

CITY OF MARLBOROUGH MEETING POSTING

Meeting: Planning Board
Date: May 18, 2020
Time: 7:00 PM
Location: REMOTE MEETING NOTICE

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2020 MAY 14 P 3 28

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, May 18, 2020 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 using the following phone number and conference ID : Phone Number 1 617-433-9462, Conference ID 981 938 347#

Agenda Items to be Addressed:

- 1) Meeting Minutes
 - A. April 27, 2020
- 2) Chair's Business
 - A. Set public hearing date: Proposed rezoning of land off Valley St. identified as Map 82, Parcel 125, presently zoned partly "Residence C" and partly "Industrial" to be rezoned entirely as "Residence C", Marlborough Hub, LLC.
 - B. Set Public Hearing date: Proposed Zoning Amendment to Chapter 650 to add a new Section 38 creating the Large-Scale Ground-Mounted Solar Photovoltaic Overlay District. Assessor's Map 30, Parcel 4 and Assessor's Map 30, Parcel 4C.
- 3) Approval Not Required
 - A. 26, 34 Macquarrie Drive – Applicant: Jon Sowa, 26 MacQuarrie Drive, Marlborough, MA 01752; Land Surveyor: Hancock Associates, 315 Elm Street, Marlborough, MA 01752; Description of Property: Middlesex South Registry of Deeds Book 19272 Page 170. J. Dan Bremser, Hancock Associates.
- 4) Public Hearings
 - A. Continued: Commonwealth Heights Definitive Subdivision – Revised plan dated March 2, 2020.
Applicant - The Gutierrez Company; Project Engineer - Connorstone Engineering, Inc.
Location – 10.6 Acres located on the corner of Forest Street and Ames Street. Middlesex Registry of Deeds Book 31932, page 445 (Lot 14).
THE COMMONWEALTH HEIGHTS PUBLIC HEARING WILL BE REOPENED WITH NO TESTIMONY FROM THE PUBLIC BEING HEARD AND CONTINUED UNTIL JUNE 08, 2020 AT 7:00 PM AT WHICH TIME PUBLIC TESTIMONY WILL BE HEARD.
 - B. Continued: 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.
- 5) Subdivision Progress Reports
 - A. Goodale Estates (Update from City Engineer - Subdivision Expiration – June 30, 2020)
- 6) Preliminary/Open Space /Limited Development Subdivision Submissions (None)
- 7) Definitive Subdivision Submissions (None)
- 8) Signs (None)
- 9) Correspondence
 - A. Memo from City Engineer DiPersio re: Zoning Board of Appeals -Request for comment- Floodplain and Wetland Protection District Special Permit Application.
Property located at 339 Boston Post Rd. East, Map 72-35, 73-28, 24,26.
 - C. Notice of Affordable Housing Lottery- SEB Housing for Modera Framingham
- 10) Unfinished Business
 - A. Draft Policy Discussion – Zoning and Variance Requests
- 11) Calendar Updates
- 12) Public Notices of other Cities & Towns
 - A. Framingham Zoning Board of Appeals (6 Notices – See Electronic Agenda Packet)

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

April 27, 2020

The **Remote Meeting** of the Marlborough Planning Board was called to order at 7:00 pm. Members present- Barbara Fenby, Sean Fay, Phil Hodge, George LaVenture, Chris Russ and Matthew Elder. City Engineer, Thomas DiPersio, and Planning Board Administrator, Krista Holmi, also participated in the remote meeting.

1. Meeting Minutes

A. April 6, 2020

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the minutes of April 06, 2020. Yea: 6 – Nay: 0; Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Carried 6-0.

2. Chair's Business

- A. May Meetings. Chair Fenby informed the Board that the next scheduled meeting of the Planning Board is just a week away. She polled the Board on their thoughts of skipping the May 4 meeting if no pressing matters are added to the agenda by Thursday, April 30, the posting deadline. As there were no objections, the Board will plan to meet again on May 18 (pending confirmation that no pressing matters are added to the agenda.)

3. Approval Not Required

- A. 19 Ash Street – Applicant: David Skarin, 36 Wethersford Rd. Bellingham, MA 02019; Surveyor: Jarvis Land Survey, 29 Grafton Circle, Shrewsbury, MA 01545; Description of Property: Middlesex South Registry of Deeds Book 29963 Page 483; Assessor's Map 43 Parcel 29. Plan representative: David Skarin, Applicant/Owner.

Mr. Skarin was not online when item 3A was announced. On a motion by Mr. Elder, seconded by Mr. LaVenture, the Board voted to move on to item 3B. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. 6-0 Carried.

- B. 53 Second Rd. – Applicant: Reginald Ashford, 61 Second Road Marlborough, MA 01752; Surveyor: Hancock Associates, 315 Elm St. Marlborough, MA 01752; Description of Property: Middlesex South Registry of Deeds Book 26162 Page 256, Assessor's Map 6 Parcel 30. Plan representative: J. Dan Bremser, Hancock Assoc.

After a brief delay, Mr. Bremser of Hancock Associates joined the meeting. Mr. Bremser indicates that the purpose of the plan is to subdivide the existing lot (shown as Lot 2 on the plan) at 53 Second Road and creates a separate parcel, "Parcel A", with 25 feet of frontage on Second Road. This parcel has been accurately identified on the plan as "not a separate buildable lot" and is to be used exclusively with the adjacent property at 61 Second Road. Lot 2 at 53 Second Road maintains the applicable setback requirements for a lot in the A3 zone.

i) Engineering Review Letter

Mr. LaVenture read the April 27th review letter from Assistant City Engineer Collins into the record. The letter reviews the intent of the plan and indicates that Lot 2, which contains an existing single family home, has the required area and the required frontage for property in a Residence A-3 zone, has "present adequate access" on Second Road and also meets the "lot shape requirement". The letter further indicates that "Parcel A" does not meet the requirements for area, frontage or lot shape and is properly designated as "not a separate buildable lot". Parcel A will be used with the adjacent property (61 Second Road), owned by the applicant. On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to accept, file and endorse the referenced plan at 53 Second Road as Approval Not Required under the subdivision control law. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby; Nay: 0. Motion carried 6-0.

As Mr. Skarin was not yet available to present item 3A, the Board moved on to the next agenda item, 4A.

4. Public Hearings

A. Continued: 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).

Chair Fenby reopened the public hearing. Mr. LaVenture read the public hearing notice into the record. As the state of emergency due to COVID-19 remains in effect, with no objections expressed, Chair Fenby continued the public hearing until May 18, 2020 at 7:00 pm. No public testimony was heard.

Applicant Skarin joined the meeting, and the Board returned to item 3A.

3. Approval Not Required

A. 19 Ash Street – Applicant: David Skarin, 36 Wethersford Rd. Bellingham, MA 02019; Surveyor: Jarvis Land Survey, 29 Grafton Circle, Shrewsbury, MA 01545; Description of Property: Middlesex South Registry of Deeds Book 29963 Page 483; Assessor's Map 43 Parcel 29. Plan representative: David Skarin, Applicant/Owner.

Mr. Skarin addressed the plan. He indicated that the purpose of the plan is to subdivide the existing (1.94 acre) property into two lots. Lot 1 will be developed as an 11-unit residential townhouse project and on Lot 2, the existing single-family house will be converted to a two-family house. The new plan identifies that Lot 2 no longer contains encroachments and meets setback requirements. A barn on the property was torn down, and a pool was removed. Mr. Russ asked if the plan was a representation of existing conditions. Mr. Skarin indicated yes. He explained that the structure represented on Lot 1 as "BUILDING" will be razed.

Mr. LaVenture read the April 27, 2020 letter from Assistant City Engineer Collins into the record. Mr. Collins indicates that the purpose of the plan is to subdivide the existing 1.94 acres property into two lots: Lot 1 contains 1.55 acres with a total of 192.61 feet of frontage on Ash St. Lot two contains .39 acres with a total of 117.99 feet of frontage on Ash St. In his review, Mr. Collins indicates both lots 1 and 2 have the required area and the required frontage for property in a Residence A-3 zone, meet the required front, rear and side yard setbacks and have present adequate access on Ash Street and meet the lot shape requirement.

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to accept, file and endorse the plan of land as Approval Not Required under the subdivision control law. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. 6-0 Carried.

4. Public Hearings

B. 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.

Chair Fenby opened the public hearing. Mr. LaVenture read the public hearing notice into the record. As the state of emergency due to COVID-19 remains in effect, with no objections expressed, Chair Fenby continued the public hearing until May 18, 2020 at 7:00 pm. No public testimony was heard.

C. Continued: CO 20-1007915 - Proposed Zoning Amendment to Section 650 §17 & §18 – Livestock Farms.

Chair Fenby reopened the public hearing and asked for member comment. Mr. Russ expressed that as written, he was not in favor of the amendment. He would like additional information from the Board of Health (BoH). He feels that there is not enough information on what is allowed, and what is not allowed and further detailed additional recommendations. Mr. Fay expressed similar reservations and feels that passing the zoning ordinance before updated BoH regulations are in place is premature. (Specific comments are detailed in the motion below). Chair Fenby thanked Mr. Russ and Mr. Fay for their thoughtful consideration of the proposed amendment, closed the hearing and asked for a motion. On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to provide a negative recommendation on the proposed amendment pending updated Board of Health regulations on the keeping of livestock animals. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0 Carried 6-0.

