application for Sign Special Permit, from Serrato Signs, LLC on behalf of Starbucks (St. Mary's Credit Union), 133 South Bolton Street, Order No. 21-1008199A, all were heard who wish to be heard, hearing recessed at 8:38 PM, adopted.

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

President Ossing called a recess at 8:35 PM and returned to open meeting at 8:37 PM.

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

ORDERED: That the PUBLIC HEARING on the Application for Sign Special Permit, from Serrato Signs, LLC on behalf of Starbucks (St. Mary's Credit Union), 133 South Bolton Street, Order No. 21-1008199A, be **CONTINUED UNTIL MARCH 8, 2021**, adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED: That the Transfer Request in the amount of \$10,400,000.00 which moves funds from Ballparks and Fields Capital and Undesignated Fund to various accounts as noted on the transfer sheet to fund infrastructure projects as outlined by DPW Commissioner Divoll, referred to the **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2021		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$4,813,122.94	\$3,000,000.00	27000	33086	Fund Bal-Parks & Fields Capital	\$2,000,000.00	19300006	58305	Cedar Hill Pump Station		\$0.00
	Reason:									
\$15,047,854.00	\$7,400,000.00	10000	35900	Undesignated Fund Balance	\$1,500,000.00	19300006	58716	Minehan Sewer Install		\$0.00
	Reason:									
					\$2,000,000.00	19300006	53149	Donald Lynch Blvd Paving		\$0.00
	Reason:									
					\$3,000,000.00	19300006	55953	Bost Post Rd E Water		\$0.00
	Reason:									
					\$1,900,000.00	19300006	58312	Mill & Overlay Various		\$0.00
	Reason:									
	\$10,400,000.00	Total			\$10,400,000.00	Total				

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED: That the Transfer Request in the amount of \$1,250,101.00 from the Meals Tax Revenue account to fund FY21 bond payments associated with parks and recreation improvements, referred to the **FINANCE COMMITTEE**; adopted.

		CITY OF MARLBOROUGH										
		BUDGET TRANSFERS --										
	DEPT:	Auditor						FISCAL YEAR:	2021			
		FROM ACCOUNT:						TO ACCOUNT:				
Available												Available
Balance	Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:			Balance
\$4,813,122.94	\$1,250,101.00	27000	33086	Fund Bal-Parks & Fields Capital		\$1,250,101.00	19910009	49715	Transfer-Meal Local Option			\$0.00
	Reason:	Local options meals tax funding FY21 bond payments associated with parks & fields as per the recap										
	\$1,250,101.00	Total				\$1,250,101.00	Total					

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED: That the Transfer Request in the amount of \$459,600.00 which moves funds from and to various accounts within DPW to fund equipment for the Easterly Wastewater Treatment Plant, referred to the **FINANCE COMMITTEE**; adopted.

	CITY OF MARLBOROUGH											
	BUDGET TRANSFERS --											
	DEPT:	Department of Public Works/Public Facilities						FISCAL YEAR:	2021			
		FROM ACCOUNT:					TO ACCOUNT:					
Available											Available	
Balance	Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Balance	
\$63,348	\$45,218.00	60081001	50750	Equipment Operator		\$45,218.00	60081004	53174	Contact Services/Lab Te		\$52,350.00	
	Reason:	Excess due to vacancy					Servicing of machinery at East Plant					
\$885,475	\$414,382.00	60086006	52935	Solid Waste Disposal		\$351,882.00	14003006	52920	Rubbish Collection		\$192,000.00	
	Reason:	Excess due to end of WeCare contract					Reallocating disposal costs to Republic Services					
						\$62,500.00	14003006	52925	Curbside Recycling		\$83,110.00	
	Reason:						Due to increased recycling costs					
	\$459,600.00	Total				\$459,600.00	Total					

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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 \$6,380.00 from the Executive Office of Public Safety & Security awarded to the Fire Department to fund annual Student Awareness of Fire Safety Programs (SAFE) for the youth of Marlborough; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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 \$2,880.00 from the Executive Office of Public Safety & Security awarded to the Fire Department to fund annual Senior Awareness of Fire Safety Programs (SAFE) for the senior population in Marlborough; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED: That the Request to rescind \$4,889,927.00 in various bonds for projects that are either complete or no longer available for bonding due to regulations as outlined below, referred to **FINANCE COMMITTEE**; adopted.

