

CITY OF MARLBOROUGH MEETING POSTING

Meeting: Planning Board
Date: June 22, 2020
Time: 7:00 PM
Location: REMOTE MEETING NOTICE

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2020 JUN 18 P 2:59

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, June 22, 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 153 993 776 #

Agenda Items to be Addressed:

- 1) Meeting Minutes
 - A. June 08, 2020
- 2) Chair's Business
- 3) Approval Not Required
 - A. Engineering Review Letter- Simarano Drive at Cedar Hill (Green District), Applicant: Post Road Realty, LLC, 111 Unquowa Road, Fairfield, CT 06824; Land Surveyor, Michael Pustizzi, PLS, 32 Turnpike road, Southborough, MA; Description of Property: Assessor Parcel 116-5, 116-11, 116-12 Middlesex South Registry of Deeds Book 32163 page 598. John Shipe, Shipe Consulting Group, Representative. (VOTE)
 - B. 174 and 184 Helen Drive – Applicant: William Shea, 184 Helen Drive, Marlborough, MA 01752; Land Surveyor: Bruce Saluk & Associates, Inc., 576 Boston Post Road East, Marlborough; Description of Property: City Assessor's Parcels 85-5 (174 Helen) and 85-6 (184 Helen); South Middlesex Registry of Deeds Book 65677 page 65 and 16257 page 99.
 - i) Engineering Review Letter (VOTE)
 - C. 26 Jefferson St. – Applicant: Raimundo Coelho Araujo Neto, 36 Jefferson St., Marlborough, MA 01752; Land Surveyor: Dennis O'Brien, 480 West Central St., Franklin, MA 02038; Description of Property: Middlesex South Registry of Deeds Book 65099 Page 247. Assessor's Map 56-153.
 - i) Engineering Review Letter (VOTE)
- 4) Public Hearings
 - A. Public Hearing: 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. City Council President, Michael Ossing.
 - B. Public Hearing: 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. Attorney Mark Bourbeau for Mark Evangelous.
 - C. 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). Comments from Board of Health Director, John Garside
Discussion of next steps. (Waivers, Engineering Review, Preparation of Covenant)
- 5) Subdivision Progress Reports
 - A. Goodale Estates – Correspondence from Assistant City Engineer Collins re: Request for Bond Reduction and Extension of Approval – Current Approval June 30, 2020; Request to extend to 12-31-20. (VOTE -Bond Reduction and Extension)
- 6) Preliminary/Open Space /Limited Development Subdivision Submissions (None)
- 7) Definitive Subdivision Submissions (None)
- 8) Signs
 - A. Sign Variance Request - 431 Lincoln St. – Shell Station – Steven Pedro, Ayoub Engineering
- 9) Correspondence (None)
- 10) Unfinished Business
 - A. Draft Policy Discussion – Zoning and Variance Requests
- 11) Calendar Updates
- 12) Public Notices of other Cities & Towns
 - A. City of Framingham(4 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

June 08, 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. May 18, 2020

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to accept and file the minutes of May 18, 2020 as amended- 5A (revised *blasting to jack hammering*). Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Carried 6-0.

2. Chair's Business

A. Set public hearing date: Request to remove and reconstruct a stone wall along a scenic roadway. 684 Stow Rd. Bob Gentry.

With no objections and approval of the resident, Chair Fenby set the hearing date for July 20, 2020.

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.
Mr. LaVenture read the June 1, 2020 review letter by Assistant City Engineer Collins into the record. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept, file and endorse the above referenced plan as approval not required under the subdivision control law. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby; Nay: 0. Carried 6-0.

B. Simarano Drive at Cedar Hill, Applicant: Post Road Realty, LLC, 111 Unquowa Road, Fairfield, CT 06824; Engineer, Michael Pustizzi, PLS, 32 Turnpike road, Southborough, MA; Description of Property: Assessor Parcel 116-5, 116-11, 116-12 Middlesex South Registry of Deeds Book 32163 page 598. John Shipe, Shipe Consulting Group – Presenter.
Mr. Shipe joined the remote meeting briefly and requested that item 3B be addressed later due to a timing conflict. With no objections, the Board proceeded to the next item.

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). Scott Weiss, The Gutierrez Company, presenter.
Chair Fenby reopened 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) Comments from the public 3) Comments and questions from Board members.

Presentation:

Mr. Weiss shared that the subdivision plan was revised to include a new shorter cul-de-sac roadway, which will increase the buffering between the Commonwealth Heights project and the abutting neighborhood. The revised project also includes additional screening and eliminates two lots at the end of the cul-de-sac for a total of 21 lots. Two waiver requests remain: 1) To allow a dead-end roadway longer than 500 feet and 2) To allow a typical roadway cross-section similar to the cross-section utilized at Mauro Farm.

The 2nd waiver allows for reduced pavement width (28 vs. 32 feet), provides a grass plot between the roadway and sidewalk, reduces the sidewalk width (5 vs. 6 feet) and allows staggered tree planting. This is a design favored by the Board. Mr. Weiss also stated that a detailed Soil Management Plan was submitted. The plan is designed to mitigate any potential risk from the property's former use as an apple orchard. Mr. Weiss said it would be helpful to have a decision on the waivers. Ms. Fenby suggested that that discussion could be revisited later in the meeting.

Comments from the public:

Mr. LaVenture read the June 8, 2020 email correspondence from Dana MacPhee of 33 Flynn Ave. The email detailed several concerns for the project. Ms. Fenby will forward the concerns to Ms. MacPhee's Ward Councilor for follow up.

Mr. LaVenture also read comments from two officials: Edward Clancy, Chairman of the Marlborough Conservation Commission, and City of Marlborough Fire Chief, Kevin Breen.

In his June 7 communication to the Planning Board, Conservation Commission Chair Clancy detailed numerous comments as summarized below:

1. There are no wetlands near the project, therefore no wetland permits are required.
2. The property falls within the city's Water Supply Protection district, and all designs for stormwater runoff must meet the higher TSS removal requirements.
3. The property was previously an apple orchard, and The Soil Management Plan by Sanborn Head includes requirements for proper soil management, air monitoring, testing and final disposal on site.
4. The Commission recommends that the Planning Board require that the applicant hire a licensed site professional to provide technical assistance on plan review and review of construction dust and air quality monitoring. Sample conditions were provided from similar projects and are recommended for incorporation in the Board's decision, as no wetland or site plan permits are required.
5. Due to the site's very high clay content, the Commission identified additional erosion control measures that the applicant should incorporate into the Soil Management Plan.
6. The Commission recommends the site be required to hire an erosion control consultant approved by the City Engineer. The Commission provided sample language which could be included in the Board's decision should they feel it appropriate.

In his June 4 email communication, Fire Chief Breen provided the following comment:

The Marlborough Fire Department is Indifferent to any access/egress road between the proposed cul-de-sac and Forest Street. No emergency access over this easement is required.

Additional public comments:

John Sawyer of 33 Teller Rd. was concerned that clearing existing growth to plant the screening may lead to potential runoff. Marguerite Sawyer of 33 Teller Rd. expressed concern that no build partner is currently identified. What assurances do residents have that the builder won't create problems like the past? Mr. Sawyer added an additional concern about Forrest Street traffic. The Charter School increases traffic in the area significantly during certain times of day. Are there any traffic impact studies that show what additional impact this development will have to the area? Dana MacPhee of 33 Flynn would like the Board to request a traffic study.

With no further comments from the public, Chair Fenby closed that portion of the public hearing.

Questions and Comments from Board Members:

Mr. Fay expressed his conviction that he will not support any approval extensions without demonstrated construction schedule progress. Mr. LaVenture concurred.

Ms. Fenby asked whether the Board should take any action on the waivers. Mr. DiPersio said that a decision on the waivers would assist in finalizing Engineering's review of the plan. Chair Fenby said that the Board could discuss the matter later in the meeting. Mr. Russ would like further details on the landscaping plan. Chair Fenby said the public hearing would be continued on June 22.

5. Subdivision Progress Reports

A. Goodale Estates - Request for bond reduction and extension of approval.

Mr. Kevin Gillis of Northborough Capital Partners was present to discuss the project with the Board. Site progress has been demonstrated, and a request for bond reduction reflecting the progress is included in the packet. Proof of taxes paid, acknowledgement that the site is free from blight and proof that the bond is in place through year end was presented along with a new construction schedule. An additional 6-month extension until December 31, 2020 is requested. The project completion is delayed, since the gas line cannot be installed by Eversource until late in the year (or next). (The note in Mr. Gillis's 5-20-20 letter requesting a waiver of the requirement to install the gas line may be disregarded.)

Mr. Gillis would welcome an opportunity to walk the site to review the placement of trees and shrubs, as he states it appears to be impractical to plant trees the entire length of the south side of Jenks lane due to space considerations.

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to refer the matter of bond reduction and extension schedule to Engineering for report back on June 22. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby; Nay: 0. Carried 6-0.

Mr. Shipe rejoined the meeting, and Ms. Fenby announced a return to ANR item 3B.

3. Approval Not Required

B. Simarano Drive at Cedar Hill, Applicant: Post Road Realty, LLC, 111 Unquowa Road, Fairfield, CT 06824; Engineer, Michael Pustizzi, PLS, 32 Turnpike road, Southborough, MA; Description of Property: Assessor Parcel 116-5, 116-11, 116-12 Middlesex South Registry of Deeds Book 32163 page 598. John Shipe, Shipe Consulting Group – Presenter.

Mr. Shipe represents Post Road Residential. He has a long-term relationship with Andy Montelli, the project developer. The ANR before the Board facilitates the financing of the project by breaking the large 45 to 50-acre parcel into 5 smaller development lots. (4 lots in Marlborough, 1 lot in Southborough) The current owner, Boston Properties had a previous site plan approval for approximately 650,000 sq. ft of office space. The real estate market did not support that project. With the passage of the Executive Residential Overlay District (EROD), this residential development progressed. The purpose of the plan is to divide the large property into four approximately 10-acre chunks. (in Marlborough) Each resulting lot meets the required area, lot shape and frontage for properties in the EROD. Mr. Shipe thanked Assistant City Engineer Collins for his assistance. On a motion by Mr. Russ, seconded by Mr. Elder, the Board referred the plan to Engineering. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Carried 6-0.

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

7. Informal Discussion

A. 68-123 Broad Street – 4 Lot Subdivision Presentation Plan. Robert DiBenedetto-Hancock Assoc.

Mr. DiBenedetto indicates that Mr. White, the owner of the property at 76 Broad Street, intends to create a four-lot subdivision and a new dead-end right-of-way connecting to Broad Street. The 76 Broad St. property would be demolished to make room for the roadway. Abutting properties at #70-72 (to the south), and #84 (to the north), have agreed to land swaps to create the 50 ft. wide right-of-way. The proposed right-of-way requires 30-foot roundings. The intent is to create a plan without waivers. Two easements will be required to create the roundings. The proposed development is in the Residence C zone. Abutting properties are also zoned Residence C and are existing non-conforming lots. None of the proposed changes will increase the nonconformance of the lots.

Mr. Fay addressed Mr. DiBenedetto and suggested that the owner's attorney establish his rights to build the road with the two easements. Mr. Fay said the Board cannot give an answer on the easement issue until an official filing but said the matter should be researched by the applicant, not the City.

City Engineer DiPersio indicated that his understanding of the applicant's question to the board was not whether they have the rights to use easements for the roundings, but whether using easements for the roundings would constitute a waiver under the subdivision rules and regulations; and that they are asking this question since their intent is to submit a subdivision plan free of any waiver requests. It was suggested by the Board that the applicant provide answers to the easement question.

8. Signs

A. 431 Lincoln St. – Application for Sign Appeal to Planning Board. Applicant Steven Pedro-Ayoub Engineers.

Mr. Pedro represents the building owner who wishes to utilize an existing sign structure and add two LED price panels. The sign denial letter from the Building Dept. indicates that the signs are located within 200' of a residential zone. Mr. Pedro said there is no way to relocate the sign so that it won't be visible to neighbors. Mr. Pedro asked if the zone is measured from the center of the road or the property line. City Engineer DiPersio said that the residential zone district would be measured from the center of the roadway. Mr. Pedro said the sign would have the technology to dim the lights at night. The Board asked whether the station operated 24 hours. Mr. Pedro said he didn't know the answer to that question. Mr. Fay questioned whether the Board had any authority to grant the sign variance by siting this section ... the Planning Board may grant a variance for closer placement (within 200' of a residentially zoned district), provided that when located within 200 feet of a residentially zoned district, all digital display portions of the sign shall be oriented so that no portion of the sign is visible from an existing primary residential structure in the district.