In its decision, the Board expressed the following concerns:

The current Board of Health (BoH) regulations written in 2005 do not adequately address the potential public health risks associated with keeping chickens in residential settings (including risks of salmonella, campylobacter, etc.) Additionally, BoH regulations do not provide for inspections and do not adequately address the disposal of manure and storage of feed.

Other concerns expressed by the Board include the risk of increased predator prevalence with an increased food source, the lack of specific regulations concerning the location of structures that would house chickens and the potential impact to residents should multiple abutters choose to keep chickens.

The Planning Board recommends that the City Council delay further action on the proposed amendment until the Board of Health, Conservation Commissioner and Animal Control have an opportunity to work collaboratively to establish appropriate and thorough regulations. The Board concurs with the expressed statements of the Building Commissioner. It is preferred that zoning deal with the authority of allowing the uses, and the BoH will deal with how to keep and raise livestock. In short, the Board believes that enacting the current zoning amendment without first having comprehensive Board of Health regulations in place would be putting the cart before the horse and may ultimately put public health at risk.

The Planning Board makes the following recommendations on the proposed amendment:

1. That no keeping of chickens be permitted in RB or RC zones;
2. That the number of chickens allowed in A3 Zones be limited to 6;
3. That the minimum lot size for the keeping of chickens be 8,000 square feet;
4. That the Board of Health be the permitting authority;
5. That the sale of eggs be prohibited;
6. That the regulations for chicken coops fall under the accessory structures rules and be prohibited within 25 feet of a dwelling;
7. That no chickens be kept in the front yard of a property; and,
8. That the keeping of chickens be allowed only for single-family, owner-occupied properties.

5. Subdivision Progress Reports (None)

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

7. Definitive Subdivision Submissions (None)

8. Signs (None)

9. Correspondence

A. Zoning Board of Appeals -Request for comment- Floodplain and Wetland Protection District Special Permit Application, Property located at 339 Boston Post Rd. East, Map 72-35, 73-28, 24,26.

City Engineer DiPersio explained that the Board is being asked to comment on a special permit application for a proposed development within the floodplain overlay district. A graphic from the site plan was displayed. Mr. DiPersio explained that the boundaries of the 100-year floodplain limits were shown in blue, and the areas in pink represented proposed areas of fill. The applicant must meet the minimum performance standard of providing an equivalent compensatory storage area in the vicinity of the fill area. While the threshold has been met, additional review by Engineering and Conservation is ongoing. The site's drainage is complex and contains three culverts and surrounding areas are prone to flooding. Mr. DiPersio anticipates providing comment at the next Conservation Commission meeting. Mr. Russ said that it was important to be sensitive to any downstream impacts for surrounding neighborhoods such as Helen Drive, where properties are already susceptible to wet basements. Mr. Russ questioned whether another proposed project across from the former airport property would have any additional impact. Mr. DiPersio indicated that there was a potential project on the other side of the wetland, and there should be no impact.

On a motion by Mr. Russ, seconded by Mr. Elder, the Board voted to accept and file the correspondence and reserve comment until Engineering completes the stormwater calculations and provides its review to the Board. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. 6-0.

10. Unfinished Business

A. Draft Policy Discussion – Zoning and Variance Requests

Mr. Fay summarized the thought behind the draft policy. There are two aspects of the proposed policy. The first relates to sign variance requests. The second involves when the Board is providing a recommendation to the City Council regarding a zoning change. The policy is directed at properties that willfully violate the City's Sign Ordinance or other applicable regulations related to use and zoning. Mr. Fay cited examples of properties that display A-frame signs, balloons, banners, signs on fences, signs on trees, telephone poles, etc. Mr. Fay also mentioned properties with uses that are not in keeping of the zoning restrictions for applicable zone. The Board has a tradition of not acting on sign variance requests and other matters if the property is out of compliance with the Sign Ordinance or other applicable regulations. Mr. Fay stated that it sets a bad precedent to afford a property owner with relief who willfully violates City ordinances. The policy puts applicants on notice that they can expect a negative recommendation related to a zoning change, or the Board will not act on a sign variance request unless the property is otherwise compliant with City code. The question was raised as to how the Board will make these determinations. Mr. Fay stated the Board members must view the subject properties and could request a letter from Code Enforcement to see if there are current violations or any ongoing enforcement issues. Ms. Fenby requested member feedback. Mr. Hodge thought the policy of putting applicants on notice was reasonable. Mr. Elder expressed some concern that some properties have been out of compliance for years. You may have some applicants who temporarily clean their properties and then go back to their old ways after. Mr. Fay responded that any resulting violations could always be reported to Code Enforcement for follow-up. Mr. LaVenture thanked Mr. Fay for his thoughts and work developing the policy. Mr. LaVenture wondered whether a variance could possibly expire should properties fall out of compliance. The question was asked how the Board would implement the policy. Ms. Fenby suggested the policy could be put on the website like the guide to abutters. Mr. Fay acknowledged a previous suggestion that the compliance verification be part of the application process. Chair Fenby asked what they wanted for the next step? Mr. Elder agreed with a suggestion that the policy be reviewed by Legal. On a motion by Mr. Elder, seconded by Mr. LaVenture, the Board voted to refer the policy to the Legal Department for their input. Mr. Elder was called but did not respond. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried 5-0.

11. Calendar Updates

- A. Continued: Commonwealth Heights Definitive Revised Sub. Plan- Continued without testimony until 5-18-20 at 7:00 pm
- B. 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. – Continued without testimony to May 18, 2020 at 7:00 pm.

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

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to adjourn the meeting of the Planning Board. Yea: 6 – Nay: 0; Yea: Fenby, Fay, Hodge, LaVenture, Russ and Elder.

Respectfully submitted,

/kih

George LaVenture/Clerk



IN CITY COUNCIL

Marlborough, Mass., APRIL 27, 2020

ORDERED:

That Communication from Attorney Mark Bourbeau on behalf of Marlborough HUB LLC, re: Proposed Rezoning of land off Valley Street, identified as Map 82, Parcel 125, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, JUNE 22, 2020.**

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:

That the land off Valley Street owned by Marlborough HUB, LLC., shown on Assessor's Map 82 as Parcel 125, presently zoned partly "Residence C" and partly "Industrial", be rezoned entirely as "Residence C", as said industrial portion parcel 125 is contiguous to the proponent's residentially zoned portion of Assessors' Parcel 125, and neither contiguous to any other industrially zoned land, and not practical or feasible for lawful industrial uses.

ADOPTED

ORDER NO. 20-1007976

X 19-1007532

X 19-1007552

DROHAN TOCCHIO & MORGAN, P.C.

ATTORNEYS AT LAW
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CITY OF MARLBOROUGH

2020 MAR 11 P 5:07

MARK S. BOURBEAU
mbourbeau@dtm-law.com

March 6, 2020

Via First Class Mail

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

- Urban Affairs
- Planning Bureau
- Adv.
- P/H 4/22/2020

RE: Rezoning off Valley Street
Assessor's Map 82 Parcel 125, Marlborough HUB, LLC.

Attn. President and Members:

On behalf of Marlborough HUB, LLC., we are writing to petition the City Council to rezone its land off Valley Street, being a portion of the parcel identified as Assessor's Map 82 Parcel 125, "Parcel 125." Said portion of Parcel 125 is currently zoned "Industrial," whereas the remaining Parcel 125 and the abutting property on its west side is zoned "Residence C," and on the east zoned "Business", as shown on the accompanying exhibit. As such, please submit this petition to the City Council for the rezoning of Parcel 125, owned by Marlborough HUB, LLC from part "Industrial" part "Residence C" to all "Residence C." This will maintain a consistent zoning use pattern for the subject area west of the Business Zone, and provide for a consistent use in conjunction with the residentially-zoned remainder of Petitioner's parcel, Map 82 Parcel 125. Further, the currently industrially-zoned portion of Parcel 125 consists of a long-abandoned railroad bed, which currently forms an isolated 50 foot-wide finger of industrially zoned land projecting east from Valley Street, but due to its size, configuration, and lack of connection to any other Industrial properties is totally impractical for any current or likely future industrial use.

We would suggest the language for the Zoning Amendment read as follows:

That the land off Valley Street owned by Marlborough HUB, LLC., shown on Assessor's Map 82 as Parcel 125, presently zoned partly "Residence C" and partly "Industrial", be rezoned entirely as "Residence C", as said industrial portion parcel 125 is contiguous to the proponent's residentially zoned portion of Assessors' Parcel 125, and neither contiguous to any other industrially zoned land, and not practical or feasible for lawful industrial use."