That the City Council of the City of Marlborough hereby rescinds previously authorized but unissued amounts of the following described loan orders, which are henceforth of no further force or effect:

the \$1,759,927 balance of the \$56,720,000 authorized to be borrowed for the construction and upgrade to the Easterly Wastewater Treatment Plant, duly adopted by order of this Council and approved by the Mayor on August 8, 2011;

the \$3,095,000 balance of the \$3,095,000 authorized to be borrowed for the construction of municipal outdoor recreational facilities, duly adopted by order of this Council and approved by the Mayor on April 10, 2015; and

the \$35,000 balance of the \$110,000 authorized to be borrowed for building maintenance departmental equipment, duly adopted by order of this Council and approved by the Mayor on January 11, 1999.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED: That the request of the Department of Public Works to create the new position of Resident Drop-Off Station Attendant to be included in the Marlborough Municipal Employee Association (MMEA) as outlined in the Job Description pursuant to Chapter 125 entitled “Personnel” §5 “Preparation of Classification Descriptions” of the Code of the City of Marlborough, referred to **FINANCE COMMITTEE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED: That the Proposed Amendment to Chapter 125 “Personnel” §6 “Salary Schedule” of the Code of the City of Marlborough relative to the proposed new position of Resident Drop-Off Station Attendant as submitted by the Mayor, referred to the **FINANCE COMMITTEE**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED “PERSONNEL,” AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6, the following:

STEP/LEVEL	HOURLY RATE	DAILY RATE	PERIOD SALARY	ANNUAL SALARY
00	\$18.0000	\$126.0000	\$630.00	\$32,760.00
01	\$18.7500	\$131.2500	\$656.25	\$34,125.00
02	\$19.5313	\$136.7191	\$683.60	\$35,547.20
03	\$20.3451	\$142.4157	\$712.08	\$37,028.16

II. This ordinance shall supersede and replace any existing rate for said position (if applicable) in the current salary schedule.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED: That the Request for Approval of a Flat Wall Sign, Apex Mini Golf, 21 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), referred to **URBAN AFFAIRS COMMITTEE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED: That the Request for Approval of a Flat Wall Sign, Apex Kids, 21 Apex Drive, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), referred to **URBAN AFFAIRS COMMITTEE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED: That the Request for Approval of a Free-Standing Sign, Better Floors, 782 Boston Post Road East, within the Wayside District, **APPROVED**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED: That there being no objection thereto set **MONDAY, MARCH 22, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Cal Verde Naturals, LLC, to operate an Adult Use Marijuana Retail Establishment, 239 Boston Post Road West, referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED: That there being no objection thereto set **MONDAY, APRIL 5, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Brian Falk, on behalf of Global Montello Group Corp., to construct and operate a drive-thru facility to serve the current Alltown Convenience Store, 656 Boston Post Road East, referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED: That the Proposed Zoning Amendment to Chapter 650 to amend Section 33 the Results Way Mixed Use Overlay District (RMUOD), referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, MARCH 22, 2021**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN 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:

Chapter 650 §33 – Results Way Mixed Use Overlay District

A. Purpose and objectives.

- (1) The Results Way Mixed Use Overlay District (herein, also RWMUOD) allows the application of supplemental land use controls within the boundaries of a certain overlay district, subject to City Council approval (Hereinafter any reference to City approval shall be deemed to mean approval by the City Council.) as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the Results Way Mixed Used Overlay District are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare by promoting integrated, pedestrian-friendly, mixed use development to allow for the development of housing, retail and workplaces within close proximity of each other consistent with the stated economic development objectives of the City (collectively, herein mixed use developments or MUD).
- (2) For the purposes of this section, the RWMUOD shall be superimposed on the other districts existing at the time that any land in any said underlying district is also included in the RWMUOD. The RWMUOD is adjacent to Simarano Drive ~~to the west, and~~ Forest Street ~~to the north, and Puritan Way and Results Way to the east~~ as indicated on the City Zoning Map and more particularly described in Exhibit A annexed hereto and incorporated by reference herein.¹
- (3) For the purposes of the Zoning Ordinance, a mixed use development or MUD shall include any eligible use set forth in Subsection E, below, which may be commingled into a single structure or structures with other eligible uses or may be located in separate structures on the site subject to any restrictions and/or limitations set forth in the development agreement described in Subsection C(2) below. Accordingly, mixed use developments shall benefit the public health, safety and welfare through the sharing of parking lots and driveway curb cuts to minimize the amount of impervious paved parking areas, to reduce traffic congestion, to reduce automobile trips, and accordingly to improve air quality.

