

CITY OF MARLBOROUGH MEETING POSTING

Meeting: Planning Board

Date: March 09, 2020

Time: 7:00 PM

Location: Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2020 MAR -5 P 2:00

Agenda Items to be Addressed:

1) Meeting Minutes

A. February 24, 2020

2) Chair's Business

A. Introduction of new Planning Board member – Nusrath Kahn

B. Set Public Hearing Date: Council Order 20-1007947 – Proposed Zoning Amendment to Chapter 650, §5, §17, & §18 – Contractor Storage Yards and the Proposed Rezoning of land located on Farm Road, identified as Map 85 Parcel 12.

3) Approval Not Required (None)

4) Public Hearings

A. Proposed Zoning Amendment to Section 650 §17 & §18 – Livestock Farms. Councilor Robey.

5) Subdivision Progress Reports

A. (Preapproval Discussion) Commonwealth Heights Definitive Subdivision– 3-2-20 Communication from Mr. Scott Weiss, The Gutierrez Company. Request for extension of time for decision.

B. Communication from Assistant City Engineer Collins: Request for lot release – Forest Grove Subdivision (Housekeeping matter)

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

7) Definitive Subdivision Submissions (None)

8) Signs (None)

9) Correspondence (None)

10) Informal Discussion (None)

11) Calendar Updates

12) Public Notices of other Cities & Towns (See Electronic Packet)

A. City of Framingham – 4 Notices

B. Town of Sudbury – 2 Notices

C. Town of Northborough - 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

Call to Order

February 24, 2020

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Sean Fay, Phil Hodge, George LaVenture, Chris Russ and Matthew Elder. City Engineer, Thomas DiPersio, and Planning Board Administrator, Krista Holmi, were also present.

1. Meeting Minutes

A. February 10, 2020

Following a clarifying question by Mr. LaVenture on item 5B, on a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the minutes of February 10, 2020. Motion carried.

2. Chair's Business (None)

3. Approval Not Required (None)

4. Public Hearings

A. Joint Public Hearing – Tree removal along a scenic way – Pleasant St.

Chair Fenby opened the public hearing. Mr. LaVenture read the public hearing notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from Board members.

Presentation:

Christopher White, City of Marlborough Tree Warden, was in attendance for the presentation. Mr. White has been the City's Tree Warden since 1997 and is before the Board to discuss an upcoming Public Works project on Pleasant Street that involves the removal of five trees within the public way. Mr. White showed a construction plan with photos of the affected trees by location and explained the reasons for removal in each case. The affected trees are either damaged, diseased or causing damage to the adjacent sidewalks, walls and roadway. Mr. White also noted the tree replanting plan.

Speaking in Favor:

No person spoke in favor of the tree removal plan. Chair Fenby closed that portion of the hearing.

Speaking in Opposition:

No person spoke in opposition to the tree removal plan. Chair Fenby closed that portion of the hearing.

Questions and Comments from Board Members:

Mr. LaVenture asked Mr. White if there is a formal tree replacement program in the City. Mr. LaVenture recounted that he once lived in an area decimated by Dutch Elm disease. Those trees were lost and were not replaced. Mr. White said the tree replacement plans typically involve replacement with species that are more resistant to disease. Tree replacement is typically the last phase of a project, so there could be delays associated with replanting if a project is ongoing or if funding or staff is limited. Mr. White pointed out that the plan calls for more trees to be planted on this project than will be removed. Chair Fenby asked members whether they needed additional time to consider the matter or to visit the site. Members felt the presentation fully identified and explained the need for the tree removal. As there were no further comments or questions, Ms. Fenby closed the public hearing. On a motion by Mr. Elder, seconded by Mr. Fay, the Board voted to approve the removal of the following trees within the public way: 169 Pleasant St. – 32" Oak; 207 Pleasant St. – 18" Oak; 274 Pleasant St. – 12" Pear; Maplewood Cemetery - 32" Oak and 18" Oak. Motion carried.

5. Subdivision Progress Reports (City Engineer, Updates and Discussion)

A. Goodale Estates

- i) Communication from Solicitor Grossfield-Reference to signed deed for roadway and municipal easement
- ii) Performance Agreement - Recorded with Middlesex South Registry of Deeds (Book 74150, pages 335-340)
- iii) Lot Releases - Recorded with Middlesex South Registry of Deeds (Book 74150, pages 341-342)

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file each of the above referenced documents. Motion carried.

B. Commonwealth Heights – Pre-Approval Discussion

Scott Weiss from The Gutierrez Company was present for the discussion. Mr. Weiss recapped the proposed plan revisions which were made in response to Board input. Changes includes the shortening of the cul-de-sac roadway from 1072 feet to approximately 990 feet. This change still requires a waiver for a roadway in excess of 500'. An emergency access from Forest St. remains. The revised plan will also call for additional drainage swails and additional screening between the Commonwealth Heights project and the existing surrounding neighborhoods. Mr. Fay requested that Mr. Weiss walk through the Forest St. lots. Mr. Weiss confirmed that 343 Forest St. was not part of the development. Mr. Weiss explained that lots 22 and 23 both front and gain access from Forest St. Lot 21 is on the corner of Forest and Ames, and lot 20 fronts Ames St.

Mr. Weiss explained the sketch plan showing the elimination of lots 9 and 10 at the end of the cul-de-sac. There was a discussion on two options to reduce the total lots. Option 1) combine lot 8 with lot 9 and combine lot 10 with lot 11; Option 2) Maintain two unbuildable lots (9 and 10) with a berm and separation at the rear of the cul-de-sac. Mr. Weiss preferred to leave lots 9 and 10 separate. The lots contain a detention basin and have access for maintenance. Mr. Weiss said that they could designate the lots as non-buildable and put a restriction in the deed. He said he would work with the City to do what makes the most sense. The possibility of making an open recreational space was discussed, but consideration to abutting lots may make this option less desirable. Mr. Fay felt the space should remain in private ownership.

In response to last meeting's question about whether proposed plan changes would trigger a new public hearing, Mr. LaVenture read the 2-21-20 email communication from Solicitor Grossfield (item 5Bi) into the record. In the Solicitor's opinion, because the previous public hearing on the subdivision was closed, a new public hearing would allow interested parties to participate and provide input to the Board that could be influential in their decision making. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the communication. Motion carried. Mr. LaVenture read the 2-17-20 email communication from Scott Weiss (item 5Bii) into the record. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the communication. Motion carried. In response to abutters' and Board input, the email details several proposed changes to the subdivision plan. Proposed changes include the following:

- Shortening the roadway by a minimum of 85' and designating lots 9 and 10 as "non-buildable". The area to the rear of the cul-de-sac would include a berm and additional screening from existing neighborhoods.
- The roadway cross-section would include a 28-foot paved road with a six-foot planting strip and five-foot sidewalk on both sides. (Similar to Mauro Farms subdivision).
- A permanent swail and landscape screening consisting of a row of evergreens will be planted along the rear lots 2,3,and 4. The Board also requested additional screening behind lots 11,12, 13 and lot 23. Mr. Weiss said he was agreeable to this additional screening.