Chair Fenby and Mr. Russ said a site plan would be more useful than the sign picture presented. The sign in the variance application does not show the sign's placement relative to the property or the residential neighbors. Mr. Russ asked whether the existing sign conforms to the City's regulations. Mr. Elder questioned whether the site was otherwise in compliance with zoning. Mr. Pedro was not certain. Ms. Fenby asked members whether the Board should ask for Code Enforcement's opinion. Mr. Fay asked whether she was requesting a formal motion, or should the Board ask Code Enforcement on an informal basis. Ms. Fenby said she would follow up informally. Mr. Fay showed the location on the screen, and the Board asked Mr. Pedro to return with a site plan showing the sign location and its impact on neighbors. Ms. Fenby stated that an area resident forwarded photos to the Board late in the day, June 8, and those exhibits would be available at the meeting on June 22. Mr. Pedro will work on the site plan for use at the meeting on June 22nd.

9. Correspondence

A. Communication regarding McGee Farm Property (339 Boston Post Road) Cindy Zomar.

B. Communications from Councilors – Livestock Farms

On a motion by Mr. Elder, seconded by Mr. Russ the Board voted to accept and file the correspondence. Yea: Elder, Fay, Hodge, Russ and Fenby. Nay: 0, Mr. LaVenture abstained due to a technical issue that prevented him from hearing the motion. Carried 5-0.

10. Unfinished Business

A. Draft Policy Discussion – Zoning and Variance Requests

The City Solicitor's office has not provided comments on the referred draft policy. The consensus of the Board was that there was no reason to wait. On a motion by Mr. Fay, seconded by Mr. Elder, the Board voted to send the zoning and variance request policy to City Council. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0. Chair Fenby requested that Mr. Fay work with Mr. Russ to formulate a process to ensure a review of the compliance status of any applicant requesting a zoning amendment or sign variance. Chair Fenby offered to approach Code Enforcement informally to request review of several properties of concern.

11. Calendar Updates

- A. 7-20-20- Public Hearing: Request to remove and reconstruct a stone wall along a scenic roadway. 684 Stow Rd. Bob Gentry.

12. Public Notices of other Cities & Towns

- A. City of Framingham 4 Notices

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

Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Carried 6-0.

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

Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

Respectfully submitted,

/kih

George LaVenture/Clerk



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

June 15, 2020

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

RE: ANR – Simarano Drive (Green District)

Dear Dr. Fenby:

Pursuant to the request from the Planning Board on June 8, 2020, our office has reviewed the following plan (2 sheets):

PLAN OF LAND
 IN MARLBOROUGH/SOUTHBOROUGH, MA

known as: CRANE MEADOW

Prepared by: Precision Land Surveying, Inc.
 32 Turnpike Road, Southborough, AM 01772

Date: June 4, 2020

Property owners: BP Crane Meadow LLC

The purpose of the plan is to combine three parcels

- Map 116 Parcel 5, containing 15.835 acres and having a total of 200.02 feet of frontage on Cedar Hill Street,
- Map 116 Parcel 11, containing 8.95 acres in Marlborough, having 216.16 feet of frontage on Cedar Hill Street, and 6.32 acres in Southborough, having 410.62 feet of frontage on Northborough Road in Southborough,
- Map 116 Parcel 12, containing 15.76 acres and having a total of 1,706.95 feet of frontage on Cedar Hill Street and Simarano Drive,

and subdivide the combine parcels into 5 lots:

- 4 lots, located in Marlborough:

- Lot 1, containing 10.160± acres (442,567 sq. ft.) and having a total of 553.22 feet of frontage on Simarano Drive,
- Lot 2, containing 11.797± acres (513,884 sq. ft.) and having 25.00 feet of frontage on Simarano Drive,
- Lot 3, containing 11.445 acres (498,534 sq. ft.) and having 216.69 feet of frontage on Cedar Hill Street,
- Lot 4, containing 9.616 acres (418,815 sq. ft.) and having a total of 1,338.13 feet of frontage on Cedar Hill Street and Simarano Drive,

and,

- 1 lot, located in Southborough:
 - Lot 5, containing 6.311± acres (274,920 sq. ft.) and having 410.62 feet of frontage on Northborough Road in Southborough.


The Marlborough properties are located in a Limited Industrial Zone and have the option of being developed under the §650-36 Executive Residential Overlay District. Lots 1, 3 and 4 will have adequate area, the required frontage, meet the Lot Shape requirement and have present adequate access for buildable lot in the Limited Industrial Zone. Lot 2 has the required area but lacks the required frontage for a lot in the Limited Industrial Zone. Lot 2 may only be developed under the Executive Residential Overlay District, which requires no frontage (and therefore does not need to meet the requirement for Lot Shape or present adequate access). A note has been placed on the plan which states:

“Lot 2 is not a buildable lot under Limited Industrial District requirements, but is allowed only under the provisions of the Executive Residential Overlay District (EROD).”

Where Lot 5 is located in entirely in Southborough, the Marlborough Planning Board endorsement of this plan would only pertain to Lots 1, 2, 3 and 4. The plan will require endorsement by the Southborough Planning Board as well.

Should you have any question regarding the above, please do not hesitate to contact me at (508) 624-6910.

Sincerely,



Timothy F. Collins
Assistant City Engineer

xc: John L. Ghiloni – DPW Commissioner
Thomas DiPersio, Jr., P.E., P.L.S. – City Engineer
John Shipe, P.E. – Shipe Consulting Group

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

6-8-20

(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 William SheaAddress 184 Helen Drive2. Name of Engineer Bruce Saluk & Assoc., IncAddress 576 Boston Post Rd E3. Deed of Property recorded in Ser. Middlesex Registry ofDeeds Book 65, 677 Page(s) 65
16, 237 99

4. Location and description of property:

Two lots located at 174 & 184 Helen Drive; Listed
as Assessor parcels 5 & 6 on MAP 25; respectively

William P. Shea

Signature of Owner

William SheaAddress: 184 Helen Dr.Marlborough MA 01752Nancy J. HoughNANCY J. HOUGH174 Helen Dr.Marlborough, MA 01752

PLANNING BOARD

DATE 6-8-20AGENDA 6-22-20

ACTION _____

BRUCE SALUK & ASSOCIATES, INC

CIVIL ENGINEERING & LAND SURVEYING

June 3, 2020

Barbara Fenby, Chair
Planning Board
City Hall
140 Main Street
Marlborough, MA 01752

ATTN: Krista Holmi

RE: ANR PLAN
174 & 184 Helen Drive
Marlborough, MA
BSA file#2777

Dear Ms. Fenby:

Please find \$150 application and the following: *Check # 1131 ✓ KH*

11 copies 11x17 plans for members/clerk's office
2 full-size plans for Engineering
2 original applications (one for Planning Board, one for Clerk)
1 electronic copy

Please call, if you have any comments or questions.

Thank you

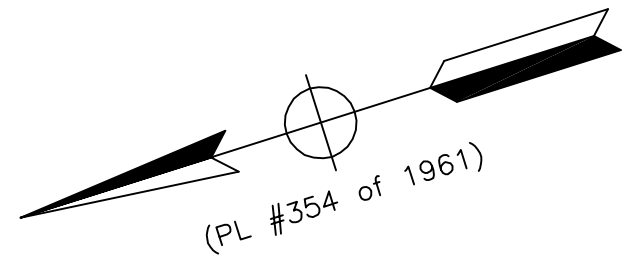
Sincerely



Bruce Saluk P.E., P.L.S.

PLANNING BOARD

DATE 6-8-20
AGENDA 6-22-20 Remote
ACTION _____



FOR REGISTRY USE

APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED.

MARLBOROUGH PLANNING
BOARD

MEMBER: _____

DATE: _____

NOTES:

1.) THE PURPOSE OF THIS PLAN IS TO SWAP LAND BETWEEN THE TWO PROPERTIES SHOWN THAT ARE LOCATED AT 174 AND 184 HELEN DRIVE, AS FOLLOWS:

- PARCEL 'A' TO BE CONVEYED TO THE OWNER OF #184 HELEN DRIVE (ASSESSOR MAP 85 PARCEL 6)
- PARCEL 'B' TO BE CONVEYED TO THE OWNER OF #174 HELEN DRIVE (ASSESSOR MAP 85 PARCEL 5)

2.) PARCELS 'A' & 'B' SHALL NOT BE USED AS SEPARATE BUILDING LOTS, BUT ONLY USED TOGETHER WITH ADJACENT LOTS HAVING THE AREA AND FRONTAGE REQUIRED BY THE MARLBOROUGH ZONING CODE.

3.) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF TITLE AND IS SUBJECT TO CHANGE THAT SAID TITLE MAY DISCLOSE.

4.) OWNERS DEED AND PLAN REFERENCES:

BOOK	PAGE	PLAN REFERENCES:
65,677	65	PLAN 354 OF 1961
16,257	99	PLAN 122 OF 1970
		PLAN 787 OF 2015
		PLAN 917 OF 1999

5.) THE LOT#1 AREA (20,480 SF) SHOWN ON THE RECORDED PLAN 354 OF 1961 IS IN ERROR. THE CORRECT LOT AREA IS 20,757 SF. THIS PLAN INCLUDES THE CORRECT AREA.

PLAN OF LAND 174 & 184 HELEN DRIVE MARLBOROUGH, MA

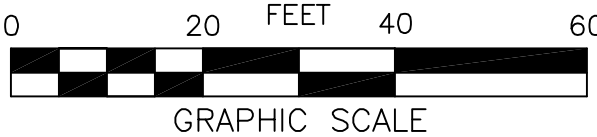
PROPERTY OWNERS:

- o WILLIAM SHEA
184 HELEN DRIVE
MARLBOROUGH, MA 01752
- o NANCY J. HOUGH, TRUSTEE OF
NANCY J. HOUGH REVOCABLE TRUST
174 HELEN DRIVE
MARLBOROUGH, MA 01752

PREPARED BY:
BRUCE SALUK & ASSOCIATES, INC.
CIVIL ENGINEERING & LAND SURVEYING
576 BOSTON POST ROAD EAST
MARLBOROUGH, MA 01752

DATE: MARCH 10, 2020

REVISED JUNE 10, 2020

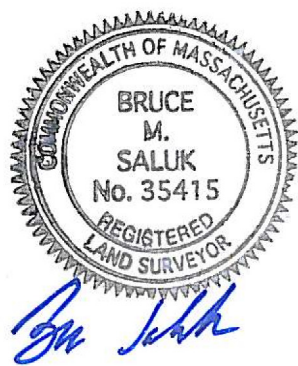


FILE:2777ANR.dwg

MARLBOROUGH, MA ZONING CHART

ZONING DISTRICT "A-3"
ASSESSOR'S MAP 85, PARCELS 5 & 6

ITEM	ZONE A3
(MIN.) LOT AREA	12,500 S.F.
FRONTAGE	100 FT
SIDE YARD	15 FT
FRONT YARD	20 FT
REAR YARD	30 FT
BUILDING HEIGHT	2½ STORIES
COVERAGE	30% (max)



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN
CONFORMITY WITH THE RULES AND REGULATIONS OF
THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF
MASSACHUSETTS.

DATE _____ REG. LAND SURVEYOR _____



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

June 11, 2020

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

RE: ANR - #174 & #184 Helen Drive

Dear Dr. Fenby:

In the interest of expediency, given the summer schedule for the Marlborough Planning Board meetings, I have reviewed the following ANR plan submission and offer the following comments for the Marlborough Planning Board meeting to be held on June 22, 2020:

PLAN OF LAND
174 & 184 HELEN DRIVE
MARLBOROUGH, MA

Property Owners:

William Shea	184 Helen Drive, Marlborough, MA
Nancy Hough Revocable Trust	174 Helen Drive, Marlborough, MA
(Nancy Hough – Trustee)	

Prepared by: Bruce Saluk & Associates, Inc 576 Boston Post Road – East, Marlborough, MA

Date: March 10, 2020 (Revised: June 10, 2020)

which creates a larger driveway setback from the property line for #184 Helen Drive

The purpose of the plan is to modify the property line between two lots on Helen Drive in the following manner:

- Lot 1, Map 85 - Parcel 6, (#184 Helen Drive) containing 20,757 square feet* and having a total of 363.45 feet of frontage on Helen Drive and Farm Road –
 - Subtracting 475 sq. ft. (Parcel B) from this property and adding it to the property at #174 Helen Drive
 - Adding 426 sq. ft. (Parcel A) to this property, having been subtracted from the property at #174 Helen Drive

- This will result in the frontage for Lot #1 increasing by 15.26 feet to 378.71 feet and the area of Lot #1 decreasing by 49 feet to 20,708 sq. ft.