B. Authority of permit granting authority.

- (1) The City Council shall be the permit granting authority for special permit and site plan approval in the RWMUOD. In all instances, a development which proceeds under the RWMUOD overlay is subject to site plan approval in accordance with § 270-2 of the Marlborough City Code, with the exception that the City Council shall be the permit granting authority for special permit and site plan approval in the RWMUOD.
- (2) The City Council may elect to vary the dimensional and parking requirements of this section by special permit if, in its opinion, such change shall result in a substantially improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.

C. Master concept plan; development agreement. ~~The~~A property owner/developer ~~of~~within the RWMUOD shall, prior to or simultaneously with the first application for approval of a site plan and/or special permit for a MUD within the RWMUOD, file the following with the City Council for approval:

(1) Master concept plan.

(a) A master concept plan (master plan) which shall in a general manner show:

- [1] The location and areas of proposed development;
- [2] Proposed open space (usable or natural);
- [3] Proposed site access curb cuts off of Simarano Drive and Forest Street; and
- [4] Proposed building envelope(s) where construction is anticipated to occur (excluding internal site driveways).

(b) A table showing approximate acres and calculations of the following:

- [1] Total land area of each development area (building envelope area);
- [2] Total development limitations, if any, of uses in any developable area;
- [3] Total maximum development (square footage/use limitations); and
- [4] Approximate number of parking spaces ~~for the entire RWMUOD District.~~

(c) The master plan shall be approved by a super majority (2/ 3) vote of the City Council at a public meeting and shall thereafter become the general development plan governing development at the ~~RWMUOD~~MUD. The master plan may be amended from time to time by a super majority vote (2/3) of the City Council by application from the property owner/developer to reflect changing development conditions.

(2) A development agreement in recordable form binding upon the developer/property owner.

(a) The development agreement shall be approved by a super majority (2/3) vote of the City Council prior to the issuances of the first permit/site plan approval for development within the ~~RWMUOD~~MUD, which shall contain, without limitation:

- a. Required mitigation (including traffic demand management initiatives) to address the impacts arising out of the use and occupancy of the proposed project, or if at the time of execution such impacts are not known, the methodology for assessing and addressing such impacts as the development of the ~~RWMUOD~~MUD progresses.
- b. Restrictions on development areas and such other development limitations as may be agreed upon.
- c. Proposed phasing of the development of the ~~RWMUOD~~MUD.
- d. Obligations with respect to pedestrian and vehicular interconnectivity within the ~~RWMUOD~~MUD to facilitate pedestrian access and parking efficiencies.
- e. The authority of the City Council to retain the necessary professionals to assist in its review of development applications.

- f. An agreement by the property owner/developer of the residential component of the property to make a onetime financial contribution to the City per residential unit developed at the ~~RWMUOD~~MUD for which a building permit is issued. This payment shall be due at the time of the issuance of the building permit for the unit(s). This amount is to be used by the City acting by and through the City Council to assist in the identification and implementation of zoning, economic and other strategies to foster professional, retail and commercial development initiatives as well as the development of affordable housing which may include, without limitation, the preparation of a housing production plan in accordance with the rules and regulations of the Massachusetts Department of Housing and Community Development (760 CMR 56.03(4)) and the funding of the implementation of the goals and objectives set forth in such plan.
 - (b) The development agreement shall govern the implementation of the master plan and development at the MUD.
 - (c) Notwithstanding anything contained in any current or future development agreement to the contrary, each development agreement shall only apply to the applicable MUD and shall not govern any development of other MUDs within the RWMUOD.
- D. Exclusivity/control. Except as specifically provided herein, uses and provisions of Article V of Chapter 650 (Zoning) relating to the underlying zoning district not otherwise impacted by this section (§ 650-33 et seq.) shall continue to remain in full force and effect; provided, however, that the City Council shall be the special permit granting and site plan approval authority, if applicable. This section (§ 650-33 et seq.) of the Zoning Ordinance exclusively controls the establishment, development, and design of any MUD undertaken in the RWMUOD and supersedes any other provision of the Zoning Ordinance (except the provisions of the Water Supply Protection District, provided that the maximum total impervious surface coverage for the RWMUD shall be 60% calculated on the entire land area of ~~the RWMUOD~~ each MUD and not on an individual lot basis). In the event of any conflict between the provisions of this section (§ 650-33 et seq.) and any other provision of the Zoning Ordinance, the provisions of this section shall govern and control.
- E. Eligible uses. Except as specifically set forth below, all uses permitted in the Industrial and Limited Industrial Districts either as of right or by special permit in accordance with § 650-17 of the Zoning Ordinance are permitted in the RWMUOD. If a use requires a special permit under § 650-17, Table of Use Regulations, such use shall continue to require a special permit under this section.

