

## CITY OF MARLBOROUGH MEETING POSTING

Meeting: **Planning Board**  
Date: **April 5, 2021**  
Time: **7:00 PM**  
Location: **REMOTE MEETING NOTICE**

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CITY OF MARLBOROUGH

2021 APR -1 P 2:17

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, April 5, 2021 at 7:00 pm. The public may access the meeting by clicking on the link provided in the Planning Board calendar on the Planning Board Website <https://www.marlbrough-ma.gov/planning-board> or by dialing in (audio only) using the following phone number and conference ID : [+1 617-433-9462](tel:+16174339462) United States, Boston (Toll) Conference ID: 367 860 315#

Agenda Items to be Addressed:

1. **Draft Meeting Minutes**
  - A. March 8, 2021 (Pending)
2. **Chair's Business (None)**
3. **Approval Not Required (None)**
4. **Public Hearings**
  - A. Proposed Zoning Amendment to Chapter 650 to amend Section 33 the Results Way Mixed-Use Overlay District (RMUOD). Representative: Peter Tamm, Goulston & Storrs.
5. **Subdivision Progress Reports**
  - A. City Engineer's Report
6. **Preliminary/Open Space /Limited Development Subdivision (None)**
7. **Definitive Subdivision Submissions (None)**
8. **Signs**
  - A. Sign Variance Application, 191-237 Boston Post Road West Marlborough, MA 01752  
Representative: Michael Brangwynne, Fletcher Tilton PC
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**
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 22, 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. March 08, 2021

On a motion by Mr. Elder, seconded by Mr. Fay, the Board voted to accept and file the March 08, 2021 meeting minutes. Yea: Elder, Fay, Hodge, LaVenture, and Fenby. Nay: 0. Motion carried. (Russ had video difficulties and did not vote.)

**2. Chair's Business**

A. Conflict of Interest Law for Board Members- Action Required by April 1, 2021

Dr. Fenby reminded all Board members that they have received it in their packages and should sign and send the acknowledgement to Krista and to the City Clerk.

The City Legal Department has set up a fifteen-minute remote webinar on tips for city board and commission members conducting remote public meetings. It was useful and will be available online for Board members to review.

**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
  - i. Rules and Regulations – Continued Recommendations

Mr. LaVenture provided an update to the Board on the Working Group's most recent meeting on March 17, 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:

**§ 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, the plural includes the singular, 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.

Discussion ensued regarding the best definition of Developer. Mr. Fay suggested:

**“The person who invests in and improves the urban and suburban potentiality of real estate and is ultimately responsible for all obligations under these Rules and Regulations and for completing the proposed subdivision and the proposed utilities and roadways.”**

**Reason for addition and change:**

Clarity

**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.

Mr. Fay noted that Design Engineer should not be capitalized.

**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

The Board thought the wording was awkward. Mr. LaVenture said the working group would reconsider and represent at the next Board meeting.

**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.

Mr. LaVenture explained that Mr. Russ had proposed a new sheet in the Detailed Design plan called Tree Preservation and Protection. The working groups intent is to preserve and protect trees giving new subdivisions a more mature look and feel.

Mr. Fay asked if there was a definition for 'hazardous tree' and how grading would fit in? City Engineer DiPersio noted that this was a substantial tool for the Board. It declares our intent and provides developers a starting place for a discussion with the Board. He added it was on the developer to convince the Board that preservation was infeasible. Mr. Fay added that the intent should be to preserve the largest number of mature trees as possible.

Mr. LaVenture noted that Mr. Russ wished to include language specifically calling out 24-inch trees. The working group will discuss this at its 24 March meeting.

**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.

Mr. Fay requested addition of language to make the requirement read:

**“All land required for access to a subdivision and all proposed lots depicted on the Definitive Plan must be held in fee by the Owner.”**

**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 (defined by AASHTO as WB-40) 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.

Mr. Fay asked if this would vary vehicle to vehicle and would be open to interpretation. City Engineer DiPersio replied it did and there was an engineering standard. Mr. Fay asked if that could be added.

**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.~~

***Application Fee:*** \$100.00

***Supplemental Fee:*** \$50.00 for each lot altered  
\$50.00 for each lot created

***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 100 feet of the proposed lot(s).

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

#### **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.~~

#### **LIMITED DEVELOPMENT SUBDIVISION**

***Application Fee:*** ***\$400.00\*\*\****

***Supplemental Fee:*** ***\$50.00 for each lot proposed***

***Mailing Deposit Fee:*** ***\$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.***

\*\*\* 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**

***Application Fee:*** ***\$1,400.00\*\*\*\****

***Supplemental Fee:*** ***\$3.00 per linear foot of proposed roadway in final plan submission***

***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.***

\*\*\*\* 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.

*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.

Mr. LaVenture noted that the working group recommends changing the shown proposed mailing rate wording of "twice the current rate" to 'the then in force mailing rate' for all Mailing Deposit Fee requirements. This would preclude needing to change the rate as rates rise.

Mr. Fay noted that since two (2) public hearings would be required for the Open Space Subdivision the proposed language might best be split out.

**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.

Mr. LaVenture noted that while the working group was still discussing mailbox placement, Assistant City Engineer Collins had reached out to the Marlborough Postmaster and we have added the Postmaster to allow comment.

## 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  
☐ Surety

☐ Expiration Date: \_\_\_\_\_  
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

Mr. Fay asked that “is free from tax liens” be changed to ‘taxes have all been paid in full to date’.

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

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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Owners

Property Address

[illegible]

## Required Fees

- Public Hearing Deposit Fees:

- Total Application Deposit Fee received:

\$

Planning Board Administrator

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

\_\_\_\_\_  
Print

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Print

Address: \_\_\_\_\_

\_\_\_\_\_

Mr. Fay noted that the MGL citation should be changed from “405” to ‘40’.

City Engineer DiPersio added that the Planning Boards of some other municipalities hold hearing over driveway cuts and stonewall of they are disturbed.

Mr. Fay requested that the working group ask Assistant City Solicitor Piques review the finding letter that former City Solicitor wrote to the Board.

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

**11. Calendar Updates (None)**

**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

**CITY OF MARLBOROUGH  
PLANNING BOARD**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

**LEGAL NOTICE**

2021 MAR 17 P 6:03

**Public Hearing –Proposed Zoning Amendment to Chapter 650 to amend Section 33 the Results Way Mixed Use Overlay District (RMUOD).**

Notice is hereby given that the City of Marlborough Planning Board will hold a Public Hearing on **Monday, April 5, 2021 at 7:00 PM** to amend Chapter 650 §33 Results Way Mixed Use Overlay District.

**PLEASE NOTE:** Due to the Covid-19 pandemic and State of Emergency in Massachusetts, this hearing will be conducted by remote participation. Instructions on how to participate will be posted on the Planning Board agenda found on the Planning Board page at <https://www.marlbrough-ma.gov/planning-board>. Any questions, please contact the Office of the Planning Board.

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:

**Chapter 650 §33 – Results Way Mixed Use Overlay District**

**A. Purpose and objectives.**

- (1) The Results Way Mixed Use Overlay District (herein, also RWMUOD) allows the application of supplemental land use controls within the boundaries of a certain overlay district, subject to City Council approval (Hereinafter any reference to City approval shall be deemed to mean approval by the City Council.) as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the Results Way Mixed Used Overlay District are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare by promoting integrated, pedestrian-friendly, mixed use development to allow for the development of housing, retail and workplaces within close proximity of each other consistent with the stated economic development objectives of the City (collectively, herein mixed use developments or MUD).
- (2) For the purposes of this section, the RWMUOD shall be superimposed on the other districts existing at the time that any land in any said underlying district is also included in the RWMUOD. The RWMUOD is adjacent to Simarano Drive ~~to the west, and~~ Forest Street ~~to the north, and Puritan Way and Results Way to the east~~ as indicated on the City Zoning Map and more particularly described in Exhibit A annexed hereto and incorporated by reference herein.<sup>1</sup>

- (3) For the purposes of the Zoning Ordinance, a mixed use development or MUD shall include any eligible use set forth in Subsection E, below, which may be commingled into a single structure or structures with other eligible uses or may be located in separate structures on the site subject to any restrictions and/or limitations set forth in the development agreement described in Subsection C(2) below. Accordingly, mixed use developments shall benefit the public health, safety and welfare through the sharing of parking lots and driveway curb cuts to minimize the amount of impervious paved parking areas, to reduce traffic congestion, to reduce automobile trips, and accordingly to improve air quality.

B. Authority of permit granting authority.

- (1) The City Council shall be the permit granting authority for special permit and site plan approval in the RWMUOD. In all instances, a development which proceeds under the RWMUOD overlay is subject to site plan approval in accordance with § 270-2 of the Marlborough City Code, with the exception that the City Council shall be the permit granting authority for special permit and site plan approval in the RWMUOD.
- (2) The City Council may elect to vary the dimensional and parking requirements of this section by special permit if, in its opinion, such change shall result in a substantially improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.

C. Master concept plan; development agreement. ~~The~~A property owner/developer ~~of~~within the RWMUOD shall, prior to or simultaneously with the first application for approval of a site plan and/or special permit for a MUD within the RWMUOD, file the following with the City Council for approval:

- (1) Master concept plan.
  - (a) A master concept plan (master plan) which shall in a general manner show:
    - [1] The location and areas of proposed development;
    - [2] Proposed open space (usable or natural);
    - [3] Proposed site access curb cuts off of Simarano Drive and Forest Street; and
    - [4] Proposed building envelope(s) where construction is anticipated to occur (excluding internal site driveways).
  - (b) A table showing approximate acres and calculations of the following:
    - [1] Total land area of each development area (building envelope area);
    - [2] Total development limitations, if any, of uses in any developable area;
    - [3] Total maximum development (square footage/use limitations); and
    - [4] Approximate number of parking spaces ~~for the entire RWMUOD District.~~
  - (c) The master plan shall be approved by a super majority (2/ 3) vote of the City Council at a public meeting and shall thereafter become the general development plan governing development at the ~~RWMUOD~~MUD. The master plan may be amended from time to time by a super majority vote (2/3) of the City Council by application from the property owner/developer to reflect changing development conditions.

(2) A development agreement in recordable form binding upon the developer/property owner.

(a) The development agreement shall be approved by a super majority (2/3) vote of the City Council prior to the issuances of the first permit/site plan approval for development within the ~~RWMUOD~~MUD, which shall contain, without limitation:

- [1] Required mitigation (including traffic demand management initiatives) to address the impacts arising out of the use and occupancy of the proposed project, or if at the time of execution such impacts are not known, the methodology for assessing and addressing such impacts as the development of the ~~RWMUOD~~MUD progresses.
- [2] Restrictions on development areas and such other development limitations as may be agreed upon.
- [3] Proposed phasing of the development of the ~~RWMUOD~~MUD.
- [4] Obligations with respect to pedestrian and vehicular interconnectivity within the ~~RWMUOD~~MUD to facilitate pedestrian access and parking efficiencies.
- [5] The authority of the City Council to retain the necessary professionals to assist in its review of development applications.
- [6] An agreement by the property owner/developer of the residential component of the property to make a onetime financial contribution to the City per residential unit developed at the ~~RWMUOD~~MUD for which a building permit is issued. This payment shall be due at the time of the issuance of the building permit for the unit(s). This amount is to be used by the City acting by and through the City Council to assist in the identification and implementation of zoning, economic and other strategies to foster professional, retail and commercial development initiatives as well as the development of affordable housing which may include, without limitation, the preparation of a housing production plan in accordance with the rules and regulations of the Massachusetts Department of Housing and Community Development (760 CMR 56.03(4)) and the funding of the implementation of the goals and objectives set forth in such plan.

(b) The development agreement shall govern the implementation of the master plan and development at the MUD.

(c) Notwithstanding anything contained in any current or future development agreement to the contrary, each development agreement shall only apply to the applicable MUD and shall not govern any development of other MUDs within the RWMUOD.

D. Exclusivity/control. Except as specifically provided herein, uses and provisions of Article V of Chapter 650 (Zoning) relating to the underlying zoning district not otherwise impacted by this section (§ 650-33 et seq.) shall continue to remain in full force and effect; provided, however, that the City Council shall be the special permit granting and site plan approval authority, if applicable. This section (§ 650-33 et seq.) of the Zoning Ordinance exclusively controls the establishment, development, and design of any MUD undertaken in the RWMUOD and supersedes any other provision of the Zoning Ordinance (except the provisions of the Water Supply Protection District, provided that the maximum total impervious surface coverage for the RWMUD shall be 60% calculated on the entire land area of the ~~RWMUOD~~each MUD and not on an individual lot basis). In the event of any conflict between the provisions of this section (§ 650-33 et seq.) and any other provision of the Zoning Ordinance, the provisions of this section shall govern and control.



E. Eligible uses. Except as specifically set forth below, all uses permitted in the Industrial and Limited Industrial Districts either as of right or by special permit in accordance with § 650-17 of the Zoning Ordinance are permitted in the RWMUOD. If a use requires a special permit under § 650-17, Table of Use Regulations, such use shall continue to require a special permit under this section.

(1) The following additional uses are also permitted by right in the RWMUOD:

- (a) Research and experimental labs (33). (NOTE: Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for Uses, as noted in § 650-17, Table of Use Regulations.) Research and development includes, without limitation, laboratories engaged in research, experimental and testing activities, including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, pharmaceuticals, medicine and physics.
- (b) Medical office and diagnostic medical laboratories appurtenant to offices of physicians and dentists.
- (c) Associated/accessory research uses (35). (NOTE: Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for Uses, as noted in § 650-17, Table of Use Regulations.)
- (d) Advanced manufacturing, which shall include high technology manufacturing, such as, but not limited to, laser technology, robotics, nanotechnology and computer-associated design and software development.
- (e) Multifamily dwelling: up to ~~350 dwelling units within the entire RWMUOD Zoning District~~the maximum amounts set forth on Exhibit A including, without limitation, age-restricted dwelling units.
- (f) Retail sales and services: up to ~~75,000 square feet of total gross floor area; up to 10,000 square feet of gross floor area per establishment~~the maximum amounts set forth on Exhibit A.
- (g) Hotels and motels.
- (h) Hotels with conference facilities and commercial uses.
- (i) Car parking lots, garages: a structure or a group of structures that facilitate the parking of vehicles at ground level, above or below grade and shall include area for the parking of vehicles at, above and/or below grade under a building or otherwise integrated into another structure.
- (j) Consumer service establishments complementary to the other principal uses at the property.
- (k) Restaurant, cafe with or without table service (including outside seating and service).
- (l) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities.
- (m) Self-service laundry.
- (n) Dry cleaning (pickup and dropoff only).

(2) The following additional uses are also permitted by special permit in the RWMUOD:

- (a) Multifamily dwelling — more than ~~350 dwelling units within the entire RWMUOD Zoning District~~the maximum amounts set forth on Exhibit A including, without limitation, age-restricted dwelling units.
- (b) Drive-through facilities associated with retail (e.g. banks; pharmacies) and food services.

(3) The foregoing subsections notwithstanding, the uses set forth as follows are expressly prohibited in the RWMUOD:

- (a) Adult entertainment, including an adult bookstore, video store, paraphernalia store, movie theater, or live entertainment establishment.
- (b) Tattoo and body piercing parlors and shops.

- (c) Dye works.
  - (d) Biosafety Level 4 laboratories, as defined by the United States Center for Disease Control and Prevention.
  - (e) Establishments for construction in such services as, but not limited to, building, building maintenance, plumbing, landscaping, electrical, masonry, carpentry, well drilling.
  - (f) Electroplating, metal finishing except by special permit as an accessory use to an otherwise permitted principal use.
  - (g) Hazardous and toxic chemical manufacturing, except in accordance with applicable state and federal regulations.
  - (h) Trucking terminal and distribution center.
  - (i) Automotive sales and/or service.
  - (j) Retail gasoline, oil and lubrication stations.
  - (k) Commercial bakeries.
  - (l) On-site sales and rental of heavy machinery and vehicles.
  - (m) Laundry and dry cleaning establishment, except dropoff and pickup operations and facilities designed to service residents of multifamily dwelling.
  - (n) Any activity or use directly or indirectly involving, without limitation, the dispensing, use, sale, growing, storage or transportation of medical marijuana, including any medical marijuana treatment center.
  - (o) Any on-site facility or clinic devoted to the treatment of substance addiction, including any narcotic detoxification and/or maintenance facility.
- F. Dimensional requirements. The RWMUOD shall be subject to the dimensional standards in accordance with Article VII of the Marlborough Zoning Ordinance with the following exceptions:
- (1) The RWMUOD shall consist of one or more lots. There is no minimum acreage requirement for a lot to be a part of the Results Way Mixed Use Overlay District.
  - (2) Minimum lot frontage measurement shall be no less than 50 feet for any lot wholly located within the boundaries of the RWMUOD.
  - (3) Minimum front yard measurement shall be no less than 30 feet for any lot wholly located within boundaries of a RWMUOD.
  - (4) No less than 15 feet shall separate the structural side wall of any two or more MUD structures. No less than 15 feet shall separate any area behind and/or between structures, and fire suppression vehicles shall have clear and adequate access to all structures.
  - (5) Maximum building height in RWMUOD shall not exceed 80 feet, provided that:
    - (a) Residential structures shall not exceed 70 feet; and
    - (b) No structure located within 120 feet from the center line of Forest Street shall exceed 50 feet.
  - (6) Maximum lot coverage shall be calculated on the entire land area of the ~~RWMUOD~~MUD and not on an individual lot basis, and shall not exceed 60% of the total area of the ~~RWMUOD~~MUD.
- G. Parking and curb cut requirements. Except as otherwise provided in this section, parking and circulation requirements shall conform to the provisions of §§ 650-48 and 650-49 of the Zoning Ordinance.

