

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, JUNE 14, 2021**

The regular meeting of the City Council was held on Monday, June 14, 2021 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 8:39 PM.

The Council President announced the following were recipients of the City Scholarship Awards.

Taylor Barber, Marlborough High School	Brooke Bishop, Marlborough High School
Amelia Carlman, Marlborough High School	Allyson Trinh, Marlborough High School
Makenna Nobel, Assabet Valley Regional Technical High School	
Ryan Fettig, Assabet Valley Regional Technical High School	

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

ORDERED: That the Minutes of the City Council meeting, June 7, 2021, **FILE**; adopted.

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

ORDERED: That the Communication from Councilor Ossing and Councilor Tunnera, re: Municipal Aggregation – June 2021 Update, **FILE**, adopted.

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

ORDERED: That the Transfer Request in the amount of \$213,852.00 which moves funds from PEG Fund to IT Equipment to fund an upgrade of our current permitting software “Accela” to “OpenGov”, referred to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	IT					FISCAL YEAR:	2021		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$280,196.14	\$213,852.00	27000099	47750	Receipts Reserved-PEG Funds	\$213,852.00	19300006	58618	IT Equipment		\$0.00
	Reason:	Use PEG funds for full-featured citizen services								
	\$213,852.00	Total			\$213,852.00	Total				

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

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Proposed Zoning Map Amendment to the Results Way Mixed Use Overlay District (RWMUOD) and Proposed revisions to Chapter 650 §33 of the Zoning Code, in proper legal form, Order No. 21-1008216C, **MOVED TO ITEM 12** and **FILE**; adopted.

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

ORDERED: That the Communication from Assistant Solicitor Jason Piques, re: Request for Approval of Free-Standing Sign, Mobil, 656 Boston Post Road East, in proper legal form, Order No. 21-1008275, **MOVED TO ITEM 14** and **FILE**; adopted.

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

ORDERED: That the Request for Approval of two (2) Flat Wall Signs, Local Roots, 910 Boston Post Road East, within the Wayside District, **APPROVED**; adopted.

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

ORDERED: That the Communications from various residents re: Opposition to Application for Site Plan Review from Attorney Brian Falk, on behalf of WoHo, to construct a mixed-use project within the Marlborough Village District, 28 South Bolton Street, **FILE**; adopted.

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

ORDERED: That the Request for a Temporary Sign placement at the corner of Route 20 and Hagar Road for the 2021 Colonial Faire and Muster at the Wayside Inn by the Sudbury Companies of Minute and Militia, **APPROVED**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY, JULY 19, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Edgewood Entertainment, LLC, to operate indoor golf simulators and a bar area in the existing building at 229 Boston Post Road West, referred to **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, May 11, 2021.
- b) Conservation Commission, May 20, 2021.
- c) Council on Aging, May 11, 2021.
- d) Cultural Council, May 13, 2021.

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

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

- a) John Pelliccio, 593 Hemenway Street, pothole or other road defect.

Reports of Committees:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
Report and Minutes
June 14, 2021**

The Finance Committee convened its virtual meeting at 6:30 PM.

Finance Committee voting members present in the Chamber were Chair Irish, Councilors Dumais, Perlman, Oram, and Tunnera. Other councilors present in the Chamber were Councilors Ossing, Navin, Doucette and Landers.

Also present in the Chamber were Mayor Vigeant, City Engineer DiPersio, DPW Commissioner Divoll, COA Director Pope, and City Auditor Smith; Participating remotely were DPW Asst. Commissioner LaFreniere; Finance Director Jones; MEDC Director of Operations Martins and Executive Director Harris; DPW Asst. Commissioner Scott and Mayoral Aide Bernard.

Order No. 21-1008303: Proposed City Code Amendment, Chapter 67, “Finance” §26.1 “Departmental Revolving Funds” to establish a Water and Sewer Revolving Fund and to amend the spending purposes for the Public Safety Revolving Fund — Advertisement Ordered.

Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

Order No. 21-1008304A: That no more than Three Hundred Fifty Thousand (\$350,000.00) Dollars shall be expended from the Parks and Recreation Revolving Fund during the Fiscal year 2022 unless otherwise authorized by the City Council and Mayor.

Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

Order No. 21-1008304B: That no more than One Hundred and Twenty Thousand (\$120,000.00) Dollars shall be expended from the Public Safety Revolving Fund during the Fiscal year 2022 unless otherwise authorized by the City Council and Mayor.

Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

Order No. 21-1008304C: That no more than Seventy Thousand (\$70,000.00) Dollars shall be expended from the Council on Aging Revolving Fund during the Fiscal year 2022 unless otherwise authorized by the City Council and Mayor.

Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

Order No. 21-1008304D: That no more than Five Hundred Thousand (\$500,000.00) Dollars shall be expended from the Proposed Water and Sewer Revolving Fund during the Fiscal year 2022 unless otherwise authorized by the City Council and Mayor.

Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

Order No. 21-1008305: Communication from Mayor Vigeant requesting transfer from the Department of Public Works (\$2,356,437.77) and Auditor (\$55,475.00) totaling \$2,411,912.77 to fund various accounts for the remainder of FY2021 as outlined in the transfer sheets.

Motion by Councilor Oram, seconded by Chair, to recommend approval as requested. Vote 5-0.

Order No. 21-1008313: MEDC FY22 Operating Budget in the amount of \$546,738.00.

Reports of Committee Continued:

Motion by Councilor Dumais, seconded by Chair, to recommend approval as requested. Vote 5-0.

Motion made and seconded to adjourn. Meeting adjourned at 7:18 PM

Councilor Dumais reported the following out of the Persnnel Committee:

**City Council Personnel Meeting
Report and Minutes
June 14, 2021**

The Personnel Committee convened its virtual meeting at 7:30 PM. Personnel Committee voting members present in the Chamber were Chair Dumais, Councilors Doucette and Councilor Landers.

Other councilors present in the Chamber were Councilors Ossing, Navin, Irish, Tunnera, Robey, Oram, Perlman and Wagner.

Mayor Vigeant was present in the Chamber.

The committee held continued review of the Mayor's appointment/reappointments to the License Board to seek a legal opinion from the City Solicitor regarding dates to stagger the appointments. The appointees were not required to attend.

Order No. 21-1008270: Appointment of Mary Jo Nawrocki to the License Board for a 6-year term from the date of Council confirmation.

Motion made by Councilor Doucette, seconded by Chair, to recommend approval of the appointment for an amended term to expire 6/1/22 per legal opinion from the City Solicitor. Vote 2-1 (**Landers opposed**).

Order No. 21-1008271: Reappointments of Gregory Mitrakas and David Bouvier to the License Board for 6-year terms respectively from the date of Council confirmation and the designation of Gregory Mitrakas as Chair.

Motion made by Councilor Doucette, seconded by Chair, to recommend approval of the appointments for terms as amended to expire per legal opinion from the City Solicitor: Gregory Mitrakas for a term to expire 6/1/24 David Bouvier for a term to expire 6/1/26
Vote 2-1 (**Landers opposed**).

Order No. 21-1008315: Reappointments to the Conservation Commission of Karin Paquin for a term to expire May 5, 2023, John Skarin for a term to expire March 7, 2022 and Allan White for a term to expire March 2, 2024.

Motion made by Councilor Doucette, seconded by Chair, to recommend approval. Vote 3-0

Order No. 21-1008316: Reappointments to the Parks and Recreation Commission of Robert F. Kays, William F. Doherty, Jr. and Mark A. Vital for 3-year terms respectively to expire on April 2, 2024.

Motion made by Councilor Doucette, seconded by Chair, to recommend approval.
Vote 3-0

Motion made and seconded to adjourn. Meeting adjourned at 7:54 PM.

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

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT CHAPTER 650 OF THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. Chapter 650 is hereby amended by deleting the existing Section 650-33, entitled “Results Way Mixed Use Overlay District.”, in its entirety and replacing it with the following:

§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 Use 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 and Forest Street as indicated on the City Zoning Map. The RWMUOD shall consist of two separate subdistricts: (i) Subdistrict 1, as more particularly described in Exhibit A annexed hereto and incorporated by reference herein; and (ii) Subdistrict 2, as more particularly described in Exhibit B annexed hereto and incorporated by reference herein.
- (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.
- (4) Within each subdistrict, one MUD shall be permitted, which shall each be subject to a separate development agreement and master concept plan, as described in Subsection C, below.

