

REGULAR MEETING
OCTOBER 7, 2019
TIME: 8:00 PM

IN CITY COUNCIL
ABSENT
LOCATION: CITY HALL, 140 MAIN STREET, 2ND FLOOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 OCT -3 P 2:00

1. Minutes, City Council Meeting, September 23, 2019.
2. PUBLIC HEARING On the Proposed Zoning Amendment relative to the definitions of Home Office/Home Occupation, Chapter 650, §5, Order No. 19-1007756A.
3. PUBLIC HEARING On the Application for Fuel Storage License, Ambri, Inc., 53 Brigham Street, Order No. 19-1007758.
4. PUBLIC HEARING On the Application for Special Permit from Post Road Realty, LLC to construct a multi-family residential project known as the Green District in the Executive Residential Overlay District (EROD) which will consist of 475 units in two buildings at 107 Simarano Drive, Map 116, Parcels 5, 11 & 12, Order No. 19-1007762.
5. Communication from the Mayor, re: Certification of Free Cash in the amount of \$13,319,020.00.
6. Communication from the Mayor, re: Solect Energy Solar Proposal.
7. Communication from the Mayor, re: Reappointments of Brenda Costa, Rose Marie Elwood, Jeanne McGeough, Leslie Biggar and Patricia Gallier, to the Council on Aging Board, for three-year terms from date of confirmation.
8. Communication from the Mayor, re: Appointment of Nicholas Evans to the Historical Commission for a three-year term from date of confirmation.
9. Communication from the Mayor, re: Appointment of Wayne E. Stanley, Sr. to the Commission on Disabilities for a two-year term from date of confirmation, and withdrawal from consideration for reappointment of Anne Ryan.
10. Communication from Councilor Ossing, re: Municipal Aggregation – Twenty-four (24) Month Fixed Price Contract with Inspire, November 2019 through October 2021.
11. Communication from City Solicitor, Jason Grossfield, re: Acceptance of Open Space Parcel: “Goodale Estates” Subdivision/Open Space Development Special Permit.
12. Communication from City Solicitor, Jason Grossfield, re: Application for Special Permit & Site Plan Approval for E on Main to build a mixed-use development within the MV District, 161-175 Main Street, Order No. 19-1007571E & 18/19-1007135C.
13. Communication from City Solicitor, Jason Grossfield, on behalf of Councilor Delano, re: Proposed Zoning Amendment relative to creating the Route 20 East Zoning District, Order No. 19-1007716.

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.

14. Communication from Assistant City Solicitor Jason Piques, re: Proposed Amendment to License to Encroach on Public Sidewalk and Indemnification for Lost Shoe Roasting & Brewing Co., 19 Weed Street, Order No. 19-1007671A.
15. Communication from Code Enforcement Officer Pamela Wilderman, re: Request for Sign, Approach Student Center, 58 Apex Drive, within the HRMUOD, Order No. 16/19-1006443.
16. Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Amendment as revised to Chapter 650 §12, Nonconforming Uses, Order No. 19-1007673C.
17. Application for LED Sign Special Permit from Poyant Signs on behalf of McDonalds, 155 Boston Post Road West.
18. Communication from Attorney Brian Falk on behalf of Vincenza Sambataro, re: Proposed Additional Conditions for the Special Permit for E on Main, Order No. 19-1007571E.
19. Communication from Attorney Michael Norris on behalf of Renato Fontes, re: Amendment to the Proposed Rezoning of land off 269 Mechanic Street identified as Map 56, Parcel 125, Order No. 19-1007738B.
20. Communication from Attorney Brian Blaesser on behalf of Cameron General Contractors, re: Request to Extend Time Limitations to October 29, 2019 at 10:00 PM, on the Application for Special Permit to construct a Senior Independent Living Multifamily Community, pursuant to the provisions of the Retirement Community Multifamily Overlay District, 90 Crowley Drive, Order No. 19-1007703A.
21. Application for Special Permit from Attorney Brian Falk, on behalf of David Skarin, to construct a new residential community to be known as Trailside Terrace at 19 Ash Street.
22. Minutes, School Committee, August 27, 2019 & September 10, 2019.
23. Minutes, Commission on Disabilities, August 6, 2019.
24. Minutes, Library Trustees, September 3, 2019.
25. Minutes, Municipal Aggregation Committee, August 21, 2019.
26. Minutes, Planning Board, September 9, 2019.
27. Minutes, Traffic Commission, August 28, 2019.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