- (1) General. In the RWMUOD adequate off-street parking shall be provided. The City Council and the applicant shall have as a goal for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the City Council shall consider complementary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in permitted reductions in the parking requirements.
- (2) Parking locations. Parking may be provided at ground level, underground or in a parking garage. Parking garages can be freestanding or as part of buildings dedicated to other permitted uses.
- (3) Parking spaces for each dwelling unit. There shall be a minimum of 1.5 parking spaces for each dwelling unit.
- (4) Granting of relief from parking regulations. The City Council may waive any of the foregoing requirements or the requirements of § 650-48 if it makes a finding that to do so will enhance the overall design of the RWMUOD.

#### H. Signage.

- (1) Except as otherwise provided in this mixed use section, signage shall conform to the provisions of Chapter 526 of the Marlborough City Code, the Sign Ordinance.
- (2) Granting of relief from signage regulations. The City Council may waive any of the requirements of the Sign Ordinance if it makes a finding that to do so will enhance the overall design of the RWMUOD.

#### I. Application.

- (1) An application for a special permit for a use in the mixed use development in the RWMUOD shall comply with the requirements of § 650-59 et seq. of the Zoning Ordinance. In the matter of a site plan approval, the application shall comply with the requirements of the City Code, Chapter 270, Article II, Permits and Approvals, § 270-2 et seq.
- (2) The City Council in connection with a special permit and/or site plan application shall review such applications with respect to the following design criteria:
  - (a) Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;
  - (b) Street facade and exterior walls visible from public ways;
  - (c) Public space;
  - (d) Scale of buildings; and
  - (e) External lighting.
- (3) Concurrent with any public hearing/meeting associated with a special permit and/or site plan filing, the applicant shall make a presentation to the City Council to present the proposed architectural design and shall consider the comments and input from the City Council. A final building elevation shall be submitted prior to the close of the public hearing/meeting.

J. Standards for roadways and drainage.

- (1) Roadways. Internal RWMUOD roadways shall be private ways and shall be maintained by the owners/developers of the RWMUOD and portions thereof. Private ways within the RWMUOD, to the extent feasible, shall be constructed using the methods and materials prescribed in the Rules and Regulations for the Subdivision of Land in the City, but shall not be required to conform to the dimensional requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners.
- (2) Stormwater management system. ~~The~~Each MUD within the RWMUOD shall have a stormwater management system designed in accordance with the applicable Rules and Regulations for the Subdivision of Land in the City and the Department of Environmental Protection's Storm Water Management Guidelines, as amended.

- K. Amendments. After approval, ~~the~~an owner/developer may seek amendments to the approved permits. Minor amendments to a special permit and major or minor amendments to a site plan approval may be made by a super majority (2/3) vote of the City Council. It shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested amendment is deemed to be a major amendment or a minor one. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce more than a material increase in impact on City services, the environment or the neighborhood. If it is determined that revisions to a special permit are not minor, per § 650-59 of the Zoning Ordinance, an application for a revised special permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Subsection C(3)(f) of § 650-59.

### **EXHIBIT A – CHAPTER 650 §33**

The RWMUOD shall comprise two separate subdistricts, as described below. Within each subdistrict, one MUD shall be permitted, which shall be subject to a separate development agreement and master plan, and which may contain up to the maximum number of units of multifamily dwellings and gross floor area of retail sales and services uses set forth below.

		<u><b>Included Parcels</b></u> <u><b>[NOTE: To be confirmed by Assessor].</b></u>	<u><b>Total number of dwelling units permitted as-of-right (subject to site plan approval as set forth herein)</b></u>	<u><b>Total gross floor area of retail sales and services uses allowed</b></u>
<u><b>RWMUOD Subdistrict 1</b></u>	<ul style="list-style-type: none"><li>• <u>PID# 100-1</u></li><li>• <u>PID# 100-1B</u></li><li>• <u>PID #100-2</u></li><li>• <u>PID #100-3</u></li><li>• <u>PID #100-1A</u></li><li>• <u>PID #101-2B</u></li></ul>	<ul style="list-style-type: none"><li>• <u>350 dwelling units as-of-right</u></li></ul>	<ul style="list-style-type: none"><li>• <u>75,000 square feet of total gross floor area (up to 10,000 square feet of gross floor area per establishment)</u></li></ul>	
<u><b>RWMUOD Subdistrict 2</b></u>	<ul style="list-style-type: none"><li>• <u>PID #100-19</u></li><li>• <u>PID #111-1</u></li><li>• <u>PID #111-2</u></li></ul>	<ul style="list-style-type: none"><li>• <u>100 dwelling units as-of-right</u></li></ul>	<ul style="list-style-type: none"><li>• <u>75,000 square feet of total gross floor area (up to 10,000 square feet of gross floor area per establishment)</u></li></ul>	

*Per Order of the City Council*  
#21-1008216

This Legal Advertisement will be published on [www.wickedlocal.com](http://www.wickedlocal.com) and <http://masspublicnotices.org>.



The Campus At Marlborough  
Marlborough Planning Board  
Zoning Public Hearing - April 5, 2021





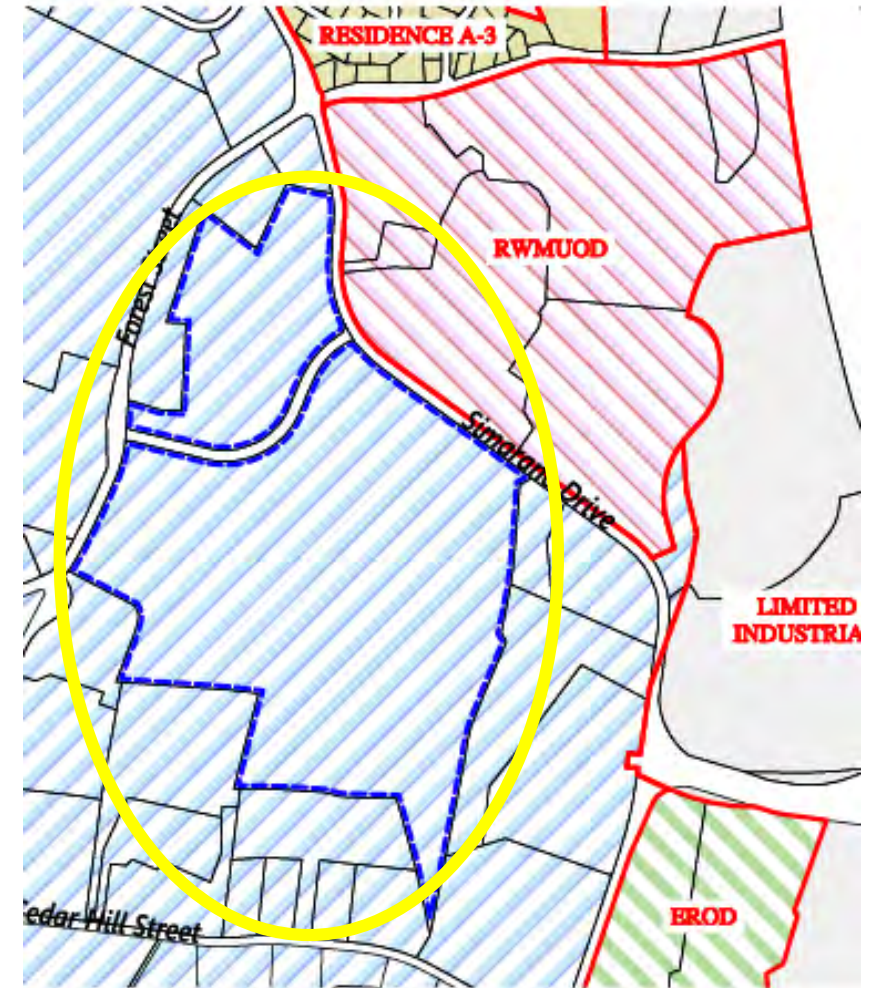
# Who we are...



- Boston based real estate investment management and development firm
- Over 1,000,000 SF owned/under development
- Focus on Class A office and laboratory markets
- Acquired The Campus at Marlborough in June 2020

## Site

- Approximately 121-acre site
- Composed of 2 parcels divided by Martinangelo Drive
- Currently zoned Industrial (“I”)



# Existing Improvements

- Office complex of 4 buildings
  - totaling ~530,000 SF
  - ~1,500 surface parking spaces
- Accessed by Campus Drive
- Rest of site is vacant
- “Phase 2” plan remains unrealized





## Existing “Phase 2” Approval

- 2005 Site Plan Approval remains valid for Phase 2:
  - ~650,000 SF of additional office
  - ~2,500 new parking spaces
- Thus far, market factors have prevented completion of this plan





# New Mixed-Use Master Plan





# New Mixed-Use Master Plan

Strengthen **Office** with **New Mix**:

- **Central Square:**

- Activate site with public amenities
- Dining, café and recreation options

- **Bio-Ring:**

- Introduce life science, technology and biomanufacturing uses

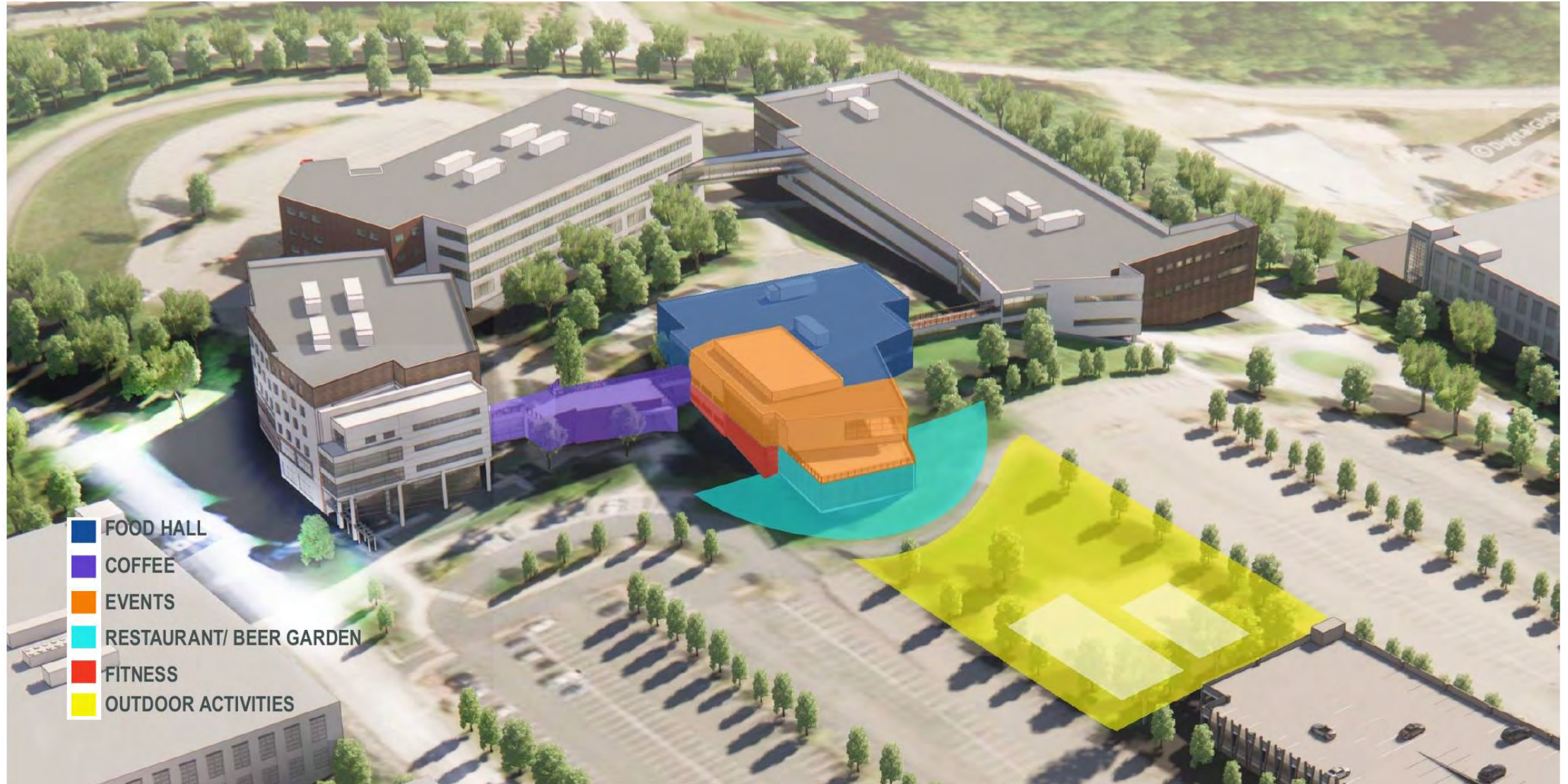
- **Townhomes:**

- Complimentary use
- No more than 100 units



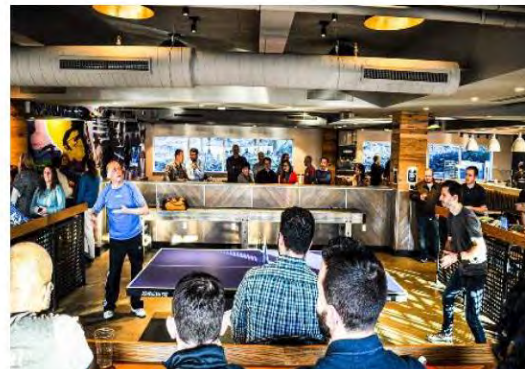


# Mixed-Use Master Plan: Central Square





# Vision: Active Central Square

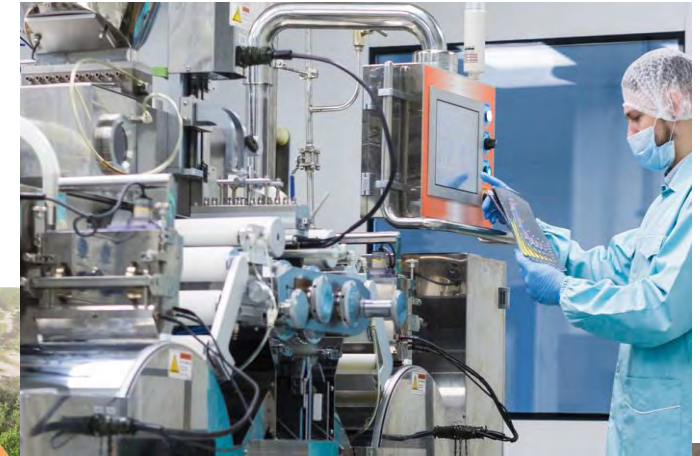




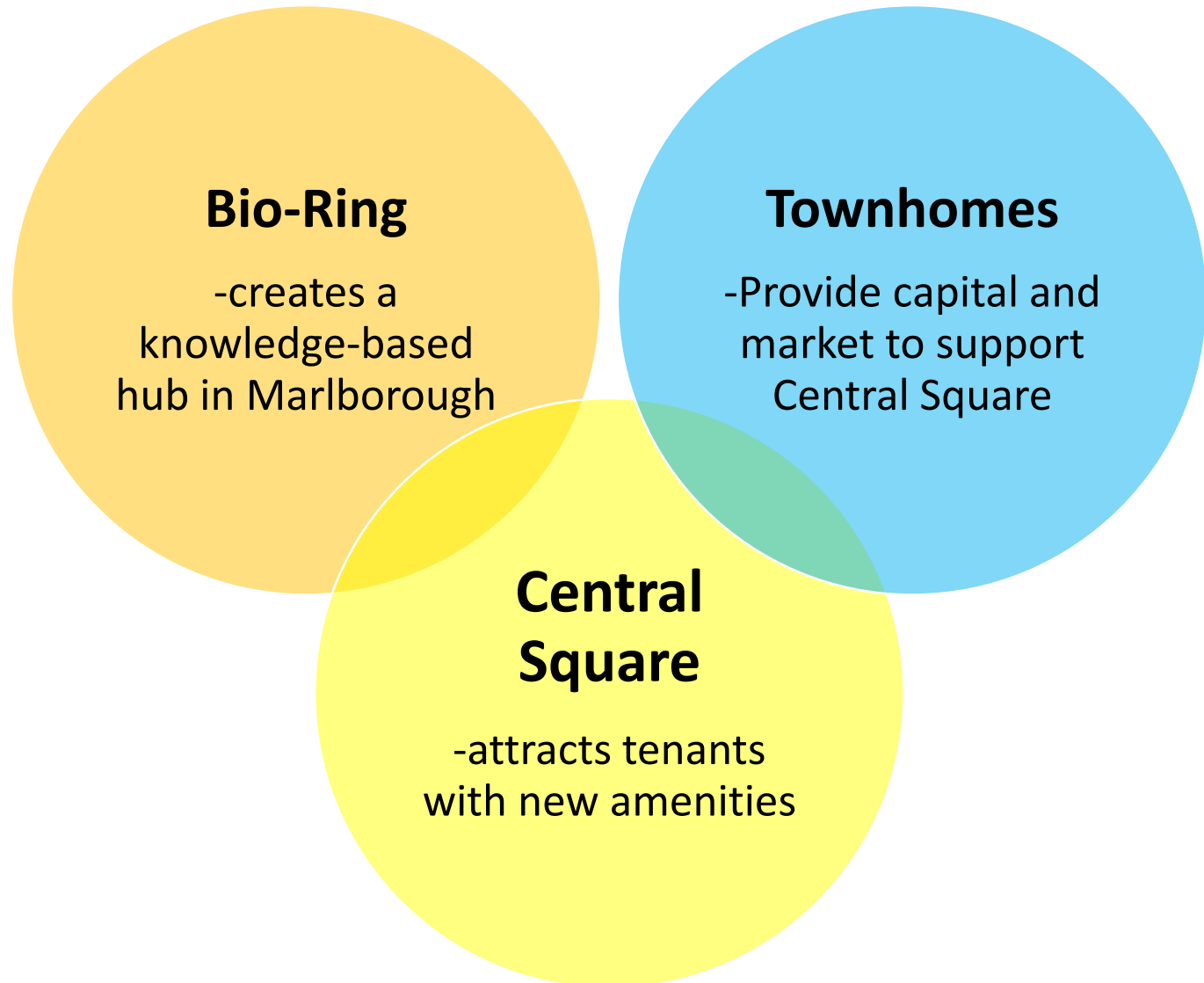
# Mixed-Use Master Plan: Bio-Ring

## Good Manufacturing Practice (“GMP”) Facilities:

- For clinical trials and manufacture of pharmaceutical products
- Includes manufacturing, warehouse, and lab areas
- In compliance with FDA regulations
- Supported by a broad-based workforce



