

CITY OF MARLBOROUGH MEETING POSTING

Meeting: **Planning Board**
Date: **February 22, 2021**
Time: **7:00 PM**
Location: **REMOTE MEETING NOTICE**

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In accordance with the March 12, 2020 Executive Order issued by Governor Baker modifying certain requirements of the Open Meeting Law, the City of Marlborough Planning Board will hold a remote meeting on Monday, February 22, 2021 at 7:00 pm. The public may access the meeting by clicking on the link provided in the Planning Board calendar on the Planning Board Website <https://www.marlbrough-ma.gov/planning-board> or by dialing in (audio only) using the following phone number and conference ID : **+1 617-433-9462** United States, Boston (Toll) Conference ID: 978 206 90#

Agenda Items to be Addressed:

1. Draft Meeting Minutes

A. February 8, 2021

2. Chair's Business

A. Sign Ordinance Update

3. Approval Not Required

A. 181 Boston Post Road East

Applicant: Post Road Mobile Homes and Sales, Inc.

Surveyor: Robert J. Parente, 21 Chapin St., Northborough, MA 01532

Deed: Book 11449, Page 675, Middlesex South Registry

4. Public Hearings (None)

5. Subdivision Progress Reports (None)

6. Preliminary/Open Space /Limited Development Subdivision (None)

7. Definitive Subdivision Submissions (None)

8. Signs (None)

9. Correspondence

A. Communication from MassDOT RE: Environmental Notification Form, MBTA Forging Ahead Service Proposal

10. Unfinished Business

A. Working Group Discussion – Planning Board Rules and Regulations

i. Rules and Regulations – Continued Recommendations

ii. Assignment of Next Tasks

11. Calendar Updates

A. 76 Broad Street Definitive Subdivision – 20 Day Appeal Period (March 4, 2021)

12. Public Notices of other Cities & Towns

A. City of Framingham (1 Notice)

B. Town of Southborough (1 Notice)

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.

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A -1

Call to Order

February 08, 2021

The **remote meeting** of the Marlborough Planning Board was called to order at 7:00 pm. Members present- Barbara Fenby, Sean Fay, Phil Hodge, George LaVenture and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio, Assistant City Solicitor, Jason Piques and Planning Board Administrator, Krista Holmi.

1. Meeting Minutes

A. January 25, 2021

On a motion by Mr. Fay, seconded by Mr. Hodge, the Board voted to accept and file the January 25, 2021 meeting minutes. Yea: Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

2. Chair's Business

A. Chair Fenby informed the Board that she had reached out to Code Enforcement Officer Wilderman to see whether she had interest in reworking aspects of the sign ordinance. The search for an interested party will continue.

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports (None)

6. Preliminary/Open Space /Limited Development Subdivision (None)

7. Definitive Subdivision Submissions (None)

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

A. Definitive Subdivision Application - 76 Broad St. 4-Lot Subdivision

Applicant: W.R.E., LLC, 319 Stow Road, Marlborough, MA 01752

Engineer: Hancock Associates, 315 Elm St., Marlborough, MA 01752. Robert DiBenedetto, Representative.
Attorney Sandra Austin, Counsel.

Mr. LaVenture read the 02-04-21 letter from Hancock engineer, Robert DiBenedetto, into the record. All comments from the City's Engineering Division have been incorporated into the presented plan. He additionally states that letters from the Broad Street abutters agreeing to the proposed development plans are included for the Board's review.

Mr. LaVenture then read the two referenced letters into the record. The first letter dated 1-26-21 was from Mr. George Harpin, manager of 84 Broad Street, LLC. The second letter dated 1-26-21 from Charles and Connie Estes, trustees of the 70-72 Broad St. Realty Trust. Both groups of abutters acknowledged their understanding of the project and provided their explicit permission to have their properties included in the proposed project. On a motion by Mr. Russ, seconded by Mr. Hodge, the Board voted to accept and file the three letters. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

Ms. Fenby asked if there were any additional comments on the latest plan revision. Mr. Russ asked about the proposed plan's 32-foot pavement width.

City Engineer DiPersio explained that this project uses the a 32-foot pavement width vs. a 28-foot width for a secondary street. The wider width will allow for additional street parking in the denser 2-family neighborhood.

Mr. Fay asked about a reference in the Assistant City Engineer's review letter, which recommends that the plan's endorsement be conditioned upon presentment of easements shown on the plan. Mr. Fay questioned whether the City required the easements in recorded form prior to endorsement. Attorney Austin requested permission to speak. She explained that easements typically allow access or permission to cross a property. In this case, the developer is improving the abutters' properties as part of the plan. The driveway access off the subdivision road will improve the abutters' properties and parking. The drainage easement is a normal aspect of the street acceptance process. She believes it is premature to request the easement now.

Mr. DiPersio explained that the abutters have already consented to the use of their properties as shown on the plan. These are not easements that will ultimately be owned by the City. The plan does show a utility easement whose rights will be transferred to the City. Mr. DiPersio stated that the drainage easement, while also owned by Mr. White, is in a different entity name. He just wanted the Board to be cognizant of this prior to endorsing the plan. There might be a slight chance that if any of the properties changed hands, that the plan may require a modification.

Mr. Fay suggested adding the following condition to the Certificate of Vote: Developer shall deliver all required easements prior to any release of lots. Attorney Austin is agreeable to this condition. Mr. LaVenture asked whether there would be benefit in referring the matter to Legal. Assistant City Solicitor Piques said that the additional condition should suffice. He didn't think that he would come to any different conclusion should the matter be referred to Legal.

Mr. LaVenture read the 2-4-21 review letter from Assistant City Engineer Collins into the record. The submission is substantially complete and has adequately met the technical requirements set forth in the Planning Board Rules and Regulations. The development does not entail unwarranted hazard to the safety, health and convenience of future residents or of others. The plan is in conformity with the requirements of the Design Standards (Article IV) except those provisions for which waivers have been requested. The subdivision will not cause substantial and irreversible damage to the environment. The subdivision has adequate access, and the lots are in conformity with all applicable zoning requirements. On a motion by Mr. Russ, seconded by Mr. Fay, the Board voted to accept and file the letter. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay:0. Motion carried.

Mr. LaVenture read the 2-3-21 letter from Assistant City Solicitor Piques into the record. The letter certifies that the attached Certificate of Vote, as amended, is in proper legal form. The letter also stipulates that a note be added to the plan, acknowledging that the plan is approved subject to the conditions set forth in the Covenant (a draft of which has been referred to the Legal Department.) On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to accept and file the letter. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. Prior to moving on to the waivers, Mr. Fay asked whether the Ward Councilor had provided any comment on the development. No comments were acknowledged.

Ms. Fenby asked for an introduction to the waivers.

Mr. Russ said he would like to make a general statement about the waivers. "The Board having received sufficient input from the applicant, the development team, the public, and upon favorable guidance from the City Engineer and favorable recommendation from the City's code enforcement officer, affirms that the approval of the requested waivers is in the best interest of the public, is consistent with the intent of the subdivision control laws and the Planning Board rules and regulations." With separate motions by Mr. Russ and seconded by Mr. Fay, the Board voted in the affirmative on each of the 7 waivers as shown in the plan waiver block. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motions carried.

WAIVER BLOCK:

WAIVER REQUEST LIST:	APPROVED	
	YES	NO
1. §A676-12.B.5: "PROPERTY LINES AT STREET INTERSECTIONS SHALL HAVE A RADIUS EQUAL TO 30 FEET AT INTERSECTIONS INVOLVING A MAJOR STREET AND 25 FEET AT OTHER INTERSECTIONS." <u>PROPOSED: RIGHT-OF-WAY LINES AS SHOWN ON "LOTING PLAN".</u>	X	
2. §A676-12.C.1.α: "THE MINIMUM WIDTH OF RIGHTS-OF-WAY SHALL BE AS FOLLOWS:" "SECONDARY STREETS: 50 FEET." <u>PROPOSED: RIGHT-OF-WAY WIDTH OF 49.2 FEET AT STA1+75. RIGHT-OF-WAY LINES AS SHOWN ON "LOTING PLAN".</u>	X	
3. §A676-12.D.3: "WHERE CHANGES IN GRADE EXCEED 1%, REASONABLE VERTICAL CURVES, AS REQUIRED BY THE COMMISSIONER OF PUBLIC WORKS, WILL BE PROVIDED..." <u>PROPOSED: GRADE BREAK AT PROPOSED CROSSWALK FROM 2% TO 4.9%.</u>	X	
4. §A676-20: "SEE CROSS SECTIONS IN APPENDIX F" "TYPICAL CROSS SECTION #1: SECONDARY RESIDENTIAL STREET." <u>PROPOSED: 3' LANDSCAPING STRIP BETWEEN CURB AND SIDEWALK. SIDEWALK WITH NO CURB REDUCED TO 5.5-FOOT WIDTH. VARIED TREE LOCATIONS.</u>	X	
5. §A676-23.A: "NO STREET OF WAY THROUGH PRIVATE PROPERTY SHALL BE ACCEPTED BY THE CITY UNLESS THE SAME BE PREVIOUSLY CONSTRUCTED AND COMPLETED IN ACCORDANCE WITH THE STANDARD CROSS SECTION (SEE APPENDIX F)..." <u>PROPOSED: RIGHT-OF-WAY DEMATES FROM STANDARD CROSS-SECTION. SEE ITEM 4 ABOVE.</u>	X	
6. §A676-24.B: "ROADWAYS SHALL BE CONSTRUCTED FOR THE FULL LENGTH OF ALL STREETS WITHIN THE SUBDIVISION AND SHALL HAVE THE SAME CURB RADIUS REQUIRED IN §A676-12B ABOVE." (30 FEET) <u>PROPOSED: CURB RADIUS AT WESTERN CORNER OF INTERSECTION = 25 FEET. CURB RADIUS AT EASTERN CORNER OF INTERSECTION = 22 FEET.</u>	X	
7. §A676-28.A: "STREET TREES OF A SPECIES APPROVED BY THE CITY FORESTER SHALL BE PLANTED ON EACH SIDE OF EACH STREET IN A SUBDIVISION, EXCEPT WHERE THE DEFINITIVE PLAN SHOWED TREES TO BE RETAINED WHICH ARE HEALTHY AND ADEQUATE. SUCH TREES SHALL BE LOCATED OUTSIDE OF THE RIGHT-OF-WAY AS SHOWN IN THE PROFILE AND STANDARD CROSS SECTION PLANS, APPENDIX F, APPROXIMATELY AT FORTY-FOOT INTERVALS, AND SHALL BE AT LEAST 12 FEET IN HEIGHT AND A MINIMUM OF THREE-INCH CALIPER." <u>PROPOSED: STREET TREES AS SHOWN ON "LANDSCAPE PLAN".</u>	X	

In each instance, a yes vote indicates that, in the Board's opinion, the waiver was in the public's interest and was consistent with the intent and purpose of the subdivision control law and with the Planning Board's rules and regulations.

