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CITY OF MARLBOROUGH

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1. Minutes of the City Council Meeting, December 3, 2012.
2. CONTINUED PUBLIC HEARING with Board of Assessors to establish the percentages of tax levy for each property classification for FY2013, Order No. 12-1005245.
3. PUBLIC HEARING On Proposed Zoning Amendments as follows: Adding to Section 650-5.B a definition for "Data Storage/Telecommunications Facility", Adding to the Table of Use Regulations, Section 650-17, a category for "Data Storage/Telecommunications Facilities" under "Industrial Uses", and Adding to Section 650-48.A a new item (15), Order No. 12-1005235.
4. PUBLIC HEARING On the Application for Special Permit from Cumberland Farms Inc., 412 & 418 Maple St. and Walker St. to construct a convenience store with gasoline sales on the subject parcels and to operate new facility from 5:00 AM to midnight, Order No. 12-1005220, X-12-1005081.
5. Communication from the Mayor re: Finalization of the City's FY2013 Tax Levy.
6. Communication from the Mayor re: Inter-Municipal Agreement-Town of Sudbury to staff their Veteran's Services office, X-12-1005212.
7. Communication from the Mayor re: Municipal Aggregation.
8. Communication from the Mayor re: MEDC Master Plan. The documents can be viewed via following link:
<http://marlboroughedc.com/about-medc/links/final-documents/>
9. Communication from the Mayor re: Sign Ordinance.
10. Communication from the Mayor re: Appointment of Ron Guest as Parking Clerk effective January 2, 2013.
11. Communication from City Solicitor Rider re: Proposed Results Way Mixed Use Overlay District Zoning Ordinance in proper legal form, Order No. 12-1005154B.
12. Communication from Chief Procurement Officer Sleeper re: Request for Proposals for Wireless Telecommunications Leasing Project at Fairmount Hill Water Tank, 115 Onamog St.
13. Communication from Attorney Bergeron re: Notice of Representation, 630 Forest Realty LLC, Verizon, and Partners Healthcare Systems regarding various zoning matters.
14. Communication from Attorney Bergeron re: Proposed Zoning Amendment.
15. Communication from David Renzi and Linda Senecal re: Proposed Senior Center/Renzi Shoe Repair Shop Museum.
16. Minutes, Council on Aging, November 13, 2012.
17. Communication from Amica on behalf of Philip Lioio re: Sewer Backup.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

18. **Order No. 12-1005205 – Transfer \$277,099.00 from Economic Development to MEDC Funding.** The Finance Committee reviewed the Mayor's letter dated October 25, 2012 requesting the transfer of \$277,099.00 from Economic Development to MEDC for funding their operations and special projects for the remainder of the fiscal year. **Recommendation of the Finance Committee is to approve the transfer 5 – 0.**

19. **Order No. 12-1005203 – Transfer \$2,581,967.00 from Undesignated Funds to the School Department.** The Finance Committee reviewed the Mayor’s letter dated November 1, 2012 requesting the transfer of \$2,581,967.00 from Undesignated Funds to provide additional FY13 school department funding. **Recommendation of the Finance Committee is to approve the transfer 4 – 0 – 1.** (Councilor Oram abstained).

From Urban Affairs Committee

20. **Order No. 12-1005154B** - Communication from Attorney David Gadbois, representing Atlantic-Marlboro LLC of 205 Newbury Street, Framingham, Massachusetts 01701, owner of land which is the subject matter of Zoning Petition. The said land is shown on the City of Marlborough Assessors Map 101, Parcel 2. Atlantic-Marlboro LLC hereby petitions the City Council to amend the Zoning Code of the City of Marlborough Chapter 650 by adding to Article VI section 650-2 RESULTS WAY MIXED USE OVERLAY DISTRICT in accordance with the proposed change.

-REFER TO URBAN AFFAIRS, PLANNING BOARD AND ADVERTISE
PUBLIC HEARING: OCTOBER 15, 2012

The Chair updated the petitioners, Council and Committee on the progress of the proposal. At previous meetings, the Committee worked with MPAC and the petitioners on various parts of the plan, including small changes to the allowable uses and prohibited uses.