* This plan is also correcting an error in the area for Lot #1, as shown in Recorded Plan #354 of 1961 which created the lot.

- Lot 2, Map 85 - Parcel 5, (#174 Helen Drive) containing 20,160 square feet and having a total of 125.00 feet of frontage on Helen Drive –
 - Subtracting 426 sq. ft. (Parcel A) from this property and adding it to the property at #184 Helen Drive
 - Adding 475 sq. ft. (Parcel B) to this property, having been subtracted from the property at #184 Helen Drive
 - This will result in the frontage for Lot #2 decreasing by 15.26 feet to 109.74 feet and the area of Lot #2 increasing by 49 feet to 20,209sq. ft.

Both of the lots will have adequate area, the required frontage, proper setbacks (front, side, rear and driveway) and have present adequate access for buildable lot in a Residence A-3 zone.

Should you have any question regarding the above, please do not hesitate to contact me at (508) 624-6910.

Sincerely,


Timothy F. Collins
Assistant City Engineer

xc: John L. Ghiloni – DPW Commissioner
Thomas DiPersio, Jr., P.E., P.L.S. – City Engineer

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

06/04/2020

(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.

RAIMUNDO COELHO ARAUJO NETO

1. Name of Applicant

36 JEFFERSON ST MARLBOROUGH MA 01752

Address

2. Name of Engineer

DENNIS O'BRIEN

Address

480 WEST CENTRAL ST - FRANKLIN, MA 02038

3. Deed of Property recorded in MIDDLESEX SOUTH Registry of

Deeds Book 65099

Page(s) 247

4. Location and description of property:

36 JEFFERSON ST - MARLBOROUGH, MA 01752

SINGLE FAMILY DWELLING WITH 27,328 SF LOT IN COMMERCIAL AUTOMOTIVE ZONING DISTRICT


Signature of OwnerAddress: 36 JEFFERSON ST
MARLBOROUGH MA
01752

Contact email address: SOVEREIGNDESIGNASSOCIATES@GMAIL.COM

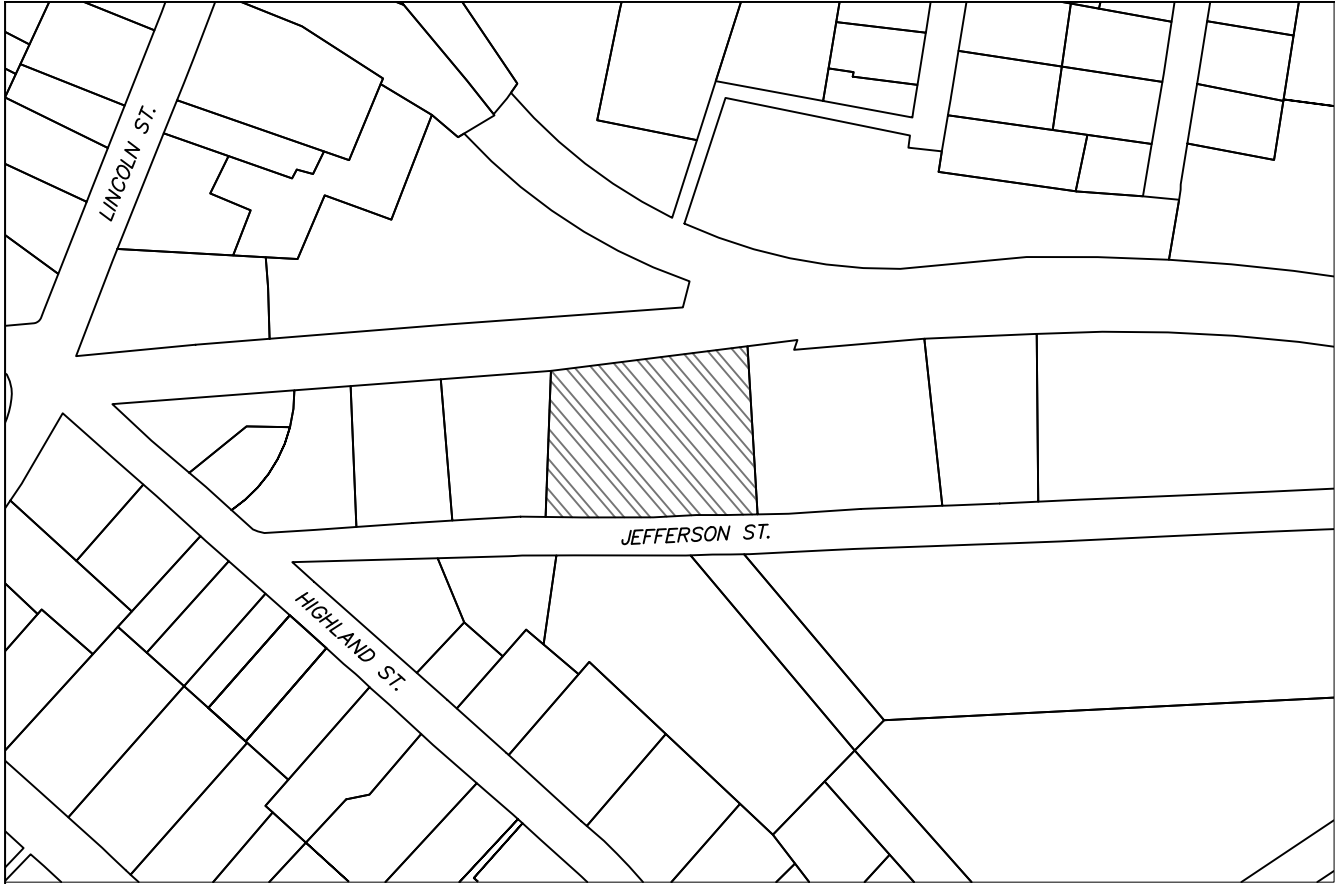
Contact phone number: 508-308-0180 ALLEN LEMOS

PLANNING BOARD

DATE 6-5-20

AGENDA 6-22-20 Remote

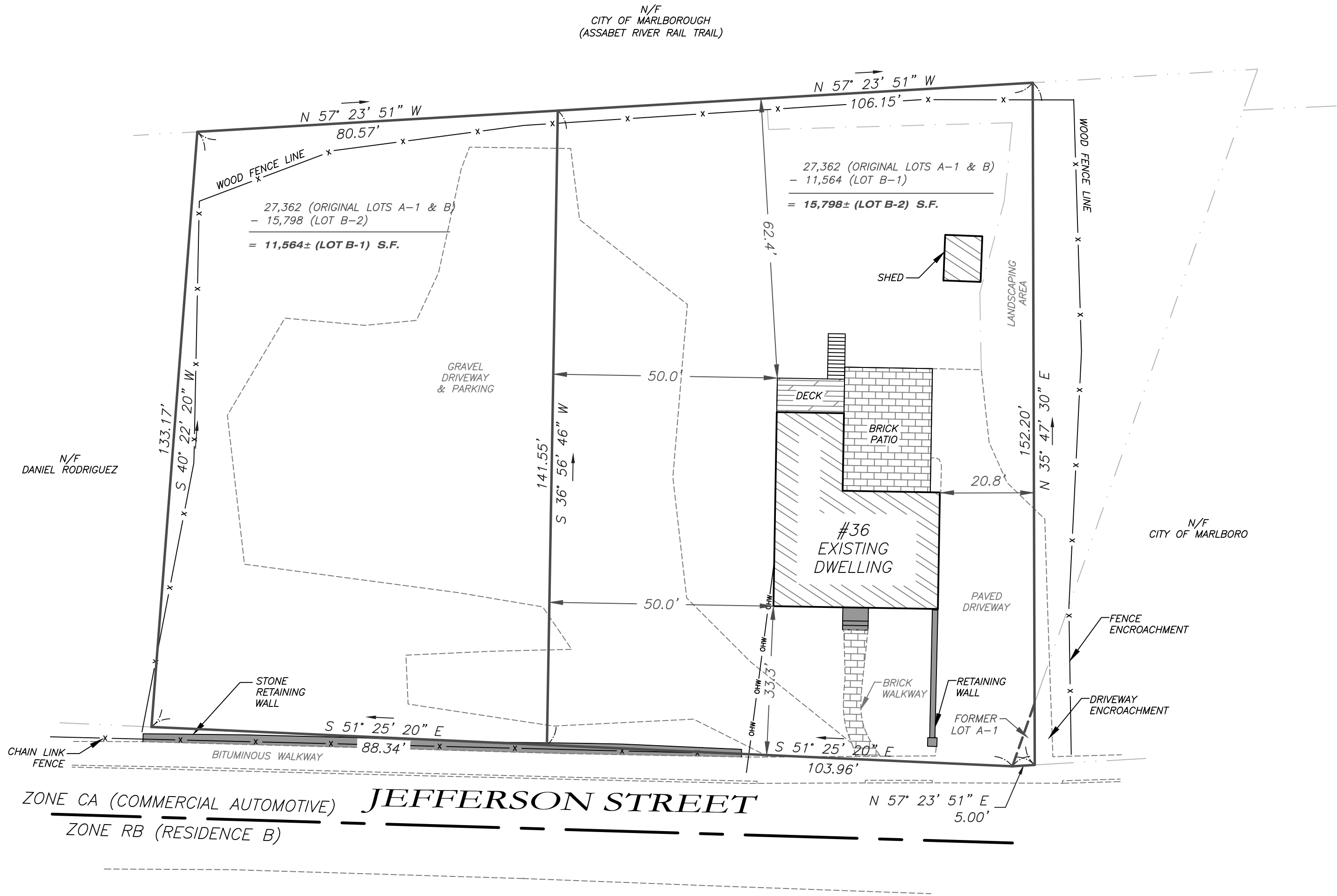
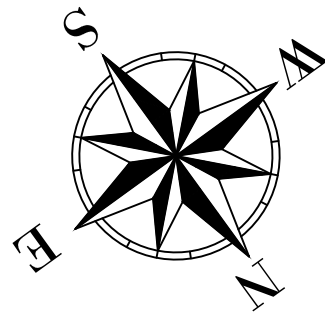
ACTION



LOCUS - NOT TO SCALE

ZONE - CA (COMMERCIAL AUTOMOTIVE)

AREA (MIN.)	5,000 SQ. FT.
FRONTAGE (MIN.)	50'
FRONT SETBACK (MIN.)	50'
SIDE SETBACK (MIN.)	50'
REAR YARD SETBACK (MIN.)	NONE



Dennis O'Brien P.L.S.

DATE:

I CERTIFY THAT I HAVE CONFORMED WITH THE REGULATIONS OF THE REGISTRY OF DEEDS IN PREPARING THIS PLAN.

NOTES:

THIS SURVEY & MAP HAVE BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS. (MGL CMR 250, 6.0)

THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

THE PURPOSE OF THIS PLAN IS TO COMBINE LOT A-1 & LOT B AS SHOWN ON PLAN 275 OF 1984 AND TO CREATE TWO CONFORMING LOTS (LOT B-1 & B-2).

APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED.
CITY OF MARLBOROUGH PLANNING BOARD:

BEING A MAJORITY, DATED _____

PLANNING BOARD ENDORSEMENT OF THIS PLAN DOES NOT CONSTITUTE COMPLIANCE WITH CITY ZONING, STATE AREA REQUIREMENTS, BUILDING CODE OR ZONING SIDELINE SETBACK REQUIREMENTS, AND IS NOT A DETERMINATION AS TO COMPLIANCE WITH ZONING.

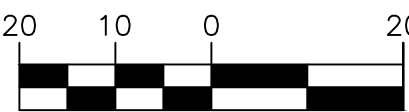
RESERVED FOR REGISTRY

DEED REFERENCE:

DEED BOOK 15481 PAGE 362

PLAN 275 OF 1984

OWNER: RAIMUNDO COELHO ARAUJO NETO



PROPOSED SUBDIVISION OF LAND
36 JEFFERSON STREET
MARLBOROUGH, MA MIDDLESEX COUNTY

SCALE: 1:20 DATE: 4/15/2020 REVISED: 6/17/2020 DRAWN BY: A.R.M. CHECKED BY: D.O.