- (1) The following additional uses are also permitted by right in the RWMUOD:
- (a) Research and experimental labs (33). (NOTE: Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for Uses, as noted in § 650-17, Table of Use Regulations.) Research and development includes, without limitation, laboratories engaged in research, experimental and testing activities, including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, pharmaceuticals, medicine and physics.
 - (b) Medical office and diagnostic medical laboratories appurtenant to offices of physicians and dentists.
 - (c) Associated/accessory research uses (35). (NOTE: Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for Uses, as noted in § 650-17, Table of Use Regulations.)
 - (d) Advanced manufacturing, which shall include high technology manufacturing, such as, but not limited to, laser technology, robotics, nanotechnology and computer-associated design and software development.
 - (e) Multifamily dwelling: up to ~~350 dwelling units within the entire RWMUOD Zoning District~~ the maximum amounts set forth on Exhibit A including, without limitation, age-restricted dwelling units.
 - (f) Retail sales and services: up to ~~75,000 square feet of total gross floor area; up to 10,000 square feet of gross floor area per establishment~~ the maximum amounts set forth on Exhibit A.
 - (g) Hotels and motels.
 - (h) Hotels with conference facilities and commercial uses.
 - (i) Car parking lots, garages: a structure or a group of structures that facilitate the parking of vehicles at ground level, above or below grade and shall include area for the parking of vehicles at, above and/or below grade under a building or otherwise integrated into another structure.
 - (j) Consumer service establishments complementary to the other principal uses at the property.
 - (k) Restaurant, cafe with or without table service (including outside seating and service).
 - (l) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities.
 - (m) Self-service laundry.
 - (n) Dry cleaning (pickup and dropoff only).
- (2) The following additional uses are also permitted by special permit in the RWMUOD:
- (a) Multifamily dwelling — more than ~~350 dwelling units within the entire RWMUOD Zoning District~~ the maximum amounts set forth on Exhibit A including, without limitation, age-restricted dwelling units.
 - (b) Drive-through facilities associated with retail (e.g. banks; pharmacies) and food services.

- (3) The foregoing subsections notwithstanding, the uses set forth as follows are expressly prohibited in the RWMUOD:
- (a) Adult entertainment, including an adult bookstore, video store, paraphernalia store, movie theater, or live entertainment establishment.
 - (b) Tattoo and body piercing parlors and shops.
 - (c) Dye works.
 - (d) Biosafety Level 4 laboratories, as defined by the United States Center for Disease Control and Prevention.
 - (e) Establishments for construction in such services as, but not limited to, building, building maintenance, plumbing, landscaping, electrical, masonry, carpentry, well drilling.
 - (f) Electroplating, metal finishing except by special permit as an accessory use to an otherwise permitted principal use.
 - (g) Hazardous and toxic chemical manufacturing, except in accordance with applicable state and federal regulations.
 - (h) Trucking terminal and distribution center.
 - (i) Automotive sales and/or service.
 - (j) Retail gasoline, oil and lubrication stations.
 - (k) Commercial bakeries.
 - (l) On-site sales and rental of heavy machinery and vehicles.
 - (m) Laundry and dry cleaning establishment, except dropoff and pickup operations and facilities designed to service residents of multifamily dwelling.
 - Any activity or use directly or indirectly involving, without limitation, the dispensing, use, sale, growing, storage or transportation of medical marijuana, including any medical marijuana treatment center.
 - Any on-site facility or clinic devoted to the treatment of substance addiction, including any narcotic detoxification and/or maintenance facility.
- F. Dimensional requirements. The RWMUOD shall be subject to the dimensional standards in accordance with Article VII of the Marlborough Zoning Ordinance with the following exceptions:
- (1) The RWMUOD shall consist of one or more lots. There is no minimum acreage requirement for a lot to be a part of the Results Way Mixed Use Overlay District.
 - (2) Minimum lot frontage measurement shall be no less than 50 feet for any lot wholly located within the boundaries of the RWMUOD.
 - (3) Minimum front yard measurement shall be no less than 30 feet for any lot wholly located within boundaries of a RWMUOD.
 - (4) No less than 15 feet shall separate the structural side wall of any two or more MUD structures. No less than 15 feet shall separate any area behind and/or between structures, and fire suppression vehicles shall have clear and adequate access to all structures.

