

Councilors-at-Large

Sean A. Navin
Mark A. Oram
Michael H. Ossing
Kathleen D. Robey



Ward Councilors

Ward 1 – Mark A. Vital
Ward 2 – David Doucette
Ward 3 – Robert Preciado
Ward 4 – Teona C. Brown
Ward 5 – John J. Irish
Ward 6 – A. Trey Fuccillo
Ward 7 – Donald R. Landers, Sr.

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

CITY OF MARLBOROUGH CITY COUNCIL MEETING MINUTES MONDAY, APRIL 22, 2024

The regular meeting of the City Council was held on Monday, April 22, 2024, at 8:00 PM in City Council Chambers, City Hall. Councilors Present: Ossing, Vital, Doucette, Preciado, Brown, Irish, Fuccillo, Landers, Navin, Oram, & Robey. Meeting adjourned at 9:11 PM.

Motion by Councilor Brown, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of the City Council meeting, APRIL 8, 2024, **FILE**; adopted.

That the PUBLIC HEARING on the Petition of MA Electric and Verizon New England, to install one Joint Owned Pole on Simarano Drive, beginning at a point approximately 246' Southwest of the centerline of the intersection of Cedar Hill Street. Install 50'C1.2 midspan between Pole #1 and #2 and install feeder monitor on the new midspan, Order No. 24-1009138, all were heard who wish to be heard, hearing closed at 8:04 PM; adopted.

- a) Communication from City Engineer Thomas DiPersio, re: Recommended conditions for Petition from Massachusetts Electric and Verizon New England, Simarano Drive.

Councilors Present: Vital, Doucette, Preciado, Brown, Irish, Fuccillo, Landers, Navin, Oram, Ossing & Robey.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Petition of MA Electric and Verizon New England, to install one Joint Owned Pole on Simarano Drive, beginning at a point approximately 246' Southwest of the centerline of the intersection of Cedar Hill Street. Install 50'C1.2 midspan between Pole #1 and #2 and install feeder monitor on the new midspan, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. The location shall be marked out for approval by the Engineering Division prior to the work.
2. Any necessary easements are to be obtained from affected property owners.
3. A street opening permit must be applied for by the proposed contractor performing the work.
4. The contractor performing the work must obtain a street opening bond with the City of Marlborough.
5. The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.

6. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
7. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
8. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
9. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
10. Trenches are to be paved or completely backfilled and compacted at the end of each workday. Trenches are never to be left unattended.
11. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
12. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

That the PUBLIC HEARING on the Petition of MA Electric and Verizon New England, to install one Joint Owned Pole on Cashman Street, beginning at a point approximately 100' Southeast of the centerline of the intersection of Lincoln Street. Installing new Pole 2-5 on Cashman Street to serve a customer at 272 Lincoln Street, Order No. 24-1009139, all were heard who wish to be heard, hearing closed at 8:06 PM; adopted.

- a) Communication from City Engineer Thomas DiPersio, re: Recommended conditions for Petition from Massachusetts Electric and Verizon New England, Cashman Street.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Petition of MA Electric and Verizon New England, to install one Joint Owned Pole on Cashman Street, beginning at a point approximately 100' Southeast of the centerline of the intersection of Lincoln Street. Installing new Pole 2-5 on Cashman Street to serve a customer at 272 Lincoln Street, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. The location shall be marked out for approval by the Engineering Division prior to the work.
2. Any necessary easements are to be obtained from affected property owners.
3. A street opening permit must be applied for by the proposed contractor performing the work.
4. The contractor performing the work must obtain a street opening bond with the City of Marlborough.
5. The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
6. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.

7. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
8. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
9. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
10. Trenches are to be paved or completely backfilled and compacted at the end of each workday. Trenches are never to be left unattended.
11. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
12. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

That the PUBLIC HEARING on the Proposed Zoning Amendment to City Code, Chapter 650 "Zoning" to create the Lizotte Drive Overlay District (LDOD), Order No. 24-1009121, all were heard who wish to be heard, hearing closed at 9:06 PM; adopted.

