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**CITY OF MARLBOROUGH**  
**City Council Agenda**

Monday, September 18, 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](http://www.marlborough-ma.gov)).

1. Minutes, City Council Meeting, September 11, 2023.
2. CONTINUED PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install a new joint owned Pole (Pole 3-5) on High Street approximately 300' east of the centerline of the intersection of High Street and Bolton Street and to install a new Manhole (1) and underground conduit from Pole 3-5 to new Manhole (1) and to existing Transformer 1-2 on Exchange Street, Order No. 23-1008950A.
3. PUBLIC HEARING on the Application for Special Permit from Attorney Brian Falk on behalf of Post Road Realty, LLC to construct a mixed-use, multi-family residential and commercial (retail/restaurant/other commercial use) project in the Executive Residential Overlay District (EROD) which will consist of 475 residential units at the corner of Simarano Drive and Cedar Hill Street, Order No. 23-1008952.
4. PUBLIC HEARING on the Proposed Zoning Ordinance Amendment to Chapter 650 "Zoning" of the Code relative to Definitions, Affordable Housing, and the Marlborough Village District (MV), Order No. 22/23-1008721H.
5. Certification from Ward 4 Councilor Teona Brown as required under MGL Chapter 39 §23D ("Mullin Rule"), regarding the Application for Special Permit from George Voyiatzis to convert an existing structure into a multi-family residential building consisting of seventeen (17) units in the Neighborhood Business District (NB) at 358 Lincoln Street, Order No. 23-1008939B.
6. Communication from the Mayor, re: Notification of Appointment of Paul Dinwoodie as the Director of Public Health by the Board of Health pursuant to MGL Chapter 111 §30.
7. Communication from City Solicitor Jason Grossfield, re: Request for Executive Session to discuss litigation strategy relative to JW Capital Partners, LLC, and Marlborough TOTG LLC v. City of Marlborough (Land Court No. 23 MISC 000199).
8. Communication from City Solicitor Jason Grossfield, re: Application for Special Permit from Rick Marino, Trustee on behalf of Marco Realty Trust to expand a pre-existing nonconforming use pursuant to City Code Chapter 650 "Zoning" 12 (B) at 13-15 Mechanic Street in the Marlborough Village District (MV), in proper legal form, Order No. 23-1008926E.

**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.**

9. Communication from Assistant City Solicitor Jeremy McManus, re: Application for Special Permit from George Voyiatzis to convert an existing structure into a multi-family residential building consisting of seventeen (17) units at 358 Lincoln Street in the Neighborhood Business District (NB), in proper legal form, Order No. 23-1008939B.
10. Communication from Assistant Building Commissioner William Paynton, re: Special Permit Deviations, 487 Lincoln Street (Cozy Café), Order No. 16/17-1006735H.
11. Communication from resident, re: Opposition to the Proposed Amendment to City Code, Chapter 650 “Zoning” by adding a new section to create the “Sasseville Way Residential Overlay District”, Order No. 23-1008941.
12. Minutes of Boards, Commissions and Committees:
  - a) School Committee, August 29, 2023.
  - b) Conservation Commission, August 17, 2023.
  - c) Cultural Council, July 19, 2023.
  - d) Planning Board, June 26, 2023 & July 24, 2023.
13. CLAIMS:
  - a) Krishna Ramachandra, 480 Farm Road, other property damage and/or personal injury.
  - b) Barbara Ross, 32 Belmont Street, other property damage and/or personal injury.

#### REPORTS OF COMMITTEES:

#### UNFINISHED BUSINESS:

##### From Public Services Committee

14. **Order No. 23-1008940: Petition from Mass Electric and Verizon New England to install two new jointly owned poles, #22-25, and #22-26, on Forest Street approximately 1500’ east of the centerline of the intersection of Forest Street and Sandini Road to serve a new building at 201 Forest Street.**

##### **Recommendation of the Public Services Committee is to APPROVE with Conditions.**

On a Motion by Councilor Irish, seconded by the Chair, the Public Services Committee recommends approval of the petition from Mass Electric and Verizon New England to install two new jointly owned poles #22-25 and #22-26 on Forest Street approximately 1500’ east of the centerline of the intersection of Forest Street and Sandini Road to service a new building at 201 Forest Street. Vote 3-0.

From Urban Affairs Committee

15. **Order No. 23-1008926E: Application for Special Permit from Rick Marino, Trustee on behalf of Marco Realty Trust to expand a pre-existing nonconforming use pursuant to City Code Chapter 650 "Zoning" 12 (B) in the Marlborough Village District (MV) at 13-15 Mechanic Street.**

**Recommendation of the Urban Affairs Committee is to APPROVE as amended.**

Councilor Wagner stated her strong objection to approving the special permit and the requested expansion of the business as the City Council had rezoned downtown (in 2014) and auto sales and repair were no longer a permitted use in the Marlborough Village District. Other councilors were in favor of allowing the expansion noting the wide community support of the owner and his business practices. Councilor Doucette moved to approve the Decision to Grant a Special Permit as amended; the motion was seconded. The motion carried 4-1 (Wagner opposed).

16. **Order No. 23-1008939B: Application for Special Permit from George Voyiatzis to convert an existing structure into a multi-family residential building consisting of seventeen (17) units in the Neighborhood Business District (NB) at 358 Lincoln Street.**

**Recommendation of the Urban Affairs Committee is to APPROVE as amended.**

Councilors were supportive of this project and excited about its impact on Lincoln Street. Questions were asked about traffic impacts during construction and were told the parking lot would be used to stage and there would be no need to open Lincoln Street for any utility connections so there should be minimal impact during construction which is expected to take 18 months to complete. Councilor Doucette moved to approve the Draft Special Permit with the amendments offered by the managers, the motion was seconded and carried 5-0.