

# CITY OF MARLBOROUGH MEETING POSTING

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2022 JUN 23 PM 2:28

Meeting: Planning Board

Date: June 27, 2022

Time: 7:00 PM

Location: Memorial Hall, 3<sup>rd</sup> Floor, City Hall, 140 Main Street, Marlborough, MA 01752

This meeting of the Planning Board will be held in Memorial Hall on Monday, June 27, 2022, at 7:00 PM.

## PUBLIC ATTENDANCE IS PERMITTED

### Agenda Items to be Addressed:

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#### 1. Draft Meeting Minutes

- A. June 6, 2022

#### 2. Chair's Business

- A. Employee Appreciation BBQ

#### 3. Approval Not Required

- A. Hager Street Parmenter Road, Boston Post Road

Map 62, Parcel 27 (0 Boston Post Road East), Marlborough MA 01752

Owner of Land: South Coast Advisors, LLC (119 Parmenter Road, Framingham, MA 01701)

Name of Surveyor: Engineering Design Consultants, Inc. (32 Turnpike Road, Southboro, MA 01772)

Deed Reference: Book: 68015 Page: 229

i. Form A

ii. ANR, Plan of Land Dated: 6/3/22

- B. 351 Concord Road, Map 46, Parcel 36, Marlborough MA 01752

Owner of Land: 351 Concord Road Nominee Trust (Concord Road, Marlborough, MA 01752)

Name of Surveyor: Robert Parente (328 Desimone Drive, Marlborough, MA 01752)

Deed Reference: Book: 51973 Page: 488

i. Form A

ii. ANR, Plan of Land Dated: 6/14/22

#### 4. Public Hearings (None)

#### 5. Subdivision Progress Reports

- A. 342 Sudbury Street Update

#### 6. Preliminary/Open Space/Limited Development Subdivision

- A. Beauchemin Estates, Preliminary Open Space Concept Plan

689 Pleasant Street, Marlborough, MA 01752

Owner of Land: Joyce Beauchemin Realty Trust, Timothy L. Beauchemin, Trustee  
(P.O. Box 1067, Townsend, MA 01469)

Name of Engineer: Daniel Koravos, P.E. (59 Granite Lane, Chester, NH 03036)

Deed Reference: Book: 45210 Page: 560

i. Correspondence from Assistant City Solicitor, Jeremy McManus

ii. Final Draft – Certificate of Vote, Open Space Development Special Permit

# CITY OF MARLBOROUGH MEETING POSTING

## 7. Definitive Subdivision

### A. Colchester Drive, Definitive Subdivision Plan

Map 44, Parcel 148 (0 Stevens Street), Marlborough, MA 01752

Owner of Land: James & Rebecca Chaousis (283 Bolton Street, Marlborough, MA 01752)

Name of Applicant: Charles Bourque (P.O. Box 642, Weston, MA 02493)

Name of Engineer: Jason Lavoie, WSP, (100 Summer Street, 13<sup>th</sup> Floor, Boston, MA 02110)

Deed Reference: Book: 9742 Page: 148

## 8. Signs (None)

## 9. Correspondence (None)

## 10. Unfinished Business

### A. Working Group

i. Map of "private ways" and unaccepted roads within the City

ii. Subdivision Plan Checklist

iii. Form B – Subdivision Status Data Form Sample

iv. Formatted Subdivision Rules and Regulations

## 11. Calendar Updates

A. Colchester Drive, Definitive Subdivision Plan, 135 days is Sunday July 24, 2022. One day extension granted, vote by **July 25, 2022**, meeting.

B. Beauchemin Estates, Preliminary Open Space Concept Plan, 90 Days is August 7, 2022, vote on Special Permit by **July 25, 2022**, meeting.

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

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

1A

**Call to Order**

**June 6, 2022**

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

**1. Draft Meeting Minutes**

**A. May 23, 2022**

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the May 23, 2022, meeting minutes. Yea: Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

**2. Chair's Business (None)**

**3. Approval Not Required (None)**

**4. Public Hearings (None)**

**5. Subdivision Progress Reports (None)**

**6. Preliminary/Open Space/Limited Development Subdivision**

**A. Beauchemin Estates, Preliminary Open Space Concept Plan**

689 Pleasant Street, Marlborough, MA 01752

Owner of Land: Joyce Beauchemin Realty Trust, Timothy L. Beauchemin, Trustee  
(P.O. Box 1067, Townsend, MA 01469)

Name of Engineer: Daniel Koravos, P.E. (59 Granite Lane, Chester, NH 03036)

Deed Reference: Book: 45210 Page: 560

**i. Draft – Certificate of Vote, Open Space Development Special Permit**

The Board reviewed the draft Certificate of Vote.

Dan Koravos explained he had compiled the draft Certificate of Vote with input from Mr. DiPersio.

Mr. Fay suggested a change to page 3, Project Findings 7. a) to include the following:

1. Encourage a less sprawling form of development that has consumed excessive open space, caused land erosion, and destroyed attractive natural features of the land.
2. Allow for greater flexibility and creativity in the design of residential subdivisions.
3. Encourage the permanent preservation of natural resources and open space.
4. Protect scenic vistas.
5. Allow for more economical construction and maintenance of streets and utilities.
6. Encourage the production of more affordable and diverse housing types.
7. Allow for more economical construction and maintenance of recreational amenities through common ownership.

On a motion by Mr. LaVenture, seconded by Mr. Fay, the Board voted to refer the draft Certificate of Vote, Open Space Development Special Permit with the above referenced suggested change to the Legal Department for review. Yea: Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

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

**7. Definitive Subdivision**

**A. Colchester Drive, Definitive Subdivision Plan**

Map 44, Parcel 148 (0 Stevens Street), Marlborough, MA 01752

Owner of Land: James & Rebecca Chaousis (283 Bolton Street, Marlborough, MA 01752)

Name of Applicant: Charles Bourque (P.O. Box 642, Weston, MA 02493)

Name of Engineer: Jason Lavoie, WSP, (100 Summer Street, 13<sup>th</sup> Floor, Boston, MA 02110)

Deed Reference: Book: 9742 Page: 148

**i. Correspondence from Jason Lavoie, extension request on decision**

Mr. LaVenture read the June 3, 2022, correspondence from Mr. Lavoie into the record.

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

Yea: Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

Mr. Fay and Mr. DiPersio discussed specifications from the Engineering review and determined the extension request is for 1 day due to the schedule of the Planning Board meetings.

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to grant the extension for the decision on the definitive subdivision submission for Colchester Drive (0 Stevens Street) to July 25, 2022. Yea: Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

**8. Signs (None)**

**9. Correspondence (None)**

**10. Unfinished Business (None)**

**11. Calendar Updates (No discussion take place regarding Calendar Updates)**

**A. Colchester Drive, Definitive Subdivision Plan, 135 days is Sunday July 24, 2022, vote by **June 27, 2022**, meeting.**

**B. Beauchemin Estates, Preliminary Open Space Concept Plan, 90 Days is August 7, 2022, vote on Special Permit by **July 25, 2022**, meeting.**

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

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

Respectfully submitted,

/kmm

George LaVenture/Clerk



# ANNUAL EMPLOYEE APPRECIATION BARBECUE



**THURSDAY, JULY 21**

**11:30 AM-1 PM | BEHIND CITY HALL**

*RAIN DATE: THURSDAY, JULY 28*

.....

**HOT DOGS, BURGERS & CHICKEN  
WILL BE SERVED**

**RSVP: JAILYN BRATCA: [JBRATICA@MARLBOROUGH-MA.GOV](mailto:JBRATICA@MARLBOROUGH-MA.GOV)**

## FORM A

## APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

File one completed form with the Planning Board and then file a copy  
with the City Clerk in accordance with the requirements of §A676-3.

Marlborough, Massachusetts

Note: Use as many sheets as necessary to fully describe  
all of the properties affected in this plan submission.

6-20-22  
(Date)

To the Marlborough Planning Board:

The undersigned, believing that the accompanying plan of their 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: SOUTH COAST ADVISORS LLC  
Address: 119 PARMENTER ROAD  
Email: holterbreak@gmail.com Telephone: 508 4009078
2. Name of Surveyor: CLIFF Reber, ENGINEERING DESIGN CONSULTANTS INC  
Address: 32 RANPKE RD SOUTH BORO MA 01772  
Email: phemisedcma.com Telephone: 508 3809922
3. Deed of Property in the South Middlesex Registry of Deeds: 68015 - 229
4. Property address, description of property and plan reference: Map: 62 Parcel: 27  
0 BOSTON POST ROAD EAST : 2.1 ACRES  
LOCATED SOUTH BOSTON POST ROAD, WEST MUNICIPAL  
BANDWAY W/ FRAMINGHAM & EAST MAP 62  
PARCEL 6A, NORTH MAP 62 PARCELS 7426.

5. Number of lots altered: 1 Number of lots created: 1

Mark Wambolt  
Signature of Owner WAMBOLT, MANAGER  
SOUTH COAST ADVISORS LLC  
Print

Address: 119 PARMENTER RD  
FRAMINGHAM, MA

**PLANNING BOARD**  
DATE 6/21/22 KMM  
AGENDA 6/27/22  
ACTION \_\_\_\_\_  
CHECK # 5012

↑ RESERVED FOR OFFICIAL USE ↑

A copy must be delivered to the City Clerk's Office

HOLLERBROOK BUILDERS INC  
19 PARMENTER RD  
SOUTHBOROUGH, MA 01772

5012

53-7054/2113  
454

21 June 2021  
Date

Pay to the  
Order of

City of Southborough

\$ 150.00

One hundred and fifty

00/100

Dollars



Photo  
Safe  
Deposit  
Details on back



**Bank**

America's Most Convenient Bank®

For

Lot Change in EXETER LOT

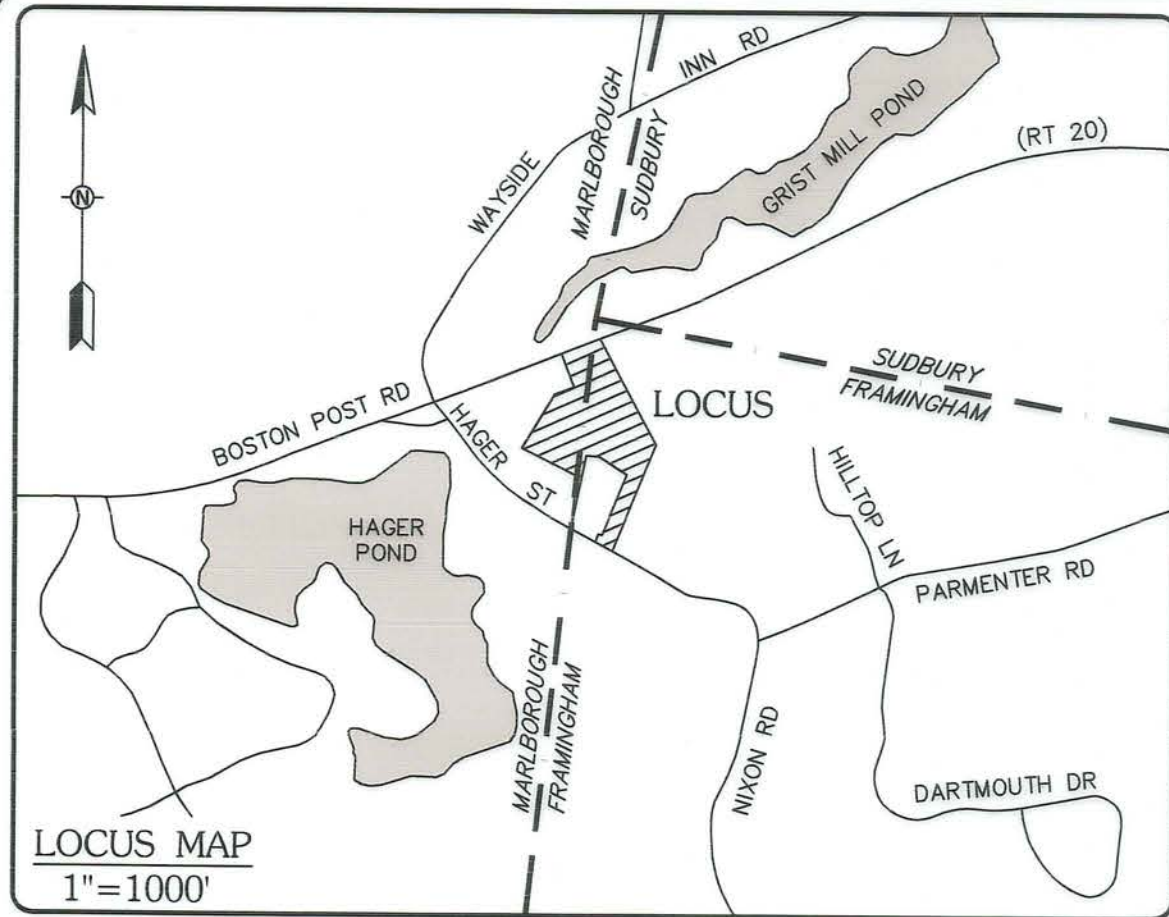
*[Signature]*

MP

Member FDIC

TD BANK NA





#### PLAN NOTES

- THE PURPOSE OF THIS PLAN IS TO CREATE 2 LOTS WITH FRONTAGE ON PARMENTER ROAD AND HAGER STREET AND TO CREATE 1 LOT WITH FRONTAGE ON BOSTON POST ROAD. ALL WAYS ARE PUBLIC WAYS WITHIN THE CITIES OF FRAMINGHAM AND MARLBOROUGH PURSUANT TO M.G.L. CHAPTER 41 SECTION 81L.  
PARCELS A, B, C, D, E, & F ARE NOT TO BE CONSIDERED SEPARATE LOTS.  
PARCEL A IS TO BE CONVEYED TO AND COMBINED WITH ADJACENT LAND OF MARK D. WAMBOLT JR. & JILL S. WAMBOLT.  
PARCEL C IS TO BE CONVEYED TO AND COMBINED WITH ADJACENT LAND OF SOUTH COAST ADVISORS, LLC.
- THE PROPERTY LINES AND EXISTING CONDITIONS SHOWN HEREON ARE THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED BY ROBER SURVEY IN SEPTEMBER OF 2016.
- OWNERS NAMES SHOWN HEREON ARE BASED UPON ASSESSORS INFORMATION OBTAINED AS OF THE DATE OF THE SURVEY. IT DOES NOT REPRESENT A CERTIFICATION OF TITLE NOR DOES IT GUARANTEE THE OWNERSHIP OF LOCUS OR ABUTTING PROPERTIES.

CITY OF MARLBOROUGH  
PLANNING BOARD

APPROVAL UNDER THE SUBDIVISION  
CONTROL LAW NOT REQUIRED

DATE: \_\_\_\_\_

SUCH ENDORSEMENT BY THE MARLBOROUGH  
PLANNING BOARD SHALL NOT BE DEEMED TO  
CONSTITUTE ANY DETERMINATION OF  
COMPLIANCE WITH REQUIREMENTS OF THE  
MARLBOROUGH ZONING BYLAW.

I HEREBY CERTIFY THAT:

THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE PROCEDURAL  
AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE  
COMMONWEALTH OF MASSACHUSETTS, TITLE 250 CMR 6.00.

THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND  
REGULATIONS OF THE REGISTERS OF DEEDS.



CLIFFORD E. ROBER, PLS 33189  
DATE: JUNE 3, 2022

#### PROPERTY REFERENCES

OWNER	OWNERS ADDRESS
MARK D. WAMBOLT, JR. & JILL S. WAMBOLT	119 PARMENTER ROAD FRAMINGHAM, MA 01701
SOUTH COAST ADVISORS, LLC	2 MONROE PARKWAY WAREHAM, MA 02571

ASSESSORS REFERENCE
001-02-7708 (FRAMINGHAM)
62-27 (MARLBOROUGH)
62-27A (MARLBOROUGH)
001-03-6067 (FRAMINGHAM)
001-03-8024 (FRAMINGHAM)

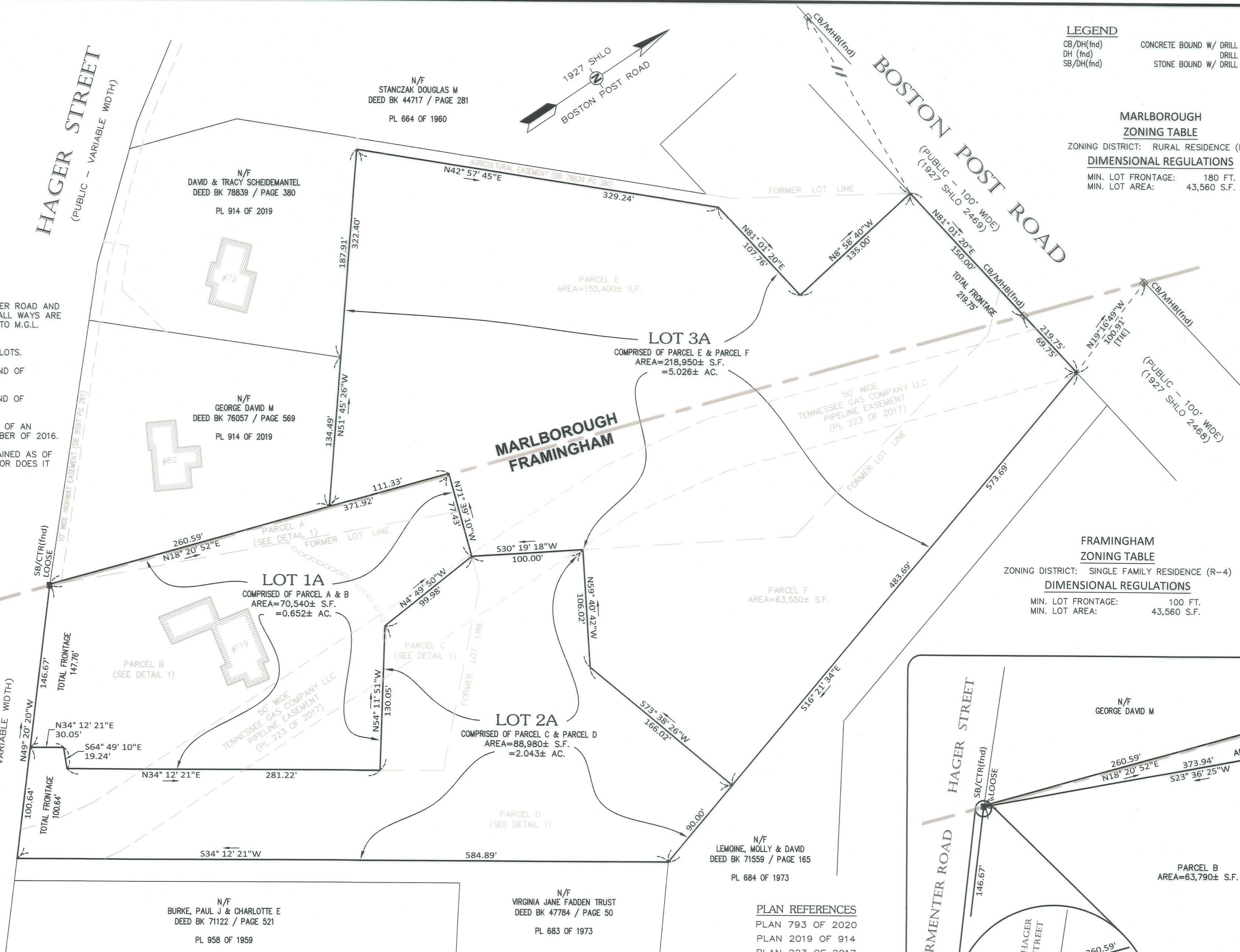
DEED REFERENCE
DB 68980 PG 591
DB 68015 PG 229

COMPRISING PARCELS
PARCELS B & C
PARCELS A & D & E & F

N/F  
VIRGINIA JANE FADDEN TRUST  
DEED BK 47784 / PAGE 50  
PL 683 OF 1973

#### PLAN REFERENCES

PLAN 793 OF 2020  
PLAN 2019 OF 914  
PLAN 223 OF 2017  
PLAN 1200 OF 1986  
PLAN 205 OF 1975  
PLAN 684 OF 1973  
PLAN 683 OF 1973  
PLAN 664 OF 1960  
PLAN 958 OF 1959  
1927 SHLO 2468  
(FRAMINGHAM)  
1927 SHLO 2469  
(MARLBOROUGH)  
1927 SHLO 2470  
(SUDBURY)



#### LEGEND

CB/DH(fnd) CONCRETE BOUND W/ DRILL HOLE FOUND  
DH (fnd) DRILL HOLE FOUND  
SB/DH(fnd) STONE BOUND W/ DRILL HOLE FOUND

#### MARLBOROUGH ZONING TABLE

ZONING DISTRICT: RURAL RESIDENCE (RR)  
DIMENSIONAL REGULATIONS  
MIN. LOT FRONTAGE: 180 FT.  
MIN. LOT AREA: 43,560 S.F.

