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****Presentation of 2013 City Scholarship Awards****

1. Minutes of the City Council Meeting, June 3, 2013.
2. PUBLIC HEARING On the Application for Special Permit from Mirick O'Connell, on behalf of Sandra & Anthony Antico Real Estate LLC, for indoor recreation area that will include various children's entertainment features that can be used by children under the supervision of their parents or guardians for birthday parties and on other special occasions, 72 Jefferson St., Order No. 13-1005426.
3. Communication from the Mayor re: Appointments of Melissa Vera, Mark Bartlett, and Mary Scott to the Marlborough Cultural Council for a term of three years commencing the day after their approval by City Council.
4. Communication from City Clerk, Lisa Thomas, re: Special State Election Call.
5. Communication from Planning Board re: Country Club Estates Subdivision (Stow Rd., Robert Rd., and Country Club Circle), Proposed Taking of Permanent Easements.
6. Communication from City Solicitor, Donald Rider, re: McDonalds USA, LLC Special Permit, 155 Boston Post Rd. West in proper legal form, Order No. 13-1005341B.
7. Petition of NGrid to locate manholes, wires, and ducts, including the necessary sustaining & protecting fixtures, along and across the following public way: Daniels Rd., beginning at approximately 30 feet north of the centerline of the intersection of Second Rd., install pull box and 340' of 2-3' PVC duct bank.
8. Communication from USAT Certified Race Director, Mark Walter, re: 4th Annual Westborough Sprint Triathlon.
9. Communication from Central Massachusetts Mosquito Control Project re: Investigating Resident's Complaints.
10. Minutes, Marlborough Community Development Authority, February 28, March 28, and April 25, 2013.
11. Communication from Hanover Insurance Group on behalf of Kevin Lynch re: Property Damage, 96 Warren Ave.
12. Communication from Amica Insurance on behalf of Randeep Ghai re: Property Damage, 43 Violetwood Circle.
13. Communication from Wilber Insurance Service Enterprises, on behalf of Metlife and their insured Dawn and Lawrence Metcalf, Property Damage, 15 Brimsmead St.
14. CLAIMS:
 - A. John Comeau, 48 Oakcrest Ave., residential mailbox claim 2(a)
 - B. Dino's Trattoria, 277 Main St., other property damage

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Public Services Committee

15. **Order No. 13-1005372** - Application for Junk Dealer's License by Michael Komapovsky, d/b/a Aarus Art Gallery, 305 Lincoln Street.
-REFER TO PUBLIC SERVICES
Motion made by Councilor Clancy, seconded by Jenkins, to recommend approval. 3-0
16. **Order No. 13-1005343A** - Application for FUEL STORAGE LICENSE by Partners HealthCare System, Inc., off of Forest Street to store 60,000 gallons above ground diesel fuel.
-REFER TO PUBLIC SERVICES
PUBLIC HEARING: MARCH 25, 2013
Motion made by Councilor Clancy, seconded by Jenkins, to recommend approval. 3-0
17. **Order No. 13-1005407** - Renewal of Junk Dealer's License, Tony Bitar, d/b/a Hannoush Jewelers, 601 Donald Lynch Blvd.
-REFER TO PUBLIC SERVICES
Motion made by Councilor Jenkins, seconded by Clancy, to recommend approval. 3-0
18. **Order No. 13-1005408** - Renewal of Junk Dealer's License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street.
-REFER TO PUBLIC SERVICES
Motion made by Councilor Jenkins, seconded by Clancy, to recommend approval. 3-0
19. **Order No. 13-1005427** - Application of Best Buy Store #1966, 601 Donald Lynch Blvd. for Renewal of Junk Dealer's License.
-REFER TO PUBLIC SERVICES
Motion made by Councilor Clancy, seconded by Jenkins, to recommend approval pending receipt of satisfactory CORI from the Chief of Police . 3-0
20. **Order No. 13-1005428** - Application of Best Buy Store #820, 769 Donald Lynch Blvd. for Renewal of Junk Dealer's License.
-REFER TO PUBLIC SERVICES
Motion made by Councilor Clancy, seconded by Jenkins, to recommend approval pending receipt of satisfactory CORI from the Chief of Police . 3-0

From Urban Affairs Committee

21. **Order No. 12/13-1005108** - Solicitor Rider updated the Committee on the prospective changes in the Indian Hill Property (Fafard). Solicitor Rider gave his legal opinion that the motion he was proposing benefited the city for various reasons and he stated legally we wouldn't need a public hearing. The Solicitor gave updates to questions the Committee asked of him at its last meeting. Councilor Clancy said the Conservation Committee agreed with the changes the Solicitor is proposing. President Pope said she had some concerns about the slope but it appears to have been addressed by Target. Councilor Clancy read the Solicitor's following proposed motion and it was approved 5-0.

