

REGULAR MEETING
DECEMBER 16, 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 DEC 12 P 12:50

1. Minutes, City Council Meeting, December 2, 2019.
2. Communication from the Mayor, re: Grant Acceptance in the amount of \$200,000.00 from the Commonwealth of Massachusetts awarded to the City of Marlborough, in the form of a budget earmark to fund a city shuttle service for one year.
3. Communication from the Mayor, re: Grant Acceptance in the amount of \$80,436.00 from the Executive Office of Elder Services awarded to the Council on Aging which will be used in enhancing the lives of Marlborough's seniors through programming, assistance and support services.
4. Communication from the Mayor, re: Grant Acceptance in the amount of \$8,900.00 from the Massachusetts Emergency Management Agency's Performance Grant Program which will be used to purchase cots, bedding and a storage trailer for the set-up of an emergency shelter.
5. Communication from the Mayor, re: Gift Acceptance in the amount of \$500.00 from Mr. Libby Ginnett as a charitable donation to the Council on Aging.
6. Communication from the Mayor, re: Proposed Order to authorize the Mayor to enter into agreements for the installation of four solar photovoltaic projects on the roof-tops of Marlborough Schools.
7. Communication from the Mayor, re: Right of First Refusal – Land off Boston Post Road East, from Heritage Farm, LLC (**Document available for viewing in the Clerk's Office**).
8. Communication from City Solicitor, Jason Grossfield, re: Proposed Zoning Amendment to Chapter 650 relative to the creation of the Wayside Zoning District, in proper legal form, Order No. 19-1007716C.
9. Communication from Assistant City Solicitor, Jason Piques, re: Application for Special Permit from Attorney Brian Falk, on behalf of Marlborough Hospital & UMASS Memorial Realty, Inc., to add a new Women's Imaging Center, and seeking a finding to alter a preexisting nonconforming use and alter the preexisting nonconforming lot coverage from 48.2% to 49.2% at 157 & 209 Union Street, in proper legal form, Order No. 19-1007824B.
10. Communication from Assistant City Solicitor, Jason Piques, re: Application for Special Permit from Attorney Brian Falk, on behalf of 119 Ash Street, LLC (David Skarin), to convert a preexisting, nonconforming contractor's yard to an 11-unit residential townhouse project, and convert an existing single family home to a two-family dwelling, to be known as Trailside Terrace at 19 Ash Street, in proper legal form, Order No. 19-1007809B.

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.

11. Communication from Assistant City Solicitor, Jason Piques, re: Application for LED Sign Special Permit from Poyant Signs on behalf of McDonalds, 155 Boston Post Road West, in proper legal form, Order No. 19-1007808A.
12. Petition from Massachusetts Electric, to install a new pole and anchor #30-84 on Bigelow Street which will enable National Grid to remove the pole to tree guy wire.
13. Communication from Central MA Mosquito Control Project, re: Notice of 2020 Commission meeting dates.
14. Communication from NSTAR Gas Company d/b/a Eversource Energy re: Notice pursuant to MGL Chapter 164 §94 and 220 CMR 5.00 for Approval of General Increases in Base Distribution Rates for Gas Service.
15. Communication from New England Power Company and/or Massachusetts Electric company d/b/a National Grid, re: Notice pursuant to 333 CMR 11.06, 45-day Public Notice of 2020 Yearly Operational Plan.
16. Communication from Attorney Brian Falk on behalf of Vedi Naturals LLC, re: Application for Special Permit for an Adult Use Marijuana Retail Establishment, 505 Boston Post Road West (Twin Boro Crossing).
17. Minutes, School Committee, October 15, 2019, October 29, 2019 & November 12, 2019.
18. Minutes, Conservation Commission, September 5, 2019, October 3, 2019, October 17, 2019, November 7, 2019 & November 21, 2019.
19. Minutes, Council on Aging Board, November 12, 2019.
20. Minutes, Historical Commission, October 17, 2019.
21. Minutes, Planning Board, October 21, 2019 & November 18, 2019.
22. Minutes, Traffic Commission, October 30, 2019.
23. Minutes, Zoning Board of Appeals, November 26, 2019.
24. CLAIMS:
 - a) Geren Kaplan, 17 Nancy Road, Milford, pothole or other road defect.
 - b) Matt Kelley, 126 Crosby Road, residential mailbox claim (2a).

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Urban Affairs Committee

25. **Order No. 19-1007824B: Application for Special Permit from Attorney Brian Falk, on behalf of Marlborough Hospital & UMASS Memorial Realty, Inc., to add a new Women's Imaging Center, and seeking a finding to alter a preexisting nonconforming use and alter the preexisting nonconforming lot coverage from 48.2% to 49.2% at 157 & 209 Union Street.**

The Urban Affairs Committee meet with attorney Brian Falk, Neal Emmer of LWDA Architects, and Randy Miron of Bohler Engineering for a review of the application for a special permit on behalf of Marlborough Hospital & UMASS Memorial Realty, Inc. They discussed the location of the proposed sidewalk to the site as there is currently none. Condition 7, Pedestrian Access, discusses that sidewalk and the committee would like the language changed so it is clear that the sidewalk must be approved by the Site Plan Review Committee and City Engineer.

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

26. **Order No. 19-1007809B: Application for Special Permit from Attorney Brian Falk, on behalf of 119 Ash Street, LLC (David Skarin) to convert a preexisting, nonconforming contractor's yard to an 11-unit residential townhouse project and convert an existing single-family home to a two-family dwelling, to be known as Trailside Terrace at 19 Ash Street.**

The Urban Affairs Committee met with attorney Brain Falk, David Skarin, engineer Bruce Saluk, and architect Larry Reeves for a review of the application for a special permit of behalf of 119 Ash Street, LLC. Chairman Delano confirmed all units at the site were to be two-bedroom units. They discussed the view easement previously purchased by the City of Marlborough to allow for sight distance up Ash Street and it was confirmed that easement would be honored with the new construction. They reviewed the special permit decision conditions, conditions one through four are standard as is condition six, lighting. Condition seven, Screening for Abutters, was in response to a comment at the public hearing by a neighbor who requested additional screening for that portion of the property. Condition eight, Pedestrian Access to the Rail Trail was discussed earlier in the meeting. The following are additional conditions discussed that evening: the City's view easement and a landscaping plan will be designed to not interfere with it; a condition will be included on their obligation to maintain the landscaping alongside their portion of the rail trail with flowers, details to be worked out with the Site Plan Review Committee; and take into consideration any review of the traffic impact by the Site Plan Review Committee along Ash Street. The applicant also agreed to maintain the nearby crosswalk on Ash Street with a green visibility paint.

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