Chairman Elder reminded the petitioners they would prohibit marijuana facilities at the complex, and the petitioners agreed that prohibition would be added into the final language.

The Chair also updated the Council and Committee as to Site Plan, and assured everyone that the petitioners would be giving up significant control in the project to allow the Council to have more control and say over all aspects of the design.

Instead of providing affordable units on the property as required under current zoning, the petitioners agreed to provide funds to the City for the development and planning of affordable units within the city. The Chair stated this would be a better idea than putting money into an affordable fund as done in the past with other projects.

Motion by Councilor Clancy, seconded by the Chair, to recommend approval of the Atlantic Zoning Overlay Proposal, as amended, and to Suspend the Rules at the December 3, 2012 regular meeting to forward to the Solicitor to be placed in proper legal form. Motions were approved 5-0.

From City Council

21. **Order No. 12-1005149A** - That the Proposed Conveyance of a Portion of City-Owned property, 93 Framingham Rd. Recommendation of the Legislative and Legal Affairs Committee is to recommend conveyance to Melanson Development Group a portion of municipal property at 93 Framingham Rd together with the following orders from the City Solicitor in proper form. **Recommendation of the City Council is to Table until December 17, 2012.**

[1ST ORDER]

ORDERED:

That the City Council of the City of Marlborough,

having been notified by the Commissioner of Public Works, pursuant to M.G.L. c. 40, § 15, that the City's fee interest in a portion of municipal property taken for sewer purposes and located in part off Framingham Road, and identified and described as a portion of the land shown as Parcel 93A on Map 93 of the Marlborough Assessors Map,

and being more particularly shown as "Parcel 'D'" on a plan entitled "Plan of Land in Marlborough, MA, Owner: Celeste Walker, Executrix, 990 Center Street, Apt. #2, Jamaica Plain, MA 02130-3029, Prepared for: Melanson Development Group, Inc., P.O. Box 564, Woburn, MA 01801; Prepared by: Bruce Saluk & Associates, Inc., Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752; Date: November 29, 2010; Scale: 1" = 40'," containing 24,032 square feet (0.55 acres), more or less, said plan to be recorded in the South Middlesex Registry of Deeds,

is no longer needed for such purposes,

hereby declares, by a simple majority vote pursuant to M.G.L. c. 30B, § 16(a), that the fee interest in said Parcel D is available for disposition by sale, with the following restrictions on the subsequent use of said Parcel D:

1. the City reserves to itself a perpetual public sewer easement in, under, upon and through said Parcel D, for the purposes of maintenance, repair, construction or reconstruction of public sewer lines; for the installation, repair or replacement of additional sewer pipes or any other municipal utilities or services; and for passive recreation purposes; and
2. the City also reserves the right to excavate or disturb ground without responsibility for repairing the surface, whether with loam or seed, and hereby prohibiting the grantee, its heirs, successors or assigns from planting, installing or maintaining any bushes, plants, trees or a structure of any kind in or about said Parcel D, unless approved in advance by written approval of the Commissioner of Public Works of the City of Marlborough.

The above declaration shall be null and void unless, on or before January 1, 2014, the Marlborough Planning Board, pursuant to Chapter 650-28 of the Marlborough zoning ordinance, has granted to Melanson Development Group, Inc. an open space development special permit which incorporates said Parcel D as described above.

ORDER NO 12-1005149B

[2ND ORDER]

ORDERED:

That the City Council of the City of Marlborough,

having declared in Order No. 12-1005149A, that the fee interest in said Parcel D is available for disposition by sale, with the use restrictions recited in said Order,

now hereby authorizes the Mayor, by a two-thirds vote pursuant to M.G.L. c. 40, § 15, to convey the City's fee interest in said Parcel D to Melanson Development Group, Inc., of 5 Robertson Way, Woburn, Middlesex County, Massachusetts, for at least the minimum amount of Thirty-Six Thousand and 00/100 (\$36,000.00) Dollars, and upon such other terms as the Mayor shall consider proper and consistent with the intent of this Order and at a sales price that would maximize the total economic return to the City.

ORDER NO 12-1005149C