Motion-

That no formal application to modify the City Council's 1987 special permit concerning the Indian Hill development is required to be filed by the developer, Indian Development Corp., relative to the prospective change in the City's legal interest in a 20-acre open space parcel located at Indian Hill, from a conservation restriction to acquiring the fee interest in that 20-acre parcel, which fee acquisition would also include the City's acquisition of an approximately 10' wide pedestrian access easement appurtenant to the 20-acre parcel and connecting it to Callahan State Park; and

That the Mayor is authorized to execute an agreement with the developer for relocating the said pedestrian access easement.

22. **Order No. 13-1005341B** - Application for Special Permit, Bohler Engineering on behalf of McDonald's Restaurant to improve the aesthetics and operational efficiencies of their restaurant which includes updates to the drive-thru at 155 Boston Post Road West
-REFER TO URBAN AFFAIRS - PUBLIC HEARING: APRIL 8, 2013

The Committee discussed the proposed changes, including changing the drive-through to two lanes and small cosmetic changes, with representatives of McDonald's from Bohler Engineering. Initial safety concerns were adequately addressed. Chairman Elder asked the petitioners if they anticipate more traffic and/or accidents at the merging of the two lanes, and the petitioners replied in the negative. Councilor Clancy asked a few questions about the exterior changes and staffing. In addition to changes to the drive-through window, the restaurant will get a facelift that will improve the appearance of the building and provide improved aesthetics for the area which is close to the westerly entrance to the city.

The Committee did not receive any negative comments on the proposal.

The Committee discussed the proposed decision with the petitioner, changing minor details.

The Committee discussed the standard language for signage in special permits.

Motion by Councilor Clancy and seconded to recommend approval of the Special Permit for a drive through window as requested by Bohler Engineering on behalf of McDonald's Restaurant and to suspend the rules to forward the proposed decision to the City Solicitor to place on the June 17, 2013 regular meeting in proper legal form. Vote 5-0

From City Council

23. **Order No. 13-1005417A** – Comptroller's Salary Ordinance as follows was properly advertised June 7, 2013:
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED "PERSONNEL," AS FOLLOWS:

POSITION	EFFECTIVE DATE	MINIMUM 1 st 6 mos.	STEP 1 2 nd 6 mos.	STEP 2 Next 12 mos.	MAXIMUM
Comptroller/Treasurer	7/1/13	101,695.70	105,763.28	109,994.07	114,393.83

24. **Order No. 13-1005247C** – Communication from the Planning Board regarding favorable recommendation of Medical Marijuana Dispensing Facilities – Zoning Moratorium. Tabled on June 3, 2013.
25. **Order No. 13-1005247A** – Proposed Moratorium in proper form from City Solicitor. Public Hearing was held on April 22, 2013.

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:

1. Section 650-5, entitled “Definitions; Word Usage,” is hereby amended by adding to said Section the following definition:

MEDICAL MARIJUANA TREATMENT CENTER: A not-for-profit entity, as defined by Massachusetts law only, registered under Massachusetts law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers, shall be deemed a “Medical Marijuana Treatment Center” and subject to the temporary moratorium under Section 650-32 of this ordinance.

2. A new Section 650-32, entitled “TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS,” is hereby added, as follows:

650-32 TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

A. Purpose.

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the acquisition, cultivation, possession, processing (including development of related products such as food, tinctures, aerosols, oils, or ointments), transference, transportation, sale, distribution, dispensing, and administering of marijuana, products containing marijuana, related supplies, or educational materials, for medical purposes. The law provided that it became effective on January 1, 2013 and that the Massachusetts Department of Public Health (“MDPH”) is required to issue regulations regarding the law’s implementation within 120 days of the law’s effective date. Currently under the City’s Zoning Ordinance, a medical marijuana treatment center is not a permitted use in the City, and any regulations to be promulgated by

MDPH are expected to provide guidance to the City in regulating medical marijuana, including medical marijuana treatment centers.

The regulation of medical marijuana treatment centers raises novel and complex legal, planning, and public safety issues, and the City needs time to study and consider the regulation of such centers and those issues, as well as to address the potential impact of MDPH regulations on local zoning and to undertake a planning process to consider amending the Zoning Ordinance regarding the regulation of such centers and other uses related to such regulation. The City intends to adopt a temporary moratorium on the use of land and structures in the City for the purpose of medical marijuana treatment centers, so as to allow the City sufficient time to engage in a planning process to address the effects of such use, and to enact ordinances in a manner consistent with sound land use planning goals and objectives.

B. Temporary Moratorium.

For the reasons sets forth above, and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for a medical marijuana treatment center. In no case shall the acquisition, cultivation, possession, processing (including development of related products such as food, tinctures, aerosols, oils, or ointments), transference, transportation, sale, distribution, dispensing, and administering of marijuana, products containing marijuana, related supplies, or educational materials, for medical purposes be considered accessory to any use permitted in the City. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the City shall undertake a planning process to address the potential impacts of medical marijuana in the City, shall consider MDPH regulations regarding such centers and related uses, and shall consider amending its Zoning Ordinance to address the impact and operation of such centers and related uses.