

CITY OF MARLBOROUGH MEETING POSTING

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 MAR 18 P 2:09

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, March 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.marlborough-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: 299 120 608#

Agenda Items to be Addressed:

1. Draft Meeting Minutes
 - A. March 08, 2021
2. Chair's Business
 - A. Conflict of Interest Law for Board Members- Action Required by April 1, 2021
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. Working Group Discussion – Planning Board Rules and Regulations Continued
 - i. Rules and Regulations – Continued Recommendations
 - ii. Assignment of Next Tasks
11. Calendar Updates
 - A. April 5, 2021 – Remote Public Hearing Date - Proposed Zoning Amendment to Chapter 650 to amend Section 33 the Results Way Mixed-Use Overlay District
12. Public Notices of other Cities & Towns (None)

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

March 08, 2021

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

1. Meeting Minutes

A. February 22, 2021

On a motion by Mr. Elder, seconded by Mr. LaVenture, the Board voted to accept and file the February 22, 2021 meeting minutes. Yea: Elder, Fay, Hodge, LaVenture, and Fenby. Nay: 0. Motion carried. (Note: Mr. Russ did not respond to the roll call vote.)

2. Chair's Business

A. Set Public Hearing Date - Proposed Zoning Amendment to Chapter 650 to amend Section 33 the Results Way Mixed-Use Overlay District (RMUOD)

April 5, 2021 7:00 pm was selected for the Planning Board's public hearing on the proposed zoning amendment.

B. Communication from Assistant City Solicitor (ACS) Piques re: Voting Requirements on Regulation Changes.
George LaVenture read the March 2, 2021 email communication from ACS Piques into the record. His email details that a simple majority of the Planning Board may adopt or amend subdivision regulations.

3. Approval Not Required

A. 181 Boston Post Road East

Applicant: Post Road Mobile Homes and Sales, Inc.

Surveyor: RJP Construction and Engineering, 21 Chapin St., Northborough, MA 01532

Deed: Book 11449, Page 675, Middlesex South Registry

Mr. LaVenture read the March 2, 2021 review letter from Assistant City Engineer Collins into the record. Mr. Collins details that the Feb. 7, 2021 plan, revised on Feb. 26, 2021 is a third version of previously endorsed plans (October 16, 2020 and again on December 21, 2020). Neither the Oct. 16 plan, nor the Dec. 21 plans were recorded at the South Middlesex Registry of Deeds. Per Assistant City Engineer Collins's letter, Lots 1 and 2 have adequate area, the required frontage, meet the Lot Shape requirement and have present adequate access for buildable lots within their respective zoning boundaries. (Mr. Russ spoke and indicated he had rejoined the meeting after having network issues earlier.) On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted accept, file, and endorse the Feb. 26, 2021 referenced plan as approval not required under the subdivision control law. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

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. Working group discussion – Planning Board Rules and Regulations
 - i. Rules and Regulations – Continued Recommendations

Mr. LaVenture provided an update to the Board on the Working Group's most recent meeting on March 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 below:

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:

(3) (Reserved)

Proposed change:

§ 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:

(3) ~~(REMOVE)(Reserved)~~ (ADD) For the purpose of establishing the official submission date, said submission date shall be the date the plan was presented to the Planning Board at a regularly scheduled meeting of the Planning Board.

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 and 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. For the purpose of establishing the official submission date, said submission shall be made to the Planning Board at a regularly scheduled meeting of the Planning Board. The Planning Board requests the applicant to arrange for the Engineering Department to review the plans prior to said submission to the Planning Board as outlined above. Said person shall also file, by delivery or registered mail, a notice with the City Clerk stating the date of submission for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the City Clerk shall, if required, give a written receipt therefor.

Proposed change: Member discussion resulted in amending the pre-meeting posted language to the following:

(1) For the purpose of establishing the official submission date, said submission ~~(REMOVE) shall be made~~ (ADD) date shall be the date the plan was presented to the Planning Board at a regularly scheduled meeting of the Planning Board. The Planning Board ~~(REMOVE) requests~~ (ADD) suggests the applicant ~~to arrange for~~ (ADD) meet with the Engineering Department to review the plan (ADD) 's (ADD) format and completeness prior to said submission to the Planning Board as outlined above.

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 a preliminary plan, which is not a binding commitment, will enable the subdivider, the Planning Board, the Board of Health, 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. For the purpose of establishing the official submission date, said submission shall be made to the Planning Board at a regularly scheduled meeting of the Planning Board.

Proposed change:

(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 a preliminary plan, which is not a binding commitment, will enable the subdivider, the Planning Board, the Board of Health, 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. For the purpose of establishing the official submission date, said submission (REMOVE) shall be made (ADD) date shall be the date the plan was presented to the Planning Board at a regularly scheduled meeting of the Planning Board.

Reason for changes:

To clearly establish submission date and for uniformity of ANR, Preliminary, and Definitive Plans.

Current Regulation:**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: None.

Assistant City Solicitor Piques explained this language comported with MGL c. 41, §81U and should remain unchanged.

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: Mr. LaVenture noted the words "and until" also needed removal to clarify the sentence. This resulted in amending the pre-meeting posted language to 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 ~~(REMOVE) and until 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:

Conformity with current practice.

>> Addition to A676-2 Definitions changing "the singular includes the plural" to "the singular includes the plural and the plural includes the singular"

Current regulation: §A676-2 Definitions.