Councilors Present: Vital, Doucette, Preciado, Brown, Irish, Fuccillo, Landers, Navin, Oram, Ossing & Robey.

Motion by Councilor Navin, seconded by the Chair to adopt the following:

ORDERED: That the 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 June 19, 2024, **FILE**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$250,000.00 as part of the Fiscal Year 2024 state budget earmark funding, awarded to the Marlborough Police Department to be used for the reconstruction of the parking lot at the Police Station; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$175,000.00 as part of the Fiscal Year 2024 state budget earmark funding, awarded to the Marlborough Fire Department to be used for the purchase of the CAD Dispatch System; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$2,784,983.00 (Two million seven hundred eighty-four thousand, nine hundred eighty-three dollars) from Free Cash to Capital Outlay to fund the Capital Improvements for the Police Department, Fire Department, Inspectional Services and Department of Public Works, referred to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Various					FISCAL YEAR:	2024		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$6,614,143.45	\$2,784,983.00	10000	35900	Undesignated Fund	\$1,993,000.00	19300006	58731	Capital Outlay-DPW Equipmer		\$0.00
	Reason:	To fund various capital requests				DPW Equipment				
					\$321,983.00	19300006	58593	Capital Outlay-Police Dept		\$0.00
						Cruisers, vests, tasers				
					\$300,000.00	19300006	57102	Capital Outlay-Building Dept		\$0.00
	Reason:					Records Imaging				
					\$170,000.00	19300006	58512	Capial Outlay-Fire Dept		\$58.40
	Reason:					Alerting System, Radio Box Replacement				
	\$2,784,983.00	Total			\$2,784,983.00	Total				

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the That the Proposed Zoning Amendment to Chapter 650 “Zoning” to create the Donald Lynch Boulevard District (DLB), referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, MAY 20, 2024**; adopted.

THAT, PURSUANT TO SECTION 5 OF CHAPTER 40A OF THE GENERAL LAWS, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT CHAPTER 650 OF THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

I. Section 650-7, entitled “Districts Enumerated,” is hereby **amended** as follows:

- (1) By deleting from the first sentence the number “14” and inserting in place thereof the number “15.”
- (2) By inserting at the end of the list of District types, the following:

Donald Lynch Boulevard District DLB.

- II. Chapter 650 is hereby amended in 650 Attachment 1 (§ 650-17), entitled “Table of Uses,” by **inserting** the highlighted portions and text of Exhibit “A” attached to this order, inserting under the heading entitled “Zoning District Abbreviations” a new zoning district abbreviation as follows: “DLB”, and beneath the new district abbreviation DLB column the text as shown on said Exhibit “A”.
- III. Chapter 650 is hereby amended by **inserting** into 650 Attachment 2 (§ 650-41), entitled “Table of Lot Area, Yards, and Height of Structures,” for the DLB, the text as shown in the highlighted portions of Exhibit “B” attached to this order.
- IV. Chapter 650, Article VI, entitled “Special Districts, Overlays and Special Requirements” is hereby amended by **inserting** a new Section 650-39A, entitled “Donald Lynch Boulevard District (DLB).”, which shall read as follows:

§ 650-39A. Donald Lynch Boulevard District (DLB).