REGISTRY USE ONLY

CITY OF FRAMINGHAM  
PLANNING BOARD

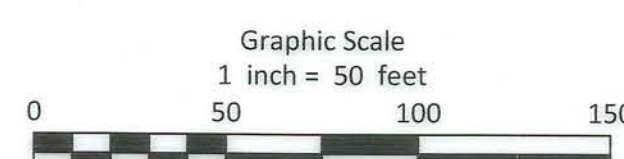
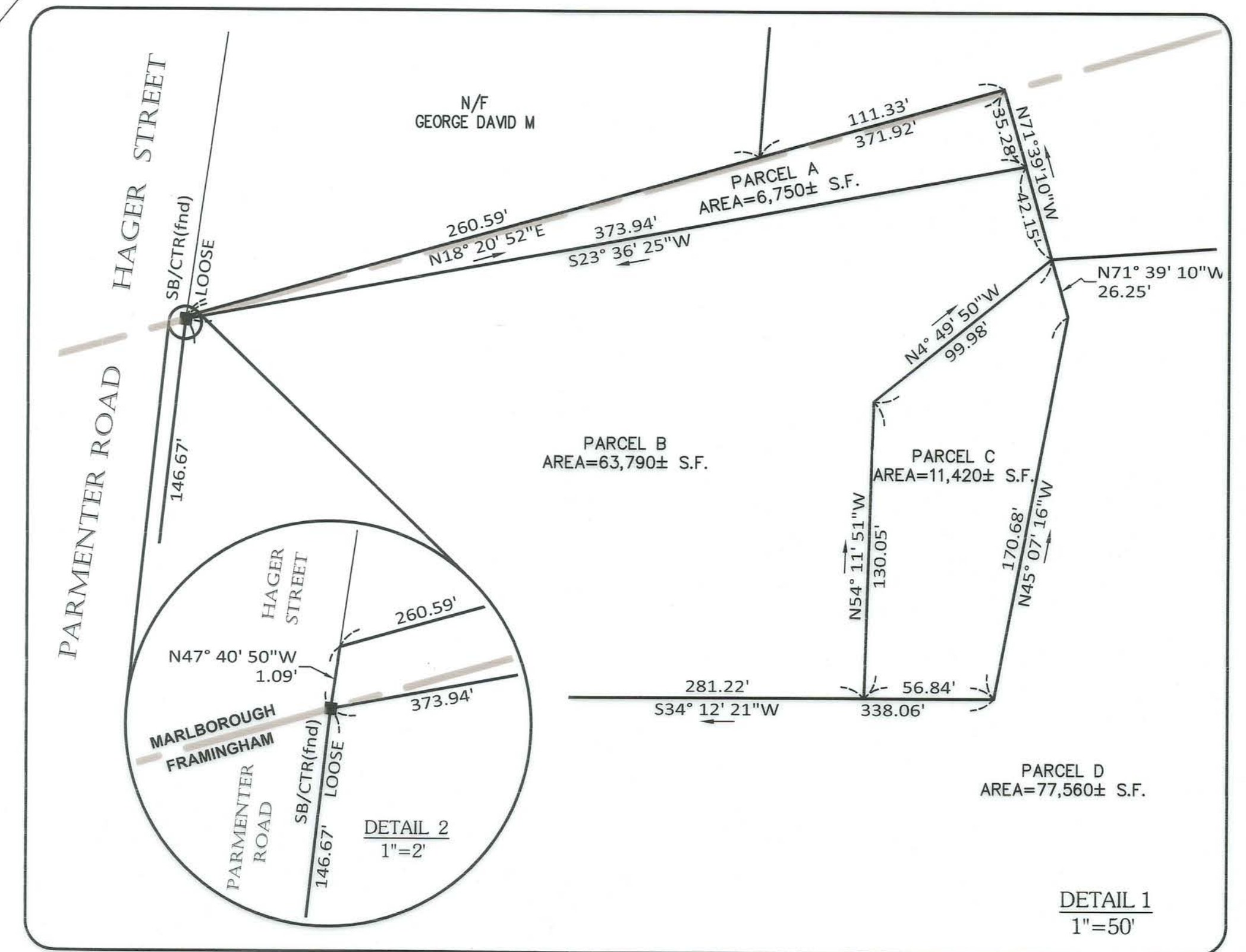
APPROVAL UNDER THE SUBDIVISION  
CONTROL LAW NOT REQUIRED

DATE: \_\_\_\_\_

THIS ENDORSEMENT OF THE PLANNING BOARD  
SHOULD NOT BE CONSTRUED TO BE A  
DETERMINATION OF CONFORMANCE WITH THE  
FRAMINGHAM ZONING BY-LAW.

#### FRAMINGHAM ZONING TABLE

ZONING DISTRICT: SINGLE FAMILY RESIDENCE (R-4)  
DIMENSIONAL REGULATIONS  
MIN. LOT FRONTAGE: 100 FT.  
MIN. LOT AREA: 43,560 S.F.



PREPARED BY:  
Engineering Design Consultants, Inc.  
32 Turnpike Road  
Southborough, Massachusetts  
(508) 480-0225

PROJECT:  
HAGER STREET, PARMENTER ROAD &  
BOSTON POST ROAD  
(MIDDLESEX COUNTY - SOUTH DISTRICT)  
FRAMINGHAM & MARLBOROUGH  
MASSACHUSETTS

TITLE:  
APPROVAL NOT REQUIRED  
PLAN OF LAND  
PREPARED FOR:  
South Coast Advisors, LLC  
2 Monroe Parkway  
Wareham, Massachusetts 02571

DATE:  
JUNE 3, 2022  
1 OF 1  
EDC PROJECT NUMBER  
3767

REVISIONS:		
REV #	DATE	DESCRIPTION

DRWN BY: ZRB  
CHK'D BY: PSB  
APRVD BY: CER



## FORM A

## APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

File one completed form with the Planning Board and then file a copy  
with the City Clerk in accordance with the requirements of §A676-3.

Marlborough, Massachusetts

Note: Use as many sheets as necessary to fully describe  
all of the properties affected in this plan submission.

June 14 2022  
(Date)

To the Marlborough Planning Board:

The undersigned, believing that the accompanying plan of their 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: 351 CONCORD ROAD NOMINEE TRUST  
Address: CONCORD ROAD, MARLBOROUGH, MA  
Email: Janedun@aol.com Telephone: 508-735-2739
2. Name of Surveyor: Robert J. Parente  
Address: 328 Desjardine Dr Marlboro, Ma.  
Email: RJPTEN2@verizon.net Telephone: 508-509-0891
3. Deed of Property in the South Middlesex Registry of Deeds: BK 51,973 PG 488
4. Property address, description of property and plan reference: Map: 46 Parcel: 36  
Subdivide the land at 351 Concord Road  
in to 2 house lots and a parcel A which  
is not a conforming house lot.
5. Number of lots altered: 1 Number of lots created: 2

Signature of Owner - TRUSTEE  
JaneT DUNBAR  
Print

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

**PLANNING BOARD**  
DATE 6/22/22 KMM  
AGENDA 6/27/22  
ACTION \_\_\_\_\_  
Check # 451



RESERVED FOR OFFICIAL USE



A copy must be delivered to the City Clerk's Office

**JANET DUNBAR**  
**JOHN DUNBAR**  
361 CONCORD RD. 508-481-5678  
MARLBORO, MA 01752

451

53-7075/2113  
01

6/15/2022

Date



Pay to the  
Order of

City of Marlboro

\$ 200.00

Two hundred and 00/100

Dollars



**Main Street**

BANK

MARLBOROUGH, MA 01752  
BankMainStreet.com

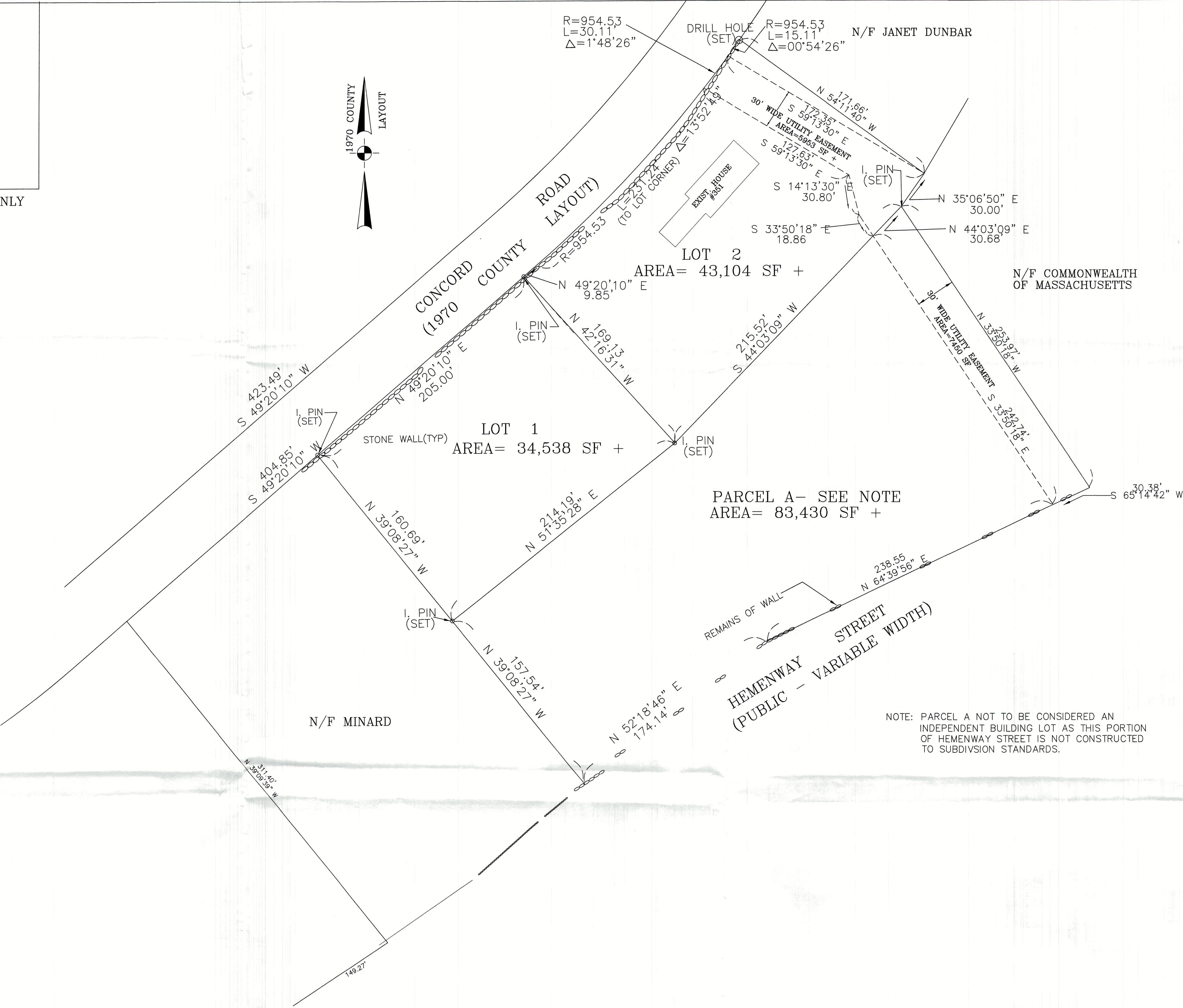
For

property plan-Concorded

Janet Dunbar



REGISTRY USE ONLY



ZONING DISTRICT - RES. A-1

APPROVAL UNDER THE SUBDIVISION CONTROL  
LAW NOT REQUIRED.

MARLBOROUGH PLANNING BOARD

MEMBER \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

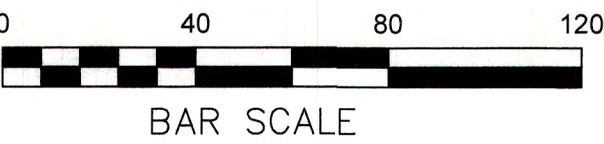
DATE: \_\_\_\_\_

I HEREBY CERTIFY THAT I HAVE CONFORMED  
WITH THE RULES AND REGULATIONS OF THE  
REGISTERS OF DEEDS IN PREPARING THIS PLAN.

*Robert J. Parente*  
ROBERT J. PARENTE, P.L.S. #35,787

ZONING REQUIREMENTS- RESIDENCE A-1 ZONE

STREET FRONTAGE - 150' MINIMUM  
LOT AREA - 22,500 SF MINIMUM  
FRONT SETBACK - 30'  
SIDE SETBACK - 15'  
REAR SETBACK - 40'



PLAN OF LAND  
IN  
MARLBOROUGH, MASSACHUSETTS

OWNED BY: 351 CONCORD ROAD NOMINEE TRUST  
BOOK 51,973 PAGE 488  
LOCATION : 351 CONCORD ROAD (MAP 46 PARCEL 36)  
PREPARED BY: RJP CONSTRUCTION & ENGINEERING  
328 DESIMONE DR. MARLBOROUGH, MA.  
DATE: JUNE 14, 2022 SCALE: 1"=40'



**Katlyn Miller**

---

**From:** Neal Vigeant <neal.ngvigeant@gmail.com>  
**Sent:** Tuesday, June 7, 2022 4:59 PM  
**To:** Kcoservice@aol.com  
**Cc:** Mark Dascoli; Katlyn Miller; Thomas DiPersio  
**Subject:** Re: Sudbury St update

Hi All,

I plan to do the sewer tap and stub on Sudbury street on June 22. I believe school is done at that time so we will not have the buses to worry about. I will talk to Mark to notify the other departments of the road closure.

Thank you,  
-Neal

On Tue, Jun 7, 2022 at 8:10 AM <[kcoservice@aol.com](mailto:kcoservice@aol.com)> wrote:  
Hello All,

There has been no work completed on site.

I do not yet have a start date

Neil ( the seller) will provide a sewer stub on the property some time in July- I believe he has a permit from your office-

Neil please let me know when you plan for this work to keep city updated

Thanks  
Kevin





***City of Marlborough***  
**Legal Department**

140 MAIN STREET  
 MARLBOROUGH, MASSACHUSETTS 01752  
 TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610  
[LEGAL@MARLBOROUGH-MA.GOV](mailto:LEGAL@MARLBOROUGH-MA.GOV)

**JASON D. GROSSFIELD**  
 CITY SOLICITOR

**JEREMY P. MCMANUS**  
 ASSISTANT CITY SOLICITOR

**SUSAN A. CORREIA**  
 PARALEGAL

VIA E-MAIL ONLY

June 23, 2022

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

Re: Open Space Development Special Permit, 689 Pleasant Street

Dear Honorable Planning Board Members:

As requested, I have reviewed the proposed form of the certificate of vote, in connection with the above-referenced open space development special permit. Enclosed for the Board's consideration, please find a red-line version showing recommended revisions, and a clean version which is in proper legal form incorporating these revisions. I have confirmed that these revisions are acceptable to the applicant.

Please don't hesitate to contact me with any questions.

Respectfully,

Jeremy P. McManus  
 Assistant City Solicitor

Enclosures

cc: Applicant  
 Thomas DiPersio, Jr., City Engineer

*City of Marlborough*  
*Commonwealth of Massachusetts*

**PLANNING BOARD**

Barbara L. Fenby, Chair

William H. Fowler

Philip J. Hodge

Sean N. Fay

George LaVenture

Christopher Russ

Matthew Elder

Katlyn Miller – Administrator

Phone: (508) 624-6910

Email: [kmiller@marlborough-ma.gov](mailto:kmiller@marlborough-ma.gov)

**DECISION ON AN  
OPEN SPACE DEVELOPMENT SPECIAL PERMIT  
689 PLEASANT STREET**

June \_\_\_, 2022

The Planning Board of the City of Marlborough (the "Planning Board") hereby GRANTS the application for an Open Space Development Special Permit to Timothy L. Beauchemin, as trustee of the Joyce Beauchemin Realty Trust, for an Open Space Development on the property located at 689 Pleasant Street, Marlborough, MA owned by Timothy L. Beauchemin, as trustee of the Joyce Beauchemin Realty Trust, pursuant to § 650-28 of the Marlborough City Code, as provided in this Decision and subject to the following Findings of Fact and Conditions.

**PROCEDURAL FINDINGS:**

1. On February 8, 2022, an application (the "Application") was filed on behalf of Timothy L. Beauchemin, as trustee of the Joyce Beauchemin Realty Trust, having a principal mailing address of P.O. Box 1067, Townsend, MA 01469 (the "Applicant"), for an open space development special permit, pursuant to the City of Marlborough Code Zoning Ordinance § 650-28 (the "Ordinance") and M.G.L. Chapter 40A. The application (the "Application") was filed with the Planning Board, the City Clerk of the City of Marlborough (the "City"), and the City offices as identified in § 650-28H(4)(c). The Application is seeking approval of a special permit for an open space residential

development consisting of seven (7) single family housing units as shown on sheet 6 of 6 of concept plans entitled "OPEN SPACE DEVELOPMENT (STEP ONE), BEAUCHEMIN ESTATES, A SINGLE FAMILY DEVELOPMENT IN MARLBOROUGH, MASSACHUSETTS," prepared for Joyce Beauchemin Realty Trust, Timothy Beauchemin, Trustee, P.O. Box 1067, Townsend, Massachusetts 01469, prepared by DK Engineering LLC, dated February 10, 2022, revised May 2, 2022 (the "Concept Plans") attached here to as **Attachment "A"**, on land identified on the City of Marlborough's Assessor's Map ("Assessor's Map") as Map 29, Parcel 18B, located on Pleasant Street, and owned by Timothy L. Beauchemin, as trustee of the Joyce Beauchemin Realty Trust (the "Proposed Development").

2. The Concept Plan was based on a conventional subdivision layout, entitled "Conventional Preliminary Plan – Beauchemin Estates 689 Pleasant Street," prepared by DK Engineering LLC, 59 Granite Lane, Chester, NH 03036, dated February 10, 2022 (the "Conventional Plan"), which was also filed with the Concept Plan as required by the Ordinance.
3. After notice and publication was provided pursuant to the applicable provisions of M.G.L. Chapter 40A and the applicable provisions of the Ordinance, a public hearing on the Application commenced on May 9, 2022. The Planning Board closed the public hearing on May 9, 2022.
4. Planning Board members Barbara L. Fenby, William H. Fowler, Philip J. Hodge, Sean N. Fay, George LaVenture and Christopher Russ were present for the public hearing.
5. Planning Board members Barbara L. Fenby, William H. Fowler, Philip J. Hodge, Sean N. Fay, George LaVenture, Christopher Russ and Matthew Elder deliberated on the Application at duly authorized meetings on June \_\_\_, 2022.

#### **PROJECT FINDINGS:**

1. The subject property consists of one (1) lot owned by the Joyce Beauchemin Realty Trust and depicted on the Assessor's Map as Map 28, Parcel 18B.
2. In seeking approval of the Concept Plans, the Applicant proposes to build six (6) new single-family homes (in addition to the one (1) existing home for a total of seven (7) single-family houses) and to convey to the City approximately 97,450+/- s.f. (2.24+/- acres) of permanently protected open space.
3. The Proposed Development, as modified by the conditions set forth herein, is consistent with the applicable provisions of M.G.L. Chapter 40A and § 650-28 of the Ordinance.
4. The Proposed Development meets the general requirements of an open space

development set forth in § 650-28D of the Ordinance.

5. The Proposed Development meets the dimensional and intensity requirements set forth in § 650-28E of the Ordinance.
6. The Proposed Development meets the common open space requirements set forth in § 650-28F of the Ordinance.
7. The Planning Board specifically finds, in accordance with the requirements of § 650-28 H(8), that:
  - a) The Proposed Development meets the open space objectives set forth in § 650-28B of the Ordinance, namely by:
    1. Encouraging a less sprawling form of development that would consume excessive open space, cause land erosion, and destroy attractive natural features of the land.
    2. Allowing for greater flexibility and creativity in the design of residential subdivisions.
    3. Encouraging the permanent preservation of natural resources and open space.
    4. Protecting scenic vistas.
    5. Allowing for more economical construction and maintenance of streets and utilities.
    6. Encouraging the production of more affordable and diverse housing types.
    7. Allowing for more economical construction and maintenance of recreational amenities through common ownership.
  - b) The Proposed Development meets the design criteria of an open space development set forth in § 650-28H(7)(b) of the Ordinance.
  - c) The Proposed Development will not have a substantial or undue adverse effect upon adjacent property or the character of the neighborhood.
8. Pursuant to § 650-28H(7)(a) of the Ordinance, the Planning Board determines that the Proposed Development, with the conditions set forth hereinafter, is at least as beneficial to the City as a conventional plan based on the design guidelines and evaluation criteria set forth in §650-28H(7)(b) of the Ordinance.

**WAIVERS:**

No waivers of the Subdivision Rules and Regulations of the Planning Board were

requested.

**CONDITIONS:**

Based on the above, the Planning Board hereby grants the Open Space Development Special Permit for the Proposed Development as described above, subject to the following conditions:

1. The Applicant shall submit to the Planning Board a definitive subdivision plan for the Proposed Development, based on the Concept Plans, for which the Planning Board shall hold a public hearing and render a decision within ninety (90) days of the hearing's closure, in accordance with MGL Chapter 41 and § 650-28H(3)(b) of the Ordinance.
2. The Applicant at its own expense shall record a copy of this Open Space Development Special Permit at the Middlesex South Registry of Deeds, and prior to the issuance of any building permits, shall provide to the Planning Board and the Solicitor's office a copy of the Permit as recorded.
3. Pursuant to §650-28G of the Ordinance, the Applicant shall, following an inspection with the City's tree warden of the open space parcel and a removal of hazardous trees at the Applicant's expense, and subsequent to the approval of the definitive subdivision plan of this Proposed Development but prior to the issuance of any building permits related to the Proposed Development, convey to the City a parcel of land consisting of approximately 2.24+/- acres as shown on sheet 6 of 6 of the Concept Plans as "Open Space," which shall be preserved for conservation, passive recreational use, and preservation of open space.
4. Prior to conveying the open space parcel to the City, the Applicant at its expense shall provide to the City an attorney's certification that the Applicant has clear title to the open space parcel.
5. Prior to conveying the open space parcel to the City, the Applicant at its expense shall provide to the City an assessment of the open space parcel showing that the parcel is free of oil and hazardous material within the meaning of M.G.L. c. 21E.
6. Prior to conveying the open space parcel to the City, the Applicant shall pay, to the City, the sum of five thousand dollars (\$5,000) to be allocated for the City's Conservation Maintenance Fund to support the future maintenance of the open space parcel.
7. Any future change, modification or amendment to the Proposed Development as may be approved by the Planning Board shall be in accordance with the requirements of M.G.L. Chapter 40A, and Chapter 41, § 81W and the Planning

Board's Subdivision Rules and Regulations and/or § 650-28 of the Ordinance, as appropriate.

8. Prior to the issuance of any building permits related to the Proposed Development, the applicant shall construct a fence or install vegetative screening along the property line between the proposed roadway and the lot identified as #705 Pleasant Street (Map 28 Parcel 18A).
9. Prior to the issuance of any building permits related to the Proposed Development, the applicant shall install a sewer stub off of the new sewer main for the house at #705 Pleasant Street (Map 28 Parcel 18A).
10. All conditions shall apply to Applicant, its successors and assigns, and its successors in title to the Proposed Development shown on the Concept Plan.

## RECORD OF VOTE:

The following members of the Planning Board voted on June \_\_\_\_, 2022 to approve this Open Space Development Special Permit:

✓ Barbara L. Fenby	_____
✓ William H. Fowler	_____
✓ Philip J. Hodge	_____
✓ Sean N. Fay	_____
✓ George LaVenture	_____
✓ Christopher Russ	_____
✓ Matthew Elder	_____

## CERTIFICATE

I hereby certify that twenty (20) days have elapsed since the filing of the above-referenced decision in the Office of Marlborough City Clerk on June \_\_\_\_, 2022, and that no notice of an appeal of that decision has been filed with my office.