- (5) Maximum building height in RWMUOD shall not exceed 80 feet, provided that:
 - (a) Residential structures shall not exceed 70 feet; and
 - (b) No structure located within 120 feet from the center line of Forest Street shall exceed 50 feet.
 - (6) Maximum lot coverage shall be calculated on the entire land area of the ~~RWMUOD-MUD~~ and not on an individual lot basis, and shall not exceed 60% of the total area of the ~~RWMUOD-MUD~~.
- G. Parking and curb cut requirements. Except as otherwise provided in this section, parking and circulation requirements shall conform to the provisions of §§ 650-48 and 650-49 of the Zoning Ordinance.
- (1) General. In the RWMUOD adequate off-street parking shall be provided. The City Council and the applicant shall have as a goal for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the City Council shall consider complementary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in permitted reductions in the parking requirements.
 - (2) Parking locations. Parking may be provided at ground level, underground or in a parking garage. Parking garages can be freestanding or as part of buildings dedicated to other permitted uses.
 - (3) Parking spaces for each dwelling unit. There shall be a minimum of 1.5 parking spaces for each dwelling unit.
 - (4) Granting of relief from parking regulations. The City Council may waive any of the foregoing requirements or the requirements of § 650-48 if it makes a finding that to do so will enhance the overall design of the RWMUOD.
- H. Signage.
- (1) Except as otherwise provided in this mixed-use section, signage shall conform to the provisions of Chapter 526 of the Marlborough City Code, the Sign Ordinance.
 - (2) Granting of relief from signage regulations. The City Council may waive any of the requirements of the Sign Ordinance if it makes a finding that to do so will enhance the overall design of the RWMUOD.

I. Application.

- (1) An application for a special permit for a use in the mixed use development in the RWMUOD shall comply with the requirements of § 650-59 et seq. of the Zoning Ordinance. In the matter of a site plan approval, the application shall comply with the requirements of the City Code, Chapter 270, Article II, Permits and Approvals, § 270-2 et seq.
- (2) The City Council in connection with a special permit and/or site plan application shall review such applications with respect to the following design criteria:
 - Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;
 - Street facade and exterior walls visible from public ways;
 - Public space;
 - Scale of buildings; and
 - External lighting.
- (3) Concurrent with any public hearing/meeting associated with a special permit and/or site plan filing, the applicant shall make a presentation to the City Council to present the proposed architectural design and shall consider the comments and input from the City Council. A final building elevation shall be submitted prior to the close of the public hearing/meeting.

J. Standards for roadways and drainage.

- (1) Roadways. Internal RWMUOD roadways shall be private ways and shall be maintained by the owners/developers of the RWMUOD and portions thereof. Private ways within the RWMUOD, to the extent feasible, shall be constructed using the methods and materials prescribed in the Rules and Regulations for the Subdivision of Land in the City, but shall not be required to conform to the dimensional requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners.
- (2) Stormwater management system. ~~The~~ Each MUD within the RWMUOD shall have a stormwater management system designed in accordance with the applicable Rules and Regulations for the Subdivision of Land in the City and the Department of Environmental Protection's Storm Water Management Guidelines, as amended.

- K. Amendments. After approval, ~~the~~an owner/developer may seek amendments to the approved permits. Minor amendments to a special permit and major or minor amendments to a site plan approval may be made by a super majority (2/3) vote of the City Council. It shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested amendment is deemed to be a major amendment or a minor one. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce more than a material increase in impact on City services, the environment or the neighborhood. If it is determined that revisions to a special permit are not minor, per § 650-59 of the Zoning Ordinance, an application for a revised special permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Subsection C(3)(f) of § 650-59.

EXHIBIT A – CHAPTER 650 §33

The RWMUOD shall comprise two separate subdistricts, as described below. Within each subdistrict, one MUD shall be permitted, which shall be subject to a separate development agreement and master plan, and which may contain up to the maximum number of units of multifamily dwellings and gross floor area of retail sales and services uses set forth below.