A. Purpose and objectives.

- (1) The purpose and objectives of the Donald Lynch Boulevard district are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety, and welfare and the economic development objectives of the City.
- (2) The vision for the Donald Lynch Boulevard District is to strengthen the vitality of the district by encouraging uses, activities, and improvements that will complement the existing assets. Each new investment should be viewed as an opportunity to complement existing uses, add new destinations and attractions, and strengthen a district that provides a variety of compelling reasons to visit, whether it be to work, shop, play, or live.
- (3) The vision shall be achieved through the mix of uses defined by the Donald Lynch Boulevard district and the composition of each new investment, including the site design and building design, and the relationship of the investment to the surrounding context. Each new investment shall enhance the sense of place that helps to define a recognizable district identity and create an attractive and comfortable environment where people feel invited to visit again.
- (4) The site design, building design, and design of the circulation system shall strengthen the walkability of the district by defining distinct nodes and compact centers of activity in the district. This may include using buildings to define shared outdoor spaces, creating safe and convenient pedestrian and bicycle paths that connect to abutting properties and amenities, creating new outdoor spaces and seating areas, and adding new investments in the landscape of the district.
- (5) The site design, building design, and design of site infrastructure shall enhance the natural assets and sustainability of the district through enhanced landscape with an emphasis on adding shade trees, an investment in green infrastructure and low impact development techniques, and strengthened connections to natural assets such as the Assabet River and a connected network of open spaces.

- B. Site plan review.** Projects within the Donald Lynch Boulevard Overlay District shall be subject to site plan review as provided in § 270-2, of the City Code.
- (1) Applicability.
- (a) Site plan review applies to both as of right and uses available by grant of a special permit within the Donald Lynch Boulevard District. Site plan review applicability includes, but is not limited to, new construction of any building or structure; addition to an existing building or structure; and increase in area of on-site parking or loading areas.
 - (b) Site plan review shall be conducted administratively, as provided in § 270-2, except for those projects over 10,000 square feet, which projects shall undergo administrative site plan review with final review and approval by the City Council.
 - (c) The City Council may elect to vary the dimensional and parking requirements of this section by special permit or site plan approval if, in its opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.
- C. Special permit granting authority.** The City Council shall be the special permit granting authority within the Donald Lynch Boulevard District.
- D. Dimensional requirements.** The Donald Lynch Boulevard District shall be subject to the dimensional standards in accordance with Article VII of the Zoning Ordinance as described for the Limited Industrial (LI) district, with the following exceptions which may be granted by special permit by the City Council:
- (1) No minimum lot area, reduced minimum lot frontage of 50 feet, reduced minimum side yard of 10 feet, reduced minimum front yard of 30 feet, reduced minimum rear yard of 15 feet and increased maximum lot coverage of 80% shall be allowed and applicable to a new parcel subdivided from an existing parcel with the subdivision located at the street frontage of the property. The property subject to subdivision shall retain the minimum lot area of 2 acres and the minimum lot frontage of at least 200 feet with the removal of the subdivided lot. The subdivided lot will not impact setbacks or lot coverage of the property subject to subdivision. Access to the subdivided lot shall be coordinated with other site circulation to limit the number of curb cuts to the main roadway and establish shared secondary access roads where feasible.
 - (2) Maximum building height in the Donald Lynch Boulevard District of up to 60 feet and elimination of the distance from a residential zone requirement in determining maximum height. Note: Mechanical and elevator equipment, chimneys, or other utilities are not limited to the maximum building height. Mechanicals shall be screened to the maximum extent feasible from view from street level and integrated with the architectural style and materials of the building. Screening of mechanicals are not limited to the maximum building height.
- E. Parking, curb cut and landscaping requirements.** Except as otherwise provided in this section, parking, circulation and landscape requirements shall conform with the provisions of § 650-47, § 650-48 and § 650-49 of the Zoning Ordinance.