Mr. Weiss requested a vote on the subdivision waivers to facilitate the plan finalization and review. Ms. Fenby said the Board would not vote on waivers at this time but asked each member to give their sense of support for the waiver requests. Each member expressed their support for the roadway length reduction. Regarding the modified cross-section, Mr. Fay asked City Engineer DiPersio if the altered cross section required any of the existing infrastructure to change. Mr. DiPersio said no installed utilities would need to be moved. The Board acknowledged they preferred this cross-section which contains a grass strip next to the roadway.

Mr. Fay asked if Mr. Weiss would commit to completing the roadway in two years even if Gutierrez didn't locate a development partner. Mr. Weiss stopped short of making that commitment since that is not their area of expertise. Mr. Fay recounted the Board's experience with another development in the City that sat unfinished for an extended period. When the roadway was completed, the lots sold, and houses were built. Mr. Weiss indicated he has a clear understanding of the Board's expectations.

Mr. Weiss expressed that he preferred not to hold a second public hearing, since he felt the project changes would result in less impact to the surrounding neighborhood. The Board, however, agreed with the Solicitor. Given the project's history, the Board felt notifying abutters of the proposed plan design changes would be in the public's best interest. A new public hearing was scheduled for Monday, March 23, 2020 at a regular meeting of the Planning Board. Mr. Fay suggested the presentation focus on the project changes and how these changes are designed to mitigate impacts to existing neighborhoods. Mr. Weiss indicated that instead of filing a new application, the revised plan will be considered as part of the pending application. Mr. Weiss will request an extension of time to act. Ms. Fenby suggested allowing an additional 60 days to render its decision. Mr. Weiss will prepare the extension request for the 03-09-20 agenda.

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

7. Definitive Subdivision Submissions (None)

8. Signs (None)

9. Correspondence (None)

10. Informal Discussion

A. ANR Case – Long Pond Estates – Lot access discussion

Mr. Fay introduced the topic. He refreshed the Board on its previous discussions regarding ANR plans and lot access. Specifically, the Board previously deliberated whether a lot using frontage along an unimproved way meets the standard for an ANR endorsement. Attorney Aykanian had informally shared the Long Pond Estates case in support of his assertion that a previously submitted (and later withdrawn) ANR plan meets the standard for ANR endorsement.

Chair Fenby requested feedback from members. Mr. Fay would like to refrain from comment until other members have an opportunity to express their thoughts. Mr. Russ did not see the applicability of the Long Pond Estates case in establishing adequate access in the Concord Rd./Hemenway ANR plan. He paraphrased the Long Pond case findings "[P]lanning Boards are authorized to withhold ANR endorsements in those unusual cases where the 'access implied by [the] frontage is...illusory in fact.'" In the May ANR case, frontage is derived from an unimproved way (path) that has no usual vehicular traffic. In the Long Pond Estates case, the plaintiff prevailed since lot frontage was along an improved public way, albeit with occasional flooding. The discussion also noted that access was also available via another improved public way when flooding was present. Mr. LaVenture agreed that the Long Pond case does not appear to adequately represent the situation with the Concord Rd./Hemenway ANR Plan.

Mr. Russ noted the proponent's desired lot access is from Concord Rd., a scenic way with stone walls. He wondered if the walls would restrict access. City Engineer DiPersio stated that a public hearing is required to move the walls, but there is nothing prohibitive in the regulations. He also noted that houses may be accessed from a way other than their legal frontage. He stated there are several lots fronting Sudbury St, (an improved public way), but the access is from other ways.

Mr. Russ wondered if the property owner could build a driveway on Concord to his rear lot. Mr. DiPersio stated that that he would need to build a subdivision to create the necessary frontage. Mr. Russ wondered whether an ANR endorsement in this situation would make "rear lots" commonplace. Mr. Fay added the Board must always evaluate whether decisions are in the public's best interest. He anticipates the applicant will refile the ANR plan seeking the Board's endorsement. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file item 10A. Motion carried.

11. Calendar Updates

- A. Public Hearing: Revised Plan Commonwealth Heights Definitive Subdivision Plan 03-23-20.

12. Public Notices of other Cities & Towns (None)

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to adjourn the meeting of the Planning Board. Motion carried.

Respectfully submitted,

/kih

George LaVenture/Clerk



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 24, 2020

ORDERED:

That the Appointment of Nusrath Khan to the Planning Board for a one-year term to expire the first Monday in February 2021, be and is herewith **APPROVED**.

ADOPTED

In City Council

Order No. 20-1007920A

Approved by Mayor

Arthur G. Vigeant

Date: February 27, 2020

A TRUE COPY

ATTEST:

City Clerk



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 24, 2020

ORDERED:

PAGE 1

That the Proposed Zoning Amendment to Chapter 650, §5, §17, & §18 – Contractor Yards and the Proposed Rezoning of land located on Farm Road, identified as Map 85 Parcel 12, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, MARCH 23, 2020.**

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

- I. Section 650-5, entitled "Definitions; word usage," is hereby amended, as follows:
 - a. By amending the definition in subsection B of "OUTDOOR STORAGE," by inserting at the end thereof the following sentence: "Outdoor storage shall not include either a contractor's yard or a landscape contractor's yard."
 - b. By inserting the following new definitions:

CONTRACTOR'S YARD - Premises used for the storage of equipment and/or materials used for providing contracting services, including but not limited to building construction, heating, plumbing, roofing, and excavation.

LANDSCAPE CONTRACTOR'S YARD – Premises used for the storage of equipment and/or materials used by a business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds, including the installation of hardscape such as stonework, patios, decks, arbors, and other decorative elements of the landscape. Such a business may engage in the installation and construction of underground improvements, but only to the extent that such improvements (e.g., irrigation or drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the grounds being otherwise landscaped.



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 24, 2020

ORDERED:

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- II. Section 650-17, entitled "Table of Uses," is hereby amended by adding the following new uses:

RR A1 A2 A3 RB RC RCR B CA LI I MV NB WAYS.

Contractor's

Yard (48) N N N N N N N N SP SP N N N N

Landscape Contractor's

Yard (48) N N N N N N N N SP SP N N N N

- III. Section 650-18, entitled "Conditions for uses," is hereby amended as follows:

- a. By inserting in subsection A thereof a new paragraph (48) as follows:

(48) Contractor's yard and landscape contractor's yard.

