

CITY OF MARLBOROUGH MEETING POSTING

Meeting: Planning Board
Date: April 6, 2020
Time: 7:00 PM
Location: VIRTUAL MEETING NOTICE

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 virtual meeting on Monday, April 6, 2020 at 7:00 pm. The public may access the meeting by clicking on the link provided on the Planning Board Website (Click the April 6th meeting on the calendar.) <https://www.marlbrough-ma.gov/planning-board> or by dialing in using the referenced phone number and conference ID#. (Phone # and Conference ID# also found on Planning Board website.)

- 1) Meeting Minutes
 - A. March 09, 2020
 - B. March 23, 2020
- 2) Chair's Business
 - A. Communication from Solicitor Grossfield regarding signed Open Meeting Law Order-Discussion of how to proceed with Planning Board business.
 - B. General Policy Discussion – Zoning and Variance Requests
 - C. Set New Public Hearing Date: Council Order 20-1007947 – Prop. Zoning Amendment Contract Storage Yards
- 3) Approval Not Required (None)
- 4) Public Hearings (None)
- 5) Subdivision Progress Reports
 - A. Subdivision Status Report
- 6) Preliminary/Open Space /Limited Development Subdivision Submissions (None)
- 7) Definitive Subdivision Submissions (None)
- 8) Signs (None)
- 9) Correspondence (None)
- 10) Unfinished Business
 - A. Communication from Assistant City Solicitor Piques – Forest Grove Subdivision - Approval of Lot Release Document
- 11) Calendar Updates
- 12) Public Notices of other Cities & Towns (None)

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2020 APR -2 P 3 51

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 09, 2020

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

1. Meeting Minutes

A. February 24, 2020

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the minutes of February 24, 2020. Motion carried.

2. Chair's Business

A. Chair Fenby shared that Nusrath Kahn has elected not to join the Planning Board.

B. Public Hearing Date: Council Order 20-1007947 – Proposed Zoning Amendment to Chapter 650, §5, §17, & §18 – Contractor Storage Yards and the Proposed Rezoning of land located on Farm Road, identified as Map 85 Parcel 12. The Board selected April 6, 2020 for the public hearing date.

3. Approval Not Required (None)

4. Public Hearings

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

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

Presentation:

City Councilor Robey spoke about the need for the proposed zoning amendment. A resident had contacted her asking about Marlborough's livestock regulations- specifically, raising chickens. Upon research, she found the City's current code lacks specificity on what is allowed or disallowed. Councilor Robey stated the City Code contains the statement, "All uses not noted in § 650-17, entitled "Table of Uses," shall be deemed prohibited." If the code is searched for chickens, there are no results found. If the code is searched for poultry, there is some information one can reference the Table of Uses. Livestock farms need to be over ten acres, but there are few properties in and are only allowed in the Rural Residential zone. There are not many properties in Marlborough over ten acres and located in the Rural Residential area.

Councilor Robey stated she is aware that residents in the city raise chickens for fresh eggs for personal use. She noted that Framingham recently reworked its ordinance and she consulted with the City Solicitor on the proposed ordinance with input from the Board of Health and Building Commissioner Cooke. She learned that the BOH has its own regulations and permitting process for chickens. The amendment includes language allowing slaughtering of chicken hens for personal use only. The Table of Uses will be amended to allow for six or fewer chickens in Rural Residential, A-1, A-2, A-3, Residence B, and Residence C and between seven and twelve in Rural Residential, A-1, A-2, and A-3 but not in Residence B or Residence C. Chickens are not allowed in the newly created Wayside District. Councilor Robey requested the Board's consideration of the proposed amendment.

Speaking in Favor:

Mr. Joseph Bisol of 212 Hudson St. spoke in favor of the amendment. He had a negative experience with a rooster in his neighborhood. Without this ordinance, he feels that the City lacks the ability to enforce situations like his. He doesn't feel any resident should need to resort to legal action due to lack of specificity in the code. He states that the zoning amendment will improve the quality of life for citizens in the City. With no further comment, Chair Fenby closed that portion of the hearing.

Speaking in Opposition:

No person spoke in opposition to the proposed amendment. Chair Fenby closed that portion of the hearing.

