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2023 OCT 19 PM 1:00

CITY OF MARLBOROUGH

City Council Agenda

Monday, October 23, 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, Special City Council Meeting, September 29, 2023
2. Minutes, City Council Meeting, October 2, 2023.
3. Communication from Jenn Robichaud of Barlo Signs on behalf of Kennedys Restaurant and Market, re: Request to withdraw without prejudice the Application for installation of a Free-Standing EMC Sign at 247 Maple Street, Order No. 23-1008963.
4. PUBLIC HEARING on the Application from Barlo Signs on behalf of Kennedys Restaurant and Market for installation of a Free-Standing EMC Sign at 247 Maple Street, Order No. 23-1008963.
5. RESCHEDULED PUBLIC HEARING 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, Order No. 23-1008965A.
6. PUBLIC HEARING on the Proposed Zoning Amendment to Chapter 650 "Zoning" to amend §22 "Retirement Community Overlay Districts" to include Map 39, Parcels 5 and 26B located on Robin Hill Street currently located in the LI District to accommodate an over 55 community combining both townhouse and multifamily components for a new condominium ownership neighborhood, Order No. 23-1008964.
7. CONTINUED PUBLIC HEARING on the Proposed Zoning Amendment to Chapter 650 "Zoning" of the Code to add a new section to create the "Red Spring Road Overlay District" (RSR), Order No. 23-1008951A.
 - a) Petition from various Marlborough and Hudson residents in support of the Proposed Zoning Amendment to Chapter 650 "Zoning" to add a new section to create the "Red Spring Road Overlay District (RSROD), Order No. 23-1008951A.
8. Communication from Councilors Ossing & Wagner, re: Municipal Aggregation – September 2023 Update.
9. Communication from the Mayor, re: Gift Acceptance of a metal bench from the friends of Robert F. Kays, which has been placed at Memorial Beach.
10. Communication from the Mayor, re: Notification of Temporary Appointment pursuant to MGL Chapter 41 §61A of David R. Williams as Comptroller/Treasurer effective October 4, 2023, for a 60-day term to expire December 3, 2023.

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 the Mayor, re: Notification of Extension of Temporary Appointment pursuant to MGL Chapter 41 §61A of Theodore L. Scott as Interim Commissioner of the Department of Public Works for an additional 60-day term to expire December 20, 2023.
12. Communication from Solicitor Jason Grossfield, re: Application for Special Permit from Attorney Brian Falk on behalf of Post Road Realty, LLC to construct a multifamily and commercial (retail/restaurant/other commercial use) project in the Executive Residential Overlay (EROD) District which will consist of 475 residential units, 4800 sf of commercial space at Simarano Drive and Cedar Hill Street, in proper legal form, Order No. 23-1008952B.
13. Communication from City Clerk Steven Kerrigan, re: Municipal Election Call.
14. Communication from the Board of Registrars of Voters, re: Request to authorize In-Person Early Voting for the Municipal Election pursuant to Chapter 92 of the Acts of 2022.
15. Communication from the Town of Northborough, re: Notification of a hearing of the Zoning Board of Appeals relative to a project at 440 West Main Street, Northborough.
16. Minutes of Boards, Commissions and Committees:
 - a) Commission on Disabilities, April 3, 2023.
 - b) Conservation Commission, September 21, 2023.
 - c) Historical Commission, July 20, 2023.
 - d) Library Trustees, May 2, 2023, June 6, 2023 & August 8, 2023.
 - e) Municipal Aggregation Committee, August 10, 2023, August 15, 2023 & October 16, 2023.
17. CLAIMS:
 - a) Randa Azab, 123 Robert Road, pothole or other road defect.
 - b) Chris Belli, 24 Country Lane, pothole or other road defect.
 - c) Duniya Kajang, 565 Sherman Farm Road, Burrillville, RI, pothole or other road defect.
 - d) Donald LaCouture, 517 Farm Road, other property damage and/or personal injury.
 - e) Augusto Mourao, 47 Gay Street, pothole or other road defect.
 - f) Mark Nawrocki, 337 Brigham Street, other property damage and/or personal injury.
 - g) Jonathan Paolillo, 6 Merifield Lane, Natick, pothole or other road defect.
 - h) Verizon, 86 Hosmer Street, other property damage and/or personal injury.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Public Services Committee

18. **Order No. 23-1008950B: Petition of Mass Electric and Verizon to install new joint owned pole on High Street approximately 300' east of the centerline of the intersection of High Street and Bolton Street and to install a new manhole and underground conduit from new pole to new manhole and to existing transformer 1-2 on Exchange Street.**

Recommendation of the Public Services Committee is to APPROVE.

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 a new joint owned pole on High Street approximately 300' east of the centerline of the intersection of High Street and Bolton Street and to install a new manhole and underground conduit from the new pole to the new manhole and to existing transformer 1-2 on Exchange Street. Vote 3-0.

From Urban Affairs Committee

19. **Order No. 23-1008952B: Application for Special Permit from Attorney Brian Falk on behalf of Post Road Realty, LLC to construct a multifamily and commercial (retail/ restaurant/other commercial use) project in the Executive Residential Overlay (EROD) District which will consist of 475 residential units, 4800 sf of commercial space, 754 parking spaces, open space, landscaping and walking trails at Simarano Drive, Cedar Hill Street and Green District Boulevard.**

Recommendation of the Urban Affairs Committee is to APPROVE.

Councilor Doucette moved to recommend approval of the Draft Decision on a Special Permit as amended, the motion was seconded and carried 4-0.