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

June 17, 2020

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

RE: ANR - #36 Jefferson Street

Dear Dr. Fenby:

In the interest of expediency, given the summer schedule for the Marlborough Planning Board meetings, I have reviewed the following ANR plan submission and offer the following comments for the Marlborough Planning Board meeting to be held on June 22, 2020:

PROPOSED SUBDIVISION OF LAND
 36 JEFFERSON STREET
 MARLBOROUGH, MA MIDDLESEX COUNTY

Owner: Raimundo Coelho Araujo Neto

Prepared by: D. O'Brien Land Surveying, 48 West Central St., Franklin MA 02038

Date: April 15, 2020 (Revised: June 16, 2020)

The purpose of the plan is to subdivide the existing property at #36 Jefferson Street (Map 56 - Parcel 153) into two lots:

- Lot B-1, containing 11,564 square feet and having 88.34 feet of frontage on Jefferson Street. There are no structures on the lot. The lot does have a gravel parking area where vehicles are being stored.
- Lot B-2, containing 15,798 square feet and having a total of 120.01 feet of frontage on Jefferson Street. There is a residential structure on this property - #36 Jefferson Street, which was built in 1954 and pre-dates Marlborough's original Zoning Ordinance. The property has two encroachments depicted on the plan: a fence encroachment and a driveway encroachment, both against property currently owned by the City of Marlborough (Map 56 - Parcel 152). The existing 20.8-foot side yard setback on the northwest side of the property was created in 1984, when the City of Marlborough did a 3,479 square foot taking against the subject property. The current front yard setback is 33.33 feet. The plan proposes a 50-foot side yard setback on the southeast

side of the property. 50 feet is the current side yard setback for a property located in the Commercial Automotive Zone. Within the proposed 50-foot side yard setback, as shown on the plan, there exists a “gravel driveway & parking” area, which may have issues related to zoning compliance.

Both of the lots have adequate area, frontage and meet the Lot Shape requirement for lots in a Commercial Automotive Zone. Lot B-2 has present adequate access on Jefferson Street. A stone retaining wall ranging in height from 1 foot to 6 feet, exists along the entire frontage of Jefferson Street, for Lot B-1. This retaining wall impedes the ability to claim that the proposed lot has present adequate access.

In a 1992 court case¹, the question was raised – *is a plan entitled to ANR endorsement if a physical impediment exists that prevents practical access but can be removed at a later date so that each lot would have access onto a public way?* Land Court ruled that in the absence of **present** adequate access from the public way, that the plan should not be endorsed, stating that “*It is not a right of access, but rather actual access, that counts*”. The fact that the wall could be removed, and the property could be regraded, at some time in the future, to provide adequate access from Jefferson Street, at this time Lot B-1 does not have the present adequate access required for an ANR endorsement.

Should you have any question regarding the above, please do not hesitate to contact me at (508) 624-6910.

Sincerely,



Timothy F. Collins
Assistant City Engineer

xc: John L. Ghiloni – DPW Commissioner
Thomas DiPersio, Jr., P.E., P.L.S. – City Engineer
Jeffrey Cooke – Building Commissioner

¹ Poulos v. Planning Board of Braintree, 413 Mass. 359 (1992)

CITY OF MARLBOROUGH
PLANNING BOARD
MARLBOROUGH, MASSACHUSETTS 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

LEGAL NOTICE

2020 MAY 29 P 2:37

Public Hearing –Proposed Zoning Amendment to Chapter 650 to add a new Section 38 creating the Large-Scale Ground-Mounted Solar Photovoltaic Overlay District.

Notice is hereby given that the Planning Board of the City of Marlborough will hold a Public Hearing on **Monday, June 22, 2020 at 7:00 PM** in Memorial Hall, 3rd Floor, City Hall, 140 Main Street, Marlborough, Massachusetts to amend Chapter 650 by adding a new Section 38. *Should the current state of emergency still be in force at that time, the hearing will be held remotely.* The agenda for the Board's meeting will be posted on the following website: www.marlbrough-ma.gov/planning-board 48 hours in advance of the meeting. Instructions for virtual attendance (if necessary) will be posted as part of the meeting agenda. All persons interested should plan to attend, be represented at the hearing, or submit written testimony to the Planning Board at 135 Neil St. Marlborough, MA 01752 or by emailing planning_board@marlbrough-ma.gov prior to the meeting date.

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

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.

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.

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;
 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.
- 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.
- 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.
- 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.
 - 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.

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.

Per Order of the City Council
#20-1007975

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

Solar Photovoltaic Overlay District

Hudson Street Landfill

June 22, 2020

Solar Overlay District Overview

- Add Section 650-38 – Solar Overlay District
- Construction, Operation, Maintenance and Removal
- Location – Hudson Street Landfill
- 2 Two parcels – 30-4 (24 acres) and 30-4C (11 acres)
- Councilors have indicated on numerous occasions the desire to use the landfill for a solar facility

History

- Councilor Doucette and Assistant Solicitor Panagore-Griffin working with the Mayor drafted an order for a solar overlay district on property off Broadmeadow Street in 2018 – combination city/state/private
- Public Hearing September 10, 2018
- Planning Board favorable recommendation October 22, 2018
- Urban Affairs did not take action on the zoning request
- This change modifies their work

Why the Landfill?

- State encourages solar development on landfills
- The State Solar Massachusetts Renewable Target (SMART) program provides incentives for municipalities and developers to install solar
- The financial incentives are on a sliding scale
- Install up to 6+ MW solar facility
- City has potential to receive a one time payment of \$10 million (unsolicited – will follow procurement process)
- National Grid indicated this is a good site for solar based on electrical capabilities (sufficient 3 phase power with Boston Scientific)

Why the Landfill continued.....

- The vendor does all the work
- Potential for Marlboro low income residential electric users (R2) to receive an additional 2 cents off their electric rate (so the current 0.09696 rate becomes 0.07696)
- The city can specify how much of the landfill is to be used for a solar project (can carve out area for future recreation field and DPW activities)
- Mass DEP has permitted over 100 landfill sites in the Commonwealth representing 220 MW of renewable energy (175 MW completed)

Conclusion

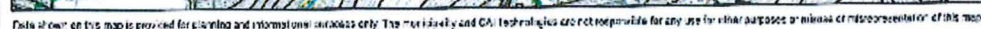
- Opportunity for the city to:
 - Use the landfill for a solar project
 - Obtain needed revenue
 - Provide low income residential electric users a discount on their electricity
 - Support the Commonwealth's efforts to reduce the carbon footprint



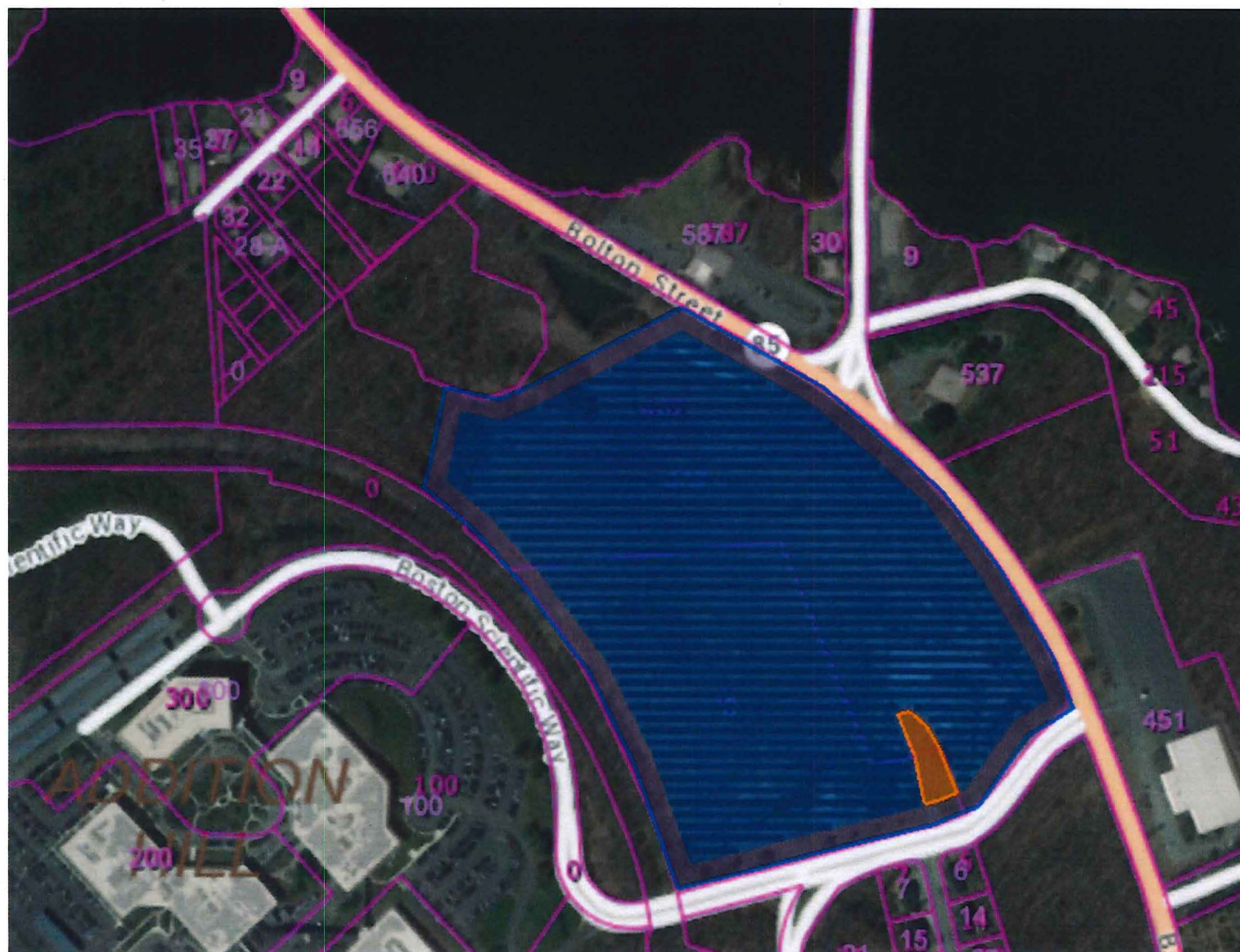
1 inch = 200 Feet

1 inch = 200 Feet

May 11, 2020







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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

LEGAL NOTICE

2020 MAY 29 P 2:37

Public Hearing –Proposed Zoning Map Amendment, Section 650-8 – Land off Valley Street, Map 82, Parcel 125.

Notice is hereby given that the Planning Board of the City of Marlborough will hold a Public Hearing on **Monday, June 22, 2020 at 7:00 PM** in Memorial Hall, 3rd Floor, City Hall, 140 Main Street, Marlborough, Massachusetts to amend the zoning map established by Section 650-8. **Should the current state of emergency still be in force at that time, the hearing will be held remotely.** The agenda for the Board's meeting will be posted on the following website: www.marlborough-ma.gov/planning-board 48 hours in advance. Instructions for virtual attendance (if necessary) will be posted as part of the meeting agenda. All persons interested should plan to attend, be represented at the hearing, or submit written testimony to the Planning Board at 135 Neil St. Marlborough, MA 01752 or by emailing planning_board@marlborough-ma.gov prior to the meeting date.

The materials are available for viewing in the Office of the City Clerk, City Hall, 140 Main Street, Marlborough, MA 01752, 508-460-3775 and the Administrative Office of the Planning Board, 135 Neil St. Marlborough, MA 01752, (508) 624-6910 x33200 or online at www.marlborough-ma.gov/planning-board.

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.

