

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, JULY 19, 2021

The regular meeting of the City Council was held on Monday, July 19, 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 9:43 PM.

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

ORDERED: That the Minutes of the City Council meeting, June 21, 2021, **FILE**; adopted.

ORDERED: That the CONTINUED PUBLIC HEARING on the Application for Special Permit from Attorney Michael Brangwynne, on behalf of Raising Cane's Restaurants, LLC, to construct and operate a restaurant with two drive-thru service lanes on the site at, 141 Boston Post Road West, Order No. 21-1008307B, all were heard who wish to be heard, hearing closed at 8:26 PM, adopted.

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

ORDERED: That the 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, Order No. 21-1008328, all were heard who wish to be heard, hearing closed at 8:46 PM, adopted.

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

ORDERED: That the PUBLIC HEARING on the Proposed Zoning Amendment to the Code of the City of Marlborough, Chapter 650, §5 and §18(36) by adding "Hobby Vehicle Storage" as a warehousing use in the Limited Industrial District, Order No. 21-1008344, all were heard who wish to be heard, hearing closed at 8:52 PM, adopted.

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

ORDERED: That the PUBLIC HEARING on the Application for Special Permit from Attorney Brian Falk, on behalf of Dasilva Landscaping, Inc., to construct and operate a landscaper's yard at the Airport Industrial Park, 685 Farm Road, Unit 17, Order No. 21-1008345, all were heard who wish to be heard, hearing closed at 8:59 PM, adopted.

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

ORDERED: That the PUBLIC HEARING on the Application for Special Permit from Attorney Brian Falk, on behalf of Lourival Masonry, LLC, to construct and operate a contractor's yard at the Airport Industrial Park, 685 Farm Road, Unit 18, Order No. 21-1008346, all were heard who wish to be heard, hearing closed at 9:07 PM, adopted.

Councilors Present: 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 Communication from Councilor Robey, re: Proposed Zoning Amendment to Chapter 650 to add a new Section 61 "Temporary Moratorium for Multi-Family Housing Projects", Order No. 21-1008274B, **FILE**; adopted.

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

Suspension of the Rules requested to remove from the Urban Affairs Committee, Order No. 21-1008274, the Temporary Moratorium for Multi-Family Housing Projects – granted.

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

Suspension of the Rules requested – granted.

ORDERED: 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:

1. By inserting a new Section 650-61 entitled "Temporary Moratorium for Multi-Family Housing Projects" as follows:

Section 650-61. Temporary Moratorium for Multi-Family Housing Projects

A. Purpose

Section 18 of chapter 358 of the Acts of 2020 adds a new section 3A to the Zoning Act (Chapter 40A of the General Laws) applicable to MBTA communities, including the city of Marlborough, providing that each MBTA community “shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right.” The Massachusetts Department of Housing and Community Development is required to promulgate guidelines to determine if an MBTA community is in compliance with section 3A, and the Department intends to issue more detailed guidelines on compliance criteria. These new requirements raise complex and novel zoning, planning, legal, and public infrastructure issues. Detailed guidelines will be informative to the city and its planning and zoning processes for siting multi-family residential uses. There is significant continued interest in the development of land and buildings for multi-family residential uses within the city which require consideration of how such development corresponds to various public infrastructure impacts. This section will allow the city time to undertake any necessary planning or zoning process to address the potential impacts of housing in the city and consider the Department’s forthcoming detailed guidelines (once issued) and whether to amend its Zoning Ordinance.