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to approve the 76 Broad St. definitive subdivision plan dated 2-4-21 and to execute the Certificate of Vote with the additional condition that any required easements shall be delivered by the developer prior to any release of lots. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. Ms. Holmi will add the referenced condition to the Certificate of Vote and remove Mr. Elder's name from the certificate, since he was unavailable for the vote. Each member must sign the Certificate of Vote and the certificate will be filed with the City Clerk's Office. Prior to endorsement of the plan, the clerk will certify that twenty (20) days have elapsed since the filing of the above-referenced Certificate of Vote in the Office of Marlborough City Clerk, and attest that no notice of an appeal of that decision has been timely filed with said Office.

10. Unfinished Business

B. Working group discussion – Planning Board Rules and Regulations

i. Rules and Regulations – Initial Recommendations

Mr. LaVenture provided an update to the Board of the working group's most recent meeting on February 3, 2021. He thanked the Engineering Division and Legal Dept. for their work and participation. Mr. LaVenture walked through each of the recommendations as shown in the summaries provided as follows:

Changes/corrections to the Planning Board Rules & Regulations adopted in 2015

Current Regulation: §A676-10.H½ Required remedial action after lapse of time.

If more than two years has elapsed from the time that the developer has installed the base course of the subdivision road pavement to the time that the developer has installed the top course, the planning Board may require that the developer take such remedial action as may be recommended to the Board by the DPW's Engineering Division.

Proposed change:

If more than two years has elapsed from the time that the developer has installed the base course of the subdivision road pavement to the time that the developer has ~~(REMOVE) installed~~ (ADD) scheduled to pave the top course, the planning Board may require that the developer take such remedial action as may be recommended to the Board by the DPW's Engineering Division.

Reason for change:

Remedial action needs to take place on the binder course, before the top course is installed (paved).

Current Regulation: §A676-24.A(4½) Layer of geotextile fabric placed beneath gravel base.

"A layer of geotextile fabric shall be installed beneath the gravel base specified in §A676-24.A(5)."

Proposed change/addition:

(ADD) The required fabric shall be TenCate Mirafi® 500X woven polypropylene geotextile material or approved equal.

Reason for change:

A description of the geotextile fabric was not specified in the regulation.

Current Regulation: §A676-26. Sidewalks, curbs and gutters. B.

Bituminous concrete sidewalks having a minimum thickness of two inches after compression shall be constructed on a six-inch gravel foundation to the required lines and grades in accordance with these specifications.

Proposed change:

Bituminous concrete sidewalks having a minimum thickness of ~~(REMOVE) two~~ (ADD) three inches after compression shall be constructed on a six-inch gravel foundation to the required lines and grades in accordance with these specifications.

Reason for change:

The increased pavement thickness for sidewalks was changed on the cross sections but was not changed in the language contained in §A676-26. Sidewalks, curbs and gutters. B.

Current Regulation: §A676-24. Streets and roadway B.(1)

The center line of all roadways shall coincide with the center line of the street right-of-way unless a deviation is approved by the Planning Board. Provided however, that the minimum centerline radius for a paved width less than 32 feet shall be 350 feet.

Proposed change:

The center line of all roadways shall coincide with the center line of the street right-of-way unless a deviation is approved by the Planning Board. Provided however, that the minimum centerline radius for a paved width less than 32 feet shall be ~~(REMOVE) 350~~ (ADD) 150 feet.

Reason for change:

City Engineer felt that the 350-foot minimum centerline radius was too restrictive for streets with Lane Status and secondary residential streets (having a paved width less than 32 feet.).

Current Regulation: §A676-12 Streets. B. Alignment

(2) The minimum center-line radii of curved streets shall be as follows:

(a) Lanes: 125 feet

(b) Other secondary streets: 150 feet

(c) Major streets: 350 feet

Proposed change:

(2) The minimum center-line radii of curved streets shall be as follows:

~~(REMOVE) (a) Lanes: 125 feet~~

~~(REMOVE) (b)~~ (ADD)(a) Other secondary streets (ADD) and Lanes: 150 feet.

~~(REMOVE) (c)~~ (ADD)(b) Major streets (ADD) and Commercial/Industrial streets: 350 feet

Reason for change:

Legal review in 2015 did not consider that centerline radius language was contained in §A676-24. Streets and roadway B.(1) and also in §A676-12 Streets. B. Alignment

Current Regulation: §A676-9. Preliminary Plan B. Contents

The preliminary plan shall be drawn on with pencil at a suitable scale, preferably 40 feet to the inch, and five prints shall be filed with the Planning Board and one print shall be filed with the Board of Health at City Hall.

Proposed change:

The preliminary plan shall be drawn ~~(REMOVE) on with pencil~~ at a suitable scale, preferably 40 feet to the inch, and five prints shall be filed with the Planning Board and one print shall be filed with the Board of Health ~~(REMOVE) at City Hall.~~

Reason for change:

In 2015, there was no Legal opinion (drafted in legal form) when "tracing paper" was removed from this section. Pencils were used to draw on the tracing paper – this reference should also have been removed. Board of Health has not always been located at City Hall.

Current Regulation: §A676-10. Definitive Plan A. (1).

An original drawing of the definitive plan, dark line on white background. The original drawing will be returned after approval of disapproval.

Proposed change:

An original drawing of the definitive plan, (ADD) and eight copies thereof, dark line on white background. The original drawing will be returned after approval of disapproval.

Reason for change:

In 2015, there was no Legal opinion (drafted in legal form) when "contact prints" was removed from this section. "Contact Prints" was a reference to copies of the plan submission – 8 copies of the plan submission should be required.

Current Regulation: §A676-10. Definitive Plan B. Contents. (1).

The definitive plan be prepared by a professional engineer and/or land surveyor registered in Massachusetts and shall be clearly and legibly **drawn in black India ink upon tracing cloth or single matte three-mil mylar.**

Proposed change:

The definitive plan be prepared by a professional engineer and/or land surveyor registered in Massachusetts and shall be clearly and legibly drawn ~~(REMOVE) in black India~~ (ADD) with black ink on (REMOVE) upon tracing cloth or single matte three-mil mylar.

Reason for change:

In 2015, there was no Legal opinion (drafted in legal form) when “tracing cloth” was removed from this section. India ink is reference to re-fillable technical pens that were used to draw on tracing cloths and mylars.— this specific reference to the type of ink should also have been removed.

Current Regulation: §A676-23.H.

The developer shall have prepared and certified by a registered land surveyor a **“plan of acceptance” drawn with India ink on single matte, three-mil Mylar** (size: 18 inches by 24 inches or 24 inches by 36 inches), showing widths, areas, lengths, bearings of all boundary lines of streets and easements and radii, tangents, and central angles of all curves in street lines.

Proposed change:

The developer shall have prepared and certified by a registered land surveyor a “plan of acceptance” drawn with (REMOVE)India (ADD) black ink on single matte, three-mil Mylar (size: 18 inches by 24 inches or 24 inches by 36 inches), showing widths, areas, lengths, bearings of all boundary lines of streets and easements and radii, tangents, and central angles of all curves in street lines.

Reason for change:

In 2015, there was no Legal opinion (drafted in legal form) when “tracing cloth” was removed from this section. India ink is reference to re-fillable technical pens that were used to draw on tracing cloths and mylars.— this specific reference to the type of ink should also have been removed.

Current Regulation: §A676-27. Grass Plots

- A. Grass plots on secondary road layouts **may not be permitted.**
- B. Grass plots **on major roads or secondary roads (based on sixty-foot layout) may be permitted** if desired by the Planning Board.
- C. **Grass plots on secondary roads, fifty-foot layout, in PUD developments which are to be privately maintained may be permitted if desired by the Planning Board.**

Proposed changes:

- A. Grass plots on secondary road layouts may (REMOVE) not be permitted.
- B. Grass plots on (REMOVE) major roads or secondary roads (based on sixty-foot layout) (ADD) Commercial/industrial streets may be permitted if desired by the Planning Board.
- C. ~~(REMOVE) Grass plots on secondary roads, fifty foot layout, in PUD developments which are to be privately maintained may be permitted if desired by the Planning Board.~~

Reason for change:

The intent of the 2015 change in the Planning Board Rules & Regulations was to allow for the cross section that was used in the Mauro Farm Subdivision, which had a grass plot. At the time of the vote on the 2015 changes in the Planning Board Rules & Regulations, it was believed that change "will not be permitted" to "may be permitted" was a Scribner's error and should have been proposed as "may not be permitted". The "Mauro Farm" cross section was adopted as Cross section #6 which allows for grass plots. The Scribner's error did not exist.

