

REGULAR MEETING
SEPTEMBER 13, 2021
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
2021 SEP -9 P 1:05

CITY COUNCIL AGENDA

This meeting of the City Council will be held in City Council Chambers on Monday, September 13, 2021 at 8:00 PM. **PUBLIC ATTENDANCE IS PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city website (www.marlborough-ma.gov).

1. Minutes, City Council Meeting, August 23, 2021.
2. From Council President Ossing having Mayor Vigeant, provide an update to the City Council regarding COVID-19.
3. PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install a new jointly owned Pole #15-5 and permission for NGRID to install three (3) 50K (120/208) transformers and underground riser-perm connection to customer at 121 Bolton Street, Order No 21-1008373.
 - a) Communication from City Engineer Thomas DiPersio, re: Recommended conditions for Petition from Massachusetts Electric and Verizon New England, 121 Bolton Street.
4. PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install a new jointly owned Pole #15-15 at 181 Cedar Hill Street, Order No 21-1008374.
5. PUBLIC HEARING on the Petition from Massachusetts Electric, to replace direct buried cable with cable in conduit using directional drill method on Ferrecchia Drive, Order No. 21-1008375.
6. Communication from Councilor Ossing and Councilor Tunnera, re: Municipal Aggregation – September 2021 Update.
7. Communication from the Mayor, re: Grant Acceptances from the Executive Office of Public Safety & Security, FY22 State 911 Grant Program as follows:
 - a) In the amount of \$28,721.48 to fund the purchase of equipment, conduct quality assurance reviews and offset overtime costs for Dispatch personnel.
 - b) In the amount of \$154,964.00 to be used to offset personnel overtime costs in the Public Safety Dispatching Center.
 - c) In the amount of \$38,072.48 to the Police Department to fund all mandated trainings for Dispatch personnel.

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.

8. Communication from the Mayor, re: Grant Acceptances from BayPath Elder Services awarded to the Council on Aging as follows:
 - a) In the amount of \$7,000.00 which will be utilized to assist seniors to obtain “A Hoarding and Clutter Free Lifestyle”.
 - b) In the amount of \$4,000.00 which will be utilized to have two (2) trained and certified staff members in PEARLS (Program to Encourage Active Rewarding Lives).
9. Communication from the Mayor, re: Gift Acceptance in the amount of \$7,500.00 from Digital Federal Credit Union (DCU) to the Police Department to support the departments community outreach programs such as the Youth Academy and the Christmas Heroes for Helpers program.
10. Communication from the Mayor, re: Transfer Request in the amount of \$93,243.00 which moves funds from Reserved for Salaries to Sick Leave Buy Back and Longevity to fund recent retirements in the Department of Public Works and Police Departments.
11. Communication from the Mayor, re: Transfer Request in the amount of \$70,645.00 which moves funds from Assistant Building Commissioner to Contract Services to fund additional resources to assist within the Building Department.
12. Communication from Solicitor Jason Grossfield, re: Proposed Zoning Amendment to Chapter 650 of the Code, to add a new section to create the “Commercial Village Housing Overlay District”, in proper legal form, Order No. 21-1008293.
13. Communication from Solicitor Jason Grossfield, re: Application for Special Permit from Attorney Michael Brangwynne, on behalf of Raising Cane’s Restaurants, LLC, to construct and operate a restaurant with two drive-thru service lanes on the site at, 141 Boston Post Road West, in proper legal form, Order No. 21-1008307.
14. Communication from Solicitor Jason Grossfield, re: Application for Special Permit from Edgewood Entertainment, LLC, to operate indoor golf simulators and a bar area in the existing building at 229 Boston Post Road West, in proper legal form, Order No. 21-1008328.
15. Communication from Solicitor Jason Grossfield, re: Application for Special Permit from Attorney Brian Falk, on behalf of Dasilva Landscaping, Inc., to construct and operate a landscaper’s yard at the Airport Industrial Park, 685 Farm Road, Unit 17, in proper legal form, Order No. 21-1008345.
16. Communication from Solicitor Jason Grossfield, re: Application for Special Permit from Attorney Brian Falk, on behalf of Lourival Masonry, LLC, to construct and operate a contractor’s yard at the Airport Industrial Park, 685 Farm Road, Unit 18, in proper legal form, Order No. 21-1008346.
17. Communication from Solicitor Jason Grossfield, re: Application for Site Plan Review from Attorney Brian Falk on behalf of Global Montello Group Corp., to add a patio with seating next to its newly renovated convenience store within the Wayside District, 656 Boston Post Road East, in proper legal form, Order No. 21-1008353.
18. Communication from City Clerk Steven Kerrigan, re: Information on Vote by Mail & Early Voting, along with a request to authorize In-Peron Early Voting for the Municipal Election being held on Tuesday, November 2, 2021.
19. Petition from Crown Castle NG East LLC, to install underground conduit on Crowley Drive and Fitchburg Street.

