

REGULAR MEETING
OCTOBER 28, 2019
TIME: 8:00 PM

IN CITY COUNCIL
ABSENT
LOCATION: CITY HALL, 140 MAIN STREET, 2ND FLOOR

CONVENED:
ADJOURNED:
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 OCT 24 P 1:00

1. Minutes, City Council meeting, October 21, 2019.
2. PUBLIC HEARING On the Amendment to the Proposed Rezoning of land off 269 Mechanic Street identified as Map 56, Parcel 125, Order No. 19-1007738C.
3. PUBLIC HEARING On the Proposed Zoning Amendment relative to creating the Route 20 East Zoning District, Order No. 19-1007716A.
4. Communication from the Mayor, re: Grant Acceptance in the amount of \$124,805.00 from the Executive Office of Public Safety and Security for the Police Department which will be used to offset overtime costs in the Public Safety Dispatching Center.
5. Communication from the Mayor, re: Grant Acceptance in the amount of \$35,964.84 from the Executive Office of Public Safety and Security for the Police Department as reimbursement for mandated training for Dispatch personnel.
6. Communication from the Mayor, re: Grant Acceptance in the amount of \$29,877.63 from the Executive Office of Public Safety and Security for the Police Department which will be used to purchase a new CAD system/EMD software to conduct dispatch quality assurance reviews.
7. Communication from the Mayor, re: Update on Library Renovation Project.
8. Communication from City Solicitor, Jason Grossfield, re: Proposed Zoning Amendment relative to the definitions of Home Office/Home Occupation, Chapter 650, §5, in proper legal form, Order No. 19-1007756C.
9. Communication from City Solicitor, Jason Grossfield, re: Application for LED Sign Special Permit from Dan Corbin on behalf of Blue Hills Fuels LLC, (Gulf Station) 114 East Main Street, in proper legal form, Order No. 19-1007779A.
10. Communication from Assistant City Solicitor, Jay Piques, re: Application for Special Permit from Nicholas Masso of Indo Laboratories, to operate an independent Marijuana Testing Laboratory at 257 Simarano Drive, in proper legal form, Order No. 19-1007757B.
11. Application for Pool Table License, Adam Krasinski of Tackle Box Brewing Company LLC, 416 Boston Post Road East.
12. Application for Renewal of Livery License, Katsunori Tanaka, d/b/a Global Limousine & Tour Services, LLC, 17 Eager Court.

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.

13. Communication from Barlo Signs, re: Updated Request for Signs, Approach Student Center, 58 Apex Drive, within the HRMUOD, Order No. 16/19-1006443.
14. Minutes, Conservation Commission, July 25, 2019.
15. Minutes, Planning Board, October 7, 2019.
16. Minutes, Zoning Board of Appeals, October 1, 2019.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Legislative & Legal Affairs Committee

17. **Order No. 19-1007807: Communication from City Solicitor Grossfield regarding Acceptance of Open Space Parcel: Goodale Estates Subdivision/Open Space Development Special Permit.**

The Solicitor's September 25, 2019 letter was read into the record. Mr. DiPersio explained that the Planning Board included a condition in the Special Permit for this subdivision that the developer would convey no less than 5.02 acres of land as Open Space and would pay to the city \$5,000 for a Conservation Maintenance Fund to support its maintenance.

Councilor Delano moved to approve the Order accepting 5.06 acres of land, more or less, shown as Open Space on plans for Goodale Estates. The Order places the property under the jurisdiction of Marlborough Conservation Commission to manage and control for purpose of promotion and development of natural resources watershed protection, passive recreation, and conservation and accepts payment of \$5,000 to be placed in a Conservation Maintenance Fund. The motion was seconded and approved 3-0.

From Personnel Committee

18. **Order No. 19-1007778: Communication from the Mayor, regarding Appointment of John Welch, Jr. to the Parks & Recreation Commission for a three-year term from date of confirmation.**

The Personnel Committee met with John Welch regarding his appointment to the Parks & Recreation Commission. Mr. Welch has lived in Marlborough for the past fourteen years and has two children in Marlborough Public Schools who both play sports. Therefore, he is involved with four different youth sports by coaching and serving on the board of one of the sports as their field coordinator for baseball, football, soccer, and lacrosse.

Motion made by Councilor Landers, seconded by the Chair, to approve the appointment of John Welch, Jr. to the Parks & Recreation Commission for a three-year term from date of confirmation. The motion carried 3-0.

19. **Order No. 19-1007790: Communication from the Mayor, regarding Reappointment of Pamela Wilderman to the Historical Commission for a three-year term from date of confirmation; and**

The Personnel Committee met with Pamela Wilderman and Nicholas Evans regarding their appointments to the Historical Commission. Ms. Wilderman has worked for the City since 1997 and has an interest in the people and places of Marlborough. She further explained any place historically is the history of the people who have lived there and that can only be maintained if there is a belief that it is important. Captain Evans is a Captain in the U.S. Air Force and recently moved to Marlborough and is excited to get involved with his new community. He is attached to Hanscom AFB and administers the Air Force ROTC program at WPI. He purchased a home in Marlborough that dates back to 1890.