	<u>Included Parcels [NOTE: To be confirmed by Assessor].</u>	<u>Total number of dwelling units permitted as-of- right (subject to site plan approval as set forth herein)</u>	<u>Total gross floor area of retail sales and services uses allowed</u>
<u>RWMUOD Subdistrict 1</u>	<ul style="list-style-type: none"> • <u>PID# 100-1</u> • <u>PID# 100-1B</u> • <u>PID #100-2</u> • <u>PID #100-3</u> • <u>PID #100-1A</u> • <u>PID #101-2B</u> 	<ul style="list-style-type: none"> • <u>350 dwelling units as-of-right</u> 	<ul style="list-style-type: none"> • <u>75,000 square feet of total gross floor area (up to 10,000 square feet of gross floor area per establishment)</u>
<u>RWMUOD Subdistrict 2</u>	<ul style="list-style-type: none"> • <u>PID #100-19</u> • <u>PID #111-1</u> • <u>PID #111-2</u> 	<ul style="list-style-type: none"> • <u>100 dwelling units as-of-right</u> 	<ul style="list-style-type: none"> • <u>75,000 square feet of total gross floor area (up to 10,000 square feet of gross floor area per establishment)</u>

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

ORDERED: That the Communication from Attorney Brian Falk on behalf of WP Marlborough MA Owner, LLC (Waypoint Residential), re: Request to Extend Time Limitations to May 28, 2021 at 10:00 PM, on the Application for Special Permit to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, 339 Boston Post Road East (McGee Farm), **FILE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED: That the Communication from the Central MA Mosquito Control Project, re: Budget Notification for FY22 and Compliance Certification Policy, **FILE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED: That the Communication from Massachusetts Department of Transportation, re: MBTA Forging Ahead Service Proposal, Environmental Notification Form, **FILE**; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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 12, 2021.
- b) Planning Board, January 25, 2021.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

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

- a) Ravinder Narula, 345 Littlefield Lane, residential mailbox claim (2a).
- b) Angelo Puzella, 156 Barnard Road, residential mailbox claim (2a).
- c) Charles Sarian, 51 Bouffard Drive, residential mailbox claim (2a).
- d) Jeffrey Simon, 30 Sheffield Terrace, residential mailbox claim (2a).
- e) Akihiro Yamada, 62 Littlefield Lane, residential mailbox claim (2a).

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED: That the City Council Legislative & Legal Affairs Committee review the Proposed Amendment to Chapter 270 “Building and Site Development” Section 19 “Fences” in addition to Section 24 “Easements and Rights of Way” as outlined below, referred to **LEGISLATIVE & LEGAL AFFAIRS COMMITTEE**.

(Submitted by Councilor Doucette)

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. By amending Chapter 270, Article V (Fences), Section 270-19, entitled “Permit required”, by **inserting** a new Section 270-19(D) to read as follows:
 - D. No permit shall be required under this article for the following fences, provided that the fence is in full compliance with all other provisions of this article and all other City ordinances: 1) a fence not exceeding three (3) feet in height which is erected to enclose a garden and complies with Chapter 650, Zoning, Section 650-47N (site distances), or 2) a fence erected outside of the minimum front, side or rear yard areas as defined in Chapter 650, Zoning, Section 650-41, Attachment 2.
- II. Chapter 270, Article V (Fences), Section 270-24(A), entitled “Easements and rights-of-way” is hereby **amended** as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):
 - A. On any lot subject to an easement where a fence will encroach upon or hinder the use of an easement area, the owner or applicant shall procure a release in writing from the holder of the easement, and said release shall be attached to the application for a fence filed with the Building Department.

Reports of Committees:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
February 18, 2021
Minutes and Report**

The meeting convened at 7:12 PM and was held virtually with Councilors attending in person and/or remotely per the Governor’s orders and began with a Roll Call vote of committee members present

Chair Irish called the Roll – All members present:

Chair Irish, Councilors Dumais and Tunnera in Chamber; Councilors Oram and Perlman participating remotely

Also Present in Chamber: Councilors Ossing, Navin and Landers; Mayor Vigeant

Reports of Committee Continued:

Participating remotely: Councilor Robey; City Auditor Diane Smith; Finance Director Patrick Jones

Order No. 21-1008183: Transfer in the amount of \$1,504,785.40 from Undesignated Fund (Free Cash) to OPEB Trust pursuant to the financial policy of the City.

Motion by Councilor Tunnera, seconded by Chair, to recommend approval of the transfer; Chair Irish called the Roll: Motion carried 5-0.

Order No. 21-1008184: Transfer in the amount of \$1,504,785.40 from Undesignated Fund (Free Cash) to Undesignated Stabilization pursuant to the financial policy of the City.

