

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Urban Affairs Committee

Date: January 31, 2017

Time: 5:30 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2017 JAN 20 A 9:30

01-09-2017 – **Order No. 17-1006784:** Temporary Cessation of the Acceptance of Applications for Special Permits for Housing Projects.

- REFER TO URBAN AFFAIRS COMMITTEE
- REFER TO PLANNING BOARD
- PUBLIC HEARING: FEBRUARY 6, 2017

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.

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.



IN CITY COUNCIL

Marlborough, Mass., JANUARY 9, 2017
PAGE 1

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING THERETO AS FOLLOWS:

A new Section 650-63, entitled "TEMPORARY CESSATION OF THE ACCEPTANCE OF APPLICATIONS FOR SPECIAL PERMITS FOR HOUSING PROJECTS," is hereby added, as follows:

650-63 TEMPORARY CESSATION OF THE ACCEPTANCE OF APPLICATIONS FOR SPECIAL PERMITS FOR HOUSING PROJECTS

A. Purpose.

The regulation of housing projects by special permit raises novel and complex legal, planning, public health and safety issues, and the City needs time to undertake a planning process to consider amendments to the Zoning Ordinance regarding the regulation of said housing projects. The City intends to adopt a temporary cessation on the use of land and structures in the City for the purpose of housing projects by special permit, so as to allow the City sufficient time to engage in a planning process to consider various issues and impacts, including without limitation the adequacy of the water supply and sewer treatment systems, the condition and repair of public ways, proper staffing at the Department of Public Works, potential staffing and equipment needs for the Police Department and the Fire Department, pending fiscal responsibilities for schools and the Library, the Subsidized Housing Inventory by which the City is currently at or above the 10% threshold and therefore exempt from 40B Comprehensive Permits, vehicular traffic and municipal services, in order to address the effects of such use for the welfare of its inhabitants, present and future, and to enact ordinances in a manner consistent with sound land use planning goals and objectives.



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

3

January 5, 2017

City Council President Edward J. Clancy
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Housing Plan

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval an order to temporarily cease City Council consideration of new proposals for housing developments in the City for a six-month period in order to give the City an opportunity to strategically review our housing inventory, demand for housing, and impacts to quality of life for Marlborough residents.

After working with Council President Clancy to draft the attached order, I believe it is necessary for the City to develop a housing plan before additional housing growth moves forward through the City's permitting processes. In recent weeks, as many as 13 new housing projects have been discussed in various forms throughout the City. While not all of these projects may move forward as formal proposals, there is certainly a strong appetite among developers to bring forward large scale projects in Marlborough.

Please note that since this is a zoning amendment, it must follow MGL, C. 40A, § 5 to be adopted. Under MGL, C. 40A, § 5, zoning amendments may be initiated by a City Councilor, but not by the Mayor. While this order is my recommendation, I request that a City Councilor make a motion to refer to the Planning Board and advertise the attached order under his or her name. The Solicitor's office has confirmed that this order will de facto go into effect upon the date of advertisement, but to be formally adopted it must go through the steps outlined in MGL c. 40A, § 5.

Upon your approval of the order, I will direct the Marlborough Economic Development Corporation to immediately contract with a planning agency to conduct the housing study. I will also form an ad hoc committee, which will include a City Councilor, to oversee and report back on the study to the City Council by July 1, 2017.

Marlborough is known as a community where families can afford a home, have access to ample job opportunities and send their children to a great school system. I am proud that we are one of a small number of communities in Massachusetts where more than 10 percent of our housing inventory is affordable in accordance with Massachusetts Department of Housing and Community Development regulations.

More than 950 housing units of various sizes have been approved for development in Marlborough since 2010. Recently completed projects include Ice House Landing and the Talia Apartments. Other projects

*UA P.B.
P.H. 2/6/17 ADV
8-3 motion passed*

approved during this time period include the beautiful new apartments at Avalon Marlborough and the Condominiums at St. Mary's.

As standalone projects, these represent good developments by developers the City can rely on to deliver high quality work. Taken as a whole, they represent a large influx of new housing units.

Were this pace of development to continue without a comprehensive housing plan, transportation and other issues related to extensive development may worsen. At this time, I believe it is necessary to temporarily pause consideration of housing projects and draft a housing plan in order to make sure future developments mitigate any potential impact to our open space, school enrollment, traffic, water protection, as well as the demands placed on our police and fire.