Residential roadways (major and secondary) do not have a 60-foot Right-of-Way (anymore).

PUD Developments were never adopted by the City Council (per Karen Boule – City Council Secretary/Steve Kerrigan – City Clerk).

Mr. LaVenture introduced additional proposed changes as follows:

Proposed changes to Planning Board Rules and Regulation (2015) – Part 2 (a)Cover Sheet

- General References - add the following:
 - Stormwater Management – See Ch. 271.
 - Storm Sewer – See Ch. 511.
 - Under Zoning – See Ch. 650
 - §650-28 – Open Space Development
 - §650-30 – Limited Development Subdivisions

>>> Insert a Table of Contents – to be produced once the regulation have been updated.

>>> *The following section should be moved from Article II – Definitions to Article III Submission and Approval of Plans:*

- §A676-3 Plan believed not to require approval. – *add (ANR)*
- §A676-4 Definitive plan required.
- §A676-5 One single-family dwelling on a lot.
- §A676-6 Planned unit development application. – *remove this section*
- §A676- 7 Adequate access.
- §A676-8 Fees and expenses.

Article III – Submission and Approval of Plans

Current Regulation: §A676-3 **Plan believed not to require approval.** A. Submission of plan

- (1) Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan who believes that **his plan** does not require approval under the Subdivision Control Law may **submit his plan** and application Form A (see Appendix A) to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval.

Proposed change:

§A676-3 Plan believed not to require approval **(ADD) (ANR).** A. Submission of plan

- (1) Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan who believes that **(REMOVE) his (ADD) their plan** does not require approval under the Subdivision Control Law may submit **(REMOVE) his (ADD) two single matte three mil mylar copies of their** plan and application Form A (see Appendix A) to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. **(ADD) An electronic copy of their plan shall also be submitted to the City Engineer's Office, in a format acceptable to the City Engineer.**

Reason for change:

Update the regulation to current practices.

Current Regulation: §A676-3 Plan believed not to require approval. B.

Endorsement of plan not requiring approval. If the Planning Board determines that the plan does not require approval, it shall, without a public hearing and without unnecessary delay, endorse the plan under the words "Approval under Subdivision Control Law Not Required". **The plan will be returned to the applicant**, and the Planning Board shall notify the City Clerk in writing of its action.

Proposed change:

- Endorsement of plan not requiring approval. If the Planning Board determines that the plan does not require approval, it shall, without a public hearing and without unnecessary delay, endorse the plan under the words "Approval under Subdivision Control Law Not Required". ~~(REMOVE) The plan will be returned to the applicant~~ **(ADD) One endorsed copy of the plan(s) will be returned to the applicant, The other mylar copy of the plan(s) will be retained by the Department of Public Works – Engineering Division**, and the Planning Board shall notify the City Clerk in writing of its action.

Reason for change:

Update the regulation to current practices.

Current Regulation: §A676-3 Plan believed not to require approval. D.

Failure of Board to act. If the Planning Board fails to act upon a plan submitted under this section or fails to notify the Clerk of the City and the person submitting the plan of its action **within 14 days** after its submission, it shall be deemed to have been determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the City Clerk shall issue a certificate to the same effect.

Proposed change:

Failure of Board to act. If the Planning Board fails to act upon a plan submitted under this section or fails to notify the Clerk of the City and the person submitting the plan of its action ~~within (REMOVE) 14~~ **(ADD) 21 days** after its submission, it shall be deemed to have been determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the City Clerk shall issue a certificate to the same effect.

Reason for change: This is in keeping with MGL. c.41, §81P.

Current Regulation: §A676-6 Planned Unit development application

A plan submitted under the planned unit development provisions of the Marlborough Zoning Ordinance shall comply with all procedures contained herein for the submission of a definitive plan, and all design and construction specifications shall apply to all interior streets (considered secondary street unless otherwise designated by the Planning Board), public walkways (sidewalks) and parking areas, the latter to be constructed to the same construction specifications as a street.

Proposed change:

~~(REMOVE) A plan submitted under the planned unit development provisions of the Marlborough Zoning Ordinance shall comply with all procedures contained herein for the submission of a definitive plan, and all design and construction specifications shall apply to all interior streets (considered secondary street unless otherwise designated by the Planning Board), public walkways (sidewalks) and parking areas, the latter to be constructed to the same construction specifications as a street.~~

Reason for change:

The City Clerk's Office and the City Council Office have determined that the "Planned Unit Developments" were never adopted by the Marlborough City Council.

Current Regulations: §A676-7 Adequate access B. Standards of adequacy:
Section skipped for further discussion.

- (1) Ways abutting, serving or leading to a subdivision. Ways outside a subdivision and providing access to the street within a subdivision, or providing access to lots said not to be within a subdivision, shall normally be considered adequate only if there is assurance that, prior to construction on any lots, access will be in compliance with the following:

	8 or fewer Dwelling units	9 to 49 Dwelling Units	50 or more Dwelling units or Business or Industry
Min. R.O.W. width	N/A	N/A	40 feet
Surface type	3 inches Bit. Concrete	3 inches Bit. Concrete	3 inches Bit. Concrete
Min. travelled width	22 feet	26 feet	32 feet
Min. sight distance	200 feet	200 feet	400 feet
Max. grade	12%	11%	9%

Proposed change: No change is offered at this time. Further discussion is required. Reasoning - There is no mention as to minimum length of roadway that has to meet the criteria set forth for adequate access leading to a subdivision roadway:

- Doubled minimum sight distance (for each direction)
- Along the roadway abutting the subject property.
- Entire section of roadway – between intersecting street

Current regulation: §A676-8 Fees and expenses.

To reimburse the City for the cost of plan processing and review, legal advertising, inspection and other costs, fees as specified in Appendix K shall be tendered to the City by the applicant. Said fees shall be tendered at the time of application together with the application (Form A, B or C) and shall constitute a part thereof, and at other times as specified in Appendix K.

Proposed change:

To reimburse the City for the cost of plan processing and review (REMOVE), legal advertising, inspection and other costs, fees as specified in Appendix K shall be tendered to the City by the applicant. Said fees shall be tendered at the time of application together with the application (Form A, B or C) and shall constitute a part thereof, and at other times as specified in Appendix K.

Reason for change:

In keeping with changes made to Appendix K.

Current Regulation: §A676-9 Preliminary Plan A. General (1)

A preliminary plan of a subdivision may be submitted by the subdivider to the Planning Board and to the Board of Health for discussion and approval, modification or disapproval, by each board. The submission of such preliminary plan, which is not a binding commitment, will enable the subdivider, the Planning Board, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended, that a preliminary plan be filed in each case.

Proposed change:

A preliminary plan of a subdivision may be submitted by the subdivider to the Planning Board and to the Board of Health for discussion and approval, modification or disapproval, by each board. The submission of such preliminary plan, which is not a binding commitment, will enable the subdivider, the Planning Board, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended, that a preliminary plan be filed in each case. (ADD) An electronic copy of the plan shall also be submitted to the City Engineer's Office, in a format acceptable to the City Engineer.

Reason for change:

Update the regulation to current practices.

Current regulation: §A676-9 Preliminary Plan B. Contents

(8) The topography of the land with two-foot contours interval based on the U.S. Coast and Geodetic 1929 Datum.

Proposed change:

(8) The topography of the land with (REMOVE) two-foot contours interval (ADD) with a maximum contour interval of two feet based on the U.S. Coast and Geodetic (REMOVE)1929 (ADD) NAVD 1988 Datum.

Reason for change:

Current DPW – Engineering Division GIS mapping has contours shown at a one-foot interval and the datum currently being used is the NAVD 1988 Datum.

Current Regulation: §A676-9 Preliminary Plan B. Contents (11) Comparative impact analysis.

(b) Scope. The scope of such analysis, including development alternatives to be compared and consequences to be studied, shall be proposed by the applicant for review and approval by the Planning Board. The applicant shall consult with the City Engineer, **City Planner and Conservation Officer** regarding the scope, and said officials shall submit their recommendations regarding the scope to the Planning Board.

Proposed change:

(b) Scope. The scope of such analysis, including development alternatives to be compared and consequences to be studied, shall be proposed by the applicant for review and approval by the Planning Board. The applicant shall consult with the City Engineer, ~~(REMOVE) City Planner and Conservation Officer~~ (ADD) and other city departments or agencies that the Planning Board deems necessary regarding the scope and said officials shall submit their recommendations regarding the scope to the Planning Board.

Reason for change:

City Planner's position is been removed from City government and the duties of that office have been absorbed into other departments and agencies.

Current regulation: §A676-10 Definitive Plan A. General

(2) A properly executed application Form C (See Appendix C) and Petition for Approval of Final Plan, Form D (See Appendix D), including the name of the record owner of the land and the time within which the subdivider or applicant agrees to complete the ways and install the public utilities in the subdivision, and approval of all plans shall be upon the condition that all ways shown thereon and the public utilities required by the Board shall be completed and installed within the time so specified. The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within two years of the date of approval of his definitive plan. If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the applicant or so required by the Board, no such way shall thereafter be laid out, constructed, completed or opened for public use unless and until a new application is filed with and approved by the Board. Ways not completed or portions thereof within tow years from the date of approval by the Board shall thereafter be completed in accordance with the then-in-force construction standards of the Planning Board and the Department of Public Works of the City of Marlborough.

Proposed change: No change is offered at this time.

Skipped for further discussion

Reason for change:

Discussion is required on limiting the developer to a two-year time frame to complete construction of the roadway. A Two-year time frame may be unrealistic, requiring multiple approval extensions and fabricated construction schedules to show completion of the subdivision in a two-year time frame.

- Would a five-lot subdivision take the same time frame to complete as a twenty-lot subdivision?
- Is the intent to have the developer come before the Planning Board at a more frequent interval to ensure that constant progress is being made to complete the subdivision.