Per Order of the City Council
#20-1007976

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

Valley Street Zoning Change Proposal

Presented by: Mark Evangelous
Attorney: Mark Bourbeau
Marlborough Hub
June 22, 2020

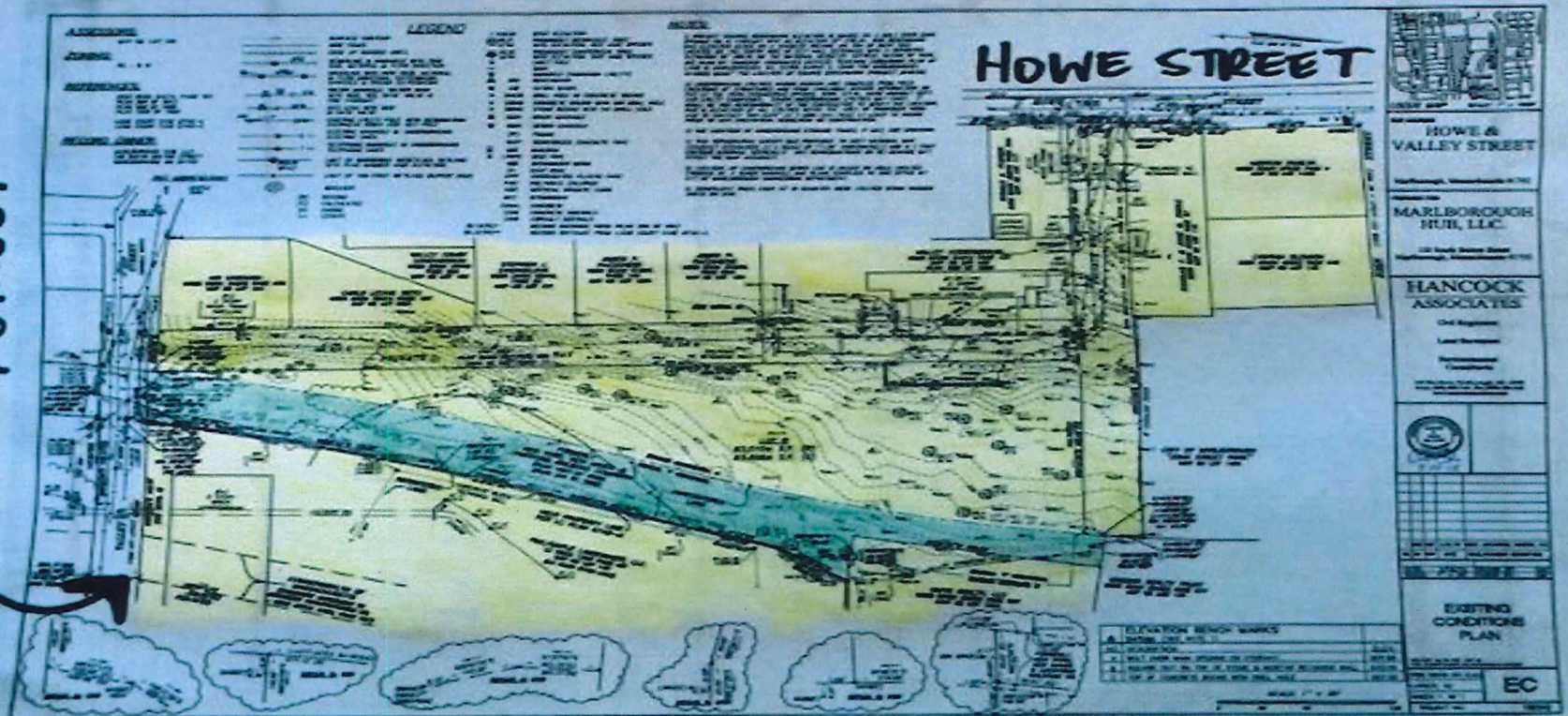


RESIDENTIAL

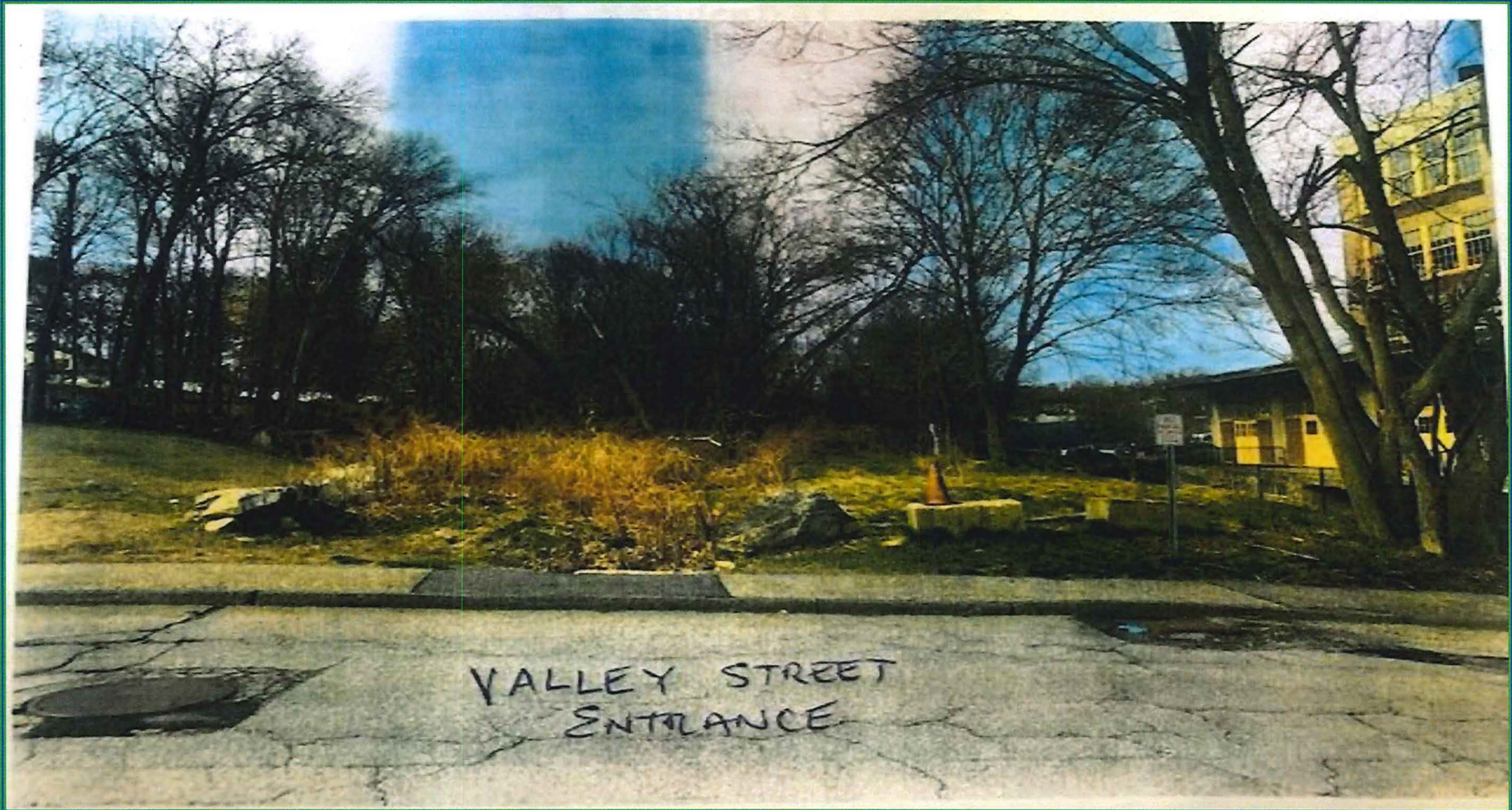


INDUSTRIAL

VALLEY STREET



MAPLE STREET



Benefits of Rezoning Valley Street

- Provides a consistent use with the adjoining residential zoned parcels
- Cleans up a long abandoned railroad bed which currently forms a 50' wide finger of industrially zoned land surrounded by residential zoned land
- Less detrimental to the area going from industrial to residential
- Rezoning will allow homes to have more distance from the street and will be away from other homes
- Rezoning keeps with the city council and mayor's vision for more housing to support downtown businesses

Benefits of Rezoning Valley Street, cont.

- Met with Ward 3 city council Christian Dumais and I believe he is very supportive of this zoning change
- Neighborhood residents are in favor of it
- Planning board and the city engineer recommended the zoning change because it fits into the character of the neighborhood. The change imposes minimal impact on abutters and the zone change benefits the area by cleaning up the remaining zoning anomaly over the abandoned railroad bed
- Railroad bed has been tested for arsenic and coal ash and is safe for residential use which was required by the conservation board
- Lots are twice as large as any of the lots in the area (½ acre) less dense



City of Marlborough
Planning Board

Administrative Offices
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

April 2, 2019

Mr. Edward Clancy
City Council President
140 Main St.
Marlborough, MA 01752

RE: Council Order No. 19-1007552 Proposed Zoning Amendment,
Section 650-8, Land Off Valley Street

Honorable President Clancy and Members:

At its regularly scheduled meeting on March 25, 2019, the Planning Board took the following action regarding the above-referenced Council order:

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to send a favorable recommendation to the City Council on the proposed zoning amendment. Motion carried.

In its recommendation, the Board concluded that the zoning change fits into the character of the neighborhood, the zoning change imposes minimal impact on the neighborhood abutters, and the zoning change benefits the area by cleaning up a remaining zoning anomaly over the abandoned railway bed.

Should you need further information, don't hesitate to contact me.

Sincerely,

Barbara L. Fenby/KH

Barbara L. Fenby
Chairperson

cc: City Clerk
Drohan, Tocchio & Morgan

2019 Planning Board Approval Letter for Valley Street Rezoning Proposal

Letter of Support #1

Nicholas Hassapas
42 Framingham Road
Marlborough, MA 01752

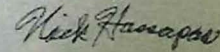
6/16/2020

Dear Councilor Dumais,

As a life long resident of Marlborough and growing up on 2 Irving Street. I would like the record to show that I am in favor of the Valley Street rezoning to residential so it will finally be developed and used.

It will benefit the whole neighborhood and increase the values of all the properties.

Sincerely,



Nick Hassapas

508-380-8356

Letter of Support #2

Luiz Bromomschenkef

154 Howe Street

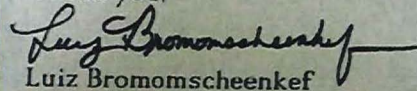
Marlborough, MA 01752

Dear Councilor Dumais

Please vote to approve the rezoning of the old railroad bed to residential so a development can go in and in turn clean up that old wooded lot. I took pictures because all the abutters use it to dump their left-over grass clipping, shrubs and sometimes trash such as old tires and water tanks.

I know the Evangelous' and they will do a great job in developing the property. A new development will increase the values of all the properties in this area.

Thank you,



Luiz Bromomschenkef

508-974-5063

Letter of Support #3

Michael Ferro

6.16.20

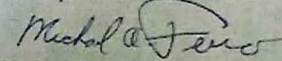
112 Howe Street

Marlborough, MA 01752

Dear Councilor Dumais,

The Valley street zoning change is good for the area and my wife and I are in favor of rezoning the railroad bed to residential so it will clean up the area. Residential is the best use because all the properties are residential in that area.

Thank you in advance.



Michael Ferro

774.285.9862

From: [John Garside](#)
To: [Krista Holmi](#)
Subject: RE: Definitive Subdivision Application - Commonwealth Heights Request for Comment
Date: Thursday, June 18, 2020 4:40:38 PM

Hi Krista,

The Soil Management Plan as presented in Sanborn, Head & Associates April 24, 2020 report adequately addresses the contaminated soil concerns. As part of any subdivision approval, please include conditions that (1) require the applicant to pay for an independent Licensed Site Professional, working on behalf of the City, to review all work performed relative to soil removal/site remediation, and (2) the proof of recording of a Deed Notice on the parcel where the disposition of contaminated soils will occur.

Thanks so much, if you have questions please call.

-John

From: Krista Holmi <kholmi@marlborough-ma.gov>
Sent: Thursday, June 18, 2020 2:43 PM
To: John Garside <jgarside@marlborough-ma.gov>
Cc: sohohinny <sohohinny@aol.com>; Priscilla Ryder <pryder@marlborough-ma.gov>
Subject: Definitive Subdivision Application - Commonwealth Heights Request for Comment

John,

At the June 8 meeting of the Planning Board, the Conservation Commission submitted the attached comments relative to the Commonwealth Heights subdivision application.

Do you have any additional comments from the BOH? We only have one more meeting (Monday, June 22), before the subdivision application decision date of July 20.

I have previously copied you on the Soil Management Plan. Let me know if you need another copy.

Krista

Krista Holmi
Engineering and Planning Board Administrator
135 Neil St.
Marlborough, MA 01752

(508) 624-6910 x33200
kholmi@marlborough-ma.gov



City of Marlborough
Department of Public Works

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

Goodale Estates
 (Vote Bond and
 Extension)
JOHN L. GHILONI
 COMMISSIONER

June 11, 2020

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

RE: Goodale Estates – Bond Reduction

Dear Dr. Fenby:

Pursuant to the request from the Planning Board on June 8, 2020, the Engineering Division has reviewed the status of the construction for the completion of the roadway at the above-referenced subdivision.

As of this date, the following work will need to be completed, and has been scheduled by the developer:

- The detention basin is only 90% complete
- The gas service needs to be installed
- Water & sewer services for Lot #4 need to be re-installed/relocated
- Gravel base course for the sidewalks need to be installed – scheduled for mid-June 2020
- Paving of sidewalks (binder course and top course) – scheduled for late-June 2020
- Paving of roadway (top course - scheduled for late-June 2020
- Installation of roadway bounds – scheduled for September 2020
- Installation of street trees – scheduled for September 2020
- Installation of street signs* and line painting
- As-Built Plans need to be developed – scheduled for September 2020
- Acceptance Plans will be developed during the One-Year Maintenance Period
- Miscellaneous Clean-up will take place after the One-Year Maintenance Period.