In our 2011 master plan for economic development (the Marlborough Economic Development Master Plan: Building the New Marlborough Economy), housing was identified as a potential for future tax revenue growth if the City was able to capture young professionals and empty nesters who do not have school-aged children. Our rezoning of Downtown Marlborough and the approval of projects like Avalon Marlborough attempts to do just that. These developments are high end, 1 or 2 bedrooms, and are targeted at those young professionals who work in Marlborough.

The Marlborough Economic Development Master Plan offered some insight into the housing market in Marlborough, but concluded that:

A comprehensive analysis of housing in Marlborough was beyond the scope of this report...affordable housing, and particularly affordable housing for Marlborough's workforce, should be addressed in the context of a City-wide Comprehensive Plan that takes into consideration all items relevant to housing policy, including: open space playgrounds, school capacities and student enrollment projections, police and fire protection capacities, as well as transportation, water, sewer, and other infrastructure capacities.

A number of factors have contributed to our stunning economic growth in the past few years, such as our location, the Marlborough Economic Development Corporation, and our reputation as a hub for life sciences; however, I believe one of the strongest factors is our commitment to strategically planning where and how commercial development grows in Marlborough. As the Master Plan itself states, it is crucial that we also have a housing plan.

As we prepare to consider a number of new housing projects in the City, it is necessary for us to follow that same template: plan first to determine the type and amount of housing projects that benefit Marlborough residents for years to come.

I appreciate your consideration of the attached order and will be available to speak in further detail at the upcoming City Council meeting. In the meantime, please do not hesitate to contact me with any questions or concerns.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING THERETO AS FOLLOWS:

A new Section 650-63, entitled "TEMPORARY CESSATION OF THE ACCEPTANCE OF APPLICATIONS FOR SPECIAL PERMITS FOR HOUSING PROJECTS," is hereby added, as follows:

650-63 TEMPORARY CESSATION OF THE ACCEPTANCE OF APPLICATIONS FOR SPECIAL PERMITS FOR HOUSING PROJECTS

A. Purpose.

The regulation of housing projects by special permit raises novel and complex legal, planning, public health and safety issues, and the City needs time to undertake a planning process to consider amendments to the Zoning Ordinance regarding the regulation of said housing projects. The City intends to adopt a temporary cessation on the use of land and structures in the City for the purpose of housing projects by special permit, so as to allow the City sufficient time to engage in a planning process to consider various issues and impacts, including without limitation the adequacy of the water supply and sewer treatment systems, the condition and repair of public ways, proper staffing at the Department of Public Works, potential staffing and equipment needs for the Police Department and the Fire Department, pending fiscal responsibilities for schools and the Library, the Subsidized Housing Inventory by which the City is currently at or above the 10% threshold and therefore exempt from 40B Comprehensive Permits, vehicular traffic and municipal services, in order to address the effects of such use for the welfare of its inhabitants, present and future, and to enact ordinances in a manner consistent with sound land use planning goals and objectives.

B. Temporary Cessation.

For the reasons sets forth above, and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary cessation on the use of land or structures for housing projects by special permit. In no case shall the City accept an application for special permit for a housing project. Said temporary cessation, and non-acceptance of applications for special permits for housing projects, shall be in effect for six months from the date of approval by the City Council. During the temporary cessation period, the City shall undertake a planning process to address the potential impacts of housing projects in the City, and shall consider amending its Zoning Ordinance to address the impact of said housing projects.

ADOPTED

In City Council
Order No 17-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