- (a) **Exemptions; Design Standards for Certain Existing Yards.** All existing contractor's yards and landscape contractor's yards in the CA or LI zoning district as of the date of this amendment that existed prior to December 31, 2014 shall not be required to obtain a special permit, but shall file for site plan review with an as-built plot plan by the City of Marlborough Site Plan Review Committee within nine (9) months of the effective date of this paragraph, and complete site plan review within twenty-four (24) months of the effective date of this paragraph. Said site plan review shall be limited to the following design standards:

(1) *Screening.* To the maximum extent practicable, the yard shall be adequately screened from the street and adjacent properties to obscure the vehicles parked thereon, and the equipment and/or materials stored therein, to create an effective visual barrier.

(2) *Vehicles, Equipment and/or Materials.* To the maximum extent practicable, all vehicles, equipment and/or materials associated with the yard must be stored on and accessed from impervious or otherwise dust-free surfaces.

(3) *Flammable, Combustible or Dangerous Substances.* A yard shall not store excessive quantities of flammable, combustible or dangerous substances, and may be required to comply with the notification, reporting and permitting requirements set forth in SARA Title III (the Emergency Planning and Community Right-To-Know Act, or EPCRA) and/or MGL c. 148.



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 24, 2020

ORDERED:

PAGE 3

(4) *Maximum size of yard.* The maximum size of the yard (including all structures, parking and driveways on the lot) shall not exceed the percentage of maximum lot coverage permitted under Section 650-41 for the zoning district in which the lot is located. If the yard exceeds said lot coverage percentage, the yard shall not increase its lot coverage and shall be made compliant within twenty-four (24) months of the effective date of this paragraph.

For yards that are in compliance with a prior special permit or site plan approval, no special permit or site plan review is required.

(b) **Design Standards for All Other Permissible Yards.** Yards shall require a special permit, and site plan approval by the City of Marlborough Site Plan Review Committee, whose review shall include, but not be limited to, the following design standards.

(1) *Screening.* Yard shall be adequately screened from the street and adjacent properties to obscure the vehicles parked thereon, and the equipment and/or materials stored therein, to create an effective visual barrier from ground level to a height of at least five (5) feet.

(2) *Vehicles, Equipment and/or Materials.* All vehicles, equipment and/or materials associated with the yard must be stored on and accessed from impervious or otherwise dust-free surfaces.

(3) *Flammable, Combustible or Dangerous Substances.* A yard shall not store excessive quantities of flammable, combustible or dangerous substances, and may be required to comply with the notification, reporting and permitting requirements set forth in SARA Title III (the Emergency Planning and Community Right-To-Know Act, or EPCRA) and/or MGL c. 148.

(4) *Maximum size of yard.* The maximum size of the yard, when combined with all structures, parking and driveways on the lot being proposed for the lot on which the yard is proposed to be located, shall not exceed the percentage of maximum lot coverage permitted under Section 650-41 for the zoning district in which the lot is located.

(5) *Proximity to existing residential zoning districts/uses.* (i) Yard shall not be located on a lot less than two hundred (200) feet from a residential zoning district, and on any lot if a residential use is being made of any abutting lot(s); and (ii) *Minimum lot area.* Minimum area of the lot shall be 22,500 square feet.



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 24, 2020

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ORDERED:

IV. Zoning Map Amendment

The Zoning Map, Section 650-8, is amended by making the following changes:

Change a portion of Assessor's Parcel 85-12, consisting of less than 6.53 +/- acres, being the portion of the property currently zoned Business (B), to the adjacent Light Industrial (LI) District. The proposed Zoning Map change is shown on the attached map.

ADOPTED

ORDER NO. 20-1007947



City of Marlborough

Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

JASON D. GROSSFIELD
CITY SOLICITOR

JASON M. PIQUES
ASSISTANT CITY SOLICITOR

HEATHER H. GUTIERREZ
PARALEGAL

February 19, 2020

Michael H. Ossing, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

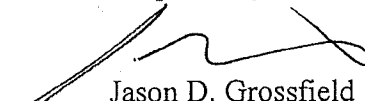
Re: Proposed Zoning Ordinance Amendment

Dear Honorable President Ossing and Councilors:

At the request of Councilor Kathleen D. Robey, enclosed please find a proposed zoning ordinance amendment relative to contractor's yards and landscape contractor's yards, and a zoning map amendment for parcel 85-12.

I have reviewed the proposed amendment and it is in proper legal form. Please contact me if you have any questions or concerns.