Michael H. Ossing, President
Marlborough City Council
March 6, 2020
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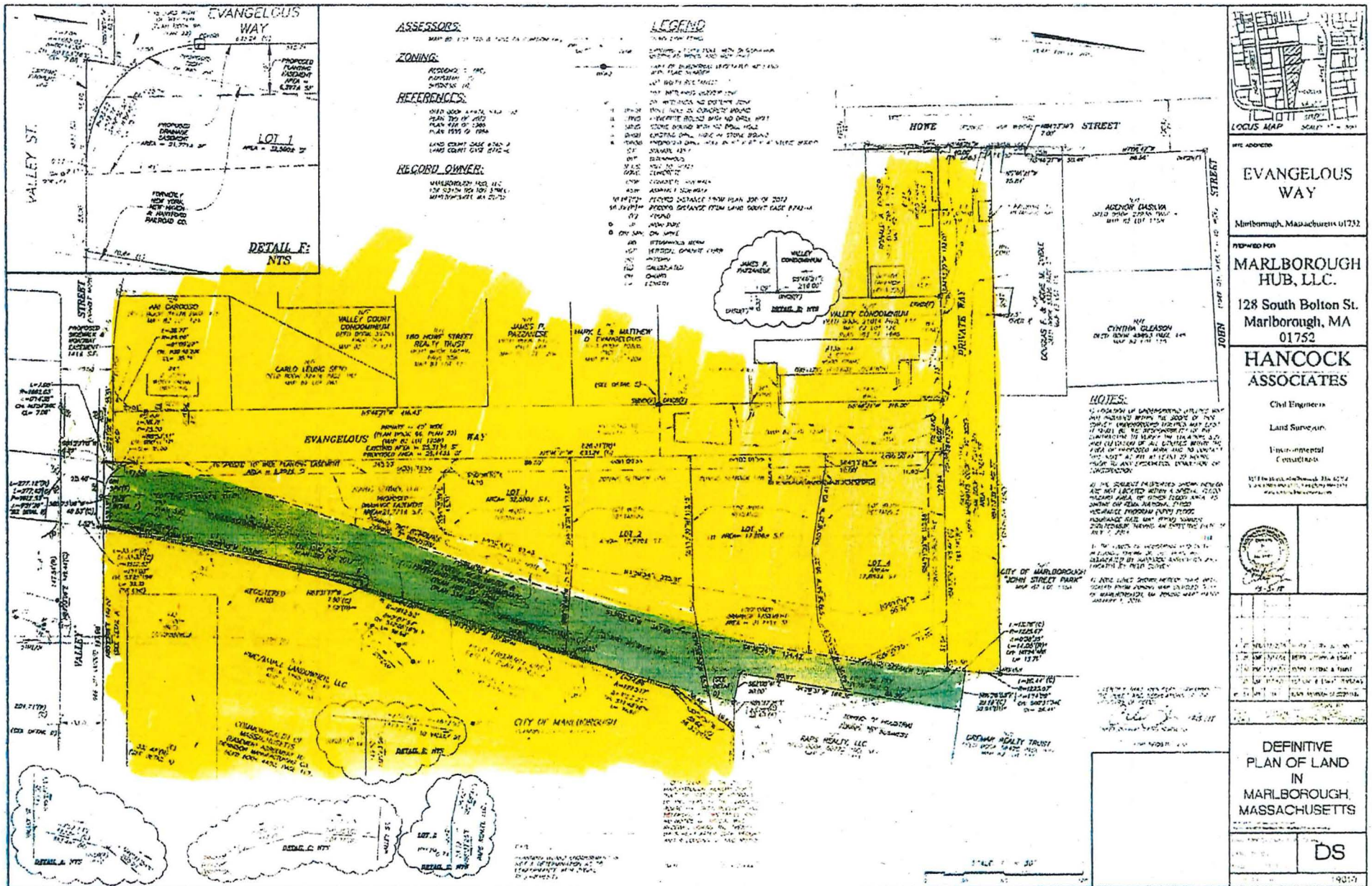
Thank for your consideration and assistance with this rezoning effort. We look forward to this matter being placed on the City Council Agenda for consideration, and remain available to provide and present support for this rezoning effort.

Sincerely,

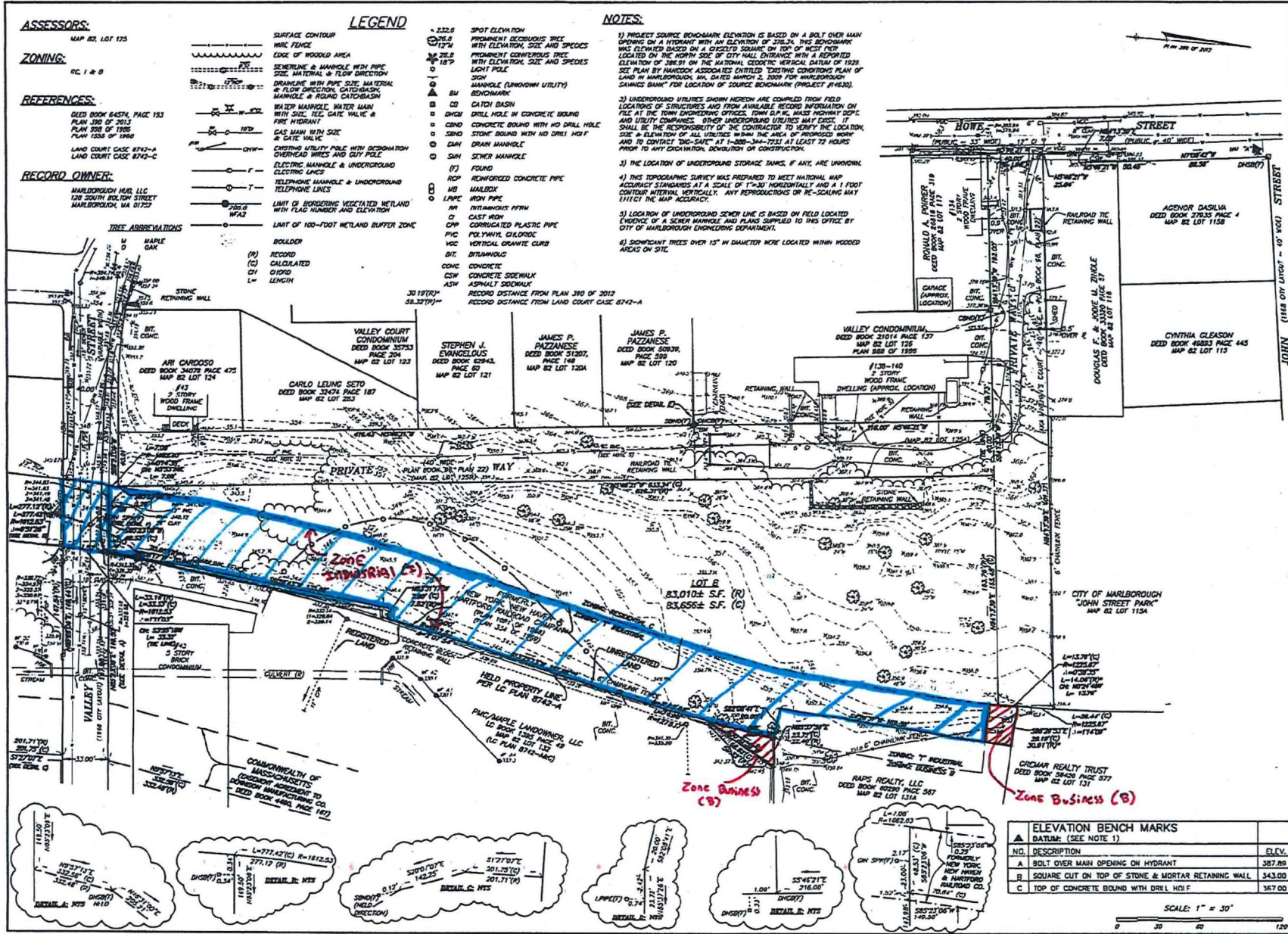
A handwritten signature in blue ink, appearing to read 'M. Bourbeau', with a long horizontal flourish extending to the right.

Mark S. Bourbeau





/kjm



PROJECT NO.:	19010
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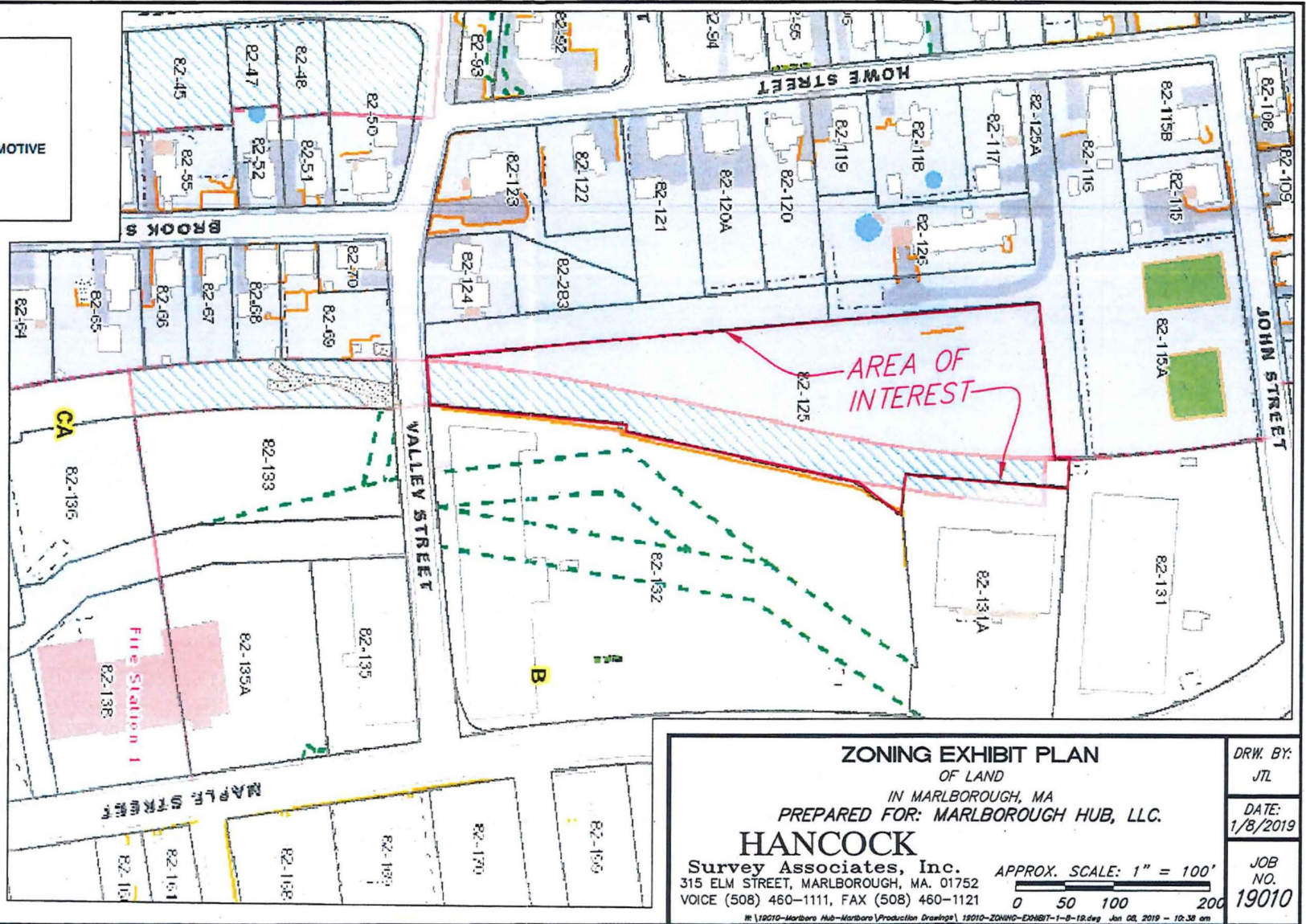
LEGEND:

	RC RESIDENCE C
	B BUSINESS
	CA COMMERCIAL AUTOMOTIVE
	I INDUSTRIAL


 MERIDIAN FROM MARLBOROUGH,
 MA GIS SYSTEM

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING LOCATION OF A STRIP OF INDUSTRIAL ZONED LAND BETWEEN HOWE STREET AND MAPLE STREET, AS WELL AS THE SURROUNDING ZONING DISTRICTS.
2. ALL ZONING AND PARCEL INFORMATION SHOWN HEREON HAS BEEN TAKEN FROM THE MARLBOROUGH, MA GIS SYSTEM AS DEPICTED ON JANUARY 8, 2019.





IN CITY COUNCIL

Marlborough, Mass., APRIL 27, 2020

ORDERED:

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That the Proposed Zoning Amendment offered by President Ossing to Chapter 650 to add a new Section 38 creating the Large-Scale Ground-Mounted Solar Photovoltaic Overlay District, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, JUNE 8, 2020.**

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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:

1. That a new Section 38 be inserted into Chapter 650, as follows:

ARTICLE VI

§ 650-38 Large-scale Ground-mounted Solar Photovoltaic Overlay District

A. Purpose and Objectives:

- 1) The Large-scale Ground-mounted Solar Photovoltaic Overlay District (herein, also a "LGSPOD") allows the application of supplemental land use controls within the boundaries of a certain overlay district as an alternative to land use controls that exist in the underlying district(s). The purpose of this section is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and which provide adequate financial assurance for the eventual decommissioning of such installations.
- 2) The provisions set forth in this section apply to the construction, operation and/or repair of large-scale ground-mounted solar photovoltaic installations.
- 3) This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.



IN CITY COUNCIL

Marlborough, Mass., APRIL 27, 2020

ORDERED:

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B. Designation of overlay location; as-of-right use. For the purposes of this Section, the LGSPOD shall be superimposed on the other district(s) existing at the time that any land in any said underlying district is also included in the LGSPOD, as designated by the Marlborough City Council in accordance with M.G.L. c.40A, §5, where ground-mounted large-scale solar photovoltaic installations may be sited as of right. Except as specifically provided herein, uses and provisions of Article V of Chapter 650 relating to the underlying zoning district not otherwise impacted by this Section shall continue to remain in full force and effect. In the event of any conflict between the provisions of this section and any other provisions of the Zoning Ordinance, the provisions of this Section shall govern and control. The LGSPOD overlay zoning district is located on parcels identified in **Exhibit A** annexed hereto and incorporated by reference herein, and as indicated on the Zoning Map of the City of Marlborough. Said map is hereby made a part of this chapter and is on file in the office of the City Clerk.

C. Definitions. As used in this section, following terms shall have the meanings indicated:

As-of-Right Siting: As-of-Right Siting shall mean that development under this section may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval, however said as-of-right development is subject to site plan review as provided under Chapter 270 Code of the City of Marlborough and this section. Projects cannot be prohibited but can be subject to reasonable regulation.

Large-Scale Ground-mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground, is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

Solar Photovoltaic Installation: A solar photovoltaic array that is constructed at a location where other allowable uses of the underlying property may occur.

Site Plan Review: Review by Site Plan Review conducted administratively in accordance with the procedures as governed by § 270-2 of the Code of the City of Marlborough and this section.

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

Solar Photovoltaic Array: An arrangement of solar photovoltaic panels.



IN CITY COUNCIL

Marlborough, Mass., APRIL 27, 2020

ORDERED:

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D. General Requirements for all large-scale ground-mounted solar photovoltaic installations. The following requirements are common to all large-scale ground-mounted solar photovoltaic installations to be sited in designated overlay locations:

1. Compliance with Laws, Ordinances and Regulations. The construction and operation of all large-scale ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable security, safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a large-scale ground-mounted solar photovoltaic installation shall be constructed in accordance with the State Building Code.
2. Building Permit and Building Inspection. No large-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.
3. Fees. The application for a building permit for a large-scale ground-mounted solar photovoltaic installation must be accompanied by the fee required for a building permit.
4. Site Plan Review. Large-scale ground-mounted solar photovoltaic installations shall undergo site plan review by Site Plan Review prior to construction, installation or modification as provided in § 270-2 of the Code of the City of Marlborough and in this section, as follows:
 - a. General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.
 - b. Required Documents. Pursuant to the site plan review process, the project proponent shall provide the following documents:
 - i. A site plan showing:
 1. Property lines and physical features, including roads, for the project site;
 2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation, fences or other screening structures;
 3. Drawings of the large-scale ground-mounted solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;



IN CITY COUNCIL

Marlborough, Mass., APRIL 27, 2020

ORDERED:

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4. One or three-line electrical diagram detailing the large-scale ground-mounted solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 5. Documentation of the major system components to be used, including the photovoltaic panels, mounting system, and inverter;
 6. Name, address, and contact information for proposed system installer;
 7. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 8. The name, contact information and signature of any agents representing the project proponent;
 9. Emergency services access points and through points; and
- ii. Documentation of actual or prospective access and control of the project site (see also sub-section E herein); and
 - iii. An operation and maintenance plan (see also sub-section F herein); and
 - iv. Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
 - v. Proof of liability insurance in an amount, and for a duration, sufficient to cover loss or damage to persons and property;
 - vi. Description of financial surety that satisfies sub-section L herein; and
 - vii. A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and otherwise informs abutters within 300' of the property line of the project site. Site Plan Review may waive documentary requirements as it deems appropriate.
- E. Site Control. The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed large-scale ground-mounted solar photovoltaic installation.
- F. Operation & Maintenance Plan. The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.



IN CITY COUNCIL

Marlborough, Mass., _____ APRIL 27, 2020

ORDERED:

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G. Utility Notification. No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to Site Plan Review that the utility company that operates the electrical grid where the installation is to be located has been informed of the large-scale ground-mounted solar photovoltaic installation's owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

H. Dimension and Density Requirements.

- a. Setbacks. For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:
 - i. Front yard. The front yard depth shall be at least 10 feet; provided, however, that where the lot abuts a conservation use, residential use, or public way, the front yard depth shall be comprised of a no-clear vegetated buffer of not less than 50 feet and, as measured therefrom, a no-build buffer of not less than 50 feet. Site Plan Review may require plantings in the 50-foot no-clear vegetated buffer if none exist.
 - ii. Side yard. Each side yard shall have a depth at least 15 feet; provided, however, that where the lot abuts a conservation use, residential use, or public way, the side yard depth shall be comprised of a no-clear vegetated buffer of not less than 50 feet and, as measured therefrom, a no-build buffer of not less than 50 feet. Site Plan Review may require plantings in the 50-foot no-clear vegetated buffer if none exist.
 - iii. Rear yard. The rear yard depth shall be at least 25 feet; provided, however, that where the lot abuts a conservation use, residential use, or public way, the rear yard depth shall be comprised of a no-clear vegetated buffer of not less than 50 feet and, as measured therefrom, a no-build buffer of not less than 50 feet. Site Plan Review may require plantings in the 50-foot no-clear vegetated buffer if none exist.
- b. Appurtenant Structures. All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.



IN CITY COUNCIL

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I. Design Standards.

- a. **Lighting.** Lighting of large-scale ground-mounted solar installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the large-scale ground-mounted solar installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- b. **Signage.** Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Chapter 526 of the Code of the City of Marlborough. A sign consistent with the City's sign ordinances shall be required to identify the owner and provide a 24-hour emergency contact phone number. Large-scale ground-mounted solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the large-scale ground-mounted solar.
- c. **Utility Connections.** Reasonable efforts, as determined by Site Plan Review, shall be made to place all utility connections from the large-scale ground-mounted solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- d. **Screening.** Every abutting property, private way, private driveway, and public way shall be visually screened from the project through any one or combination of the following: location, distance, plantings, existing vegetation.
- e. **Topsoil.** No topsoil shall be removed from the site. Said topsoil shall be stockpiled on site and used to stabilize the site with a minimum cover of 6 inches cover of loam. Any topsoil remaining after stabilization shall be stockpiled on site for use during decommissioning.

J. Safety and Environmental Standards.

- a. **Emergency Services.** The large-scale ground-mounted solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Chief of the Marlborough Fire Department. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. Every means of shutting down the large-scale ground-mounted photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.



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- b. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and ordinances.

K. Monitoring and Maintenance.

- a. Large-scale Ground-mounted Solar Photovoltaic Installation Conditions. The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief and emergency medical services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access or through road(s). Landscaping and fencing, including vegetation used for screening, shall be maintained in good condition.
- b. Modifications. After the required permits, have been issued, the Building Commissioner may approve minor non-material modifications to a large-sale ground-mounted solar photovoltaic installation. All major material modifications to a large-scale ground-mounted solar photovoltaic installation made after issuance of the required permits shall require approval by Site Plan Review.

L. Abandonment or Decommissioning.

- a. Removal Requirements. Any large-scale ground-mounted solar photovoltaic installation which has been discontinued by reaching the end of its useful life, reaching the end of a lease term without renewal or extension, or having been abandoned (as provided in paragraph L.b. herein) shall be removed as herein provided. The owner or operator shall physically remove the installation no more than 150 days after the date of said discontinued operations. The owner or operator shall notify Site Plan Review by certified mail of the proposed date of discontinued operations and plans for removal by decommissioning. Decommissioning shall consist of:
 - i. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.



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- iii. Stabilization or re-vegetation of the site as necessary to minimize erosion, including use of any remaining topsoil stockpiled on site. Site Plan Review may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- b. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar photovoltaic installation shall be considered abandoned when it fails to operate for more than six months without the written consent of the Building Commissioner. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the City may enter the property and physically remove the installation.
- c. Financial surety. Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through a cash escrow account with interest retained for escalating decommissioning costs, bond or otherwise, to cover the cost of removal in the event that the City must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by Site Plan Review, but in no event in excess more than 125% of the cost of removal and compliance with additional requirements set forth herein, as determined by Site Plan Review. Such surety will not be required for municipally owned or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. Site Plan Review may request the proponent to provide an update of the fully inclusive estimate of costs associated with removal every five years following the issuance of a building permit. Site Plan Review may require the proponent to provide additional surety based on the updated cost estimate.

M. The effective date of these amendments shall be the date of their passage.



IN CITY COUNCIL

Marlborough, Mass., APRIL 27, 2020

ORDERED:

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EXHIBIT A

The newly established Large-scale Ground-mounted Solar Photovoltaic Overlay District shall include all or portions of the properties shown on the Zoning Map existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

Assessors Map 30, Parcel 4

Assessors Map 30, Parcel 4C.

ADOPTED

ORDER NO. 20-1007975



City of Marlborough

Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED JASON D. GROSSFIELD
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

JASON M. PIQUES
ASSISTANT CITY SOLICITOR

HEATHER H. GUTIERREZ
PARALEGAL

April 22, 2020

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

Re: Proposed Zoning Amendment
Large-Scale Ground-Mounted Solar Photovoltaic Overlay District

Dear Honorable President Ossing and Councilors:

At the request of City Council President Michael H. Ossing, enclosed please find the above-referenced proposed zoning amendment creating an overlay district.

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

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Jeffrey Cooke, Building Commissioner

10
- URBAN AFFAIRS
- PLANNING BOARD
- ADV.
- P/H 5/8/2020



PLANNING BOARD

DATE 4-30-20AGENDA 5-18-20

ACTION _____

APPENDIX A

APPLICATION FOR ENDORSEMENT OF
PLAN BELIEVED NOT TO REQUIRE APPROVAL

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

Marlborough, Massachusetts

4-21-2020

(Date)

To the Planning Board:

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

1. Name of Applicant Jan Sown
Address 26 Macquarrie Drive, Marlborough MA
2. Name of Engineer Hancock Associates - J. Dan Brunsen
Address 315 Elm Street, Marlborough MA
3. Deed of Property recorded in Middlesex (S) Registry of
Deeds Book 19272 Page(s) 170
4. Location and description of property: #34 Macquarrie Drive (a.k.a Macquarrie)


Signature of Owner Edward R. EthierAddress: 34 Macquarrie Drive, Marlborough MA

LETTER OF TRANSMITTAL

35 Years of Excellence

Providing Land Surveying, Civil
Engineering, Landscape Architecture and
Environmental Services Since 1978

HANCOCK ASSOCIATES

315 Elm Street, Marlboro, MA 01752
Phone (508) 460-1111 Fax (508) 460-1121
www.hancockassociates.com

TO: Krista Holmi	DATE: 4-30-20	JOB #: 21224
Marlborough Planning Board	FROM: J. Dan Bremser, P.L.S.	
	RE:	

● We are sending you:

☒ Prints ☐ Plans ☐ Samples ☐ Specifications ☐ Copy of letter ☐ Change order

COPIES	DATE	JOB #	DESCRIPTION
2	4-17-20	21224	24x36 ANR copies
10	4-17-20	21224	11x17 ANR copies
1	4-17-20	21224	11x17 ANR copy for city clerk
1	4-21-20	21224	Appendix A Application for ANR- original signed
1	4-21-20	21224	Appendix A Application for ANR- copy
1	4-22-20		Check #436 from Sowa- \$150 ✓ KH

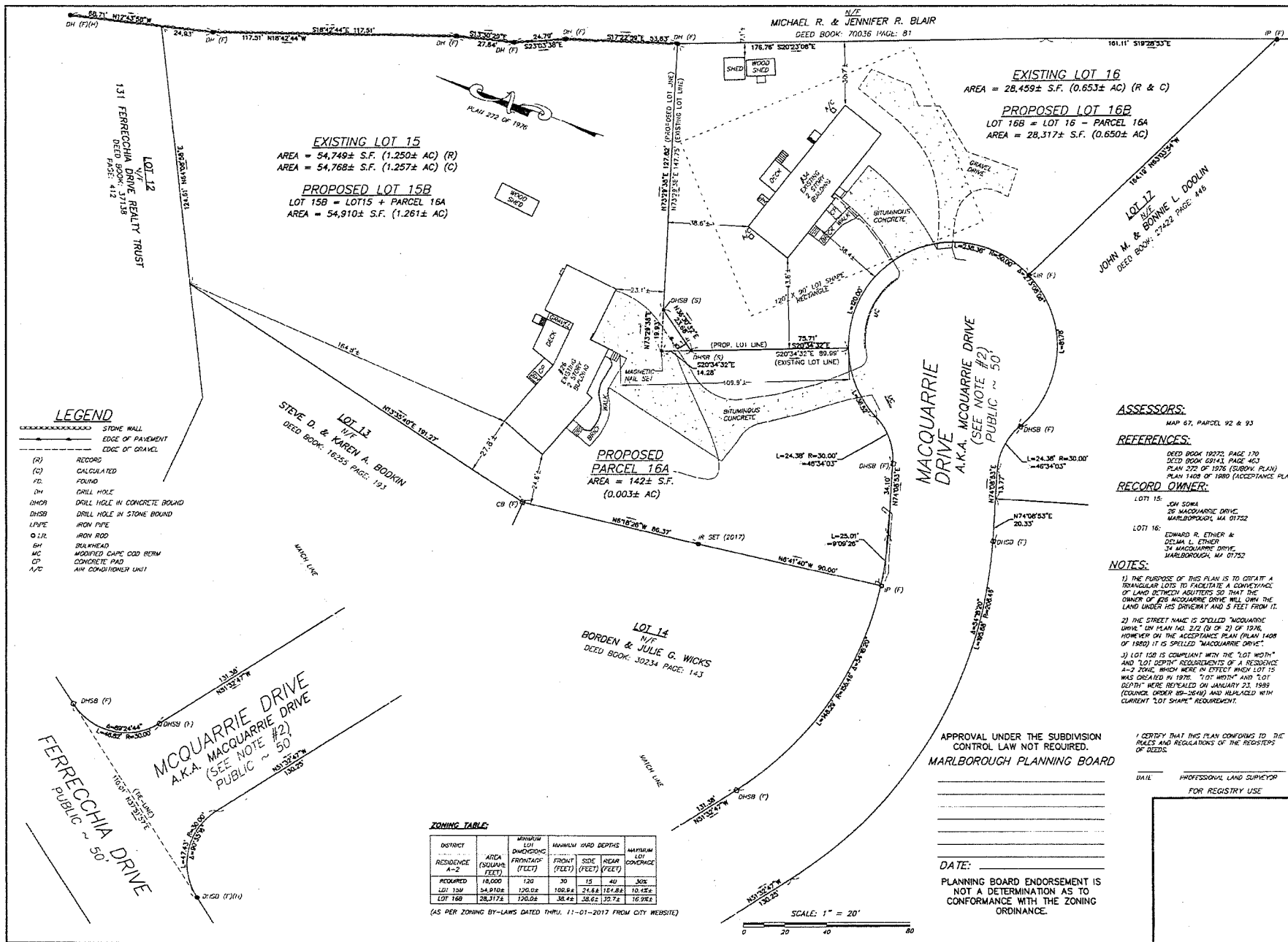
● These are transmitted as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS:

COPY TO: HSA	SIGNED: J. Dan Bremser

If enclosures are not as noted, kindly notify us at once.



ZONING TABLE

DISTRICT	AREA (SQUARE FEET)	MINIMUM LOT DIMENSIONS (FEET)	MINIMUM FRONT DEPTH (FEET)	MINIMUM SIDE DEPTH (FEET)	MINIMUM REAR DEPTH (FEET)	MINIMUM LOT COVERAGE
RESIDENCE A-2	16,000	120	30	15	40	30%
RESIDENCE L-1	54,910	120	100	30	40	30%
LOT 16B	28,317	120	30	15	40	30%

(AS PER ZONING BY-LAWS DATED THRU 11-01-2017 FROM CITY WEBSITE)

26 & 34 MCQUARRIE DRIVE

PREPARED FOR:
Jonathan Sowa
 26 MacQuarrie Drive
 Marlborough, Massachusetts

HANCOCK ASSOCIATES

Civil Engineers
 Land Surveyors
 Environmental Consultants

135 Elm Street, Marlborough, MA 01752
 Voice: (508) 461-1111, Fax: (508) 461-1121
 www.hancockassociates.com

ASSESSORS:
 MAP 67, PARCEL 92 & 93

REFERENCES:
 DEED BOOK 19375 PAGE 170
 DEED BOOK 63143 PAGE 402
 PLAN 1408 OF 1976 (SUBDIVISION PLAN)
 PLAN 1408 OF 1980 (ACCEPTANCE PLAN)

RECORD OWNER:
 LOT 15: JOHN SOWA
 26 MACQUARRIE DRIVE,
 MARLBOROUGH, MA 01752
 LOT 16: EDWARD R. ETHER &
 CELMA L. ETHER
 34 MACQUARRIE DRIVE,
 MARLBOROUGH, MA 01752

NOTES:
 1) THE PURPOSE OF THIS PLAN IS TO DIVIDE A TRIANGULAR LOT TO FACILITATE A CONVEYANCE OF LAND BETWEEN ADJUTERS SO THAT THE OWNER OF THE MACQUARRIE DRIVE WILL OWN THE LAND UNDER HIS DRIVEWAY AND 5 FEET FROM IT.
 2) THE STREET NAME IS SPOOLED "MACQUARRIE DRIVE" ON PLAN NO. 2/2 (8 OF 2) OF 1976, HOWEVER ON THE ACCEPTANCE PLAN (PLAN 1408 OF 1980) IT IS SPOOLED "MACQUARRIE DRIVE".
 3) LOT 15B IS COMPLIANT WITH THE "LOT WIDTH" AND "LOT DEPTH" REQUIREMENTS OF A RESIDENCE A-2 ZONE, WHICH WERE IN EFFECT WHEN LOT 15 WAS CREATED IN 1976. "LOT WIDTH" AND "LOT DEPTH" WERE REPEALED ON JANUARY 23, 1989 (COUNCIL ORDER 89-2646) AND REPLACED WITH CURRENT "LOT SHAPE" REQUIREMENT.

APPROVAL NOT REQUIRED
PLAN OF LAND IN MARLBOROUGH, MA

ANR

PROJECT NO.: 21224



City of Marlborough

Planning Board

Administrative Office
135 Neil St.
Marlborough, MA 01752

PLANNING BOARD

Barbara L. Fenby, Chair
Philip Hodge
Sean N. Fay
George LaVenture
Christopher Russ
Matthew Elder

Krista Holmi, Administrator
(508) 624-6910 x33200
kholmi@marlborough-ma.gov

PUBLIC HEARING NOTICE-

COMMONWEALTH HEIGHTS DEFINITIVE SUBDIVISION REVISED PLAN

(Reduced roadway length and elimination of two building lots, now shown as Parcel 9-10)

Notice is hereby given that the Marlborough Planning Board will reopen the following public hearing remotely on Monday, May 18, 2020. This public hearing will be continued without public testimony and reopened on June 8, 2020, at which time public testimony will be heard.

(Persons wishing to listen to the June 8 meeting while in progress may do so by calling the phone number: 1 617-433-9462, Conference ID: 952 577 252# or join the meeting online via Microsoft Teams through the link posted on the City of Marlborough Planning Board website. Written comments may be submitted to the Planning Board Office at 135 Neil Street, Marlborough, MA 01752 or by email to kholmi@marlborough-ma.gov prior to the June 8 Public Hearing.)

Plan References:

Revised application for approval of a Definitive Subdivision Plan rev. 3-2-20, "Commonwealth Heights". This notice is published in accordance with the provisions of Subdivision Control Law, M.G.L. Chapter 41, Section 81-T.

Project Owner:	Marlborough/Northborough Land Realty Trust c/o The Gutierrez Company, 200 Summit Dr. Suite 400, Burlington, MA 01803
Project Engineer:	Connorstone Engineering, Inc., 10 Southwest Cutoff, Suite 7, Northborough, MA 01532
Location:	10.6 Acres located on the corner of Forest Street and Ames Street. Property Recorded in the Middlesex South Registry of Deeds Book 31932, page 445 (Lot 14). Revised plan consists of twenty-one residential lots. (a reduction of two lots)

A revised plan of the proposed subdivision and application is on file at the Administrative Office of the Planning Board, 135 Neil St., 2nd Floor, Marlborough, MA 01752 (508) 624-6910 x33200 and at the office of the City Clerk, 140 Main St. Marlborough, MA. (508) 460-3775.

Request for
Extension

From: [Scott Weiss](#)
To: [Krista Holmi](#); [sohohinny](#)
Cc: [Vito Colonna \(vc@csei.net\)](#)
Subject: Commonwealth Heights Definitive Subdivision - Request for Extension
Date: Thursday, May 14, 2020 10:37:40 AM
Attachments: [image003.png](#)

To Chair Fenby and Members of the Board;

Given the extenuating circumstances during this pandemic and the related Governor's Orders regarding municipal permitting, I am hereby requesting an extension of time to July 24, 2020 for the review and consideration of the application for approval of the Definitive Subdivision Plan referred to as Commonwealth Heights. As of this date, all revised plans and reports have been submitted to the City and this extension request will afford time for the Board to receive testimony and comments at its meeting on June 8, 2020 at 7:00pm for the consideration of the revised, shortened subdivision road proposal; and issue a decision thereafter.

Please feel free to contact me with any questions. Please stay safe and healthy. Thank you.

Scott Weiss
Vice President of Development



the
Gutierrez
company

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

**CITY OF MARLBOROUGH
PLANNING BOARD
MARLBOROUGH, MASSACHUSETTS 01752**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

LEGAL NOTICE

Public Hearing – Proposed Zoning Amendment to Section 650 §5, §17 & §18 – Contractor Yards and Proposed Zoning Map Amendment, Section 650 §8 – Land on Farm Road, Map 85, Parcel 12.

Notice is hereby given that the Planning Board of the City of Marlborough will hold a Remote Public Hearing on **Monday, April 27, 2020 at 7:00 PM** to amend Chapter 650 §5, §17 & §18 of the Zoning Code of the City of Marlborough and to amend the Zoning Map established by Section 650 §8. **THIS PUBLIC HEARING WILL BE OPENED WITH NO TESTIMONY FROM THE PUBLIC BEING HEARD AND CONTINUED UNTIL MAY 18, 2020 AT 7:00 PM.**

DUE TO SOCIAL DISTANCING MEASURES ISSUED BY THE GOVERNOR IN RESPONSE TO THE COVID-19 PANDEMIC, THIS PUBLIC HEARING WILL BE CONDUCTED REMOTELY. TO ACCESS THE PUBLIC MEETING, SEE LINK ON THE MARLBOROUGH PLANNING BOARD CALENDAR AT <https://www.marlbrough-ma.gov/planning-board>.

The notice is also available for viewing online at <https://www.marlbrough-ma.gov/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:

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

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

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

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

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

Contractor's

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

Landscape Contractor's

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

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

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

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

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

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

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

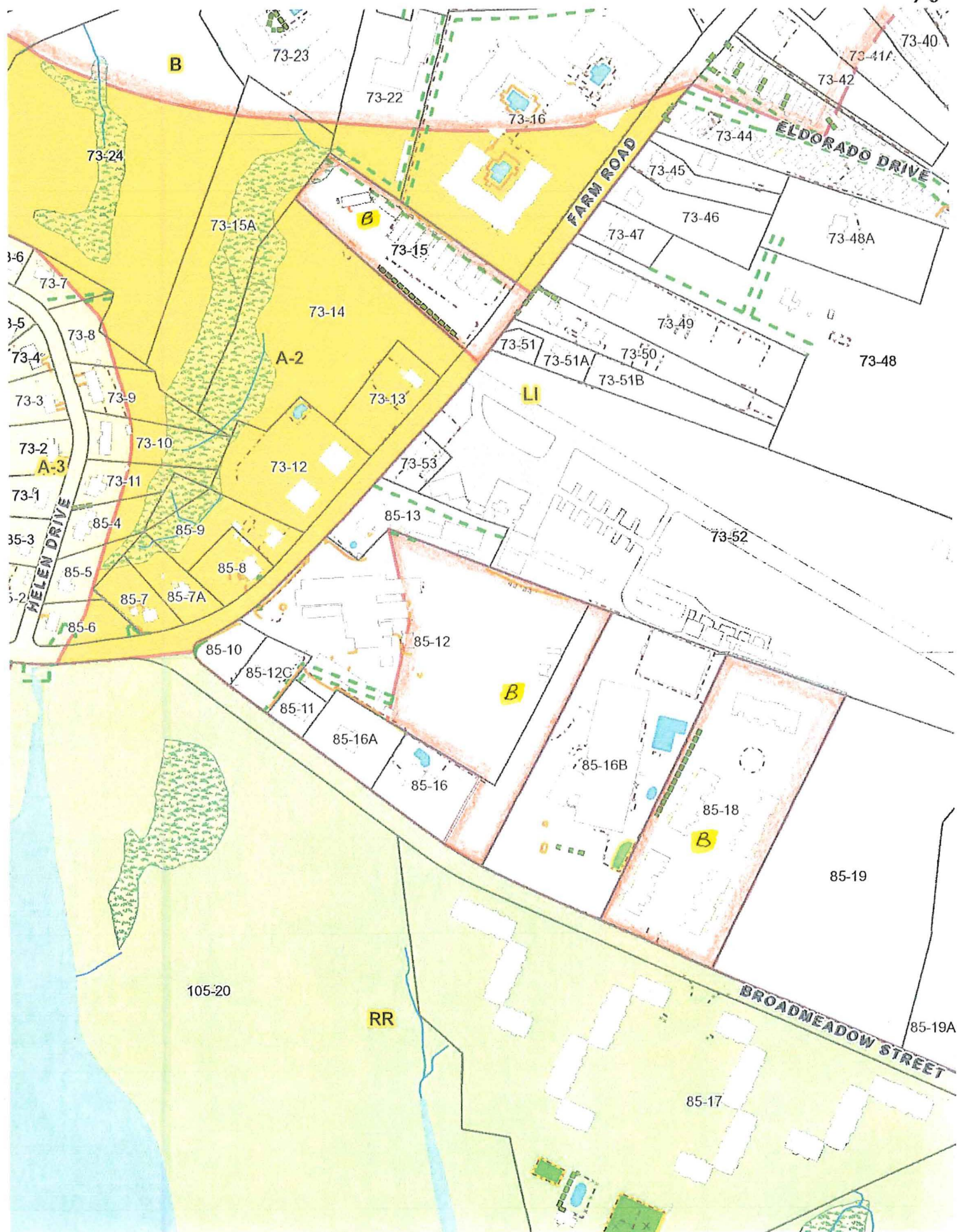
(3) *Flammable, Combustible or Dangerous Substances.* A yard shall not store excessive quantities of flammable, combustible or dangerous substances, and may be required to comply with the notification, reporting and permitting requirements set forth in SARA Title III (the Emergency Planning and Community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

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

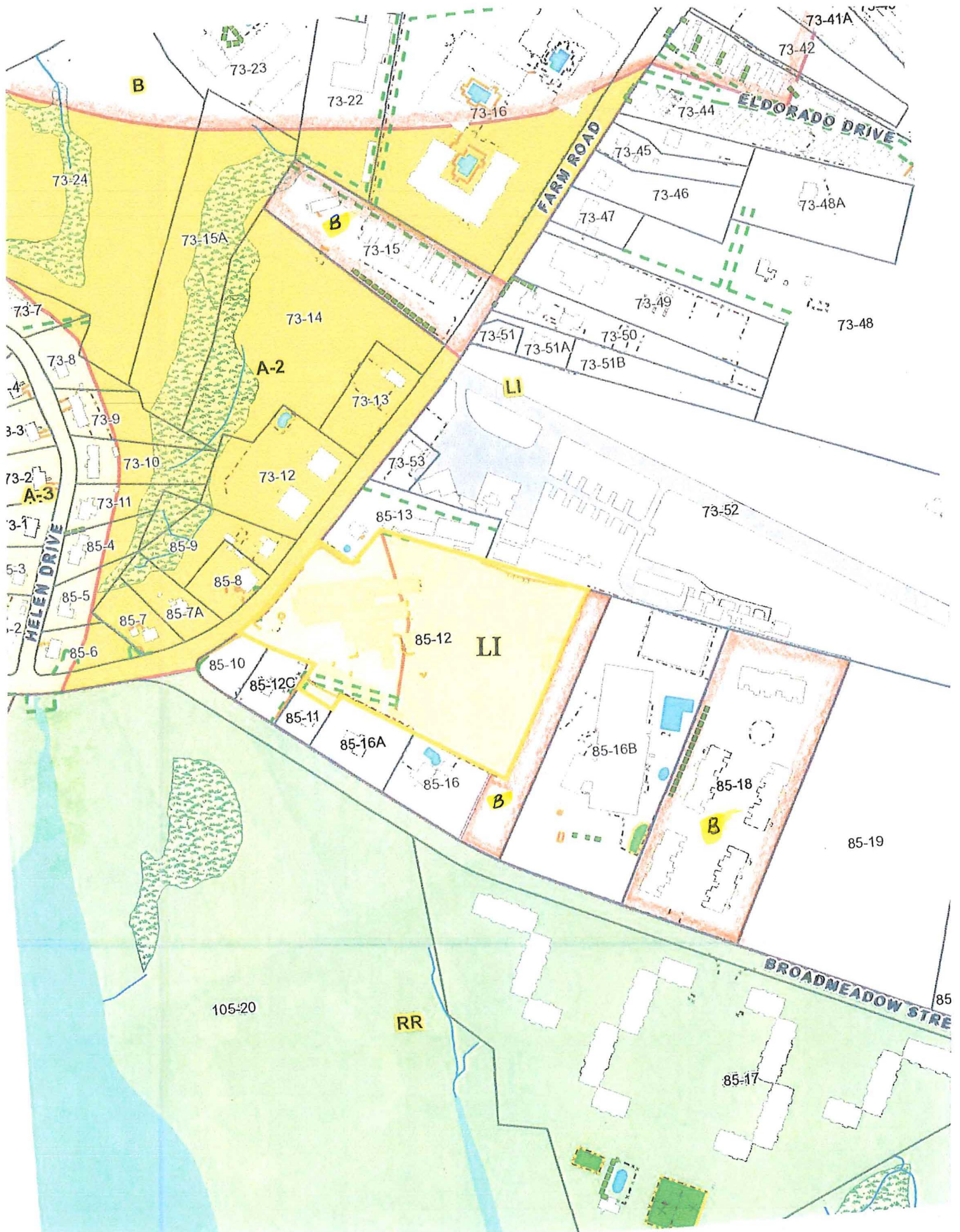
For yards that are in compliance with a prior special permit or site plan approval, no special permit or site plan review is required.

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

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



EXISTING ZONING



PROPOSED ZONING



City of Marlborough
Department of Public Works

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

JOHN L. GHILONI
 COMMISSIONER

Memorandum

To: Conservation Commission
 From: Thomas DiPersio, Jr., P.E., P.L.S., City Engineer 
 Date: May 6, 2020
 Subject: Proposed Site Development, 339 Boston Post Road East

I have completed a review of the Notice of Intent Site Plans and Stormwater Report for the Proposed "Volaris Marlborough" project at 339 Boston Post Road East.

Applicant: WP Marlborough MA Owner, LLC
 9 West Broad Street, Suite 800
 Stamford, CT 06902

The following documents were reviewed:

Plans: "Site Development Plans for Volaris Marlborough, MA"
 by Allen & Major Associates, Inc.
 Dated December 20, 2019, revised through February 20, 2020

Stormwater Report: "Drainage Report, Multi-Family Development, 339 Boston Post Road East, Marlborough, MA"
 By Allen & Major Associates, Inc.
 Dated 12/20/2019, Revised 02/20/2020

I offer the following comments on the resource area disturbance and stormwater design for the Commission to use in their review of the Notice of Intent Application. The Engineering Division will have other site design-related comments to present to the Site Plan Review Committee as part of their review of the Site Plan Application.

1. There are extensive wetland and riverfront resource areas, including flood plain, on the property associated with Broadmeadow Brook. Much of the property is not developable. The project would very densely develop the upland part of the property. Significant impacts to buffer zones and some flood plain filling is proposed. Abutting properties in the area have a history of flooding, and some residents have registered concerns about this project increasing the flooding problems.

It is important to also note that MassDOT has completed their design of the reconstruction of Boston Post Road East at this location. As part of that project, the portion of the road which

contributes drainage to Broadmeadow Brook will be widened, and sidewalks will be added on both sides. These improvements will create approximately 30,000 square feet of new impervious area, contributory to the brook immediately upstream from this site. New catch basins and drain piping may also decrease runoff concentration times to the brook. Both of these factors will likely increase peak runoff rates from Boston Post Road to the brook.

I am in general agreement with the compensatory flood storage calculation methodology, and the locations for the proposed grading to provide it. The design proposes an extra approximately 7,000 cubic feet of new flood storage over existing conditions. Given the flooding issues on abutting properties and the proposed Boston Post Road roadway improvements, I would recommend that the applicant evaluate the ability to provide additional flood storage capacity at the site. While the applicant cannot be expected to design their stormwater infrastructure to mitigate the roadway drainage directly, an added factor of safety would help to account for the new roadway conditions.

2. The Stormwater Report Checklist notes that, as an LID Measure, disturbance to existing trees and shrubs has been minimized. This is questionable.
3. More detailed determination of the Estimated Seasonal High Groundwater conditions need to be performed in the areas of the proposed infiltration systems. Test pits should be dug at each location, and soil redoxomorphic features used to determine ESHGW. Given the large amount of infiltration proposed and the flat groundwater gradient, a groundwater mounding analysis may be warranted.
4. The analyses in the Stormwater Report should quantify and tabulate runoff flow volumes as well as peak rates, in the existing and proposed conditions. The analyses should demonstrate that the volume of runoff is not increased by the development, at each design point.
5. The sub-catchment areas in the Existing Conditions Runoff Mapping should be revised. The existing culvert under the track near the northwest property line should be analyzed as one of the sub-design points. Based on the FEMA mapping there is flow constraint and flooding associated with this culvert. The pre- and post-development peak flows at this culvert should be analyzed to determine the impacts of development on that component of flooding. The culvert should be analyzed and the need to increase its size or improve its conditions examined. The report should provide the results of this analysis. The other three culverts on the site should be similarly analyzed as sub-design points. The final design point at the confluence of the streams should continue to be analyzed as the final analysis point.