PLANNING BOARD
BERLIN TOWN HALL
23 LINDEN STREET
BERLIN, MA 01503

PLANNING BOARD
FRAMINGHAM TOWN HALL
150 CONCORD STREET
FRAMINGHAM, MA 01702

PLANNING BOARD
HUDSON TOWN HALL
78 MAIN STREET
HUDSON, MA 01749

PLANNING BOARD
SUDBURY TOWN HALL
278 OLD SUDBURY ROAD
SUDBURY, MA 01776

PLANNING BOARD
SOUTHBOROUGH TOWN HALL
17 COMMON STREET
SOUTHBOROUGH, MA 01772

PLANNING BOARD
NORTHBOROUGH TOWN HALL
63 MAIN STREET
NORTHBOROUGH, MA 01532

PLANNING BOARD
WESTBOROUGH TOWN HALL
45 WEST MAIN ST.
WESTBOROUGH, MA 01581

MUNICIPAL LEGAL NOTICES
MAPC
60 TEMPLE PLACE
BOSTON, MA 02108

CITY ENGINEER
DEPARTMENT OF PUBLIC WORKS
135 NEIL STREET
MARLBOROUGH, MA 01752

BUILDING COMMISSIONER
CITY HALL
140 MAIN STREET
MARLBOROUGH, MA 01752

PLANNING BOARD
CITY HALL
140 MAIN STREET
MARLBOROUGH, MA 01752

CITY COUNCIL
CITY HALL
140 MAIN STREET
MARLBOROUGH, MA 01752

GIS ADMINISTRATOR
DEPARTMENT OF PUBLIC WORKS
135 NEIL STREET
MARLBOROUGH, MA 01752

*Notices
Sent
1-17-17
[Signature]*



Marlborough: City weighs proposed hold on housing special permits

Wednesday

Posted Jan 11, 2017 at 9:12 PM

Updated Jan 11, 2017 at 9:12 PM

By **Jeff Malachowski**

Daily News Staff

Follow

MARLBOROUGH - City councilors Monday gave their blessing to a six-month moratorium on special permits for housing to allow the city time to create a plan to deal with rapid growth.

Before the city OKs more home building through special permits, Mayor Arthur Vigeant recommends a plan that will inventory housing, gauge demand and determine the impact on municipal services.

As many as 13 new housing projects have been discussed recently, Vigeant said in a letter to the City Council. Though not all may end up as formal proposals, developers are eager to build, he said.

Since 2010, the city has approved more than 950 homes of various kinds, including the Ice Housing Landing condos, Talia apartments and Avalon apartments, the mayor said.

"Were this pace of development to continue without a comprehensive housing plan, transportation and other issues related to extensive development may worsen," Vigeant wrote in the letter to the City Council. "At this time, I believe it is necessary to temporarily pause consideration of housing projects."

The City Council referred the idea to the Planning Board and Urban Affairs Committee,

approved advertising the change and scheduled a public hearing for Feb. 6.

City Councilor Peter Juairé called the recommendation "a real good move." He said the city must review how new homes will affect public safety.

A review will also allow the city to determine what type of housing is needed - over-55, condos, single-family homes, apartments - and the best place to put them, said City Councilor Joseph Delano.

The study should also examine if the city needs affordable housing, City Councilor Mark Oram said.

"I think we have to look at the whole picture," said Oram.

Oram said a moratorium and study would not stop development, but make sure the city is prepared.

City Councilors Michael Ossing, Kathleen Robey and Matt Elder agreed there is a need for a housing study and were in favor of referring the matter to the Planning Board and Urban Affairs Committee, but voiced some concerns about advertising the moratorium.

"It seems a little heavy-handed to say nothing for six months," said Elder. "We could be missing out on some very good projects."

Ossing said special permit requests for housing are the purview of the council, which can say no to any project.

The Marlborough Economic Development Corporation will contract with a planning agency to conduct the study. An ad hoc committee will oversee and report the findings of the study to the City Council July 1.

Jeff Malachowski can be reached at 508-490-7466 or jmalachowski@wickedlocal.com.

Follow him on Twitter [@JmalachowskiMW](https://twitter.com/JmalachowskiMW).

**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK
MARLBOROUGH, MASSACHUSETTS 01752**

LEGAL NOTICE

Public Hearing –Proposed Zoning Change, Adding §650-63

Notice is hereby given that the City Council of the City of Marlborough will hold a Public Hearing on **Monday, February 6, 2017 at 8:00 PM** in the City Council Chamber, 2nd floor, City Hall, 140 Main Street, Marlborough, Massachusetts to amend the Zoning Code of the City of Marlborough, Chapter 650 by adding to Article VIII a new section §650-63 TEMPORARY CESSATION OF THE ACCEPTANCE OF APPLICATIONS FOR SPECIAL PERMITS FOR HOUSING PROJECTS in accordance with the following proposed change:

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended as follows:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING THERETO AS FOLLOWS:

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***Per Order of the City Council
#17-1006784***