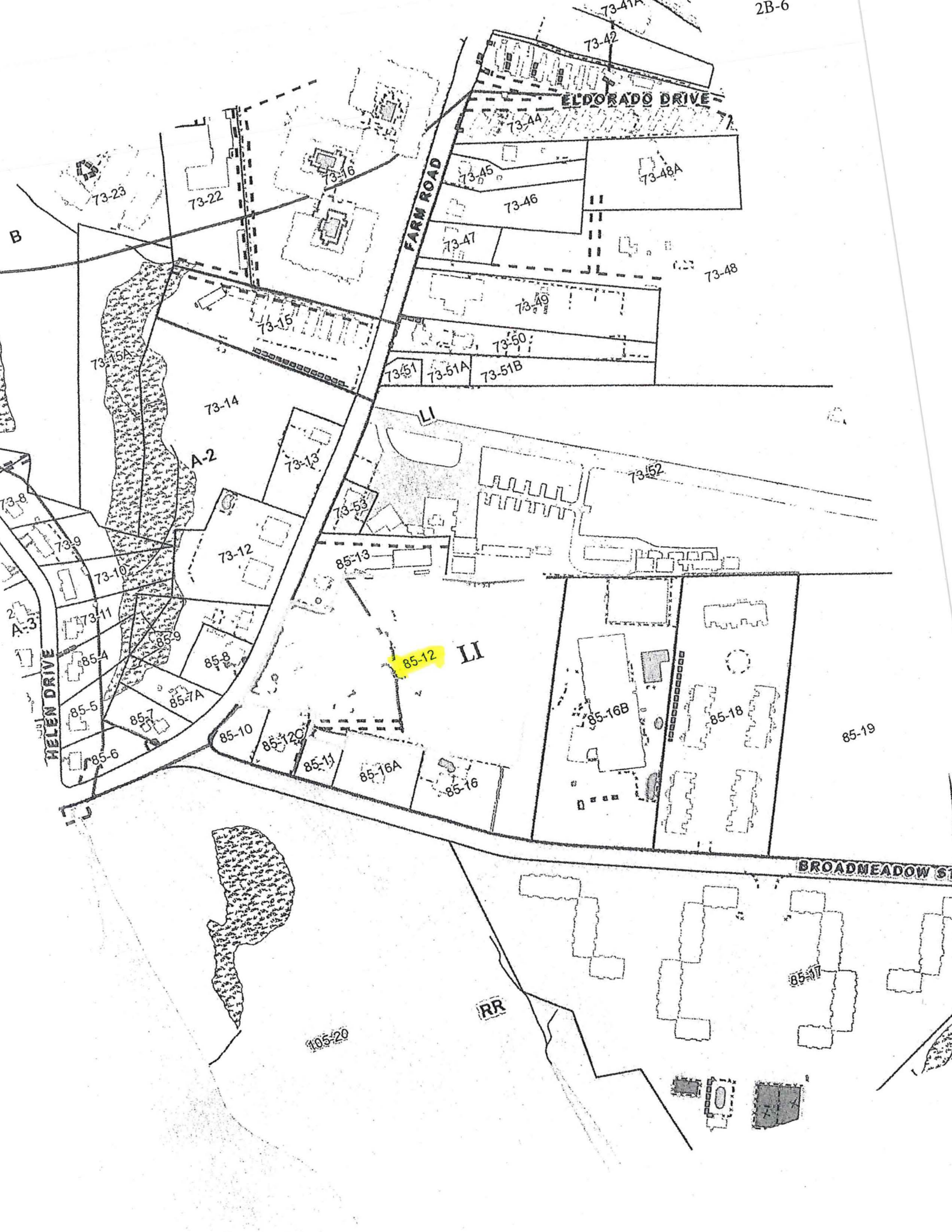
Respectfully,


Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Zoning Board of Appeals
Planning Board
Jeffrey Cooke, Building Commissioner
Christopher J. Alphen, Esq.
Donald J. O'Neil, Esq.

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2020 FEB 19 P 4:20
- URBAN AFFAIRS
- PLANNING BOARD
- P/H 3/23/2020
- APPROVED





City of Marlborough

Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

JASON D. GROSSFIELD
CITY SOLICITOR

JASON M. PIQUES
ASSISTANT CITY SOLICITOR

HEATHER H. GUTIERREZ
PARALEGAL

February 19, 2020

Michael H. Ossing, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

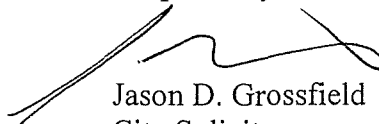
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I have reviewed the proposed amendment and it is in proper legal form. Please contact me if you have any questions or concerns.

Respectfully,


Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Zoning Board of Appeals
Planning Board
Jeffrey Cooke, Building Commissioner
Christopher J. Alphen, Esq.
Donald J. O'Neil, Esq.

2B-7
- URBAN AFFAIRS
- PLANNING BOARD
- PIH 3/23/2020
- A. VENTURA
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
FEB 19 P 4:20

LEGAL NOTICE

2020 FEB 12 A 11:39

Public Hearing –Proposed Zoning Amendment to Section 650 §17 & §18 – Livestock Farms.

Notice is hereby given that the Planning Board of the City of Marlborough will hold a Public Hearing on **Monday, March 9, 2020 at 7:00 PM** in Memorial Hall, 3rd Floor, City Hall, 140 Main Street, Marlborough, Massachusetts to amend Chapter 650 §17 & §18 of the Zoning Code of the City of Marlborough.

The materials are available for viewing in the Office of the City Clerk, City Hall, 140 Main Street, Marlborough, MA 01752, 508-460-3775 and the Administrative Office of the Planning Board, 135 Neil St. Marlborough, MA 01752, 508-624-6910 x33200.

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

- I. Section 18 of Chapter 650, entitled "Conditions for uses," is hereby amended by:
 - a. Amending paragraph (12), entitled "Livestock farms" as follows (new text shown as underlined):

(12) Livestock farms. The raising of or keeping of a small flock of poultry (other than Chicken hens), less than 10, or of saddle horses, private kennel, livestock, or other farm animals for use only by residents of the premises, provided further, that adequate open space is available for their care.
 - b. Inserting the following paragraph:

(49) Chicken hens, personal use. The raising or keeping of female chickens (*Gallus gallus domesticus*) for personal use, not to exceed either 6 hens or 12 hens, as stated in the Table of Uses. The raising or keeping of roosters, cocks, or cockerels is prohibited. The slaughtering of Chicken hens for non-personal use is prohibited.

- II. Section 17 of Chapter 650, entitled "Table of Uses," is hereby amended by inserting the following:

	RR	A1	A2	A3	RB	RC	RCR	NB	B	CA	LI	I	MV	WAYSIDE
Chicken hens, personal use (6 or fewer) (49)	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
Chicken hens, personal use (between 7 and 12) (49)	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	N

Per Order of the City Council
#20-1007915

Enterprise
02-20-20
02-27-20

From: [Scott Weiss](#)
To: [Krista Holmi](#); [Barbara Fenby](#)
Cc: [Vito Colonna \(vc@csei.net\)](#)
Subject: Commonwealth Heights Definitive Subdivision - Request for Extension
Date: Monday, March 2, 2020 3:46:22 PM
Attachments: [image003.png](#)

To Chair Fenby and Members of the Board;

As discussed at the Planning Board meeting on February 24, 2020, I am hereby requesting an extension of time to May 23, 2020 for the review and consideration of the application for approval of the Definitive Subdivision Plan referred to as Commonwealth Heights. This extension request is to afford time for the Board to hold a new public hearing for the consideration of a revised, shortened subdivision road proposal for Commonwealth Heights. Please feel free to contact me with any questions. Thank you.

Scott Weiss
Vice President of Development



the
Gutierrez
company

200 Summit Drive
Suite 400
Burlington, MA 01803
C: 508-259-1192
D: 781-685-4314
T: 781-272-7000
F: 781-272-3130
www.gutierrezco.com



City of Marlborough
Department of Public Works

135 NEIL STREET
 MARLBOROUGH, MASSACHUSETTS 01752
 TEL. 508-624-6910
 *TDD 508-460-3610

JOHN L. GHILONI
COMMISSIONER

March 5, 2020

Dr. Barbara L. Fenby, Chairwoman - Marlborough Planning Board
 c/o Krista Holmi - Planning Board Administrator
 135 Neil Street
 Marlborough, MA 01752

RE: #35 Muir Way - Lot Release

Dear Dr. Fenby:

Our office received the following inquiry from D'Ambrusco Law, LLC regarding #35 Muir Way, a lot in the Forest Grove Subdivision:

"our office conducted a title exam and it revealed that there was a Covenant to the (Town) City of Marlborough from 1991, as amended, which has yet to be terminated or released. Has the work been completed and does the town anticipate recording a termination, release or certificate of performance?"