A True Copy Attest: \_\_\_\_\_

Steven W. Kerrigan  
Marlborough City Clerk

\_\_\_\_\_  
Date

# ATTACHMENT A



OPEN SPACE DEVELOPMENT (STEP ONE)

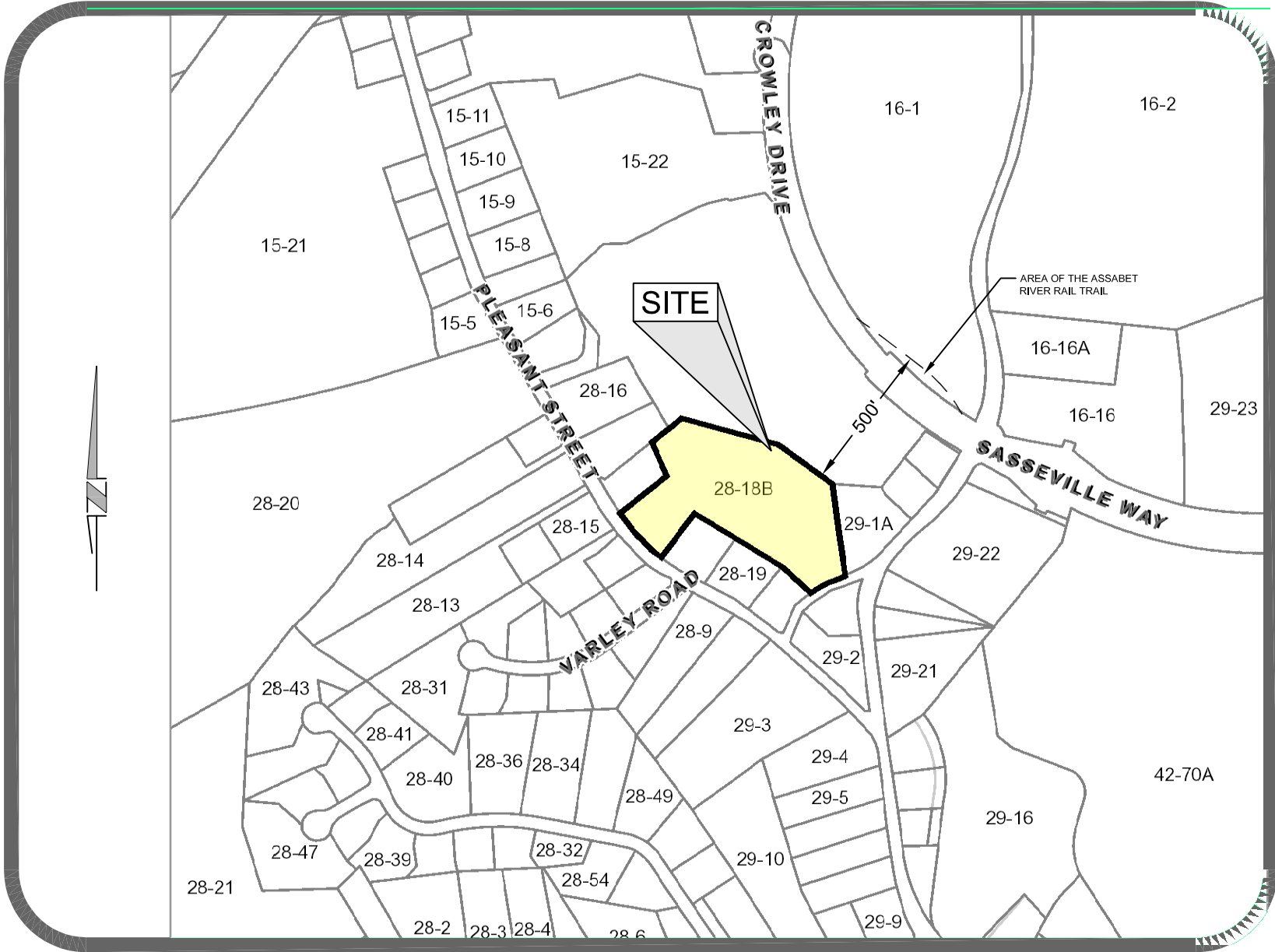
# BEAUCHEMIN ESTATES

A SINGLE FAMILY DEVELOPMENT  
IN  
MARLBOROUGH, MASSACHUSETTS

PREPARED FOR:  
JOYCE BEAUCHEMIN REALTY TRUST  
TIMOTHY L. BEAUCHEMIN, TRUSTEE  
P.O. BOX 1067  
TOWNSEND, MASSACHUSETTS 01469

NOTES:

1. THE MAJOR FEATURES OF THE LAND INCLUDING EXISTING WALLS, FENCES, BUILDINGS, LARGE TREES (12" DIAMETER OR GREATER), WOODED AREAS, OUTCROPPINGS, DITCHES, ETC. ARE SHOWN THE EXISTING CONDITIONS PLAN (SHEET 2) AND THE TREE INVENTORY PLAN (SHEET 3).
2. THE PROFILES AND APPROXIMATE FINISHED GRADES OF THE ROADWAY, DRAIN AND SEWER UTILITIES ARE SHOWN ON THE PRELIMINARY PLAN & PROFILE (SHEETS 5 & 6).
3. THE WATER DISTRIBUTION SYSTEM IS SHOWN ON THE CONVENTIONAL PRELIMINARY PLAN (SHEET 4) AND THE PRELIMINARY PLAN & PROFILE (SHEET 5).
4. THE PERCENT OF THE PROPOSED OPEN SPACE WHICH HAS STEEP SLOPES IS SHOWN ON THE OPEN SPACE CONCEPTUAL PLAN (SHEET 7).
5. THE PERCENT OF THE EXISTING PARCEL THAT IS WETLAND AND THE PERCENT OF THE PROPOSED OPEN SPACE WHICH IS WETLAND IS SHOWN ON THE OPEN SPACE CONCEPTUAL PLAN (SHEET 7).
6. EXISTING LANDSCAPE FEATURES IN SUCH DETAIL APPROPRIATE TO THE SITE, INCLUDING DIFFERENTIATION OF WOODED VERSUS OPEN AREAS, AND A FURTHER DIFFERENTIATION BETWEEN CONIFEROUS AND DECIDUOUS TREES IS SHOWN ON THE TREE INVENTORY PLAN (SHEET 3).
7. THERE ARE NO OPEN SPACES IDENTIFIED WITHIN 500 FEET OF THE SITE. IT APPEARS THAT THE ASSABET RIVER RAIL TRAIL IS LOCATED WITHIN 500 FEET OF THE SITE AS SHOWN ON THE LOCUS MAP TO THE RIGHT.
8. THERE WERE NO ARCHEOLOGICAL AND HISTORIC FEATURES LOCATED ON SITE.
9. THE SITE IS WOODED SO THERE ARE NO MAJOR LONG VIEWS WITHIN THE SITE AND WITHIN 500 FEET OF THE SITE.



LOCUS MAP  
SCALE: 1" = 500'

SITE ANALYSIS

LOT NO.	CONVENTIONAL AREA REQUIRED (S.F.)	OPEN SPACE AREA REQUIRED (S.F.)	AREA DECREASE (S.F.)
1	18,000	13,230	4,770
2	18,000	12,025	5,975
3	18,000	12,010	5,990
4	18,000	12,000	6,000
5	18,000	12,000	6,000
6	18,000	17,075	925
7	18,000	22,472	---
TOTALS	97,450	---	29,660

TOTAL PARCEL AREA = 5.44 ACS. OR 237,045 S.F.  
30% OF PARCEL AREA = 71,114 S.F.

OPEN SPACE = 97,450 S.F.  
WETLANDS = 19,660 S.F. (USEABLE = 0)  
STEEP SLOPES = 11,750 S.F. (USEABLE = 50% OF OPEN SPACE AREA)  
77,790 S.F.

ACTUAL OPEN SPACE AREA = 77,790 S.F.

GENERAL NOTES:

1. THE PURPOSE OF THIS PLAN SET IS TO SHOW A CONVENTIONAL PRELIMINARY PLAN AND OPEN SPACE CONCEPT PLAN.
2. THE SUBJECT PROPERTY IS SHOWN ON THE MARLBOROUGH ASSESSOR'S MAPS AS MAP 28 LOT 18B.
3. TOTAL LOT AREA: 326,895± S.F. (5.437± ACRES).
4. THE PROPERTY IS ZONED: RESIDENCE A-2.
5. OWNER OF RECORD: JOYCE BEAUCHEMIN REALTY TRUST  
TIMOTHY L. BEAUCHEMIN, TRUSTEE  
P.O. BOX 1067  
TOWNSEND, MA 01469
6. DEED REFERENCE: BOOK 45210, PAGE 560.
7. TOPOGRAPHY IS FROM AN ACTUAL FIELD SURVEY BY FINDEISEN SURVEY & DESIGN, LLC.
8. LOTS SHALL BE SERVICED BY MUNICIPAL WATER AND SEWER.

OPEN SPACE REQUIREMENTS:

1. MINIMUM LOT AREA = 12,000 S.F.
2. MINIMUM FRONTAGE = 50 FEET
3. WIDTH @ BLDG. LINE = 70 FEET
4. MAXIMUM LOT COVERAGE = 30%
5. MINIMUM BUILDING SETBACKS:  
FRONT - 20 FEET  
SIDE - 10 FEET  
REAR - 20 FEET

ZONING REQUIREMENTS:

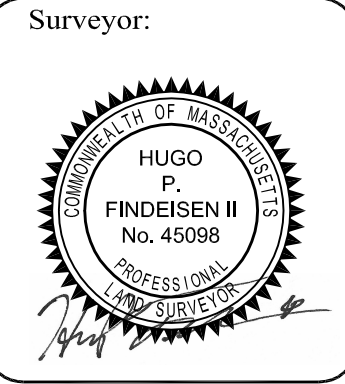
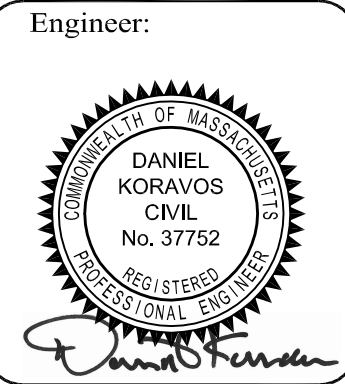
1. MINIMUM LOT AREA = 18,000 S.F.
2. MINIMUM FRONTAGE = 120 FEET
3. MAXIMUM LOT COVERAGE = 30%
4. MINIMUM BUILDING SETBACKS:  
FRONT - 30 F  
SIDE - 15 FEET  
REAR - 40 FEET

INDEX TO SHEETS

TITLE SHEET	1
EXISTING CONDITIONS PLAN	2
TREE INVENTORY PLAN	3
CONVENTIONAL PRELIMINARY PLAN	4
PRELIMINARY PLAN & PROFILE	5
CONCEPTUAL OPEN SPACE PLAN	6

Beauchemin Estates  
689 Pleasant St.

Engineer / Surveyor:  
DK Engineering LLC  
Office: 47 Enterprise Drive, #7, Windham, NH 03098  
Mailing Address: 59 Granite Lane, Chester, NH 03036  
Tel. (603) 505-5226 E-mail: Dan.Koravos@gmail.com  
FINDEISEN SURVEY & DESIGN, LLC  
87 Indian Rock Road, Windham, New Hampshire 03098  
Tel. (603) 880-8616 / Fax (603) 880-8497



Applicant:

DANIEL KORAVOS  
59 GRANITE LANE  
CHESTER, NH 03036

Owner(s):

JOYCE BEAUCHEMIN  
REALTY TRUST  
TIMOTHY L. BEAUCHEMIN,  
TRUSTEE  
P.O. BOX 1067  
TOWNSEND, MA 01469

NO.	DATE	BY	DESCRIPTION
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1	05/02/22	DK	ADDRESS COMMENTS FROM PB NOT RELEASED FOR CONSTRUCTION

Assessor's Map & Lot:  
Map 28 / Lot 18B  
Project No.: 42103 Drawing Scale: AS SHOWN  
Plan Date: 02/10/2022 Revised Date: 05/02/2022

Sheet Title:

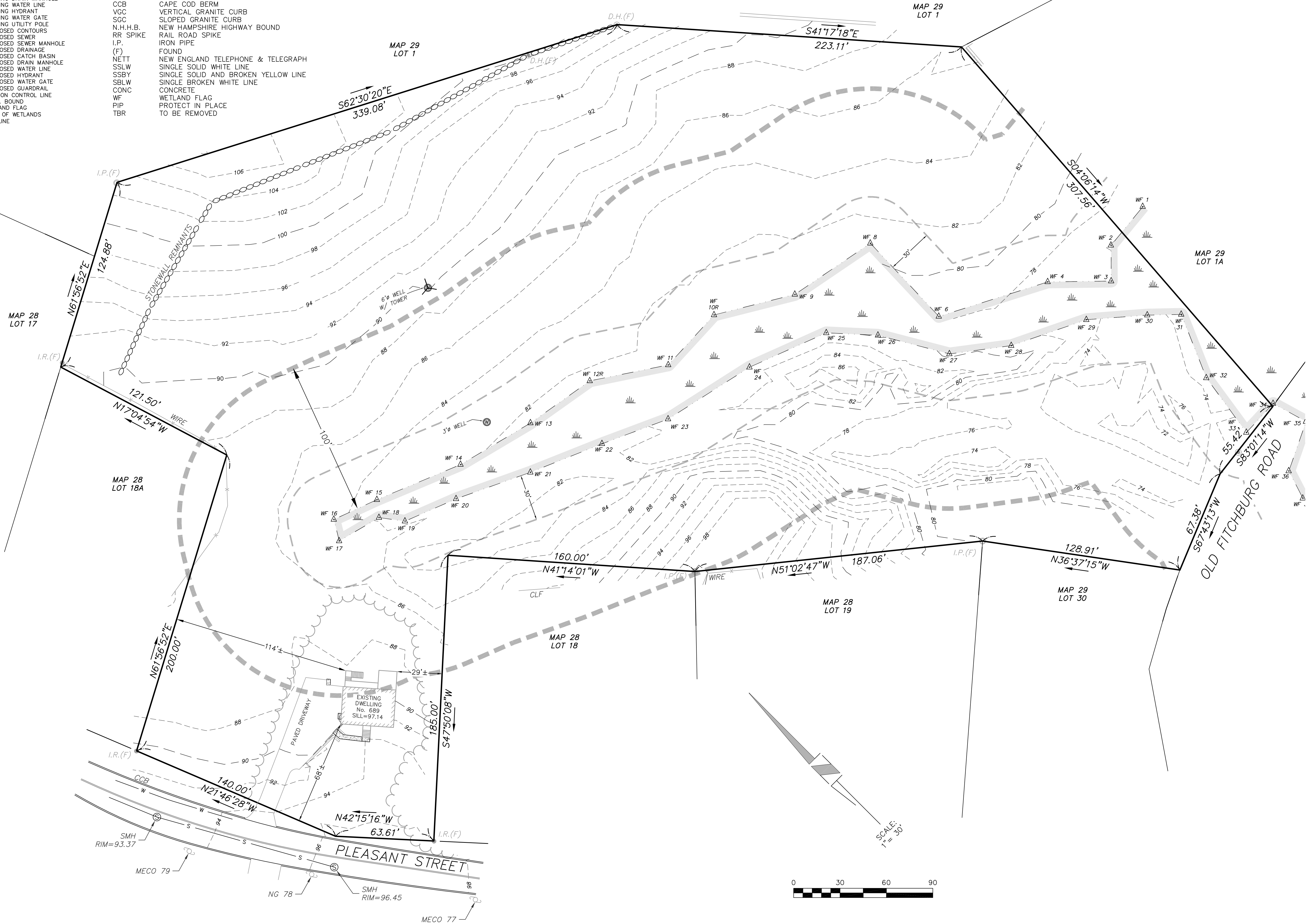
TITLE SHEET

Sheet No.: 1  
Total No. of Sheets: 6

- LEGEND**
- PROPOSED RETAINING WALL
  - EXISTING SEWER
  - EXISTING SEWER MANHOLE
  - EXISTING DRAINAGE
  - EXISTING CATCH BASIN
  - EXISTING DRAIN MANHOLE
  - EXISTING WATER LINE
  - EXISTING HYDRANT
  - EXISTING WATER GATE
  - EXISTING UTILITY POLE
  - PROPOSED CONTOURS
  - PROPOSED SEWER
  - PROPOSED SEWER MANHOLE
  - PROPOSED DRAINAGE
  - PROPOSED CATCH BASIN
  - PROPOSED DRAIN MANHOLE
  - PROPOSED WATER LINE
  - PROPOSED HYDRANT
  - PROPOSED WATER GATE
  - PROPOSED GUARDRAIL
  - EROSION CONTROL LINE
  - PROP. BOUND
  - WETLAND FLAG
  - EDGE OF WETLANDS
  - TREELINE

**LIST OF ABBREVIATIONS**

- |          |                                     |
|----------|-------------------------------------|
| BIT.     | BITUMINOUS                          |
| CB       | CATCH BASIN                         |
| DMH      | DRAINAGE MANHOLE                    |
| EOP      | EDGE OF PAVEMENT                    |
| P&R      | POST AND RAIL                       |
| FFE      | FINISHED FLOOR ELEVATION            |
| CCB      | CAPE COD BERM                       |
| VGC      | VERTICAL GRANITE CURB               |
| SGC      | SLOPED GRANITE CURB                 |
| N.H.H.B. | NEW HAMPSHIRE HIGHWAY BOUND         |
| RR SPIKE | RAIL ROAD SPIKE                     |
| I.P.     | IRON PIPE                           |
| (F)      | FOUND                               |
| NETT     | NEW ENGLAND TELEPHONE & TELEGRAPH   |
| SSLW     | SINGLE SOLID WHITE LINE             |
| SSBY     | SINGLE SOLID AND BROKEN YELLOW LINE |
| SBLW     | SINGLE BROKEN WHITE LINE            |
| CONC     | CONCRETE                            |
| WF       | WETLAND FLAG                        |
| PIP      | PROTECT IN PLACE                    |
| TBR      | TO BE REMOVED                       |



**Beauchemin Estates**  
**689 Pleasant St.**

Engineer / Surveyor:  
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Office: 47 Enterprise Drive, #7, Windham, NH 03098  
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Tel: (603) 505-5226 E-mail: Dan.Koravos@gmail.com  
**FINDEISEN SURVEY & DESIGN, LLC**  
87 Indian Rock Road, Windham, NH 03098  
Tel: (603) 898-8616 / Fax: (603) 898-8497

Engineer:  
**DANIEL KORAVOS**  
CIVIL  
No. 37752  
Professional Seal

Surveyor:  
**HUGO P. FINDEISEN II**  
CIVIL  
No. 45098  
Professional Seal

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Map 28 / Lot 18B  
Project No.: 42103 Drawing Scale: AS SHOWN  
Plan Date: 02/10/2022 Revised Date: 05/02/2022

Sheet Title:  
**EXISTING  
CONDITIONS PLAN**

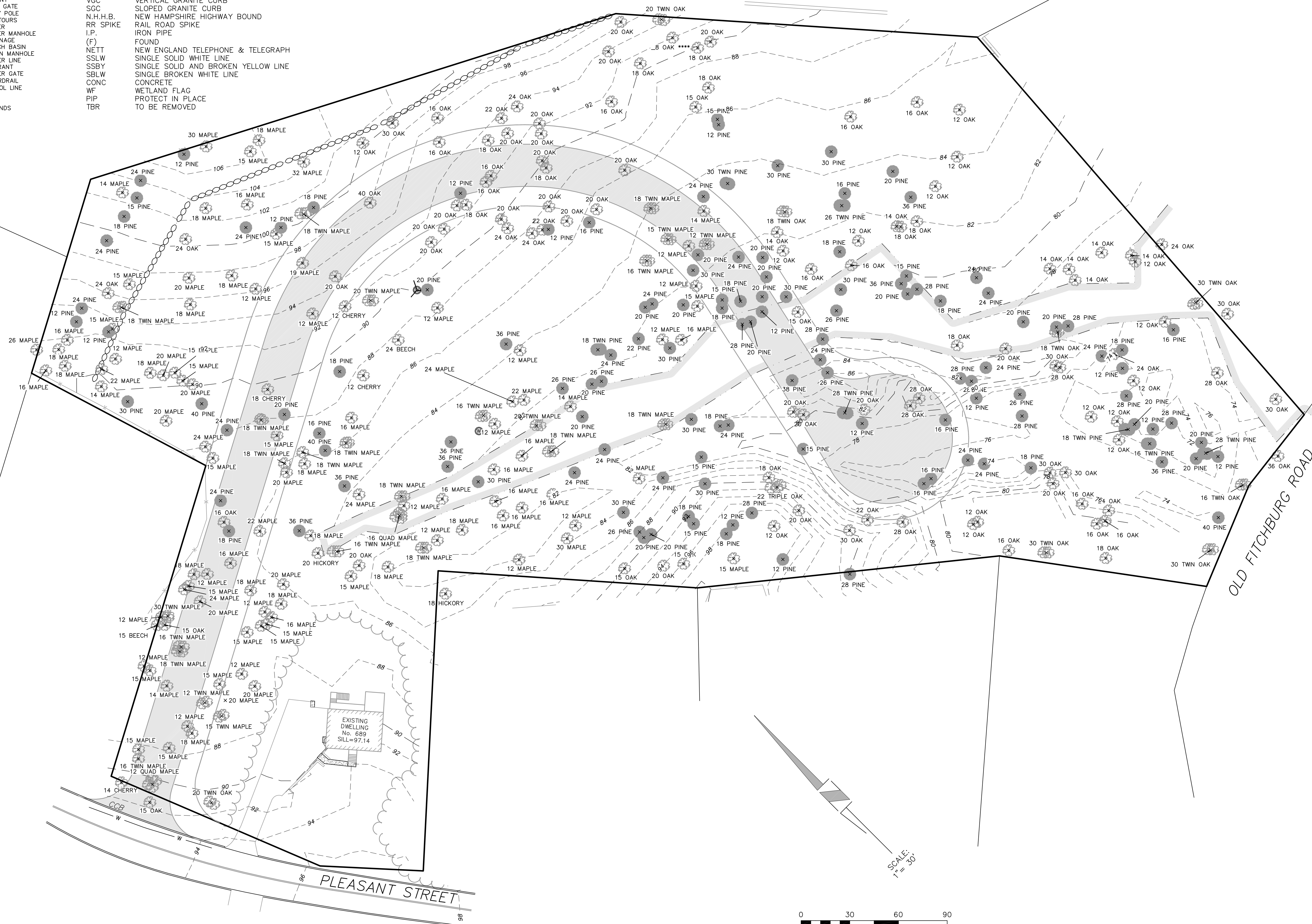
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Total No. of Sheets: **6**



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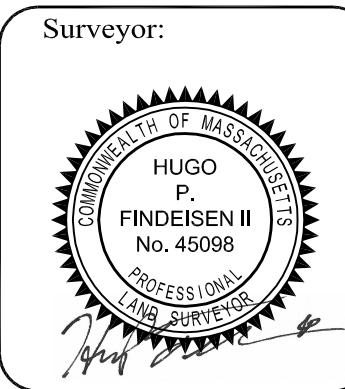
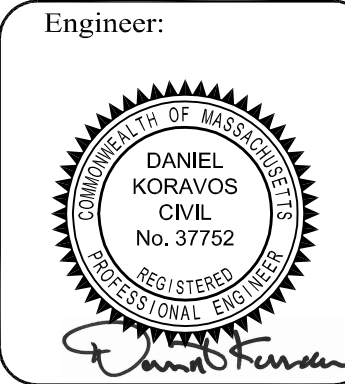
**LIST OF ABBREVIATIONS**