- (1) General. In the Donald Lynch Boulevard District, adequate off-street parking shall be provided. The parking facilities provided should be used efficiently to minimize the area of land to be paved for this purpose. The City Council may consider, at its discretion, permitted reductions in the parking requirements for complementary or shared use of parking areas serving activities that have different peak demand times. It is the applicant's responsibility to determine and request a shared parking reduction for review by the City Council. The visual and environmental impact of large parking areas shall be reduced by breaking the total required parking into smaller parking areas that are integrated with the site design and landscape plan. Low impact development techniques and green infrastructure shall be integrated with the parking areas.
- (2) Parking locations. Parking shall be located to the side and/or rear of all building structures. Existing parking that is located between a building and Donald Lynch Boulevard shall integrate enhanced landscaping into the parking area to reduce the visual impact of the parking through the addition of landscape islands and shade trees. Parking may be provided at ground level, underground, or in a parking garage. Parking garages can be freestanding or as part of a building that is dedicated to other permitted uses, but must be integrated with the surrounding site plan and oriented so as to minimize visual impact of the parking garage on surrounding uses.
- (3) Parking requirements. Parking in the Donald Lynch Boulevard District shall be provided at a minimum of 1 parking space per 250 square feet of net floor area for retail and restaurant uses. Parking for other commercial uses shall be provided at a minimum of 1 parking space per 350 square feet of net floor area. Parking for residential units shall be provided at a minimum of 1 parking space per unit.
- (4) Pedestrian and bicycle friendly. Vehicle, pedestrian and bicycle features shall be designed to promote connectivity. Curb cuts shall be minimized and shared between multiple parking areas and uses. Bicycle parking shall be provided for all new development and shall be located as close as possible to the building entrance(s).
- (5) Location of landscaped islands in parking areas. Landscaped islands with shade trees shall be contained within or project into a parking lot and be so located that some part of every parking space is not more than 90 feet from a landscaped area on the perimeter or interior of the parking lot.

F. Design standards. The following design standards apply to all developments within the Donald Lynch Boulevard District:

- (1) Site layout
 - (a) Site and building layout. Buildings shall be located to define shared outdoor spaces in coordination with adjacent buildings located on the same property or an abutting property and the design of the surrounding landscape.
 - (b) Site and parking layout. Parking shall not be the dominant feature of a site plan. Parking shall be one of the components integrated into a cohesive site and landscape design. Large parking lots shall be broken into smaller separated parking areas or through the use of islands and landscape. Landscape features such as plantings and berms shall be used to reduce the visual impact of parking and define shared outdoor spaces that are integrated with other features of the site. Pedestrian circulation shall be integrated into the design of the parking.

- (c) Sustainability and green infrastructure. Sustainability and green infrastructure shall be integrated into the site layout and features in a meaningful way. Approaches may include protecting and retaining existing vegetation, supporting biodiversity, integrating low-impact stormwater management techniques, reducing impervious surfaces, and reducing water use for irrigation.
- (2) Pedestrian and bicycle circulation
 - (a) Pedestrian circulation. Safe, convenient, and attractive pedestrian circulation shall be incorporated into the site plan design. Where appropriate, new pedestrian and bicycle paths shall connect the site with abutting sidewalks, trails, amenities, or parks to contribute to a system of pedestrian and bicycle circulation. Where appropriate, pedestrian access should be expanded into a shared-use path to provide safe, convenient, and attractive bicycle access.
 - (b) Pedestrian connections. Sidewalks shall provide access from internal site uses, building entries, shared outdoor spaces, parking areas, amenities adjacent to the property, connections along Donald Lynch Boulevard, and connections between adjacent properties.
 - (c) Bicycle amenities. All developments shall include provisions for the parking of bicycles at locations that are safely separated from vehicular and pedestrian circulation and convenient to building entries. Bicycle racks shall be placed as to not obstruct pedestrian walkways or impede the parking area for automobiles.
- (3) Shared Outdoor Spaces
 - (a) Shared Outdoor Spaces. Buildings and site features shall be arranged to create functional shared outdoor spaces, including outdoor seating areas, outdoor gathering areas, outdoor areas for eating, and outdoor activities. Landscape features, topographic changes, art, or other features may accent these shared outdoor spaces. Shared outdoor spaces shall be provided and integrated with the site plan and building design. Multiple shared outdoor spaces should be integrated within a larger property. All shared outdoor spaces should be accessible through a network of connected sidewalks and paths. Shared outdoor spaces shall enhance visual connections between buildings, streets, open spaces, and pedestrian circulation.
 - (b) Location of outdoor seating. Outdoor seating areas may be provided for restaurants, cafes, coffee shops, or other establishments with seating and may overlap with shared outdoor spaces. Outdoor seating areas shall be located adjacent to or near the use they are serving. Amenities and seating shall not reduce the required sidewalk widths of pedestrian circulation or negatively impact pedestrian or bicycle circulation.