20. Communication from Executive Office of Housing and Economic Development, re: Request for advisory opinion on ‘Eligible Location’ of proposed Commercial Village Housing Overlay District.
21. Communication from Central MA Mosquito Control Project, re: Personnel will be in the community responding to residents’ concerns about mosquitos on various dates in September 2021.
22. Communication from Scott Weiss of the Gutierrez Company, re: Proposed “Commercial Village Housing Overlay District”, Order No. 21-1008293.
23. Communication from Michele Guadagnino and Michael Tutterman, re: Request to transfer name and renew for an additional 5-year term the license for parking by the owners of 56 Emmett Street.
24. Communication from various residents in opposition of the Application for Special Permit to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, 339 Boston Post Road East (McGee Farm), Order No. 20/21-1007995.
25. Application for Special Permit from Attorney Brian Falk, on behalf of Aubuchon Realty Company, Inc., for two drive-through facilities associated with a new Starbucks and a bank at the Wayside Crossing Plaza, 661 Boston Post Road East.
26. Minutes of Boards, Commissions and Committees:
 - a) School Committee, June 22, 2021.
 - b) Conservation Commission, July 22, 2021, August 5, 2021 & August 19, 2021.
 - c) Historical Commission, June 17, 2021.
 - d) Planning Board, June 7, 2021 & June 21, 2021.
27. CLAIMS:
 - a) Gloria Oliveira, 30 Main Street, Marlborough, other property damage and/or personal injury.
 - b) Cloves Freitas, 15 Briarwood Lane, Marlborough other property damage and/or personal injury.
 - c) Richard Lamy, 76 Phelps Street, Marlborough, residential mailbox claim (2a).

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Urban Affairs Committee

28. **Order No. 21-1008293C: Proposed Amendment to Zoning Code, Chapter 650 by adding a new section to create the “Commercial Village Overlay District” (X 18-1007134B).**

Removed from the Urban Affairs Committee. At the August 23, 2021 City Council meeting on a motion by Chair Robey this matter was reported back to the full Council and a vote to refer to the Solicitor to be placed in proper legal form was approved.

29. **Order No. 21-1008307D: Application for Special Permit from Attorney Brangwyn on behalf of Raising Cane's Restaurants, LLC to construct and operate a restaurant with two drive-thru service lanes on site at 141 Boston Post Road West.**

Recommendation of the Urban Affairs Committee is to APPROVE. Councilor Landers moved to recommend approval of the draft Special Permit as submitted; the chair seconded. Motion carried 5-0. The chair will ask for a Suspension of Rules at the August 23 Council meeting to have this referred to solicitor to be placed in proper form.

30. **Order No. 21-1008328B: Application for Special Permit from Edgewood Entertainment, LLC, to operate indoor golf simulators and a bar area in the existing building at 229 Boston Post Road West.**

Recommendation of the Urban Affairs Committee is to APPROVE as amended. Councilor Doucette moved to recommend approval of the Special Permit as amended; the motion was seconded by chair. The motion carried 5-0. The chair will ask for a Suspension of Rules at the August 23rd meeting to refer this to solicitor to be placed in proper form.

31. **Order No. 21-1008345B: Application for Special Permit from Attorney Brian Falk, on behalf of Dasilva Landscaping, Inc., to construct and operate a landscaper's yard at the Airport Industrial Park, 685 Farm Road, Unit 17.**

Recommendation of the Urban Affairs Committee is to APPROVE with amended site plan. Councilor Doucette moved to recommend approval of the Special Permit with the amended Site Plan; chair seconded. The motion carried 5-0. The chair will ask for a Suspension of Rules at the August 23 Council meeting to have this referred to solicitor to be placed in proper form.

32. **Order No. 21-1008346B: Application for Special Permit from Attorney Brian Falk, on behalf of Lourival Masonry, LLC, to construct and operate a contractor's yard at the Airport Industrial Park, 685 Farm Road, Unit 18.**

Recommendation of the Urban Affairs Committee is to APPROVE. Councilor Navin moved to recommend approval of the Special Permit; the chair seconded. The motion carried 5-0. The chair will ask for a Suspension of Rules at the August 23 Council meeting to have this referred to solicitor to be placed in proper form.

33. **Order No. 21-1008353A: Application for Site Plan Review from Attorney Brian Falk on behalf of Global Montello Group Corp., to add a patio with seating next to its newly renovated convenience store within the Wayside District, 656 Boston Post Road East.**

Recommendation of the Urban Affairs Committee is to APPROVE with conditions as amended. Councilor Doucette moved to recommend approval of the Site Plan with conditions as amended; the chair seconded. The motion carried 5-0. The chair will check to see if the site plan decision document should be forwarded to the Solicitor to be placed on the next agenda in proper form. If so, chair will ask for suspension of the rules at the August 23 Council meeting to do so. If not, she will ask for a suspension to approve the Site Plan as amended.