Questions and Comments from Board Members:

Mr. Elder asked whether the Board of Health requires a fee for people to register their chickens. He is opposed to any additional fees. Mr. Fay expressed concern that coyotes and other predators are attracted to chickens. Councilor Robey asked to address the Board, granted ... She said that coyotes and foxes already live in and around our neighborhoods and knows that these predators will take advantage of any opportunity. She is aware that the chickens along the rail trail have been taken by predators in the past. She still thinks the City needs this code in order to allow the keeping of chickens for personal use. Mr. Russ asked whether the Board of Health (B.O.H.) had any concerns over fecal matter. Ms. Robey said that the registration with the B.O.H. allows them to monitor the properties to see that they are being maintained. Mr. Russ brought a sample regulation from the Town of Leicester. Mr. Russ reviewed several elements of the Leicester ordinance, which includes an exclusion for lots less than 7,000 square feet, restrictions against placement of poultry structures within a protected wetland or buffer zone or near homes as well as a specification of design characteristics for structures. Mr. Russ believes the Marlborough ordinance lacks specificity. Mr. LaVenture shares some of the members' concerns. Coyotes, foxes and other wildlife may be drawn to coops. While he didn't want to overreact, considering the current concerns about virus transmission, he wondered if we should be concerned about any diseases carried by birds. Can we reach out for comment from the B.O.H.? His concerns include waste management, sickness, predators, and uncertainty about compliance with registration. Mr. Elder said the issue is no different than dog owners who fail to register their dogs. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to refer the matter to the Board of Health for comment. Motion carried. Chair Fenby declared that the public hearing will be continued until the next meeting of the Planning Board.

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

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

Mr. LaVenture read the 3-2-20 email communication from Mr. Weiss into the record. On a motion by Mr. Elder, seconded by Mr. Fay, the Board voted accept and file the communication and to grant the requested extension of time for review and consideration of the Commonwealth Heights application to 03-23-20. Motion carried.

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

Mr. LaVenture read the March 5, 2020 communication from Assistant City Engineer Collins into the record. A title exam and research by D'Ambrusco Law, LLC, revealed a deficiency in the 2002 lot release for the Forest Grove Subdivision. Mr. Collins provided a detailed chronology and evolution of several subdivision applications that lead to the mistake. For the Board's consideration, Mr. Collins attached a Release of Lot(s) form which corrects the errors in the previous release.

6. Preliminary/Open Space /Limited Development Subdivision Submissions (None)**7. Definitive Subdivision Submissions (None)**

8. Signs (None)

9. Correspondence (None)

10. Informal Discussion (None)

11. Calendar Updates

- A. Public Hearing- Council Order 20-1007947 – Proposed Zoning Amendment to Chapter 650, §5, §17, & §18 – Contractor Storage Yards and the Proposed Rezoning of land located on Farm Road, identified as Map 85 Parcel 12. Hearing Date: Monday, April 6, 2020.

12. Public Notices of other Cities & Towns (Included in electronic packet)

- A. City of Framingham – 4 Notices
- B. Town of Sudbury – 2 Notices
- C. Town of Northborough - 1 Notice

On a motion by Mr. Elder seconded by Mr. Russ, the Board voted to accept and file the notices. Motion carried.

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

Respectfully submitted,

/kih

George LaVenture/Clerk

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

1B

March 23, 2020

The Marlborough Planning Board did not conduct a regular meeting on March 23, 2020.

At 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA., Planning Board Administrator, Krista Holmi, read the 3-19-20 communication from Chair Fenby authorizing Ms. Holmi to address items 4A and 4B. No public attendance was permitted.

1. Meeting Minutes (None)

2. Chair's Business (None)

3. Approval Not Required (None)

4. Public Hearings

A. Commonwealth Heights Definitive Subdivision – Revised plan

Applicant - The Gutierrez Company

Project Engineer - Connorstone Engineering, Inc.

Location – 10.55 Acres located on the corner of Forest Street and Ames Street. Middlesex Registry of Deeds Book 31932, page 445 (Lot 14).

THIS PUBLIC HEARING WASE OPENED WITH NO TESTIMONY FROM THE PUBLIC BEING HEARD AND CONTINUED UNTIL APRIL 27, 2020 AT 7:00 PM.

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

THIS PUBLIC HEARING WAS REOPENED WITH NO TESTIMONY FROM THE PUBLIC BEING HEARD AND CONTINUED UNTIL APRIL 27, 2020 AT 7PM.

