

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, OCTOBER 18, 2021

The regular meeting of the City Council was held on Monday, October 18, 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 8:31 PM.

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

ORDERED: That the Minutes of the City Council meeting, October 4, 2021, **FILE**; adopted.

Mayor Vigeant provided the City Council with an update on COVID-19 and city events.

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

ORDERED: That the Certification from Ward 6 Councilor Sean Navin as required under MGL Chapter 39 §23D ("Mullin Rule"), regarding the Application for Special Permit of Aubuchon Realty Company, Inc., for two drive-through facilities associated with a new Starbucks and a bank at the Wayside Crossing Plaza, 661 Boston Post Road East, Order No 21-1008395, **FILE**; adopted.

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 Gift Acceptance in the amount of \$1,000.00 from the family of Raymond A. LaCouture for reimbursement of costs related to the flag box in City Hall and for programming for local Veterans; adopted.

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 \$56,250.00 from the Executive Office of Energy and Environmental Affairs awarded to the Engineering Department to be used for a consultant to review and update the city's regulations in supporting climate resiliency; adopted.

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 \$34,995.00 from the Executive Office of Public Safety and Security awarded to the Police Department to be used on various traffic enforcement measures and the purchase of equipment; adopted.

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

ORDERED: That the Transfer Request in the amount of \$146,288.00 which moves funds from PEG Funds to IT Equipment to fund the purchase of an electronic time system and equipment, referred to the **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:	IT						FISCAL YEAR:	2022	
	FROM ACCOUNT:					TO ACCOUNT:			
									Available
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$146,288.00	27000099	47750	Receipts Reserved-PEG Funds	\$146,288.00	19300006	58618	IT Equipment		\$0.00
Reason:							Implementation, setup of electronic time submittal		
\$146,288.00	Total			\$146,288.00	Total				

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

ORDERED: That the Reappointment of Mark Gibbs as Director of Data Processing for 3-year term from date of Council confirmation, referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Reappointment of Priscilla Ryder as Conservation Officer for 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 Solicitor Jason Grossfield, re: Proposed Zoning Amendment to Chapter 650, § 5 and § 18 (36) by adding 'Hobby Vehicle Storage' as a warehousing use in the Limited Industrial District, in proper legal form, Order No. 21-1008344, **MOVED TO ITEM 16**; adopted.

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

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

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

ORDERED: That the Communication from City Clerk Steven Kerrigan, re: Information on Proposed Update to Ward & Precinct lines to comply with 2020 Reprecincting for the City of Marlborough, Order No. 21-1008403, **MOVED TO ITEM 17**; adopted.

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

ORDERED: That the Communication from the Executive Office of Energy & Environmental Affairs, Department of Environmental Protection, re: Public Hearing Notice **FILE**; adopted.

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

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

- a) School Committee, September 14, 2021 & September 28, 2021.
- b) Conservation Commission, September 2, 2021 & September 16, 2021.
- c) Council on Aging, June 8, 2021.
- d) Planning Board, July 19, 2021, August 23, 2021 & September 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) Abraham/Katrina Jacob, 178 Worster Drive, residential mailbox claim (2b).

Reports of Committees:

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

**City Council Urban Affairs Committee
Report and Minutes
Wednesday – October 13, 2021**

Urban Affairs & Housing Committee members present were Chairman Katie Robey, Councilor Landers, Councilor Wagner, Councilor Doucette, and Councilor Navin.

Other councilors present were Councilor Ossing and Councilor Irish.

Other attendees are listed with each order discussed.

Order No. 21-1008354: 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 located at 181 Boston Post Road East.

Present for this item were Attorney Christopher Flood and David Winske, property owner. The chair read through the comments from department heads where fire and police and engineering had no comments; Board of Health did remind applicant they will need to permit the proposed park. Mr. Flood indicated the possibility of adding 3 additional mobile homes is only a possibility. Two applications have been filed with the Board of Health; one is for an existing mobile home park renewal the other is for the new park pending approval of the special permit. They are permitted for 119 mobile homes now, so they aren't adding any additional homes, they are splitting the site to keep the commercial part at front with possible sale of the homes in the back portion.

Councilor Doucette moved to recommend approval of the draft Decision for a Special Permit Application submitted by Post Road Mobile Home Park and Sales Inc. to allow the creation of a new mobile home park by dividing the current park into two separate parks (new park with 10 permitted sites, retaining 109 in existing park); the motion was seconded. The motion carried 5-0.