Mixed-Use =  
Master Plan  
Success





# Approvals Process

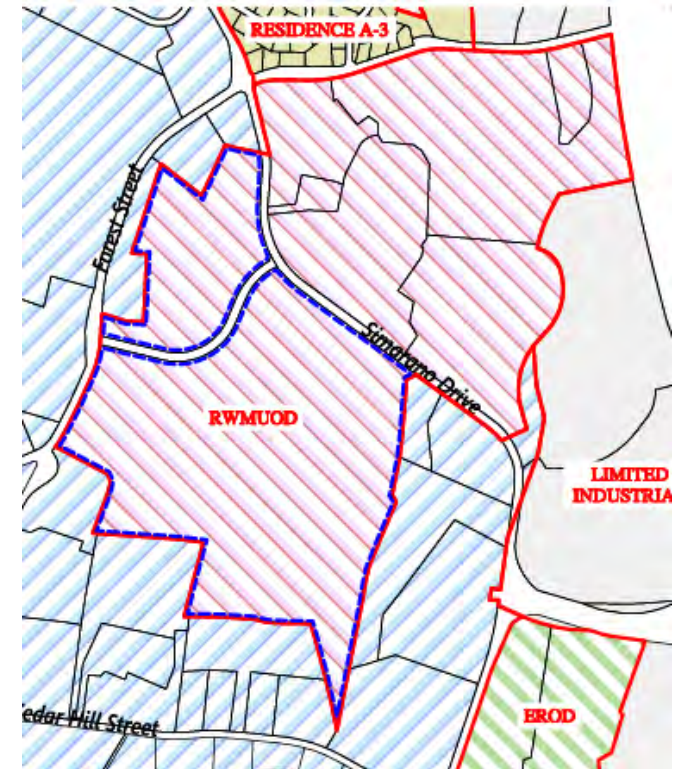
1. Zoning Amendment
2. Master Plan Approval
3. Development Agreement
4. Site Plan Approval



# Approvals Process: Zoning

RWMUOD Map and Text Amendments require:

1. Planning Board Recommendation
2. Urban Affairs Committee Review
3. City Council Approval



# Approvals Process: Master Plan

- City Council approves building envelopes, driveways, access and open space
- Designates locations of uses on Master Plan





# Approvals Process: Development Agreement

- Governs implementation of master plan and development of the project
- Contains project-wide mitigation requirements
- Allows the City Council to impose limits on the project



# Approvals Process: Site Plan Approval

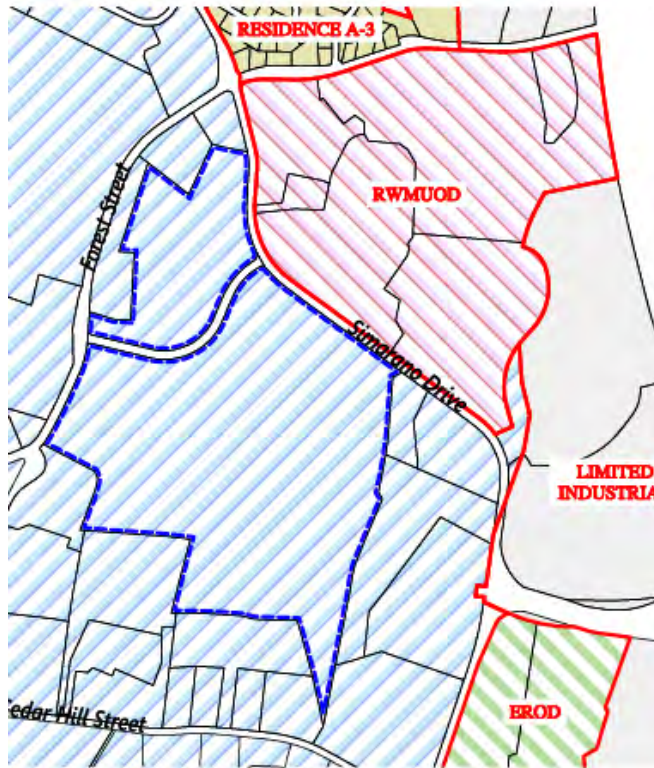
- Site Plan Review Committee review and recommendations
- City Council review of each proposed component of the project, including review of:
  - urban design,
  - building layout and operations,
  - traffic and ped improvements,
  - utilities, drainage, etc.



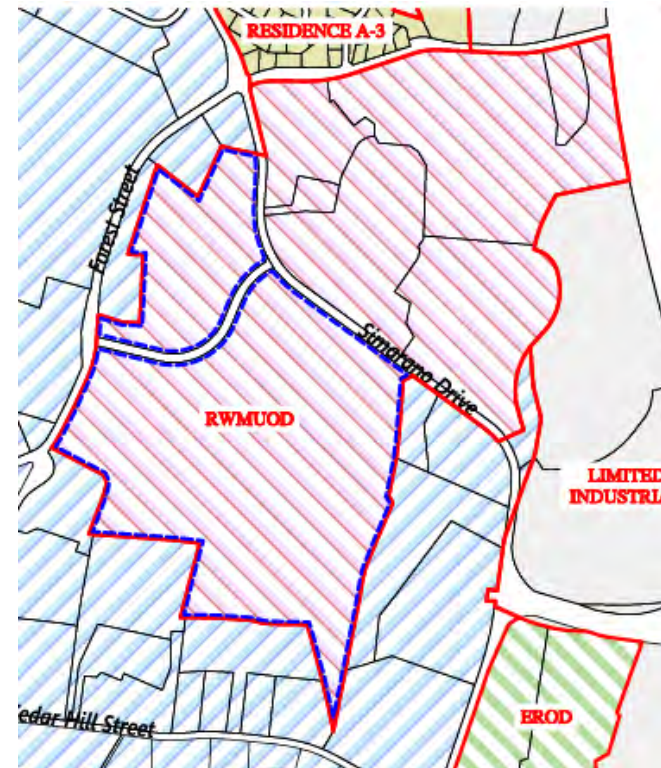


# Proposed Extension of RWMUOD

**Existing Zoning: Industrial (I)**



**Proposed Overlay: Results Way Mixed Use Overlay District (RWMUOD)**

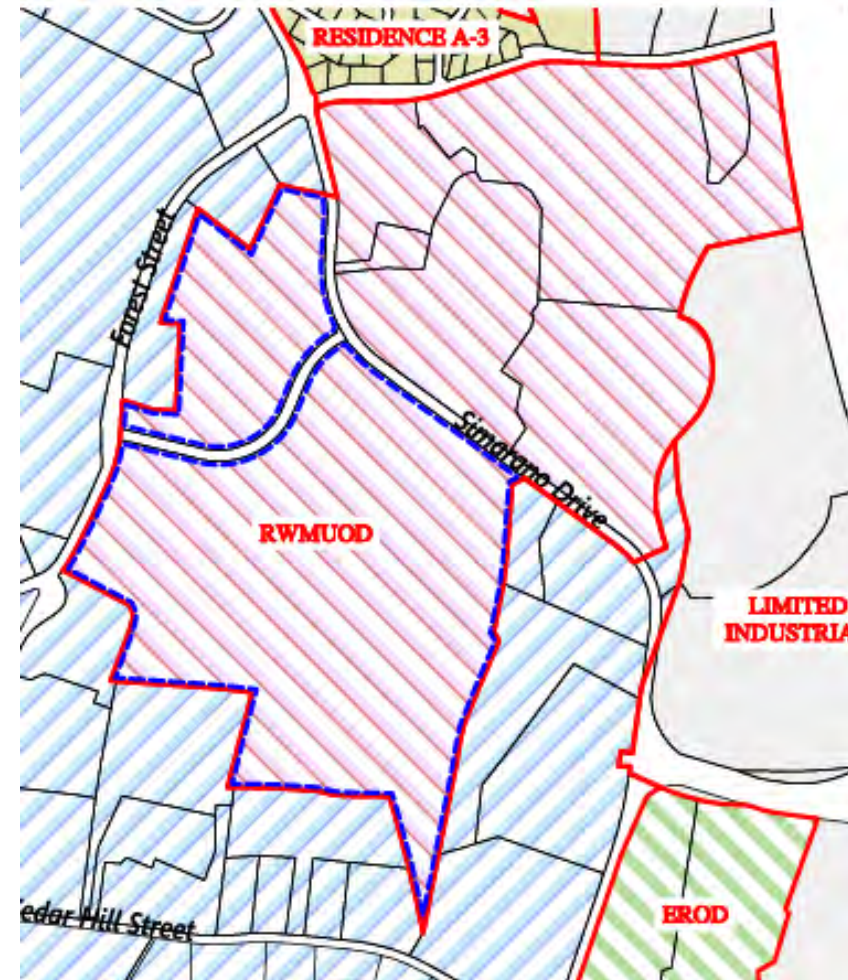




# Mixed-Use Zoning Benefits

## RWMUOD Overlay Zoning Allows:

- for restaurant, café and brewpub options in Central Square
- for 100 townhomes for capital and market for Central Square
- for greater flexibility in development/financing



# Comparison: Industrial (I) District & RWMUOD

<i>Use Regulations</i>			
<u>Requirement/Regulation</u>	<u>Industrial</u>	<u>RWMUOD (as amended by proposed amendment)</u>	<u>Comparison</u>
Office	Allowed	Allowed	<i>No Change</i>
Manufacturing and/or warehouse	Allowed	Allowed	<i>No Change</i>
Multifamily dwelling	Not Allowed	Allowed	<b><i>Less Restrictive</i></b>
Research and experimental labs	Allowed	Allowed	<i>No Change</i>
Restaurant, Café	Allowed by special permit	Allowed	<b><i>Less Restrictive</i></b>

# Comparison: Industrial (I) District & RWMUOD

<i>Bulk/Dimensional Regulations</i>			
<u>Requirement/Regulation</u>	<u>Industrial</u>	<u>RWMUOD (as amended by proposed amendment)</u>	<u>Comparison</u>
Minimum Lot Area	1 acre	None	<i>Less Restrictive</i>
Minimum Frontage	50 feet	50 feet	<i>No Change</i>
Minimum Front Yard Setback	40 feet	30 feet	<i>Less Restrictive</i>
Minimum Side Yard Setback	25 feet	25 feet	<i>No Change</i>
Minimum Rear Yard Setback	25 feet	25 feet	<i>No Change</i>
Maximum Building Height	85 feet	80 feet, except 70 feet for residential parcel	<i>More Restrictive</i>
Maximum Lot Coverage	60%	60%	<i>No Change</i>

# Expanding the RWMUOD - Advancing Established Planning Policies:

- Employs framework of adjacent mixed-use overlay district
  - Proven to be a successful economic development tool
  - Provides iterative review and approval process by City Council.
- Consistent with *Marlborough Economic Development Master Plan (September 2011)*:
  - Section 4.3.2.2: “A number of changes to the Zoning Regulations would facilitate new industrial development...[including]... specifying mixed-use options for projects in industrial zoning districts, particularly retail/office, retail/industrial and live-work options[.]”
- Consistent with recent state legislation:
  - Encouraging zoning amendments permitting mixed-use development.

# Proposed changes to RWMUOD Text

- Allow for 2 Master Plan projects within the RWMUOD
  - So no impact on Marlborough Hills Mixed Use Development*
- Clarify use for biomanufacturing and life science uses
  - Allows for hazardous chemical manufacturing per FDA regulations*
- No more than 100 townhomes permitted on TCAM site



**GREATLAND**  
REALTY PARTNERS

Questions?





# Appendix 1: Proposed Text Revisions to RWMUOD

## A. Purpose and objectives.

- (1) The Results Way Mixed Use Overlay District (herein, also RWMUOD) allows the application of supplemental land use controls within the boundaries of a certain overlay district, subject to City Council approval (Hereinafter any reference to City approval shall be deemed to mean approval by the City Council.) as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the Results Way Mixed Used Overlay District are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare by promoting integrated, pedestrian-friendly, mixed use development to allow for the development of housing, retail and workplaces within close proximity of each other consistent with the stated economic development objectives of the City (collectively, herein mixed use developments or MUD).
- (2) For the purposes of this section, the RWMUOD shall be superimposed on the other districts existing at the time that any land in any said underlying district is also included in the RWMUOD. The RWMUOD is adjacent to Simarano Drive ~~to the west, and~~ Forest Street ~~to the north, and Puritan Way and Results Way to the east~~ as indicated on the City Zoning Map and more particularly described in Exhibit A annexed hereto and incorporated by reference herein.<sup>1</sup>
- (3) For the purposes of the Zoning Ordinance, a mixed use development or MUD shall include any eligible use set forth in Subsection E, below, which may be commingled into a single structure or structures with other eligible uses or may be located in separate structures on the site subject to any restrictions and/or limitations set forth in the development agreement described in Subsection C(2) below. Accordingly, mixed use developments shall benefit the public health, safety and welfare through the sharing of parking lots and driveway curb cuts to minimize the amount of impervious paved parking areas, to reduce traffic congestion, to reduce automobile trips, and accordingly to improve air quality.

B. Authority of permit granting authority.

- (1) The City Council shall be the permit granting authority for special permit and site plan approval in the RWMUOD. In all instances, a development which proceeds under the RWMUOD overlay is subject to site plan approval in accordance with § 270-2 of the Marlborough City Code, with the exception that the City Council shall be the permit granting authority for special permit and site plan approval in the RWMUOD.
- (2) The City Council may elect to vary the dimensional and parking requirements of this section by special permit if, in its opinion, such change shall result in a substantially improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.

C. Master concept plan; development agreement. ~~The~~A property owner/developer ~~ef~~within the RWMUOD shall, prior to or simultaneously with the first application for approval of a site plan and/or special permit for a MUD within the RWMUOD, file the following with the City Council for approval:

- (1) Master concept plan.
  - (a) A master concept plan (master plan) which shall in a general manner show:
    - [1] The location and areas of proposed development;
    - [2] Proposed open space (usable or natural);
    - [3] Proposed site access curb cuts off of Simarano Drive and Forest Street; and
    - [4] Proposed building envelope(s) where construction is anticipated to occur (excluding internal site driveways).
  - (b) A table showing approximate acres and calculations of the following:
    - [1] Total land area of each development area (building envelope area);
    - [2] Total development limitations, if any, of uses in any developable area;
    - [3] Total maximum development (square footage/use limitations); and
    - [4] Approximate number of parking spaces ~~for the entire RWMUOD District~~.
  - (c) The master plan shall be approved by a super majority (2/ 3) vote of the City Council at a public meeting and shall thereafter become the general development plan governing development at the ~~RWMUOD~~MUD. The master plan may be amended from time to time by a super majority vote (2/3) of the City Council by application from the property owner/developer to reflect changing development conditions.