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 property owner/developer of each subdistrict shall, prior to or simultaneously with the first application for approval of a site plan and/or special permit for the MUD within the applicable subdistrict, 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 within the applicable subdistrict.
 - (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 applicable subdistrict. 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 applicable subdistrict, which shall contain, without limitation:
 - [1] 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 applicable subdistrict progresses.
 - [2] Restrictions on development areas and such other development limitations as may be agreed upon.

- [3] Proposed phasing of the development of the applicable subdistrict.
 - [4] Obligations with respect to pedestrian and vehicular interconnectivity within the applicable subdistrict to facilitate pedestrian access and parking efficiencies.
 - [5] The authority of the City Council to retain the necessary professionals to assist in its review of development applications.
 - [6] An agreement by the property owner/developer of the residential component of the property to make a one-time financial contribution to the City per residential unit developed within the applicable subdistrict 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 applicable subdistrict.
 - (c) Notwithstanding anything contained in any current or future development agreement to the contrary, each development agreement shall only apply to the applicable subdistrict and shall not govern any development of other subdistricts 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 a subdistrict 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 RWMUOD shall be 60% calculated on the entire land area of each subdistrict 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:
 - (i) Subdistrict 1: up to 350 dwelling units including, without limitation, age-restricted dwelling units.
 - (ii) Subdistrict 2: up to 100 dwelling units including, without limitation, age-restricted dwelling units.
 - (f) Retail sales and services: in each subdistrict, up to 75,000 square feet of total gross floor area; up to 10,000 square feet of gross floor area per establishment.
 - (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).
 - (o) Manufacturing and/or warehousing, including but not limited to biomanufacturing facilities that may use and store hazardous materials or toxic substances in accordance with applicable law.
- (2) The following additional uses are also permitted by special permit in the RWMUOD:
 - (a) In Subdistrict 1 only: Multifamily dwelling — more than 350 dwelling units within the subdistrict including, without limitation, age-restricted dwelling units.
 - (b) Drive-through facilities associated with retail (e.g. banks; pharmacies) and food services.
 - (c) In Subdistrict 2 only: Biosafety Level 3 laboratories, as defined by the United States Center for Disease Control and Prevention.

- (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.
 - (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.
 - (n) 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.
 - (o) 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 applicable subdistrict and not on an individual lot basis, and shall not exceed 60% of the total area of the applicable subdistrict.

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 § 650-57 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:
 - (a) Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;
 - (b) Street facade and exterior walls visible from public ways;
 - (c) Public space;
 - (d) Scale of buildings; and
 - (e) 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. 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, 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 § 650-57 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 § 650-57.

Exhibit A

Description of RWMUOD Subdistrict 1

Parcels (Identified by Accessors' Map and Parcel Number) Included in Subdistrict 1	<ul style="list-style-type: none"> • PID# 100-1B • PID #101-2 • PID #101-3 • PID #100-1A • PID #101-2A • PID #101-2B
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Note: The accompanying map shows the RWMUOD and each subdistrict therein. In order to ensure clarity with respect to the subdistrict boundaries in the event the tax parcels described above are modified after the date hereof, a metes-and-bounds legal description describing each subdistrict shall be kept on file in the City Clerk's office.

Exhibit B
Description of RWMUOD Subdistrict 2

Parcels (Identified by Accessors' Map and Parcel Number) Included in Subdistrict 2	<ul style="list-style-type: none">• PID #100-19• PID #111-801• PID #111-1
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Note: The accompanying map shows the RWMUOD and each subdistrict therein. In order to ensure clarity with respect to the subdistrict boundaries in the event the tax parcels described above are modified after the date hereof, a metes-and-bounds legal description describing each subdistrict shall be kept on file in the City Clerk's office.

Suspend First Reading; Adopt Second Reading; APPROVED.

Yea: 9 – Nay: 2

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

Nay: Perlman & Robey.

Passage to Enroll; APPROVED.

Yea: 9 – Nay: 2

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

Nay: Perlman & Robey.

Passage to Ordain; APPROVED.

Yea: 9 – Nay: 2

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

Nay: Perlman & Robey.

