

REGULAR MEETING  
MAY 6, 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

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1. Presentation Veteran of the Year.
2. Minutes, City Council Meeting, April 29, 2019.
3. Communication from the Mayor, re: FY20 Budget Recommendation in the amount of \$169,023,174.00 which represents a 3.8 % increase over last year's appropriation. (The Proposed FY20 Budget document is available for viewing in the Office of the City Clerk).
4. Communication from City Solicitor, Donald Rider, re: Acceptance of Deed Conveying 10.09 Acres of land located on Berlin Road identified as Map 41, Parcel 37B, Order No. 19-1007584C.
5. Communication from the Retirement Board re: Consideration of a cost of living increase (COLA) pursuant to MGL Chapter 32, §103(i).
6. Communication from the Planning Board, re: Favorable Recommendation and comments on the Proposed Zoning Ordinance Amendment, Chapter 650, §5, §17, §18 & §48 relative to adding Food Trucks to the Table of Uses, Order No. 19-1007543A.
7. Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Map Amendment, land at 31 and 35 John Street, Order No. 19-1007569A.
8. Application for LED Sign Special Permit from Attorney Elizabeth McDonough Noonan on behalf of Colbea Enterprises, LLC, 342 Boston Post Road East.
9. Communication from Melynda & JP Gallagher, of Lost Shoe Brewing and Roasting Company, 19 Weed Street, to add outdoor seating to their establishment.
10. Petition from TC Systems, Inc., on behalf of AT&T, to install new underground conduits with cable on Forest Street from Pole #24 To Verizon MH #516 for a distance of 65' within the Public Way.
11. Communication from Attorney Falk on behalf of David Skarin, re: Proposed Zoning Amendment, to Chapter 650 §12 Nonconforming Uses.
12. Minutes, School Committee, April 9, 2019.
13. Minutes, Board of Assessors, April 17, 2019.
14. Minutes, Board of Health, March 4, 2019.
15. Minutes, License Board, March 27, 2019.
16. Minutes, Traffic Commission, March 27, 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.**

## REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

From Finance Committee

17. **Order No. 19-1007624 – Transfer \$699,088.00 from the Economic Development Account to Fund the Marlboro Economic Development Corporation (MEDC) for FY20:** The Finance Committee reviewed the Mayor’s letter dated April 4, 2019 requesting the transfer of \$699,088.00 from the Economic Development account to fund MEDC for FY20. The funds are from the local options hotel tax that has a current balance of \$1,661,109.48. **The Finance Committee voted 4 - 0 to approve the transfer.**

From Urban Affairs Committee

18. **Order No. 18/19-1007484C: Communication from Peter Bemis on behalf of Stephen Vigeant, Trustee 22 Englewood Trust, regarding Rezoning land off Mill Street South.** The Urban Affairs Committee met with Neil Vigeant for a discussion of the rezoning of land off Mill Street South by extending a zoning line. They are not creating new zoning language or requesting an overlay but seeking to extend the adjacent CA zoning line to include the Englewood Trust property now currently located in the I zone. The Councilors were in support of Mr. Vigeant’s request and believed it would be a positive change for the property. **Motion made by Councilor Juairé, seconded by the Chair, to approve the zoning map change of the land off Mill Street South from I to CA. The motion carried 5-0.**
19. **Order No. 19-1007533B: Proposed Zoning Amendment, to add to Chapter 650 a new section §36, which will create an Executive Residential Overlay District in the Simarano Drive and Cedar Hill Road Area.** The Urban Affairs Committee met with attorneys Arthur Bergeron and Brian Falk of Mirick O’Connell, Andy Montelli of Post Road Residential, and Mark Racicot of Metropolitan Area Planning Council (MAPC) on March 26<sup>th</sup> and April 22<sup>nd</sup> for a discussion of a proposed zoning amendment for an Executive Residential Overlay District in the Simarano Drive and Cedar Hill Road Area. At the meeting on March 26<sup>th</sup>, their discussions centered on limiting the first two phases of the project to 475 units and all uses permitted by-right were to require a Special Permit except those uses allowed by the underlying zoning. On April 22<sup>nd</sup>, councilors reviewed Atty. Falk’s proposed edits to the zoning petition and no further changes were recommended by the committee or other councilors present. **Motion made by Councilor Doucette, seconded by the Chair, to approve the proposed Executive Residential Overlay District (EROD) zoning petition, as amended. The motion carried 5-0.**

20. **Order No. 18/19-1007500C: Proposed Zoning Ordinance Amendment, Chapter 650, §15, §17, & §18 – Home Office & Contractor Yards.**

The Urban Affairs Committee met on February 26<sup>th</sup>, March 19<sup>th</sup>, March 26<sup>th</sup>, April 2<sup>nd</sup>, and April 9<sup>th</sup> to discuss the Proposed Zoning Ordinance Amendment to Chapter 650, §15, §17, & §18 – Home Office & Contractor Yards. The City currently has no ordinance for Home Offices and Contractor Yards, therefore according to regulations if there is no existing ordinance, then the use is not allowed in the community. The City Council must put reasonable rules in place which are fair to the business owners and residents affected by those same businesses. Over the course of those meetings, the Councilors made suggested changes to the proposed zoning ordinance amendment which was presented at a Public Hearing on February 11, 2019.

- The Home Office definition was updated.
- Table of Uses updated to allow Contractor's Storage Yard and Landscape Contractor's Storage Yard by right in Commercial Automotive and Limited Industrial zones.
- Condition for Uses – (47) Home Offices updated to allow no more than two employees at a home office, restrictions on use of an accessory building as a home office, prohibiting more than one commercial vehicle with restrictions on its size and weight, and restrictions on hours of operation.
- Condition for Uses – (48) Contractor's storage yards and landscape contractor's storage yards updated to remove the section titled (a) Applications and include the following:
  - (a) Design Standards.
    - (1) Proximity to existing residential zoning districts.
    - (2) Abutting residential lots.
    - (3) Screening.
    - (4) Minimum lot area.
    - (5) Maximum size of storage yard.
    - (6) Vehicles, Equipment and/or Materials.
  - (b) Grandfathering.
  - (c) Previous Special Permit or Site Plan Approval.
  - (d) All others.

The original proposed zoning amendment changed significantly during the course of the Urban Affairs Committee meetings, therefore the amended zoning amendment will appear on the April 29, 2019 City Council meeting where it will be ordered advertised and a new Public Hearing date will be set.

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

From City Council

21. **Order No. 19-1007584C: Acceptance of Deed Conveying 10.09 Acres of land located on Berlin Road identified as Map 41, Parcel 37B. TABLED TO THE MAY 6, 2019 CITY COUNCIL MEETING.**