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

§ A676-2 Definitions. As used in this chapter, the following terms shall have the meanings indicated:

Proposed changes: Based on a comment by Mr. Fay at the last meeting the language was amended:

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, (AMENDED) the plural includes the singular, and the present tense includes the future and other words and phrases have the following meanings.

§ A676-2 Definitions. As used in this chapter, the following terms shall have the meanings indicated:

(ADD) SHADE TREE

Any tree which casts a shadow large enough for an individual to enjoy passive recreation while being protected from the effects of the sun or, in the opinion of the Tree Warden, will cast such a shadow when mature.

(ADD) STREET TREE

Any existing tree located within 15 feet from the edge of the roadway layout that casts a shadow upon the sidewalk area or a tree planted in the required landscape easement that will, in the opinion of the Tree Warden, casts a shadow on the sidewalk area when mature.

Reason for change:

Stated with more clarity.

Mr. LaVenture reminded the Board that at the last meeting he mentioned a number of Editor's Notes throughout the document might be replaced with a single statement. After discussion, the working group decided to recommend removing all occurrences of Editor's Notes, such as [1] *Editor's Note: Appendix B is on file in the City Clerk's office* and add language to the General Provisions section of Article I.

Current Regulation:

Article I
General Provisions

§ A676-1 Authority. Under the authority vested in the Planning Board of the City of Marlborough by MGL c. 41, § 810, said Board hereby adopts these rules and regulations governing the subdivision of land in the City of Marlborough. These regulations shall be effective after approved and certified by the Register of Deeds and Recorder of Land Court.

Proposed change:

(ADD) The current version of the Planning Board Rules and Regulations were adopted by the Marlborough Planning Board on _____ and have been recorded at the South Middlesex Registry of Deeds, Book _____ Pages _____. A copy of the current version of the Planning Board Rules and Regulations are available at the Marlborough City Clerk's Office and the City Engineer's Office or may be obtained on the City of Marlborough's website: www.marlborough-ma.gov.

Reason for change:

Stated with more clarity.

Current regulation:

§ A676-10: Definitive Plan

B. Contents

(n) Hydraulic and hydrologic calculations shall be prepared by a registered professional engineer in accordance with the requirements of the City Engineer. (ADD) A Stormwater Management Design Report showing that measures to mitigate stormwater impacts of the proposed subdivision have been designed, and that such measures meet the requirements set forth in the Stormwater Management Standards promulgated by the DEP under the Clean Water Act, M.G.L. c. 21, Sections 26-53 and its accompanying regulations 314 CMR 9.0 Water Quality Certification for Discharge of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters within the Commonwealth; and 310 CMR 10.0 Wetlands Protection Act Regulations.

(ADD)

(s) An Erosion Control Plan showing that construction erosion and sediment controls have been designed to ensure that no off-site impacts to abutting properties or wetland resource areas will result during construction of the project, and that such controls have been designed to the satisfaction of the City Engineer and, if applicable, the NPDES General Permit for Storm Water Discharges from Construction Activities and/or the Wetlands Protection Act.

Reason for change:

Mr. DiPersio, City Engineer explained this would bring requirements into compliance with current standards.

Mr. LaVenture explained that while many presentations have been clear and readily understandable, some have been a bit more difficult to determine the presenter's intent. Especially during an online meeting.

The working group decided to recommend one Rules and Regulation change and one procedural change. As mentioned previously, suggesting the Engineering Department review a plan for format and completeness prior to its submission was the proposed Rules change.

The proposed procedure change is to allow the plan presenter to have control of the screen during the presentation. This might provide smoother presentation as they would control the pointer and not need to direct its movement second hand.

>> Mr. Hodge suggested putting mailboxes on the sunny side of an east-west street.

Mr. DiPersio, City Engineer, explained that placement of the mailboxes is an issue for the local Post Office. The Detail shown for mailbox placement was derived from the standard set by the United States Postal Service.

Mr. Collins, Assistant City Engineer, had provided the following:

Can you move a mailbox?

The Postal Service permits moving a mailbox, but it must be placed in a location that is readily accessible by a mail carrier. For example, roadside mailboxes must in a location where mail carriers can place mail from their delivery vehicles.

Does one have to get permission from the USPS to move the ...
www.quora.com/Does-one-have-to-get-permission-from-t...

See all results for this question

Can USPS mailboxes be relocated?

The USPS does not legislate the relocation of residential mailboxes nationally. Rather, they allow local postmasters to decide what is best for their geographic location and mail service.

Relocating Residential Mailbox – USPS Mailbox Guidelines
www.mailboxworks.com/blog/relocating-residential-mailb...

See all results for this question

Is the placement of mailboxes determined by the USPS?

YES! The placement of every mailbox is determined by the USPS - for safety, efficiency of the route/driver. Before moving/replacing your mailbox one is encouraged to visit the post office and ask for instructions. You will be given general instructions on where/how a mailbox must be placed.

Mr. LaVenture suggested if Mr. Hodge had language he would like to propose, the working group would discuss it at their next meeting on March 11.

Current regulation: § A676-16 Protection of natural features.

Due regard shall be shown for all natural features, such as large trees, wooded areas, watercourses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision. Whenever feasible, shade trees 12 inches in diameter or larger shall not be removed.

Proposed change:

Due regard shall be shown for all natural features, such as large trees, wooded areas, watercourses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision. Whenever feasible, shade trees 12 inches in diameter or larger shall not be removed. (ADD) The Applicant may be required to hire a certified consulting arborist to identify those trees which can be saved and thrive upon the completion of the subdivision, show those trees on the Definitive Subdivision Plans and certify as to such.