Proposed Change:

For the purpose of establishing the official submission date, the submission shall be made to the Planning Board at a regularly scheduled meeting of the Planning Board.

Proposed change: No change is offered at this time. Further discussion is required.

Reason for change:

To be consistent with the filing date established in the Rules and Regulations for Plans Believed Not to Require Approval (ANR) and Preliminary Plans.

Current regulation: §A676-10 Definitive Plan B. Content

(1) All elevations shall refer to the **USGS 1929 Datum.**

Proposed change:

(1) All elevations shall refer to the USGS ~~(REMOVE) 1929~~ (ADD) NAVD 1988 Datum.

Reason for change:

The datum currently being used by USGS is the NAVD 1988 Datum. **Proposed**

change:

(ADD) An electronic copy of the plan shall also be submitted, in a format acceptable to the City Engineer. An additional single matte, three mil mylar copies of the Definitive Subdivision Plan submission, to be recorded at the South Middlesex Registry of Deeds shall also be submitted to the Planning Board for signatures. A complete mylar set of the Definitive Plan submission shall be retained by the Department of Public Works – Engineering Division.

Reason for change:

Update the regulation to current practices.

Current regulation: §A676-10 Definitive Plan B. Content (2) The definitive plan shall contain the following information:

(d) Major features of the land, such as existing waterways, natural drainage courses, walls, fences, buildings, large trees, wooded areas outcroppings and ditches, that exist on or near the site at the time of survey, and the limits of any resource areas as defined under MGL c. 131 §§40 and 40A, as **determined by a botanist.**

Proposed change:

(d) Major features of the land, such as existing waterways, natural drainage courses, walls, fences, buildings, large trees, wooded areas outcroppings and ditches, that exist on or near the site at the time of survey, and the limits of any resource areas as defined under MGL c. 131 §§40 and 40A, as determined by a ~~(REMOVE) botanist~~ (ADD) professional wetland consultant.

Reason for change:

Update the regulation to current practices. The term "Professional wetland consultant" was determined by the Conservation Officer as being the most commonly used term for a person determining the limits of a wetland area.

Current regulation: §A676-10 Definitive Plan B. Content

(3) A grading plan **with two-foot contour intervals** depicting existing and proposed topographic conditions for the entire subdivision, including on- and off-site easements. Elevations on this plan shall **refer to NGVD.** The City shall not accept any design or layouts unless based on an actual on-the-ground survey.

Proposed change

(3) A grading plan with ~~(REMOVE) two-foot contour intervals~~ (ADD) with a maximum contour interval of two-feet depicting existing and proposed topographic conditions for the entire subdivision, including on- and off-site easements. Elevations on this plan shall refer to NGVD (ADD) 1988 Datum.

Reason for change:

Update the regulation to current practices.

Current regulation: §A676-10 Definitive Plan D. Review by other City officials:

(2) One copy each to the City Solicitor for review of easements and agreements, the Commissioner of Public Works, the City Engineer, **The City Planner, the Fire Chief and the Conservation officer.**

Proposed change:

(2) One copy each to the City Solicitor for review of easements and agreements, the Commissioner of Public Works, the City Engineer, ~~(REMOVE) The City Planner, the Fire Chief and the Conservation Officer.~~ (ADD) the Fire Chief, Conservation Officer and other city departments or agencies that the Planning Board deems necessary.

Reason for change:

City Planner's position is been removed from City government and the duties of that office have been absorbed into other departments and agencies.

ii. **Assignment of Next Tasks**

Mr. LaVenture proposed another working group meeting on February 17, 2021, to continue discussion of several items requiring additional review and discussion.

Mr. LaVenture reminded members to submit their input to Ms. Holmi by Feb. 12.

Mr. DiPersio acknowledged the efforts of Assistant City Engineer Collins in the review process. His thorough reviews, research and assistance compiling each of the proposed changes has been extremely helpful.

11. Calendar Updates (None)**12. Public Notices of other Cities & Towns (None)**

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to adjourn the meeting. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

Respectfully submitted,

/kih

George LaVenture/Clerk

APPENDIX A

APPLICATION FOR ENDORSEMENT OF
PLAN BELIEVED NOT TO REQUIRE APPROVAL

File one completed form with the Planning Board and one
copy with the City Clerk in accordance with the
requirements of Section II-B.

Marlborough, Massachusetts

FEB. 19 2021
(Date)

To the Planning Board:

The undersigned, believing that the accompanying plan of his property in the City of Marlborough does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submit said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant POST ROAD Mobile Homes & Sales Inc

Address 181 Boston Post RD - EAST

2. Name of Engineer Robert J. Parante

Address 21 Chapin St Northboro, MA 01552

3. Deed of Property recorded in Middlesex South Registry of

Deeds Book 11,449 Page(s) 675

4. Location and description of property:

13 + ACRES ON THE SOUTH SIDE OF BOSTON POST RD
TO BE DIVIDED IN TO TWO SEPARATE LOTS.

[Signature]
Signature of Owner

Address: 181 Boston Post Rd East Suite 2
Marlborough, MA 01752

PLANNING BOARD
DATE 2-11-21
AGENDA 2-22-21
ACTION _____

pd. Clk #7101 #150
2-10-21

MARLBORO PLANNING BOARD
ZONING DISTRICT - BUSINESS / RES. A-2

APPROVAL UNDER THE SUBDIVISION CONTROL
LAW NOT REQUIRED.

MEMBER

DATE:

I HEREBY CERTIFY THAT I HAVE CONFORMED WITH THE RULES
AND REGULATIONS OF THE REGISTERS OF DEEDS IN PREPARING
THIS PLAN.

Robert J. Parente
ROBERT J. PARENTE, PROFESSIONAL LAND SURVEYOR

2/10/21

DATE:



NOTES: ENDORSEMENT OF THIS PLAN DOES NOT CONSTITUTE
COMPLIANCE WITH ZONING.

ROADS SHOWN WITHIN LOTS 1 AND 2 ARE PRIVATE AND
SHALL BE MAINTAINED BY THE RESPECTIVE HOMEOWNERS
ASSOCIATIONS.

A SUBDIVISION OF THIS PROPERTY AND /OR CHANGES IN THE
OWNERSHIP OF THE PROPERTY MAY REQUIRE A NEW LICENSE TO
OPERATE FROM THE MARLBOROUGH BOARD OF HEALTH AND A
NEW SPECIAL PERMIT FROM THE MARLBOROUGH CITY COUNCIL.

DEED REFERENCES: BOOK 11,449 PG 675
LOT 26 ON LC PLAN 6883K
LOT 6 ON LC PLAN 6883F
LOT 6 AND 26 ARE SHOWN FOR TITLE PURPOSES ONLY
AND ARE INCLUDED IN THE AREA FOR LOT 1.

LOT 1 FRONTAGE= 203.28' ALONG PHELPS STREET
LOT 2 FRONTAGE = 273.57' ALONG BOSTON POST ROAD

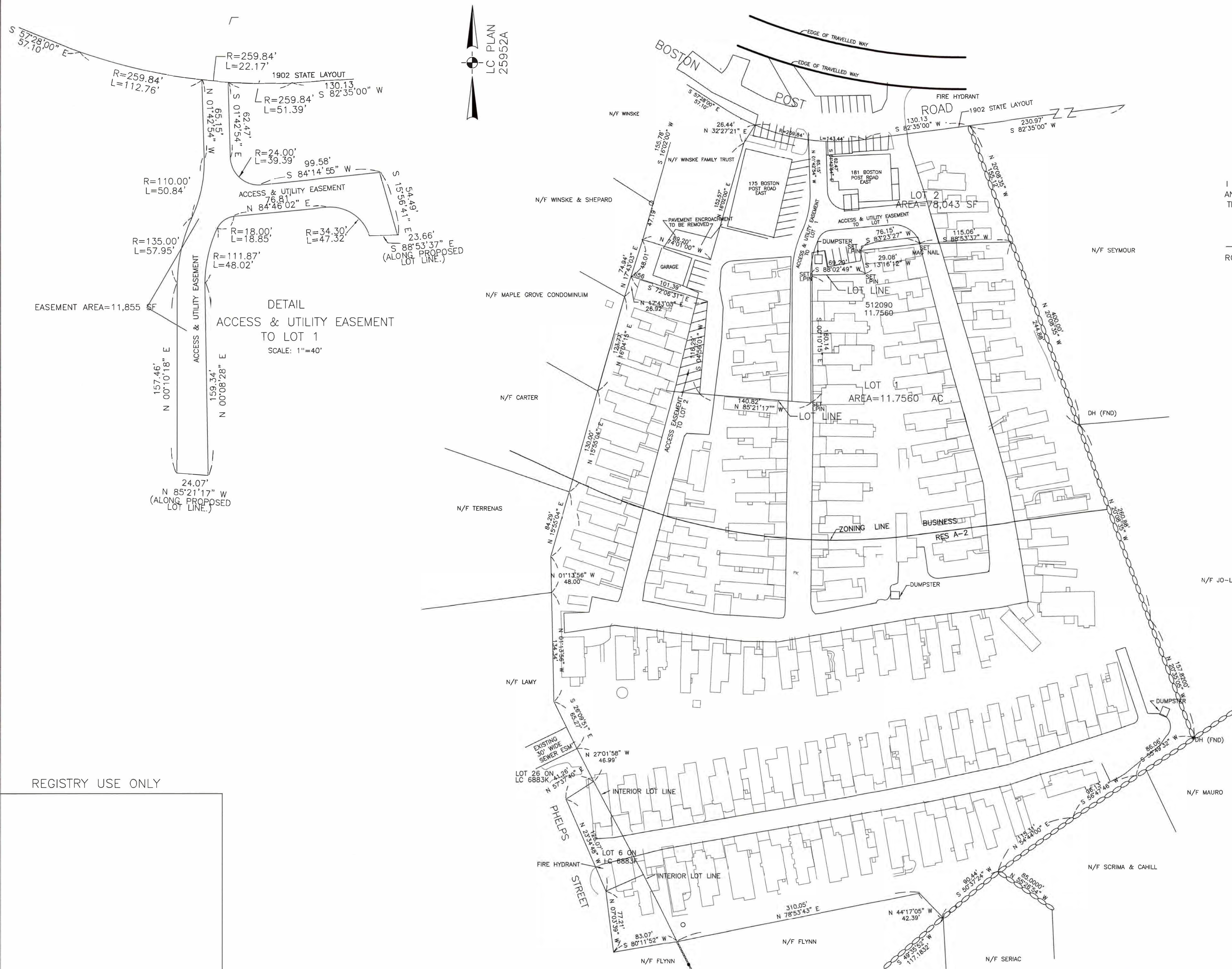
N/F JO-LEN RESIDENTS ASSOC. INC.