- (2) A development agreement in recordable form binding upon the developer/property owner.
- (a) The development agreement shall be approved by a super majority (2/3) vote of the City Council prior to the issuances of the first permit/site plan approval for development within the ~~RWMUOD~~MUD, which shall contain, without limitation:
- [1] Required mitigation (including traffic demand management initiatives) to address the impacts arising out of the use and occupancy of the proposed project, or if at the time of execution such impacts are not known, the methodology for assessing and addressing such impacts as the development of the ~~RWMUOD~~MUD progresses.
  - [2] Restrictions on development areas and such other development limitations as may be agreed upon.
  - [3] Proposed phasing of the development of the ~~RWMUOD~~MUD.
  - [4] Obligations with respect to pedestrian and vehicular interconnectivity within the ~~RWMUOD~~MUD to facilitate pedestrian access and parking efficiencies.
  - [5] The authority of the City Council to retain the necessary professionals to assist in its review of development applications.
  - [6] An agreement by the property owner/developer of the residential component of the property to make a onetime financial contribution to the City per residential unit developed at the ~~RWMUOD~~MUD for which a building permit is issued. This payment shall be due at the time of the issuance of the building permit for the unit(s). This amount is to be used by the City acting by and through the City Council to assist in the identification and implementation of zoning, economic and other strategies to foster professional, retail and commercial development initiatives as well as the development of affordable housing which may include, without limitation, the preparation of a housing production plan in accordance with the rules and regulations of the Massachusetts Department of Housing and Community Development (760 CMR 56.03(4)) and the funding of the implementation of the goals and objectives set forth in such plan.
- (b) The development agreement shall govern the implementation of the master plan and development at the MUD.
- (c) Notwithstanding anything contained in any current or future development agreement to the contrary, each development agreement shall only apply to the applicable MUD and shall not govern any development of other MUDs within the RWMUOD.

- D. Exclusivity/control. Except as specifically provided herein, uses and provisions of Article V of Chapter 650 (Zoning) relating to the underlying zoning district not otherwise impacted by this section (§ 650-33 et seq.) shall continue to remain in full force and effect; provided, however, that the City Council shall be the special permit granting and site plan approval authority, if applicable. This section (§ 650-33 et seq.) of the Zoning Ordinance exclusively controls the establishment, development, and design of any MUD undertaken in the RWMUOD and supersedes any other provision of the Zoning Ordinance (except the provisions of the Water Supply Protection District, provided that the maximum total impervious surface coverage for the RWMUD shall be 60% calculated on the entire land area of ~~the RWMUOD~~ each MUD and not on an individual lot basis). In the event of any conflict between the provisions of this section (§ 650-33 et seq.) and any other provision of the Zoning Ordinance, the provisions of this section shall govern and control.
- E. Eligible uses. Except as specifically set forth below, all uses permitted in the Industrial and Limited Industrial Districts either as of right or by special permit in accordance with § 650-17 of the Zoning Ordinance are permitted in the RWMUOD. If a use requires a special permit under § 650-17, Table of Use Regulations, such use shall continue to require a special permit under this section.
- (1) The following additional uses are also permitted by right in the RWMUOD:
- (a) Research and experimental labs (33). (NOTE: Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for Uses, as noted in § 650-17, Table of Use Regulations.) Research and development includes, without limitation, laboratories engaged in research, experimental and testing activities, including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, pharmaceuticals, medicine and physics.
  - (b) Medical office and diagnostic medical laboratories appurtenant to offices of physicians and dentists.
  - (c) Associated/accessory research uses (35). (NOTE: Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for Uses, as noted in § 650-17, Table of Use Regulations.)
  - (d) Advanced manufacturing, which shall include high technology manufacturing, such as, but not limited to, laser technology, robotics, nanotechnology and computer-associated design and software development.
  - (e) Multifamily dwelling: up to ~~350 dwelling units within the entire RWMUOD Zoning District~~ the maximum amounts set forth on Exhibit A including, without limitation, age-restricted dwelling units.
  - (f) Retail sales and services: up to ~~75,000 square feet of total gross floor area; up to 10,000 square feet of gross floor area per establishment~~ the maximum amounts set forth on Exhibit A.



- (g) Hotels and motels.
  - (h) Hotels with conference facilities and commercial uses.
  - (i) Car parking lots, garages: a structure or a group of structures that facilitate the parking of vehicles at ground level, above or below grade and shall include area for the parking of vehicles at, above and/or below grade under a building or otherwise integrated into another structure.
  - (j) Consumer service establishments complementary to the other principal uses at the property.
  - (k) Restaurant, cafe with or without table service (including outside seating and service).
  - (l) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities.
  - (m) Self-service laundry.
  - (n) Dry cleaning (pickup and ~~dropoff~~ only).
- (2) The following additional uses are also permitted by special permit in the RWMUOD:
- (a) Multifamily dwelling — more than ~~350 dwelling units within the entire RWMUOD Zoning District~~the maximum amounts set forth on Exhibit A including, without limitation, age-restricted dwelling units.
  - (b) Drive-through facilities associated with retail (e.g. banks; pharmacies) and food services.

- (3) The foregoing subsections notwithstanding, the uses set forth as follows are expressly prohibited in the RWMUOD:
- (a) Adult entertainment, including an adult bookstore, video store, paraphernalia store, movie theater, or live entertainment establishment.
  - (b) Tattoo and body piercing parlors and shops.
  - (c) Dye works.
  - (d) Biosafety Level 4 laboratories, as defined by the United States Center for Disease Control and Prevention.
  - (e) Establishments for construction in such services as, but not limited to, building, building maintenance, plumbing, landscaping, electrical, masonry, carpentry, well drilling.
  - (f) Electroplating, metal finishing except by special permit as an accessory use to an otherwise permitted principal use.
  - (g) Hazardous and toxic chemical manufacturing, [except in accordance with applicable state and federal regulations](#).
  - (h) Trucking terminal and distribution center.
  - (i) Automotive sales and/or service.
  - (j) Retail gasoline, oil and lubrication stations.
  - (k) Commercial bakeries.
  - (l) On-site sales and rental of heavy machinery and vehicles.
  - (m) Laundry and dry cleaning establishment, except dropoff and pickup operations and facilities designed to service residents of multifamily dwelling.
  - (n) Any activity or use directly or indirectly involving, without limitation, the dispensing, use, sale, growing, storage or transportation of medical marijuana, including any medical marijuana treatment center.
  - (o) Any on-site facility or clinic devoted to the treatment of substance addiction, including any narcotic detoxification and/or maintenance facility.

- F. Dimensional requirements. The RWMUOD shall be subject to the dimensional standards in accordance with Article VII of the Marlborough Zoning Ordinance with the following exceptions:
- (1) The RWMUOD shall consist of one or more lots. There is no minimum acreage requirement for a lot to be a part of the Results Way Mixed Use Overlay District.
  - (2) Minimum lot frontage measurement shall be no less than 50 feet for any lot wholly located within the boundaries of the RWMUOD.
  - (3) Minimum front yard measurement shall be no less than 30 feet for any lot wholly located within boundaries of a RWMUOD.
  - (4) No less than 15 feet shall separate the structural side wall of any two or more MUD structures. No less than 15 feet shall separate any area behind and/or between structures, and fire suppression vehicles shall have clear and adequate access to all structures.
  - (5) Maximum building height in RWMUOD shall not exceed 80 feet, provided that:
    - (a) Residential structures shall not exceed 70 feet; and
    - (b) No structure located within 120 feet from the center line of Forest Street shall exceed 50 feet.
  - (6) Maximum lot coverage shall be calculated on the entire land area of the ~~RWMUOD~~MUD and not on an individual lot basis, and shall not exceed 60% of the total area of the ~~RWMUOD~~MUD.



- G. Parking and curb cut requirements. Except as otherwise provided in this section, parking and circulation requirements shall conform to the provisions of §§ 650-48 and 650-49 of the Zoning Ordinance.
- (1) General. In the RWMUOD adequate off-street parking shall be provided. The City Council and the applicant shall have as a goal for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the City Council shall consider complementary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in permitted reductions in the parking requirements.
  - (2) Parking locations. Parking may be provided at ground level, underground or in a parking garage. Parking garages can be freestanding or as part of buildings dedicated to other permitted uses.
  - (3) Parking spaces for each dwelling unit. There shall be a minimum of 1.5 parking spaces for each dwelling unit.
  - (4) Granting of relief from parking regulations. The City Council may waive any of the foregoing requirements or the requirements of § 650-48 if it makes a finding that to do so will enhance the overall design of the RWMUOD.

## H. Signage.

- (1) Except as otherwise provided in this mixed use section, signage shall conform to the provisions of Chapter 526 of the Marlborough City Code, the Sign Ordinance.
- (2) Granting of relief from signage regulations. The City Council may waive any of the requirements of the Sign Ordinance if it makes a finding that to do so will enhance the overall design of the RWMUOD.

## I. Application.

- (1) An application for a special permit for a use in the mixed use development in the RWMUOD shall comply with the requirements of § 650-59 et seq. of the Zoning Ordinance. In the matter of a site plan approval, the application shall comply with the requirements of the City Code, Chapter 270, Article II, Permits and Approvals, § 270-2 et seq.
- (2) The City Council in connection with a special permit and/or site plan application shall review such applications with respect to the following design criteria:
  - (a) Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;
  - (b) Street facade and exterior walls visible from public ways;
  - (c) Public space;
  - (d) Scale of buildings; and
  - (e) External lighting.
- (3) Concurrent with any public hearing/meeting associated with a special permit and/or site plan filing, the applicant shall make a presentation to the City Council to present the proposed architectural design and shall consider the comments and input from the City Council. A final building elevation shall be submitted prior to the close of the public hearing/meeting.

J. Standards for roadways and drainage.

- (1) Roadways. Internal RWMUOD roadways shall be private ways and shall be maintained by the owners/developers of the RWMUOD and portions thereof. Private ways within the RWMUOD, to the extent feasible, shall be constructed using the methods and materials prescribed in the Rules and Regulations for the Subdivision of Land in the City, but shall not be required to conform to the dimensional requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners.
- (2) Stormwater management system. ~~The~~Each MUD within the RWMUOD shall have a stormwater management system designed in accordance with the applicable Rules and Regulations for the Subdivision of Land in the City and the Department of Environmental Protection's Storm Water Management Guidelines, as amended.

K. Amendments. After approval, ~~the~~an owner/developer may seek amendments to the approved permits. Minor amendments to a special permit and major or minor amendments to a site plan approval may be made by a super majority (2/3) vote of the City Council. It shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested amendment is deemed to be a major amendment or a minor one. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce more than a material increase in impact on City services, the environment or the neighborhood. If it is determined that revisions to a special permit are not minor, per § 650-59 of the Zoning Ordinance, an application for a revised special permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Subsection C(3)(f) of § 650-59.



**EXHIBIT A to § 650-33**

The RWMUOD shall comprise two separate subdistricts, as described below. Within each subdistrict, one MUD shall be permitted, which shall be subject to a separate development agreement and master plan, and which may contain up to the maximum number of units of multifamily dwellings and gross floor area of retail sales and services uses set forth below.

	<u>Included Parcels</u> <u>[NOTE: To be confirmed by Assessor].</u>	<u>Total number of dwelling units permitted as-of- right (subject to site plan approval as set forth herein)</u>	<u>Total gross floor area of retail sales and services uses allowed</u>
<u>RWMUOD Subdistrict 1</u>	<ul style="list-style-type: none"> <li>• <u>PID# 100-1</u></li> <li>• <u>PID# 100-1B</u></li> <li>• <u>PID #100-2</u></li> <li>• <u>PID #100-3</u></li> <li>• <u>PID #100-1A</u></li> <li>• <u>PID #101-2B</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>350 dwelling units as-of-right</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>75,000 square feet of total gross floor area (up to 10,000 square feet of gross floor area per establishment)</u></li> </ul>
<u>RWMUOD Subdistrict 2</u>	<ul style="list-style-type: none"> <li>• <u>PID #100-19</u></li> <li>• <u>PID #111-1</u></li> <li>• <u>PID #111-2</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>100 dwelling units as-of-right</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>75,000 square feet of total gross floor area (up to 10,000 square feet of gross floor area per establishment)</u></li> </ul>



**April 5, 2020**

**1 - Summary Sheet**

**2- Subdivisions - Under construction**

**3 - Subdivisions - Awaiting Acceptance**

**4 - Subdivisions - Under Review**

### SUBDIVISIONS - BOND HAS BEEN PULLED

SUBDIVISION	BOND AMOUNT City held accounts	PLANS		DEED DESCRIPTIONS
		AS-BUILTS	ACCEPTANCE	
Shaughnessy Estates	\$10,264.46	YES	YES	w\ Legal & Engin.

### SUBDIVISIONS - AWAITING ACCEPTANCE

SUBDIVISION	BOND AMOUNT	COMMENTS

### SUBDIVISIONS - UNDER CONSTRUCTION

SUBDIVISION	BOND AMOUNT	EXPIRATION DATE	COMMENT
Goodale Estates (Open Space): Jenks Lane	\$123,000.00	30-Dec-21	Roadway construction on-going
Commonwealth Heights Atkinson Drive	N/A	24-Aug-22	Endorsed on August 24, 2020
76 Broad Street Pettes Road	N/A	3/8/2023	Endorsed on March 8, 2021

### SUBDIVISIONS - UNDER REVIEW

SUBDIVISION	DATE SUBMITTED	APPROVAL DEADLINE	COMMENT



## SUBDIVISIONS - UNDER CONSTRUCTION

Goodale Estates (Open Space):		Jenks Lane	
Off Goodale Street Northborough Capital Partners	Approval Date	Expiration Date	Bond Amount
	14-Nov-16	14-Nov-18	
5/3/2018	Developer has filed for bankruptcy		
Agreement reached with new surety	Construction is expected to restart early in Spring 2019		
Extension of Approval	5-Nov-18	24-Nov-19	
Extension of Approval	21-Oct-19	30-Jun-20	
Bond Amount	16-Dec-19		\$720,000.00
Bond Reduction	16-Dec-19		\$352,000.00
Extension of Approval	22-Jun-20	31-Dec-20	
Bond Reduction	22-Jun-20		\$205,000.00
Extension of Approval	7-Dec-20	<b>30-Dec-21</b>	
Bond Reduction	21-Dec-20		<b>\$123,000.00</b>

Commonwealth Heights		Atkinson Drive	
Off Ames Street/Glen Street Marlborough/Northorough Land Realty Trust	Approval Date	Expiration Date	Bond Amount
	24-Aug-20	24-Aug-22	N/A

March 26, 2021

**Hand Delivered**

City of Marlborough  
Planning Board c/o Engineering Office  
135 Neil Street, 2<sup>nd</sup> Floor  
Marlborough, MA 01752

Re: Sign Variance Application  
191-237 Boston Post Road West, Marlborough, MA 01752

Dear Sir/Madam

Enclosed please find the following for submission for the Planning Board's April 5, 2021 hearing regarding the above Sign Variance Application:

1. Sign Variance Application;
2. Memorandum in Support;
3. Denial Letter;
4. Building Permit Application;
5. Sign Permit Applications (Sign 1 and 2);
6. Site Plan;
7. Easement Plan;
8. Proposed Pylon Plans; and
9. Check payable to the City of Marlborough for \$25.00

Thank you for your attention to this matter.

Very truly yours,



**Michael E. Brangwynne**

**FLETCHERTILTON PC**

12 Post Office Square, 6<sup>th</sup> Floor

Boston, MA 02109

P: 617-336-2281 | F: 617-336-4481

Email: [mbrangwynne@fletcherilton.com](mailto:mbrangwynne@fletcherilton.com)

cc: Timothy Collins via email at: [tcollins@marlborough-ma.gov](mailto:tcollins@marlborough-ma.gov)  
Krista Holmi via email at: [kholmi@marlborough-ma.gov](mailto:kholmi@marlborough-ma.gov)

Client Files/37906/0003/03938765.DOCX

**FletcherTilton.com**

# TAB 1



# CITY OF MARLBOROUGH

## APPLICATION FOR SIGN APPEAL/VARIANCE TO PLANNING BOARD



**INSTRUCTIONS:** (Ask Planning Board for assistance if necessary) This application must be filed with the Planning Board (which hears the appeal) within 30 days of the date of the decision of the Building Inspector from which appeal was taken. (See Item #7 below) Applicant must attach to this application a copy of the Building Inspector's decision (usually a denial of a sign permit). This application form must be signed by the applicant or his authorized agent (and the owner of the property if the owner is not the applicant). The Planning Board agent will sign the form after the receipt of the \$25.00 filing fee (if check, make out to "City of Marlborough"). Please print clearly.

1. Location of property where sign is located: Street & No: 191-237 Boston Post Road

What other signs exist on the property (type, size, location): There are three existing signs along Boston Post Road which will be removed and replaced with two new signs as part of this proposal.

Are there other signs on the property of similar type to what is requested in appeal (size & location):  
Yes, two of the three existing signs are similar to the two proposed new signs, which will replace those two signs. The third existing sign that is being removed is smaller and will not be replaced.