"I hereby certify that the trees shown on this plan as to be retained (RET.), if preserved, will add attractiveness and value to the subdivision. Those trees not designated as to be retained (RET.) have no significant value where they would need to be retained."

Reason for change:

To reduce total tree clearing of lots prior to lot development.

Discussion regarding the exact intent and language required resulted with the working group agreeing to review the language at it March 11 meeting.

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.
- B. The subdivider shall **plant other trees** as needed to provide at least two areas of shade to each lot.
- C. Removal and disposal of trees not intended for preservation shall be as designated by the City Forester.**

Proposed change: Member discussion resulted in amending the pre-meeting posted language to the following:

- 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.
- B. The subdivider shall **plant** ~~(REMOVE) other~~ **(ADD) shade trees** as needed to provide at least two areas of shade to each lot.

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

(ADD) If allowed by the Tree Warden, Shade Trees located within 15 feet of the roadway layout may also be designated as Street Trees and be designated as both a Shade Tree and a Street Tree.

(ADD) Street tree compensation. For those street trees required, that cannot be planted within the required landscape strip adjacent to the roadway right-of-way and there are not any trees adjacent to the roadway that can be considered as street trees, compensation for those street trees may be given in one of the following ways: (1) monetary value given to the City of Marlborough for the purpose of planting trees, (2) as trees planted elsewhere in the subdivision, or (3) trees planted within the City of Marlborough. Option chosen is at the discretion of the Planning Board with approval from the Tree Warden. All tree locations will be selected by the Tree Warden.

Mr. LaVenture noted that text in the APPENDIX F Cross-sections would be updated to state "MINIMUM 2 SHADE TREES PER LOT". The Board would see those changes in the future.

Reason for Change:

Update to meet current practices.

City Forester is no longer a City position – Replaced with the position of Tree Warden, who has been charged with the care of public trees.

Mr. Fay inquired about the status of proposed language regarding easement vs fee.

Mr. LaVenture noted the following language had been submitted to Legal for review:

All land required for access to a subdivision, including that required for the roadway roundings, must be held in fee by the Applicant.

Mr. LaVenture asked Assistant City Solicitor Piques if he could address the question. Mr. Piques indicated the language and its placement was under review.

Without further discussion the proposed changes were forwarded to Legal for review.

Working group discussion – Planning Board Rules and Regulations

ii. Next steps.

Mr. LaVenture noted that next steps included:

- A working group meeting 11 March to review outstanding items and the body of proposed changes in their entirety
- Planning for a public meeting for formal presentation to the Board of proposed changes for Board review.

Mr. LaVenture noted that due to the advertisement requirements for the public meeting, the earliest that presentation could occur was April 5.

Mr. LaVenture asked Mr. Piques if that provided enough time for Legal review. Mr. Piques indicated he would let us know if that would work.

11. Calendar Updates (None)

- A. Public Hearing Date - Proposed Zoning Amendment to Chapter 650 to amend Section 33 the Results Way Mixed-Use Overlay District (RMUOD). April 5, 2021 7:00 pm (Remote Teams Meeting)

12. Notices from other Cities and Towns (None)

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

Respectfully submitted,

/kih

George LaVenture/Clerk

Krista Holmi

To: Krista Holmi
Subject: FW: Annual Conflict of Interest Training Requirements - Planning Board
Attachments: Summary of the Conflict of Interest Law for Board Members (2021).pdf

From: Krista Holmi

Sent: Friday, March 12, 2021 11:18 AM

To: Barbara Fenby <blbfen@gmail.com>; Christopher P. Russ (Cpruss24@gmail.com) <Cpruss24@gmail.com>; George LaVenture <GLaVenture@trinity-inc.net>; Jason Grossfield <jgrossfield@marlborough-ma.gov>; Jason Piques (jpiques@marlborough-ma.gov) <jpires@marlborough-ma.gov>; Krista Holmi <kholmi@marlborough-ma.gov>; Matt Elder <ultimatemobilegamingtruck@gmail.com>; Phil Hodge (phil@pjhodge.com) <phil@pjhodge.com>; Sean Nicholas Fay (Sean@Faylawoffices.com) <Sean@Faylawoffices.com>; Thomas DiPersio (tdipersio@marlborough-ma.gov) <tdipersio@marlborough-ma.gov>; Timothy Collins (tcollins@marlborough-ma.gov) <tcollins@marlborough-ma.gov>
Cc: Steven Kerrigan <skerrigan@marlborough-ma.gov>; Patricia Bernard (pbernard@marlborough-ma.gov) <pbernard@marlborough-ma.gov>

Subject: FW: Annual Conflict of Interest Training Requirements - Planning Board

Dear Board Members,

I am passing on this important message regarding MANDATORY conflict of interest training for Board members. Please read the below information on how to complete the training and providing confirmation to the City Clerk's Office.

As an appointed member of a Board, Commission or Committee, you are receiving this email so that the City of Marlborough can comply with the educational training and annual certification requirements of the Massachusetts Conflict of Interest Law. **ALL MEMBERS** are **REQUIRED** to acknowledge receipt of the summary (attached).