* street signs and street lighting are required prior to house occupancy.

The status of the bond to secure the completion of the subdivision is as follows:

- It was determined, in December of 2019, that the initial cost to construct the subdivision was approximately \$700,000.00.
- At that time, with some of work to construct the subdivision having been completed, it was also determined that the cost to complete the subdivision was \$352,000.00.
- Given the quantity of work required to complete the subdivision and based on the cost to complete this work (based on MassDOT weighted bid prices for roadway construction), I have

determined the cost to complete the remaining work for this subdivision is \$205,000.00, a reduction of \$147,000.00.

Based on the cost of the work completed to date, security in the amount of \$205,000.00 should be posted to secure the completion of the above referenced subdivision. Refer to the attached estimate breakdown for details.

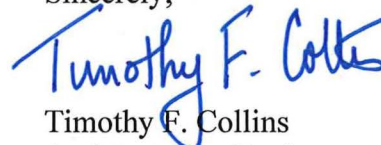
The status of approval of the Definitive Subdivision is as follows:

- Definitive Subdivision Approval – November 14, 2016
- Expiration (2-years) of original subdivision approval – November 14, 2018
- Extension of subdivision approval granted on November 5, 2018 to November 24, 2019
- Extension of subdivision approval granted on October 21, 2019 to June 30, 2020

Based on the work remaining to complete the subdivision and the schedule proposed by the developer, a 6-month extension of the subdivision approval to complete the work and begin the start of the One-Year Maintenance Period would be prudent. Should the work to complete the subdivision be completed before the end of the 6-month extension, the One-Year Maintenance Period would begin sooner.

Should you have any question regarding the above, please do not hesitate to contact me at (508) 624-6910.

Sincerely,



Timothy F. Collins
Assistant City Engineer

xc: John L. Ghiloni – DPW Commissioner
Thomas DiPersio, Jr., P.E., P.L.S. – City Engineer
Kevin Gillis - Northborough Capital Partners, LLC,

**CITY OF MARLBOROUGH, MASSACHUSETTS
ESTIMATE FOR BONDING PURPOSES**

SUBDIVISION:									DATES
GOODALE ESTATES				BOND NO.		MassDOT Weighted Bid Prices:			2019
JENKS LANE				REDUCTION 2		INITIAL DATE OF BOND:			12/04/19
						DATE :			06/11/20
ITEM	DESCRIPTION	UNIT	TOTAL QTY.	UNIT COST	TOTAL COST	QTY. LAST EST.	QTY. THIS EST.	TOTAL COST TO DATE	% COMPLETE
Earth Work									
	Clearing, grubbing	AC.	0	\$15,000.00	\$0.00	0		COMPLETED	100.00%
	Excavation	C.Y.	0	\$25.00	\$0.00	0		COMPLETED	100.00%
	Sub-base	C.Y.	0	\$35.00	\$0.00	0		COMPLETED	100.00%
	Ledge excavation	C.Y.	0	\$50.00	\$0.00	0		COMPLETED	100.00%
Water									
1	Hydrants (incl. gate)	EA.	1	\$7,250.00	\$7,250.00	1	1	\$7,250.00	100.00%
2	Gates	EA.	1	\$2,300.00	\$2,300.00	1	1	\$2,300.00	100.00%
3	3/4-in. Copper service (complete)	L.F.	375	\$100.00	\$37,500.00	375	275	\$27,500.00	73.33%
4	Corporation and Curb Stop	EA.	7	\$1,200.00	\$8,400.00	7	7	\$8,400.00	100.00%
5	8-In. CL52 DI main	L.F.	490	\$120.00	\$58,800.00	490	490	\$58,800.00	100.00%
6	6-In. CL52 DI hydrant branch	L.F.	10	\$90.00	\$900.00	10	10	\$900.00	100.00%
Sewer									
7	6 In. Service (stub at property line)	L.F.	330	\$90.00	\$29,700.00	330	283	\$25,470.00	85.76%
8	8-In. PVC main	L.F.	460	\$100.00	\$46,000.00	400	460	\$46,000.00	100.00%
	8-In. CL52 DI main	L.F.	0	\$80.00	\$0.00			\$0.00	#DIV/0!
	10-In. CL52 DI main	L.F.	0	\$100.00	\$0.00			\$0.00	#DIV/0!
9	Sewer manhole	EA.	3	\$5,850.00	\$17,550.00	2	3	\$17,550.00	100.00%
	Sewer manhole - 5' inside dia.	EA.	0	\$5,000.00	\$0.00			\$0.00	#DIV/0!
	Force main - 2-In.	L.F.	0	\$50.00	\$0.00			\$0.00	#DIV/0!
			0						
Drainage									
10	Catch basin	EA.	4	\$5,350.00	\$21,400.00	3	4	\$21,400.00	100.00%
11	Drain manhole	EA.	2	\$5,350.00	\$10,700.00	1.5	2	\$10,700.00	100.00%
	Drain manhole - 5' inside dia.	EA.	0	\$6,000.00	\$0.00			\$0.00	#DIV/0!
12	Drop inlet	EA.	1	\$3,200.00	\$3,200.00	1	1	\$3,200.00	100.00%
	Gutter inlet	EA.	0	\$1,500.00	\$0.00			\$0.00	#DIV/0!
	Box culvert	L.F.	0	\$250.00	\$0.00			\$0.00	#DIV/0!
	8-In. D.I.	L.F.	0	\$100.00	\$0.00			\$0.00	#DIV/0!
13	12-In. RCP	L.F.	61	\$100.00	\$6,100.00	61	61	\$6,100.00	100.00%
	12-In. RCP Flared end	EA.	0	\$750.00	\$0.00			\$0.00	#DIV/0!
14	15-In. RCP	L.F.	174	\$110.00	\$19,140.00	174	174	\$19,140.00	100.00%
15	15-In. RCP Flared end	EA.	1	\$1,200.00	\$1,200.00	1	1	\$1,200.00	100.00%
16	18-In. RCP	L.F.	40	\$115.00	\$4,600.00	40	40	\$4,600.00	100.00%
	18-In. RCP Flared end	EA.	0	\$900.00	\$0.00			\$0.00	#DIV/0!
	21-In. RCP	L.F.	0	\$100.00	\$0.00			\$0.00	#DIV/0!
	21-In. RCP Flared end	EA.	0	\$950.00	\$0.00			\$0.00	#DIV/0!
	24-In. RCP	L.F.	0	\$140.00	\$0.00			\$0.00	#DIV/0!
	24-In. RCP Flared end	EA.	0	\$1,000.00	\$0.00			\$0.00	#DIV/0!
	30-In. RCP	L.F.	0	\$150.00	\$0.00			\$0.00	#DIV/0!
	30-In. RCP Flared end	EA.	0	\$1,200.00	\$0.00			\$0.00	#DIV/0!
	36-In. RCP	L.F.	0	\$175.00	\$0.00			\$0.00	#DIV/0!
	36-In. RCP Flared end	EA.	0	\$1,700.00	\$0.00			\$0.00	#DIV/0!
17	Headwalls	C.Y.	11	\$700.00	\$7,700.00	5	11	\$7,700.00	100.00%
18	Detention basins	C.Y.	2250	\$40.00	\$90,000.00	750	2000	\$80,000.00	88.89%
	Water Quality Structure	EA.	0	\$3,500.00	\$0.00			\$0.00	#DIV/0!
	Outlet Control structure	L.S.	0	\$2,500.00	\$0.00			\$0.00	#DIV/0!
19	Rip-Rap	C.Y.	110	\$75.00	\$8,250.00	0	110	\$8,250.00	100.00%
	6-In. Under Drain	L.F.	0	\$35.00	\$0.00			\$0.00	#DIV/0!
	12-In. Under Drain	L.F.	0	\$40.00	\$0.00			\$0.00	#DIV/0!
20	Black Vinyl Clad Fence, Post & Gate	L.F.	540	\$60.00	\$32,400.00	0	0	\$0.00	0.00%
Roadway/Layout									
21	Gravel base	C.Y.	650	\$45.00	\$29,250.00	650	650	\$29,250.00	100.00%
22	Bit. Conc. Pavement	Ton	470	\$130.00	\$61,100.00	293.75	293.75	\$38,187.50	62.50%
23	Granite curbing	L.F.	950	\$60.00	\$57,000.00	0	950	\$57,000.00	100.00%
	Bit. Conc. berm	L.F.	0	\$5.00	\$0.00			\$0.00	#DIV/0!
24	Sidewalk gravel	C.Y.	10	\$45.00	\$450.00	0		\$0.00	0.00%
25	Sidewalk pavement	Ton	70	\$175.00	\$12,250.00	0		\$0.00	0.00%
26	Misc. clean up	L.S.	1	\$10,000.00	\$10,000.00	0		\$0.00	0.00%
27	Adj. Structures	EA.	9	\$350.00	\$3,150.00	0		\$0.00	0.00%
28	Granite (stone) bounds	EA.	8	\$600.00	\$4,800.00	0		\$0.00	0.00%
	Guardrail	L.F.	0	\$25.00	\$0.00			\$0.00	#DIV/0!
29	Roadside trees	EA.	28	\$500.00	\$14,000.00	0		\$0.00	0.00%
30	Street signs w/ breakaway posts	EA.	1	\$150.00	\$150.00	0		\$0.00	0.00%
31	Street lighting	EA.	1	\$3,000.00	\$3,000.00	0	1	\$3,000.00	100.00%
32	Elec/Tel/Cable	L.F.	760	\$50.00	\$38,000.00	190	760	\$38,000.00	100.00%
33	Gas	L.F.	475	\$45.00	\$21,375.00	118.75		\$0.00	0.00%
34	As-built plans	EA.	1	\$2,500.00	\$2,500.00	0		\$0.00	0.00%
35	Acceptance plans	EA.	1	\$2,500.00	\$2,500.00	0		\$0.00	0.00%
36	Field stone masonry wall	C.Y.	20	\$600.00	\$12,000.00	0	20	\$12,000.00	100.00%
TOTAL					\$684,615.00			\$533,897.50	

**CITY OF MARLBOROUGH, MASSACHUSETTS
ESTIMATE FOR BONDING PURPOSES**

SUBDIVISION:			
GOODALE ESTATES		BOND NO.	MassDOT Weighted Bid Prices:
JENKS LANE		REDUCTION 2	INITIAL DATE OF BOND: 12/04/19
			DATE : 06/11/20

TOTAL COST TO COMPLETE SUBDIVISION:	\$684,615.00
TOTAL COST OF WORK COMPLETED TO DATE:	\$533,897.50
TOTAL COST OF WORK REMAINING:	\$150,717.50
10% RETAINAGE	\$53,389.75
	\$204,107.25
TOTAL BOND FIGURE, THIS ESTIMATE:	\$205,000.00

SUMMARY TABLE

BOND NO. **REDUCTION 2**

GOODALE ESTATES

JENKS LANE

BOND AMOUNT FOR:

INITIAL BOND	11-Jun-20	\$720,000.00	
REDUCTION 1	11-Jun-20	\$352,000.00	
REDUCTION 2	22-Jun-20	\$205,000.00	41.76%
Reduced by:		\$147,000.00	



CITY OF MARLBOROUGH
APPLICATION FOR SIGN APPEAL TO PLANNING BOARD

INSTRUCTIONS: Use this form if your sign permit application has been denied by the Building Inspector and your denial letter indicates your right to appeal to the City of Marlborough Planning Board. This application must be filed with the Planning Board within 30 days of the date of the decision of the of the Building Inspector. (See Number 6 below.) Applicant must attach a copy of the Building Inspector's decision letter (usually a denial of a sign permit.) This application form must be signed by the applicant or their authorized agent (and the property owner if the owner is not the applicant.) Send the completed form along with the \$25.00 filing fee to the Planning Board administrative offices at 135 Neil St, 2nd Floor, Marlborough, MA 01752. The Planning Board Administrator will sign this form and schedule an appeal hearing date at a future scheduled meeting of the Planning Board.