NOTE: ZONING LINE SHOWN IS A 500' OFFSET LINE
TO BOSTON POST ROAD
LOT 6 ON LC PLAN 6883F

0 60' 120' 180'
SCALE: 1"=60'

PLAN OF LAND IN MARLBORO, MASSACHUSETTS

OWNED BY: POST ROAD MOBILE HOMES & SALES INC.
LOCATON: 181 BOSTON POST ROAD EAST & PHELPS ST.
PREPARED BY: RJP CONSTRUCTION & ENGINEERING
21 CHAPIN ST, NORTHBOROUGH, MA.
DATE: FEB. 7, 2021 SCALE: 1"=60'



REGISTRY USE ONLY



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Jamey Tesler, Acting MassDOT Secretary & CEO
Steve Poftak, General Manager



February 3, 2021

**RE: MBTA Forging Ahead Service Proposal
Environmental Notification Form**

Dear Municipal Office:

On February 1, 2021, the MBTA filed an Environmental Notification Form (ENF) for the MBTA's Potential Service Reductions in 2021. The MEPA regulations do not have ENF thresholds for service reductions. The MBTA's enabling legislation, however, requires that *"for a system wide decrease in service of 10% or more, the decrease shall be the subject of an environmental notification form initiating review pursuant to sections 61 and 62H, inclusive of chapter 30"* (MGL 161A (5)(d)). This ENF is designed to meet that statutory requirement.

This ENF will be subjected to public review and comment as part of the MEPA process. A copy of the ENF, and the accompanying summary documents, are now available for review on the MBTA website and can be found at www.mbta.com/forging-ahead.

MEPA will accept comments on this ENF prior to making its determination and issuing a certificate on its adequacy. During remote MEPA operations, please utilize the Public Comment Portal or send comments electronically to the general MEPA e-mail address: MEPA@mass.gov.

As required in the MEPA regulations, MEPA will hold a virtual Scoping Session during the public comment process. When the date and time of that scoping session is established, the MBTA will update the website with the specific information, including the information on how to log into the meeting.

Comments must be submitted to MEPA no later than Tuesday, March 2, 2021.

If you have any questions regarding this filing, please do not hesitate to contact me at abrennan@mbta.com.

Sincerely,

Andrew D. Brennan

Sr. Director for Energy & Environment

Continued Update Recommendations:
Planning Board Rules and Regulations

Current Regulations: §A676-7 Adequate access B. Standards of adequacy

(2) Ways abutting, serving or leading to a subdivision. Ways outside a subdivision and providing access to the street within a subdivision, or providing access to lots said not to be within a subdivision, shall normally be considered adequate only if there is assurance that, prior to construction on any lots, access will be in compliance with the following:

	<u>8 or fewer Dwelling units</u>	<u>9 to 49 Dwelling Units</u>	<u>50 or more Dwelling units or Business or Industry</u>
Min. R.O.W. width	N/A	N/A	40 feet
Surface type	3 inches Bit. Concrete	3 inches Bit. Concrete	3 inches Bit. Concrete
Min. travelled width	22 feet	26 feet	32 feet
Min. site distance	200 feet	200 feet	400 feet
Max. grade	12%	11%	9%

Proposed change:

(2) Ways abutting, serving or leading to a subdivision. Ways outside a subdivision and providing access to the street within a subdivision, or providing access to lots said not to be within a subdivision, shall normally be considered adequate only if there is assurance that, prior to construction on any lots, access will be in (ADD) substantial compliance with the following (ADD) ,for a length along the existing roadway to be determined by the Planning Board:

<u>(ADD) Existing Roadway Conditions</u>	<u>8 or fewer Dwelling units</u>	<u>9 to 49 Dwelling Units</u>	<u>50 or more Dwelling units or Business or Industry</u>
Min. R.O.W. width	N/A	N/A	40 feet
Surface type	3 inches Bit. Concrete	3 inches Bit. Concrete	3 inches Bit. Concrete
Min. travelled width	22 feet	26 feet	32 feet
Min. (REMOVE) site (ADD) sight distance	200 feet	200 feet	400 feet
Max. grade	12%	11%	9%

Reason for change:

To better define the standard of adequacy.

Current Regulation: § A676-10 Definitive plan.

A. General. Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:

(2) A properly executed application Form C (see Appendix C) and Petition for Approval of Final Plan, Form D (see Appendix D), including the name of the record owner of the land and the time within which the subdivider or applicant agrees to complete the ways and install the public utilities in the subdivision, and approval of all plans shall be upon the condition that all ways shown thereon and public utilities required by the Board shall be completed and installed within the time so specified. The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within two years of the date of approval of his definitive plan. If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the applicant or so required by the Board, no such way shall thereafter be laid out, constructed, completed or opened for public use unless and until a new application is filed with and approved by the Board. Ways not completed or portions thereof within two years from the date of approval by the Board shall thereafter be completed in accordance with the then-in-force construction standards of the Planning Board and the Department of Public Works of the City of Marlborough.

Proposed change:

(2) A properly executed application Form C (see Appendix C) and Petition for Approval of Final Plan, Form D (see Appendix D), including the name of the record owner of the land and the time within which the subdivider or applicant agrees to complete the ways and install the public utilities in the subdivision, and approval of all plans shall be upon the condition that all ways shown thereon and public utilities required by the Board shall be completed and installed within the time so specified. The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within ~~(REMOVE) two years of the date of approval of his~~ ~~(ADD) a time~~ ~~frame so indicated on a construction schedule approved by the Planning Board for the~~ definitive plan. If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the applicant or so required by the Board, no such way shall thereafter be laid out, constructed, completed or opened for public use unless and until ~~(REMOVE) a new application~~ ~~(ADD) an~~ ~~extension of the approval of the Definitive Subdivision Plan~~ is filed with and approved by the Board. ~~(ADD) Any surety securing the completion of the subdivision must be extended to run concurrently with the extension of the Definitive Subdivision Plan approval.~~ Ways not completed or portions thereof ~~(REMOVE) within two years from the date of approval by the Board~~ ~~(ADD) when the approval of the~~ ~~Definitive Subdivision Plan has expired~~ shall thereafter be completed in accordance with the then-in-force construction standards of the Planning Board and the Department of Public Works of the City of Marlborough.

Reason for change:

Eliminates the limitation to have the subdivision completed in a two-year time frame and updates the regulation to current practices.

Current regulation: §A676-10 Definitive Plan.

G. Performance guarantee. Before endorsement of the Board's approval of a definitive plan of subdivision, the subdivider shall agree to complete the required improvements specified in Article V for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods, which may from time to time be varied by the applicant with the written consent of the Planning Board.

(1) Approval with bonds or surety. The subdivider shall either file a proper bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Article V not covered by a covenant under Subsection G(2) hereof. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the City Solicitor and as to sureties by the City Treasurer and shall be contingent on the completion of such improvements within two years of the date of the bond.

(2) Approval with covenant.

(a) The subdivider shall file a covenant, executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby such ways and services as specified in Article V, not covered by bond or deposit under Subsection G(1) hereof, shall be provided to serve any lot before such lot may be built upon or conveyed other than by mortgage deed.

(b) The developer shall also note on his definitive plan that any and all lots within the subdivision are subject to the restrictions of the covenant.

Proposed change:

(ADD) (3) Construction phasing. As part of the Definitive Subdivision Plan approval, phased construction of utilities and roadways may be allowed, provided that the following criteria has been met and approved by the Planning Board:

(a) A Phasing Plan showing the different phases proposed. Where utility construction is required to overlap into another phase(s), only the utility main may be installed – all branches and services not associated with active phases will be allowed.

(b) A Phasing Document which details the work to be performed in each phase, to include.

(i) Construction schedule for each phase

(ii) Installation of a temporary turnaround (cul-de-sac) at the end of the constructed roadway

(iii) Construction gates at the end of each phase to limit access to non-active phases

(iv) Immediate stabilization of an excavation in any non-active phase of roadway construction

(v) Non-active phases must remain in an undisturbed state

Current regulation: §A676-2 Definitions.

As used in **this chapter**, the following terms shall have the meaning indicated.

Proposed changes:

As used in ~~(REMOVE) this chapter~~ (ADD) these Rules and Regulations, the following terms shall have the meaning indicated (REMOVE)- (ADD): The word "shall" is intended to be mandatory, the word "may" is merely permissive, the singular includes the plural, and the present tense includes the future and other words and phrases have the following meanings.

(ADD)

AGENT/PROPONENT/REPRESENTATIVE

A person other than the owner who has permission to speak on behalf of the owner.

APPLICANT

The person who applies for an approval from the Planning Board.

DEVELOPER

The person who oversees the installation of utilities and the construction of the roadway.

OWNER

A person or persons who has the legal or rightful title to property. All legal actions and dealing must be made with the owner(s).