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CHESTER, NH 03036

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**TIMOTHY L. BEAUCHEMIN,**  
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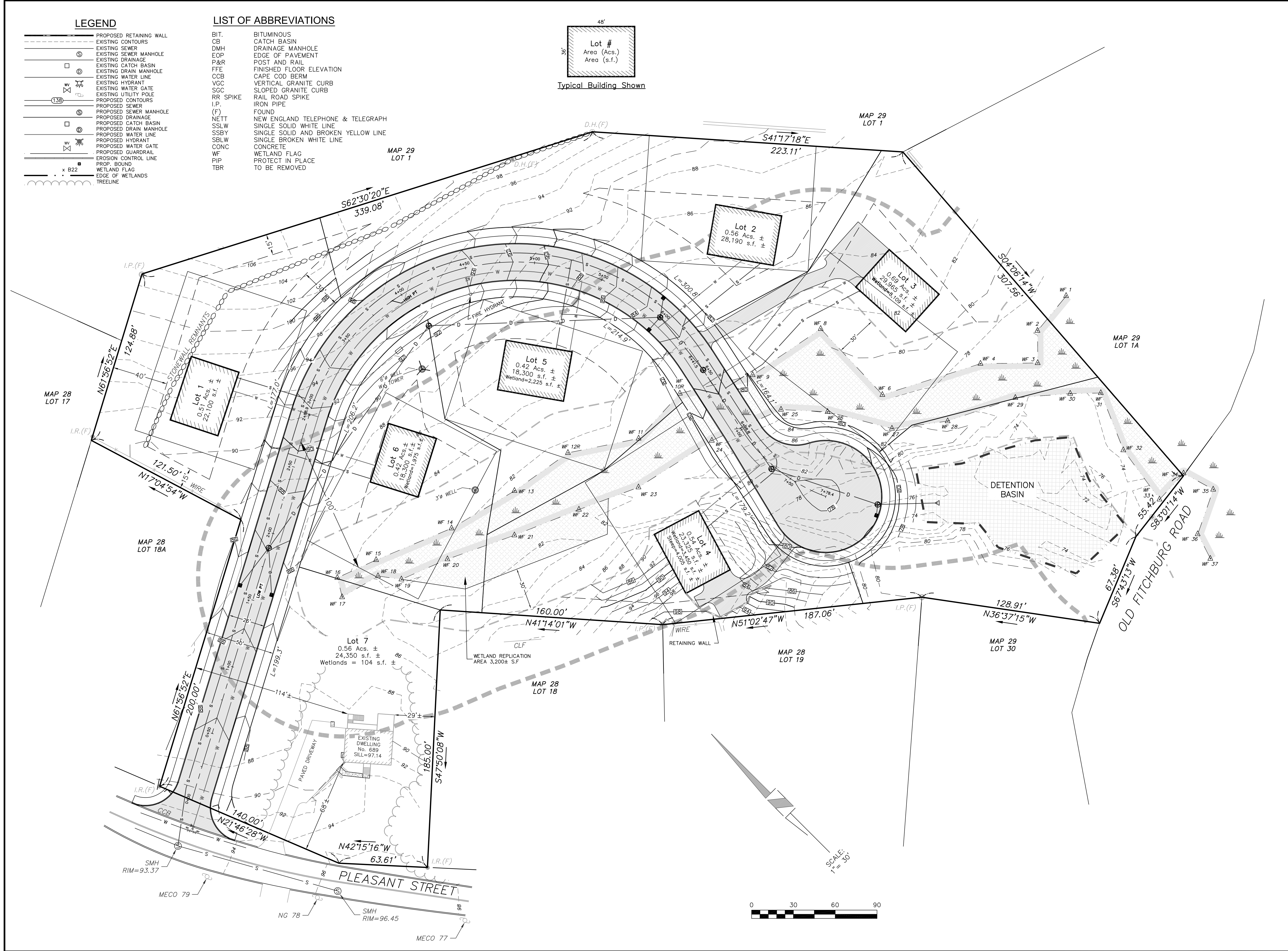
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Assessor's Map & Lot:  
Map 28 / Lot 18B  
Project No.: 42103 Drawing Scale: 1"=30'  
Plan Date: 02/10/2022 Revised Date: 05/02/2022

Sheet Title:  
**TREE INVENTORY PLAN**

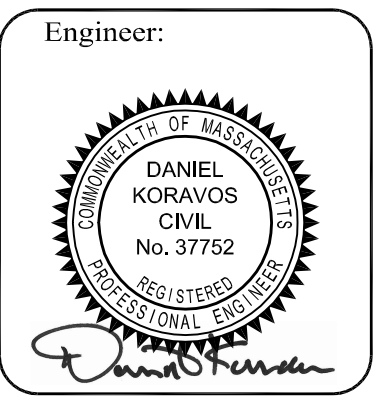
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Total No. of Sheets: **6**





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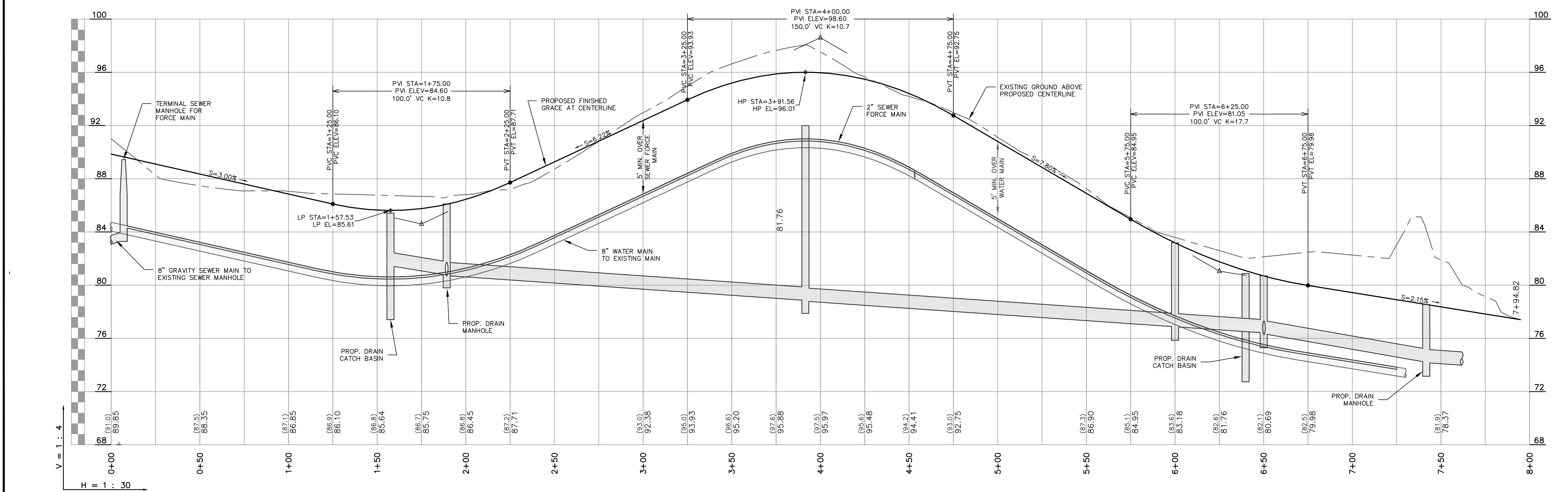
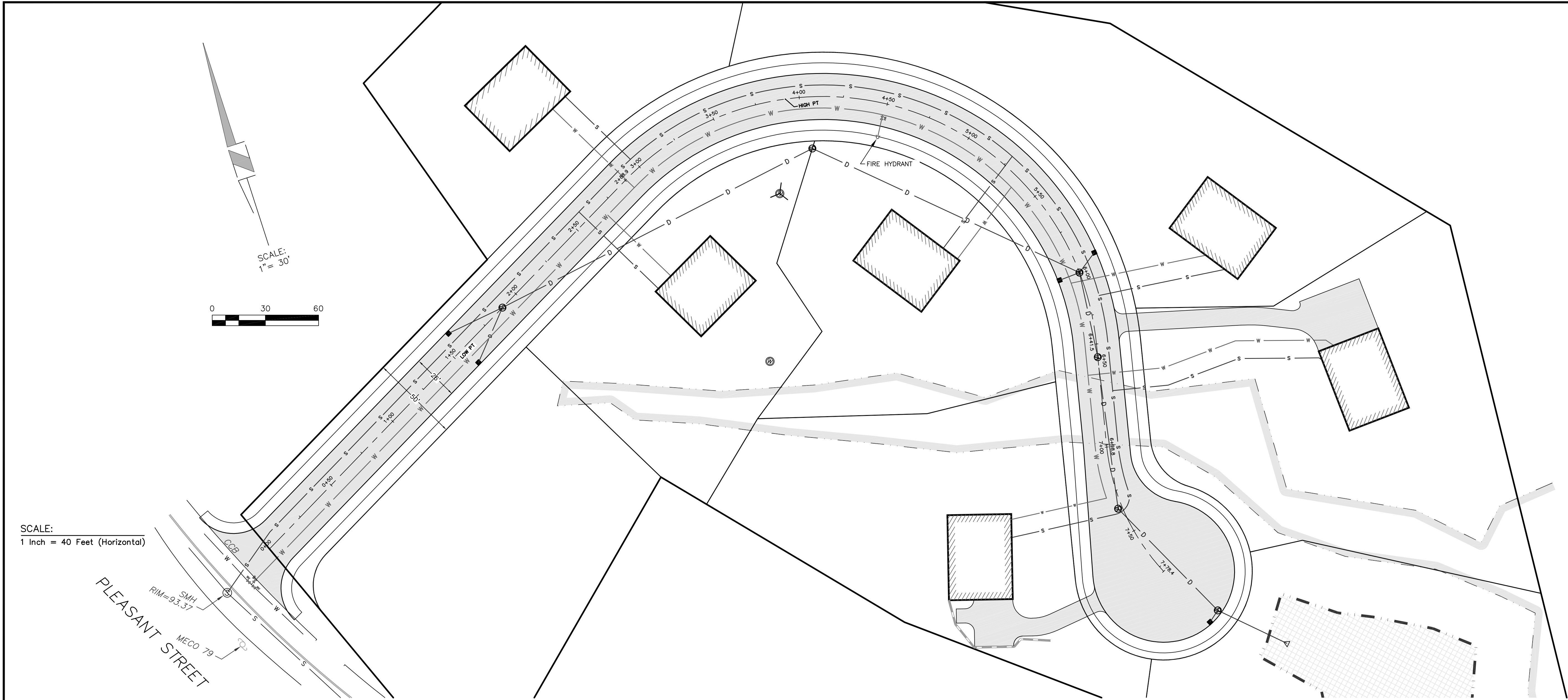
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Map 28 / Lot 18B  
Project No.: 42103 Drawing Scale: 1"=30'  
Plan Date: 02/10/2022 Revised Date: 05/02/2022

Sheet Title:  
**CONVENTIONAL  
PRELIMINARY PLAN**

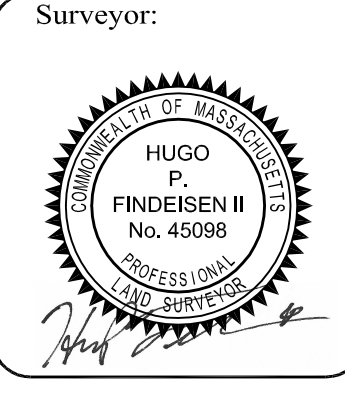
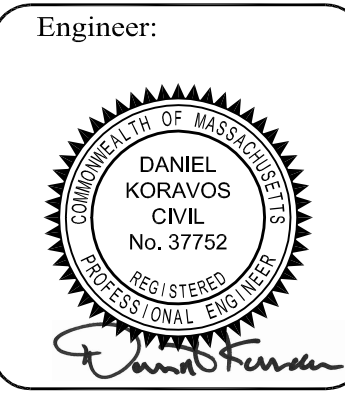
Sheet No.: **4**  
Total No. of Sheets: **6**





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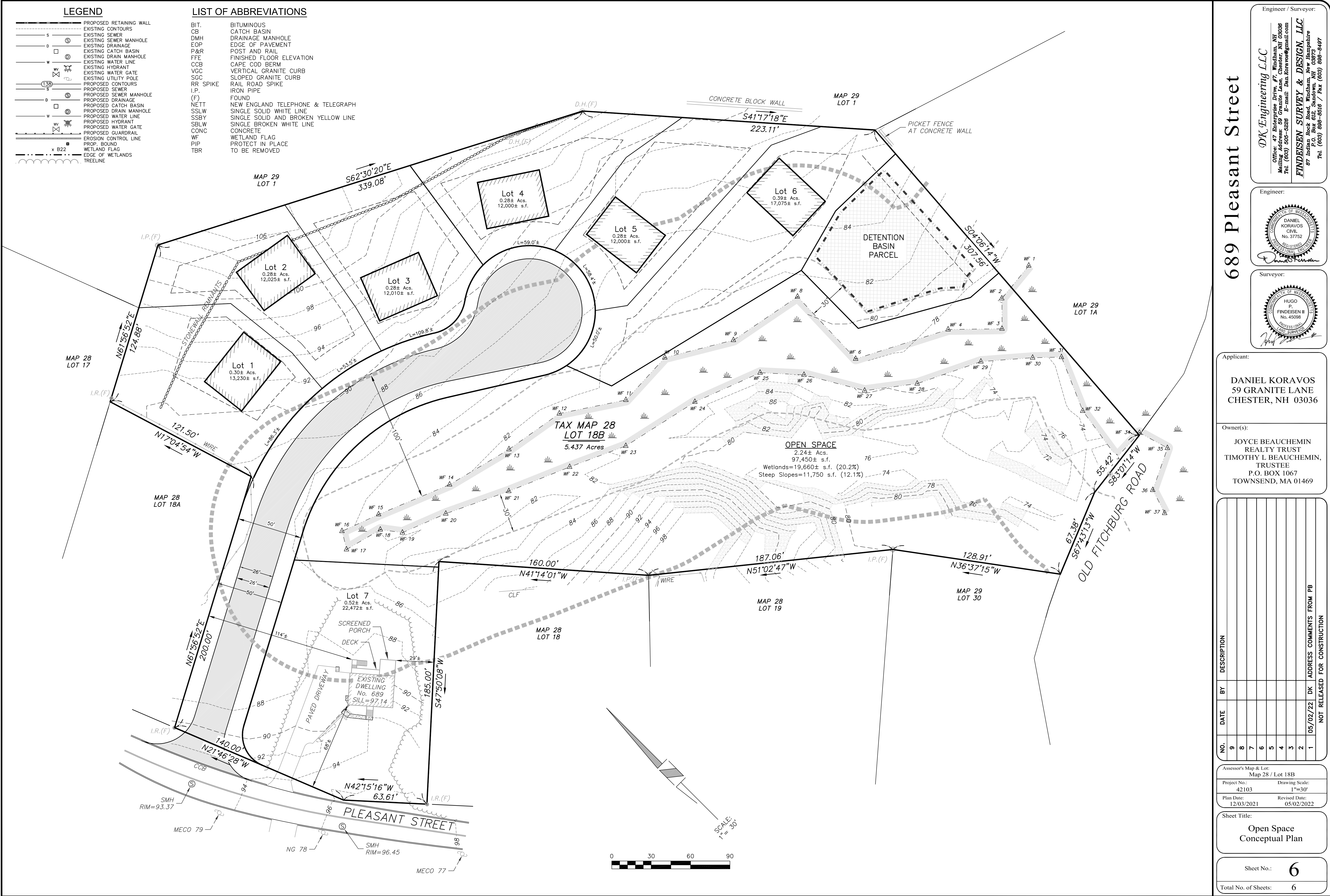
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Map 28 / Lot 18B  
Project No.: 42103 Drawing Scale: AS SHOWN  
Plan Date: 02/10/2022 Revised Date: 05/02/2022

Sheet Title:  
**PRELIMINARY  
PLAN & PROFILE**

Sheet No.: **5**  
Total No. of Sheets: **6**



689 Pleasant Street

Engineer / Surveyor:

**DK Engineering LLC**  
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87 Indian Rock Road, Windham, New Hampshire  
Tel: (603) 880-8616 / Fax: (603) 880-8497

Engineer:

**DANIEL KORAVOS**  
CIVIL  
No. 37752

Surveyor:

**HUGO P. FINDEISEN II**  
No. 45098  
PROFESSIONAL LAND SURVEYOR

Applicant:

**DANIEL KORAVOS**  
59 GRANITE LANE  
CHESTER, NH 03036

Owner(s):

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Assessor's Map & Lot:  
Map 28 / Lot 18B

Project No.: 42103 Drawing Scale: 1"=30'

Plan Date: 12/03/2021 Revised Date: 05/02/2022

Sheet Title:

**Open Space  
Conceptual Plan**

Sheet No.: **6**

Total No. of Sheets: **6**

**Katlyn Miller**

---

**From:** Lavoie, Jason B. <Jason.Lavoie@wsp.com>  
**Sent:** Thursday, June 23, 2022 2:34 PM  
**To:** Katlyn Miller  
**Subject:** RE: Planning Board Agenda

Hi Katlyn,

We haven't been able to finish up the final portions. I'm going to contact Tom tomorrow about meeting up with him to go through a few things next week. Then we'll be able to finish it all up. I want to try to get it all done on this one revision.

Thanks,  
 Jay

**Jason Lavoie, P.E.**

Senior Civil Engineer & Project Manager, Water Group  
 CSE, CSI, CRSFD

Office: 617.426.7330  
 Direct: 617.960.4898  
 Mobile: 508.397.0089

#

WSP USA  
 100 Summer Street, 13<sup>th</sup> Floor  
 Boston, MA 02110

[wsp.com](http://wsp.com)

---

**From:** Katlyn Miller <kmiller@marlborough-ma.gov>  
**Sent:** Thursday, June 23, 2022 8:50 AM  
**To:** Lavoie, Jason B. <Jason.Lavoie@wsp.com>  
**Subject:** Planning Board Agenda

Hi Jay,

Will you have any items for the Mondays 6/27 Agenda? I am drafting it now.

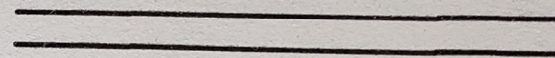
Thank you,  
 Katlyn

*Katlyn Miller*  
*Engineering and Planning Board Administrator*  
*Department of Public Works*  
*135 Neil Street*  
*Marlborough, MA 01752*  
*P: 508.624.6910 ext. 33200*

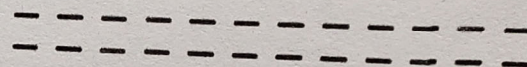


## LEGEND

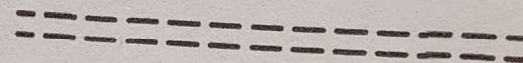
PUBLIC WAYS



PRIVATE WAYS



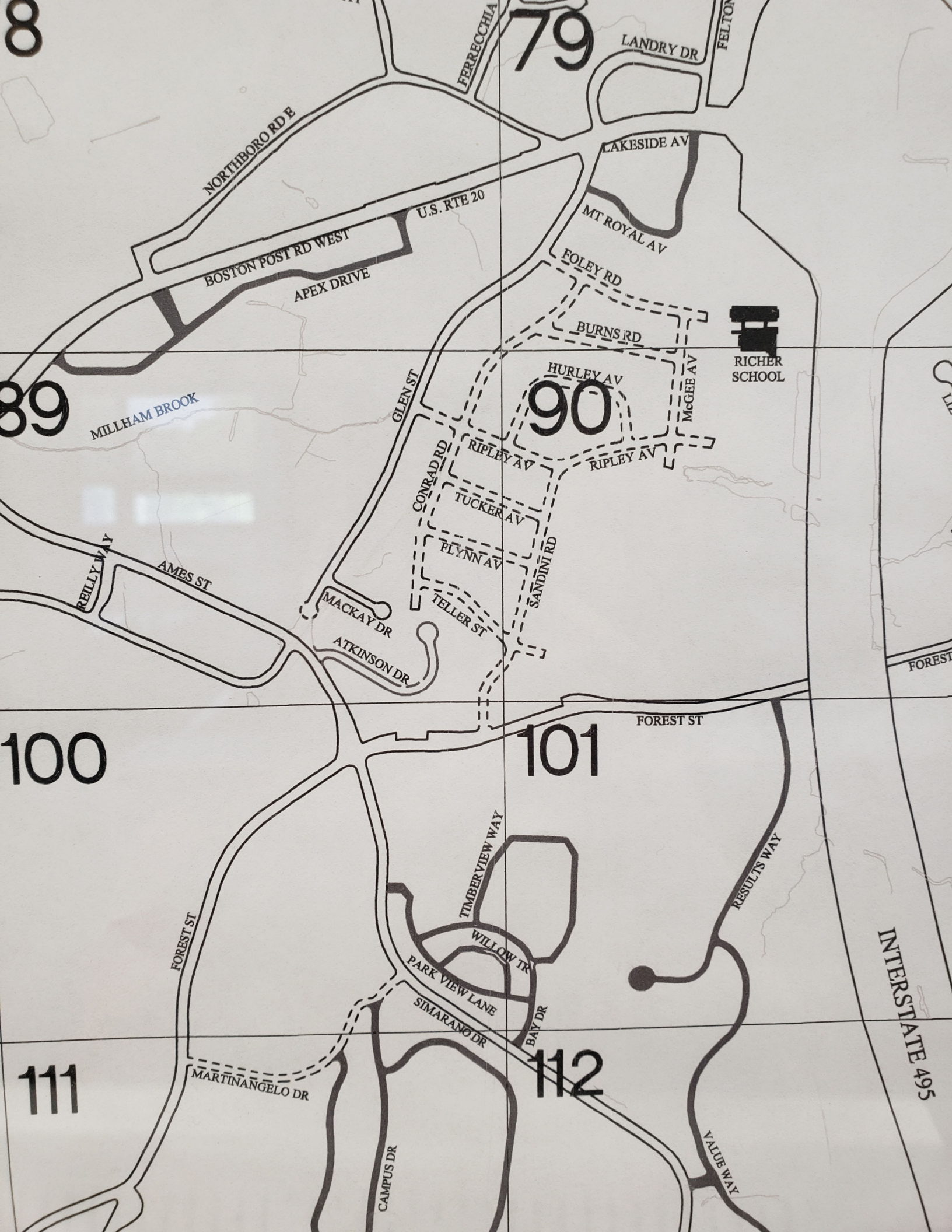
ROADS NOT CONSTRUCTED  
AND/OR UNDER CONSTRUCTION