2. Name of business or activity applying for sign: RK Associates-Marlboro, Inc.

3. Applicant: Kevin Belmont Street: 50 Cabot Street City: Needham, MA Zip: 02494

4. Building owner: RK Associates-Marlboro, Inc. Street: Same as above City:  Zip:

5. Tel. #'s Building owner: 781-320-0001 Business with sign: Same as above. Applicant: Same as above.

6. Applicant is ☒ Building Owner ☐ Tenant ☐ Other (describe):

7. Date of Building Inspector's decision from which appeal is taken: March 16, 2021  
(Attach copy of denial of sign permit.)

8. The Section of the Sign Ordinance in question is: Chapter 163 Section:

Section Heading: 526.9(C) Height; 526.9(D) Sign Area for Commercial Centers; 526.9(D) Secondary Signs

9. Description of Sign: Please see the attached plans and memorandum.

10. Give a brief outline why permit was refused and what you want to do with the sign in question:

Please see the attached memorandum.

11. Other pertinent information may be submitted with this application and may be required by the Planning Board. You/representative must present your case in person before the Planning Board.

I hereby request a hearing before the Planning Board with reference to the above noted application.

Signed: [Signature] Date: 3/24/21 Building Owner: Same  
Applicant

Received from the above applicant, the sum of \$25.00 made payable to "City of Marlborough" to apply against administrative costs.

Planning Board Agent:  Date:

Hearing Scheduled for:  This is your official notification of hearing and receipt of filing fee.

**NEW SIGNS MAY NOT BE ERECTED UNTIL APPEAL HAS BEEN GRANTED AND PERMIT HAS BEEN ISSUED.** form-sign-appeal

# TAB 2

**TOWN OF MARLBOROUGH  
PLANNING BOARD**

**RE: RK Associates-Marlboro, Inc.  
Petition for Variance  
191-237 Boston Post Road West (Route 20), Marlborough, Massachusetts**

**MEMORANDUM IN SUPPORT OF APPLICATION FOR VARIANCE**

**I. INTRODUCTION**

RK Associates-Marlboro, Inc. ("Applicant") is a subsidiary of R.K. Centers (the "Company"), a privately held family owned real estate development company which owns in excess of nine (9) million square feet of commercial space in the United States, including more than five (5) million square feet in Massachusetts. The Company owns the existing retail development commonly known as RK Centers I & II (the "Centers") at 191-237 Boston Post Road West, Marlborough, Massachusetts under two separate subsidiaries. The Applicant owns the real property located at and known as 191-199 Boston Post Road, Marlborough, Massachusetts consisting of approximately 11.65 acres of land and two (2) buildings ("Parcel A"). A second subsidiary of the Company, R.K. Marlboro West, LLC, owns the real property located at and known as 219-237 Boston Post Road, Marlborough, consisting of approximately 4.78 acres of land and four (4) buildings ("Parcel B"). Parcel A and Parcel B constitute the Centers. Existing signage at the Centers identifies tenants of both Parcel A and Parcel B, and the Applicant has been granted an easement for the construction, installation, repair and maintenance of signage on Parcel B.

The Centers benefit from some premiere tenants including Hannaford and Panera Bread to name a few, which are currently identified on three (3) existing signs along Route 20. The façade of the Centers themselves are hampered by limited visibility to the motoring public on Route 20. To improve such visibility and enhance the opportunities for various tenants within the Centers to be successful, the Applicant desires to remove the three existing ground signs and to construct two new ground signs, which will replace the two larger signs propose to be removed. The third, smaller existing sign will be removed and will not be replaced. Both the existing signage, and the proposed new signs are consistent with the extent of signage for neighboring commercial properties, including the Apex facility immediately opposite Route 20 from the Centers. In order to construct the proposed signs as more completely described in this Memorandum and to provide all of the tenants within the plaza with adequate visibility, the Applicant is requesting from the Marlborough Planning Board (the "Board") relief from the following sections of Chapter 526 of the Code of the City of Marlborough ("Sign Ordinance"):

Section 526.9(C) Height: Maximum height of 30 feet where a height of 39 feet is proposed.

Chapter 526.9(D) Sign Area for Commercial Centers/Secondary Signs: The proposed total square footage for the signs is permissible for the primary sign but not for both a primary sign and secondary sign.

## II. DESCRIPTION OF PROPOSAL

The Applicant proposes to construct two (2) ground signs, similar in location and design to existing ground signs, each of which is depicted on the plans submitted with this Application. The signs are to be located at access points to the Centers along Route 20. The first new sign will replace the existing sign on the westerly side of the access drive for the Centers, shown as "Location A" on the plans submitted with this application. The second new sign will replace the existing sign on the easterly side of Northboro Road East, which also provides access to the Centers from Route 20, shown as "Location C" on the plans submitted with this application. A third existing sign between the access drive and Northboro Road East, shown as "Location B" on the plans submitted herewith, will be removed.

Each sign will provide four (4) primary panels for utilization by the anchor tenants at the Centers. In addition, there will be eleven (11) individual panels for utilization by other tenants of the Centers. Each sign also has graphics at the mast head of the sign identifying the Centers as an RK Center. As depicted in the submitted plans, each sign is divided into three (3) components. The top cabinet utilized for the four (4) major tenants within the Centers consisting of 217.9 square feet of signage divided equally among the four (4) tenants. The bottom cabinet has a similar size with eleven (11) separate components for additional tenants within the Centers. Finally, the mast head section identifying the property as an RK Center has a sign area of approximately 76.8 square feet.

The signs are an integral component of the Applicant's efforts to rebrand the Centers so as to provide a more desirable shopping opportunity for the customers who will be using the site, an effort to promote the visibility of the site from the abutting ways and identifying the site through various branding mechanisms to improve its overall appearance and, hopefully, success.

## III. APPROPRIATENESS OF PROPOSAL

In support of the grant of a variance, the Applicant states the following:

### *1. Circumstances unique to this location that are not contemplated by a general application of the Sign Ordinance:*

The configuration of the Centers is unique in a way that effects and limits visibility from Route 20. The rear structure that houses all retail tenants is located a significant distance from Route 20. The view of the Centers from Route 20 is further impeded by separate retail operations located in the front of the Centers. These stores along Route 20, the "ring road" created within the plaza to serve as access parking at the Centers, and the parking field located in front of the Centers has the affect of severely limiting visibility of the Centers from Route 20. Current retail operations reflect a need and desire in the consuming public for better identification of available uses within a shopping center particularly along a busy highway such as Route 20. The proposed signage is consistent with the



extent and dimensions of signage for other commercial properties in the immediately surrounding area, and the Centers seek to provide their tenants with equivalent prominence along Route 20.

2. *A literal enforcement of the provisions of the Sign Ordinance would involve practical difficulties and substantial hardship to the Applicant for the following reasons:*

The increased size of both signs from that permitted by the Sign Ordinance is necessary given the speed of travel along Route 20, while considering the Applicant's need to identify the tenants within the space and providing appropriate dimensions for the signs. Given the number of tenants within the plaza who desire to have appropriate visibility to assist in their survival and to assist the motoring public in locating the business site, the size of the two new signs is appropriate and justified. Without the signage, which is part of an overall enhancement to the Centers, the Applicant runs a serious risk of extended vacancies and potential tenant departures.

3. *Desirable relief may be granted without substantially derogating from the intent and purpose of the Sign Ordinance for the following reasons:*

If the Board were to grant the requested variances, there would be no substantial detriment to the public good. The signs are both uniquely situated to stand in a location which will not impede or interfere in any way with the site lines for any abutting business owners and are appropriate in their size and scope given the size of the Centers. The Centers are located in a business zoned district along a major highway where such signage is both necessary and customary. The substantial distance between the signs avoids undue visual clutter for the motoring public. The increased size of the signs is necessary to provide each tenant with a meaningful area for its logo, and is integral to the Applicant's overall plan for development and marketing strategy.

While the purpose of the limitations on the size of ground signs set forth in the Sign Ordinance is to preclude inappropriately oversized signs, the instant case presents a situation where the dimensions of the proposed signs are appropriate under the circumstances. The proposed signs do not constitute a proliferation of signage; rather, they are replacing outdated and less aesthetically appealing signs, and lending credibility and brand awareness to the Centers. The proposed new signs will undoubtedly lend support to the business located within the Centers, while also providing valuable information to the motoring public. The size of the signs are appropriate given the extensive frontage along Route 20 that the Centers enjoy. Where the signs are replacing similar but outdated signs at the proposed locations, the new signs will not interfere with visibility of neighboring businesses. The Applicant, through the proposed new signage and other investments in the Centers, seeks to support its commercial tenants in a competitive business environment.

#### IV CONCLUSION

For all of the foregoing reasons, the Applicant respectfully requests that the Board grant the following variances:

Section 526.9(C) Height: Maximum height of 30 feet where a height of 39 feet is proposed.

Chapter 526.9(D) Sign Area for Commercial Centers/Secondary Signs: The proposed total square footage for the signs is permissible for the primary sign but not for both a primary sign and secondary sign.

Respectfully submitted,



Mark L. Donahue, Esquire

Fletcher Tilton, P.C.

370 Main Street

Worcester, MA 01608

(508) 459-8029

[mdonahue@fletchertilton.com](mailto:mdonahue@fletchertilton.com)

# TAB 3

*City of Marlborough*  
*Commonwealth of Massachusetts*

8A-10



Pamela A. Wilderman (X30201)  
Ethan Lippitt (X 30200)  
Code Enforcement  
140 Main Street  
Marlborough, MA 01752  
Phone: (508) 460-3776 (x30201)  
Fax: (508) 460-3736  
Email: [pwilderman@marlborough-ma.gov](mailto:pwilderman@marlborough-ma.gov)  
[elippitt@marlborough-ma.gov](mailto:elippitt@marlborough-ma.gov)

March 16, 2021

Kenneth Fries  
RK Centers  
50 Cabot Street Suite 200  
Needham, MA 02494

RE: Sign Permit Application  
RK Center  
Boston Post Road West  
Marlborough, MA 01752

Dear Mr. Fries: *Ken*

This is to advise that the sign applications for the new freestanding signs at the above location is denied for the following reason:

- Chapter 526.9 (C) Height: Except as provided below, a freestanding sign may not exceed 15 feet in height plus one foot for each 10 square feet of sign area or part thereof, up to a maximum height of 30 feet, above ground level to the top of the sign. Your proposed height for both signs is 468" or 39'.
- Chapter 526.9 (D) Sign Area for Commercial Centers: The basic area of the main freestanding sign (including the area for all tenant panels on the main sign) allowed under § 526-9C(2)(a) may be increased up to a maximum of 100 square feet in a commercial center or 200 square feet in a large commercial center, plus any bonus area allowed under § 526-9C(2)(b) and (c), including the street number and message board. You are considered a large commercial center so your total square footage of 194,355 is allowed. However, this is appropriate for only one of the freestanding signs.



- Chapter 526.9 (D): Secondary signs: The freestanding signs at secondary entrances allowed under § 526-9C(3)(b)[1] may be increased in area up to a maximum of 50 square feet per sign in a commercial center and 100 square feet per sign in a large commercial center. The total surface area of all freestanding signs (including the main sign and all secondary signs) shall be calculated on the same basis as provided in § 526-9C(2), which is 1/2 square foot for each horizontal linear foot of the facade of all establishments at the ground level. It is not the intention of this chapter that every tenant in large commercial centers be identified on the freestanding signs permitted. It appears you wish to duplicate the primary sign at the secondary location that would not normally be allowed.

It appears that you will need to request a variance from the Marlborough Planning Board for the following issues:

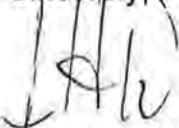
1. Height of both signs to allow a height of 39'
2. Allowance of a secondary sign at another entrance with the same dimensions as the primary sign.

I understand your request as we met about this some months ago. Given the signage, etc. that was allowed for the APEX Center, it's important for you to do your best to ensure your businesses get appropriate signage as well. However, only the Planning Board can grant relief on signs.

I have included a blank appeal application for your use.

As always, please feel free to contact me if you have any questions or we can be of any further assistance to you.

Sincerely,



Pamela A. Wilderman  
Code Enforcement Officer

Cc: Marlborough Planning Board  
The Sign Gallery, LLC  
File

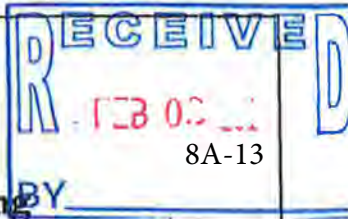
# TAB 4





# City of Marlborough

Massachusetts State Building Code (780 CMR)  
Building Permit Application for any Building  
Other than a One- or Two-Family Dwelling



Building Number: \_\_\_\_\_ Building Official: \_\_\_\_\_  
SECTION 1: LOCATION

No. and Street: 201 Boston Post Rd. W. Marlborough, 01752 City/Town: MA Zip Code: 01752  
Assessors Map #: 78 Block # and/or Lot #: 1A Zoning District: B Name of Building (if applicable): RK Associates.

SECTION 2: PROPOSED WORK  
Edition of MA State Code used: 9th If New Construction check here ☐ or check all that apply in the two rows below  
Existing Building ☐ Repair ☐ Alteration ☒ Addition ☐ Demolition ☐ (Please fill out and submit Appendix 2)  
Change of Use ☐ Change of Occupancy ☐ Other ☒ Specify: Sign - Freestanding.  
Are building plans and/or construction documents being supplied as part of this permit application? Yes ☒ No ☐  
Is an Independent Structural Engineering Peer Review required? Yes ☒ No ☐  
Brief Description of Proposed Work: new freestanding signs w/ new footings, foundations.

SECTION 3: COMPLETE THIS SECTION IF EXISTING BUILDING UNDERGOING RENOVATION, ADDITION, OR CHANGE IN USE OR OCCUPANCY  
Check here if an Existing Building Investigation and Evaluation is enclosed (See 780 CMR 34) ☐  
Existing Use Group(s): \_\_\_\_\_ Proposed Use Group(s): \_\_\_\_\_

SECTION 4: BUILDING HEIGHT AND AREA

	Existing	Proposed
No. of Floors/Stories (include basement levels) & Area Per Floor (sq. ft.)		
Total Area (sq. ft.) and Total Height (ft.)	25'	484sf 39'

SECTION 5: USE GROUP (Check as applicable)

A: Assembly A-1 <input type="checkbox"/> A-2 <input type="checkbox"/> Nightclub <input type="checkbox"/> A-3 <input type="checkbox"/> A-4 <input type="checkbox"/> A-5 <input type="checkbox"/>	B: Business <input checked="" type="checkbox"/>	E: Educational <input type="checkbox"/>
F: Factory F-1 <input type="checkbox"/> F-2 <input type="checkbox"/>	H: High Hazard H-1 <input type="checkbox"/> H-2 <input type="checkbox"/> H-3 <input type="checkbox"/> H-4 <input type="checkbox"/> H-5 <input type="checkbox"/>	
I: Institutional I-1 <input type="checkbox"/> I-2 <input type="checkbox"/> I-3 <input type="checkbox"/> I-4 <input type="checkbox"/>	M: Mercantile <input type="checkbox"/>	R: Residential R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> R-4 <input type="checkbox"/> #of units: _____
S: Storage S-1 <input type="checkbox"/> S-2 <input type="checkbox"/>	U: Utility <input type="checkbox"/>	Special Use <input type="checkbox"/> and please describe below: _____

Special Use Description: \_\_\_\_\_

SECTION 6: CONSTRUCTION TYPE (Check as applicable)

IA <input type="checkbox"/>	IB <input type="checkbox"/>	IIA <input type="checkbox"/>	IIB <input checked="" type="checkbox"/>	IIIA <input type="checkbox"/>	IIIB <input type="checkbox"/>	IV <input type="checkbox"/>	VA <input type="checkbox"/>	VB <input type="checkbox"/>
-----------------------------	-----------------------------	------------------------------	---	-------------------------------	-------------------------------	-----------------------------	-----------------------------	-----------------------------

SECTION 7: SITE INFORMATION (refer to 780 CMR 105.3 for details on each item)

Water Supply: Public <input type="checkbox"/> Private <input type="checkbox"/>	Flood Zone Information: Check if outside Flood Zone <input type="checkbox"/> or identify Zone: _____	Sewage Disposal: Indicate municipal <input type="checkbox"/> or on site system <input type="checkbox"/>	Trench Permit: A trench will not be required <input checked="" type="checkbox"/> or trench permit is enclosed <input type="checkbox"/>	Debris Removal: Licensed Disposal Site <input checked="" type="checkbox"/> or specify: _____
---	---	--	---	---

Railroad right-of-way: Not Applicable <input checked="" type="checkbox"/> or Consent to Build enclosed <input type="checkbox"/>	Hazards to Air Navigation: Is Structure within airport approach area? Yes <input type="checkbox"/> or No <input checked="" type="checkbox"/>	MA Historic Commission Review Process: Is their review completed? Yes <input type="checkbox"/> No <input type="checkbox"/>
--	--	--

SECTION 8: CONTENT OF CERTIFICATE OF OCCUPANCY  
Edition of Code: 9th Use Group(s): 780 Type of Construction: \_\_\_\_\_  
Does the building contain an Sprinkler System?: N/A Special Stipulations: N/A  
Design Occupant Load per Floor and Assembly space: \_\_\_\_\_





## SECTION 9: PROPERTY OWNER AUTHORIZATION

Name and Address of Property Owner

RK Associates 50 Cabot St Needham, MA 02494  
 Name (Print) No. and Street City/Town Zip

Property Owner Contact Information:

Kevin Belmont 781-320-0001 KBelmont@RKcenters.com  
 Title Telephone No. (business) Telephone No. (cell) e-mail address

If applicable, the property owner hereby authorizes:

THE Sign Gallery 266 Clay St Mandeville NH 03103  
 Name Street Address City/Town State Zip

to apply for and act on the property owner's behalf, in all matters relative to work authorized by this building permit application.

