

RECEIVED
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CITY OF MARLBOROUGH

2018 NOV 15 P 2:15

1. Minutes, City Council Meeting, October 29, 2018, Order No. 18-1007450.
2. Minutes, City Council Meeting, November 5, 2018 – not completed.
3. PUBLIC HEARING On the Proposed Zoning Change, amending Chapter 650 §34 and §41 in the Marlborough Village District, Order No. 18-1007404B.
4. Communication from the Mayor re: Disposition of Surplus Property – 25 East Main Street.
5. Communication from City Solicitor Donald Rider on behalf of Councilor Delano, re: Proposed Zoning Amendment – Lawful Pre-Existing Nonconforming Single and Two-Family Residential Structures.
6. Communication from City Solicitor, Donald Rider, re: Special Permit for Raphael B. Fischetti, to build a 2-story single-family home, 89 Spring Street in proper legal form, Order No. 18-1007387C.
7. Communication from Assistant City Solicitor, Cynthia Panagore Griffin, re: Proposed Zoning Amendment to Chapter 650, Neighborhood Business District, in proper form, Order No. 18-1007337C.
8. Communication from Building Commissioner, Jeffrey Cooke, re: Application for LED Sign Special Permit for Main Street Bank, 81 Granger Boulevard, Order No. 18-1007423.
9. Communication from DPW Commissioner John Ghiloni, re: Proposed Assignment of Retaining Wall Easement, 27 Jefferson LLC, Order No. 18-1007451, X18-1007245C.
10. Communication from Scott Dale on behalf of Avalon Marlborough II, re: Request to Extend Time Limitations on application for Special Permit to increase the number of units from 350 to 473 on a portion of 200 Forest Street within the Results Way Mixed Use Overlay District (RWMUOD), until 10:00 PM on January 29, 2019, Order No. 18-1007314C.
11. Communication from Christopher White, re: Request to Withdraw application for Special Permit to build a 24 x 26 garage on a non-conforming lot at 22 Brimsmead Street, Order No. 18-1007320B.
12. Application for Special Permit from Attorney Sem Aykanian to modify existing Special Permit issued to Main Street Bank, 81 Granger Boulevard on June 22, 2009, Order No. 09-1002152C, to modify permit to allow for an electronic digital display (electronic message board) sign.
13. Application for Special Permit from Melynda Gallagher on behalf of Lost Shoe Brewing and Roasting Company to allow for coffee roasting at their establishment within the Marlborough Village District, 19 Weed Street.
14. Petition from Massachusetts Electric and Verizon New England, Inc., to install new joint owned Pole #47-5, Bolton Street, to service new school at 441 Bolton Street.
15. Communication from Weston Solutions, Inc., re: Notification of Phase I Tier Classification Submittal relative to 33 Hayes Memorial Drive.
16. Notice of Filing and Public Hearing, Department of Public Utilities, NSTAR Gas Company d/b/a Eversource Energy, DPU 18-115.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.

17. Notice of Filing and Public Hearing, Department of Public Utilities, Massachusetts Electric d/b/a National Grid, DPU 18-118.
18. Communication from Cross Roads Industrial Park-Parcel G, re: Environmental Notification Form (EEA #15928) – Alternatives Analysis.
19. Minutes, Commission on Disabilities, July 3, 2018 & August 7, 2018.
20. Minutes, Planning Board, September 10, 2018, September 24, 2018, October 15, 2018 & October 29, 2018.
21. Minutes, Zoning Board of Appeals, October 31, 2018.
22. CLAIMS:
 - a) Christian Donaldson, 28 Waters Street, Millbury, pothole or other road defect.
 - b) John Barrington, 397 Bolton Street, #F6, pothole or other road defect.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Public Services Committee