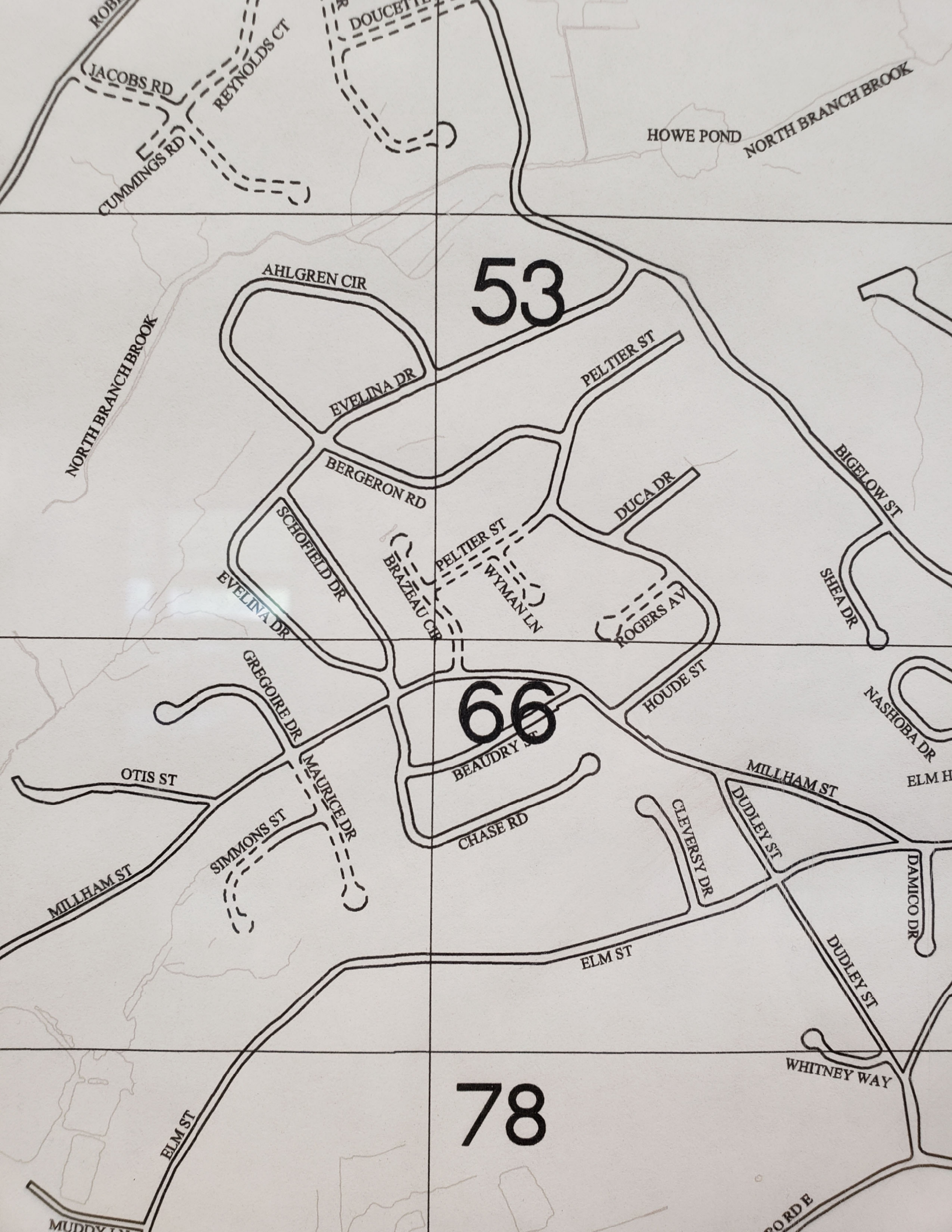
NAMED PRIVATE  
DRIVEWAYS











53

66

78

ROBB  
JACOBS RD  
REYNOLDS CT  
DOUCET  
CUMMINGS RD  
HOWE POND  
NORTH BRANCH BROOK

NORTH BRANCH BROOK  
AHLGREN CIR  
EVELINA DR  
PELTIER ST  
BERGERON RD  
DUCA DR  
SCHOFIELD DR  
EVELINA DR  
PELTIER ST  
WYMAN LN  
BRAZEAU CR  
ROGERS AV  
BIGELOW ST  
SHEA DR

OTIS ST  
MILLHAM ST  
SIMMONS ST  
GREGOIRE DR  
MAURICE DR  
BEAUDRY ST  
CHASE RD  
HOUDE ST  
NASHOBA DR  
ELM H  
MILLHAM ST  
DUDLEY ST  
CLEVERSY DR  
DAMICO DR  
ELM ST

WHITNEY WAY

MUDDY LN

FORDE



MARLBOROUGH  
DISTRICT COURT

ROBIN DR

GLEASON ST

DALEY CIR

BEACH ST

WEST ST

92

CLOVER HILL ST

JOEL ST

SIDNEY ST

GLEASON ST EXT

FEDERAL ST

CLOVER ST

BRIGHAM ST

LEOLIS DR

DIANA DR

FULLER DR

BRACKEN DR

BRACKEN DR

103

THOMPSON DR

WALCOTT CIR

GUNNAR DR

KELLEHER ST

GIBBS PL



104

GOODNOW LN

DESIMONE DR

DESIMONE DR

LAROSE DR

BRIGHAM ST

WESTBORO RD

114A





44

POLICE  
DEPT.

MIDDLE SCHOOL

HOSPITAL

5

STATE RTE 85

STATE RTE 85

GIKAS LANE

WINDMILL DR

LaBRACHE LN

AGORITSIS DR

BOLTON ST

THREHER DR

KELBER DR

BELLEVUE AV

HUDSON ST

H ST

KENNEY LN

UNION ST

HOLLIS ST

TAYNTOR ST

BARNES CIR

PEIRCE ST

PROSPECT ST

MILDON AV

SHORT ST

BRIMSMEAD ST

TREMONT ST

FREMONT ST

JEFFERSON ST

HUDSON ST

LEY ST

HIGHLAN

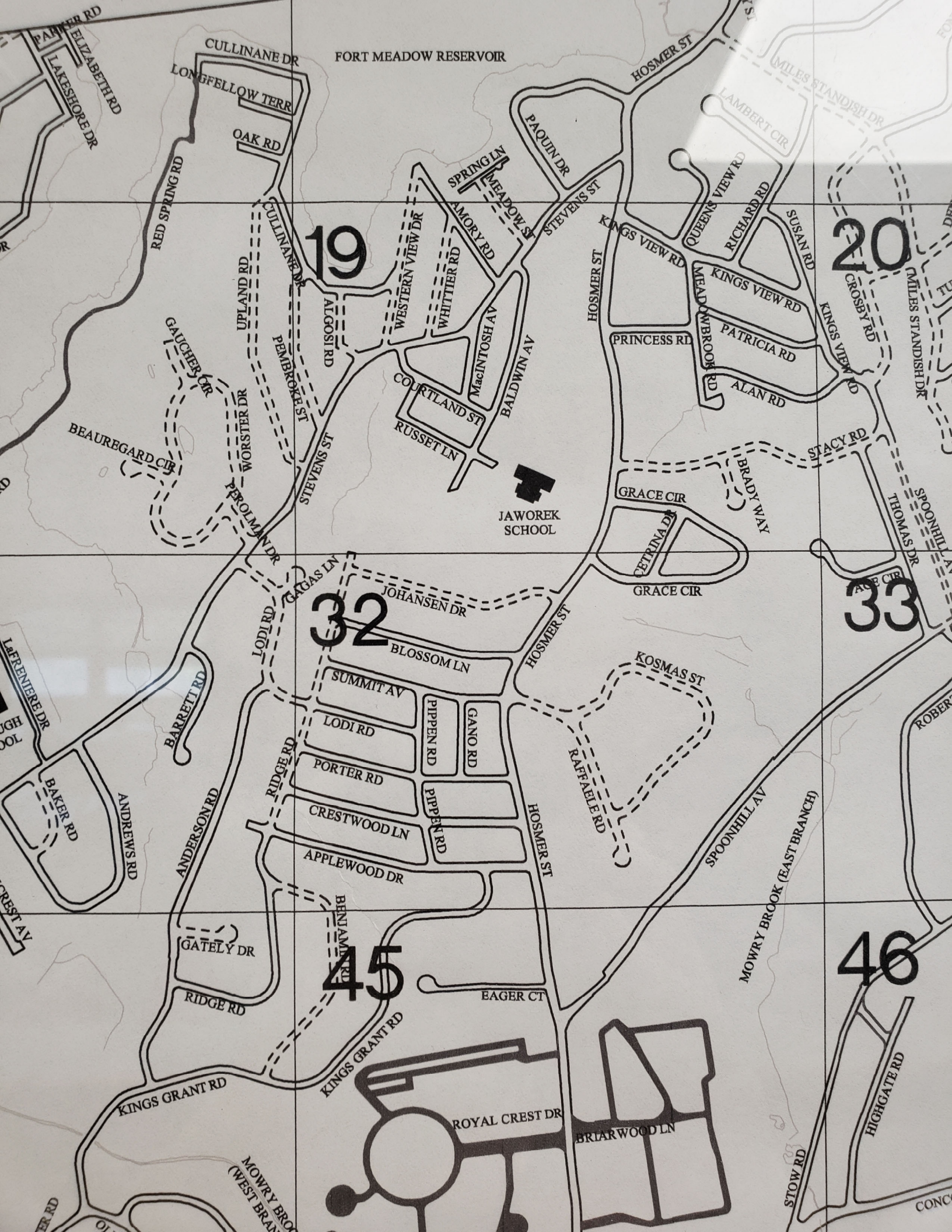
PROSPEC

STABROOK AV

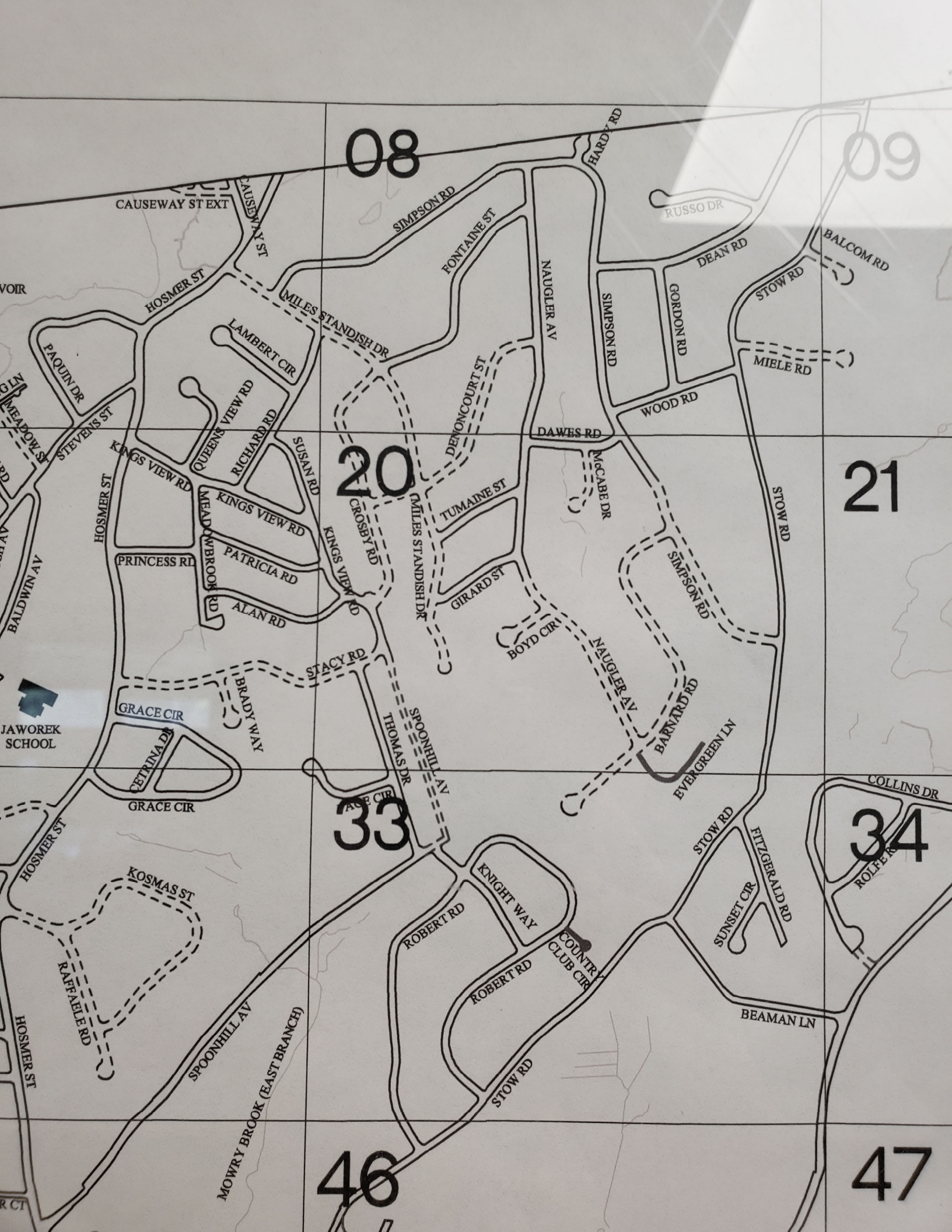
MOFFATT LN

STATE

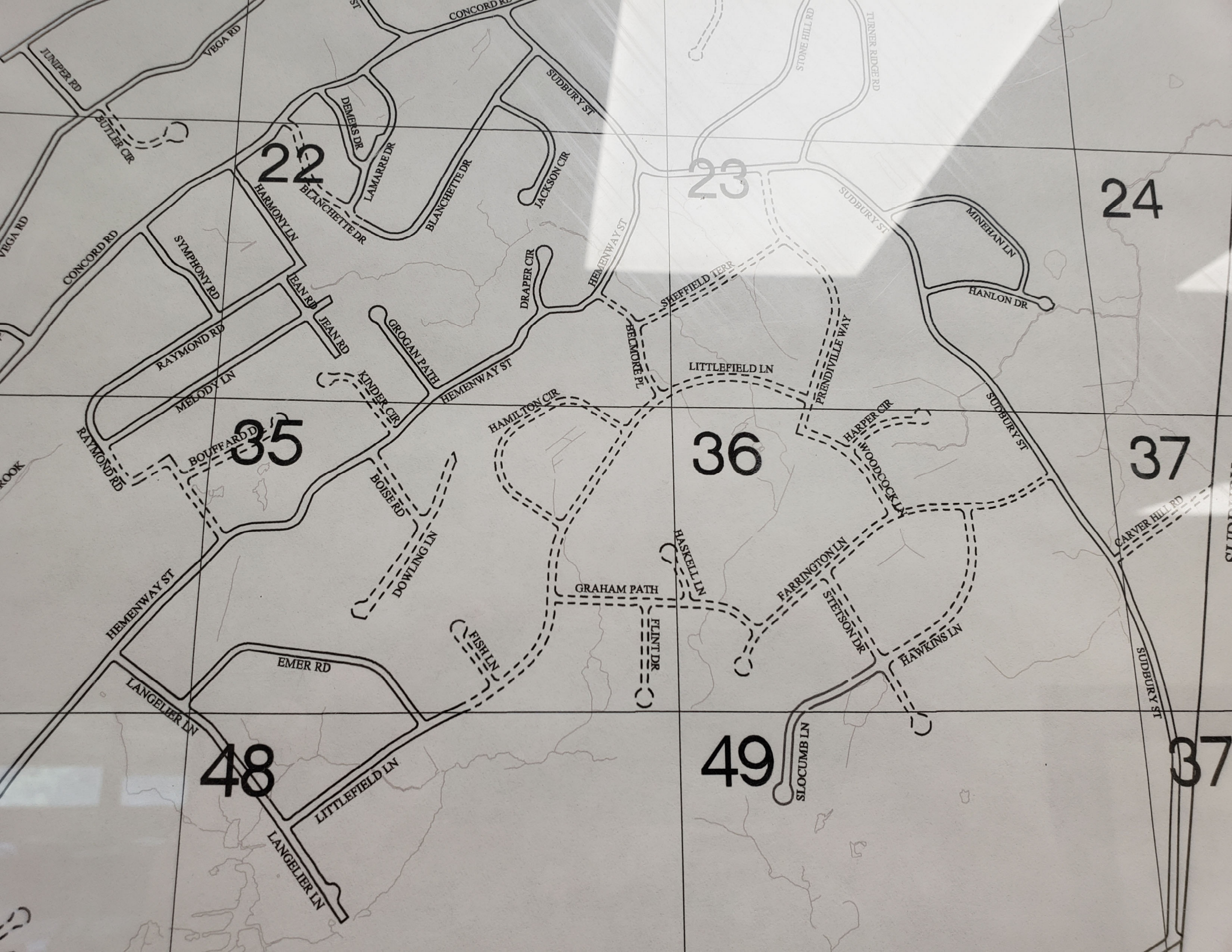












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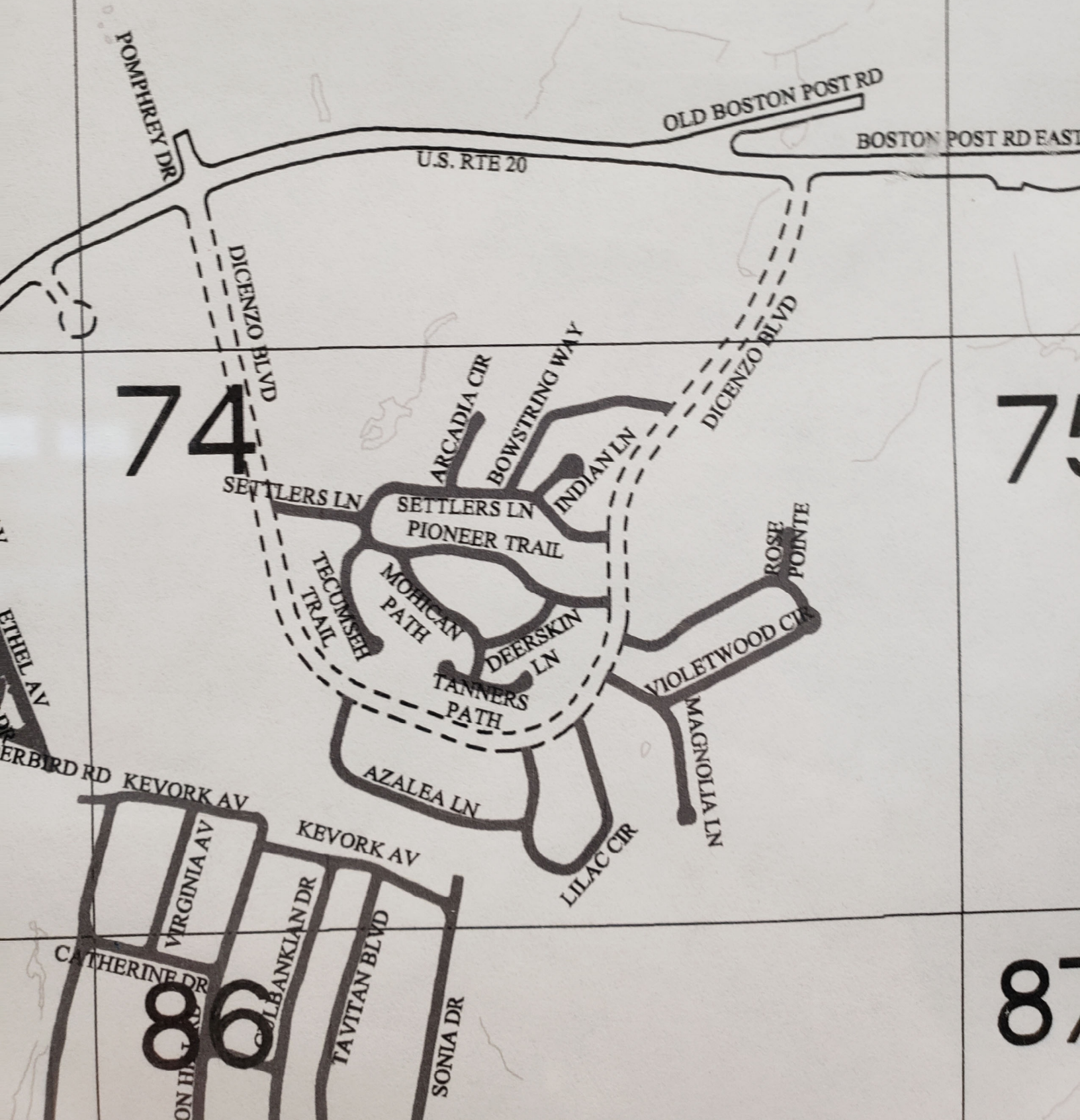
37

JUNIPER RD  
VEGA RD  
BUTLER CR  
CONCORD RD  
SYMPHONY RD  
RAYMOND RD  
MELODY LN  
BOUFFARD DR  
RAYMOND RD  
HEMENWAY ST  
LANGELIER LN  
EMER RD  
LITTLEFIELD LN  
LANGELIER LN  
DEERS DR  
LAMARRE DR  
BLANCHETTE DR  
BLANCHETTE DR  
JACKSON CIR  
HEMENWAY ST  
DRAPER CIR  
GROGAN PATH  
KINDER CIR  
BOISERD  
DOWLING LN  
FISH LN  
FLINT DR  
GRAHAM PATH  
BASKELL LN  
FARRINGTON LN  
STETSON DR  
HAWKINS LN  
SLOCUMB LN  
STONE HILL RD  
TURNER RIDGE RD  
SUDBURY ST  
MINEHAN LN  
HANLON DR  
SUDBURY ST  
PRENDIVILLE WAY  
LITTLEFIELD LN  
SHEFFIELD TERR  
BELMONT PL  
HAMILTON CIR  
CARVER HILL RD  
SUDBURY ST



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62



74

75

86

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## SUBDIVISION PLAN CHECKLIST

10A.ii

Development: \_\_\_\_\_ Site Address: \_\_\_\_\_

Engineer's Name: \_\_\_\_\_ Date: \_\_\_\_\_

### General Plan Requirements

- ☐ Eight sets of plans plus original shall be submitted
- ☐ Minimum sheet size shall be 24" x 36" unless otherwise approved prior to submission
- ☐ Set shall be comprised of separate sheets as listed below unless otherwise approved by the Site Plan Review Committee at the pre-application scoping session
- ☐ All plans shall be stamped by Commonwealth of Massachusetts-registered Professional Engineer, Professional Land Surveyor, and/or Professional Landscape Architect
- ☐ All plans oriented so that north arrow points generally to the top of the sheet
- ☐ All plans shall have a title block comprised of the following:
  - ☐ Project Title
  - ☐ Sheet Title
  - ☐ Sheet Number
  - ☐ Registrant Stamp (PE, PLS, LA)
  - ☐ Engineers name, address, fax and telephone number
  - ☐ Graphical scale at 1" = 40' or less
  - ☐ Plan Issue Date
  - ☐ Plan Revision Date(s)
- ☐ Traffic Impact and Access Study (TIAS) to be submitted with application (if required)
- ☐ Storm Water Management Report to be submitted with application (if required)
- ☐ Sewer Connection/Extension Permitting (if required)
  - ☐ MEPA waiver West Plant (if required)