B. Temporary Moratorium

- (1) Notwithstanding any other provision of the Zoning Ordinance to the contrary, no special permit or site plan approval shall be issued for construction of multi-family housing projects for the period commencing on the first publication of notice of the public hearing on this zoning ordinance amendment and ending 90 days from the date of approval of this zoning amendment by the City Council. This moratorium shall apply to any use of land for a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building, in all zoning districts in the city. In no case shall the City accept an application for special permit or site plan approval for said housing project during this period.
- (2) The provisions of this section shall not apply to an application for a special permit or site plan approval filed with the City Clerk, or granted, prior to the date of the first publication of notice of the public hearing on this zoning ordinance amendment.
- (3) Notwithstanding this section, the Building Commissioner may authorize submittal of such an application pertaining to existing housing deemed by the Building Commissioner to constitute blight, a dilapidated building, a hazard or a nuisance, as defined by section 485-2 of the City Code; provided, however, that the Building Commissioner make any such authorization expressly conditional on the City Council's subsequent decision to process the application.

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 Communication from Councilor Robey, re: Proposed Canopy, Chick-fil-A, 36 Apex Drive within the HRMUOD, receipt of a letter indicating a plan change to install electric heaters, Order No. 21-1008317, **MOVED TO REPORTS OF COMMITTEE** and **FILE**; adopted.

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

ORDERED: That the Appointment of John Valade as Principal Assessor for a 3-year term from date of Council confirmation, referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Communication from the Planning Board, re: Negative Recommendation on the Proposed Zoning Amendment to Chapter 650 of the Code, by adding a new section to create the “Commercial Village Housing Overlay District”, Order No. 21-1008293A, **FILE**; adopted.

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

Suspension of the Rules requested to allow for a communication from Councilor Robey to be entered into the record – granted.

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

Suspension of the Rules requested – granted.

ORDERED: That the City Solicitor is authorized to request on behalf of the City Council an advisory opinion from the Executive Office of Housing & Economic Development relative to guidance on what the voting threshold would be and if the land referenced in the proposed Commercial Village Housing Overlay District is an eligible project under MGL Chapter 40, §1A, **APPROVED**; adopted.

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

ORDERED: That the **WITHDRAWAL WITHOUT PREJUDICE** of the Application for Special Permit of Global Montello Group Corp., to construct and operate a drive-thru facility to serve the current Alltown Convenience Store on the site, 656 Boston Post Road East, Order No. 21-1008215B, **APPROVED**; adopted.

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

ORDERED: That the **WITHDRAWAL WITHOUT PREJUDICE** of the Application for Site Plan Review from WoHo, to construct a mixed-use project within the Marlborough Village District, 28 South Bolton Street, Order No. 21-1008277B, **APPROVED**; adopted.

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

ORDERED: That the Application for Site Plan Review from Attorney Brian Falk on behalf of Global Montello Group Corp., to add a patio with seating next to its newly renovated convenience store within the Wayside District, 656 Boston Post Road East, referred to **URBAN AFFAIRS COMMITTEE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 23, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Christopher Flood, on behalf of Post Road Mobile Home Park and Sales, Inc., to create a second mobile home park by dividing an existing permitted mobile home park at 181 Boston Post Road East, referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY AUGUST 23, 2021** as the **DATE FOR PUBLIC HEARING**, on the Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on the existing Pole within the public right of way at 123 Boston Post Road West, Pole #7, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY AUGUST 23, 2021** as the **DATE FOR PUBLIC HEARING**, on the Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on the existing Pole within the public right of way at 493 Boston Post Road West, Pole #1, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY AUGUST 23, 2021** as the **DATE FOR PUBLIC HEARING**, on the Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on the existing Pole within the public right of way at 11 Atkinson Drive, Pole #22 (Pole located on Ames Street), referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That the Communications from various residents in opposition of 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), Order No. 20-1007995, **FILE**; adopted.

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

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) School Committee, May 25, 2021 & June 8, 2021.
- b) Conservation Commission, June 3, 2021 & June 17, 2021.
- c) Historical Commission, April 15, 2021 & May 20, 2021.
- d) Traffic Commission, April 28, 2021.
- e) Zoning Board of Appeals, May 18, 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) Bernadette Grant, 71 Roundtop Road, pothole or other road defect.
- b) Jason Lane, 36 Lanewood Avenue, Framingham, pothole or other road defect.
- c) Paulo Rego, 18 Church Street, pothole or other road defect.