I have researched the history of the Forest Grove subdivision and have the following to offer:

- In 1991, a 30-lot Definitive Subdivision Plan known as the Forest Grove Subdivision (owned by Gerald Bern & Norman Gear) was approved by the Marlborough Planning Board with a covenant (Bk. 21108 Pg. 140) and recorded at the South Middlesex Registry of Deeds as Plan #349 of 1991.
- In 1992, the Marlborough Planning Board invited the developers (Gerald Bern & Norman Gear) to re-submit their subdivision for consideration to be developed under a new Zoning Ordinance for "Open Space Developments" which permits "lots to be clustered in exchange for setting aside permanently protected open space".
- In 1994, a 40-lot Open Space Development for the Forest Grove Open Space Subdivision (owned by Gerald Bern & Norman Gear) was approved by the Marlborough Planning Board with a covenant (Bk. 24985 Pg. 396) and recorded at the South Middlesex Registry of Deeds as Plan #1196 of 1994.
- On February 14, 1997, Beal Bank SSB foreclosed on the property - Bk. 27155, Pg. 181 (Foreclosure Deed)
- On June 1, 1997, Beal Bank SSB sold the property to Bre-N, Inc - Bk. 27627, Pg. 518
- On June 10, 1997, Bre-N, Inc. sold the property to Forest Grove Realty Trust - Alan Greenwald, Trustee - Bk. 27627, Pg. 529
- In 1999, Forest Grove Realty Trust (Alan Greenwald, Trustee) submitted a 21-lot Definitive Subdivision Plan with the same roadway design as the previously approved Forest Grove Open Space Development. The plan was approved by the Marlborough Planning Board with a covenant (Bk. 30215, Pg. 114) and recorded at the South Middlesex Registry of Deeds as Plan #546 of 1999.

- On January 10, 2000, with the completion of the construction of the roadway having been secured through a bond, the Marlborough Planning Board signed a Certificate of Performance or Guarantee and released lots 1 through 21 from the covenant. The Release was recorded at the South Middlesex Registry of Deeds as Bk. 31102, Pg. 182 referencing the Definitive Subdivision Plan recorded as Plan 546 of 1999.
- On April 4, 2000 the Marlborough Planning Board approved a lot re-configuration for the Forest Grove Subdivision as a 41-lot Open Space Development. The roadway configuration did not change so the bond in place for the completion of the subdivision was not changed. The plan was recorded at the South Middlesex Registry of Deeds as Plan #451 of 2000.
- On April 6, 2000 Alan Greenwald resigned the position of Trustee for the Forest Grove Realty Trust and Richard E. Terrill accepted the vacant position as Trustee for the Forest Grove Realty Trust – recorded at the South Middlesex Registry of Deeds as Bk. 31316, Pg. 69 and Pg. 70.
- On December 18, 2000, an ANR plan was endorsed by the Marlborough Planning Board changing the lot line between lot 12 and 13, thus creating Lot 12A and Lot 13A. That plan was recorded at the South Middlesex Registry of Deeds as Plan #123 of 2001.
- On September 23, 2002 the Marlborough Planning Board, signed a Certificate of Performance or Guarantee and released lots 22 – 41 “from the restriction as to sale and building specified” in the covenant for the Forest Grove Subdivision. Lots 1 – 21 were not included in this release based on the incorrect assumption that the lots were previously released. That previous release was for a Definitive Subdivision Plan and not the Open Space Subdivision Plan. That document was not recorded at the South Middlesex Registry of Deeds. The Certificate of Performance or Guarantee also erroneously referred to the Open Space Subdivision for Forest Grove as being recorded at the South Middlesex Registry of Deeds as Plan #451 of 1999, when it should have stated Plan #451 of 2000.
- On December 20, 2001, the property at #35 Muir Way, shown as Lot 12A on the plan recorded as Plan #123 of 2001, was deeded to the current owner Kim M. Chau and recorded at the South Middlesex Registry of Deeds as Bk. 34436, Pg.530

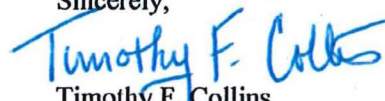
A corrected document should be submitted to the Marlborough Planning Board releasing all of the lots in the Open Space Subdivision, referencing Plan #451 of 2000 for lots 1 through 11 and lots 14 through 41 and Plan #123 of 2001 for lots 12A and 13A and the document should be voted on and executed by the Marlborough Planning Board and recorded at the South Middlesex Registry of Deeds.

The Release that is being sought is on behalf on Kim M. Chau.

I have attached a Release of Lot(s) form, that has previously been supplied to our office by the Legal Department and have completed this form to correct the errors in the previous Certificate of Performance or Guarantees.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,


Timothy F. Collins
Assistant City Engineer

RELEASE OF LOT(S)

The undersigned, being a majority of the Planning Board of the City of Marlborough, Massachusetts, hereby certify that the construction of ways and installation of municipal services required to serve certain lots, as designated below, in accordance with the Covenant dated May 3, 1999 and recorded in the Middlesex South District Registry of Deeds, Book 30215, Page 114 have been completed and that said lots being shown on a plan entitled "Forest Grove Open Space Development, Marlborough, MA" dated March 1, 2000 prepared by Fafard Real Estate and Development Corp., recorded with said Registry of Deeds as Plan Book No. 451 of 2000, and a plan entitled "Plan of Land in Marlborough MA" dated November 21, 2000 prepared by Benchmark Engineering Corp., recorded with said Registry of Deeds as Plan Book No. 123 of 2001, that restrictions as to building and sale specified in said Covenant are hereby released as to the following enumerated lots:

- Lots 1 through 11 and Lots 14 through 41 as shown on Recorded Plan 451 of 2000
- Lots 12A and 13A as shown on Recorded Plan 123 of 2001

Executed on this ____ day of _____ 2020.

By a majority of the Planning Board of the City of Marlborough:

COMMONWEALTH OF MASSACHUSETTS

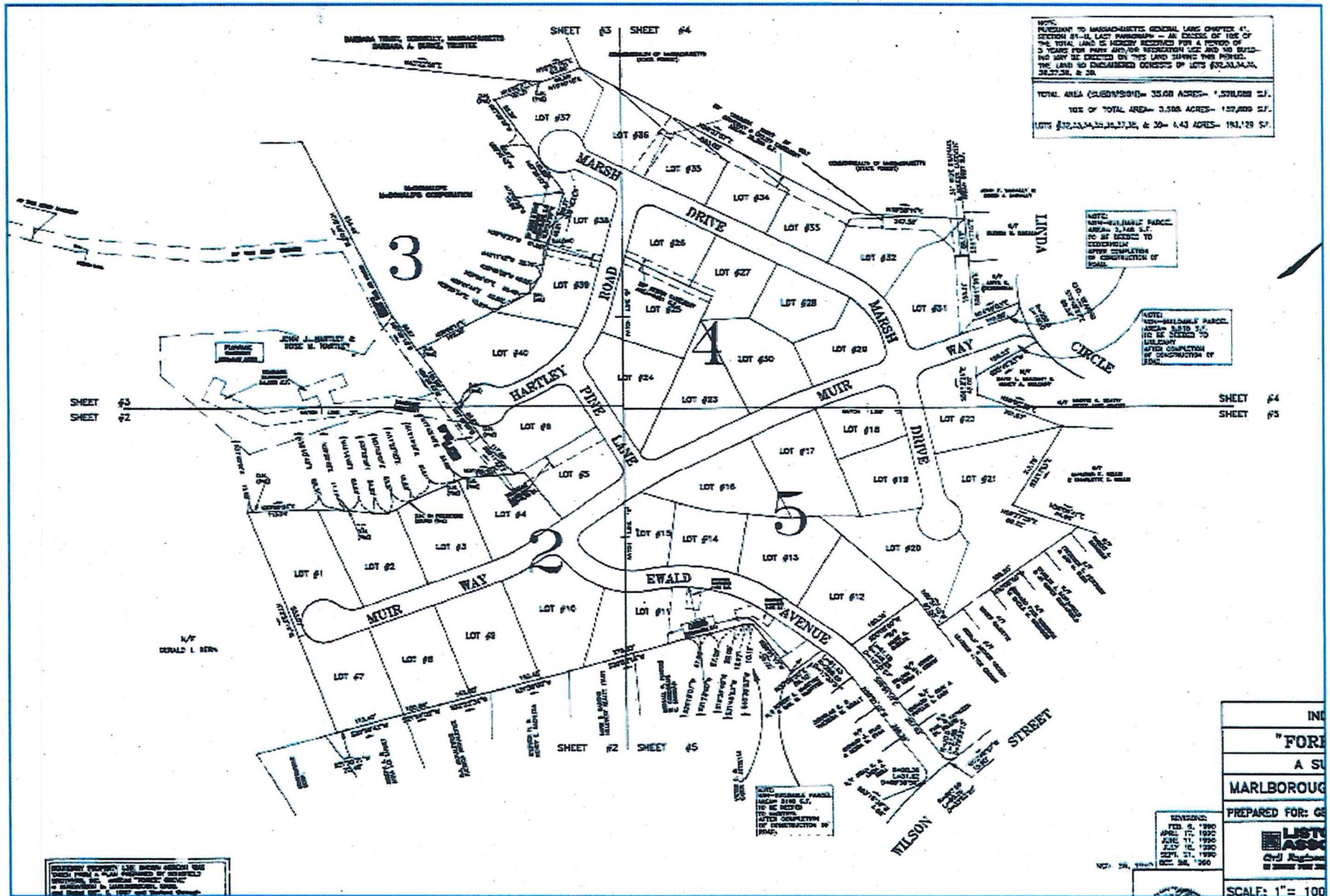
MIDDLESEX, ss.

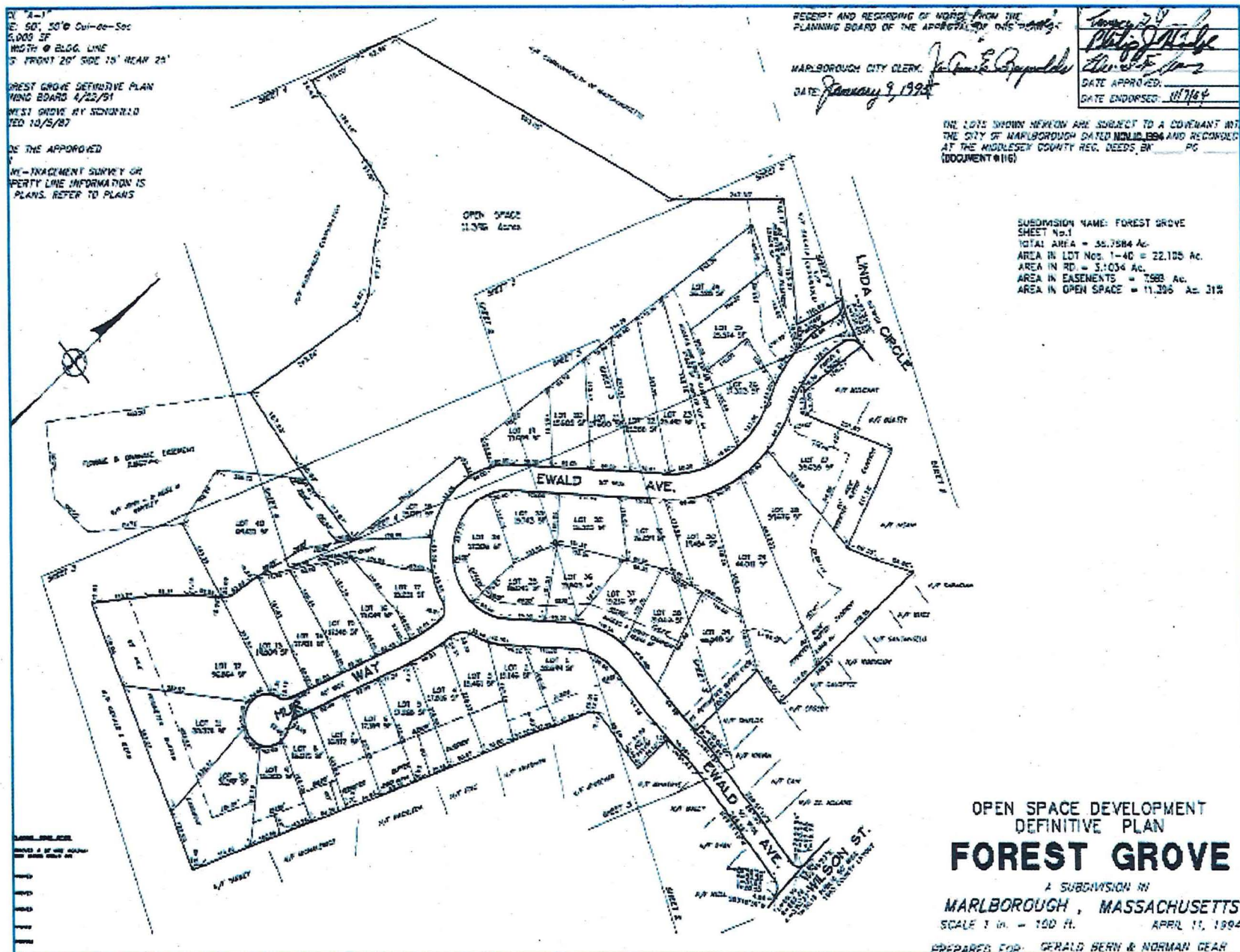
____ 20__

Then personally appeared _____ one of the above-named members of the Planning Board and acknowledged before me that the foregoing instrument is a free act and deed of said Planning Board.