No objection to passage in one evening.

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

Suspension of the Rules requested to allow a late Communication from the Planning Board relative to the Proposed Rezoning of Land on Hudson Street – granted.

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

ORDERED: That the Communication from the Planning Board, re: Favorable Recommendation on the Proposed rezoning of land at 290 Hudson Street identified as Map 43, Parcel 38 from Limited Industrial to Residence A-3, Order No. 21-1008266A, **FILE**; adopted.

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

ORDERED: THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:

That the Zoning Map established under Chapter 650, the City of Marlborough's Zoning Ordinance, in Article III, entitled "Establishment of Districts" is hereby amended in subsection 8 thereof, entitled "Boundaries Established; Zoning Map," by rezoning, from the Limited Industrial (LI) zoning district to the Residence A-3 (A-3) zoning district, the parcel shown on the Marlborough Assessors Map as Map 43, Parcel 38.

APPROVED; First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

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

ORDERED That the Request for Approval of a Free-Standing Sign, Mobil, 656 Boston Post Road East, within the Wayside District, be and is herewith **APPROVED**. Said sign shall otherwise remain subject to any conditions imposed by City Council Order No. 17/18-1007068D (LED Sign Special Permit) and to the extent said permit incorporates any conditions relating to any non-LED components, those conditions shall be applied consistent with this approval; adopted.

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

ORDERED: 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 650-45N (Sight Distance), or 2) a fence that is not located in the minimum front, side or rear yard areas as defined in Chapter 650, Zoning, Attachment 2.
- II. Chapter 270, Article V (Fences), Section 270-24(A), entitled "Easements and rights-of-way" is hereby **amended** to read as follows:
 - 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.

POSTPONED TO THE JUNE 21, 2021 CITY COUNCIL MEETING; adopted.

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

ORDERED: 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 510, ENTITLED "SEWERS," AS FOLLOWS:

- I. Chapter 510, entitled "Sewers", Section 510-2, entitled "Use of Public Sewers.", subsection (D), is hereby amended to read as follows:

- D. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated with the City and abutting on any street, alley or right-of-way in which there is now or may in the future be located a public sanitary sewer of the City, are hereby required, at their expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within the following time limits:
- (i) Where said public sewer now exists at the time of the effective date of this clause, the connection shall be completed: (a) prior to transfer of the property, (b) prior to change in use of a structure as set forth in Chapter 650, Zoning, (c) prior to an increase in the sewage design flow applicable to a structure for purposes of Title 5, 310 CMR 15.000, of the State Environmental Code, or (d) upon failure of any system under said Title 5, 310 CMR 15.000, whichever shall occur first.
 - (ii) Where said public sewer is constructed and/or located after the effective date of this clause, the connection shall be completed: Within 180 days after date of official notice by the commissioner that the public sewer is available for connection.

For purposes of this subsection, the term “transfer” shall mean the conveyance of any interest in real property, with or without consideration, including by deed, lease, or assignment, but excluding: (a) taking a security interest in a property, including but not limited to issuance of a mortgage; (b) refinancing a mortgage or similar instrument, whether or not the identity of the lender remains the same; (c) a change in the form of ownership among the same owners, such as placing the property within a family trust of which the owners are the beneficiaries, or changing the proportionate interests among a group of owners or beneficiaries; (d) adding or deleting a spouse as an owner or beneficiary; or a transfer between spouses during life, out right or in trust; or the death of a spouse; and (e) the appointment of or a change in a guardian, conservator, or trustee.

An exemption from the connection requirement in this section may only be granted upon application to the board of health, and with the recommendation of the city engineer for reasons of either: (a) extraordinary site conditions due to which the land cannot be drained into such sewer, or due to weather conditions limiting the ability to connect, provided that the exemption shall apply only until such incapacity is removed and subject to a private disposal system meeting all applicable requirements and any other conditions imposed by the board, or (b) for a period of five (5) years from the date of installation of a new or replacement private disposal system which fully complies with Title 5, provided that the exemption shall expire upon the failure of any such system under said Title 5.

POSTPONED TO THE JUNE 21, 2021 CITY COUNCIL MEETING; adopted.

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 8:39 PM; adopted.