PRESENTER

The person who formally appears before the Planning Board with an item for consideration.

Reason for change:

Clarity.

Current Regulation: §A676-9 Preliminary Plan A. General

(2) A properly executed application Form B (See Appendix B^u) shall be filed with the preliminary plan submitted to the **Planning Board**. The applicant shall also file by delivery or registered mail a notice with the City Clerk stating the date of submission for such approval of a preliminary plan and accompanied by a copy of the completed application Form B.

[1] *Editor's Note:* **Appendix B is on file in the City Clerk's office.**

Proposed regulation:

(2) A properly executed application Form B (See Appendix B^u) shall be filed with the preliminary plan submitted to the Planning Board (ADD) along with all applicable fees (see Appendix K^u). The applicant shall also file by delivery or registered mail a notice with the City Clerk stating the date of submission for such approval of a preliminary plan and accompanied by a copy of the completed application Form B.

[1] *Editor's Note:* Appendix B (ADD) and Appendix K (REMOVE) is (ADD) are on file in the City Clerk's office (ADD) the DPW – Engineering Office.

Reason for change:

Update the regulation to current practices

Current regulation: §A676-9 Preliminary Plan, B.

Contents. The preliminary plan shall be drawn on tracing paper with pencil at a suitable scale, preferably 40 feet to the inch, and five prints of it shall be filed with the Planning Board and one print shall be filed with the Board of Health **at City Hall**. The plan shall be designated as a "preliminary plan," and to form a clear basis for discussion of the problems of the subdivision and for preparation of the definitive plan, the plan should contain the following:

(1) Major features of the land such as existing walls, fences, buildings, **large trees**, wooded areas, outcroppings, ditches, the subdivision name, boundaries, North point, date, scale, legend and title "preliminary plan."

(3) The names of all **abutters**, as determined from the most recent local tax list.

Proposed change:

Contents. The preliminary plan shall be drawn on tracing paper with pencil at a suitable scale, preferably 40 feet to the inch, and five prints of it shall be filed with the Planning Board and one print shall be filed with the Board of Health ~~(REMOVE) at City Hall~~ **(ADD) along with twelve half scale prints for Planning Board members and associated reviews**. The plan shall be designated as a "preliminary plan," and to form a clear basis for discussion of the problems of the subdivision and for preparation of the definitive plan, the plan should contain the following:

(1) Major features of the land such as existing walls, fences, buildings, large trees **(ADD) having a caliper of 12 inches or greater**, wooded areas, outcroppings, ditches, the subdivision name, boundaries, North point, date, scale, legend and title "preliminary plan."

(3) The names of all ~~(REMOVE) abutters~~ **(ADD) properties within 100 feet of the subject property**, as determined from the most recent local tax list.

Reason for change:

Expansion of property owners potentially affected by the construction of a subdivision and to update the regulation to current practices or better.

Current regulation: §A676-10 A. General. Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:

(2) A properly executed application Form C (see Appendix C) and Petition for Approval of Final Plan, Form D (see Appendix D),^[1] including the name of the record owner of the land and the time within which the subdivider or applicant agrees to complete the ways and install the public utilities in the subdivision, and approval of all plans shall be upon the condition that all ways shown thereon and public utilities required by the Board shall be completed and installed within the time so specified. The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within two years of the date of approval of his definitive plan. If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the applicant or so required by the Board, no such way shall thereafter be laid out, constructed, completed or opened for public use unless and until a new application is filed with and approved by the Board. Ways not completed or portions thereof within two years from the date of approval by the Board shall thereafter be completed in accordance with the then-in-force construction standards of the Planning Board and the Department of Public Works of the City of Marlborough.

[1] Editor's Note: Appendix C and Appendix D are on file in the office of the City Clerk.

Proposed regulation:

(2) A properly executed application Form C (see Appendix C) and Petition for Approval of Final Plan, Form D (see Appendix D),^[1] (ADD) along with all applicable fees (see Appendix K^(u)), including the name of the record owner of the land and the time within which the subdivider or applicant agrees to complete the ways and install the public utilities in the subdivision, and approval of all plans shall be upon the condition that all ways shown thereon and public utilities required by the Board shall be completed and installed within the time so specified. The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within two years of the date of approval of his definitive plan. If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the applicant or so required by the Board, no such way shall thereafter be laid out, constructed, completed or opened for public use unless and until a new application is filed with and approved by the Board. Ways not completed or portions thereof within two years from the date of approval by the Board shall thereafter be completed in accordance with the then-in-force construction standards of the Planning Board and the Department of Public Works of the City of Marlborough.

[1] Editor's Note: Appendix C and Appendix D are on file in the office of the City Clerk (ADD) office and the DPW – Engineering office.

Reason for change:

Update the regulation to current practices

Current regulation: §A676-10 B. Contents (2) The definitive plan shall contain the following information:

(d) Major features of the land, such as existing waterways, natural **drainage courses**, walls, fences, buildings, **large trees**, wooded areas, outcroppings and ditches, that exist on or near the site at the time of survey, and the limits of any resource areas as defined under MGL c. 131, §§ 40 and 40A, as determined by a botanist.

Proposed change:

(d) Major features of the land, such as existing waterways, natural drainage courses, walls, fences, buildings, large trees (ADD) - having a caliper of 12 inches or greater, wooded areas, outcroppings and ditches, that exist on or near the site at the time of survey, and the limits of any resource areas as defined under MGL c. 131, §§ 40 and 40A, as determined by a botanist.

Reason for change:

Update the regulation to current practices

Current regulations: §A676-11 Design guidelines. B. In addition, design and construction shall accomplish the following: (1) Reduce, to the extent reasonably possible:

(c) Number of **mature trees** removed;

(e) Erosion and siltation;

(F) Flood damage:

Proposed change:

(c) Number of mature trees (ADD) (having a caliper of 12 inches or greater) removed;

(e) Erosion and siltation (ADD) on the subdivision site shall be minimized and compliant with the City of Marlborough's Stormwater Management Ordinance (§271) and Storm Sewer Ordinance (§511). Illicit discharges onto the neighboring properties is prohibited;

(F) Flood damage (ADD) on the subdivision site shall be minimized and compliant with the City of Marlborough's Stormwater Management Ordinance (§271) and Storm Sewer Ordinance (§511). Illicit discharges onto the neighboring properties is prohibited;

Reason for change:

Update the regulation to current practices

Current Regulation: §A676-24 Street and roadway. A. The roadway shall be graded and prepared for pavement as follows:

- (1) **101.** Clearing and grubbing shall be performed to remove stumps, brush, roots, boulders and like from the area of the travelled way, shoulders, sidewalks and utility trenches, but elsewhere existing vegetation shall be preserved wherever feasible.
- (2) **120.** Roadway earth excavation shall remove all unsuitable materials encountered down to the true surface of the subgrade in preparation for foundation of roadway, sidewalks, driveways and berms. Approved materials such as gravel and loam obtained in the excavation may be used in fills, as required, if in the opinion of the Engineer they are suitable.
- (3) **150.** When, in the opinion of the Engineer, suitable material is not available within the limits of the highway location to form the subgrade or subbase, the contractor shall obtain such additional material from other sources in accordance with this section and as may be approved by the Engineer.
- (4) **170.** The subgrade surface (16 inches below the finished surface grade) shall be prepared true to the lines, grades and cross sections given and properly rolled. **All soft or spongy material** below the subgrade surface shall be removed to a depth determined by the Engineer, and the space thus made shall be filled with special gravel borrow, containing no stones over six inches in their largest diameter.
- (4 1/2) A layer of geotextile fabric shall be installed beneath the gravel base specified in **A676- 24.**
- A(5).(amended 5-1-15)
- (5) **405.** Gravel base course shall consist of approved gravel placed upon the subgrade or subbase as directed and in accordance with these specifications and in reasonable close conformity with the lines and grades shown on the plans or established by the Engineer.
- (6) **405.60.** The gravel shall be spread in layers upon the prepared subgrade from self-spreading vehicles or with power graders of approved types or by hand methods. Gravel shall be spread in layers not more than four inches thick, compacted measure.
- (a) The gravel shall be compacted and placed to the tolerance as **stipulated in Section 401, Gravel or crushed stone subbase.**
- (b) At the conclusion of this step, the roadway shall be staked in all locations where permanent monuments are to be installed as provided in **Subsection 7.13.**

Proposed change:

§A676-24 Street and roadway. A. The roadway shall be graded and prepared for pavement as follows:

- (1) ~~(REMOVE)101.~~ Clearing and grubbing shall be performed to remove stumps, brush, roots, boulders and like from the area of the travelled way, shoulders, sidewalks and utility trenches, but elsewhere existing vegetation shall be preserved wherever feasible.
- (2) ~~(REMOVE)120.~~ Roadway earth excavation shall remove all unsuitable materials encountered down to the true surface of the subgrade in preparation for foundation of roadway, sidewalks, driveways and berms. Approved materials such as gravel and loam obtained in the excavation may be used in fills, as required, if in the opinion of the Engineer they are suitable.