Order No. 21-1008395: Application for Special Permit from Attorney Falk on behalf of Aubuchon Realty Company, Inc., for two drive-through facilities associated with a new Starbucks and a bank at Wayside Crossing Plaza, 661 Boston Post Road East.

Councilor Navin stated he was absent from the Public Hearing but had followed rules necessary for him to be able to discuss and vote on this item.

Present for petitioner were Attorney Brian Falk; Eamon Moran, President Aubuchon Realty, and Matthew Bombacci of Bohler Engineering.

The chair read through the comments from department heads with police, fire and conservation having no concerns with the language in the draft special permit decision. City Engineer DiPersio offered additional language for Condition #8 Traffic Flow as follows: The applicant, its successors and/or assigns shall also install and maintain signage at the east end of the site, such that it is visible from the DiCenzo Boulevard/Boston Post Road intersection, that directs drivers headed west on Boston Post Road to use DiCenzo Boulevard to get to Starbucks (to try to reduce illegal left-turns into the Target driveway). The petitioner was without objection to the revised language. Councilor Doucette noted that in #8, DiCenzo is misspelled, and the lower-case c should be capitalized.

Committee members supported the additional language submitted by City Engineer DiPersio.

The chair read through the remaining draft conditions, and committee members were in support of the draft decision as amended by the DiPersio language.

Councilor Doucette moved to recommend approval of the draft Decision for a Special Permit Application submitted by Aubuchon Realty to build and operate a drive-thru facility for a bank, a drive-thru facility for a coffee shop restaurant and a walk-up window for the coffee shop and to modify a pre-existing non-conforming use at 661 Boston Post Road East in the Wayside District as amended to add language to Condition #8 as submitted by the City Engineer; the motion was seconded. The motion carried 5-0.

It was moved and seconded to adjourn. The motion carried 5-0.
The meeting adjourned at 7:25 PM.

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

**City Council Public Services Committee
Report and Minutes
Wednesday – October 13, 2021**

This meeting was convened at 6:30 PM in the City Council Chamber. Public attendance was permitted. The meeting was televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

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

Other Councilors in attendance were Councilors Ossing, Wagner, Navin, and Doucette.

Others in attendance were Albert Galvin was present to speak on behalf of National Grid.

Reports of Committee Continued:

8-23-21 – Order No.21-1008374: Petition from NGrid and Verizon New England to install a new jointly owned Pole #15-15 at 181 Cedar Hill Street.

PUBLIC HEARING: SEPTEMBER 13, 2021

Chair Landers read comments from City Engineer DiPersio dated October 12, 2021.

Motion by Councilor Perlman to suspend the rules at the October 18, 2021 regular meeting to recommend approval of the petition from NGrid and Verizon to install a new jointly owned Pole #15-15 at 181 Cedar Hill Street subject to conditions submitted by the City Engineer, seconded by Councilor Irish, and approved. Vote 3-0

9-13-21 – Order No.21-1008392: Petition of Crown Castle NG East LLC to install underground conduit on Crowley Drive and Fitchburg Street.

PUBLIC HEARING: SEPTEMBER 27, 2021

Chair Landers read comments from City Engineer DiPersio dated October 12, 2021.

All members present, voting and non-voting, were satisfied the City Engineer's conditions resolved any concerns regarding the project.

Motion by Councilor Irish to suspend the rules at the October 18, 2021 regular meeting to recommend approval of the petition of Crown Castle NG East LLC to install underground conduit on Crowley Drive and Fitchburg Street subject to conditions submitted by the City Engineer, seconded by Councilor Perlman, and approved. Vote 3-0

Motion made and seconded to adjourn; Meeting adjourned at 6:45 PM

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

Suspension of the Rules requested – granted.

ORDERED: That 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 the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE NOVEMBER 8, 2021 COUNCIL MEETING**; adopted.

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

Suspension of the Rules requested – granted.

ORDERED: That the Application for Special Permit from Attorney Brian Falk, on behalf of Aubuchon Realty Company, Inc., for two drive-through facilities associated with a new Starbucks and a bank at the Wayside Crossing Plaza, 661 Boston Post Road East, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE NOVEMBER 8, 2021 COUNCIL MEETING**; adopted.