Reports of Committees:

Councilor Dumais reported the following out of the Personnel Committee:

**City Council Personnel Committee
Wednesday, July 14, 2021
Council Chambers
Minutes and Report**

The Personnel Committee convened its meeting at 7:30 PM in the City Council Chamber, 2nd floor, City Hall, 140 Main Street.

Personnel Committee voting members present in the Chamber were Chair Dumais, Councilors Doucette and Landers.

Other councilors present were Councilors Wagner, Perlman, Oram, Robey, Tunnera, Irish, and Ossing.

Mayor Vigeant was present in the Chamber.

- 1) 6-21-21 – **Order No. 21-1008336: Appointment of William Fowler to the Planning Board for a five (5) year term to expire on February 2, 2026.**

Motion made by Councilor Doucette to recommend approval of the appointment, seconded by Chair. Approved 3-0.

- 2) 6-21-21 – **Order No. 21-1008337: Appointment of Marcia Waldman to the Cultural Council for a three (3) year term from the date of Council confirmation.**

Motion made by Councilor Doucette to recommend approval of the appointment, seconded by Chair. Approved 3-0.

- 3) 6-21-21 – **Order No. 21-1008338: Reappointment of William Dunbar to the Conservation Commission for a three (3) year term to expire on February 2, 2024.**

Motion made by Councilor Doucette to recommend approval of the appointment, seconded by Chair. Approved 3-0.

Motion made and seconded to adjourn; Meeting adjourned at 7:59 PM.

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
Wednesday, July 14, 2021
Council Chambers
Minutes and Report**

The Finance Committee convened its meeting at 7:00 PM in the City Council Chamber, 2nd floor, City Hall, 140 Main Street.

Finance voting members present were Chair Irish, Councilors Dumais, Perlman, Oram and Tunnera.

Other councilors present were Councilors Wagner, Doucette, Robey, Landers, and Ossing.

Mayor Vigeant was present in the Chamber. IT Director Gibbs was present to address the new permitting software.

Reports of Committee Continued:

Order No. 21-1008325: Communication from Mayor Vigeant with request for Transfer 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 new software “OpenGov” – Refer to Finance Committee.

Motion made by Councilor Dumais, seconded by Chair, to recommend approval of the transfer. Approved 5-0.

Chair Irish will request a suspension of the rules to approve the transfer on July 19, 2021.

Motion made by Councilor Oram, seconded by Chair, to adjourn; Meeting adjourned at 7:28 PM.

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

**City Council Public Services Committee
Wednesday, July 14, 2021
Council Chambers
Minutes and Report**

The Public Services Committee convened its meeting at 6:30 PM in the City Council Chamber, 2nd floor, City Hall, 140 Main Street.

Public Services Committee members present were Chair Landers, Councilor Perlman and Councilor Irish.

Other councilors present were Councilors Robey, Ossing and Wagner.

Al Galvin addressed the petitions submitted by Mass Electric. Daniel Klasnick, Counsel for Verizon Wireless, addressed the small cell wireless facility.

1. 4-26-21 – **Order No. 21-1008276: Petition by Mass Electric to install a new pole #45/2 within the public right of way approximately 103’ west of Pole 25-1 on Forest Street.**

Comment from City Engineer DiPersio:

- The application indicates that the location of the proposed pole is to be approximately 26 feet from the centerline of the roadway. It is unclear based on this distance from the centerline that the proposed location is intended to be within, or behind the existing sidewalk (note that the other existing poles in the area are behind the sidewalk). The new pole must be located behind the sidewalk and not within the sidewalk, and no excavation of the sidewalk will be allowed.
- As long as the new pole is to be located behind the sidewalk, I have no other objections to the proposal.