- 1) **Summary of Conflict of Interest Law** – Attached is a summary of the Conflict of Interest Law as prepared by the State Ethics Commission. SEC guidelines **REQUIRE** you to acknowledge receipt of the summary within ten (10) business days in writing. Please print and sign the last page of the attached Summary of Conflict of Interest Law and return this to the City Clerk's Office. You can either return it by email or mail/drop off the hard copy.
- 2) **Conflict of Interest Law Online Training** – This year ALL Board, Commission & Committee members are **REQUIRED** to complete the online training for the Conflict of Interest Law. It is our intention to get all members on the same cycle for this training. If you have completed the training within the last 30-days and have submitted the required certificate to the City Clerk's Office, you do not need to take the course again. If the training was completed more than 30-days ago, **ALL MEMBERS MUST** complete the online video training and submit their certificate to the City Clerk's Office (Certificates can be submitted either by mail or electronically by sending an email to cityclerk@marlborough-ma.gov, see instructions below). This training can be found on the SEC website at the following link <http://www.muniprog.eth.state.ma.us/>. This training can be completed on either a computer or using a mobile device, please note the instructions below on how to utilize a mobile device and for printing the certificate after you have completed the training.
 - You can now use a mobile device to complete the program. However, the audio and video will not auto-start until you either click the Slide button or the audio controller on each page to begin the audio and video segments. To save a completion certificate using a smartphone, you can take a screenshot of it by pressing the power and Home buttons simultaneously on an iPhone or the power and volume down buttons on an Android device. You can then attach the completion certificate to an e-mail.

- If you need to print a completion certificate, please make sure your computer is connected to a printer. **Please note that if the certificate appears cut-off on the print page, depending on which browser you are using, you may need to either change the page layout from portrait to landscape or adjust the scale to a smaller size.**
- If you wish to submit your certificate electronically, you can do so using one of the following methods:
 - i. Click 'Print Certificate' and select 'Save as PDF' or 'Microsoft Print to PDF' to save the certificate as a PDF document
 - ii. Click 'Print Certificate,' select your printer, and scan the printed certificate
 - iii. Press the print screen button on your keyboard, paste the screenshot into a word processing software, and save it as a PDF document
 - iv. Take a picture of the certificate with your mobile device

Please retain a copy of your completion certificate. The online training program does not store completion records, so the Commission will not have any record that you completed the program.

All members are asked to acknowledge receipt of the Summary of Conflict of Interest and complete the Online Training no later than April 1, 2021. If you have any questions about the Summary of Conflict of Interest or the Online Training, please feel free to contact the City Clerk's Office at (508) 460-3775 or by email at cityclerk@marlborough-ma.gov.

Krista Holmi

Summary of the Conflict of Interest Law for Municipal Employees

This summary of the conflict of interest law, General Laws chapter 268A, is intended to help municipal employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division at our website, phone number, and address above. Municipal counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

I. Are you a municipal employee for conflict of interest law purposes?

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts. Town meeting members and charter commission members are not municipal employees under the conflict of interest law.

II. On-the-job restrictions.

(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)

paid for in part by banks that do business with town treasurers. The treasurer is only required to make a disclosure if one of the sponsoring banks has official business before her in the six months before or after the annual school.

(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)

A municipal employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a municipal employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

Example of violation: A full-time town employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

Example of violation: A city councilor directs subordinates to drive the councilor's wife to and from the grocery store.

Example of violation: A mayor avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his municipal I.D.

(d) Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)

A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or

an exemption permitting school committee members to participate in setting school fees that will affect their own children if they make a prior written disclosure. There is an exemption permitting town clerks to perform election-related functions even when they, or their immediate family members, are on the ballot, because clerks' election-related functions are extensively regulated by other laws. There is also an exemption permitting a person serving as a member of a municipal board pursuant to a legal requirement that the board have members with a specified affiliation to participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. Other exemptions are listed in the Commission's regulations, available on the Commission's website.

Example where there is no violation: A municipal Shellfish Advisory Board has been created to provide advice to the Board of Selectmen on policy issues related to shellfishing. The Advisory Board is required to have members who are currently commercial fishermen. A board member who is a commercial fisherman may participate in determinations of general policy in which he has a financial interest common to all commercial fishermen, but may not participate in determinations in which he alone has a financial interest, such as the extension of his own individual permits or leases.

(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)

A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

Example of violation: A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))

A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

Example of violation: A full-time health agent submits a septic system plan that she has prepared for a private client to the town's board of health.

Example of violation: A planning board member represents a private client before the board of selectmen on a request that town meeting consider rezoning the client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectman in larger towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

Example: A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the school committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

Example: A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters

whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities.

Example of violation: A former school department employee works for a contractor under a contract that she helped to draft and oversee for the school department.

(b) One year cooling-off period. For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

Example: An assistant town manager negotiates a three-year contract with a company. The town manager who supervised the assistant, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the town in connection with the company's work on the contract for one year after leaving the town.

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

(c) Partners. Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the municipality or provide services as an attorney to anyone but the city or town in relation to the matter.

Example: While serving on a city's historic district commission, an architect reviewed an application to get landmark status for a building. His partners at his architecture firm may not prepare and sign plans for the owner of the building or otherwise act on the owner's behalf in relation to the application for landmark status. In addition, because the architect has official responsibility as a commissioner for every matter that comes before the commission, his partners may not communicate with the commission or otherwise act on behalf of any client on any matter that comes before the commission during the time that the architect serves on the commission.

ACKNOWLEDGMENT OF RECEIPT

I, _____, an employee at _____

Printed Name**Name of Board**

hereby acknowledge that I received a copy of the summary of the conflict of interest law

for municipal employees, revised November 14, 2016, on _____.
(date)

Municipal employees should complete the acknowledgment of receipt and return it to the individual who provided them with a copy of the summary. Alternatively, municipal employees may send an email acknowledging receipt of the summary to the individual who provided them with a copy of it.