### Cover Sheet

- ☐ Title Block
- ☐ Project name / title
- ☐ Street number and/or lot number (for new buildings, engineering will assign a street number prior to approval)
- ☐ Assessor's map and parcel number(s)
- ☐ Name and address of property owner
- ☐ Name, address, telephone and fax number of engineer
- ☐ Name, address, telephone and fax number of the developer
- ☐ Revision Date Block
- ☐ Zoning District
- ☐ Zoning Requirements Table-"Required vs. Provided"
  - ☐ Lot Size
  - ☐ Lot Frontage
  - ☐ Side Yard Setback
  - ☐ Front Yard Setback
  - ☐ Rear Yard Setback
  - ☐ Building Height
  - ☐ Lot Coverage
  - ☐ Distance from Residential District
  - ☐ Parking Spaces
    - ☐ Compact Parking Spaces
    - ☐ Handicap Parking Spaces
  - ☐ Parking Lot Setback
  - ☐ Parking Lot Perimeter Planting
  - ☐ Parking Lot Interior Planting
  - ☐ Landscaping Requirements
- ☐ Locus Map (Show all roads and available building information within 1000 feet)
- ☐ Planning Board signature block (7 lines)
- ☐ Plan Index with latest revision date of each plan

## SUBDIVISION PLAN CHECKLIST

### **Existing Conditions Plan**

- ☐ Name of Surveyor
- ☐ Date of survey
- ☐ Property lines with bearings and distances
- ☐ Monuments
- ☐ Easements with bearings and distances
- ☐ Name of all abutters
- ☐ Street names
- ☐ Plan survey datum shall be the North American Vertical Datum of 1988 (NAVD 1988) and this reference shall be shown on the plans.
- ☐ Benchmark locations minimum of two within 200 feet of the site shown on the plans.
- ☐ Existing Buildings and Structures
  - ☐ Area of building
  - ☐ Number of stories
  - ☐ Principal use
  - ☐ Setbacks from property lines
  - ☐ Floor elevations
  - ☐ Door locations with sill elevations
- ☐ Existing Topography:
  - ☐ Contours at 2' intervals (1' contours or additional spot grades if site is flat)
  - ☐ Overhead and underground utilities including but not limited to water, sewer, drainage, electric, telephone, cable TV, gas, septic systems, detention structures, wells
  - ☐ Existing parking/paved areas including pavement type (parking, walkways, etc.)
  - ☐ Adequate utility information outside the site to verify proposed utility connections
  - ☐ All utility pipe types, sizes, lengths, and slopes
  - ☐ All utility structure information including rim and invert elevations
  - ☐ All existing easements within 50 feet of property line-Identify any utility within the easement
  - ☐ All existing utility easements with bearings and distances
  - ☐ Existing pavement markings within site and on connecting roads
  - ☐ Existing features such as walls, curbing, landscaping, trees, walks, fences, trees over 12" caliper, lighting, signs, loading areas, dumpster locations, etc...
- ☐ Wetlands, floodplain, water protection district delineation including offsets and buffer zones
- ☐ Test pit locations including groundwater depths
- ☐ Historic buildings within 250 feet

### **Construction/Layout Plan (show appropriate information from Existing Conditions Plan)**

- ☐ Proposed Buildings and Structures
  - ☐ Area of building or additions
  - ☐ Number of stories
  - ☐ Principal use
  - ☐ Floor elevations
  - ☐ Door locations with sill elevations
  - ☐ Setback dimensions from property lines
- ☐ Proposed Topography including but not limited to:
  - ☐ Proposed contours at 2' intervals
  - ☐ Parking lot setbacks to property line
  - ☐ Parking lot grades shall not exceed 5% or be less than 0.5%
  - ☐ Parking spaces (delineated and dimensioned)
  - ☐ Handicap parking
  - ☐ Handicap access
  - ☐ Wheelchair ramps
  - ☐ Sidewalks
  - ☐ Pavement type(s)
  - ☐ Curb type(s) and limits
  - ☐ Granite curb at entrance to layout line

## SUBDIVISION PLAN CHECKLIST

- ☐ Lighting
- ☐ Signs (include sign schedule)
- ☐ Pavement markings
- ☐ Loading areas
- ☐ Walls
- ☐ Fences
- ☐ Landscape areas
- ☐ Dumpster(s)
- ☐ Critical dimensions including aisle widths, parking stall dimensions, curb radius etc...
- ☐ Grading at entrance-show spot grades if required
- ☐ Emergency Vehicle Access
- ☐ Truck Access (WB-50 unless otherwise approved by City Engineer)
- ☐ Snow Storage Area
- ☐
- ☐ Show limit of work within City right-of-way-sawcut
- ☐ Construction notes including the following notes:
  - ☐ The contractor shall be properly licensed and bonded with the City prior to construction.
  - ☐ Any minor modifications (as determined by the City Engineer) to the information shown on the approved site plans shall be submitted to the City Engineer as a Minor Plan Revision for approval prior to the work being performed.
  - ☐ Any work and materials to be placed within the City right-of-way shall conform to the City of Marlborough requirements
  - ☐ All handicap parking, ramps, and access shall conform to MAAB & ADA requirements
  - ☐ All erosion control measures shall be in place prior to construction. Erosion Control shall conform to the City of Marlborough Conservation Commission requirements as stated in the Order of Conditions. (refer to Erosion Control Plan if part of submission)
  - ☐ All pavement markings and signs shall conform to MUTCD requirements
  - ☐ The contractor shall obtain a Street Opening Permit prior to any construction within the City right-of-way

### **Utility and Grading Plan (show appropriate info. from Existing Conditions and Construction Plan)**

- ☐ All proposed utilities including but not limited to Water, Sewer, Drainage, Electric, Telephone, Cable TV, Gas, Lighting, Septic Systems, Detention Structures
  - ☐ Adequate utility information outside the site to verify proposed utility connections
  - ☐ All utility pipe types, sizes, lengths, and slopes
  - ☐ All utility structure information including rim and invert elevations
  - ☐ All water services, hydrants, gates, shutoffs, tees
  - ☐ Utilities shall be underground if possible
  - ☐ All transformer locations
  - ☐ Required utility easements with bearings and distances
  - ☐ Minimize utility crossings (show locations of crossings and verify clearance)
  - ☐ 5' horizontal separation between all utilities (10' between water and sewer)
  - ☐ Utility crossing and separation including gas, underground power and communications must be installed as shown or get approval from DPW prior to changes
- ☐ See Recommended Force Main Requirements if force main is proposed
- ☐ Sewer Connection/Extension Permitting (if any of the following apply)
  - ☐ Proposed site generates industrial waste
  - ☐ Proposed flows exceed 15,000 gallons/day
  - ☐ Pump Station
  - ☐ Extension of sewer main
- ☐ Sewer system
  - ☐ Show and label service connections for each building.
  - ☐ Services shall be min. 6" diameter.
  - ☐ Minimum pipe slope shall be 1%.
  - ☐ Maximum pipe slope shall be 9%.
- ☐ Water main loop for large site (as determined by Site Plan Review Committee or by DPW)
- ☐ Water system

## **SUBDIVISION PLAN CHECKLIST**

- ☐ Show and label service connections for each building.
- ☐ Services shall be HDPE or copper and ¾ inch diameter size min.
- ☐ Show all intersections gated three ways.
- ☐ Hydrants with anchor tee and gates located every 500' min.
- ☐ Show all mainline gates every 1000' min.
- ☐ Fire protection sized for use-Provide calculations if required
- ☐ Foundation Drain (if used)
  - ☐ Minimum drain size shall be 6" diameter with a backwater trap
  - ☐ Show overflow outfall
  - ☐ Preferred discharge is to an infiltration system.
  - ☐ Discharge to detention basin or other outfall shall be above the 100 year storm event elevation.
- ☐ Provide stationing for all roadways and sewer or drain cross country runs (typ.)
- ☐ Provide profile for all roadways and sewer or drain cross country runs (typ.)
- ☐ Sections through detention basin(s)
- ☐ Include the following notes:
  - ☐ The contractor shall obtain a Street Opening Permit prior to any construction within the City right-of-way
  - ☐ All water and sewer material and construction shall conform to the City of Marlborough requirements (see Street Opening Permit)
  - ☐ All water and sewer construction shall be inspected by the City Of Marlborough before being backfilled
  - ☐ The City shall be notified at least 24 hours prior to the required inspections
- ☐ See Drainage Report Checklist for drainage and detention basin requirements

### **Landscape Plan (show appropriate information from Existing Conditions and Construction Plan)**

- ☐ Proposed landscaping per Buffer and Parking Lot Planting Zoning Requirements
- ☐ Plant and tree legend including species that are proposed to be planted
- ☐ Indicate areas to be loamed and seeded
- ☐ Proposed irrigation (on-site wells to be used unless otherwise approved)
- ☐ Verify sight distances at entrances

### **Erosion Control Plan (show appropriate information from Existing Conditions and Construction Plan)**

- ☐ Haybale/silt fence combination
- ☐ Anti-tracking area at all construction entrances
- ☐ Protect existing and proposed drainage structures with silt sacks including downstream off site drainage structures that could receive runoff
- ☐ Include the following notes:
  - ☐ All erosion control measures shall be in place prior to construction. Erosion Control shall conform to the City of Marlborough Conservation Commission requirements as stated in the Order of Conditions.
- ☐ Delineate all stockpile areas
- ☐ Provide safety fencing around stockpiles over 10' in height or otherwise restrict site access

### **Detail Sheets (typical details) as appropriate**

- ☐ Pavement Section Detail
- ☐ Sidewalk Detail
- ☐ Curb Detail
- ☐ Driveway Detail
- ☐ Wheel Chair Ramp Detail
- ☐ Concrete Pad Detail
- ☐ Silt Sack Detail
- ☐ Catch Basin Detail\*
- ☐ Drainage Manhole with Stair Detail\*
- ☐ Culvert section Detail
- ☐ Drain Trench Detail (12" ½" minus gravel backfill envelope-5 feet cover min.)
- ☐ Water Trench Details (12" sand envelope – 5 feet cover min.)
- ☐ Sewer Trench Details (12" ¾ - inch stone envelope)
- ☐ Sewer Manhole Detail (26" cover)

## SUBDIVISION PLAN CHECKLIST

- ☐ 5' inside Diameter Sewer Manhole with stairs Detail\*
- ☐ Detention Basin Sections (show section on plan-See also Drainage Report Checklist)
  - ☐ Note provided "As determined necessary by City Engineer to be designed and inspected by a Licensed Professional Geotechnical Engineer and stamped certification of proper design and inspection shall be provided to the City Engineer after installation and prior to as-builts being approved".
  - ☐ Show Fence with access gate (Outside 10' level area) around detention basin (typ.)
  - ☐ Show 10 foot wide level access around entire basin for maintenance
  - ☐ Provide groundwater elevations
  - ☐ Show providing for 1 foot of freeboard.
  - ☐ Provide concrete anti-seepage collar in basin berm around discharge pipe
  - ☐ Impervious core material keyed into existing subgrade within berm
  - ☐ 3:1 basin side slopes
  - ☐ Detention basin sections from inlet to outlet showing all storm event elevations
  - ☐ Emergency overflow spillway made of rip rap
  - ☐ Basin inlet shall have flared end with rip rap apron
- ☐ Outfall Structure Detail
  - ☐ All outfall elevations
  - ☐ Show a low flow discharge and grated top
  - ☐ Provide a trash rack in front of inlet
  - ☐ Discharge shall have flared end with rip rap apron
- ☐ Miscellaneous Detention Basin Details
- ☐ Flared End Detail
- ☐ Rip Rap Detail
- ☐ Haybale/Silt Fence Detail
- ☐ Light Pole Foundation Detail
- ☐ Retaining Wall Details
  - ☐ Note: walls over 4' in height shall be permitted through the Building Department
- ☐ Tree/Shrub Planting Detail
- ☐ Sign Detail
- ☐ Fence Detail
- ☐ Flowable Fill Trench
- ☐ Pavement Marking Details
- ☐ Handicap Parking/Compact Parking Signs
- ☐ Water service (note: Curb stops open right) no drip).
- ☐ Utility Crossing detail.
- ☐ Hydrant Detail anchor tee with gate (Mueller-open right)
- ☐ Tapping Sleeve and gate (open right)
- ☐ Thrust Block Detail
- ☐ Light Pole Foundation Detail

\*All structures shall be raised min 2 course using red clay brick and sealed mortar (typ.) or approved rubber adjustment rings (min 4" height)



**FORM B**  
**SUBDIVISION STATUS DATA FORM**  
 (A general guide for processing of subdivisions plans)

Procedural Steps for Subdivision Approval (Under Subdivision Control Law, Sections 81-K to 81-GG, Chapter 41, G.L. and the Planning Board's Subdivision Rules and Regulations)

\_\_\_\_\_  
 Name and location of development

\_\_\_\_\_  
 Plan entitled

\_\_\_\_\_  
 Prepared by

\_\_\_\_\_  
 Dated

\_\_\_\_\_  
 Applicant (Owner, his agent or representative) Address

Total acreage \_\_\_\_\_ Number of lots \_\_\_\_\_ Zone \_\_\_\_\_

**PRELIMINARY PLAN SUBMISSION** (Recommended, but not mandatory under the law)

**DATES**

1. Preliminary Plan and application form filed with Planning Board \_\_\_\_\_
2. Copy of Preliminary Plan filed by applicant with Board of Health & Conservation Commission \_\_\_\_\_
3. Notice by applicant to [Town/City] Clerk that he has submitted Preliminary Plan to Planning Board \_\_\_\_\_
4. Board of Health notice to applicant and [Town/City] Clerk:
  - ( ) Plan Approved
  - ( ) Approved with modifications
  - ( ) Plan Disapproved (Detailed reasons must be given within 60 days after submission of plan in the case of disapproval)
5. Board of Health notice to Planning Board of its action \_\_\_\_\_
6. Planning Board at its meeting
  - a. Reviewed the plan (See Subdivision Regulations what the plan must show) \_\_\_\_\_
  - b. Determined that plan represents subdivision requiring approval by Planning Board \_\_\_\_\_
  - c. Voted on the plan \_\_\_\_\_:
    - ( ) Approved
    - ( ) Modified and approved
    - ( ) Disapproved (Detailed reasons must be given)
7. Planning Board notice to applicant of its action by mail (Within 60 days after filing of plan) \_\_\_\_\_
8. Planning Board notice to [Town/City] Clerk of its action \_\_\_\_\_ (within 60 days after submission of plan)

**DEFINITIVE PLAN** (Final plan of land on mylar)

\_\_\_\_\_  
Plan entitled \_\_\_\_\_ Prepared by \_\_\_\_\_ Dated \_\_\_\_\_

9. Definitive plan submitted and application form filed with Planning Board by: \_\_\_\_\_

( ) Delivery ( ) Mail ( ) Fee Paid

10. Print of definitive plan filed by applicant with Board of Health \_\_\_\_\_

11. Notice by applicant to [Town/City] Clerk that he has submitted definitive plan to Planning Board  
\_\_\_\_\_

12. Planning Board at its meeting:

a. Reviewed the plan \_\_\_\_\_

b. Determined that plan represents subdivision of land requiring Planning Board Approval \_\_\_\_\_  
(See Section 81-L for definition of "subdivision")

c. Set public hearing for \_\_\_\_\_

13. Public Hearing advertised by Planning Board on \_\_\_\_ and on \_\_\_\_ in \_\_\_\_\_ (Newspaper)  
(In a newspaper of general circulation in [Town/City], once in each of two successive weeks, the first publication at least 14 days before the day of hearing.)

14. Copies of advertisement sent to:

a. Applicant \_\_\_\_\_

b. Abutters (as appearing on most recent tax list) \_\_\_\_\_

c. Board of Selectmen \_\_\_\_\_ (A recommended procedural step but not mandatory under the law)

15. Board of Health report received (Failure to report in 45 days is deemed approval but only in case subdivision is to be serviced by municipal sewerage)

( ) Plan approved

( ) Conditionally approved

( ) Disapproved (Specific findings and recommendations required as to lots which can not be used for building sites).

16. Public Hearing held by Planning Board \_\_\_\_\_ (Must be held well within 60 days. See item 18)

17. Vote taken by Planning Board at meeting held on \_\_\_\_\_. (Not before approval of plan by Board of Health except \_\_\_\_\_ subdivision serviced by municipal sewerage in which case Board of Health's failure to act in 45 days is deemed approval by that Board.)

( ) Plan approved

( ) Conditionally approved

( ) Modified and approved

( ) Disapproved (Detailed reasons must be given)

18. Certificate of its action filed by Planning Board \_\_\_\_\_ with [Town/City] Clerk (Failure to file within 60 days after submission of plan is deemed approval).

19. Planning Board notice of its action to applicant by certified or registered mail. \_\_\_\_\_



20. Performance bond or deposit in amount of \$ \_\_\_\_\_ or covenant filed with Planning Board (Amount set by Planning Board to cover cost of construction of roads, etc. under subdivision regulations.)
21. Bond, deposit or covenant sent to [Town/City] Counsel for approval. \_\_\_\_\_
22. Bond, deposit or covenant returned by [Town/City] Counsel \_\_\_\_\_  
Approved \_\_\_\_\_ Disapproved \_\_\_\_\_
23. Bond, deposit or copy of recorded (by applicant) covenant filed with [Town/City] Clerk (Must be completed before next step can be taken). \_\_\_\_\_
24. Planning Board's approval endorsed on plan (lien) \_\_\_\_\_ by majority of the Board (not before 20 days after plan approval by the Board without notice of approval to the Superior Court, so certified by [Town/City] Clerk on the plan).
25. Endorsed plan of land (lien) returned to applicant \_\_\_\_\_ for recording in Registry of Deeds or Land Court.
26. Plan of land recorded by applicant with Register \_\_\_\_\_ of Deeds or Land Court (Must be done within 6 months after endorsement).
27. Notice of recording of plan received from applicant (A recommended procedural step but not mandatory under the law) (Photostat copy of recorded plan serves as notice). \_\_\_\_\_
28. Notice from applicant as to completed work ready for inspection. \_\_\_\_\_
29. Notice to DPW Superintendent/Engineer by Planning Board requesting inspection of work completed.  
\_\_\_\_\_
30. Notice from DPW Superintendent/Engineer that inspection has been made. \_\_\_\_\_  
Construction approved ( ) not approved ( )
31. Notice from applicant that all required improvements have been constructed. \_\_\_\_\_
32. A copy of the above notice from applicant mailed by Planning Board to Board of Health \_\_\_\_\_
33. Notice from Board of Health to Planning Board that all required work has been completed in accordance with recommendations of the Board of Health and to their satisfaction (To be detailed if not so completed) \_\_\_\_\_
34. Planning Board determines at its meeting held on \_\_\_\_\_ that the required work is:  
( ) Completed  
( ) Not completed (Specify in detail to applicant and [Town/City] Clerk by certified mail. Failure to do so within 45 days from receipt of notice from applicant that work is completed, is deemed approval.
35. Planning Board at its meeting held on \_\_\_\_\_ voted to:  
( ) Release bond, deposit or covenant  
( ) Reduce the amount of bond or deposit

36. Notice from Planning Board to [Town/City] Clerk and applicants: \_\_\_\_\_
- ( ) Bond, deposit or covenant is released
  - ( ) Amount of bond or deposit is reduced

# Chapter A676

## SUBDIVISION REGULATIONS

[HISTORY: Adopted by the Planning Board of the City of Marlborough 6-25-1970; as amended through 13 September 2021 (Ch. A203 of the 1986 Code). Subsequent amendments noted where applicable.]

## GENERAL REFERENCES

Department of Public Works — See Ch. 7, Art. IV.

Planning Board — See Ch. 19, Art. I.

Building and site development — See Ch. 270.

Stormwater Management — See Ch. 271

Fire hydrants — See Ch. 333.

Poles, wires, and conduits — See Ch. 473.

Sewers — See Ch. 510.

Sewers; Storm — See Ch. 511.

Soil removal — See Ch. 534.

Solid waste — See Ch. 540.

Streets and sidewalks — See Ch. 551.

Water — See Ch. 608.

Wetlands — See Ch. 627.

Zoning — See Ch. 650.

- Limited Development Subdivisions – See Ch. 650-30.
  - Open Space Development – See Ch. 650-28.
-

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## Article I - General Provisions

### § A676-1 Authority.

Under the authority vested in the Planning Board of the City of Marlborough by MGL c. 41, § 81O, said Board hereby adopts these rules and regulations governing the subdivision of land in the City of Marlborough. These regulations shall be effective after approved and certified by the Register of Deeds and Recorder of Land Court.

The current version of the Planning Board Rules and Regulations were adopted by the Marlborough Planning Board on 13 September 2021 and have been recorded at the South Middlesex Registry of Deeds, Book 79342 Pages 83. A copy of the current version of the Planning Board Rules and Regulations are available at the Marlborough City Clerk's Office and the City Engineer's Office or may be obtained on the City of Marlborough's website: [www.marlborough-ma.gov](http://www.marlborough-ma.gov).

## Article II - Definitions; Applicability

### § A676-2 Definitions.

As used in these Rules and Regulations, the following terms shall have the meanings indicated, the word "shall" is intended to be mandatory, the word "may" is merely permissive, the singular includes the plural, the plural includes the singular, and the present tense includes the future and other words and phrases have the following meanings:

#### AGENT

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

#### APPLICANT

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

#### BOARD

The Planning Board of the City of Marlborough.

#### CALIPER

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

#### DIAMETER BREAST HEIGHT (DBH)

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

#### DEVELOPER

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

## GENERAL LAWS

(Abbreviated MGL.) The General Laws of Massachusetts. In case of rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections of the new codification.

## LANE

A secondary street which serves as access to no more than eight potential dwelling units, has lot frontages averaging 150 feet or more, and is incapable of extension.

## LOT

An area of land in one ownership, with definite boundaries ascertainable or to be ascertainable of record and used or set aside and available for use as the site of one or more buildings and buildings accessory.

## MUNICIPAL SERVICES

Sewers, surface water drains, water pipes, and their respective appurtenances.

## OWNER

As applied to real estate, the person or persons holding the ultimate fee-simple title to a parcel, tract, or lot of land, as shown by the record in the appropriate Land Registration Office. Registry of Deeds or Registry of Probate. All legal actions and dealing must be made with the owner(s).

## PLAN or DEFINITIVE PLAN

The plan of a subdivision as submitted (with appropriate application) to the Board for approval, to be recorded in the Registry of Deeds and/or Land Court when approved by the Board, and such plan when approved and recorded, all as distinguished from a preliminary plan.

## PRELIMINARY PLAN

A plan of a proposed subdivision or a resubdivision of land prepared in accord with Article III to facilitate proper preparation of a definitive plan.

## PRESENTER

The person who formally appears before the Planning Board with an item for consideration.

## RECORDED LAND

Recorded land is by far the most common title system, comprising around ninety percent of the properties in the Commonwealth. This is the system whereby documents are sequentially recorded in books that are printed by the registrars of deeds in each county. When one book fills up, a new book is created, bound, and placed in proper order according to dates and times of recording.

## REGISTERED LAND

Title is certified by the Commonwealth with the description of the land and a list of all encumbrances found on a certificate of title issued by the Land Court. Documents affecting such land must be filed with the Registry District of the Land Court having jurisdiction over the county (or portion of the county) in which the land is located. Legal descriptions of registered land will include a reference to a Land Court Plan, and documents accepted for filing (such as mortgages and easements) will be assigned a Document Number, rather than a book and page number. It is not unusual for a property to be comprised of both parcels of registered land and parcels of non-registered land (sometimes referred to as "recorded land"). In such cases, all documents affecting the property, such as deeds, mortgages,



and easements, must be both filed with the Registry District of the Land Court and recorded with the Registry of Deeds.

