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CITY OF MARLBOROUGH

City Council Agenda

Monday, November 27, 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, November 13, 2023.
2. PUBLIC HEARING on the Petition from Massachusetts Electric, to install Underground electric conduits, including necessary sustaining and protecting fixtures on Donald Lynch Boulevard beginning at a point approximately 550' northeast of the centerline of the intersection of Donald Lynch Boulevard and Bigelow Street, and to install underground facilities near 200 Donald Lynch Boulevard, Order No. 23-1009005.
3. Communication from the Mayor re: Gift Acceptance in the amount of \$1,000.00 from the Marlborough Foundation, awarded to the Council on Aging to be used for assisting our seniors with food insecurity issues.
4. Communication from the Mayor, re: Grant Acceptance in the amount of \$175,734.00 from the Massachusetts Department of Energy Resources through the Green Communities Program, awarded to the City of Marlborough to be used to make energy improvements at the Recreation Building and Marlborough High School.
5. Communication from the Mayor, re: Grant Acceptance in the amount of \$3,020,536.00 from the Executive Office of Housing and Livable Communities, awarded to the City of Marlborough to be used to support the continued redevelopment of French Hill by funding the third and final phase of infrastructure improvements of Lincoln Street.
6. 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).
7. Communication from Assistant City Solicitor, Jeremy McManus, re: on the Application for Special Permit from Attorney Brian Falk, on behalf of Somar Landscape, Inc., to construct and operate a Landscaper's Yard at the Airport Industrial Park, 59 Airport Boulevard, Unit 16, in proper legal form, Order No. 23-1008965C.
8. Communication from the Planning Board, re: Neutral Recommendation on the Proposed Amendment to City Code, Chapter 650 "Zoning" by adding a new section to create the "Sasseville Way Residential Overlay District" (SWROD), Order No. 23-1008941.

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 the Planning Board, re: Favorable Recommendation on the Proposed Amendment to City Code Chapter 650 "Zoning" to add a new section to create the "Red Spring Road Overlay District" (RSROD), Order No. 23-1008951.
10. Petition from Massachusetts Electric and Verizon New England, to install one Joint Owned Pole (25-25) on Hayes Memorial Drive beginning at a point approximately 350' north/northwest of the centerline of the intersection of Nickerson Road for new commercial service at 1000 Nickerson Road.
11. Petition from Massachusetts Electric and Verizon New England, to install one Joint Owned Pole on Simarano Drive beginning at a point approximately 50' southeast of the centerline of the intersection of Simarano Drive and Bay Drive installing a midspan pole between pole 10 and pole 8-50 and install a 900 KVAR on it.
12. Communication from property owner, re: Opposition to the Proposed Zoning Amendment to Chapter 650 "Zoning" to amend §22 "Retirement Community Overlay Districts", Order No. 23-1008964.
13. Minutes of Boards, Commissions and Committees:
 - a) School Committee, October 10, 2023, October 17, 2023 & October 24, 2023.
 - b) Conservation Commission, November 2, 2023.
 - c) Cultural Council, September 6, 2023.
 - d) Historical Commission, September 21, 2023.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Public Services Committee

14. **Order No. 22-1008553: Communication from the Planning Board re: Howes Landing Subdivision, recommending acceptance of GIKAS LANE as a PUBLIC WAY.**
Recommendation of the Public Services Committee is to FILE.
On motion by Councilor Irish, seconded by Brown, the committee voted to file the Planning Board's letter recommending acceptance of Gikas Lane as public way. Vote 3-0.
15. **Order No. 22-1008691: Communication from Assistant Solicitor Jeremy McManus re: Howes Landing Subdivision and the acceptance of GIKAS LANE as a Public Way, with Historical Documentation.**
Recommendation of the Public Services Committee is to APPROVE.
On motion by Councilor Brown, seconded by Irish, the committee voted to recommend approval of the proposed order of acceptance for Gikas Lane and municipal easements in Howe's Landing subdivision in proper form from the Assistant Solicitor in his communication dated September 28, 2022. Vote 3-0.

From Urban Affairs Committee

Order No. 23-1008965C: Application for Special Permit from Attorney Brian Falk, on behalf of Somar Landscape, Inc., to construct and operate a Landscaper's Yard at the Airport Industrial Park, 59 Airport Boulevard, Unit 16.

Recommendation of the Urban Affairs Committee is to APPROVE.

Councilor Doucette moved to recommend approval of the draft Grant of Decision and the Conditions for Somar Landscaping; motion was seconded and approved 5-0.