6. A separate pre- and post-development runoff analysis of the remote parking lot should be conducted, independent of the overall site analysis. Treatment and/or mitigation measures, other than the porous pavement, is likely warranted for that parking lot.
7. There are some areas, including the rectangular paddock/riding area that exists at the south end of the site, that will be located between the developed site area and the wetlands. The plans do not indicate what is to happen with these areas other than noting that they will be "landscaped areas". Since these areas are in close proximity to the wetland, more detailed plans for enhancement or restoration of these buffer zones should be provided.
8. The stormwater infiltration systems should have access covers to grade for future inspection and maintenance.
9. The Erosion Control Plans should contain more details regarding construction sequencing, and managing runoff during construction. For example, runoff patterns during the various phases of construction should be noted, and temporary sediment basins should be specified and designed accordingly.

APR 28 2020

Modera Framingham, MA Affordable Housing Lottery

April 24th, 2020

Dear Community Member;

SEB Housing is currently working with Modera Framingham, DHCD, and the City of Framingham to provide affordable housing rental units.

Enclosed is a flyer for this affordable housing opportunity. This lottery is being marketed through multiple affirmative and local newspapers in addition to mailings done to local religious institutions and social organizations.

We hope you will be able to make this information available via any avenues of distribution that you see fit. If you'd like more information, have questions, or would like to receive an Information Packet and Application, you can call me at 617.782.2300 x209. Information is also available on our website:

www.sebhousing.com

Thank you for your help and participation,

Syma Donovan
257 Hillside Ave.
Needham, MA 02494

Phone: 617.782.2300 x209
Fax: 617.782.4500
email: info@sebhousing.com
www.s-e-b.com

Affordable Housing Lottery

Modera Framingham

266 Waverly Street, Framingham MA

Studios @ 1,404*; 1BRs @ \$1,577*; 2BRs @ \$1,736*; 3BRs @ 1,889*

**Rents subject to change. Rents do not include utilities. One parking spot included in the rent.*

Modera Framingham is a 270-unit rental community which offers a range of product types and a full suite of community amenities. The community includes flat-style apartment homes in Studio, 1, 2, or 3 bedroom layouts. Twenty-Seven (27) units will be made available through this application process at affordable prices in a mix of all apartment types. Parking is located within the community via covered garage parking and additional surface parking spaces. Unit interiors boast custom cabinetry, stainless steel appliances, wood-plank style flooring, stone countertops, walk-in closets, and in-home washers and dryers. Community amenities include a clubhouse featuring leasing offices with package reception, state-of-the-art fitness facilities, media and game rooms, and a central courtyard with water feature, grill and seating areas, and flexible lawn/game areas.

MAXIMUM Household Income Limits: \$67,400 (1 person), \$77,000 (2 people), \$86,650 (3 people)
\$96,250 (4 people), \$103,950 (5 people), \$111,650 (6 people)

A Public Info Session will be held on **May 20th, 2020**, at 6:00pm via:

- YouTube Live Stream <https://youtu.be/YcGt9tFIIE> or just search "SEB Housing" in YouTube and click the thumbnail for Modera Framingham Info Session, AND
- Conference call (425) 436-6200, Access Code: 862627

Completed Applications and Required Income Documentation must be delivered, or postmarked, by 2 pm on June 23rd, 2020. Applications postmarked by the deadline must be received no later than 5 business days from the deadline.

The Lottery for eligible households will be held on **July 6th, 2020**, at 6:00pm via:

- YouTube Live Stream <https://youtu.be/0122CqdBPIU> or just search "SEB Housing" in YouTube and click the thumbnail for Modera Framingham Lottery, AND
- Conference call (425) 436-6200 Access Code: 862627

For Lottery Information and Applications, or for reasonable accommodations for persons with disabilities, go to www.sebhousing.com or call (617) 782-6900x1 and leave a message or postal mail SEB Housing, 257 Hillside Ave, Needham MA 02494. For TTY Services dial 711. Free translation available. Traducción gratuita disponible. Tradução livre disponível



Notice is hereby given that the Zoning Board of Appeals will hold a public hearing on **Wednesday, May 13, 2020** in the **Ablondi Room** of the Memorial Building, 150 Concord Street, Framingham, **OR via remote conference**, to consider:

20-10 | 7:15 PM

Petition of **Robert D. Talmo** for a **Variance** for a barn in excess of the maximum allowed height, pursuant to §IV.E.2 of the Zoning By-Law and Mass. General Laws, Chapter 40A §3, on the premises located at **28 Nixon Road**, Parcel IDs: 012-28-7175 and 022-27-0481, Zoning District: Single Residence (R-4).

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

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

Stephen Meltzer, Chair

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

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing on **Wednesday, May 13, 2020** in the **Ablondi Room** of the Memorial Building, 150 Concord Street, Framingham, **OR via remote conference**, to consider:

20-11 | 7:15 PM

Petition of **Crosspoint Associates, Inc.** for **Variances** for less than the minimum required landscaped open space, and less than the required side setback, pursuant to §IV.E.2 of the Zoning By-Law, on the premises located at **575 Worcester Road, 571 Worcester Road, and 25 Prospect Street**, Parcel IDs: 091-74-3090, 101-73-4822, and 101-73-8821, Zoning District: Business (B) and Regional Center (RC) overlay.

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

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

Stephen Meltzer, Chair

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

Framingham Zoning Board of Appeals - Notice of Decision

Notice is hereby given, that at the meeting on April 13, 2020, the following petitions were decided and the decisions were filed on **April 27, 2020**.

20-05 | GRANTED

Petition of **Howard One Grant LLC** for to amend a previously issued **Special Permit** for a laboratory, pursuant to §II.B.6.A of the Zoning By-Law, on the premises located at **1 Grant Street**, Parcel ID: 128-06-0604-000, Zoning District: Central Business (CB).

Any appeal from this decision shall be made pursuant to M.G.L.c. 40A §17 and must be filed within twenty (20) days after the date of filing of this decision in the Office of the City Clerk.

The full decision is available at: www.FraminghamMA.gov/meetings. Legal notice can be found in the MetroWest Daily News or on MassPublicNotices.org.

Stephen Meltzer, Chair

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

Framingham Zoning Board of Appeals - Notice of Decision

Notice is hereby given, that at the meeting on April 13, 2020, the following petitions were decided and the decisions were filed on **April 27, 2020**.

20-06 | GRANTED WITH CONDITIONS

Petition of **Landscape Depot, Inc. and Eversource** to amend a previously issued **Special Permit** for storage and distribution in case no. 19-13, pursuant to §II.B.6.M of the Zoning By-Law, on the premises located at **300 (aka 350) Irving Street**, Parcel ID: 142-13-5870-000, Zoning District: Manufacturing (M).

Any appeal from this decision shall be made pursuant to M.G.L.c. 40A §17 and must be filed within twenty (20) days after the date of filing of this decision in the Office of the City Clerk.

The full decision is available at: www.FraminghamMA.gov/meetings. Legal notice can be found in the MetroWest Daily News or on MassPublicNotices.org.

Stephen Meltzer, Chair

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

Notice is hereby given, that at the meeting on April 13, 2020, the following petitions were decided and the decisions were filed on **April 27, 2020**.

20-08 | GRANTED

Petition of **Meryl MacCormack and Jaime Haber** for a **Finding** to allow the extension of a pre-existing nonconforming structure, or in the alternative a **Variance** for less than the required side setback, pursuant to §I.D.5.b and §IV.E.2 of the Zoning By-Law, on the premises located at **574 Brook Street**, Parcel ID: 068-39-4474-000, Zoning District: Single Residence (R-3).

Any appeal from this decision shall be made pursuant to M.G.L.c. 40A §17 and must be filed within twenty (20) days after the date of filing of this decision in the Office of the City Clerk.

The full decision is available at: www.FraminghamMA.gov/meetings. Legal notice can be found in the MetroWest Daily News or on MassPublicNotices.org.

Stephen Meltzer, Chair

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

Framingham Zoning Board of Appeals - Notice of Decision

Notice is hereby given, that at the meeting on April 13, 2020, the following petitions were decided and the decisions were filed on **April 27, 2020**.

20-09 | GRANTED

Petition of **Juli Turpin and Jason Creighton** for a **Finding** for the extension of a structure that is pre-existing nonconforming for lot coverage, and for a **Variance** for less than the required side setback, pursuant to §I.D.5.b and §IV.E.2 of the Zoning By-Law, on the premises located at **26 Raleigh Road**, Parcel ID: 056-00-5592-000, Zoning District: Single Residence (R-4).

Any appeal from this decision shall be made pursuant to M.G.L.c. 40A §17 and must be filed within twenty (20) days after the date of filing of this decision in the Office of the City Clerk.

The full decision is available at: www.FraminghamMA.gov/meetings. Legal notice can be found in the MetroWest Daily News or on MassPublicNotices.org.

Stephen Meltzer, Chair

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