## SECTION 10: CONSTRUCTION CONTROL (Please fill out Appendix I)

If a building is less than 15,000 sq ft, the contractor, prior and/or under construction control, may check here: ☐

Otherwise provide construction control forms (see section 11 of the code as required)

10.1 Registered Professional Responsible for Construction Control (the professional's coordinating document is attached)

Evangelos Steiranos CS-083293  
 Name (Registrant) Telephone No. e-mail address Registration Number  
100 Magoun Ave Medford Ma 02155 Construction Supervisor 06/03/2022  
 Street Address City/Town State Zip Discipline Expiration Date

## 10.2 General Contractor

The Sign Gallery  
 Company Name  
Max Tejada  
 Name of Person Responsible for Construction License No. and Type if Applicable  
266 Clay St Mandeville NH 03103  
 Street Address City/Town State Zip  
603-622-7212 Max @ Sign Gallery NH.com  
 Telephone No. (business) Telephone No. (cell) e-mail address

## SECTION 11: WORKERS' COMPENSATION INSURANCE AFFIDAVIT (M.G.A. c. 152B, § 25C(6))

A Workers' Compensation Insurance Affidavit from the MA Department of Industrial Accidents must be completed and submitted with this application. Failure to provide this affidavit will result in the denial of the issuance of the building permit.

Is a signed Affidavit submitted with this application? Yes ☒ No ☐

## SECTION 12: CONSTRUCTION COSTS AND PERMIT FEE

Item	Estimated Costs: (Labor and Materials)	Total Building Cost (from Item 1) = \$ <u>\$369,000</u>
1. Building	\$ <u>\$369,000</u>	Permit Fees- \$10 per \$1000
2. Electrical	\$ <u>/</u>	Note: Minimum fee = \$50.00
3. Plumbing	\$ <u>/</u>	Enclose check payable to: <b>CITY OF MARLBOROUGH</b>
4. Mechanical (HVAC)	\$ <u>/</u>	check number _____
5. Mechanical (Sheet metal)	\$ <u>/</u>	
6. Fire Alarm	\$ <u>/</u>	
7. Sprinkler	\$ <u>/</u>	
8. Total cost of Construction	\$ <u>369,000</u>	

## SECTION 13: SIGNATURE OF BUILDING PERMIT APPLICANT

By entering my name below, I hereby attest under the pains and penalties of perjury that all of the information contained in this application is true and accurate to the best of my knowledge and understanding.

Max Tejada Operations Director 603-622-7212 1/22/12  
 Please print and sign name Title Telephone No. Date  
266 Clay St Mandeville NH 03103 Max @ Sign Gallery NH.com  
 Street Address City/Town State Zip Email Address

Municipal Inspector application approval:

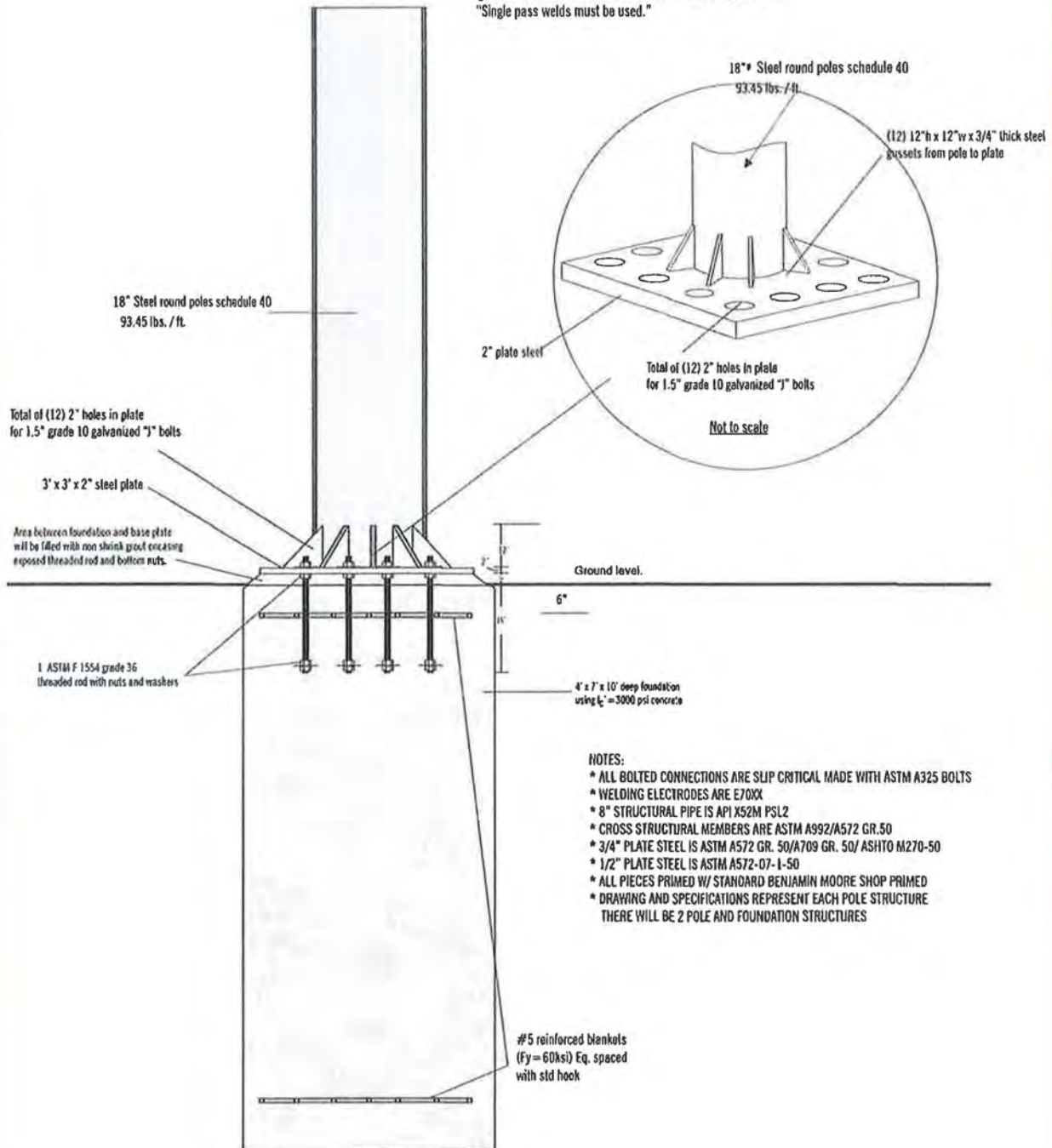
Name

Date



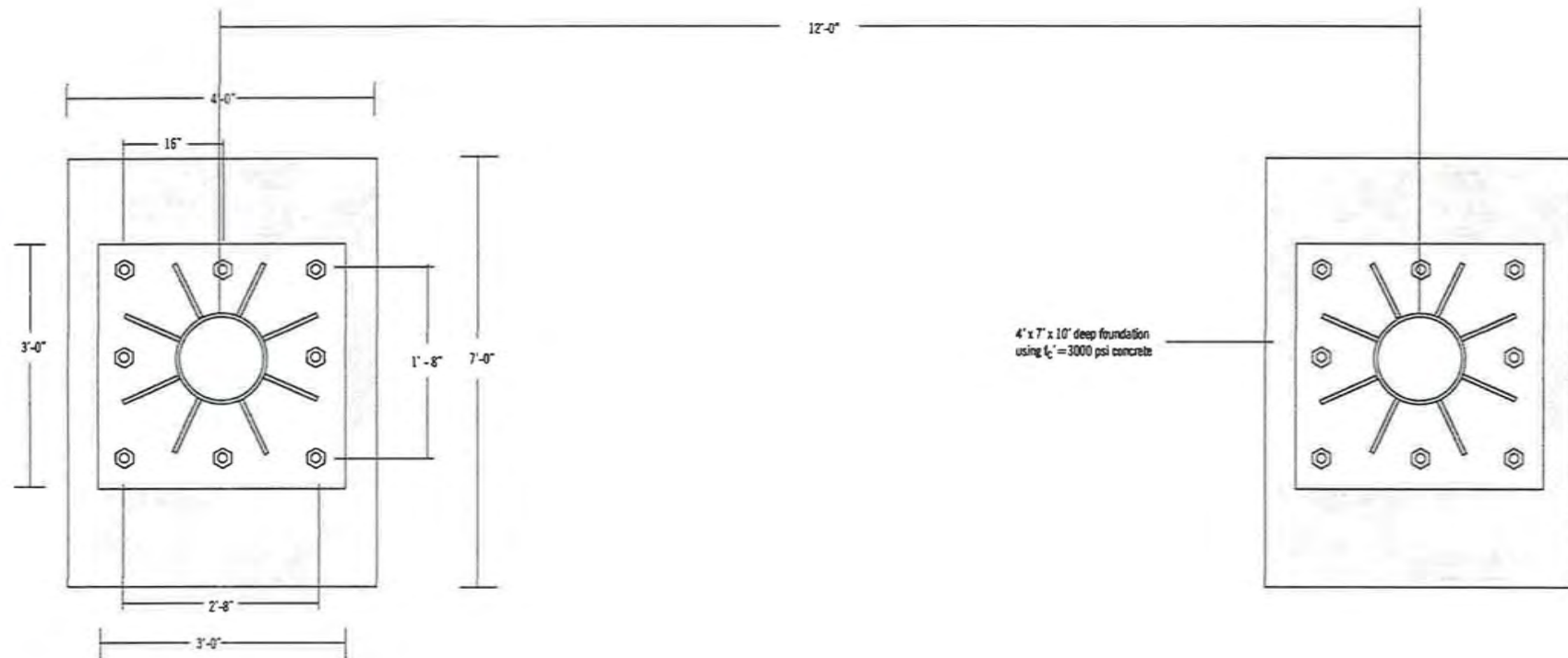
All welds to be E70xx Fillet welds per AISC & AWS requirement.  
Welder to be certified.

Note: Structural fillet welds are specified by giving the  
leg dimension. See also AISC Table 12.4 for min. welds & note  
"Single pass welds must be used."



#### NOTES:

- \* ALL BOLTED CONNECTIONS ARE SLIP CRITICAL MADE WITH ASTM A325 BOLTS
- \* WELDING ELECTRODES ARE E70XX
- \* 8" STRUCTURAL PIPE IS API X52M PSL2
- \* CROSS STRUCTURAL MEMBERS ARE ASTM A992/A572 GR.50
- \* 3/4" PLATE STEEL IS ASTM A572 GR. 50/A709 GR. 50/ASHTO M270-50
- \* 1/2" PLATE STEEL IS ASTM A572-07-1-50
- \* ALL PIECES PRIMED W/ STANDARD BENJAMIN MOORE SHOP PRIMED
- \* DRAWING AND SPECIFICATIONS REPRESENT EACH POLE STRUCTURE  
THERE WILL BE 2 POLE AND FOUNDATION STRUCTURES



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CORPORATE SIGN IDENTITY

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HOOKSETT, NH 03106  
(603) 622-7212, FAX: (603) 622-7221

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NAME	RK CENTER	LOCATION	
ADDRESS	MARLBOROUGH, MA.	DATE	
DATE	1.20.21	DRAWN BY	JT
		CHK'D BY	RKM-800
		SCALE	





**The Commonwealth of Massachusetts**  
**Department of Industrial Accidents**  
**1 Congress Street, Suite 100**  
**Boston, MA 02114-2017**  
**www.mass.gov/dia**

8A-17

**Workers' Compensation Insurance Affidavit: General Businesses.**  
**TO BE FILED WITH THE PERMITTING AUTHORITY.**

**Applicant Information**

**Please Print Legibly**

Business/Organization Name: The Sign Gallery, LLC

Address: 266 Clay St.

City/State/Zip: Manchester, NH 03103

Phone #: 603-622-7212

**Are you an employer? Check the appropriate box:**

1. ☒ I am a employer with 6 employees (full and/or part-time).\*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]\*\*
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

**Business Type (required):**

5. ☐ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☒ Manufacturing
11. ☐ Health Care
12. ☐ Other \_\_\_\_\_

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

\*\*If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

**I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.**

Insurance Company Name: Liberty Mutual

Insurer's Address: 175 Berkley St

City/State/Zip: Boston, Ma 02116

Policy # or Self-ins. Lic. # XW0571456688 Expiration Date: 03/24/2021

**Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).**

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

**I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.**

Signature: Max Tejada

Date: 02/12/2021

Phone #: 603-622-7212

**Official use only. Do not write in this area, to be completed by city or town official.**

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office  
6. Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_

# TAB 5





*City of Marlborough*  
**BUILDING DEPARTMENT**

140 Main Street  
Marlborough, Massachusetts 01752

Sign 1

8A-19

Date: 12/23/2020 Permit No. \_\_\_\_\_

Address/Location of Sign 201 Boston Post Road West

Name of Business RK Associates

Name of Owner of Business David Katz Telephone 781-320-0001

Type of Sign: (check off which applies)

       Flat Wall      X   Free Standing           Awning           Banner           Projecting

Does this site have a Special Permit           YES      X   NO

Is this a replacement of a same size existing sign(s)           YES      X   NO

**Dimensions Sign:**

Length   23'   Width   48"   Height (Free Standing)   39'   Area \_\_\_\_\_

Location of Sign on Bld.    North        South   X   East        West       

**Dimensions Façade:**

Length \_\_\_\_\_ Width \_\_\_\_\_ Area  194,355 S/F 

  Max Tejada    603-622-7212   
Signature of Responsible Party                      Telephone

Installer Company  The Sign Gallery, LLC  Telephone  603-622-7212 

 Max@SignGalleryNH.com   
Email

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

  Max Tejada    12/23/2020   
Signature                      Date

Cost of Sign(s)  \$184,500  Permit Fee \$ \_\_\_\_\_



*City of Marlborough*  
**BUILDING DEPARTMENT**

140 Main Street  
 Marlborough, Massachusetts 01752  
 Tel. (508) 460-3776 Facsimile (508) 624-6504

## SIGN PERMIT APPLICATION

What is needed to be submitted:

### **Sign on the Façade:**

1. A photo of the site which will show all existing signage; signs that are being removed; and sign(s) being installed.
2. 2 sets of plans which will show the length, width, height, area, how it is attached, how it is illuminated and the location on the building.

### **Free Standing Sign:**

1. 2 sets of plans which will show the length, width, height, area, how it is attached, and how it is illuminated.
2. A site plan, to scale, which will show the location of the sign and the building for which it will serve. (526-9 C 1(c) )
3. Address to be posted on the top of the sign (526-9 C 2(b) )

### **All Other Signs:**

1. 2 sets of plans which will show the length, width, height, area, how it is attached, how it is illuminated and the location on the building or on the land.

Further information about signs can be found on the City's website under "City of Marlborough City Code."

Please be aware that a Wiring Permit shall also be needed for the installation of any sign(s) which are to be illuminated. (527-CMR 12.00)

If you had applied to the Planning Board for a Variance, that recorded Variance must be submitted with this application.

# CONTINUE ON BACK



*City of Marlborough*  
**BUILDING DEPARTMENT**

140 Main Street  
Marlborough, Massachusetts 01752

Sign 2

8A-21

Date: 12/23/2020

Permit No. \_\_\_\_\_

Address/Location of Sign 201 Boston Post Road West

Name of Business RK Associates

Name of Owner of Business David Katz Telephone 781-320-0001

Type of Sign: (check off which applies)

☐ Flat Wall ☒ Free Standing ☐ Awning ☐ Banner ☐ Projecting

Does this site have a Special Permit ☐ YES ☒ NO

Is this a replacement of a same size existing sign(s) ☐ YES ☒ NO

**Dimensions Sign:**

Length 23' Width 48" Height (Free Standing) 39' Area \_\_\_\_\_

Location of Sign on Bld. North ☐ South ☒ East ☐ West ☐

**Dimensions Façade:**

Length \_\_\_\_\_ Width \_\_\_\_\_ Area 194,355 S/F

Max Tejada

603-622-7212

Signature of Responsible Party

Telephone

Installer Company The Sign Gallery, LLC Telephone 603-622-7212

Max@SignGalleryNH.com

Email

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

Max Tejada

12/23/2020

Signature

Date

Cost of Sign(s) \$184,500

Permit Fee \$ \_\_\_\_\_



*City of Marlborough*  
**BUILDING DEPARTMENT**

140 Main Street  
 Marlborough, Massachusetts 01752  
 Tel. (508) 460-3776 Facsimile (508) 624-6504

## SIGN PERMIT APPLICATION

What is needed to be submitted:

**Sign on the Façade:**

1. A photo of the site which will show all existing signage; signs that are being removed; and sign(s) being installed.
2. 2 sets of plans which will show the length, width, height, area, how it is attached, how it is illuminated and the location on the building.