G. Signage. Except as otherwise provided in this section, signage shall conform to the provisions of Chapter 526 of the City Code, the Sign Ordinance. In the event of any conflict between the provisions of this section and any provision of Chapter 526 of the City Code, the provisions of this section shall govern and control.

- (1) Signage plan. A master sign plan for the premises shall be provided for review and approval by the City Council, setting forth the types, locations and dimensions of proposed signs. A master sign plan shall be required for any project that involves more than two signs. For a project that involves one or two signs, a master sign plan is not required.
- (2) Sign Locations Permitted by Special Permit. A special permit under this section may authorize the following types of signs at specified locations.
 - a. I-290 Visibility Signage. In order to enhance visibility for uses within the DLB district from Interstate 290 on the north side of the interstate, a property owner may seek special permit approval for a sign that is coordinated for the entire district to project above the highest line of the roof, or to be mounted on the roof of the building, or on one freestanding pole, monument, or pylon sign designed for visibility from Interstate 290, or one off-premise sign location within the district for one freestanding pole, monument, pylon, or digital display sign when such a location has been identified and is available for such for the purpose of improving business visibility from Interstate 290. The total number not to exceed one (1) sign for the entire district. A sign under this sub-section shall be subject to the following requirements:
 - i. Sign design shall conform with § 526-9C unless waived by the City Council;
 - ii. Message board signs are prohibited for special permit sign locations;
 - iii. No freestanding sign shall be located closer than five feet to any property line;
 - iv. Signs, logos or cabinets should be externally illuminated where possible, otherwise with translucent or transparent faces if no reasonable alternative is possible; and
 - v. Sign location shall be integrated with landscaping into the overall site design, should not require clearance of trees or pose a risk to roadway safety.
 - b. District Gateway Signage. In order to enhance visibility and wayfinding for the district at district gateways in a coordinated manner, a property owner may seek special permit approval for signs coordinated for the entire district at the principal points of entry to the district. The sign may be on one (1) freestanding pole, or a monument, ground, or pylon sign, that is coordinated for the entire district at the principal points of entry to the district. The total number not to exceed (3) signs for the entire district. A sign under this sub-section shall be subject to the following requirements:
 - i. Additional secondary directional signs may also be approved by the City Council;
 - ii. The signs shall be coordinated in design and material and feature a reasonable number of individual tenants in a hierarchy that reinforces an identity for the district;
 - iii. The signs shall be designed in such a way that individual tenants can be changed to keep signs relevant and up to date with uses in the district;

- iv. The total allowed illuminated cabinet square feet of signage shall not exceed 200 square feet per side, per freestanding sign;
- v. The height of any freestanding sign shall not exceed 30 feet from the ground measured directly at the sign base;
- vi. No freestanding sign shall be located closer than five feet to any property line;
- vii. Sign, logos, or cabinets may be either externally illuminated or internally illuminated with translucent or transparent faces;
- viii. Sign location shall be integrated with landscaping into the overall site design, should not require clearance of trees or pose a risk to roadway safety; and
- ix. Signage profile shall be tall and narrow. A structural frame that is engineered to site specifications and sign materials that may include stone, brick, aluminum, or other metal materials to match the district identity.

H. Application.

- (1) Special permits. An application for a special permit for a use in a development in the Donald Lynch Boulevard District shall comply with the requirements of § 650-59 of the Zoning Ordinance.
- (2) Site plan approval. An application for site plan approval in the Donald Lynch Boulevard District shall comply with the requirements of Chapter 270 of the City Code, Article II, Permits and Approvals, § 270-2.