28. **Order No. 18/19-1007366B – Authorize Increased Funding for Acquisition of 49 West Main Street:** The Finance Committee reviewed the DPW Commissioner’s letter dated August 21, 2019 requesting the approval of the amended purchase price for the acquisition of the property at 49 West Main Street related to the library construction project. Recent additional negotiations have resulted in certain amendments to the purchase and sales agreement, including modification to the sale price and terms. **The Finance Committee voted 5 - 0 to approve the order to authorize the City to acquire 49 West Main Street for \$461,000.00.**
29. **Order No. 19-1007687B-2 – Increase Parks and Recreation Revolving Fund to \$800,000.00 for FY20:** The Finance Committee reviewed the Mayor’s letter dated August 22, 2019 requesting an increase to the spending limit for the Parks and Recreation Revolving Fund for the remainder of Fiscal Year 2020 to \$800,000.00. The funds will be used to improve Stevens and Ghiloni Park. **The Finance Committee voted 5 - 0 to approve the order to increase the Parks and Recreation Revolving Fund spending limit to \$800,000.00 for the remainder of FY20.**

From Urban Affairs Committee

30. **Order No. 18/19-1007135B (X19-1007571, X16-1006668): Updated Site Plan Approval Submission from Attorney Brian Falk, on behalf of E on Main, to construct a Mixed-Use Development in the Marlborough Village District consisting of both residential and commercial space at 161-175 Main Street.**

The Urban Affairs Committee met with Attorney Arthur Bergeron, engineer, Bruce Saluk of Bruce Saluk & Associates Inc., architect, Ken Feyl of J.D. LaGrasse and Associates, Inc., and property owner, Enza Sambataro to review the Site Plan Submission for E on Main, to construct a Mixed-Use Development in the Marlborough Village District consisting of both residential and commercial space at 161-175 Main Street. The City’s professional Site Plan Review Committee recommended changes to Section “J. Stair Case Property, 4” to include manholes and language that the applicant was responsible for building the stairs and drain and sewer lines. The amended J. 4. would read as:

“J.4. Prior to the issuance of a building permit for the construction of the building, the Applicant shall submit plans, deemed acceptable to the City Engineer, for the reconstruction of the City stairs in their entirety from Main Street to Devens Street and the reconstruction and relocation of drain and sewer lines and manholes located below the existing stairs. The relocation and reconstruction of the stairs, and the drain and sewer lines are to be completed by the applicant’s licensed contractors as part of the building project.”

There was further discussion regarding the stairs as to their size, proposed materials, required easements, and responsibility of petitioner for the maintenance of that section from the second deck opening down.

Motion made by Councilor Juaire, seconded by the Chair, to approve the Site Plan Decision as amended. The motion carried 5-0.

31. Order No. 19-1007571 (X18/19-1007135B): Application for Special Permit from Attorney Brian Falk, on behalf of E on Main, to construct a Mixed-Use Development in the Marlborough Village District consisting of both residential and commercial space at 161-175 Main Street.

The Urban Affairs Committee met with Attorney Arthur Bergeron, engineer, Bruce Saluk of Bruce Saluk & Associates Inc., architect, Ken Feyl of J.D. LaGrasse and Associates, Inc., and property owner, Enza Sambataro to review the Application for a Special Permit for E on Main, to construct a Mixed-Use Development in the Marlborough Village District consisting of both residential and commercial space at 161-175 Main Street. The building is allowed by right and the special permit pertains to the extra height of the building for the additional units and roof deck amenities as outlined in the application materials. Based on prior comments and concerns regarding the roof deck amenities and potential conflict with neighbors to the rear of the site, the proposed fire pit, outdoor kitchen, and larger gathering spaces have been moved to the Main Street side of the building away from the rear neighbors. The roof deck is subject to City of Marlborough Noise Ordinance for any noise generated when the deck is in use. There was lengthy discussion concerning the use of the roof deck for uses other than open space by the residents. The applicant agreed that the use of the roof deck would be limited to residents of the residential portion of the building with an exception to permit up to six charitable events per year to be sponsored by non-residents of the building, without rental or fee for its use. Councilor Clancy questioned the amenities space on the 2nd floor. Applicant replied that the amenities room was removed to make way for a larger unit now consisting of a 2 plus bedroom unit.

Motion made and seconded to approve the amended decision. The motion carried 4-1. (Juaire opposed to the use of the roof deck for events by non-residents)

Motion made by Councilor Doucette, seconded by the Chair, to recommend approval of the Special Permit as amended. The motion carried 5-0.

Motion made by Councilor Delano, seconded by the President, at the September 23, 2019 City Council meeting to further amend the Application for Special Permit from E on Main, to construct a Mixed-Use Development in the Marlborough Village District consisting of both residential and commercial space at 161-175 Main Street, as amended to add the condition adopted below to the conditions approved by the Urban Affairs Committee. The motion carried.

Rooftop Condition:

“The rooftop will be for the exclusive use of the residents and/or their guests and it could not be utilized for outside events or could not be rented or leased.”