5. Subdivision Progress Reports (None)

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

7. Definitive Subdivision Submissions (None)

8. Signs (None)

9. Correspondence (None)

10. Informal Discussion (None)

11. Calendar Updates (None)

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

Respectfully submitted,

Krista Holmi/Planning Board Administrator

From: [Jason Grossfield](#)
To: [Susan Brown](#); [Krista Holmi](#); [Tina Nolin](#); [Paula Murphy](#); [Patricia Pope](#); [Margaret Cardello](#); [Recreation Department](#); [Margaret Shea](#); [Michael Bergeron](#); [Priscilla Ryder](#); [Robert Fagone](#); [Vonevelyn Morris](#)
Cc: [Mayor](#); [Nathan Boudreau](#); [Patricia Bernard](#); [Karen Boule](#); [Jason Piques](#); [Heather Gutierrez](#); [Steven Kerrigan](#); [Mark Gibbs](#)
Subject: Open Meeting Law and COVID-19 Executive Order
Date: Friday, March 13, 2020 12:50:51 PM
Attachments: [Signed Open Meeting Law Order 3.12.20.pdf](#)

To All City Boards, Commissions, and Public Bodies:

Please see the below update from the Attorney General's Division of Open Government concerning the March 12, 2020 Executive Order issued by Governor Baker modifying certain requirements of the Open Meeting Law effective immediately.

The Executive Order relieves public bodies from the requirement in the Open Meeting Law that meetings be conducted in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body through adequate, alternative means. "Adequate, alternative means" may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body in real time."

In addition, all members of a public body may participate in a meeting remotely; the Open Meeting Law's requirement that a quorum of the body and the chair be physically present at the meeting location is suspended.

If using this method hold a meeting, please first contact our office to discuss the types of matters on your agenda and any public hearings or permitting/licensing/zoning relief applications. You will also need to coordinate and confirm with our office and the IT department on technological approaches to implement this method in a manner consistent with the Executive Order.

One aspect to consider will involve public hearings or other matters that require a member of the public to appear on a petition/application. If using remote participation, approaches to consider may include:

- Providing a call in conference number on the city website so both members of the public body can deliberate in an "open session", and members of the public can be afforded access and the ability to present/participate to the extent required by law.
- Use of video streaming/conferencing service
- In addition, encouraging receiving comments or public input via email in advance and/or real-time, which can be read by the public body presiding officer (or clerk or designated member) during the call.
- In the event technical difficulties arise during a meeting, it may be advisable to consider availability of back-up options.

All votes will require a roll call.

A copy of the full order is attached. Please forward this information to your board or committee members and don't hesitate to contact me with any questions or concerns.

Thank you,
-Jason

Jason D. Grossfield

City Solicitor
City of Marlborough
City Hall, 4th Floor
140 Main Street
Marlborough, MA 01752
T: (508) 460-3771
F: (508) 460-3698
jgrossfield@marlborough-ma.gov

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From: Attorney General's Division of Open Government <OpenMeeting@State.MA.US>
Date: March 12, 2020 at 9:54:35 PM EDT
To: <citycouncil@marlborough-ma.gov>
Subject: Update on the Open Meeting Law and COVID-19
Reply-To: Attorney General's Division of Open Government <OpenMeeting@State.MA.US>

[View this email in your browser](#)

**Update from the
Division of Open
Government**



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS
 OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19"); and

WHEREAS, many important functions of State and Local Government are executed by "public bodies," as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention ("CDC") and the Massachusetts Department of Public Health ("DPH") have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

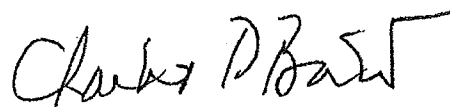
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 8:40 PM this 12th day of
March, two thousand and twenty.

A handwritten signature in dark ink, appearing to read "Charles D. Baker". The signature is written in a cursive, somewhat stylized script. The first name "Charles" is written in a more formal, slightly blocky cursive, while "D. Baker" follows in a more fluid, connected script. The signature is positioned above a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

From: [Krista Holmi](#)
To: [Barbara Fenby](#)
Cc: [Sean Nicholas Fay \(Sean@Faylawoffices.com\)](#); [Krista Holmi](#)
Subject: Policy Discussion-Agenda Item Chair's Business
Date: Thursday, April 2, 2020 10:00:00 AM

Submission for Chair's Business

From: BARBARA FENBY <sohohinny@aol.com>
Sent: Thursday, April 2, 2020 9:37 AM
To: Sean Nicholas Fay <sean@faylawoffices.com>
Cc: Krista Holmi <kholmi@marlborough-ma.gov>

General policy discussion about rezoning proposals and variance requests involving properties that were not otherwise in compliance with the City's rules and regulations. We have always had an informal policy of not granting requests in those situations, but we never really articulated a firm, stated policy.