**Motion made by Councilor Perlman, seconded by Chair, to recommend approval.
Vote: 3-0.**

2. 5-10-21 – **Order No. 21-1008292: Petition of Mass Electric to install 280’ of 4-5” conduit for manhole 10 to pole #93 on Donald J. Lynch Blvd near Bigelow Street.**

Reports of Committee Continued:

Comment from City Engineer DiPersio:

- This work must be completed before the City commences with resurfacing work on that portion of Donald Lynch Boulevard. The proposed location is not within the section of Donald Lynch Boulevard which will be resurfaced this year.
- The work will require a road opening permit from the DPW Engineering Division. The exact location of the proposed conduit shall be approved of in the field as part of the permitting, and pavement and line painting repair requirements will be set forth in the permit.
- I have no other objections to the proposal.

Motion made by Councilor Perlman, seconded by Chair, to recommend approval.

Vote: 3-0.

3. 5-10-21 – **Order No. 21-1008294: Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on Pole #19 within the layout of Boston Post Road West (Route 20).**

Atty. Klasnick submitted renderings of the installation and photographs of installations in other communities in Massachusetts. Due to the FCC shot clock timeline of 60 days to review the petition, Atty. Klasnick offered a draft Tolling agreement to extend the time in which to act on the petition. Solicitor Grossfield reviewed the language and by email dated July 14, 2021 confirmed it to be in proper legal form, further recommending the following motion for tonight's meeting: Move to authorize the Chair of this committee to sign the tolling agreement.

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

**City Council Urban Affairs Committee
Tuesday, June 29, 2021
Council Chambers
Minutes and Report**

Urban Affairs & Housing Committee members present were Chairman Katie Robey, Councilor Landers, Councilor Wagner, Councilor Doucette, and Councilor Navin. As all committee members were participating in Council Chambers, no Roll Call votes were required.

Other Councilors present in Chambers were Councilor Ossing and Councilor Perlman.

Others attending this meeting are included with each order's information.

Order No. 21-1008317: Request for approval of a Canopy for the drive-thru at Chick-fil-A, 36 Apex Drive within the Hospitality and Recreation Mixed Use Overlay Zoning District.

Donna Brown, permit manager, Michael Lawson, franchise owner, City Solicitor Jason Grossfield, and Building Commissioner Htway were present. Ms. Brown continued review of Chick-fil-A's plans to add canopies to the building, a new one near the menu board to cover both lanes of cars and replacing existing one at pick-up area. The canopies are designed to provide coverage for the employees who work outside taking orders and would provide heat in winter and fans in summer. Ms. Brown explained that the heaters would not be propane but would be using natural gas. She reviewed the clearance bars, stating there are currently two at the entrance to the drive-thru which are at a height to prevent cars from hitting the proposed canopies. They are also replacing existing lights with LED.

Reports of Committee Continued:

There was lengthy discussion by committee on use of natural gas and its impact on the environment vs using electric heaters with several members expressing desire for electric heaters. Ms. Brown stated that Chick-fil-A does use electric heaters in its stores where natural gas is not available.

Councilor Navin moved to approve the canopy design amended to use electric heaters provided we receive a letter from corporate office by July 19th Council meeting that they agree; motion was seconded. Councilor Landers requested a roll call vote: Landers-present, Navin=yes, Wagner=yes, Doucette=yes, Robey=yes. The motion carried 4-0.

Note-if there is no letter by July 19th, this would remain in committee, otherwise there would be a request to Suspend Rules to vote on this at the July 19th Council meeting.

Order No. 21-1008215: Application for Special Permit from Attorney 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.

The Chair read a letter from Attorney Falk requesting leave to withdraw without prejudice its application for a Special Permit to construct and operate a drive-thru facility to serve the current Alltown Convenience Store, 656 Boston Post Road East. The letter will be on the Council agenda for July 19th meeting; time for action was extended until August 24, 2021.

Councilor Doucette moved to recommend approval of the request to withdraw without prejudice; motion was seconded. The motion carried 5-0.

The chair will ask for Suspension of Rules to vote on this at the July 19th Council meeting.

Order No. 21-1008277: 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.

The Chair read a letter from Attorney Falk giving notice that WoHo formally requests to withdraw without prejudice its application for site plan approval for property at 28 South Bolton Street. At the advice of Solicitor Grossfield, no action was taken by the committee. The letter from Attorney Falk will be on the July 19th meeting where it can be accepted and placed on file.

Order No. 20-1007995: Special Permit Application from Attorney Falk on behalf of WP Marlborough MA Owner, LLC Waypoint Residential, to build a multifamily residential project in the Business District to be known as Volaris Marlborough, consisting of 188 units in 4 buildings to be located at 339 Boston Post Road East. (The public hearing was to be held June 8, 2020 but was continued to July 20, 2020 and time for action was extended until August 24, 2021.)

Reports of Committee Continued:

Attorney Brian Falk, Thomas Moran, Senior Development Manager Waypoint Real Estate, and City Solicitor Jason Grossfield were present. Attorney Falk gave a short presentation where he reminded committee members that the project was changed in scope to meet the suggestions of Council with site reduced to 3 buildings and 140 units. He also stated that the Mayor's office should be receiving a letter from MADOT indicating they would not approve a traffic light for Rt. 20 at this development's proposed driveway. Members had a copy of the draft notice of decision that had been discussed and amended at the January 26, 2021 meeting. Further discussion on the special permit had been held up in committee to give time for a response from DOT. Now that we had the response, the chair expressed a desire to finalize this as we were on summer schedule and sense was the deadline of August 24th would not be extended again. Discussion was held on need to get more data on traffic as study was done during COVID and questions on the data for traffic warrant. Attorney Falk reviewed the nine data points and none of them were met. Discussion was also held on whether we should update the information on comments at the public hearing. Solicitor Grossfield advised that the document should only contain the data from the public hearing.

Councilor Wagner moved to deny the Special Permit; the motion was seconded. Councilor Doucette asked for a Roll Call. Wagner-yes, Landers-present, Navin-yes, Doucette-yes, Robey-no. Motion to deny carried 3-1.

Chair will ask for Suspension of Rules at the July 19th Council meeting to refer to Solicitor to be put in proper form.

It was moved and seconded to adjourn; vote was 5-0. The meeting adjourned at 9:44 PM.

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

Suspension of the Rules – granted.

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”, **APPROVED**; 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 | | | | |

President Ossing called a recess at 9:32 PM and returned to open meeting at 9:34 PM.

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

Suspension of the Rules requested – granted.

ORDERED: That the Tolling Agreement from Verizon Wireless, as signed by Public Services Committee Chair Landers for the installation of a small cell wireless facility to be located on Pole #19 within the layout of Boston Post Road West (Route 20), Order No. 21-1008294, **FILE**; adopted.

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

ORDERED: That the Petition of Verizon Wireless for the installation of small cell wireless facility to be located on the existing Pole within the layout of the public right of way at 237 Boston Post Road West (Route 20), Pole #19, Order No. 21-1008294, referred to the **LEGAL DEPARTMENT TO BE PLACED IN PROPER FORM**; adopted.

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

Suspension of the Rules requested – granted.

ORDERED: That the Request for Approval of a Canopy for the Drive-thru at Chick-fil-A, 36 Apex Drive within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD) as amended to include the installation of electric heaters as outlined in the plans submitted, **APPROVED**; adopted.

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

Suspension of the Rules requested – granted.

ORDERED: That the request of Urban Affairs Chair Robey to forward the proposed decision for Special Permit as submitted by Attorney Brian Falk, on behalf of WP Marlborough MA Owner, LLC, to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, at 339 Boston Post Road East (McGee Farm), Order No. 20/21-1007995, referred to the **LEGAL DEPARTMENT TO BE PLACED IN PROPER FORM**; adopted.

Recommendation of the Urban Affairs Committee is to **DENY** the Special Permit by a roll call vote of 3-1-1 (In favor, Councilors Wagner, Doucette & Navin; opposed, Councilor Robey, voting present Councilor Landers).

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 9:43 PM; adopted.