1. Location of Proposed Sign: Street Address: 431 Lincoln Street
What other signs exist on the property: (Type, Size, Location) Freestanding - 6' wide x 15' overall height
Canopy (2) 3' x 3' poster logos, Wall (building) 33" x 8'
2. Name of business or activity applying for sign: Marlborough Shell
3. Applicant: Steven Pedro / Ayoub Engineering, Inc.
Applicant Address: 414 Benoit St., Pawtucket, RI 02861
Applicant Contact Info: (name, email and phone) Steve Pedro, 401-728-5533
4. Building Owner: William E. Camuso
Owner Address: 87 Walkers Brook Dr., Reading, MA 01867
Owner Contact Info: (name, email and phone) _____
5. Applicant is ☐ Building Owner ☐ Tenant ☐ Other _____
6. Date of Building Inspector's decision from which appeal is taken: 2/25/20
(Attach a copy of the denial of sign permit letter which includes confirmation that the site is otherwise in compliance.)
7. Section of the Sign Ordinance from which appeal is requested: Chapter 650, Section(s) 516-13 (12)
Section heading(s): Setbacks from residential zoned areas
EMC sign and digital display
8. Description of Sign: 2-LED Price Panels (see attached)
9. Give a brief outline why permit was refused and the purpose of the sign: Incorrect use of § 516-13
(EMC signs located within 200' of residential zone) - Visibility to motorists

Other pertinent information may be submitted with this application or requested by the Planning Board.

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

Signed: [Signature] Date: 5/20/20 Owner: Lincoln St. 431 LLC
Applicant

Received: \$25 application fee - Check payable to City of Marlborough Initials of Board agent kh

Scheduled Hearing Date: 6-8-20 Date of payment 5-19-20

NEW SIGNS MAY NOT BE ERECTED UNTIL APPEAL HAS BEEN GRANTED AND PERMIT IS ISSUED Variance

Decision: Approved ☐ Denied ☐

(If granted, attach this form and the variance decision letter provided by Planning Board with a new sign application.)

City of Marlborough
Commonwealth of Massachusetts

8A
Denial Letter



Ethan Lippitt
Code Enforcement Officer
140 Main Street
Marlborough, MA 01752
Phone: (508) 460-3776 XT 30201
Fax: (508) 460-3736
Email: elippitt@marlborough-ma.gov

2/25/2020

Advance Signs, INC
PO Box 188
846 Bronco Hwy.
Mapleville, RI 02839

RE: Sign Denial Letter at 431 Lincoln Street

To whom it may concern,

On 7/9/2019 it was noted that a Sign Permit was applied for relating to the installation of Electronic Message Signage on a pylon sign at the Gulf Station located at 431 Lincoln Street.

- This would be an incorrect use of Marlborough General City Code §526-13 in that in addition to a Special Permit, Planning Board Relief is required for all Electronic Message Center Signs that are located within 200 feet of a residentially zoned district.

§ 526-13 Electronic message center signs; digital display signs.

[Added 8-25-2014 by Ord. No. 14-1005880B]

B. Standards. EMC signs and digital display signs shall be allowed by special permit, but only pursuant to the following standards:

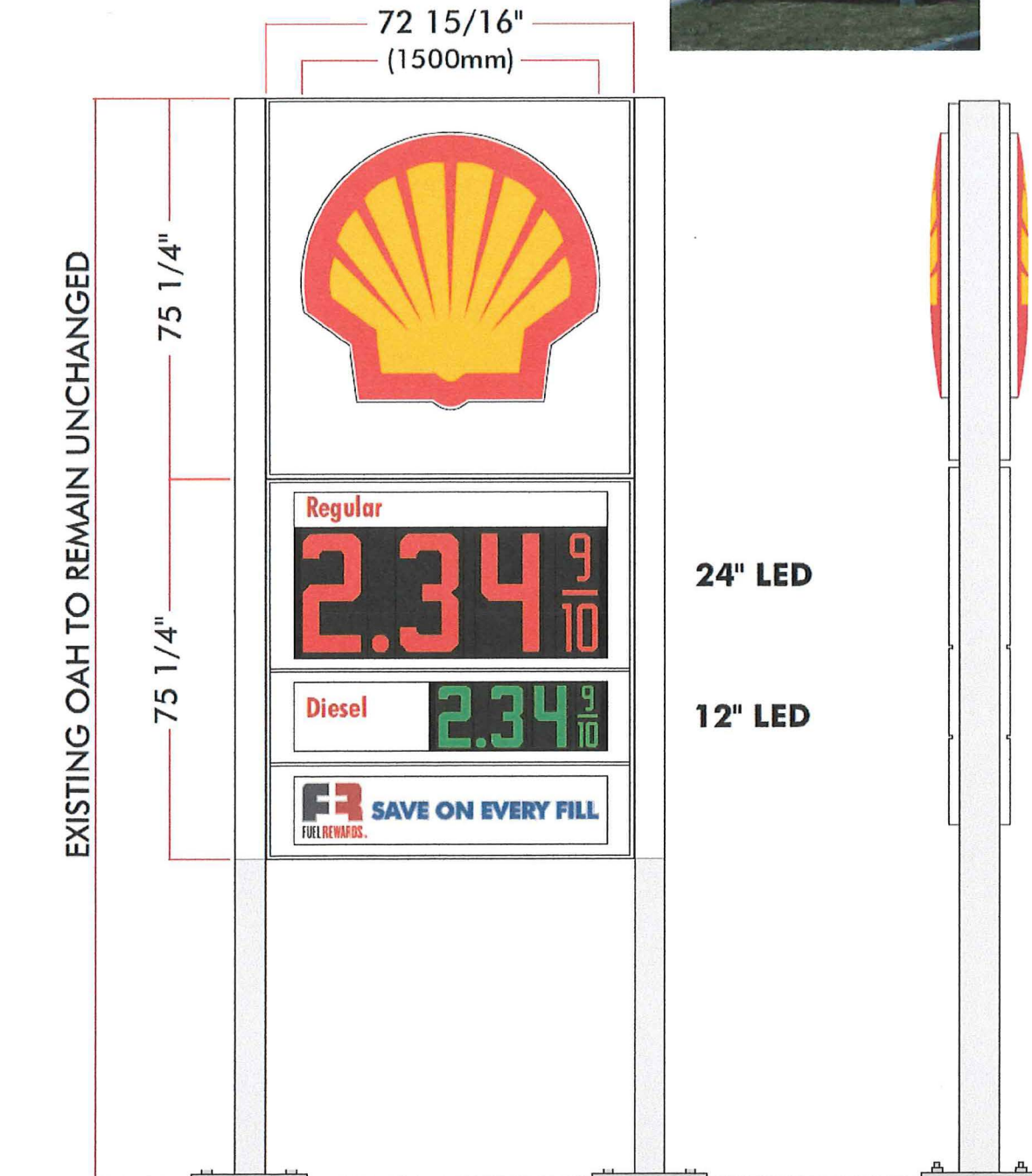
(12) Setbacks from residential zoned areas. The sign must be set back a minimum distance of 200 feet from the nearest point of any abutting residentially zoned district. If, because of the shape, size and/or proximity of a commercial lot to a residentially zoned district it is not possible to place the sign more than 200 feet from the nearest point of an abutting residentially zoned district, then the Planning Board may grant a variance for closer placement, provided that when located within 200 feet of a residentially zoned district, all digital display portions of the sign shall be oriented so that no portion of the sign is visible from an existing primary residential structure in that district.

The code in its entirety can be found at <https://www.ecode360.com/MA1056>

Code Enforcement Officer Ethan Lippitt

CC File
City Council
Commissioner Cooke
Planning Board Secretary

NEW RVI Evolution
6' Mod Cabinets between
Existing Poles.



VISUAL COMMUNICATIONS
www.FederalHeath.com

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 (903) 589-2100 • Fax (903) 589-2101

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Building Quality Signage Since 1901

Revisions:

- 1
- 2
- 3
- 4
- 5
- 6

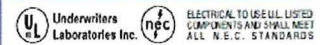
Account Rep: **Dan Hull**

Project Manager: **V. Hernandez**

Drawn By: **Brian Essary**

Project / Location:

Shell
RVI Evolution
GLOBAL



ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. 48 AND ARTICLE 600 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.

Client Approval/Date:

Landlord Approval/Date:

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Federal Heath Sign Company LLC or its authorized agent. © 2008
 Colors Depicted In This Rendering May Not Match Actual Material Finishes. Refer To Product Samples For Exact Color Match.

Job Number: **197105**

Date: **10/01/19**

File Name: **SG197105_e**

Sheet Number: **1** or **1**

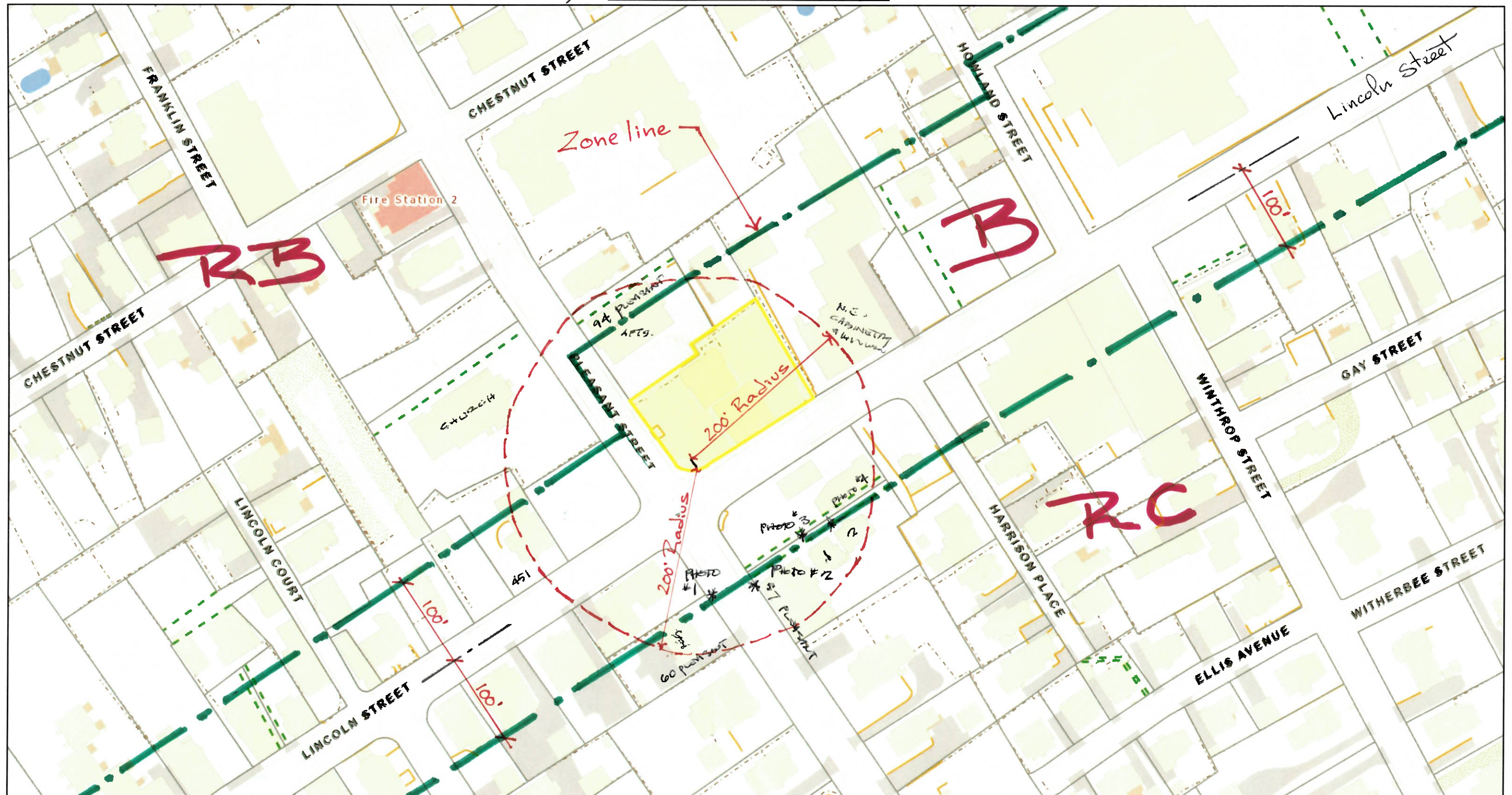
Design Number:



A horizontal number line with arrows at both ends. It is labeled with the numbers 0, 100, 200, and 300.

Property Address: 431 Lincoln st.

June 9, 2020



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



PHOTO #1
60 PLEASANT ST.



PHOTO #2

57 PULASKI ST



PHOTO # 3
1 PLUMBING PLACE



From: [Melissa Irish](#)
To: [sohohinny](#); [Krista Holmi](#)
Subject: Fw: Public Hearing Input for Lincoln 431, LLC LED Sign Request
Date: Monday, June 8, 2020 4:54:24 PM

Chairperson Fenby, and Members of the Marlborough Planning Board

Attached to this communication you will find a letter that was sent to the Marlborough City Council regarding the Sign request for the Shell Station at 431 Lincoln Street.