Employee Signature

§ A676-2 Definitions.

As used in this ~~(REMOVE) chapter~~ (ADD) these Rules and Regulations, the following terms shall have the meanings indicated (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

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

APPLICANT

A person (as hereinafter defined) who applies for the approval of a plan of a subdivision or a plan believed not to require approval or a person who applies under Article V. "Applicant" shall include an owner, or his agent or representative, or his assigns.

BOARD

The Planning Board of the City of Marlborough.

(ADD – new 03-22-21)

CALIPER

The diameter of a tree purchased at a nursery measured 12 inches above the root ball.

(ADD – new 03-22-21)

DIAMETER BREAST HEIGHT (DBH)

The diameter of an existing tree measured 4-½ feet above the highest existing grade at the base of the tree.

(ADD)

DEVELOPER

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

Current regulation:

§ A676-10 Definitive plan.

B. Contents.

- (2) The definitive plan shall contain the following information:
- (o) Location and species of proposed trees and trees to be retained with trunks over four inches in diameter, measured 12 inches above the finished ground level, located within 20 feet of the street right-of-way line of existing or proposed streets.

Proposed change:

- (o) ~~(REMOVE) Location and species of proposed trees and trees to be retained with trunks over four inches in diameter, measured 12 inches above the finished ground level, located within 20 feet of the street right-of-way line of existing or proposed streets.~~ (ADD) All trees over 12 inches diameter (DBH), within the subdivision, shall be evaluated for health and structural integrity by a Certified Arborist, hired by the applicant and approved by the Planning Board. A report, prepared by the Certified Arborist, shall be utilized by the Design Engineer to minimize the number of such trees that would be removed in order to facilitate the design of the subdivision. The report shall be presented to the Planning Board when the Definitive Subdivision Plan is presented to the Planning Board.

Reason for change:

To reduce the number of mature trees removed without a valid reason for doing so.

Current regulation:

§ A676-10 Definitive plan.

I. Release of performance guarantee.

- (4) Prior to releasing the City's interest in a performance bond or deposit or covenant, the Planning Board shall receive from the applicant the following written statements of approval or 15 days shall elapse after the request for said approval without action:

Proposed change:

- (4) Prior to releasing the City's interest in a performance bond or deposit or covenant, the Planning Board shall receive from the applicant the following written statements of approval (ADD): ~~(REMOVE) or (ADD) 15 if days shall elapse (REMOVE) after the request (ADD) without having received the required letters for said approval (ADD) the Planning Board will take no action on the request: (REMOVE) without action:~~

Reason for change:

Clarity

Current Regulation:

§676-22 (Reserved) formerly Alternative Design Standards

Proposed change:

§676-22 (NEW) Tree Preservation and Protection Plan.

- A. The intent of the Tree Preservation and Protection Plan is to encourage the preservation and protection of trees during land clearing and subdivision layout. Locations of mature trees as noted in the required report submitted by a Certified Arborist shall be taken into consideration when designing the subdivision roadway layout. Trees are recognized for their abilities to mitigate heat island effects; provide shade cover; reduce energy consumption; improve air quality; reduce noise pollution; reduce topsoil erosion and storm water runoff; provide wildlife habitat; sequester carbon; enhance the quality of life and the environment of the city; increase property values; and enhance the overall appearance of the community. The Planning Board strongly encourages the preservation of existing significant vegetation and as such will not allow the total "clear cutting" of subdivision property as a convenience to the developer. No part of this tree preservation requirement shall discourage the removal of Hazardous Trees, an act which may be important to public health and safety.
- B. The Tree Preservation and Protection Plan shall show the existing conditions of the subdivision property, noting the size and type of all trees 12 inches in diameter or greater @ DBH along with the roadway right-of-way layout, all easement layout lines and zoning setbacks (rear, sides and front) and the limits of proposed grading within the lots that could adversely affect the health and viability of existing trees.
- C. After reviewing and taking into account the Certified Arborist's report the Tree Preservation and Protection plan shall be prepared to show the extent of tree removal and tree preservation for the proposed subdivision design. If feasible, shade trees 12 inches in diameter or greater @ DBH, located in the side and rear yard building setbacks for each individual lot depicted on the Definitive Plan, shall be retained. All trees that would be removed as part of the subdivision design would be noted as (REM.) for to be removed or as (RET.) for to be retained.

Current regulation:

§ A676-7 Adequate access.

B. Standards of adequacy.

Proposed change:

(ADD)

(3) Easement and fee interest. All land required for access to a subdivision must be held in fee by the Owner.

Reason for change:

Clarity.

Current regulation:

§ A676-12 Streets

B. Alignment

(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.

Proposed change:

(5) Property lines at street intersections shall have a radius (ADD) rounding (ADD) adequate to accommodate a commercial vehicle with a 40-foot wheelbase without being in conflict with the granite curbing or the centerline of the adjoining street.

Reason for change:

Defines "rounding" and adjusts the intersecting radius based on the new cross-section pavement widths.

Current Regulation (proposed):

§ A676-3 Plan believed not to require approval (ANR)

(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 and who believes that that their plan does not require approval under the Subdivision Control Law may submit 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

Proposed change:

(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 and who believes that that their plan does not require approval under the Subdivision Control Law may submit two single matte three mil mylar copies of their plan and application Form A (see Appendix A) to the Planning Board (ADD) along with all applicable fees (see Appendix K) accompanied by the necessary evidence to show that the plan does not require approval

Current Regulation (proposed):

§ A676-9 Preliminary plan.