#### ROADWAY

That portion of a way which is designed and prepared for vehicular travel.

#### STREET, SECONDARY

A street which in the opinion of the Board is being used or will be used primarily to provide access to abutting lots.

#### STREET, MAJOR

A street which in the opinion of the Board is being used or will be used as a thoroughfare between different portions of the City of Marlborough or which will otherwise carry a heavy volume of traffic.

#### SUBDIVISION

- A. Subdivision shall mean the division of a tract of land into two or more lots and shall include resubdivision and, when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if at the time when it is made every lot within the tract so divided has frontage on: a) a public way or a way which the Clerk of the City certifies is maintained and used as a public way; or b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or c) a way in existence when the Subdivision Control Law became effective in the city in which the land lies, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance, if any, of said city for erection of a building on such lot.
- B. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the city in which the land lies into separate lots on each of which one of such building remains standing, shall not constitute a subdivision.

#### TREE, SHADE

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

#### TREE, STREET

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

#### WAY

The entire width of the layout.

## Article III - Submission and Approval of Plans

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

#### A. Submission of plan.

- (1) Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan and who believes that their plan does not require approval under the Subdivision Control Law may submit two single matte three mil mylar copies of the plan and nine copies thereof, dark line on white background. with application Form A (see Appendix A) and all applicable fees (see Appendix K), to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. An electronic copy of their plan shall also be submitted to the City Engineer's Office, in a format acceptable to the City\_Engineer. For the purpose of establishing the official submission date, said submission date shall be the date the plan was presented to the Planning Board at a regularly scheduled meeting of the Planning Board. The Planning Board suggests the applicant meet with the Engineering Department to review the plans and forms for format and completeness prior to said submission to the Planning Board as outlined above. Said person shall also file, by delivery or registered mail, a notice with the City Clerk stating the date of submission for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the City Clerk shall, if required, give a written receipt therefor.
- (2) Said plan shall contain the following information:
  - (a) Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan.
  - (b) In the case of the creation of a new lot, remaining frontage shall be shown.
  - (c) Plan shall contain statement "Approval under the Subdivision Control Law Not Required" and provide space for date and signature by the Board.
  - (d) Notice of any decisions by the Zoning Board of Appeals.
  - (e) Location of all buildings.

#### B. Endorsement of plan not requiring approval.

If the Planning Board determines that the plan does not require approval, it shall, without a public hearing and without unnecessary delay, endorse the plan under the words "Approval under the Subdivision Control Law Not Required." One endorsed copy of the plan or plan set will be returned to the applicant. The other mylar copy of the plan or plan set will be retained by the Department of Public Works – Engineering Division, and the Planning Board shall notify the City Clerk in writing of its action.

#### C. Determination that plan requires approval.

If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it will so inform, in writing, the applicant and return the plan. The Planning Board will also notify the City Clerk, in writing, of its action.

D. Failure of Board to act.

If the Planning Board fails to act upon a plan submitted under this section or fails to notify the Clerk of the City and the person submitting the plan of its action within 21 days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the City Clerk shall issue a certificate to the same effect.

§ A676-4 Definitive plan required.

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the City, or proceed with the improvement for sale of lots in a subdivision or the construction of ways or preparation therefor or the installation of utilities and municipal services therein, unless and until a definitive plan of such subdivision has been submitted and approved by the Planning Board as hereinafter provided.

§ A676-5 One Single-family dwelling on a lot.

(Reserved)

§ A676-6 Reserved.

§ A676-7 Adequate access.

A. General.

- (1) No plan shall be endorsed as not requiring approval under the Subdivision Control Law and no subdivision plan shall be approved unless each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, MGL c. 41, §§ 81K through 81GG.
- (2) In circumstances where adequate access does not exist, in the opinion of the Planning Board, to a proposed building lot(s) said not to require approval, the Board shall require the filing of a subdivision plan and may impose obligations on the developer to ensure that said access is made sufficient to serve the potential needs of said lot.
- (3) Easement vs fee interest.

All land required for access to a subdivision and all proposed lots depicted on the Definitive Subdivision Plan, must be held in fee by the Owner(s).

B. Standards of adequacy.

- (1) Streets within a subdivision.

Streets within a subdivision shall be considered to provide adequate access if and only if complying with the standards established in this section.

- (2) Ways abutting, serving, or leading to a subdivision.



Ways outside a subdivision and providing access to the streets within a subdivision, or providing access to lots said not to be within a subdivision, shall normally be considered adequate only if there is assurance that, prior to construction on any lots, access will be in substantial compliance with the following for a length along the existing roadway to be determined by the Planning Board:

Access Requirements for Existing Roadway:

<i>Development Potentially Served</i>	<i>&lt;= 8 Dwelling Units</i>	<i>9 to 49 Dwelling Units</i>	<i>&gt;= 50 Dwelling Units or Business &amp; Industry</i>
Minimum Right-of Way width	N/A	N/A	N/A
Surface Type	3 inches bituminous concrete	3 inches bituminous concrete	3 inches bituminous concrete
Minimum travelled width	22 feet	26 feet	32 feet
Minimum sight distance	200 feet	200 feet	400 feet
Maximum grade	12%	11%	9%

C. Obligations.

- (1) The Board may require, as a condition of its approval of a subdivision plan, that the developer dedicate or acquire and dedicate a strip of land for the purpose of widening accessways to a width as required in Subsection B above, and that the applicant either make physical improvements within such way or compensate the City for the cost of such improvements in order to meet the standards specified in Subsection B above.
- (2) In circumstances where a way is not considered sufficient to serve the potential needs of a lot shown on a plan said not to require approval, the Planning Board shall not endorse said plan and shall instead require the filing of a subdivision plan and shall impose appropriate obligations as noted above.

D. Waivers.

The Board may waive strict compliance with these requirements only upon its determination following consultation with the City Engineer, City Planner, Police Chief, Fire Chief and Mayor that the way in fact will be sufficient to serve the needs for access and utilities to serve potential needs of land abutting on or served by the way in question.

§ A676-8 Fees and expenses.

To reimburse the City for the cost of plan processing, review, and other costs, fees as specified in Appendix K shall be tendered to the City by the applicant. Said fees shall be tendered at the time of application together with the application (Form A, B or C) and shall constitute a part thereof, and at other times as specified in Appendix K.

## § A676-9 Preliminary plan.

### A. General.

- (1) A preliminary plan of a subdivision may be submitted by the subdivider to the Planning Board and to the Board of Health for discussion and approval, modification, or disapproval, by each board. The submission of such a preliminary plan, which is not a binding commitment, will enable the subdivider, the Planning Board, the Board of Health, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in each case. An electronic copy of the plan shall also be submitted to the City Engineer's Office in a format acceptable to the City Engineer. For the purpose of establishing the official submission date, said submission date shall be the date the plan was presented to the Planning Board at a regularly scheduled meeting of the Planning Board.
- (2) A properly executed application Form B (see Appendix B) shall be filed with the preliminary plan submitted to the Planning Board along with all applicable fees (see Appendix K). The applicant shall also file by delivery or registered mail a notice with the City Clerk stating the date of submission for such approval of a preliminary plan and accompanied by a copy of the completed application Form B.
- (3) Any subdivision proposed with registered land shall comply with all applicable laws and the current land court guidelines.

### B. Contents.

The preliminary plan shall be drawn at a suitable scale, preferably 40 feet to the inch, and five full size prints of it shall be filed with the Planning Board along with eight half scale prints for Planning Board members and one print shall be filed with the Board of Health. The plan shall be designated as a "preliminary plan," and to form a clear basis for discussion of the problems of the subdivision and for preparation of the definitive plan, the plan should contain the following:

- (1) Major features of the land such as existing walls, fences, buildings, large trees— 12 inches in diameter or greater @DBH, wooded areas, outcroppings, ditches, the subdivision name, boundaries, North point, date, scale, legend, and title "preliminary plan."
- (2) The names of the record owner of the land and the applicant or subdivider and the name of the designer, engineer or surveyor who made the plan.
- (3) The names of all property owners within 100 feet of the subject property, as determined from the most recent local tax list.
- (4) The existing and proposed lines of streets, ways, easements, and any public areas within the subdivision, in a general manner.
- (5) The proposed system of drainage, including adjacent existing natural waterways, in a general manner.
- (6) The approximate boundary lines of proposed lots, with approximate areas and dimensions.
- (7) The names, approximate location, and widths of adjacent streets.
- (8) The topography of the land with a maximum contour interval of two feet based on the U.S. Coast and Geodetic NAVD88 Datum. The origin of said topography shall be noted on the plan.
- (9) The profiles of existing grades and approximate proposed finished grades of the roadway drain and sewer utilities.

(10) The water distribution system.

(11) Comparative impact analysis.

A comparative impact analysis shall be submitted for any subdivision creating frontage potentially allowing 10 or more dwelling units and in other cases where the Board determines it appropriate in light of special circumstances. If a preliminary plan is filed, the analysis shall be submitted during the preliminary plan process. If a preliminary plan is not filed, the analysis shall be filed during the definitive plan process.

(a) Alternatives.

The analysis shall include a minimum of two layouts, which shall be considered as alternatives. The alternative layouts shall be substantially different, practical and conform to the requirements for a preliminary plan or a definitive plan, if applicable. If the Zoning Ordinance allows flexibility in lot area or dimensions, then one of the development alternatives shall attempt to optimize the intent of said flexibility as stated in the Zoning Ordinance.

(b) Scope.

The scope of such analysis, including development alternatives to be compared and consequences to be studied, shall be proposed by the applicant for review and approval by the Planning Board. The applicant shall consult with the City Engineer, Conservation Officer, and other city departments or agencies that the Planning Board deems necessary regarding the scope and said officials shall submit their recommendations regarding the scope to the Planning Board. After due consideration of said recommendations, the Planning Board may waive any or all the requirements for an analysis only when it is found that no useful purpose would be served thereby, as when the characteristics of the site preclude substantially different layouts, or when the applicant has provided assurance that the Planning Board's stated concerns will be met. The Planning Board may issue guidelines for the preparation of an analysis, including types of technical data that will be accepted.

(c) Mitigation.

Possible measures for mitigation shall be outlined with the preliminary plan if the analysis is submitted during the preliminary plan. However, specific measures for mitigation do not have to be proposed until the definitive plan.

(d) Differences.

The analysis shall indicate differences between the alternatives regarding the following, unless requested otherwise by the Planning Board:

[1] Groundwater and surface water.

Impact upon groundwater and surface water quality and level, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer and other activities within the development,

[2] Wildlife and botanical features.

Material effects upon important wildlife habitats, and outstanding botanical features, including wildlife corridors, and relationships to and through adjacent properties,

[3] Soil and vegetation.

Capability of soils, vegetative cover and proposed erosion control efforts to support proposed development without danger of erosion, silting or other instability,



[4] Public water supply and sewerage.

Impact upon City water supply and sewerage systems as existing or proposed to be improved by the developer,

[5] Streets and traffic.

Ability of streets providing access to the subdivision to safely provide such access, including measurement of sight distance at each intersection with proposed streets, impact of development traffic on the traffic level of service, gap acceptance analysis, and analysis of hazards owing to the limited sight distances, alignment or other characteristics of access roads, and

[6] Recreation, open space and scenic values.

Difference in potential recreation for residents of the site and general public. Impact upon open space preservation and values, including trail connections and scenic views from outside and inside the site and across the site.

(e) Decision.

The Planning Board shall determine and indicate to the applicant which layout is preferred during the preliminary plan process or, alternatively, the Board may defer its determination until the definitive plan process when further information may be submitted or required.

C. Approval.

The Planning Board, preferably with the advice of the Board of Health, may give such preliminary plan approval, with or without modification or suggestion. Such approval does not constitute approval of the subdivision but facilitates the procedures for preparing and securing final approval of the definitive plan. One copy of the preliminary plan will be returned to the subdivider.

## § A676-10 Definitive plan.

A. General.

Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:

- (1) An original drawing of the definitive plan, and twelve copies thereof, dark line on white background. The original drawing will be returned after approval or disapproval.
- (2) A properly executed application Form C (see Appendix C) and Petition for Approval of Final Plan, Form D (see Appendix D), along with all applicable fees (see Appendix K), including the name of the record owner of the land and the time within which the subdivider or applicant agrees to complete the ways and install the public utilities in the subdivision, and approval of all plans shall be upon the condition that all ways shown thereon and public utilities required by the Board shall be completed and installed within the time so specified. The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within two years of the date of approval of his definitive plan. If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the applicant or so required by the Board, no such way shall thereafter be laid out, constructed, completed or opened for public use unless and until an extension request of the approval of the Definitive Subdivision Plan is filed with and approved by the Board. Any surety securing the completion of the subdivision must be extended to run concurrently with the extension of the Definitive Subdivision Plan approval. Ways not completed or portions thereof

when the approval of the Definitive Subdivision Plan has expired shall thereafter be completed in accordance with the then-in-force construction standards of the Planning Board and the Department of Public Works of the City of Marlborough.

- (3) For the purpose of establishing the official submission date, said submission date shall be the date the plan was presented to the Planning Board at a regularly scheduled meeting of the Planning Board.
- (4) Comparative impact analysis.

Submit all information required under §A676-10.B if a preliminary plan has not been filed. The applicant is encouraged to prepare and submit a preliminary plan including the comparative impact analysis during the preliminary plan process instead of the definitive plan process. If the analysis was submitted at the preliminary plan stage, the Planning Board may require the applicant, or the applicant may submit on his own initiative, further information on said analysis which is necessary for purposes of reaching a determination as to the impact of the proposal and the selection of the preferred alternative layout by the Planning Board.

- (5) Any subdivision proposed with registered land shall comply with all applicable laws and the current land court guidelines.

B. Contents.

- (1) The definitive plan shall be prepared by a professional engineer and a professional land surveyor registered in Massachusetts and shall be clearly and legibly drawn in black ink on single matte three mil mylar. The plan shall be at a scale of one inch equals 40 feet, or such other scale as the Planning Board may accept to show details clearly and adequately, and shall include plans and profiles of each individual street at a scale of one inch equals 40 feet horizontal and one inch equals four feet vertical. All elevations shall refer to the U.S. Coast and Geodetic NAVD88 Datum. Sheet sizes shall be 24 inches by 36 inches including a one-inch border. There shall be an index sheet at a scale of one inch equals 100 feet, showing the entire subdivision and adjacent streets and dimensions of the lots and streets and lot numbers.

At least one of the 24"x36" prints shall have the significant features illustrated according to the following color scheme, and shall be used for presentation purposes:

<u>Feature</u>	<u>Identifying Color</u>	<u>Line type</u>
Roads	Dark Gray	Solid
Streams and water bodies	Blue	Solid
Wetlands	Green	Solid
100-year floodplains	Orange	Solid
Dedicated open space and recreation areas	Light Green	Dashed
Pedestrian and bicycle paths	Brown	Solid
Subdivision and lot boundaries	Black	Solid
Utility Easements	Red	Dashed
Landscape Easements	Brown	Dashed
Detention ponds – Flowage Easements	Green	Dashed

- (2) The definitive plan shall contain the following information:
  - (a) A title stating the date, scale, benchmark, North point, name and address of the record owner of the land, name and address of petitioner and of surveyor, name of proposed subdivision of land, if any, names of proposed streets and zoning classification and zoning district lines, if any, within the locus of the plan.

- (b) Location and ownership of abutting property as it appears in the most recent tax list.
- (c) Land abutting any limited access or controlled access highways shall show the words, "No Access," wherever applicable.
- (d) Major features of the land, such as existing waterways, natural drainage courses, walls, fences, buildings, large trees— 12 inches in diameter or greater @DBH, wooded areas, outcroppings and ditches, that exist on or near the site at the time of survey, and the limits of any resource areas as defined under MGL c. 131, §§ 40 and 40A, as determined by a professional wetland consultant.
- (e) Lines of existing and proposed streets, ways, lots, easements and public or common areas within the subdivision. The proposed names of proposed streets shall be shown in pencil until they have been approved by the City Engineer.
- (f) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. This shall include the lengths and bearings of plan and boundary lines of all subdivision lot lines, including lot frontage on the streets, or the boundary lines of all streets and easements, and the length, radii, agents and control angles of all curves in lot lines and street lines. All angle points or intersections of tangents along the street lines shall be shown. Areas of lots with lot numbers and areas of adjoining land of applicant not included in the subdivision will be shown.
- (g) Location of all permanent monuments properly identified as to whether existing or proposed.
- (h) Location, names and present widths of streets or private ways bounding, approaching or within reasonable proximity of the subdivision, showing both roadway widths and rights-of-way widths.
- (i) Indication of all easements, covenants or restrictions applying to the land and their purposes, whether or not within the subdivision.
- (j) If the property that comprises the subdivision or any part or boundary thereof has been examined, approved and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references to Land Court Procedure, and the same requirement shall apply to any adjoining parcels of land.
- (k) Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board (or officially authorized person).
- (l) Existing profiles on the exterior lines drawn in fine black line, dotted for left and dashed for right side, and proposed profile of the center line drawn in fine black solid line of proposed streets at a horizontal scale of one inch equals 40 feet and vertical scale of one inch equals four feet or such scale acceptable to the Planning Board. At least two benchmarks are to be shown on plans and profiles, and grade elevations at every fifty-foot station, except in vertical curves, which shall be at every twenty-five-foot station. All existing and proposed intersections shall be shown with all proposed grade elevations calculated. Elevations shall refer to U.S. Coast and Geodetic NAVD 88 Datum only. Gradient shall be shown by figures expressed in percent.

(m) Size and location of existing and proposed water supply (mains and their appurtenances); size and location of all underground conduit and appurtenances; hydrants, sewer pipes and their appurtenances and/or sewage disposal systems; streetlight locations; storm drains and their appurtenances, and easements pertinent thereto and dimensions of gutters, including data on springs and percolation tests made, and method of carrying water to nearest watercourse or easements for drainage as needed, whether or not within the subdivision. If surface water drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the petitioner or subdivider, the latter shall clearly indicate what course the discharge will take and shall present to the Board evidence from the Commissioner of Public Works or the owner of adjacent property that such discharge is permitted by public or private ownership of adjacent street or property.

(n) Hydraulic and hydrologic calculations shall be prepared by a registered professional engineer in accordance with the requirements of the City Engineer.

A Stormwater Management Design Report showing that measures to mitigate stormwater impacts of the proposed subdivision have been designed, and that such measures meet the requirements set forth in the Stormwater Management Standards promulgated by the DEP under the Clean Water Act, M.G.L. c. 21, Sections 26-53 and its accompanying regulations 314 CMR 9.0 Water Quality Certification for Discharge of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters within the Commonwealth; and 310 CMR 10.0 Wetlands Protection Act Regulations.

An approved Stormwater Management Design Report shall be used to create a Stormwater Management Plan.

(o) All trees over 12 inches DBH within the subdivision shall be evaluated for health and structural integrity by a Certified Arborist hired by the Applicant and approved by the Planning Board.

A report, prepared by the Certified Arborist, shall be utilized by the design engineer to minimize the number of such trees that would be removed in order to facilitate the design of the subdivision. The report shall be presented to the Planning Board when the Definitive Subdivision Plan is presented to the Planning Board.

This information shall be used to create a Tree Preservation and Protection Plan.

(p) Cross sections typical of each street or roadway to be constructed.

(q) Location of proposed sidewalks.

(r) In tabular form, on the cover sheet of the subdivision plans, the following information in the format shown below: the area which is being subdivided, the total area of lots, the area dedicated for street purposes and municipal easements, and the areas reserved for parks, schools, etc.



SUBDIVISION NAME: \_\_\_\_\_

(1) Total area of original tract shown on this plan equals \_\_\_\_\_ square feet, \_\_\_\_\_ (acres).

(a) Area in lots Nos. 1, 2, 3, etc. equals \_\_\_\_\_ square feet.

(b) Area in streets A-B-C equals \_\_\_\_\_ square feet.

(c) Area in easements equals \_\_\_\_\_ square feet.

(d) Area reserved for parks, schools, etc. equals \_\_\_\_\_ square feet.

Total area of subdivision equals \_\_\_\_\_ square feet, \_\_\_\_\_ (acres).

[Should equal (1) above.]

(2) Streets:

A Street Station \_\_\_\_ to station \_\_\_\_ equals \_\_\_\_\_ square feet.

B Street Station \_\_\_\_ to station \_\_\_\_ equals \_\_\_\_\_ square feet.

C Street Station \_\_\_\_ to station \_\_\_\_ equals \_\_\_\_\_ square feet.

Total area of streets equals \_\_\_\_\_ square feet.

[Should equal (1)(b) above.]

(3) Easements:

Water Station \_\_\_\_ to station \_\_\_\_ equals \_\_\_\_\_ square feet.

Sewer Station \_\_\_\_ to station \_\_\_\_ equals \_\_\_\_\_ square feet.

Drainage Station \_\_\_\_ to station \_\_\_\_ equals \_\_\_\_\_ square feet.

Flowage Station \_\_\_\_ to station \_\_\_\_ equals \_\_\_\_\_ square feet.

Utility Station \_\_\_\_ to station \_\_\_\_ equals \_\_\_\_\_ square feet.

Landscape Station \_\_\_\_ to station \_\_\_\_ equals \_\_\_\_\_ square feet.

Total area of easements equals \_\_\_\_\_ square feet.

[Should equal (1)(c) above.]

(4) Other Areas:

Park area (locate) \_\_\_\_\_ equals \_\_\_\_\_ square feet.

School area (locate) \_\_\_\_\_ equals \_\_\_\_\_ square feet.

Other (define and locate) \_\_\_\_\_ equals \_\_\_\_\_ square feet.

Total remaining area equals \_\_\_\_\_ square feet.

[Should equal (1)(d) above.]

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

(3) A grading plan with a maximum contour interval of two-feet depicting existing and proposed topographic conditions for the entire subdivision, including on- and off-site easements. Elevations on this plan shall refer to U.S. Coast and Geodetic NAVD 88 Datum. The City shall not accept any design or layouts unless based on an actual on-the-ground survey.

- (4) Written maintenance plan and monthly reports. A written maintenance plan for the subdivision rights-of-way, easements and roads for the time prior to acceptance by the City. The maintenance plan should include provision for the maintenance of road pavement, sidewalks, water and sanitary sewer, stormwater management, soil settling problems, street sweeping, snowplowing and clearing of snow from sidewalks and shared use paths, maintaining vegetative stabilization of all rights-of-way and easements, erosion controls, fall leaf clean up, catch basin cleaning and drainage system cleaning, watering and maintenance of street trees and other provisions as determined to be necessary by the Planning Board. A monthly maintenance report shall be provided the City Engineer five business days prior to the last scheduled Planning Board meeting in each month. The report shall comment on all elements of the written maintenance plan and address all remedial actions.