- (3) ~~(REMOVE)150.~~ When, in the opinion of the Engineer, suitable material is not available within the limits of the highway location to form the subgrade or subbase, the contractor shall obtain such additional material from other sources in accordance with this section and as may be approved by the Engineer.
- (4) ~~(REMOVE)170.~~ The subgrade surface (16 inches below the finished surface grade) shall be prepared true to the lines, grades and cross sections given and properly rolled. ~~All (REMOVE) soft or spongy material~~ (ADD) unsuitable material and organic materials below the subgrade surface shall be removed to a depth determined by the Engineer, and the space thus made shall be filled with special gravel borrow, containing no stones over six inches in their largest diameter.
- (4 1/2) A layer of geotextile fabric shall be installed beneath the gravel base specified in (ADD) §A676-24. A(5).(amended 5-1-15)
- (5) ~~(REMOVE)405.~~ Gravel base course shall consist of approved gravel placed upon the subgrade or subbase as directed and in accordance with these specifications and in reasonable close conformity with the lines and grades shown on the plans or established by the Engineer.
- (6) ~~(REMOVE)405.60.~~ The gravel shall be spread in layers upon the prepared subgrade from self-spreading vehicles or with power graders of approved types or by hand methods. Gravel shall be spread in layers not more than four inches thick, compacted measure.
- (a) The gravel shall be compacted and placed to the tolerance as stipulated in (ADD) MassDOT Standard Specifications for Highways and Bridges (Current Edition) – Section 401 ~~(REMOVE) Gravel or crushed stone subbase~~ (ADD) Gravel Sub-base and Section 402 Dense Grade Crushed Stone for Sub-base.
- (b) At the conclusion of this step, the roadway shall be staked in all locations where permanent monuments are to be installed as provided in ~~(REMOVE) Subsection 7-13~~ (ADD) §A676-29.

Reason for change:

Update the regulation to current practices

Current Regulation: §A676-24 Street and roadway.

E. Dust control shall be provided throughout the entire project. Sprinklers, watering trucks, calcium chloride, fencing, etc. shall be employed as directed **by the Planning Board.**

Proposed change:

E. Dust control shall be provided throughout the entire project. Sprinklers, watering trucks, calcium chloride, fencing, etc. shall be employed as directed by the ~~(REMOVE) Planning Board~~ (ADD) DPW – Engineering Division or the Code Enforcement Office.

Reason for change:

Update the regulation to current practices

Current regulation: § A676-28 Trees.

A. Street trees of a species approved by the **City Forester** shall be planted on each side of each street in a subdivision, except where the definitive plan showed trees to be retained which are healthy and adequate. Such trees shall be located outside of the right-of-way as shown in the profile and standard cross section plans, Appendix F, approximately at forty-foot intervals, and shall be at least 12 feet in height and a minimum of three-inch caliper.

C. Removal and disposal of trees not intended for preservation shall be as designated by the City Forester.

Proposed change:

A. Street trees of a species approved by the ~~(REMOVE) City Forester~~ (ADD) Tree Warden shall be planted on each side of each street in a subdivision, except where the definitive plan showed trees to be retained which are healthy and adequate. Such trees shall be located outside of the right-of-way as shown in the profile and standard cross section plans, Appendix F, approximately at forty-foot intervals, and shall be at least 12 feet in height and a minimum of three-inch caliper. (ADD) Existing trees designated to remain shall be protected in a manner deemed acceptable to the Tree Warden.

C. Removal and disposal of trees not intended for preservation shall be as designated by the ~~(REMOVE) City Forester~~ (ADD) Tree Warden.

Reason for change:

Update the regulation to current practices

Current regulation: § A676-41 Inspections.

A. Inspections shall be arranged for by the subdivider with the proper City official for the purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at each significant construction stage.

B. Inspection shall be requested in writing at least 48 hours in advance of each inspection to the proper City official, and a copy of each request shall be sent to the Clerk of the Planning Board.

C. Inspection shall be for the following:

- (1) Satisfactory excavating;
- (2) Satisfactory filling;
- (3) Satisfactory compacting;
- (4) Satisfactory completion of the pavement;
- (5) Satisfactory finish grading of grass plots;
- (6) Satisfactory placing of curbs and gutters;
- (7) Satisfactory construction of sidewalks;
- (8) Satisfactory installation of sanitary sewers and related equipment or on site disposal systems;
- (9) Satisfactory installation of water mains and appurtenances;
- (10) Satisfactory installation of surface and subsurface drainage system and related equipment; and
- (11) Satisfactory installation of monuments.

D. The Planning Board may establish the order of the required inspection and may require satisfactory completion of one step before the subdivider proceeds to the next. It may require tests to be done by the subdivider as a condition for approval when in the opinion of the Planning Board it is advisable.

E. The proper City official shall indicate on Form G, (Appendix G) provided by the Planning Board the date of inspection and the approval and shall file such form with the Planning Board.

Proposed regulation:

A. Inspections shall be arranged for by the subdivider with the proper City ~~(REMOVE) official~~ (ADD) Department for the purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at each significant construction stage.

B. Inspection shall be requested in writing at least 48 hours in advance of each inspection to the proper City ~~(REMOVE) official~~ (ADD) Department. ~~(REMOVE), and a copy of each request shall be sent to the Clerk of the Planning Board.~~

C. Inspection shall be for the following:

- (1) Satisfactory excavating (ADD) of unsuitable material and excess material;
- (2) Satisfactory filling (ADD) of sub-base material and base material;
- (3) Satisfactory compacting (ADD) of sub-base and base material;
- (4) Satisfactory completion of the pavement (ADD) courses;
- (5) Satisfactory finish grading of grass plots (ADD) and structural soils;
- (6) Satisfactory placing of curbs and gutters;
- (7) Satisfactory construction of sidewalks;
- (8) Satisfactory installation of sanitary sewers and related equipment or on site disposal systems;

- (9) Satisfactory installation of water mains and appurtenances;
- (10) Satisfactory installation of surface and subsurface drainage system and related equipment; and
- (11) Satisfactory installation of monuments.

D. The Planning Board may establish the order of the required inspection and may require satisfactory completion of one step before the subdivider proceeds to the next. It may require tests to be done by the subdivider as a condition for approval when in the opinion of the Planning Board it is advisable.

E. The proper City official shall indicate on Form G, (Appendix G) provided by the Planning Board the date of inspection and the approval and shall file such form with the Planning Board.

11. Calendar Updates

A. 76 Broad Street – 20 Day Appeal Period (March 4, 2021)

Date Calculator: Add to or Subtract From a Date

Enter a start date and add or subtract any number of days, months, or years.

[Count Days](#)**[Add Days](#)**[Workdays](#)[Add Workdays](#)[Weekday](#)[Week No](#)**Start Date**

Month: Day: Year: Date:

2

/

12

/

2021



Add/Subtract:

Years:

Months:

Weeks:

Days:

(+) Add



20

[Today](#)[Include the time](#)[Include only certain weekdays](#)☐ Repeat[Calculate New Date](#)

From Friday, February 12, 2021

Added 20 days

Result: Thursday, March 4, 2021

**CERTIFICATE OF VOTE
DEFINITIVE SUBDIVISION PLAN
76 BROAD STREET**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

February 8, 2021

2021 FEB 12 A 11: 34

Pursuant to MGL c. 41, s. 81 and the Planning Board's Rules and Regulations Governing the Subdivision of Land in Marlborough, the Planning Board of the City of Marlborough (the "Planning Board") hereby certifies that on February 8, 2021, it voted to **approve** a Definitive Subdivision Plan for a Residential Subdivision for property located on 76 Broad Street owned by W.R.E., LLC as follows:

PROCEDURAL FINDINGS:

1. On September 9, 2020, an application (the "Application") was filed on behalf of the W.R.E., LLC with a principal place of business of 319 Stow Rd, Marlborough MA 01752 (the "Applicant" or "W.R.E."), pursuant to M.G.L. c. 41, § 81O, and the Planning Board's Rules and Regulations Governing the Subdivision of Land in Marlborough (the "Rules and Regulations"), seeking approval of a four (4) two family housing unit definitive subdivision plan as shown on a plan entitled "Definitive Subdivision Plan, Residential Subdivision and Site Development 76 Broad Street Marlborough, MA" prepared by Hancock Associates Inc., 315 Elm Street, Marlborough, Massachusetts, dated September 9, 2020 and last revised on February 4, 2021 (the "Plan"), on land identified on the City of Marlborough's Assessor's Map ("Assessor's Map") as Map 68, Parcel 123, located on 76 Broad Street, owned by W.R.E., LLC, further identified in the Middlesex South District Registry of Deeds in Book 72215 Page 106 and consisting of 1.86 acres of land ("Development").
2. The Planning Board provided copies of the Application to other City boards and commissions, departments and officials including, but not limited to, the Board of Health, Building Commissioner, Conservation Commission, Department of Public Works, Fire Chief, City Engineer and City Solicitor.
3. The Board of Health submitted an email correspondence dated October 19, 2020 indicating that in its review the Board of Health was not opposed to the issuance of subdivision approval subsequent to review by the city engineer of the stormwater drainage design and calculations.
4. The Conservation Commission submitted a letter to the Board October 5, 2020 indicating that no Conservation Commission review will be required as there are no wetlands located within the proposed Development, but further requesting that the drainage design meet the higher water quality standard as outlined in the Water Supply Protection District regulations as the property drains into Lake Williams, attention to ground water impact, in particular on any downhill properties, and inspection of the system during construction. The Conservation Commission also recommended the applicant prepare a full construction sequencing and erosion control plan and for the preservation of as many large trees as possible.