A. General.

(2) A properly executed application Form B (see Appendix B) shall be filed with the preliminary plan submitted to the Planning Board (ADD) along with all applicable fees (see Appendix K). 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.

Proposed change:

(2) A properly executed application Form B (see Appendix B) shall be filed with the preliminary plan submitted to the Planning Board along with all applicable fees (see Appendix K). 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.

(ADD)

- (a) The applicant shall submit with Form B an Advertising/Mailing Deposit Fee as defined in Appendix K.
- (b) The applicant will receive an invoice statement for the required advertising/ mailing costs along with a check issued by the City of Marlborough for the unused balance of the Advertising/Mailing Deposit Fee.
- (c) Should additional funds be required to fully process the application, those funds must be paid before a Public Hearing can be scheduled.

Current Regulation (proposed):

§ A676-10 Definitive plan.

F. Public hearing.

- (1) Before taking any action to approve, modify and approve, or disapprove a definitive plan, the Planning Board shall hold a hearing at which parties in interest shall have an opportunity to be heard, in person or by agent or attorney. Notice of the time and place of such hearing and the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the City once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing, or if there is no such newspaper in such City, then by posting such notice in a conspicuous place in the City Hall for a period of not less than 14 days before the day of such hearing. Notice shall also be provided to property owners within 500 feet of the subdivision.

Proposed change:

(ADD)

- (a) The applicant shall submit with Form D an Advertising/Mailing Deposit Fee as defined in Appendix K.
- (b) The applicant will receive an invoice statement for the required advertising/ mailing costs along with a check issued by the City of Marlborough for the unused balance of the Advertising/Mailing Deposit Fee.
- (c) Should additional funds be required to fully process the application, those funds must be paid before a Public Hearing can be scheduled.

Reason for change.

The Planning Board is responsible for setting the Public Hearing, preparing the notices and mailing the notices. The developer is responsible for the costs associated with the Public Hearing notices and the notices to the abutters. Having the Planning Board administer the notices provide an assurance that the proper notification has been made.

APPENDIX K SUBDIVISION REGULATION FEE SCHEDULE

The Planning Board shall require fees for *all submissions, reviews, approvals, changes and requests as listed below*. ~~submission, review and approval of Approval Not Required Plans, Preliminary Subdivision Plans, and Inspections.~~ Said fees shall be as adopted by the Board and according to the Schedule of Fees posted in ~~(REMOVE) City Hall~~ ~~(ADD) DPW – Engineering Division~~ and available from the City Clerk's Office. Said fees shall be tendered at the times specified in the Schedule of Fees.

The Planning Board fees are established to cover all administrative costs borne by the City ~~(REMOVE) whether by City employees or by consultants.~~

~~(REMOVE) The fees cover application filing, public notices, and advertising for hearings, data collection, analysis, Department of Public Works review, Planning Department review, zoning and subdivision regulation compliance, legal review of covenants, establishing bonding amounts, review and filing of bonding instruments, issuing lot releases, field testing, and inspections of roadways and utilities under construction, administration of acceptance of streets, issuance of street names and numbers.~~

~~(ADD) Filing fee shall consist of a fixed application fee plus any variable proposed roadway fee supplemental fee listed below.~~

~~(ADD) Costs of public notices and advertising for hearings, including any processing and mailing costs, will be paid directly by applicant. Public Hearing Deposit Fees and Mailing Deposits Fees shall be collected and a copy of the paid invoices for advertising and mailing shall be delivered to the applicant along with a check from the City of Marlborough for the unused portion of the Deposit Fees.~~

INFORMAL DISCUSSION: No fees required.

APPROVAL NOT REQUIRED PLAN

~~(REMOVE) \$50.00 (ADD) \$100.00~~ filing fee, plus ~~(REMOVE) \$50.00 (ADD) \$100.00~~ for each lot ~~(REMOVE) described on the plan (ADD) altered and for each building lot created.~~

To be paid at the time of ~~(REMOVE) plan (ADD) complete application~~ submission.

<i>Application Fee:</i>	<i>\$100.00</i>
<i>Supplemental Fee:</i>	<i>\$50.00 for each lot altered</i>
	<i>\$50.00 for each lot created</i>
<i>Mailing Deposit Fee:</i>	<i>Equal to twice the current rate for first class mail*, for each property owner, for properties in whole or in part, within 100 feet of the proposed lot(s).</i>

* sufficient to mail one envelope and four sheets of paper – currently \$0.55

APPENDIX K
SUBDIVISION REGULATION FEE SCHEDULE

PRELIMINARY SUBDIVISION PLAN

(REMOVE) \$200.00 (ADD) \$400.00 filing fee plus (REMOVE) \$1.00 (ADD) \$2.00 per linear foot of proposed roadway

(REMOVE) Plus \$100.00 for advertising for public hearing, if held.

(REMOVE) Plus mailing costs.

To be paid at the time of (REMOVE) plan (ADD) complete application submission.

Application Fee: \$400.00

Supplemental Fee: \$2.00 per linear foot of proposed roadway

Mailing Deposit Fee: Equal to twice the current rate for first class mail, for properties in whole or in part, within 100 feet of the lots shown on the proposed Preliminary Plan.

