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CITY OF MARLBOROUGH

City Council Agenda

Monday, April 10, 2023

8:00 PM

This meeting of the City Council will be held in City Council Chambers, City Hall, 140 Main Street. **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, March 27, 2023.
2. PUBLIC HEARING on Application for a Special Permit from Attorney Sem Aykanian, on behalf of SUCIU LLC, d/b/a Exela Storage, to add additional storage units to a nonconforming storage facility located at 846 Boston Post Road East within the Wayside District, Order No. 23-1008823A.
3. Communication from the Mayor, re: Veto of City Council Order 22/23-1008721C, Ordinance Amendments to Chapter 650 "Zoning", relative to certain provisions concerning mixed-use and affordable housing.
4. Communication from the Mayor, re: Transfer Requests totaling \$748,290.00 from Economic Development to MEDC Funding for the FY 2024 Operating Budget for MEDC (\$648,290.00), and the Economic Development Toolbox (\$100,000.00).
5. Communication from the Mayor, re: Transfer Request in the amount of \$393,854.64 from PEG Funds to Marlboro Cable Trust to fund the operation of WMCT-TV for FY 2024.
6. Communication from the Mayor, re: Appointment of Joseph Delgenio to the Fort Meadow Commission for a 3-year term to expire on September 27, 2025, replacing Lee Thomson.
7. Communication from the Mayor, re: Reappointment of Paul Gould to the Fort Meadow Commission for a 3-year term to expire on February 24, 2026.
8. Communication from City Solicitor Jason Grossfield, re: Application for Site Plan Approval from Attorney Falk on behalf of JW Capital Partners, LLC to build a mixed-use project at 57 Main Street in the Marlborough Village District, in proper legal form, Order No. 22/23-1008694C.
9. Communication from Assistant City Solicitor Jeremy McManus, re: Application for a Special permit from Stephen Copper, on behalf of Alliance Health & Human Services to renovate 10,490 sf of an existing building to provide 12 additional rest home beds at 720 Boston Post Road East within the Wayside Zoning District, in proper legal form, Order No. 22/23-1008768B.
10. Communication from Assistant Building Commissioner William Paynton, re: Request for Approval for Replacement of two (2) Flat Wall Signs, Mobil, 656 Boston Post Road East, within the Wayside District.

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 Building Commissioner William Paynton, re: Request for Approval of two (2) Flat Wall Signs, Mosaka, 58 Apex Drive, Unit A, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD).
12. Public Input regarding the Application for Site Plan Approval from Attorney Falk on behalf of JW Capital Partners, LLC, to build a mixed-use project at 57 Main Street in the Marlborough Village District, Order No. 22/23-1008649C.
13. Minutes of Boards, Commissions and Committees:
 - a) School Committee, February 28, 2023.
 - b) Board of Assessors, April 8, 2022, April 20, 2022 & April 29, 2022.
 - c) Board of Registrars, March 28, 2023.
 - d) Conservation Commission, March 2, 2023.
 - e) Council on Aging, February 7, 2023.
 - f) Municipal Aggregation Committee, March 23, 2023.
14. CLAIMS:
 - a) Matthew Marden, 22 Blaiswood Avenue, pothole or other road defect.
 - b) Deanna Swan, 849 Boston Post Road East, #4G, other property damage and/or personal injury.
 - c) Bernadette Syppko, 181 Beach Street, pothole or other road defect.

REPORTS OF COMMITTEES:

15. ORDERED: That the City Council Urban Affairs Committee review the Proposed Amendments to Chapter 650 "Zoning" relative to Section 17 "Table of Use Regulation" and Section 34 "Marlborough Village District" (**text of proposed changes included in packet**). ...Submitted by Councilor Robey.

UNFINISHED BUSINESS:

From Urban Affairs Committee

16. **Order No. 22/23-1008768B Application for a Special permit from Stephen Copper, on behalf of Alliance Health & Human Services to renovate 10,490 sf of an existing building to provide 12 additional rest home beds at 720 Boston Post Road East within the Wayside Zoning District.**

Recommendation of the Urban Affairs Committee is to APPROVE.

Councilor Navin moved to recommend approving the grant of a special permit to expand the pre-existing nonconforming convalescent/nursing home use together with decision as amended; motion was seconded, and vote carried 5-0.

17. **Order No. 22/23-1008694C Application for Site Plan Review from Attorney Falk on behalf of JW Capital Partners, LLC to build a mixed-use project at 57 Main Street in the Marlborough Village District.**

Recommendation of the Urban Affairs Committee is to APPROVE.

Councilor Wagner moved to approve the Site Plan for JW Capital Partners, LLC as amended, (to include the establishment of the City of Marlborough Downtown Parking account), Councilor Doucette gave second. The chair called the vote-voting in favor of motion to recommend approval were Councilors Landers, Doucette, and Wagner and those voting not in favor of recommendation to approve were Councilors Navin and Robey. The recommendation to approve the Site Plan for JW Capital Partners, LLC, as amended, carried 3-2.