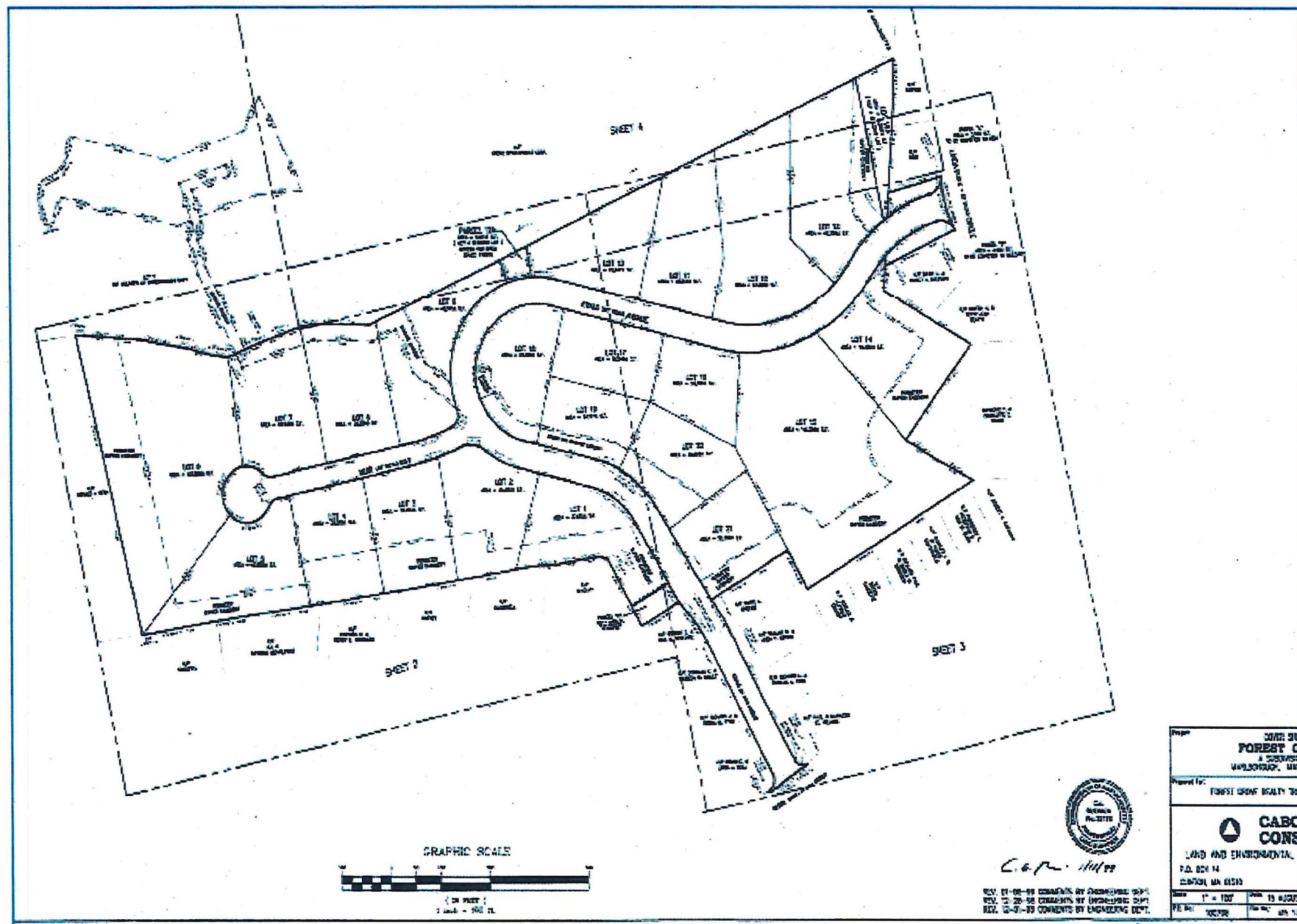
Notary Public

My Commission Expires:





Revised Open Space Subdivision Plan
 Recorded Plan #1196 of 1994



Revised - Definitive Subdivision Plan
Recorded Plan #546 of 1999

Revised Open Space Subdivision Plan
Recorded Plan #451 of 2000

Framingham Zoning Board of Appeals - Notice of Hearing

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing on **Wednesday, March 11, 2020** in the **Ablondi Room** of the Memorial Building, 150 Concord Street, Framingham, to consider:

20-01 | 7:15 PM

FEB 28 2020

Petition of **William & Ermine Parks** for a **Special Permit** for an addition to be located within the Floodplain District, pursuant to §III.A.2.b of the Zoning By-Law, on the premises located at **33 Ransom Road**, Parcel ID: 133-25-7751-000, Zoning District: Single Residence (R-1).

Visit www.FraminghamMA.gov/meetings for more information.

Legal notice can be found in the MetroWest Daily News or on MassPublicNotices.org.

Stephen Meltzer, Chair

Office: 508-532-5456, ZBA@FraminghamMA.gov

Framingham Zoning Board of Appeals - Notice of Hearing

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing on **Wednesday, March 11, 2020** in the **Ablondi Room** of the Memorial Building, 150 Concord Street, Framingham, to consider:

20-04 | 7:30 PM

Petition of **Jose O. & Teresa G. Ferreira** for **Variances** for less than the required frontage and lot size for a new single-family home, pursuant to §IV.E.2 of the Zoning By-Law, on the premises located at **40 Pratt Street**, Parcel ID: 135-94-0246-000, Zoning District: General Residence (G).

Visit www.FraminghamMA.gov/meetings for more information.

Legal notice can be found in the MetroWest Daily News or on MassPublicNotices.org.

Stephen Meltzer, Chair

Office: 508-532-5456, ZBA@FraminghamMA.gov

Framingham Zoning Board of Appeals - Notice of Hearing

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing on **Wednesday, March 11, 2020** in the **Ablondi Room** of the Memorial Building, 150 Concord Street, Framingham, to consider:

20-03 | 7:30 PM

Petition of **RS8 Capital LLC** and **Forty Winter Lane Nominee Trust** for a **Variance** for additional height on a proposed 75-unit residence, pursuant to §IV.E.2 of the Zoning By-Law, on the premises located at **703 Central Street**, Parcel ID: 069-68-4339-000, Zoning District: Single Residence (R-3).

Visit www.FraminghamMA.gov/meetings for more information.

Legal notice can be found in the MetroWest Daily News or on MassPublicNotices.org.

Stephen Meltzer, Chair

Office: 508-532-5456, ZBA@FraminghamMA.gov

FRAMINGHAM PLANNING BOARD

NOTICE OF PUBLIC HEARING — 3 CARLSON ROAD

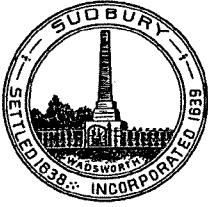
APPLICATION OF PAUL LANDERS, FRAMINGHAM HOUSING AUTHORITY

Pursuant to Sections II.B, II.E, IV.B., IV.E, VI.E, VI.F of the Framingham Zoning By-Law, the Framingham Planning Board, will hold a public hearing on Thursday, March 19, 2020 at 7:00 p.m. in the Ablondi Room, Memorial Building, located at 150 Concord Street, Framingham, Massachusetts. The public hearing will be held to consider an application submittal for Limited Site Plan Review under the Dover Amendment, MGL C. 40A, Section 3. The Applicant proposes to add three (3) new buildings to the public housing development; providing seven (7) total units of accessible housing, along with associated site improvements. The property is zoned General Residence (G), and listed as Framingham Assessor's Parcel ID: 136/35/7083/000. The application and plan submittal is available for review in the Planning Board Office, Room B-14 of the Memorial Building and available online at www.framinghamma.gov on the Planning Board Webpage. The legal notice can be found in the MetroWest Daily Newspaper and on the Massachusetts Newspaper Publishers Association's (MNPA) website.