**Free Standing Sign:**

1. 2 sets of plans which will show the length, width, height, area, how it is attached, and how it is illuminated.
2. A site plan, to scale, which will show the location of the sign and the building for which it will serve. (526-9 C 1(c) )
3. Address to be posted on the top of the sign (526-9 C 2(b) )

**All Other Signs:**

1. 2 sets of plans which will show the length, width, height, area, how it is attached, how it is illuminated and the location on the building or on the land.

Further information about signs can be found on the City's website under "City of Marlborough City Code."

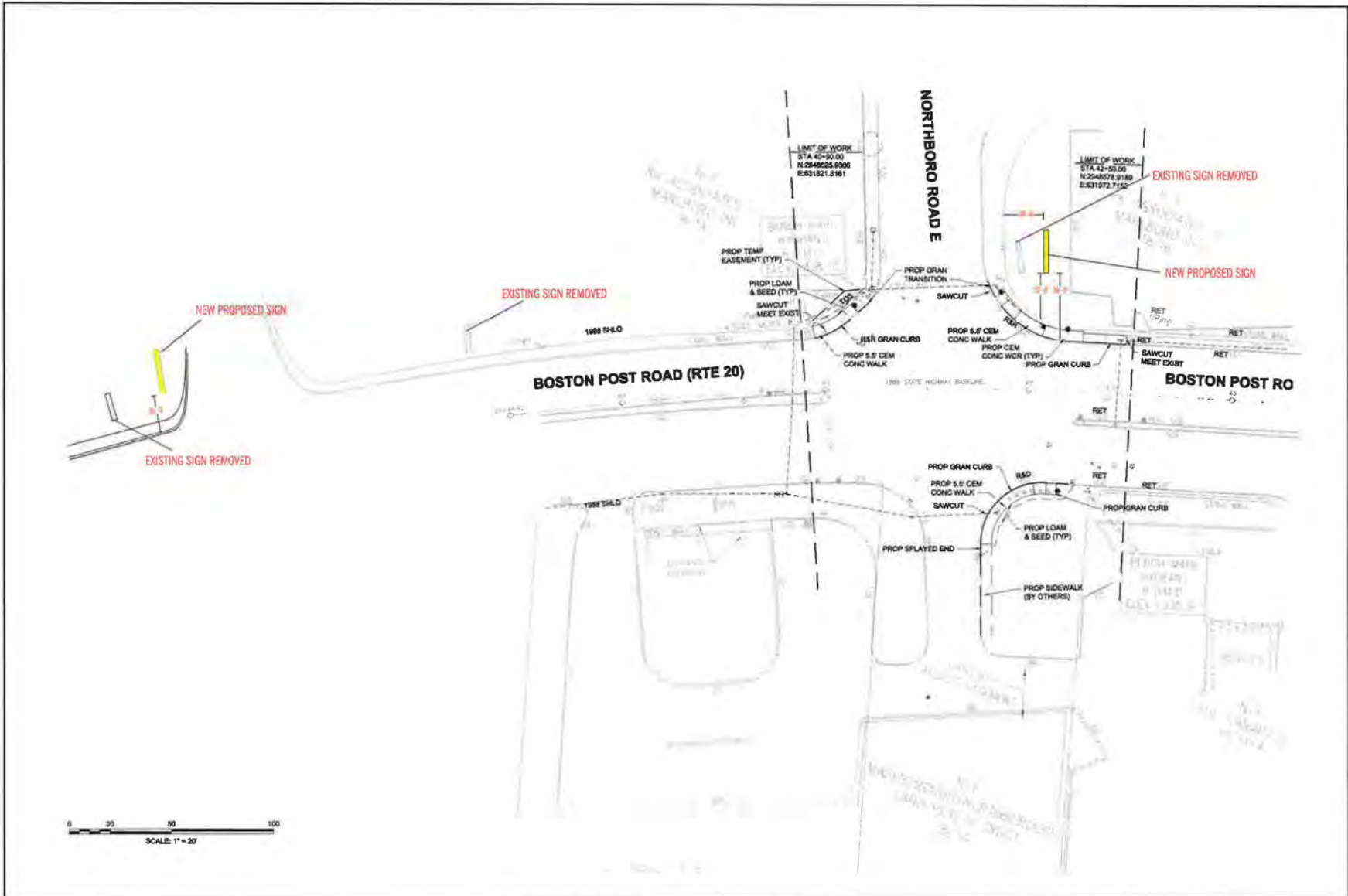
Please be aware that a Wiring Permit shall also be needed for the installation of any sign(s) which are to be illuminated. (527-CMR 12.00)

If you had applied to the Planning Board for a Variance, that recorded Variance must be submitted with this application.

# CONTINUE ON BACK

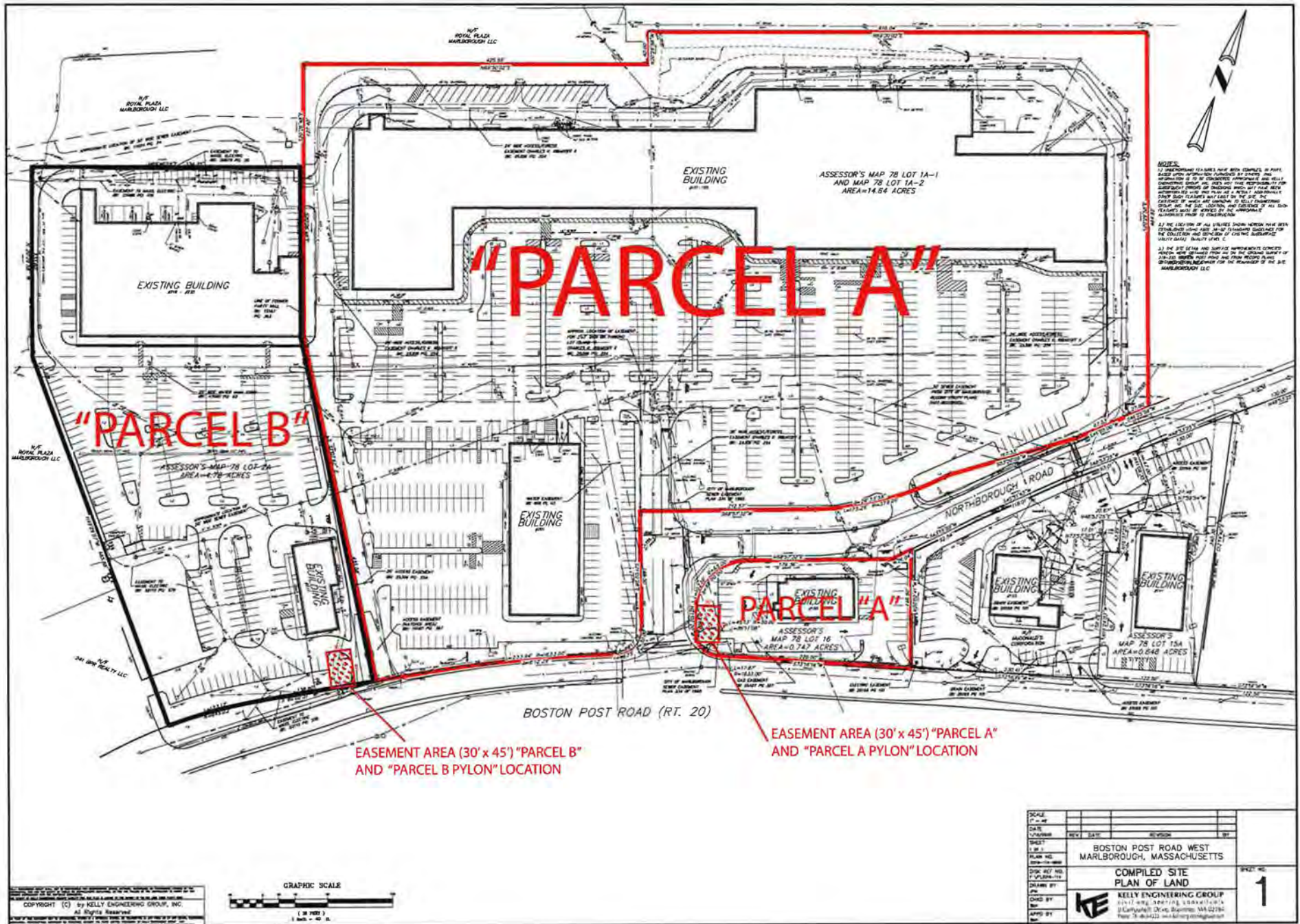


# TAB 6



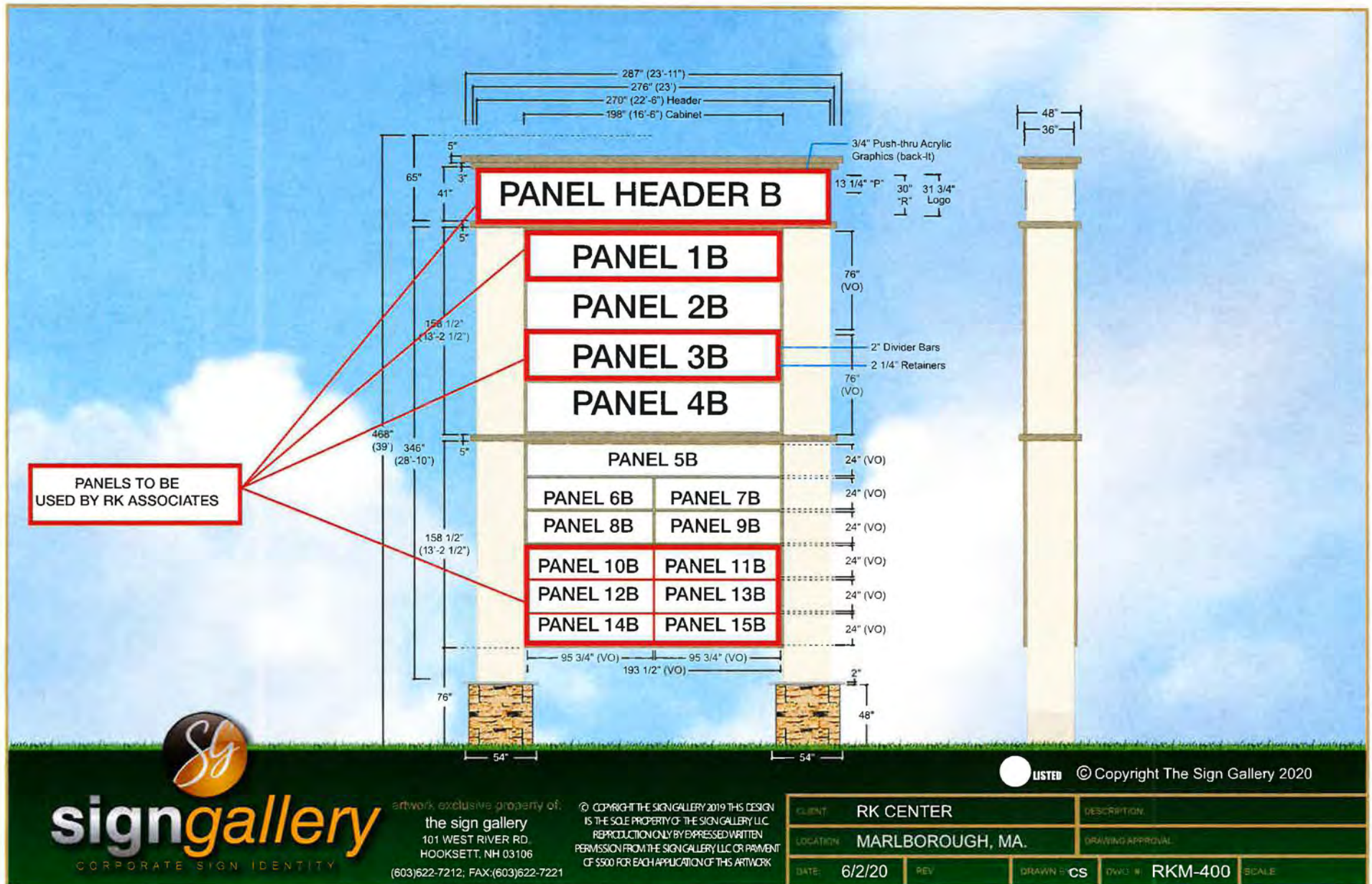
# TAB 7

# EXHIBIT C: EASEMENT PLAN





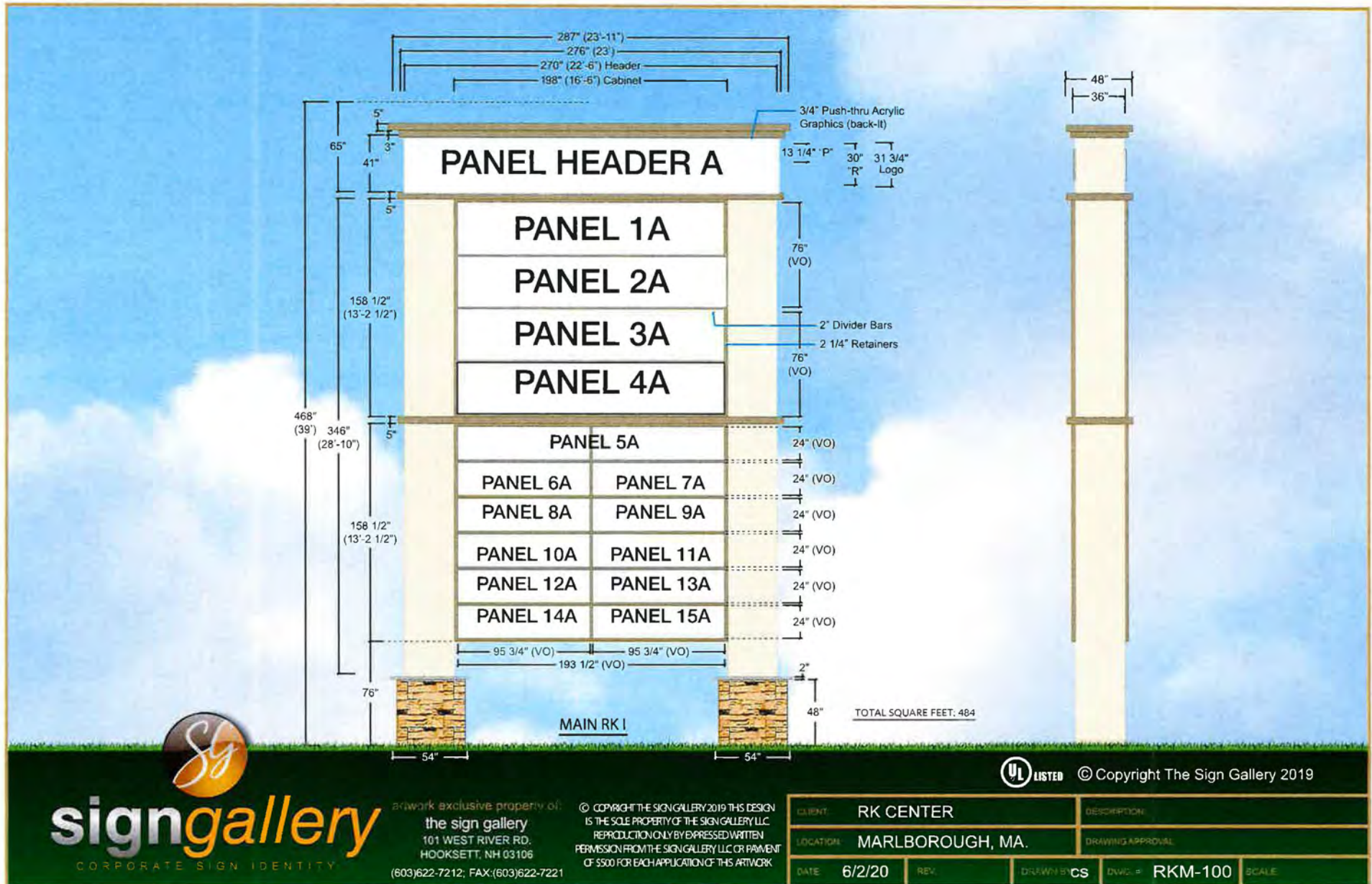
## 8A-27





# EXHIBIT E: PYLON A PLAN

8A-28



# TAB 8





NEW PROPOSED SIGN



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CLIENT	RK CENTER		DESCRIPTION	
LOCATION	MARLBOROUGH, MA.		DRAWING APPROVAL	
DATE	6.2.20	REV.	DRAWN BY CS	DWG. # RKM-500
				SCALE:





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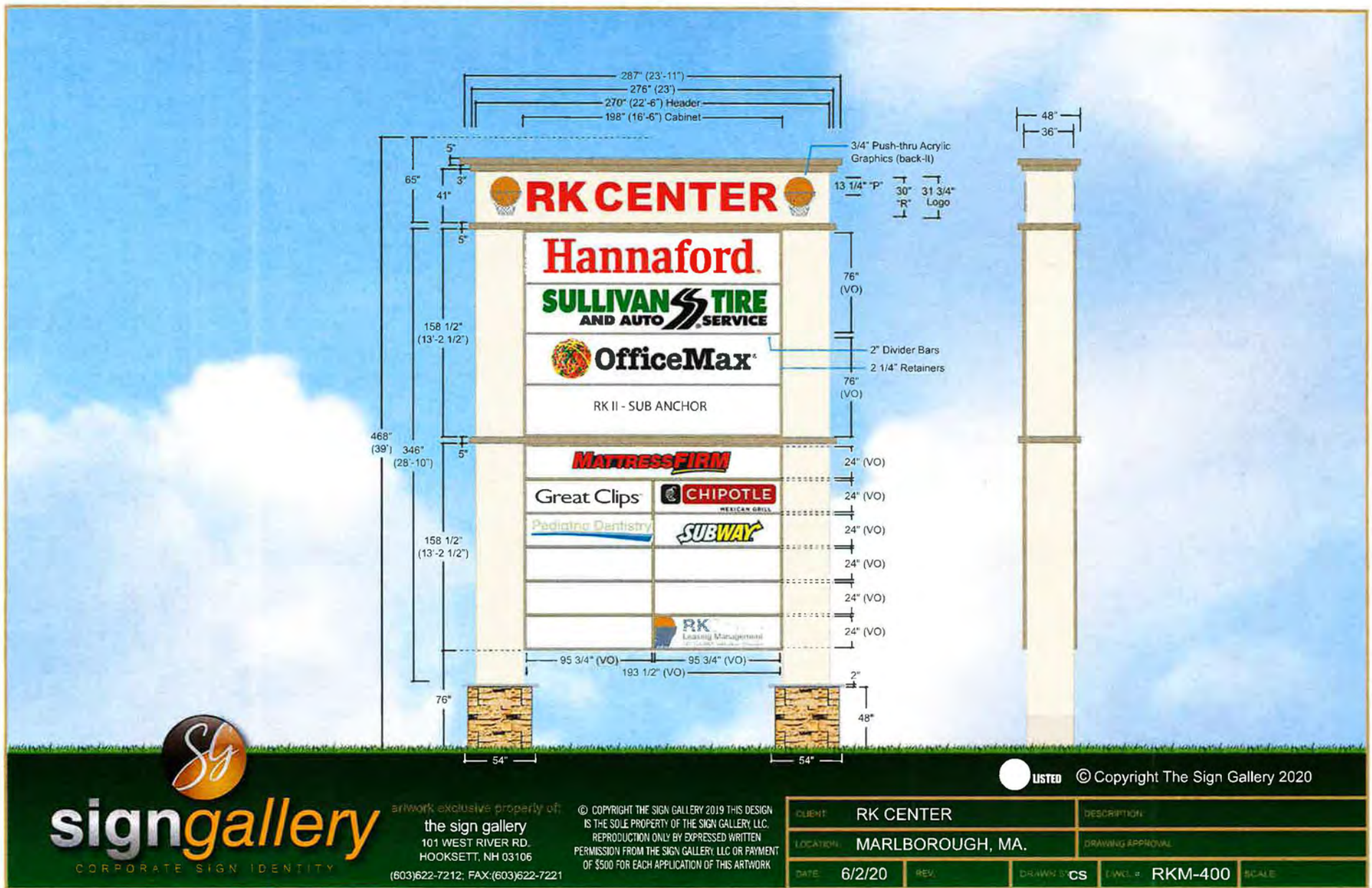
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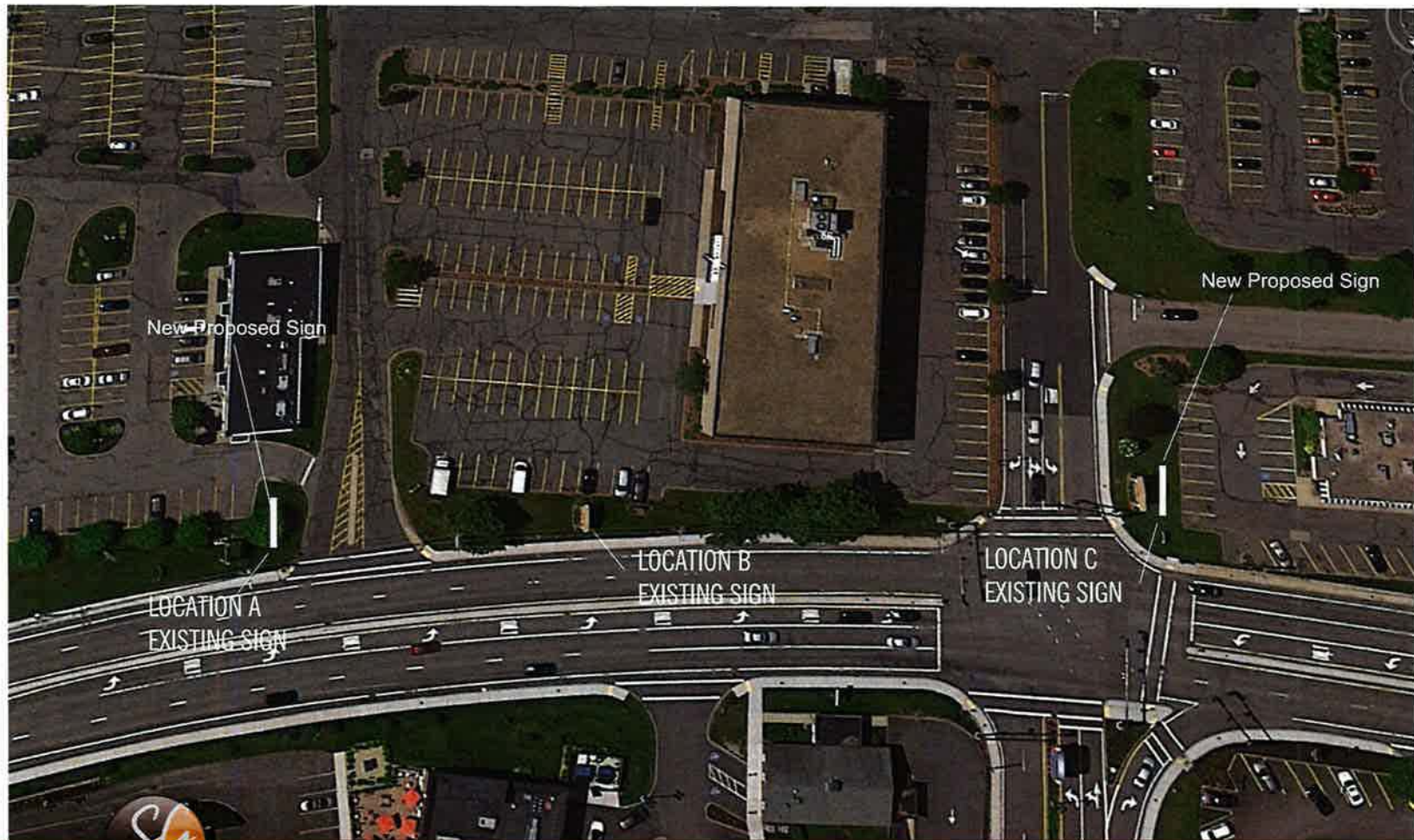
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CLIENT:	RK CENTER	DESCRIPTION:	
LOCATION:	MARLBOROUGH, MA.	DRAWING APPROVAL:	
DATE:	6.2.20	REV:	
DRAWN BY:	CS	DATE:	RKM-300
SCALE:			









**Sg**  
**signgallery**  
 CORPORATE SIGN IDENTITY

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LOCATION	MARLBOROUGH, MA.	DRAWING APPROVAL	
DATE	6.2.20	REV.	
DRAWN BY	CS	DWG. #	RKM-200
SCALE			



LOCATION ALOCATION BLOCATION C

SIGNS BEING REMOVED ABOVE FOUNDATIONS



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CLIENT	RK CENTER		DESCRIPTION
LOCATION	MARLBOROUGH, MA.		DRAWING APPROVAL:
DATE	6.2.20	REV	DRAWN BY CS DWG. # RKM-600 SCALE:

**Current regulation:****§ A676-2 Definitions.**

As used in ~~(REMOVE) this 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, the plural shall include the singular, 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.

**(REVISED)****AGENT**

A person other than the owner who (ADD)is authorized to speak and act on behalf of the owner.

**(ADD)****DEVELOPER**

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

**(REVISED)****DEVELOPER**

The person who oversees the installation of utilities and the construction of the roadway (ADD) and the person who is ultimately responsible for all obligations under the subdivision rules and regulations for completing the proposed subdivision and proposed utilities and roadway.

**(ADD) NEW**

**HISTORIC CULTURAL ASSET** – to be determined by Historic Commission

**(ADD) NEW**

**HISTORIC STRUCTURE** – to be determined by Historic Commission

**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.

**(REVISED)**

- (3) Easement and fee interest. All land required for access to a subdivision (ADD)”and all proposed lots depicted on the Definitive Subdivision Plan” must be held in fee by the Owner.

**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, (REVISED) Historical Commission 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.

(e) (ADD) The Historical Commission as to Historic Cultural Assets.



**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:
- (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 (REMOVE) or days shall elapse after the request for said approval without action: (REVISED) and will not act upon any such requests without having received a favorable response on the required letters.

**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) equal to (ADD) that noted on the Typical Roadway Cross-Sections – See Appendix F. (REMOVE) 30 feet at intersections involving a major street and 25 feet at other intersections.

(REVISED)

- (5) Property lines at street intersections shall have a radius (ADD) (rounding) (REMOVE) equal to (ADD) that noted on the Typical Roadway Cross-Sections – See Appendix F. (REMOVE) 30 feet at intersections involving a major street and 25 feet at other intersections. (REVISED) adequate to accommodate a commercial vehicle with a 40-foot wheelbase (defined by AASHTO as WB-40) without being in conflict with the granite curbing or the centerline of the adjoining street.

**Current Regulation:**

§676-22 (Reserved) formerly Alternative Design Standards

**Proposed change:**

§676-22 (NEW/REVISED) 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 (REVISED) (REMOVE) ~~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. (REVISED) Significant mature trees over 24” in diameter @ DBH, should be strongly considered when laying out the proposed subdivision roadway and lot layouts, these trees should be retained if the location is deemed feasible.
- 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:**

§ A676-37 Mailboxes. Mailboxes shall be installed in accordance with Appendix J.

**Proposed change:**

(ADD) On subdivision roads oriented east-west or close, mail boxes should be positioned on the sunny (Northerly) side of the street, adjacent to driveways or across the street from driveways for individual lots. Clustering of up to four mailboxes should be allowed whenever the driveways for four lots are close to contiguous corners of the four lots, two lots being on each side of the street.

**APPENDIX K – SUBDIVISION REGULATION FEE SCHEDULE****Current regulation:**

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.~~

**Proposed change:**

~~(ADD) Costs of public notices and advertising for hearings, including any processing and mailing costs, will be paid directly by applicant. (REMOVE) 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.~~



**Current regulation:****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~~ the then in force mailing 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.

**Proposed change:**

*Application Fee:* \$1,000.00  
*Supplemental Fee:* \$3.00 per linear foot of proposed roadway  
 (MISSING)  
*Preliminary Plan Credit:* less 80% of Application Fee and Supplemental Fee  
*Public Hearing Deposit Fee:* (REMOVE) \$200.00 (ADD) The cost of advertising will be billed directly to the applicant.  
*Mailing Deposit Fee:* Equal to ~~twice the current rate~~ the then in force mailing 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.

**Current regulation:**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:* Equal to ~~twice the current rate~~ the then in force mailing rate for first class mail\*, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

**Proposed change:**

*Application Fee:* \$400.00

*Public Hearing Deposit Fee:* (REMOVE) \$200.00 (ADD) The cost of advertising will be billed directly to the applicant.

*Mailing Deposit Fee:* Equal to ~~twice the current rate~~ the then in force mailing rate for first class mail\*, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

**Current regulation:**LIMITED DEVELOPMENT SUBDIVISION

*Application Fee:* \$400.00

*Supplemental Fee:* \$50.00 for each lot proposed

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

**Proposed change:**

*Application Fee:* (REMOVE) \$400.00 (ADD) \$500.00

*Supplemental Fee:* \$50.00 for each lot proposed

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

**Current regulation:****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>

**Proposed change:****OPEN SPACE DEVELOPMENT****(ADD) Step 1 - Concept Plan**

<i>Application Fee:</i>	<i>(REMOVE) \$1,400.00 (ADD)\$400.00</i>
<i>Public Hearing Deposit Fee:</i>	<i>(REMOVE) \$200.00 (ADD) The cost of advertising will be billed directly to the applicant.</i>
<i>Mailing Deposit Fee:</i>	<i>Equal to <del>twice the current rate</del> the then in force mailing rate for first class mail*, for properties in whole or in part, within 100 feet of the lots shown on the proposed Open Space Development.</i>

**(ADD) Step 2 – Open Space Development Plan**

<i>Application Fee:</i>	<i>(REMOVE) \$1,400.00 (ADD)\$1,000.00</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>(REMOVE) \$200.00 (ADD) The cost of advertising will be billed directly to the applicant.</i>
<i>Mailing Deposit Fee:</i>	<i>Equal to <del>twice the current rate</del> the then in force mailing rate for first class mail*, for properties in whole or in part, within 500 feet of the lots shown on the proposed Open Space Development.</i>



**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 ~~(REMOVE) is free from tax liens~~ (ADD) taxes are paid to date.
- 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 \_\_\_\_\_

# PLANNING BOARD FEE SCHEDULE CALCULATOR

	INFORMAL DISCUSSION		\$0.00	
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	PLAN BELIEVED NO TO REQUIRE APPROVAL (ANR)		\$100.00	
SUPPLEMENTAL FEES	APPLICATION FILING FEE		\$100.00	
NUMBER OF EXISTING LOTS	<input type="text"/> x \$50.00		\$0.00	
NUMBER OF LOTS CREATED	<input type="text"/> x \$50.00		\$0.00	

	PRELIMINARY SUBDIVISION PLAN SUBMISSION		\$400.00	
SUPPLEMENTAL FEES	APPLICATION FILING FEE		\$400.00	
LENGTH OF PROPOSED ROAD (FT.)	<input type="text"/> x \$2.00		\$0.00	
NUMBER OF LOTS WITHIN 100 FEET OF SUBDIVISION PROPERTY	<input type="text"/> x \$0.55		\$0.00	

	DEFINITIVE SUBDIVISION PLAN SUBMISSION		\$1,000.00	
SUPPLEMENTAL FEES	APPLICATION FILING FEE		\$1,000.00	
LENGTH OF PROPOSED ROAD (FT.)	<input type="text"/> x \$3.00		\$0.00	
NUMBER OF LOTS WITHIN 500 FEET OF SUBDIVISION PROPERTY	<input type="text"/> x \$0.55		\$0.00	
PRELIMINARY PLAN FILED WITHIN SEVEN MONTHS	<input type="text"/> x 80%		\$0.00	

YES = 1, NO = 0

LIMITED DEVELOPMENT SUBDIVISION			\$400.00
SUPPLEMENTAL FEES	APPLICATION FILING FEE	\$400.00	
NUMBER OF LOTS PROPOSED	<input type="text"/> x \$50.00	\$0.00	
NUMBER OF LOTS WITHIN 100 FEET OF SUBDIVISION PROPERTY	<input type="text"/> x \$0.55	\$0.00	
OPEN SPACE DEVELOPMENT			
STEP 1 - CONCEPT PLAN	APPLICATION FILING FEE	\$400.00	
SUPPLEMENTAL FEES			
NUMBER OF LOTS WITHIN 100 FEET OF SUBDIVISION PROPERTY	<input type="text"/> x \$0.55	\$0.00	
OPEN SPACE DEVELOPMENT - CONCEPT PLAN FEE			\$400.00
STEP 1 - CONCEPT PLAN	APPLICATION FILING FEE	\$1,000.00	
SUPPLEMENTAL FEES			
LENGTH OF PROPOSED ROAD (FT.)	<input type="text"/> x \$50.00	\$0.00	
NUMBER OF LOTS WITHIN 500 FEET OF SUBDIVISION PROPERTY	<input type="text"/> x \$0.55	\$0.00	
OPEN SPACE DEVELOPMENT - DEFINITIVE PLAN FEE			\$1,000.00
CHANGES TO SUBDIVISION PLAN SUBSEQUENT TO APPROVAL			\$400.00
SUPPLEMENTAL FEES	APPLICATION FILING FEE	\$400.00	
NUMBER OF LOTS WITHIN 500 FEET OF SUBDIVISION PROPERTY	<input type="text"/> x \$0.55	\$0.00	