I. Site plan; special permit approval review criteria. An application for site plan approval or special permit approval in the Donald Lynch Boulevard District under this section shall adhere to the following review criteria, in addition to those specified in § 270-2 of the Marlborough City Code:

- (1) Compliance of the design with the Design Standards in the above subsection F;
- (2) Compliance of sidewalks and paths with Americans with Disabilities Act (ADA) design standards;
- (3) The placement of utilities and wiring underground, to the extent practical;
- (4) The placement of HVAC equipment, fans, generators, and other site-related structures and items so that they are not visible on roofs or building frontage areas, or that such features are suitably screened from view wherever reasonably practicable and where elevation permits;
- (5) Enhanced pedestrian amenities with sidewalks providing access from internal site uses to Donald Lynch Boulevard, property adjacent sidewalks or trails, between parking areas and uses, between abutting properties, to adjacent natural assets and amenities, and to outdoor open spaces on the property or abutting the property;
- (6) All lighting proposed shall be sensitive to the night sky, utilizing Illuminating Engineering Society of North America (IESNA) guidance for any lighting design;
- (7) Submission requirements, in addition to those specified in § 270-2 of the Marlborough City Code:
 - (a) Site plan depicting proposed development, buildings, parking, vehicular, pedestrian, and bicycle circulation, and outdoor open spaces;

- (b) Building elevations;
- (c) Landscape plan;
- (d) Lighting plan with photometrics; and
- (e) Site and building signage plan.

J. Standards for roadways and drainage.

- (1) Roadways. Internal Donald Lynch Boulevard District roadways and site circulation shall be private ways and shall be maintained by owners/developers. Private ways within the Donald Lynch Boulevard District, to the extent feasible, shall be constructed using the methods and materials prescribed in the City of Marlborough Subdivision Regulations, but shall not be required to conform to the dimensional requirements thereof, provided that those private ways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners. The design of private ways and parking circulation shall be as efficient as possible to reduce the overall development impact and area of impervious surfaces.
 - (2) Stormwater management system. Developments proposed in the Donald Lynch Boulevard District shall have a stormwater management system designed in accordance with the City of Marlborough Subdivision Regulations, the Department of Environmental Protection's Storm Water Handbook, and the Standards and the City's Stormwater Ordinance (Chapter 271 of the City Code), as amended. The stormwater design shall infiltrate all stormwater on site and avoid run-off onto adjacent properties and is encouraged to integrate low impact development techniques and green infrastructure such as bioswales, rain gardens, or other surface stormwater treatment features that are integral to the function of the site's stormwater management and highlighted as a landscape feature.
- V. The Zoning Map described in § 650-8 is **amended** as shown in the accompanying Map (Exhibit C). The newly established Donald Lynch Boulevard District shall include all or portions of the properties shown on the Map existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):
- Map 13, Parcels 2, 4, 4A, 5, 5A, 6, 7, 8, and
- Map 25, Parcels 1, 4, 4A, 5, and
- Map 26, Parcels 1, 1A, 7, 8, 9, 20, 21A, 21B, 22, 23, 24, 25, 26, 29, 30, 31, 32, and
- Map 38, Parcels 1B, 1C, 2, 3, 4, 5, 6, 7, and
- Map 39, Parcels 29A, and
- Map 50, Parcels 1, 2, 3A, 3B, 3C, 3D, 3E, 4A, 4B, 4C, 7, 7B, 8, 9, and
- Map 51, Parcels 5, 6 and 7.
- VI. The City Clerk is authorized to assign other numbering for the new section 650-39A as deemed appropriate for sequential ordering in the Zoning Ordinance.
- VII. The effective date of these amendments shall be the date of their passage.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Assistant City Solicitor Jeremy McManus, re: Opinion relative to Special Permit Application by Alta Behavioral Health, LLC, 400 Donald J. Lynch Boulevard, **FILE**; adopted.

