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CITY OF MARLBOROUGH

2016 DEC 15 P 2:33

1. Minutes, City Council Meeting, December 5, 2016.
2. PUBLIC HEARING On the Proposed Zoning Amendment to Chapters 650-56 & 650-59, Order No. 16-1006734.
3. Communication from the Mayor re: Fire Department transfer request in the amount of \$200,000.00 which moves funds from and to various accounts as noted on the attached spreadsheet to continue funding overtime costs.
4. Communication from the Mayor re: Police Department transfer request in the amount of \$192,300.00 which moves funds from and to various accounts as noted on the attached spreadsheet to continue funding overtime costs.
5. Communication from the Mayor re: Assabet Valley Property Acquisition which includes a transfer request in the amount of \$1,600.00 which moves funds from Stabilization-Open Space to Open Space Acquisition for the purpose of depositing funds on any negotiated purchase and sale.
6. Communication from the Mayor re: Revised Salary Ordinance pertinent to nonunion positions, Order No. 16-1006718.
7. Communication from the Mayor re: Revised Order to Approve Unique Acquisition & to Authorize Negotiation and Entering into Purchase & Sales Agreement, Order No. 16-1006760.
8. Communication from the Mayor re: Order to Accept Deed from Marlborough Community Development Authority for Land at the Public Library; Transfer the Use of a Portion of the City-Owned Land on Bolton St. to a Different Use; and Grant of Easement to the Marlborough Community Development Authority.
9. Communication from Councilor Ossing re: Revised Aggregation Plan.
10. Communication from Assistant City Solicitor Panagore Griffin re: Zoning Ordinance Amendment, Marlborough Village District, in proper legal form, Order No. 16-1006667C.
11. Communication from Assistant City Solicitor Panagore Griffin re: Special Permit for a Car Wash in the Hospitality and Recreation Mixed Use Overlay District (HRMUOD) in proper legal form, Order No. 16-1006634C.
12. Communication from Assistant City Solicitor Panagore Griffin re: Special Permit for a Car Wash in Zone B of the Water Supply Protection District, in proper legal form, Order No. 16-1006635B.
13. Communication from Assabet Valley Regional Technical High School, Superintendent-Director Houde re: Assabet Valley Acquisition of property located on Fitchburg St.
14. Minutes, License Board, October 26, 2016.
15. Minutes, Library Board of Trustees, November 1, 2016.
16. Minutes, Cultural Council, November 28, 2016.
17. Minutes, Board of Health, November 1, 2016.
18. CLAIMS:
  - a. Anthony Annese, 111 West Hill Rd., other property damage.

#### REPORTS OF COMMITTEES:

**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.**

From Urban Affairs Committee

19. **Order No. 16-1006667C - Petition on behalf of Cameron Realty Trust, 28 South Bolton Street regarding the Proposed Zoning Ordinance Amendment within the Marlborough Village District, Section 650-34 and Table of Lot Area, Yards and Heights of Structures, 650-41.** The Urban Affairs Committee met with Attorney Arthur Bergeron, representative of Cameron Realty Trust, for a discussion of a proposed zoning ordinance amendment within the Marlborough Village District by allowing a zero-foot setback by right along Main Street and the eastern side of South Bolton Street between Main Street and Granger Boulevard, and the northern side of Granger Boulevard between South Bolton Street and Main Street. Cameron Realty Trust would then have the ability to submit a project by right to the City Council under the amended zoning where City Council conducts site plan review for projects within the Marlborough Village District. Chairman Delano also noted a scrivener's error in footnote three of Section 650-41, Table of Lot Area, Yards and Height of Structures which did not affect the proposed zoning amendment and was corrected for the record. The Urban Affairs Committee will request a suspension of the rules on December 5, 2016 to forward the zoning amendment to the City Solicitor to be placed in proper legal form (for the December 19, 2016 agenda) for a final vote. **Motion made by Councilor Elder, seconded by Chair, to approve the zoning amendment, as amended. The motion carried 4-0 (Councilor Juare absent).**
  
20. **Order No. 16-1006634C - Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Car Wash, specifically to allow for the use of a car wash at Apex Center in the Hospitality and Recreation Mixed Use Overlay District, 22 Apex Drive.** The Urban Affairs Committee met with Robert Walker of Walker Realty for a discussion of a proposed car wash located at 22 Apex Drive within the Hospitality and Recreation Mixed Use Overlay District. The primary discussion centered upon the hours of operation for the car wash as several Councilors could not support this application with twenty-four-hour operation. The committee agreed to support the special permit application with recommended hours of operation from 6:00 AM to 12:00 Midnight, seven days per week, with the provision that the applicant, notwithstanding these hours of operation, may request to extend the hours of operation after the passage of one year after the issuance of the final occupancy permit for the operation of the car wash. (Councilor Landers was opposed to the restriction.) The Site Plan Review Committee Memorandum, dated October 25, 2016, listed the reason for the Carwash Equipment Monitoring Report as "The purpose of said report shall be to demonstrate that the nature of the effluent discharged to the Marlborough sewer system is acceptable." The Committee recommended that this language be added to condition seven (7) of the applicant's draft decision for clarity. **Motion made by Councilor Elder, seconded by Chair, to approve as amended. The motion carried 4-0 (Tunnera absent).**

21. **Order No. 16-1006635B - Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Car Wash, specifically to allow for a car wash in Zone B of Water Supply Protection District, 22 Apex Drive.** The Urban Affairs Committee met with Robert Walker of Walker Realty for a discussion of a proposed car wash located at 22 Apex Drive within Zone B of the Water Supply Protection District. Conservation Officer Priscilla Ryder confirmed that the applicant has incorporated the conditions that she and City Engineer DiPersio recommended. The applicant was not required to meet with the Conservation Commission because the car wash is outside the one-hundred-foot buffer zone. The project was reviewed by the Site Plan Review Committee because of its location within the Water Supply Protection District. Mr. Walker had no objection to the revised conditions in the Special Permit. Two changes were made to the conditions, the first being "11. Water Use – Well, b." shall include City Engineer as in receipt of the well report; and the second change occurred in "11. Water Use – Well, d." where a typographical error of "works" was changed to "employees" with additional language for clarity. **Motion made by Councilor Elder, seconded by Chair, to approve as amended. The motion carried 3-1 (Juaire opposed; Tunnera absent).**

## UNFINISHED BUSINESS:

22. **Order No. 16-1006458 - Proposed Ordinance to Chapter 485, Reporting Obligations after a Devastating Event. ITEM WAS TABLED UNTIL THE DECEMBER 19, 2016 MEETING AS THE TEN DAY PERIOD WOULD NOT HAVE BEEN SATISFIED FOLLOWING THE ADVERTISEMENT DATE OF NOVEMBER 26, 2016.**