Motion made by Councilor Irish, seconded by Councilor Landers, to approve the reappointment of Pamela Wilderman to the Historical Commission for a three-year term from the date of confirmation. The motion carried 3-0.

20. **Order No. 19-1007803: Communication from the Mayor, regarding Reappointments of Brenda Costa, Rose Marie Elwood, Jeanne McGeough, Leslie Biggar and Patricia Gallier, to the Council on Aging Board, for three-year terms from date of confirmation.**

The Personnel Committee met with Brenda Costa and Patricia Pope, Councilor on Aging Director, regarding the reappointments of various board members. Ms. Pope explained the absence of the other members as their reluctance to drive at night. The Personnel Committee agreed to discuss their reappointments without their presence as a courtesy due to their commitment to the Council on Aging. Ms. Costa has served on the board for many years and stated it is an exciting time especially since the building of the new senior center with the opportunities and programs available to them. Ms. Pope discussed the construction of the greenhouse and the Hometown Hero banners on Main Street.

Motion made by Councilor Irish, seconded by Councilor Landers, to approve the reappointments of Brenda Costa, Rose Marie Elwood, Jeanne McGeough, Leslie Biggar and Patricia Gallier, to the Council on Aging Board, for three-year terms from date of confirmation. The motion carried 3-0.

21. **Order No. 19-1007804: Communication from the Mayor, regarding Appointment of Nicholas Evans to the Historical Commission for a three-year term from date of confirmation.**

The Personnel Committee met with Pamela Wilderman and Nicholas Evans regarding their appointments to the Historical Commission. Ms. Wilderman has worked for the City since 1997 and has an interest in the people and places of Marlborough. She further explained any place historically is the history of the people who have lived there and that can only be maintained if there is a belief that it is important. Captain Evans is a Captain in the U.S. Air Force and recently moved to Marlborough and is excited to get involved with his new community. He is attached to Hanscom AFB and administers the Air Force ROTC program at WPI. He purchased a home in Marlborough that dates back to 1890.

Motion made by Councilor Irish, seconded by Councilor Landers, to approve the reappointment of Pamela Wilderman to the Historical Commission for a three-year term from the date of confirmation. The motion carried 3-0.

22. **Order No. 19-1007805: Communication from the Mayor, regarding Appointment of Wayne E. Stanley, Sr. to the Commission on Disabilities for a two-year term from date of confirmation, and withdrawal from consideration for reappointment of Anne Ryan.**

The Personnel Committee met with Wayne Stanley to discuss his appointment to the Commission on Disabilities. Mr. Stanley has lived in Marlborough since 1965, excluding his twenty-two years of service in the Air Force, and returned to Marlborough upon his retirement. He has been an active member of the community but has been looking for additional ways to give back to Marlborough. His firsthand experience living with disabilities makes him familiar with some of the challenges that disabled persons encounter on a daily basis.

Motion made by Councilor Landers, seconded by the Chair, to approve the appointment of Wayne E. Stanley, Sr. The Commission on Disabilities for a two-year term from the date of confirmation. The motion carried 3-0.

From Urban Affairs Committee

23. **Order No.19-1007673: Proposed zoning petition from Councilor Delano, as requested by Commissioner Cooke and Solicitor Grossfield amending Chapter 650-12. Nonconforming uses.**

The Urban Affairs Committee met with Building Commissioner Cooke to discuss the proposed zoning petition which would put the City's zoning ordinance in conformity with Massachusetts General Law. Massachusetts General Law (M.G.L.) 40A discusses structures and uses, and Marlborough's code just talks about uses and this amendment would add structures. The Building Commissioner requested this update, so the City's zoning mirrors the State requirements.

Motion made by Councilor Doucette, seconded by Chair, to approve. The motion carried 5-0.

24. **Order No.19-1007757: Application for Special Permit from Nicholas Masso on behalf of Indo Laboratories to operate a Marijuana Testing Laboratory at 257 Simarano Drive.**

The Urban Affairs Committee met with Nicholas Masso, Chief Executive Officer (CEO), and Nicholas Bilotti, Chief Operating Officer (COO), of Indo Laboratories. They discussed the conditions for the Special Permit and requested the following:

- To Condition Eighteen which states the applicant's facility has been inspected by the Fire Chief and meets all safety and building codes shall include language referencing letter to that effect.
- Add an additional condition for a written security plan approved in writing by the Police Chief or his designee.
- For Condition Thirteen, it was requested they clarify when the samples are destroyed and if any product is not used for testing, it will be immediately destroyed.
- Add a statement that they will comply with all rules and regulations of the Board of Health.
- A last condition should be added that the applicant must record this decision.

The applicant shall modify the decision as requested by the committee and return to City Council and Solicitor to be placed in proper legal form.

Motion made by Councilor Juairé, seconded by the Chair, to approve the special permit as amended. The motion carried 5-0.