Motion by Councilor Navin, seconded by the Chair to adopt the following:

ORDERED: That the City Council of the City of Marlborough pursuant to MGL Chapter 54, §34 hereby determines and approves the use of the ImageCast Precinct Optical Tabulator for all primaries, preliminary elections and elections of state, city or town officers in the city beginning with the next primary/preliminary and/or general election held within the City of Marlborough in 2024; and thereafter at all primaries/preliminaries and elections of state, city or town officers in the city until otherwise Ordered; and

That the City of Marlborough will discontinue the use of the AccuVote Optical Scanner in any and all future elections held in the City of Marlborough; and further;

That notice of this determination to approve and use the ImageCast Precinct Optical Tabulator and to discontinue use of the AccuVote Optical Scanner be sent to the Secretary of the Commonwealth of Massachusetts within five (5) days of this determination.

APPROVED; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, Gerald Dumais, d/b/a Dumais & Sons Secondhand Store, 65 Mechanic Street, referred to **PUBLIC SERVICES COMMITTEE**; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, Antoine Bitar, d/b/a Hannoush Jewelers, 601 Donald J. Lynch Boulevard, **APPROVED**; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Application for Taxi/Livery License from Adam Smith d/b/a First Class Limo, Inc., to operate a Livery Service with one vehicle, 715 Robin Hill Street, referred to **PUBLIC SERVICES COMMITTEE**; adopted.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) School Committee, January 24, 2024 & March 26, 2024.
- b) Historical Commission, February 15, 2024.
- c) Planning Board, February 26, 2024.

Motion by Councilor Brown, seconded by the Chair to adopt the following:

ORDERED: That the following CLAIMS, referred to the **LEGAL DEPARTMENT**; adopted.

- a) Bruce Jordan, 19 Emer Road, residential mailbox claim (2b).
- b) Zachary Skinner, 42 Grove Street, Upton, pothole or other road defect.

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
April 17, 2024
Minutes and Report**

This meeting convened at 6:30 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, www.marlborough-ma.gov.

Voting Members: Chair Irish, Councilors Fuccillo, Oram, Vital; Brown arrived at 6:31 PM.

Non-Voting Members: Councilors Ossing, Landers, Robey, Navin; Doucette arrived at 6:32 PM.

Also Present: Mayor Dumais; For MEDC: Meredith Harris, Exec. Director; Linda Martins, Director of Operations and Lindsey Jaworek, Business/Hospitality Manager.

Order No. 24-1009129: Communication from Mayor Dumais, together with two Transfer requests from the Economic Development Revenue Fund to the Marlborough Economic Development Corporation in the amount of \$762,465.00 to fund the FY2025 Operating Budget and \$150,000.00 to replenish the existing Toolbox fund to continue to support MEDC's small business financial incentive grant programs.

The Chair read the communication from Mayor Dumais. Director Harris discussed the proposed operating budget and the toolbox program with councilors. Councilors were extremely supportive of the efforts by Director Harris and her staff. Although Councilor Oram supported additional funding to replenish the toolbox, he expressed concern regarding other aspects of the budget and opposed the increase in the part time administrative position from part-time to full-time with benefits, accounting for approximately \$20,000.00.

On a motion by Councilor Fuccillo, seconded by Chair Irish, the Finance Committee recommends approval of the transfer in the amount of \$762,465.00 to fund the FY2025 Operating budget. Vote 4-1 Oram opposed.

On a motion by Councilor Fuccillo, seconded by Chair Irish, the Finance Committee recommends approval of the transfer of \$150,000.00 to replenish the Toolbox fund. Vote 5-0.

On a motion to adjourn by Councilor Vital, seconded by Chair, and approved; the meeting adjourned at 7:19 PM

Councilor Robey reported the following out of the Urban Affairs Committee:

**City Council Urban Affairs & Housing Committee
April 17, 2024
Minutes and Report**

This meeting convened at 7:24 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, www.marlborough-ma.gov.

Reports of Committee Continued:

Urban Affairs & Housing Committee voting members present were Chairman Katie Robey, Councilor Navin, Councilor Doucette, Councilor Landers, and Councilor Preciado.

Also present were Councilors Brown, Fuccillo, Irish, Oram, Ossing and Vital.

Others present are identified in the Order information.