23. **Order No. 18-1007427: Petition from Eversource Energy to install 775' of 6" IP plastic gas main as a system improvement on Stow Road from the intersection of Simpson Road to the intersection of Fitzgerald Road.** Michael Sabatino an engineer from Eversource Energy appeared before the Public Services Committee and explained Eversource has a model that is reviewed yearly which depicts how projects are chosen. There is a significant pressure drop in this location as it is towards the end of the system. Along Stow Road on the Fitzgerald Road side there is better pressure than at the other end near Simpson Road and connecting those two systems would balance them out and provide better service to the affected customers on Simpson Road. There was a discussion regarding the timing of the project and Mr. Sabatino explained it was estimated to be a six-week project which would have its completion at mid-December and he understood if they requested it be delayed as it was not an emergency and could wait until the spring. City Engineer Tom DiPersio spoke about the road opening deadline of December 1st and how a road cannot be opened after that date unless it was an emergency and approved by the Commissioner of Public Works or the City Council, per city ordinance. Mr. DiPersio recommended, given the size of the project, the project be delayed until the following year. Chairman Landers read the project conditions as provided by the City Engineer:

If/when the Stow Road Project commences, it should be under the following conditions:

- The exact location of the new pipe in the roadway shall be pre-approved in the field by the Engineering Division prior to the start of work.
- A traffic management plan shall be submitted to the Engineering Division for approval prior to the start of work.
- Final trench/paving requirements will be set by the Engineering Division as conditions of the road opening permit.

Motion made by Councilor Irish, seconded by the Chair, to approve the petition with conditions from Eversource Energy to install 775' of 6" IP plastic gas main on Stow Road. The motion carried 3-0.

From Urban Affairs Committee

24. **Order No. 18-1007387: Application for Special Permit from Attorney Norris, on behalf of Raphael Fischetti, to construct a new single-family dwelling at 89 Spring Street.** The Urban Affairs Committee met with Attorney Michael Norris and applicant Raphael Fischetti for a discussion of their request for a special permit to construct a new single-family house at 89 Spring Street. The lot is small, the previous house was demolished by the City and the lot was sold to the applicant as a tax foreclosure property. The applicant wants to build a two-story house versus the previous one-and-a-half-story house which means exacerbating the pre-existing, non-conformity of the lot and requires a special permit by the City Council. Ward Councilor Irish was unable to attend the meeting but sent a letter to Chairman Delano explaining he had no objection to the project but asked about their plans for the driveway, landscaping, and stone wall. Mr. Fischetti explained the driveway will be repaved but no changes to its size or location are intended, the stone wall will be repaired, and the landscaping will be maintained in neat manner. The Councilors had no objections to the application as there was no opposition from the neighbors, but they required the following additional conditions as part of the special permit:
1. Repair and maintain the stone wall.
 2. Driveway shall remain the same size.
 3. The structure shall be limited to three-bedrooms and six rooms total.
 4. No additions shall be allowed or other structures on the property.
 5. Decks may only be attached on the rear side of the house.

Motion made by Councilor Doucette, seconded by the Chair to approve the Special Permit Conditions as amended. The motion carried 3-0 (Juaire and Tunnera absent).

Motion made by Councilor Doucette, seconded by the Chair to approve the Special Permit with Conditions as amended. The motion carried 3-0 (Juaire and Tunnera absent).

Motion made by Councilor Doucette, seconded by the Chair to request a Suspension of the Rules at the November 5, 2018 City Council Meeting to refer to the Legal Department to place in proper legal form. The motion carried 3-0 (Juaire and Tunnera absent).

25. **Order No. 18-1007337C – Proposed Zoning Amendment to Chapter 650, §7, §17, new §39 & §41 as it relates to Neighborhood Business District. ITEM WAS TABLED UNTIL THE NOVEMBER 19, 2018 CITY COUNCIL MEETING.**

From City Council

26. **Order No. 18-1007364B – Proposed Ordinance change to Chapter 551, §1, Public Library Naming Rights. Advertisement was published on October 31, 2018, therefore the 10-day advertising period prior to passage has been satisfied. ITEM WAS TABLED UNTIL THE NOVEMBER 19, 2018 CITY COUNCIL MEETING.**