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

Suspension of the Rules requested – granted.

ORDERED: That the Petition from Massachusetts Electric and Verizon New England, to install a new jointly owned Pole #15-75 at 181 Cedar Hill Street, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. The new pole shall be no closer to the edge of the travelled way than the adjacent existing poles #15-5 or #16.
2. A Street Opening Permit from the Engineering office is required.
3. The proposed location of the new pole shall marked on the ground and approved prior to the start of work.

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

Suspension of the Rules requested – granted.

ORDERED: That the Petition from Crown Castle NG East LLC, to install underground conduit on Crowley Drive and Fitchburg Street, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. Fitchburg Street is a state highway. The proposed work within the state layout will require an access permit from MassDOT.
2. Crowley Drive, including the rail trail, is owned by the City, but is a Private Way. The maintenance of the road and the rail trail is the responsibility of the property owners. The petitioner should notify all the property owners of this proposed work.
3. The Traffic Management Plans do not address pedestrian safety with respect to the rail trail. Much of the proposed conduit is to be laid immediately adjacent to the rail trail, so it is assumed that construction will have to temporarily close the trail to pedestrians. If this section of the trail is to be closed during construction, then signage should be placed at locations to the north and south on the trail notifying users of the closure. The petitioner should present a plan to address this. The traffic management plans for vehicle safety on Crowley Drive are acceptable as submitted.
4. The pavement patch detail on the construction plans is not acceptable - pavement repair shall be in accordance with DPW Regulations. This will be a requirement of the road opening permit issued from this office.
5. Any areas of pavement on the rail trail that are damaged during construction will have to be cut out for the full width of the trail and repaved to match existing conditions. This will be a requirement of the road opening permit issued from this office.
6. A field visit with Eversource and Engineering shall be conducted prior to the start of work so that the location of the new main within the roadway can be approved;
7. Final trench paving conditions shall be set forth in the Road Opening Permit;
8. This work shall not be permitted to start until the Spring of 2021.

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

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Proposed Zoning Amendment to Chapter 650, § 5 and § 18 (36) by adding 'Hobby Vehicle Storage' as a warehousing use in the Limited Industrial District, in proper legal form, Order No. 21-1008344, **FILE**; adopted.

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

That Chapter 650 §5 definition of Hobby Vehicle Storage be amended by adding the following sentence at the end of the paragraph “No manufacturing is allowed”.

ORDERED: THAT, PURSUANT TO SECTION 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:

1. By amending Section 650-5, Definitions; word usage, to add the following new definition:

Hobby Vehicle Storage – the warehousing, maintenance, and minor incidental and accessory repair of personal land-based passenger vehicles owned as part of a collection, provided that the vehicles shall be stored indoors in a building with a floor area not to exceed 17,000 square feet with an accessory building not to exceed a floor area of 3,000 square feet, the vehicles shall not be displayed outdoors or advertised for sale, and any maintenance or minor incidental and accessory repair shall take place indoors and shall be limited to vehicles stored at the site, any major repairs or restoration work must take place off-site, and fuel shall not be stored on-site other than the fuel tanks of the vehicles and not more than five five-gallon portable containers. No manufacturing is allowed.

2. By amending Section 650-18(36), Conditions for Uses, to read as follows:

“(36) Manufacturing and/or warehousing of footwear, precision instruments, tool and die, dental, medical and optical equipment, electrical or electronic instruments, hobby vehicle storage, biomedical or biotechnology products, subject to the provisions governing biomedical research in Subsection A(33) above, provided truck loading and parking areas are effectively screened from abutting office and residential use. Oil or asphalt manufacturing is prohibited.”

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 Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Communication from City Clerk Steven Kerrigan, re: Information on Proposed Update to Ward & Precinct lines to comply with 2020 Reprecincting for the City of Marlborough, Order No. 21-1008403, **FILE**; adopted.

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

ORDERED: That the City Council of the City of Marlborough hereby approves the city's 2020 Re-Precincting Plan, as submitted by the City Clerk, including the following documents:

- Ward and Precinct Map (Final Draft), City of Marlborough,
- Ward and Precinct Block Data, City of Marlborough (Final Draft), and
- Ward and Precinct Descriptions, City of Marlborough (Final Draft).

APPROVED; 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 8:31 PM; adopted.