Christine Long, Chair, Framingham Planning Board

Publish, MetroWest Daily Newspaper: March 4, 2020 and March 11, 2020

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



Town of Sudbury

Zoning Board of Appeals

appeals@sudbury.ma.us

Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776
978-639-3387
Fax: 978-639-3314
www.sudbury.ma.us/boardofappeals

Filed with the Town Clerk
February 14, 2020

DECISION NOTICE

SPECIAL PERMIT

Ruchi and Joseph Newman

10 Nashoba Road

DECISION of the Zoning Board of Appeals (the Board) on the application of Ruchi and Joseph Newman (Applicant) for a Special Permit for the property located at 10 Nashoba Road, owned by Ruchi and Joseph Newman, and known as Assessor's Map J10-0404.

This Decision (Case # 20-02) is in response to an application filed under Sections 5500 and 6200 of the Town of Sudbury Zoning Bylaw by the Applicant on January 8, 2020 to create an Accessory Dwelling Unit.

The duly noticed public hearing was opened, conducted, and closed on February 3, 2020. The Board deliberated on the proceedings on February 3, 2020. The following members of the Board were present throughout the proceedings: John Riordan, David Booth, Jonathan Gossels, Frank Riepe, and Nancy Rubenstein. After due consideration of the application, the record, and based upon the findings set forth in the Decision, the Board voted 5 to 0 to **GRANT** conditional approval of the Special Permit on February 3, 2020 pursuant to the findings and conditions stated within the Decision.

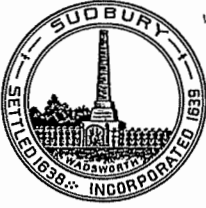
Full copies of the Decision can be reviewed in the office of the Town Clerk or Planning and Community Development Department during regular business hours. Appeals, if any, shall be made within twenty (20) days of the filing date of this Decision with the Town Clerk in accordance with MGL Chapter 40A, Section 17.

Copies to:

Applicant
Abutters
Town of Acton
Town of Concord

City of Framingham
Town of Hudson
Town of Lincoln
City of Marlborough

Town of Maynard
Town of Wayland



Town of Sudbury

Historical Commission

historical@sudbury.ma.us

Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776
978-639-3387
Fax: 978-639-3314
www.sudbury.ma.us/historicalcommission

LEGAL NOTICE HISTORICAL COMMISSION NOTICE OF PUBLIC HEARING

Pursuant to Massachusetts General Law Chapter 40, Section 8D and the Town of Sudbury General Bylaws, Article XXVIII, Demolition Delay of Historically Significant Buildings, Structures or Sites Bylaw, Section 4(5), the Sudbury Historical Commission will hold a public hearing on **Tuesday, March 24, 2020** at 6:30 PM in the Silva Room, Flynn Building, 278 Old Sudbury Road, Sudbury, Massachusetts to consider the following applications:

1. Public Hearing – Case 19-9, Applicants Cynthia Tucker, Jamison Tucker, and Duane Houghton; and Owners Cynthia Tucker and Jamison Tucker seek a Demolition Permit to relocate a window to make way for a new door opening at **85 Raymond Road**, Assessor's Map M08-0005, Single Residence A-1 Zoning District.

The applications are on file in the Planning and Community Development Department and may be reviewed during regular business hours. Any person interested or wishing to be heard on the proposed applications, should appear at the time and place designated above.

To be advertised in the *Sudbury Town Crier* on March 5, 2020.



TOWN OF NORTHBOROUGH PLANNING DEPARTMENT

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

Public Hearing Notice Northborough Planning Board

In accordance with MGL Ch. 40A Sec. 5 the Northborough Planning Board will hold a public hearing on March 17, 2020 at 7:00pm at the Northborough Town Hall, 63 Main Street, Northborough MA for the purpose of seeking public opinion on proposed amendments to the following sections of the Northborough Zoning Bylaw (Chapter 7). Complete text of the proposed amendments is available at the Planning Department, Town Clerk's office, and at www.town.northborough.ma.us.

Section 7-05-030 Table of Uses, Table 1, Part A, Residential Districts, funeral home
 Section 7-05-020 Classification of uses, G. Business uses, kennel; Section 7-05-030 Table of Uses, Table 1, Part A and Part B, kennel
 Section 7-05-030 Table of Uses, Table 1, Part B, Commercial and Industrial Districts, indoor commercial recreation
 Section 7-05-020 Classification of uses, I. Industrial uses, (1) Light manufacturing; Section 7-05-030 Table of Uses, Table 1, Part B, Commercial and Industrial Districts, light manufacturing, warehouse, trucking, contractor's yard
 Section 7-05-020 Classification of uses, C. Residential uses; accessory, (6) Home occupation
 Section 7-06-030 (J) Supplemental density and dimensional regulations, duplexes
 Section 7-05-020 Classification of uses, add small-scale ground-mounted solar photovoltaic installation, solar photovoltaic installation roof-mounted, large-scale ground-mounted solar photovoltaic installation, solar photovoltaic installation canopy mounted; Section 7-05-030 Table of Uses, Table 1, Part A and Part B; Section 7-03-050 Site plans, A. Applicability; Section 7-06-020 Table of Density and Dimensional Regulations, Table 2. Table of Density and Dimensional Regulations, add new footnote; Section 7-06-030 Supplemental regulations, C. Yard requirements; Section 7-10-060 Large-Scale Ground-Mounted Photovoltaic Installation
 Section 7-02-040 Definitions, add Hazardous Materials; Section 7-05-020 Classification of uses, add Hazardous Waste Facility and Solid Waste Disposal Facility; Section 7-05-030 Table of Uses, Table 1, Part B, Commercial and Industrial Districts; Section 7-05-040 Environmental performance standards, F. Miscellaneous standards; Section 7-06-030 Supplemental regulations C. Yard requirements; Section 7-06-020 Table of Density and Dimensional Regulations, Table 2. Table of Density and Dimensional Regulations, add new footnote

Full text of the proposed amendments is available in the Town Clerk's Office and Planning Department.

Kerri Martinek, Chairman
 February 24, 2020 and March 2, 2020
 (dates published in Worcester Telegram & Gazette)