Motion by Councilor Tunnera, seconded by Chair, to recommend approval of the transfer; Chair Irish called the Roll: Motion carried 5-0.

Order No. 21-1008186: Transfer in the amount of \$39,447.00 from various departments for FY21 which moves funds from and to accounts noted in the spreadsheet included with the request.

Motion by Councilor Tunnera, seconded by Chair, to recommend approval of the transfer; Chair Irish called the Roll: Motion carried 5-0.

Order No. 21-1008195A: Proposed amendment to Ch.125 Personnel of the City Code to add a stipend for members of the Conservation Commission, \$150.00 Conservation Commission Meeting Attended.

Motion by Councilor Oram, seconded by Chair, to recommend approval of the stipend, effective April 1, 2021; Chair Irish called the Roll: Motion carried 5-0.

Order No. 21-1008195B: Transfer in the amount of \$3,150.00 to fund Conservation Commission Members, \$150.00 per meeting stipend, through June 30, 2021.

Motion by Councilor Oram, seconded Chair, to recommend approval of the transfer; Chair Irish called the Roll: Motion carried 5-0.

It was moved and seconded to adjourn; Chair called the Roll: Meeting adjourned at 7:43PM.

Councilor Dumais reported the following out of the Personnel Committee:

**City Council Personnel Committee
February 18, 2021
Minutes and Report**

The meeting convened at 6:35 PM and was held virtually with Councilors attending in person and remotely per the Governor's orders and began with a Roll Call vote of committee members present.

Chair Dumais called the Roll – all members present:

Chair Dumais and Councilor Landers in Chamber; Councilor Doucette participating remotely

Also Present in Chamber: Councilors Irish, Navin, Ossing, Councilor Tunnera arrived at 6:45 PM and Mayor Vigeant.

Reports of Committee Continued:

Participating remotely: Councilors Oram, Perlman and Robey

All appointees participated remotely:

Order No. 21-1008196: Reappointment of James Griffin to the Board of Health for a three-year term to expire the first Monday in February 2024.

Motion by Councilor Landers, seconded by Chair, to recommend reappointment of James Griffin as requested. Chair Dumais called the Roll: Motion carried 3-0

Order No. 21-1008197: Appointment of Phillip Short to the Board of Health for a three-year term to expire the first Monday in February 2024.

Motion by Councilor Doucette, seconded by Chair, to recommend appointment of Phillip Short as requested. Chair Dumais called the Roll: Motion carried 3-0

Order No. 21-1008178: Appointment of Jonathan Steinberg to the Board of Assessors for a three-year term from date of City Council confirmation.

Motion by Councilor Doucette, seconded by Chair, to recommend appointment of Jonathan Steinberg as requested. Chair Dumais called the Roll: Motion carried 3-0

Order No. 21-1008179: Appointment of Shanissa Sampson to the Parks and Recreation Commission for a three-year term from date of City Council confirmation.

Motion by Councilor Doucette, seconded by Chair, to recommend appointment of Shanissa Sampson as requested. Chair Dumais called the Roll: Motion carried 3-0

Order No. 21-1008177: Appointment of Krista Holmi as Chief Procurement Officer for a three-year term from date of City Council confirmation.

Motion by Councilor Doucette, seconded by Chair, to recommend appointment of Krista Holmi as requested. Chair Dumais called the Roll: Motion carried 3-0

It was moved and seconded to adjourn; Chair called the Roll. Meeting adjourned at 7:10 PM

Councilor Navin reported the following out of the Veterans Affairs Committee:

**City Council Veterans Affairs Committee
February 18, 2021
Minutes and Report**

The meeting convened at 6:15 PM and was held virtually with Councilors attending in person and/or remotely per the Governor's orders and began with a Roll Call vote of committee members present.

Chair Navin called the Roll – all members present:

Chair Navin in Chamber; Councilors Perlman and Oram participating remotely

Also Present in Chamber: Councilors Irish, Landers, Ossing, and Dumais; Mayor Vigeant.

Participating remotely: Councilors Doucette and Robey; Veterans Director Michael Hennessy.

Reports of Committee Continued:

Order No. 21-1008182: Communication from Mayor Vigeant requesting renewal of intermunicipal agreement between the City of Marlborough and the Town of Sudbury for Veterans services, pursuant to MGL c.40, s4A and MGL c.115, s.10 agreement in proper form as prepared by Solicitor Grossfield.