5. Pamela A. Wilderman, Code Enforcement Officer, submitted a letter dated October 20, 2020, in support of the subdivision due to enforcement actions in the rear of the site.
6. After notice and publication was provided pursuant to the applicable provisions of M.G.L. c. 41, § 81T of the Subdivision Control Law, and the applicable provisions of the Rules and Regulations, a public hearing on the Application commenced on September 14, 2020, September 21, 2020, and October 19, 2020. The Planning Board closed the public hearing on October 19, 2020.
7. Planning Board members Barbara Fenby, Sean Fay, Phillip Hodge, George LaVenture, Christopher Russ, and Matthew Elder were present for the public hearing.
8. The Plan was further amended on 10-29-20, 12-16-20, 1-15-21 and 2-4-21, to incorporate details and to address the comments and requirements of City Engineer Thomas DiPersio and the Planning Board.
9. Planning Board members Barbara Fenby, Sean Fay, Phillip Hodge, George LaVenture, Christopher Russ, and Matthew Elder deliberated on the Application at duly authorized meetings on October 19, 2020, November 16, 2020, December 21, 2020, January 11, 2021, January 25, 2021, and February 8, 2021

PROJECT FINDINGS:

1. The subject property consists of one (1) lot owned by W.R.E. identified on the City Assessors Maps as follows: Map 68, Parcel 123.
2. The Applicant proposes a 484.12 foot \pm new road and cul-de-sac to serve four new lots (lot 1 proposed to be 10,012 square feet \pm , lot 2 proposed to be 10,620 square feet \pm , lot 3 proposed to be 10,024 square feet \pm , and lot 4 proposed to be 18,860 square feet \pm .)
3. In seeking approval of the amended Plan, the Applicant voluntarily agrees to build no greater than one (1) two (2) family house per any of the above lots, subject to conditions set forth below.
4. The Development, as governed by the conditions set forth in this Certificate of Vote, is consistent with the applicable provisions of the Subdivision Control Law and the Rules and Regulations.
5. The Development, as governed by the conditions of this Certificate of Vote, will not present a public safety hazard to the City or surrounding properties.

WAIVERS:

After the public hearing and deliberations on the amended Plan, the Planning Board did on February 8, 2021, by a vote of 5 in favor and 0 opposed, grant the following waivers to the Rules and Regulations, in connection with the Plan, as amended (citations below are to the Marlborough City Code, Chapter A676, entitled "Subdivision Regulations"):

1) Section A676-12 Streets, § B.(5) Alignment

REQUIRED: Property lines at street intersections shall have a radius equal to 30 feet at intersections involving a major street and 25 feet at other intersections.

ALLOWED: Right-of-way lines as shown on "Lotting Plan."

2) Section A676-12 Streets, § C.(1)(a) Width

REQUIRED: 50 feet for all secondary roads.

ALLOWED: Right-of-way width of 49.2 feet at STA1+75. Right-of-way lines as shown on "Lotting Plan."

3) Section A676-12 Streets, § D.(3): Grade

REQUIRED: Where changes in grade exceed 1%, reasonable vertical curves, as required by the commissioner of public works, will be provided..."

ALLOWED: Grade break at proposed crosswalk from 2% to 4.9%.

4) Section A676-20: Sidewalks, grass plots, trees

REQUIRED: See cross sections in Appendix F" "Typical cross section #1: Secondary residential street.

ALLOWED: 3' Landscaping strip between curb and sidewalk, sidewalk with no curb reduced to 5.5-foot width. Varied tree locations.

5) Section A676-23 General, § A

REQUIRED: No street of way through private property shall be accepted by the city unless the same be previously constructed and completed in accordance with the standard cross section

ALLOWED: Right-of-way deviates from standard cross-section, see item 4 above

6) Section A676-24 Streets and roadway, § B

REQUIRED: Roadways shall be constructed for the full length of all streets within the subdivision and shall have the same curb radius required in § A676-13B above"(30 Feet)

ALLOWED: Curb radius at western corner of intersection =25 feet. Curb radius at Eastern corner of intersection = 22 feet.

7) Section A676-28. Trees, § A

REQUIRED: Street trees of a species approved by the city forester shall be planted on each side of each street in a subdivision, except where the definitive plan showed trees to be retained which are healthy and adequate. Such trees shall be located outside of the right-of-way as shown in the profile and standard cross section plans, Appendix F, approximately at forty-foot intervals, and shall be at least 12 feet in height and a minimum of three-inch caliper.

ALLOWED: Street trees as shown on "landscape Plan".

The Planning Board granted these waivers after determining that such action is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law and with the Rules and Regulations.

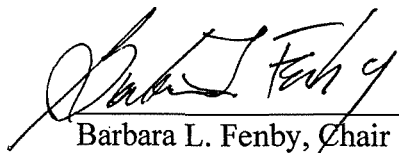
CONDITIONS:


The Planning Board on February 8, 2021, by a vote of 5 to 0, approved the Plan, as amended, as described above, subject to the following conditions:


1. Prior to their installation, all final landscaping, signage and/or improvements within the subdivision road's right of way shall be approved by the City Engineer.
2. The Applicant shall comply with all conditions of the Marlborough Conservation Commission, as set forth in any Order of Conditions for the Development.
3. The Applicant shall provide for a Performance Guarantee, in a manner acceptable to the Planning Board, to ensure that the required improvements will be constructed and/or installed in accordance with the approved Plan.
4. The Applicant shall record at the Middlesex South District Registry of Deeds an executed copy of this Certificate of Vote and of the approved Plan, and shall forthwith provide those copies to the Planning Board and the Solicitor's office.
5. In seeking approval of the amended Plan, the Applicant voluntarily agrees to build no greater than one (1) two (2) family house on any lot of the Subdivision.
6. Any future change, modification or amendment to the approved Plan, as may be approved by the Planning Board, shall be in accordance with the requirements of M.G.L. Chapter 41, § 81W.
7. All conditions herein shall apply to Applicant, its successors and assigns, and to its successors in title to the Development.
8. All required easements shall be delivered by the developer prior to any release of lots.

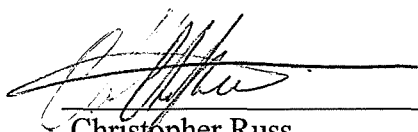
RECORD OF VOTE:

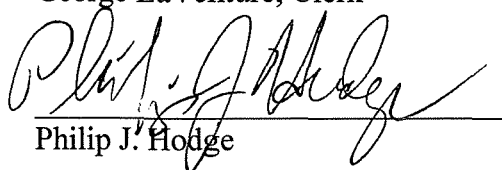
The following members of the Planning Board voted on February 8, 2021, to approve the Plan, as amended:


Barbara L. Fenby, Chair


Sean N. Fay


George LaVenture, Clerk


Christopher Russ


Philip J. Hodge

CERTIFICATE

I hereby certify that twenty (20) days have elapsed since the filing of the above-referenced Certificate of Vote in the Office of Marlborough City Clerk on February 12, 2021, and that no notice of an appeal of that decision has been timely filed with said Office.

A True Copy Attest: _____

Steven Kerrigan
Marlborough City Clerk

Date

FRAMINGHAM PLANNING BOARD - NOTICE OF DECISION
490 COCHITUATE ROAD, APPLICATION OF SANTANDER BANK

The Applicant filed an application for a Major Site Plan Review and a Special Permit for a Request for Dimensional Relief for Off-Street Parking., notice of the opening public hearing was published in MetroWest Daily Newspaper on December 23, 2020 and December 30, 2020; and the legal ad was mailed to parties of interest pursuant to the Framingham Zoning By-Law and M.G.L. Chapter 40A. The Planning Board held a public hearing for the project on January 7, 2021. The project includes a proposal to raze the existing building and construct a new bank branch building with drive-thru service area. The property is zoned Light Manufacturing (M-1) and listed as Framingham Assessor's Parcel ID: 083/46/443/000. On January 7, 2021, the Planning Board **APPROVED** the application with conditions. The **DECISION** was filed in the office of the City Clerk on January 27, 2021. For additional information, please see the Planning Board's webpage at www.framinghamma.gov.

Kristina Johnson, Chair FRAMINGHAM PLANNING BOARD

Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the City Clerk. The Notice of Decision can be found in the MetroWest Daily Newspaper and on the Massachusetts Newspaper Publishers Association's (MNPA) website.

Por favor, póngase en contacto con nuestra oficina para asistencia de traducción.
Entre em contato com nosso escritório para assistência com tradução.



RECEIVED
SOUTHBOROUGH TOWN CLERK *AUB*
2021 FEB -3 P 3:40

**Town of Southborough
PLANNING BOARD**
17 COMMON STREET
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
508-485-0710

February 3, 2021

James Hegarty
Town Clerk
Town of Southborough
17 Common Street
Southborough, MA 01772

**PUBLIC HEARING NOTICE
TOWN OF SOUTHBOROUGH**

Pursuant to the provisions of Massachusetts General Laws, Chapter 40A section 5, the Southborough Planning Board will hold public hearings on **Monday, February 22, 2021 beginning at 7:15PM** via remote Zoom meeting.

In accordance with orders issued by the Governor during the current State of Emergency **this meeting will be held virtually**, no in-person attendance by the public. Persons wishing to participate in this meeting while in progress may do so by going online to <https://www.southboroughtown.com/remotemeetings>

7:15 PM – Annual town meeting warrant article to amend **§174-10 Site plan approval** zoning bylaw. The revision will update the site plan approval process by giving jurisdiction to the Planning Board for minor site plan review, as opposed to the Site Plan Review Committee. A copy of the proposed language can be viewed by appointment in the Planning Board office, 17 Common Street, Southborough MA 01772

7:20 PM – Annual town meeting warrant article to amend **§174-9 Special permit requirements** and **§174-19 Extensions or alterations** zoning bylaw to reflect current case law. The revisions are intended to provide additional clarity regarding non-conforming structures. A copy of the proposed language can be viewed by appointment in the Zoning Board of Appeals office, 9 Cordaville Road, Southborough MA 01772

7:25 PM – Annual town meeting warrant article to update **§174-12.1 Outdoor illumination** zoning bylaw. The revision is intended to replace the current bylaw entirely. A copy of the proposed language can be viewed by appointment in the Planning Board office, 17 Common Street, Southborough MA 01772

7:30 PM – Annual town meeting warrant article to create **§174-8.4.1 Downtown District** to establish a new zone within the current Business Village district for the downtown area. A copy of the proposed language can be viewed by appointment in the Board of Selectmen office, 17 Common Street, Southborough MA 01772

All documents can also be viewed online at: <https://www.southboroughtown.com/planning-board>

Any person wishing to be heard on the proposed language should appear at the time and place designated.


Donald C. Morris, Chair
Planning Board