We would like to share this information with the Board due to the sign variance application noted on tonight's agenda.

We the residents of 46 Pleasant Street feel that the property should not be granted any variances/permits until the excessive illumination on the site is mediated. As you can see from the attached photos the illumination is excessive. This site is illuminated all night long.

Should you require additional information please feel free to contact me directly.
Regards,

Ann-Marie Peltier
Susan Peltier
Melissa Peltier

From: Melissa Irish
Sent: Wednesday, April 29, 2020 11:20 AM
To: Karen Boule <kboule@marlborough-ma.gov>; atlarge_3@marlborough-ma.gov <atlarge_3@marlborough-ma.gov>; jirish3@msn.com <jirish3@msn.com>; City Council <citycouncil@marlborough-ma.gov>
Subject: Public Hearing Input for Lincoln 431, LLC LED Sign Request

April 29, 2020

City Council President Ossing
City Councilor Ward 5, John Irish
Members of the City Council

We the residents of 46 Pleasant Street would like to be acknowledged as in Opposition to the request of Lincoln 431 LLC for the installation of an LED sign on property.

The site in question has an incredible amount of light spilling from it in the nighttime hours. This site prior to its reconstruction was not as brightly illuminated as it is now.

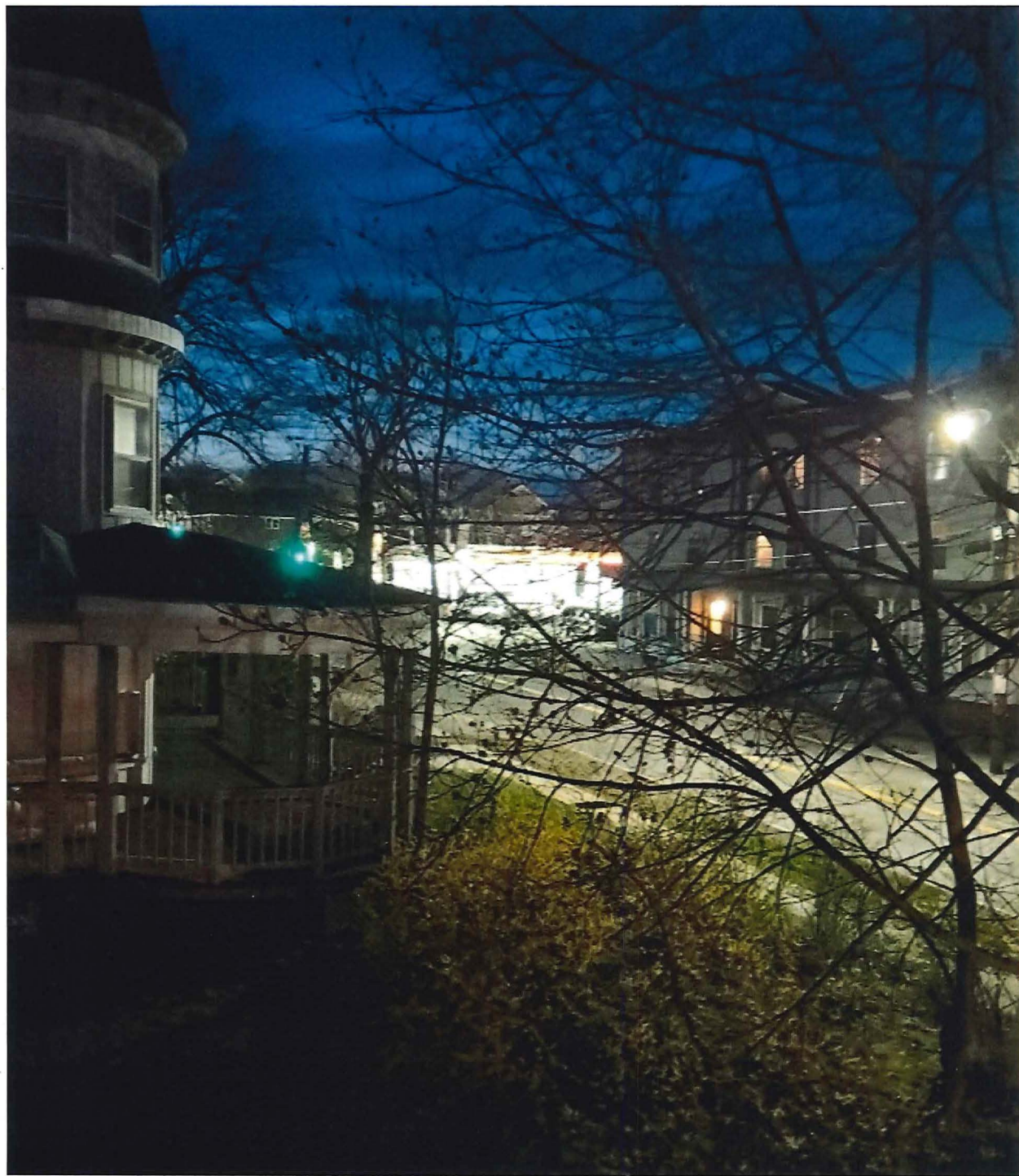
I have attached 3 photos of this site taken in the evening hours, 2 of which are taken from the second floor of our home.

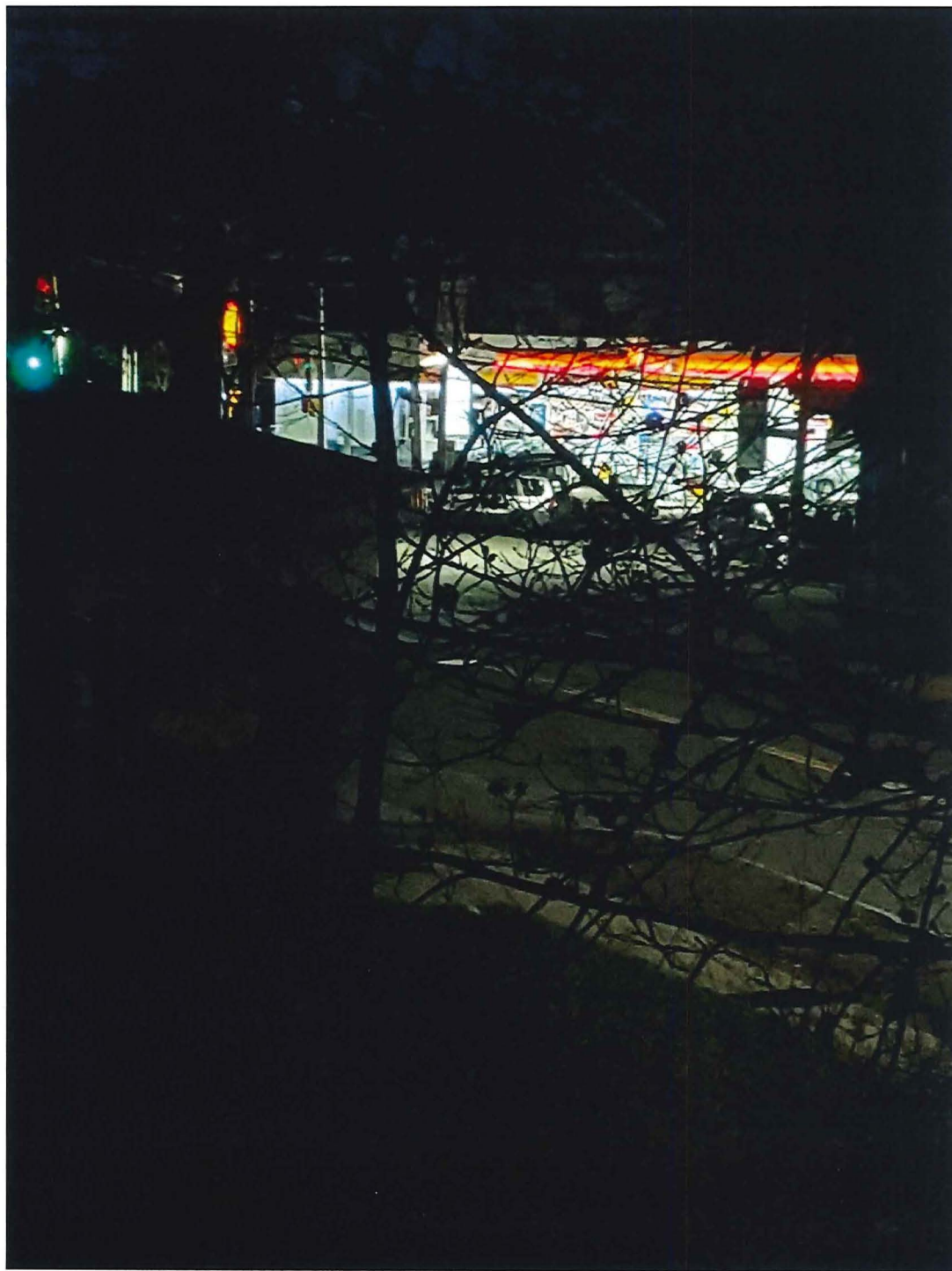
The addition of an LED sign is just going to increase the brightness of the site at all hours.

The site in question should lower the level of illumination in general, not add to it.

For comparison the gas station immediately across the street (Circle M in photo 3) is open at the time the photo was taken.

Regards,
Ann-Marie Peltier
Susan Peltier
Melissa Peltier















The Framingham Planning Board shall hold a public hearing on the following:
Proposed *Emergency Temporary Amendment to Zoning Bylaws/Ordinances for Restaurant Uses* intended to facilitate the reopening of restaurants in the City of Framingham, including

- Section II. G as to Accessory Use
- Section IV. B.1.a Parking Facility
- Section IV. A. 5 and Section IV. E. to allow administrative review of certain Special Permit modifications and approvals

The public hearing will be held at 7:00 PM on Thursday, June 18, 2020 via remote teleconferencing. The teleconference information will be included in the meeting agenda. The proposed amendments can be found on the City website at the following link:

Comments should be sent to Framingham Planning Board, 150 Concord Street, #B14, Framingham MA 01702 or emailed to nae@framinghamma.gov so that they are received by 5 PM on Wednesday, June 17, 2020.

Kristina Johnson, Chair, Framingham Planning Board

Publish, MetroWest Daily Newspaper: June 3, 2020 and June 10, 2020

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

FRAMINGHAM PLANNING BOARD

NOTICE OF PUBLIC HEARING

The Framingham Planning Board will hold a public hearing on Thursday, June 18, 2020 at 7:00 p.m. in the Ablondi Room of the Memorial Building, located at 150 Concord Street, Framingham, MA. In the event that the Memorial Building is inaccessible due to the current COVID-19 pandemic, the hearing will be held remotely via Zoom. The public hearing will be held to review and make recommendation on the proposed temporary moratorium on the construction of multi-family dwellings.

A copy of the full text of the report may be inspected in the Planning Board Office, Room B14 (150 Concord Street), the City Clerk's Office (150 Concord Street), the Framingham Public Library, and available online at _____ on the Planning Board's website.

Kristina Johnson, Chair, Framingham Planning Board

Publish, MetroWest Daily Newspaper: June 3, 2020 and June 10, 2020

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FRAMINGHAM PLANNING BOARD

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A copy of the full text of the report may be inspected in the Planning Board Office, Room B14 (150 Concord Street), the City Clerk's Office (150 Concord Street), the Framingham Public Library, and available online at www.framinghamma.gov on the Planning Board's website.

Kristina Johnson, Chair, Framingham Planning Board

Publish, MetroWest Daily Newspaper: June 3, 2020 and June 10, 2020

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

FRAMINGHAM CITY COUNCIL
NOTICE OF PUBLIC HEARING

The Framingham City Council shall hold a public hearing on the following:
Proposed *Emergency Temporary Amendment to Zoning Bylaws/Ordinances for Restaurant Uses* intended to facilitate the reopening of restaurants in the City of Framingham, including

- Section II. G as to Accessory Use
- Section IV. B.1.a Parking Facility
- Section IV. A. 5 and Section IV. E. to allow administrative review of certain Special Permit modifications and approvals

The public hearing will be held at 7:00 PM on Tuesday, June 16, 2020 via remote teleconferencing. The teleconference information will be included in the meeting agenda. The proposed amendments can be found on the City website at the following link:

Comments should be sent to Framingham City Council, 150 Concord Street, #113, Framingham MA 01702 or emailed to citycouncil@framinghamma.gov so that they are received by 5 PM on Monday, June 15, 2020.

Framingham City Council, George P. King, Jr., Chair

Publish, MetroWest Daily Newspaper: June 2, 2020 and June 9, 2020

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