DEFINITIVE SUBDIVISION SUBMISSION

(REMOVE) \$500.00 (ADD) \$1,000.00 filing fee plus (REMOVE) \$2.00 (ADD) \$3.00 per linear foot of proposed roadway less 80 percent (80%) of (REMOVE) all (ADD) the application and proposed roadway fees paid for preliminary subdivision plan if filed within seven (7) months of filing of preliminary plan.

(REMOVE) Plus \$100.00 for advertising for public hearing.

(REMOVE) Plus mailing costs.

To be paid at the time of (REMOVE) plan (ADD) complete application submission.

Application Fee: \$1,000.00

Supplemental Fee: \$3.00 per linear foot of proposed roadway

Public Hearing Deposit Fee: \$200.00**

Mailing Deposit Fee: Equal to twice the current rate for first class mail, for each property owner, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

** based on twice the advertising cost for two postings on the "Public Hearing Notice" form – currently \$99.84

CHANGES TO SUBDIVISION PLAN SUBSEQUENT TO APPROVAL

(REMOVE) \$200.00 (ADD) \$400.00 filing fee

(REMOVE) Plus \$100.00 for advertising for public hearing, if held.

(REMOVE) Plus mailing costs.

To be paid at the time of (REMOVE) plan (ADD) complete application submission.

Application Fee: \$400.00

Public Hearing Deposit Fee: \$200.00

Mailing Deposit Fee: \$1.00 for each property owner, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

(REMOVE) INSPECTION OF SUBDIVISION CONSTRUCTION

\$50.00 plus \$1.00 linear foot of proposed roadway.

To be paid after approval of subdivision plan and expiration of appeal period, but prior to signing of Definitive Plans by Planning Board.

APPENDIX K
SUBDIVISION REGULATION FEE SCHEDULE

LIMITED DEVELOPMENT SUBDIVISION

<i>Application Fee:</i>	<i>\$400.00***</i>
<i>Supplemental Fee:</i>	<i>\$50.00 for each lot proposed</i>
<i>Mailing Deposit Fee:</i>	<i>\$1.00 for each property owner, for properties in whole or in part, within 100 feet of the lots shown on the proposed Preliminary Plan.</i>

*** Application fee is equal to the Preliminary Subdivision Application Fee. A preliminary Plan is required to determine the number of lots that can be created by Special Permit, as if they were ANR lots (non-roadway subdivision). Supplemental Fee is equal to the ANR Supplemental Fee for each lot created.

OPEN SPACE DEVELOPMENT

<i>Application Fee:</i>	<i>\$1,400.00****</i>
<i>Supplemental Fee:</i>	<i>\$3.00 per linear foot of proposed roadway in final plan submission</i>
<i>Public Hearing Deposit Fee:</i>	<i>\$200.00</i>
<i>Mailing Deposit Fee:</i>	<i>\$1.00 for each property owner, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.</i>

**** Application fee is equal to the Preliminary Subdivision Application Fee and the Definitive Subdivision Application Fee. A preliminary Plan is required to determine the number of lots that can be created under conventional zoning to determine the number of lots to be allowed by Special Permit. Supplemental Fee is equal to the Definitive Supplemental Fee for each foot of roadway proposed.

(ADD) COMPLETION DATE EXTENSION

\$200.00 application fee

~~To be paid at the time of request.~~

(ADD) SCENIC ROAD REQUEST

Application Fee:	\$50.00 application fee
Public Hearing Deposit Fee:	\$200.00
Mailing Deposit Fee:	\$1.00 for each property owner, for properties in whole or in part, within 100 feet of the proposed work.

~~To be paid at the time of request.~~

(ADD) SIGN VARIANCE REQUEST

\$50.00 application fee

~~To be paid at the time of request.~~

SPECIAL STUDIES BY CONSULTANTS

All expenses in connection with any special consultant's study, (such as traffic, impact, ground water, or sub-surface study) considered necessary by the Planning Board shall be borne by the applicant in full and shall be in addition to the filing fee or paid directly to the consultant.

APPENDIX K
SUBDIVISION REGULATION FEE SCHEDULE

All fees are to be paid at the time of submission to the Planning Board.

All fees to be in the form of a check made payable to the City of Marlborough.

Current Regulation:

§ A676-10 Definitive plan.

D. Review by other City officials.

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

(3) Before the definitive plan is approved, the Planning Board will obtain written statements from the above officials that the proposed improvements are laid out to their satisfaction in the following respects (or, if 35 days have elapsed since transmittal of the definitive plan by the Clerk of the Planning Board to the officials without such written approval, approval will be assumed):

(a) The City Engineer as to street names and the City Solicitor as to the form of easements, covenants and performance guarantees.

(b) The Commissioner of Public Works as to the design of the street system, location of easements, monuments and drainage system.

(c) The Commissioner of Public Works as to the design of the water system and, if applicable, the sewage system.

(d) **(Reserved)**

Proposed change:

§ A676-10 Definitive plan.

D. Review by other City officials.

(2) One copy each to the City Solicitor for review of easement 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, the Postmaster and other city departments or agencies that the Planning Board deems necessary.

(3) Before the definitive plan is approved, the Planning Board will obtain written statements from the above officials that the proposed improvements are laid out to their satisfaction in the following respects (or, if 35 days have elapsed since transmittal of the definitive plan by the Clerk of the Planning Board to the officials without such written approval, approval will be assumed):

(a) The City Engineer as to street names and the City Solicitor as to the form of easements, covenants and performance guarantees.

(b) The Commissioner of Public Works as to the design of the street system, location of easements, monuments and drainage system.

(c) The Commissioner of Public Works as to the design of the water system and, if applicable, the sewage system.

(d) (Reserved) (ADD) The Postmaster as to the locations of the mailboxes.

Reason for Change.

Clarity.

REQUEST FOR MODIFICATION OF ACTION BY THE PLANNING BOARD

*File one completed form with the Planning Board and one copy
with the City Clerk in accordance with the requirements of §A676-10.*

Marlborough, Massachusetts

(Date)

To the Marlborough Planning Board:

I the undersigned, herewith submits a request for the modification to the Approval of a Definitive Subdivision Plan, as allowed under the Subdivision Control Law and the Rules and Regulations governing the Subdivision of Land of the Planning Board in the City of Marlborough.

The modification request(s) is for the following:

- ☐ Modification of time to complete subdivision
- ☐ Modification of the Performance Guarantee
 - ☐ Covenant to Surety amount to complete subdivision
 - ☐ Surety amount to complete subdivision
- ☐ Start of One-year Maintenance Period

Subdivision: _____

Approval Date: _____ Expiration of Approval Date: _____

Performance Guarantee: ☐ Covenant ☐ Expiration Date: _____
☐ Surety Amount: _____

List any previous modifications to approval, time extensions and Performance Guarantee:

_____ modification to:	_____ description of action taken
_____ modification to:	_____ description of action taken
_____ modification to:	_____ description of action taken
_____ modification to:	_____ description of action taken

Attach the following items to the Request for Modification:

- Letter from Code Enforcement – property is free from blight.
- Letter from Tax Collector – property is free from tax liens.
- Letter from Auditor – owner/developer/contractors are free of outstanding warrants.
- Construction Schedule, showing a completed item timeline and a proposed timeline.

Name of Developer/Owner: _____

Signature

APPLICATION FOR A SCENIC ROAD HEARING

*File one completed form with the Planning Board and then file a copy
with the City Clerk in accordance with the requirements of §497 Scenic Roads.*

Marlborough, Massachusetts

*Note: Use as many sheets as necessary to fully describe
the intended work and the properties affected.*

(Date)

To the Marlborough Planning Board:

The undersigned, request consent from the Planning Board to undertake the following work on the following scenic road in accordance with Massachusetts General Law 405, Section 15C and Marlborough City Council Order No. 92-4365A:

SCENIC ROAD LIST – CITY OF MARLBOROUGH

- | | | |
|---|---|---|
| <input type="checkbox"/> ASH STREET | <input type="checkbox"/> ELM STREET | <input type="checkbox"/> ROBINHILL STREET |
| <input type="checkbox"/> BEACH STREET | <input type="checkbox"/> FARM ROAD | <input type="checkbox"/> SPOONHILL AVENUE |
| <input type="checkbox"/> BERLIN ROAD | <input type="checkbox"/> FITCHBURG STREET | <input type="checkbox"/> STEVENS STREET |
| <input type="checkbox"/> BIGELOW STREET | <input type="checkbox"/> FRAMINGHAM ROAD | <input type="checkbox"/> STOW ROAD |
| <input type="checkbox"/> BRIGHAM STREET | <input type="checkbox"/> HEMENWAY STREET | <input type="checkbox"/> SUDBURY STREET |
| <input type="checkbox"/> CHURCH STREET | <input type="checkbox"/> HEMENWAY STREET EXT. | <input type="checkbox"/> WAYSIDE INN ROAD |
| <input type="checkbox"/> CLOVERHILL STREET | <input type="checkbox"/> HOSMER STREET | <input type="checkbox"/> WEST HILL ROAD |
| <input type="checkbox"/> CONCORD ROAD | <input type="checkbox"/> MILLHAM STREET | <input type="checkbox"/> WESTBORO ROAD |
| <input type="checkbox"/> DUDLEY STREET | <input type="checkbox"/> PARMENTER STREET | |
| <input type="checkbox"/> EAST DUDLEY STREET | <input type="checkbox"/> PLEASANT STREET | |

Specific location: _____

for the purpose of:

- | | |
|--|---|
| <input type="checkbox"/> Roadway repair | <input type="checkbox"/> Roadway reconstruction |
| <input type="checkbox"/> Roadway maintenance | <input type="checkbox"/> Roadway paving work |

that will involve the following actions:

- ☐ Cutting or removal of trees within the roadway layout
☐ Tearing down of stone walls, or portions thereof

1. Name of Applicant: _____

Address: _____

Email: _____ Telephone: _____

2. Property address, description of work taking place on the property. Map: _____ Parcel: _____

3. List the property owners and the properties, in whole or in part, within 100 feet of the proposed action:

Owners

Property Address

This image shows a blank sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Use additional paper as required to complete this application.

Required Fees

- ☐ Application Fee: \$50.00 (non-refundable)

Public Hearing Deposit Fees:

- ☐ Advertising Fee: \$200.00
- ☐ Mailing Fee: Equal to twice the current rate for first class mail, for each property owner, for properties in whole or in part, within 100 feet of the proposed lot(s).

Total Application Deposit Fee received: \$

Received by: _____

Planning Board Administrator

Applicant will receive an invoice statement for the required advertising costs and the required mailing costs along with a check issued by the City of Marlborough for the unused balance of the Advertising Fee and the Mailing Fee.

Fees for the City of Marlborough are waived at time of application.

The dates for the Public Hearing will be set at the next Planning Board meeting following receipt of this application.

Signature of Owner

Signature of Applicant

Print

Print

Address: _____

Address: _____