Mayor Vigeant addressed the renewal. There was unanimous agreement that the City of Marlborough and the Town of Sudbury continue to be satisfied with the intermunicipal agreement and services rendered to veterans from both communities.

Motion by Councilor Oram, seconded by Councilor Perlman to recommend approval of the renewal of the intermunicipal agreement with the Town of Sudbury.

Chair Navin called the Roll: Oram, Perlman, Navin in favor. Motion carried 3-0.

It was moved and seconded to adjourn. Roll Call: Oram, Perlman, Navin. Motion carried 3-0.

Meeting adjourned at 6:34 PM.

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

**City Council Urban Affairs Committee
Thursday, February 18, 2021; 7:00 PM
Minutes and Report**

Per the Governor's orders, this meeting began with a Roll Call vote of committee members present and the chair identifying others participating in the meeting.

Roll Call-Chairman Katie Robey, present; Councilor Landers, present; Councilor Wagner, present; Councilor Doucette, present; and Councilor Navin, present.

Other councilors present were Councilor Ossing, Councilor Irish, Councilor Dumais, Councilor Oram, and Councilor Perlman. Representing Speedy Auto Repair were Attorney Brian Falk; Iraja (Junior) Oliveira, owner; and Randy Carpenter, broker.

Due to other meetings taking place before this one, the meeting start was delayed until 7:45 PM.

Order No. 20-1008162: Application for a Special Permit on behalf of Speedy Auto Repair, Inc. to relocate an existing body shop from 315 Maple St. to 412-418 Maple Street in CA district with land less than one acre and containing a pre-existing, nonconforming structure; therefore, the change of use requires a special permit.

Discussion began on the draft special permit and remains in committee for further discussion.

Order No. 20-1007995B-Request for Extension of time by Attorney Falk to May 28, 2021 re Application for Special Permit by WP Marlborough MA Owner, LLC (Wayside residential), 339 Boston Post Road East, to construct a multifamily dwelling residential project.

Councilor Wagner moved to approve the extension of time to May 28, 2021; it was seconded, and the vote was taken by Roll Call-Councilor Wagner, yes; Councilor Navin, yes; Councilor Doucette, yes; Councilor Landers, yes; Councilor Robey, yes. Motion carried 5-0.

Reports of Committee Continued:

Chair Robey suggested that it would be helpful to have the Solicitor come to a future Urban Affairs meeting to discuss in general terms guidance on approving and denying special permit applications with some case law examples.

Councilor Wagner moved to invite the Solicitor to a future meeting to discuss approval/denial of special permits; it was seconded and the vote was taken by Roll Call-Councilor Doucette, yes; Councilor Landers, yes; Councilor Navin, yes; Councilor Wagner, yes; Councilor Robey, yes. Motion carried 5-0.

Order 20-1008100: That the city council consider the feasibility of adopting a process whereby murals will be allowed in the city as a means to further the cultural and artistic value of the city's downtown district.

Discussion on the proposed code changes and value of murals in general began and this item remains in committee for further discussion.

It was moved and seconded to adjourn. Roll Call vote: Councilor Wagner, yes; Councilor Navin, yes; Councilor Doucette, yes; Councilor Landers, yes; Councilor Robey, yes. Motion carried 5-0. The meeting adjourned at 9:28 PM.

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

Suspension of the Rules requested – granted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, February 22, 2021, the following proposed amendment to the Code of the City of Marlborough, to amend Chapter 125 entitled "PERSONNEL", Section 6 entitled "SALARY SCHEDULE" having been read was **ORDERED ADVERTISED**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED "PERSONNEL," AS FOLLOWS:

I. By adding to the salary schedule referenced in Section 125-6 the following:

<u>Position</u>	<u>Rate</u>
Conservation Commission Member	\$150 Per Conservation Commission Meeting Attended

II. This ordinance shall supersede and replace any existing rate for said position in the current salary schedule.

III. The effective date of these amendments shall be April 1, 2021.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

Suspension of the Rules requested – granted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

ORDERED: That the City Solicitor be invited to attend a future Urban Affairs meeting to provide general information to its members regarding Approval and Denial of Special Permit Applications that may be referred to it. The information can include Massachusetts case law as well as other general information, referred to the **URBAN AFFAIRS COMMITTEE**; adopted.

(Submitted by Councilor Robey)

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

Motion by Councilor Tunnera, 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 9:26 PM; adopted.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.