The meeting was broadcast live via WMCT-TV (comcast Channel 8 or Verizon/Fios Channel 34) and is available for viewing on using the link under the Meeting videos tab on the homepage of the city's website (www.marlborough-ma.gov).

Order No. 23-1009137: Communication from Attorney William Brewin on behalf of Robert Leduc re: Request for the release of the low-income deed restriction on the unit at 66 Village Drive (over 55 condominiums on Route 20 East).

Present for this were Attorney Brewin and his client, Robert LeDuc and Lori Barnes, Mr. LeDuc's daughter.

The chair read a portion of Attorney Brewin's April 4, 2024, letter detailing the Master Deed for the property limits the occupancy to persons over 55. The Special Permit for this project designated two units as affordable and the resale of those units limited to a "price not greater than the maximum price allowed in this area for affordable owner-occupied single family townhouse units, according to the current DHCD criteria for affordability."

Attorney Brewin explained that although this language was in the special permit, DHCD had never accepted the units as affordable due to their being limited to persons over 55 and that the owner has been paying property taxes at full value with exception of a few years due to an abatement. Mr. LeDuc would like to either sell the property or transfer it to his children but would like to have the deed restriction removed to be able to sell at full market value and Attorney Brewin created a draft release of restrictive covenant deed.

The chair stated she has spoken to our legal counsel and the suggestion was for the committee to endorse the concept of releasing the affordable housing restriction on Unit 3 and refer it to legal department to draft proper language that would be on a future council agenda.

Councilor Navin moved to refer the request to release the affordable housing restriction on Unit 3, 66 Village Drive to the legal department to be put into proper form and on a future council agenda; it was seconded, and the motion carried 5-0.

Order No. 23-1009035: Communication from ViewPoint Sign and Awning on behalf of Best Western Royal Plaza Hotel for replacement of freestanding EMC Sign at 181 Boston Post Road West.

This item had its public hearing on February 12, 2024, when it was brought up the proposed new EMC units larger than what is allowed by code. Commissioner Htway submitted a letter to the council with information re a variance granted by the Planning Board in 1989 for "an Electronic Message Center" sign to be installed the freestanding sign.

During discussion, it was questioned whether the variance was for an EMC sign or some other type of sign and that this matter needs further review by both the legal department and the building department.

Reports of Committee Continued:

Councilor Doucette moved to table this in committee to allow time to have it reviewed by legal department and building commissioner; it was seconded, and the motion carried 5-0.

Councilor Doucette moved to adjourn; it was seconded and carried 5-0. the meeting adjourned at 7:49 pm.

Suspension of the Rules requested – granted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Attorney William Brewin on behalf of Robert Leduc re: Request for the release of the low-income deed restriction on the unit at 66 Village Drive (over 55 condominiums on Route 20 East), referred to **CITY SOLICITOR TO BE PUT IN PROPER LEGAL FORM**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$477,122.41 (Four hundred seventy-seven thousand, one hundred twenty-two dollars and forty-one cents) from PEG Funds to Marlborough Cable Trust to fund the operation of WMCT-TV for FY2025 and Capital Items, **APPROVED**; adopted.

Councilor Ossing filed a Disclosure of Appearance of Conflict of Interest into the record.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS –										
DEPT:		Mayor				FISCAL YEAR:		2024		
		FROM ACCOUNT:				TO ACCOUNT:				
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$763,795.25	\$477,122.41	27000099	47750	Receipts Reserved-PEG Funds	\$477,122.41	89000	25581	Marlboro Cable Trust		\$0.00
	Reason:	To fund the balance of WMCTS FY25 Budget								
	\$477,122.41	Total			\$477,122.41	Total				

Motion by Councilor Navin, seconded by the Chair to adopt the following:

ORDERED: That the Appointment of Carl Blatchley to the Fort Meadow Commission for a 3-year term effective May 1, 2024, **APPROVED**; adopted.

Motion by Councilor Navin, seconded by the Chair to adopt the following:

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 9:11 PM; adopted.