Consideration of articulating a standard and policy putting proponents on notice of past practices. Provide advance notice to the applicant to ensure fairness. How to we determine compliance? Options: request a letter from code enforcement as a matter of course or just Board assessment of property violations of City code? Discussion of options.

Goals: establish best practices for the Board moving forward. Standards, roadmaps, and checklists to provide consistent review.



April 6, 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	\$352,000.00	30-Jun-20	Roadway construction on-going	
215 Simarano Drive: Street name has not been assigned	NOT SET	9-Sep-20	Covenant must be in place and City Clerk certify that no appeal has been filed before endorsing plan	
SUBDIVISIONS - NEW				
SUBDIVISION	DATE SUBMITTED	DECISION DATE (meeting on)	COMMENT	
Commonwealth Heights Atkinson Drive	18-Nov-19	5/18/2020 5/23/20-actual	Second version of subdivision Plan with shortened roadway length and modified cross-section	

SUBDIVISIONS - UNDER CONSTRUCTION

Goodale Estates (Open Space):		Jenks Lane	
Off Goodale Street	Approval Date	Expiration Date	Bond Amount
	14-Nov-16	14-Nov-18	
Bond Amount			NOT SET
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		\$352,000.00

SUBDIVISIONS - APPROVED BUT NOT ENDORSED

215 Simarano Drive:		Street name has not been assigned	
Off Simarano Drive	Approval Date		Bond Amount
Jeremiah 29, LLC	10-Sep-18	9-Sep-20	NOT SET
Construction of Self Storage Building per Site Plan Review Committee approval has started.			

SUBDIVISIONS - UNDER REVIEW			
Commonwealth Heights		Atkinson Drive	
Off Ames Street/Glen Street	Dates	Deadline	
Submission	18-Nov-19		
Public Hearing	16-Dec-19		
Approval Deadline		23-Mar-20	
New Public Hearing	23-Mar-20		
Approval Deadline (extension)		23-May-20	
Approval Date			
20 Day Appeals Date			
Endorsed on			

From: [Jason Piques](#)
To: [Krista Holmi](#)
Cc: [Jason Grossfield](#)
Subject: RE: Housekeeping item-/Forest Grove Subdivision (Muir Way)
Date: Thursday, March 19, 2020 10:58:30 AM

Dear Honorable Planning Board Members:

As requested, I have reviewed the proposed form of Release of Lots.

In accordance with the Board's subdivision regulations, I confirm that the Release of Lots is in proper legal form.

-Jay

Jason M. Piques
Assistant City Solicitor
City of Marlborough
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140 Main Street
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From: Krista Holmi <kholmi@marlborough-ma.gov>
Sent: Tuesday, March 10, 2020 2:16 PM
To: Jason Grossfield <jgrossfield@marlborough-ma.gov>
Cc: Jason Piques <jpiques@marlborough-ma.gov>
Subject: FW: Housekeeping item-/Forest Grove Subdivision (Muir Way)

Jason,

The Board voted last evening to formally refer the attached matter to Legal.

The new lot release is structured to correct previous issues with the recorded documents. Please review for proper legal form.

If possible, please provide comment by Wednesday, March 18.

Thank you.

Krista

Krista Holmi
Engineering & Planning Board Administrator
City of Marlborough
Department of Public Works
135 Neil Street
Marlborough, MA 01752
kholmi@marlborough-ma.gov
planning_board@marlborough-ma.gov

(508) 624-6910 x33200

RELEASE OF LOT(S)

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

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

Executed on this ____ day of _____ 2020.

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

_____	_____
_____	_____
_____	_____
_____	_____

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

_____ 20__

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

Notary Public

My Commission Expires:

RELEASE OF LOT(S)

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

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

Executed on this ____ day of _____ 2020.

By: _____, Chair

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss. _____ 20__

Then personally appeared Barbara L. Fenby, Chairperson of the Marlborough Planning Board and acknowledged before me that the foregoing instrument is a free act and deed of said Planning Board.

Notary Public

My Commission Expires: