

REGULAR MEETING  
DECEMBER 2, 2019  
TIME: 8:00 PM

IN CITY COUNCIL  
ABSENT  
LOCATION: CITY HALL, 140 MAIN STREET, 2<sup>ND</sup> FLOOR

CONVENED:  
ADJOURNED:

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 NOV 26 P 5:00

1. Minutes, City Council Meeting, November 18, 2019.
2. JOINT TAX CLASSIFICATION PUBLIC HEARING with Board of Assessors to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2020, Order No. 19-1007857.
3. Communication from the Mayor, re: Tax Classification Hearing Information and Tax Levy Offset Transfer Requests totaling \$1,094,896.13.
4. Communication from the Mayor, re: Gift Acceptance in the amount of \$200.00 from the Marlborough Junior Woman's Club for the Police Department to be used to offset the costs of running their R.A.D. (Rape Aggression Defense) program.
5. Communication from the Mayor, re: Union Common Lease.
6. Communication from City Clerk, Steven Kerrigan, re: Proposed Change in Polling Location (Ward 5).
7. Communication from City Solicitor, Jason Grossfield, re: Application for Special Permit from Attorney Brian Falk on behalf of One Energy, Inc., to authorize the alteration of a preexisting nonconforming gas station use, to a gas station, convenience store and restaurant/café use at 121 Bolton Street, in proper legal form, Order No. 19-1007780A.
8. Communication from City Solicitor, Jason Grossfield, re: Application for Site Plan Approval from Post Road Realty, LLC for the Green District project to be built in the Executive Residential Overlay District (EROD) at 107 Simarano Drive, in proper legal form, Order No. 19-1007763A.
9. Communication from City Solicitor, Jason Grossfield, re: Application for Special Permit from Post Road Realty, LLC to construct a multi-family residential project known as the Green District in the Executive Residential Overlay District (EROD) which will consist of 475 units in two buildings at 107 Simarano Drive, Map 116, Parcels 5, 11 & 12, in proper legal form, Order No. 19-1007762B.
10. Petition from Massachusetts Electric, to install new underground equipment to feed street lights 52 through 57 from existing street light #24.
11. Petition from Massachusetts Electric, to install push brace #7-89 on Front Street which will enable National Grid to remove the pole to tree guy wire.
12. Communication from various residents of Mechanic Street re: Tunnera & Sons Roofing & Snow Removal Services, 260 Mechanic Street.
13. Minutes, Board of Assessors, July 10, 2019.

**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.**

14. Minutes, Parks & Recreation Commission, October 9, 2019.
15. CLAIMS:
  - a) Jessica Carley, 181 Boston Post Road East, #76, pothole or other road defect.

## REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

From Finance Committee

16. **Order No. 19-1007818: Transfer Request in the amount of \$150,000.00 from Undesignated Funds to Capital Outlay-DPW Projects, to fund mitigation payment pursuant to the Special Permit for the project at 421 Bolton Street.**

The Finance Committee reviewed the Mayor's letter dated October 17, 2019 requesting a transfer of \$150,000.00 from the Undesignated Funds account to the Capital Outlay DPW Projects account. This transfer is part of the special permit for BSL Development (The Branches) requiring a mitigation payment to purchase a sewer easement parcel and subsidize the City's construction of a concession stand and bathrooms for the athletic fields at the 1LT Charles W. Whitcomb school.

**Recommendation of the Finance Committee is to approve the Transfer** (The Finance Committee voted 4-0).

17. **Order No. 19-1007838: Communication from the Mayor, re: Update on Library Renovation Project.**

The Finance Committee Chairman discussed the Mayor's letter offering the Library Building Committee to update the City Council on the progress of the new Library. The Finance Committee Chairman met with the Library Director earlier in the week. The Library Director indicated the final design drawings will be available shortly, the renovation costs are still under budget, the Walker Building will be used as the temporary location with a planned summer 2020 move and the Library renovation construction is planned to start in the fall of 2020. The Finance Committee acknowledged that a formal presentation to the City Council would be better served in the next legislative session when the new City Council is seated and the and drawings are available.

**Recommendation of the Finance Committee is that this matter be carried over to the next legislative session.**

From Urban Affairs Committee

18. **Order No. 19-1007738D: Communication from Attorney Michael Norris on behalf of Renato Fontes, regarding Amendment to the Proposed Rezoning of land off 269 Mechanic Street identified as Map 56, Parcel 125.**

The Urban Affairs Committee met with attorney Michael Norris regarding the proposed rezoning of land off 269 Mechanic Street identified as Map 56, Parcel 125. Mr. Norris previously appeared before the Urban Affairs Committee on September 18, 2019 for an initial request to rezone this property. The committee approved the request however it was later discovered there was a very small portion of land contiguous to the Rail Trail on which the building is located that was not included in the original request. Per the recommendation of the City Solicitor, Mr. Norris was advised to return to the City Council to rezone the additional portion of land from Limited Industrial to Residence B zone.

**Recommendation of the Urban Affairs Committee is to approve** (Motion made by Councilor Juaire, seconded by the Chair, to approve. The motion carried 5-0).

19. **Order No. 19-1007780A: Application for Special Permit from Attorney Brian Falk, on behalf of One Energy, Inc., to authorize the alteration of a preexisting nonconforming gas station use, to a gas station, convenience store and restaurant/cafe use at 121 Bolton Street.**

The Urban Affairs Committee met with attorney Brian Falk of Mirick O'Connell, Mark Diarbakerly, owner of One Energy, Inc., Diane Nelligan, project manager at One Energy, Inc., and Richard DeFusco, RLA of Ayoub Engineering on the application for a special permit to authorize the alteration of a preexisting nonconforming gas station use to a gas station/convenience store at 121 Bolton Street. They discussed the driveway openings and whether it was best to have three as proposed versus two favored by members of the Site Plan Review Committee. As the project presented to the City Council and Site Plan Review Committee, and as shown in the submitted traffic study, included three openings (two on Bolton and one on State) Councilors agreed all three openings could remain subject to further condition in the Special Permit.

**Recommendation of the Urban Affairs Committee is to approve as amended** (Motion made by Councilor Juaire, seconded by the Chair, to approve as amended. The motion carried 5-0).

20. **Order No. 19-1007763A: Application for Site Plan Approval from Post Road Realty, LLC for The Green District project to be built in the Executive Residential Overlay District (EROD), at 107 Simarano Drive.**

The Urban Affairs Committee met with attorney Brian Falk of Mirick O'Connell, Andre Montelli of Post Road Realty, LLC, and Joe Peznola of Hancock Associates for a discussion of their application for Site Plan Approval of The Green District project to be built in the Executive Overlay District (EROD) at 107 Simarano Drive.

**Recommendation of the Urban Affairs Committee is to approve as amended** (Motion made by Councilor Doucette, seconded by the Chair, to approve as amended. The motion carried 5-0).

21. **Order No. 19-1007762B (X 19-1007763): Application for Special Permit from Post Road Realty, LLC to construct a multi-family residential project known as the Green District in the Executive Residential Overlay District (EROD) which will consist of 475 units in two buildings at 107 Simarano Drive, Map 116, Parcels 5, 11 & 12.**

The Urban Affairs Committee met with attorney Brian Falk of Mirick O'Connell, Andrew Montelli of Post Road Realty, LLC, and Joe Peznola of Hancock Associates for a discussion of their special permit application to construct a multi-family residential project at 107 Simarano Drive. Mr. Montelli reviewed the "Multifamily Development Review Criteria and Design Review Guidelines" for their project, reminding the committee this assessment was self-scoring and explaining how he arrived at the score of 120 out of a possible 195 points. The committee reviewed the special permit conditions and requested the applicant add a condition (#9) that they will comply with all Conservation Commission restrictions.

**Recommendation of the Urban Affairs Committee is to approve as amended** (Motion made by Councilor Doucette, seconded by the Chair, to approve as amended. The motion carried 5-0).