C. Review by Board of Health as to suitability of the land.

At the time of filing of the definitive plan, the subdivider shall also file with the Board of Health two copies of the definitive plan, dark line on white background. The Board of Health shall, within 45 days after filing of the plan, report to the Planning Board in writing approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health and include such specific findings and the reasons therefor in such report, and where possible shall make recommendations for the adjustment thereof. Every lot shall be provided with a sewerage system or sewer connection satisfactory to the Board of Health and/or the Commissioner of Public Works.

D. Review by other City officials.

- (1) The Clerk of the Planning Board will transmit copies of the definitive plan to City officials other than the Board of Health as follows:
- (2) One copy each to the City Solicitor for review of easement and agreements, the Commissioner of Public Works, the City Engineer, the Fire Chief, Conservation Officer, the Postmaster, Historical Commission, and other city departments or agencies that the Planning Board deems necessary.
- (3) Before the definitive plan is approved, the Planning Board will obtain written statements from the above officials that the proposed improvements are laid out to their satisfaction in the following respects (or, if 35 days have elapsed since transmittal of the definitive plan by the Clerk of the Planning Board to the officials without such written approval, approval will be assumed):
  - (a) The City Engineer as to street names and the City Solicitor as to the form of easements, covenants and performance guarantees.
  - (b) The Commissioner of Public Works as to the design of the street system, location of easements, monuments and drainage system.
  - (c) The Commissioner of Public Works as to the design of the water system and, if applicable, the sewage system.
  - (d) The Postmaster as to the location of the mailboxes.
  - (e) The Historical Commission as to Historic Cultural Assets, Sites, and Structures.

E. Soil survey.

Where appropriate, the Planning Board may require soil surveys to establish the suitability of the land for the proposed storm and sanitary drainage installations.

F. Public hearing.

- (1) Before taking any action to approve, modify and approve, or disapprove a definitive plan, the Planning Board shall hold a hearing at which parties in interest shall have an opportunity to be heard, in person or by agent or attorney. Notice of the time and place of such hearing and the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the City once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing, or if there is no such newspaper in such City, then by posting such notice in a conspicuous place in the City Hall for a period of not less than 14 days before the day of such hearing. Notice shall also be provided to property owners within 500 feet of the subdivision.
- (2) The procedure that the Planning Board will follow with regards to approval, disapproval or modification of the final plan submitted by the petitioner will be that as set forth in MGL c. 41, § 81U, as amended. In summary, the Board, after receiving the final plan and profiles, will review the same to determine whether they are in compliance with its adopted rules and regulations, zoning ordinances, general ordinances, departmental regulations of the Commissioner of Public Works and the Board of Health, and other laws pertaining thereto.
- (3) Before final approval of the plan, the subdivider or petitioner shall comply with all reasonable regulations and rules of the Commissioner of Public Works and the Board of Health. Specific reference is made to the specifications for septic tanks which shall conform with the rules and regulations of the Board of Health.
- (4) Before final approval of the plan, the subdivider or petitioner shall see to it that lots in a definitive or final plan be in conformity with the existing zoning ordinances, and failure of the lots to so comply will be adequate grounds for disapproval of the final or definitive plan. See MGL c. 41, §81Q, and amendments thereto. The Board may, as a condition of granting a permit under §81Y, impose reasonable requirements designed to promote the health, convenience, safety and general welfare of the community and to benefit the City. In such event, the Board shall endorse such conditions on the plan to which they relate or set forth a separate instrument attached thereto to which reference is made on such plan and which shall, for the purpose of the Subdivision Control Law, be deemed to be a part of the plan.
- (5) Before final approval of a definitive plan of subdivision, the subdivider shall submit a municipal lien certificate, indicating that all taxes, assessments, and charges have been paid in full.

G. Guarantees.

- (1) Performance guarantee.

Before endorsement of the Board's approval of a definitive plan of subdivision, the subdivider shall agree to complete the required improvements specified in Article V for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods, which may from time to time be varied by the applicant with the written consent of the Planning Board.

- (a) Approval with bonds or surety. The subdivider shall either file a proper bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Article V not covered by a covenant under Subsection G hereof. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the City Solicitor and as to sureties by the City Treasurer and shall be contingent on the completion of such improvements within two years of the date of the bond. Once the bond or surety is in place, the lots for which legal

frontage has been provided for may be released from the Covenant by the Planning Board upon request of the subdivider and building permits may be issued by Inspectional Services.

(b) Approval with covenant.

1. The subdivider shall file a covenant, executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby such ways and services as specified in Article V, not covered by bond or deposit under Subsection G hereof, shall be provided to serve any lot before such lot may be built upon or conveyed other than by mortgage deed.
2. The developer shall also note on his definitive plan that any and all lots within the subdivision are subject to the restrictions of the covenant.
3. The developer may request a release of conditions for lots where the required improvements have been completed for that section of roadway beginning at any intersection with a City road and abutting lots up through the last lot to be released. Lots may only be released if they abut a roadway the Planning Board deems functionally completed. In the absence of financial performance guarantees, adequate covenants will be held to ensure completion of the project, including record plans, street acceptance plans, site inspections, and legal work. In addition, a covenant on one lot which can be built on will be held until either a) the City has accepted all of the Definitive Plan's roadways as City streets, or b) said covenant has been exchanged in lieu of the cash value (as determined by the Planning Board) of the lot. Covenant shall be inscribed on the Definitive Plan or in a separate document referred to on the Plan and delivered to the Planning Board.

(2) Street acceptance guarantee.

Before endorsement of the Board's approval of a definitive plan of subdivision, the subdivider shall file a covenant, executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby one buildable lot of the subdivider's choosing shall be retained and may not be built upon or conveyed in any means until after the subdivider has met all requirements of the City to complete the street acceptance process. This covenant is separate and different from those used to guarantee performance.

H. Establishment and Adjustment of bond or surety.

(1) Deeding of developer's legal interests to City at establishment.

Immediately upon providing a bond or other security to construct an approved definitive subdivision plan, the developer shall deed to the City the subdivision road(s) as well as all municipal utility easements, if any. If any modifications to the approved definitive subdivision plan result in a re-location of any municipal utility, the developer shall, immediately upon installation of the re-located municipal utility, deed to the City the easement corresponding to the re-located municipal utility. The developer is also required to provide the City with a certificate of liability insurance, naming the City as an additional insured relative to the subdivision road(s) as well as all municipal utility easements, if any, to be deeded to the City.

(2) Adjustment at subdivider's request.

If the value of the work having been completed for construction of the subdivision is equal to or greater than 10% of the surety being held to complete the subdivision, the Developer may request that the penal sum of any such bond or the amount of any deposit held under Subsection G above may from time to time be reduced by the Planning Board and the obligations of the parties thereto released by said Board in whole or in part to a minimum of 10% of the total costs to complete the



required improvements specified in Article V. This minimum remaining 10% of bond or deposit shall be held by the City for one year after completion of construction and installation of services or until the streets are accepted by the City, whichever comes first. See Appendix K and Form H for fee structure and application form.

Similarly, the penal sum of any such bond or the amount of any deposit held under Subsection G above may be increased by the Planning Board.

Any reduction or increase hereunder shall be authorized pursuant to a recalculation to be done by the DPW's Engineering Division, of the amount then remaining in the applicable bond or deposit, said recalculation to be done on an annual basis for the costs of the work within a subdivision remaining to be completed. Said costs shall be the costs necessary to complete the required improvements as determined by the DPW - Engineering Division at the time of each such recalculation.

Should the Planning Board determine that the surety amount being held to complete the subdivision should change, the Planning Board shall notify the City Treasurer and the Developer of their decision. The Planning Board shall notify the surety of the Planning Board's actions and request an acknowledgement of the change in the amount of surety, if applicable.

(3) Annual adjustment.

The costs of the remaining work necessary to complete the required improvements within a subdivision as determined by the DPW - Engineering Division shall be calculated annually by DPW's Engineering Division. They shall reflect the costs at the time of each recalculation.

Should the Planning Board determine that the surety amount being held to complete the subdivision should increase, the Planning Board shall notify the City Treasurer and the Developer of their decision. The Planning Board shall notify the surety of the Planning Board's actions and request an acknowledgement of the change in the amount of surety, if applicable.

(4) Adjustment for required remedial action after lapse of time.

If more than two years has elapsed from the time that the developer has installed the base course of the subdivision road pavement to the time that the developer has scheduled to pave the top course., the planning Board may require that the developer take such remedial action as may be recommended to the Board by the DPW's Engineering Division, including but not limited to patching and crack sealing the pavement, or in more acute situations, reclaiming and reconstructing the subdivision road. The cost of any such remedial action would be added to the annual recalculation done by the DPW's Engineering Division. If a developer fails to take remedial action required by the Board, the Board is authorized to rescind or modify the definitive subdivision approval.

I. Release of performance guarantee upon completion of construction.

- (1) Upon the completion of all improvements required under Article V, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the applicant may send by registered mail, two copies to the City Clerk and one copy each to the DPW Commissioner, the City Engineer, the Board of Health, and the City Solicitor, a written statement in duplicate that the said construction and installation of services in connection with which such bond, deposit or covenant has been given has been completed in accordance with the requirements contained under Article V. Such statement must contain the address of the applicant. The City Clerk shall forthwith furnish a copy of said statement to the Planning Board.

Within 15 days of receipt of such statement, the following shall respond regarding compliance with the Board's Subdivision Rules and Regulations in place at the time the Board approved the definitive subdivision plan and may also recommend the termination of the Maintenance Period:

- (a) The Commissioner of Public Works shall respond as to the construction of all ways, the installation of water, sewer, drainage utilities, and sidewalks, installation of monuments, street signs, lights, gutters, and curbs, required grading and lot drainage, and planting and whether the condition of the subdivision road(s) and subdivision infrastructure are acceptable.
  - (b) The City Engineer shall respond as to the construction of the Stormwater Management facilities.
  - (c) The Board of Health shall respond as to the installation of sewage disposal facilities, if applicable.
  - (d) The City Solicitor shall respond as to receipt of executed deeds for the roadway layout and municipal easements and as to the Developer's Certificate of Title.
- (2) After receiving favorable written statements of compliance from the DPW Commissioner, the City Engineer, the Board of Health and the City Solicitor, and, if the Planning Board determines that said construction and installation of services has been satisfactorily completed and the Maintenance Period may be terminated, it shall notify the:
- (a) Developer that they should petition the City Council for Acceptance of the streets and the associated municipal easements.
  - (b) City Council, when requested, regarding its recommendation for Acceptance of the subdivision streets and the associated municipal easements including in such recommendation the expiration date of the developer's responsibility for maintenance of said way or portion thereof and that said way should be laid out as a public way with its maintenance the responsibility of the City.
  - (c) City Treasurer, Surety, the Developer, and the City Clerk in writing that it releases the interest of the City in such bond or deposit and that such bond or deposit shall be returned to the person or persons who furnished the same, or in the case of covenant, it shall issue a written release of the covenant suitable for recording.
- (3) If the Planning Board determines that said construction and installation of services has not been completed or does not receive the above written statements of compliance recommending approval or does not receive the deeds for all land and easements required have not been given to the City, it shall specify to the applicant, in writing, by registered mail, the details wherein said construction and installation fail to comply with requirements contained within these Rules and Regulations.
- The applicant shall have 30 days after receipt of such notice to correct all problems mentioned in the above or provide a detailed written plan of corrective action acceptable to the Planning Board. Failure of the applicant to finish all the necessary work within said 30 days shall cause the Planning Board to draw upon the bond or deposit of money to complete the work or make necessary repairs.
- (4) In the event the Planning Board does not make a determination regarding the status of construction and installation of services within 45 days after the receipt of the application by the City Clerk of the applicant's written statement, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty-five-day period expires without such specification or without the

release and return of the deposit or release of the covenant as aforesaid, the City Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

- (5) Notwithstanding anything above, in no instance shall bonding or covenants be released for the final road course and sidewalks until said work has withstood one full winter season. Partial or final release for this work may be requested of the Planning Board no sooner than April 1st of the calendar year subsequent to completion of way and walks.

J. Certificate of approval.

The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the City Clerk and sent by delivery or registered mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action and shall rescind such disapproval when the plan has been amended to conform to the rules, regulations and recommendations of the Planning Board. Final approval, if granted, shall be subject to the construction specifications contained herein and shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board) but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the City Clerk and said Clerk has notified the Planning Board that no appeal has been filed. After the definitive plan has been approved and endorsed, the Planning Board shall return the original to the applicant.

- (1) The Planning Board may agree to an extension of the minimum time normally required for action following submission of a definitive plan and action thereon, upon the written request of the applicant.
- (2) Approval of the definitive plan does not constitute the laying out or acceptance by the City of street(s) within a subdivision.

K. Decision.

After the public hearing, the Board in due course will approve, modify and approve, or disapprove the definitive subdivision plan submitted. Criteria for action by the Board shall be the following:

- (1) Completeness and technical adequacy of all submissions,
- (2) Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others because of possible natural disasters, traffic hazard, or other environmental degradation,
- (3) Conformity with the requirements of Article IV,
- (4) Determination and selection of preferred plan, based upon alternatives presented in the comprehensive impact analysis (where submitted), that the subdivision will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan; that all adverse impacts upon water, sewer and street systems will be adequately mitigated; and that recreation, open space and scenic values are adequately provided for,
- (5) Determination that access to the subdivision is adequate, as provided in §A676-8,
- (6) Conformity with all applicable zoning requirements, and
- (7) Consistency with the purposes of the Subdivision Control Law.

L. Street Acceptance.

1. After the Board has determined that construction and services installation was successfully completed, it is the responsibility of the applicant to ensure the ways are accepted by the City as public ways.

This will be secured by one, or in part by one and in part by the other, of the following methods, which may from time to time be varied by the applicant with the written consent of the Planning Board. This shall be submitted to the Board at the time of submission of the Detailed Plan and is in addition to any applicable fees (see Appendix K).

(a) Cash deposit or bond.

The subdivider shall either file a proper bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be equal to the value of one buildable lot in the subdivision. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the City Solicitor and as to sureties by the City Treasurer and shall be contingent on the subdivider meeting all requirements of the City to complete the street acceptance process. This cash deposit, bond or securities deposit is separate and different from those used to guarantee performance as required in paragraph G

(b) Covenant.

The subdivider shall file a covenant, executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby one buildable lot of the subdivider's choosing shall be retained and may not be built upon or conveyed in any means until after the subdivider has met all requirements of the City to complete the street acceptance process. This covenant is separate and different from those used to guarantee performance as required in paragraph G.

2. After the City determines the applicant has met all City requirements for street acceptance, it is the responsibility of the applicant to petition the City for release of any cash deposit, bond, security, and/or buildable lot retained.

## Article IV - Design Standards

### § A676-11 Design guidelines.

- A. All subdivisions shall be designed, and improvements made by the developer consistent with the requirements of Article IV.
- B. In addition, design and construction shall accomplish the following:
  - (1) Reduce, to the extent reasonably possible:
    - (a) Volume of cut and fill,
    - (b) Area over which existing vegetation will be disturbed, especially if within 200 feet of a river, pond or stream or having a slope of more than 15%,
    - (c) Number of mature trees 12 inches in diameter or greater @ DBH removed. The retention of mature trees shall be considered in the design of the subdivision and lot layout,
    - (d) Extent of waterways altered or relocated,



- (e) Erosion and siltation on the subdivision site shall be minimized and compliant with the City of Marlborough's Stormwater Management Ordinance (§271) and Storm Sewer Ordinance (§511). Illicit discharges onto the neighboring properties and streets is prohibited,
  - (f) Flood damage on the subdivision site shall be minimized and compliant with the City of Marlborough's Stormwater Management Ordinance (§271) and Storm Sewer Ordinance (§511). Illicit discharges onto the neighboring properties and streets is prohibited,
  - (g) Number of driveways exiting onto existing streets or ways rather than onto newly built or proposed subdivision roadways,
  - (h) Disturbance of important wildlife habitats, outstanding botanical features, and scenic or historic environs, and
  - (i) Impact on water and sewer facility's ability to service other development in the City.
- (2) Increase, to the extent reasonably possible:
- (a) Vehicular use of collector streets to void traffic on streets providing house frontages,
  - (b) Legal and physical protection of views from public ways,
  - (c) Street layout facilitating south orientation of houses, and
  - (d) Use of curvilinear street patterns.

## § A676-12 Streets.

### A. Location.

- (1) All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel and an attractive street layout to obtain the maximum safety and amenity for future residents of the subdivision, and they shall be in accord with the Rules and Regulations of the Commissioner of Public Works.
- (2) The proposed streets shall conform, so far as practicable, to any existing plans of the Planning Board and, when adopted by the Planning Board, to the Master or Study Plan or parts thereof adopted.
- (3) Provision satisfactory to the Planning Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided.
- (4) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where in the opinion of the Planning Board, such strips shall be in the public interest.

### B. Alignment.

- (1) Street jogs with center-line offsets of less than 150 feet shall be avoided whenever practicable.
- (2) The minimum center-line radii of curved streets shall be as follows:
  - (a) Other secondary streets and Lanes: 150 feet.
  - (b) Major Streets and Commercial/Industrial streets: 350 feet.
- (3) A center-line tangent section at least 150 feet in length shall separate all reverse curves on major streets and any reverse curves on secondary streets where the sum of their center-line radii is less than 500 feet.
- (4) Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60°.

- (5) Property lines at street intersections shall have a radius adequate to accommodate a commercial vehicle with a 40-foot wheelbase (defined by AASHTO as WB-40) without being in conflict with the granite curbing or the centerline of the subdivision street and the adjoining street.
- (6) Streets shall be laid out so as to intersect at intervals which will permit block size to be in a range of 600 feet to 1,200 feet in length, unless otherwise specified by the Planning Board. In lieu of actual construction of a cross street, in special instances the Planning Board may approve an easement for a future street.

C. Width.

- (1) The minimum width of rights-of-way shall be as follows:
  - (a) Residential streets: 50 feet.
  - (b) Streets in an Industrial/Commercial subdivision development: 60 feet.

D. Grade.

- (1) The center-line gradient for any street shall not be less than 1%.
- (2) The maximum center-line grade for streets shall be as follows:
  - (a) Lane: 10%.
  - (b) Other secondary street: 8%.
  - (c) Major street: 5%.
- (3) Where changes in grade exceed 1%, reasonable vertical curves, as required by the Commissioner of Public Works, will be provided, and where a grade is 5% or greater within 150 feet of the intersection of street right-of-way lines, there shall be provided a levelling area of at least 75 feet with a maximum grade of 3%. The horizontal tangent distance between any two reverse vertical curves shall be a minimum of 100 feet.
- (4) Vertical curves shall be a minimum of 100 feet in horizontal length and provide for a minimum sight distance of 200 feet.

E. Dead-end streets.

- (1) Dead-end streets shall not be longer than 500 feet unless, in the opinion of the Planning Board, such a greater length is necessitated by topography or other local conditions.
- (2) Dead-end streets shall be provided at the closed end with a turnaround having a property line diameter of 120 feet for a major street and 100 feet for a secondary street, unless otherwise specified by the Planning Board.
- (3) The slope of the road shall not exceed 3% beyond a point 75 feet before the radius point of the turnaround area.

§ A676-13 Curb cuts.

- A. Driveways shall be minimum of 10 feet and a maximum of 24 feet in width for the required front yard setback and may have an additional three feet of width on each side at the edge of travel way for a turning radius.
- B. Driveways to service the individual building lots shall comply with the applicable provisions of the City Code.
- C. Wheelchair ramps shall be provided as shown in Appendix I of this chapter.

#### § A676-14 Easements.

- A. Easements for utilities carrying underground wires, where required, or for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 30 feet wide.
- B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, the Planning Board may require that there be provided a stormwater easement or drainage right-of-way of adequate width and proper side slope.
- C. Access to park and conservation land owned by the City shall be provided, if required by the Planning Board, and shall be at least 40 feet wide.
- D. Any and all easements to be accepted by the City shall be bounded at all Points of Curvature, Points of Tangency and angle points prior to acceptance by the City of Marlborough.
- E. Whenever an easement line intersects a lot line or street layout line, distances shall be shown relative to lot corners or Points of Curvature and Points of Tangency.

#### § A676-15 Open space.

- A. Before approval of a plan, the Planning Board may also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. Each area reserved for such purpose shall be of suitable area, dimensions, topography and natural character for the purposes of a park and/or playground. Each such area shall be so located as to serve adequately all parts of the subdivision as approved by the Planning Board. The Planning Board may require that the area or areas reserved shall be located and laid out to be used in conjunction with similar areas of adjoining subdivisions or of probable subdivisions. All areas to be reserved for park and/or playground purposes shall contain not less than one acre or shall be part of a similar area in an adjoining subdivision so that the total area is not less than one acre. Unless otherwise specifically approved by the Planning Board, the total amount of area to be reserved for park and/or playground purposes shall be no less than 10% of the gross area of this subdivision. Any land so reserved shall be graded to dispose properly of surface water and shall be left in condition for the purpose intended, as required by the Planning Board.
- B. The Planning Board may, unless the applicant has not previously agreed to dedicate the park or parks to the City or other entity such as a homeowners' association, require by appropriate endorsement on the plan that no building shall be erected upon such park or parks without its approval until the expiration of a period of two years following the completion of the subdivision roadways and utilities, or until the occupancy of the subdivision shall have occurred in dwellings on at least 2/3 of the lots in the subdivision, whichever date occurs last. The applicant shall then promptly notify by mail the Planning Board, Conservation Commission, Recreation Commission, Mayor and the occupants of all homes in the subdivision as follows: "You are hereby notified that the site required to be set aside by the Planning Board as a park or recreation area in this subdivision is available for purchase by the City or others and, if not purchased within six months, must be released by the Planning Board for the developer's use for a new building on the site. You may contact the Planning Board on this matter for more information."
- C. A plan of the entire subdivision showing the proposed location of the park shall be sent by the applicant with each notification.

## § A676-16 Protection of natural features.

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

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

## § A676-17 Lot drainage.

Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another; if provision is necessary to carry drainage to or across a lot, an easement or drainage right-of-way of adequate width and proper side slope shall be provided. Storm drainage shall be designed in accord with specifications of the Commissioner of Public Works.

## § A676-18 Fire alarms.

(Reserved)

## § A676-19 Fire hydrants.

Hydrants shall be provided every 500 running feet on one side of each street unless a greater distance is approved by the Commissioner of Public Works in writing. They shall be a style approved both by the Fire Chief, the Commissioner of Public Works and the American Insurance Association.

## § A676-20 Sidewalks, grass plots, trees.

See cross sections in Appendix F.

## § A676-21 Streetlights.

Streetlighting shall be provided for each subdivision street and shall be such as to give the equivalent of not less than 4,000 lumens of light installed at intervals of 350 feet unless otherwise specified by the Planning Board.

## § A676-22 Tree Preservation and Protection Plan.

- A. The intent of the Tree Preservation and Protection Plan is to encourage the preservation and protection of trees during land clearing and subdivision layout. Locations of mature trees as noted in the required report submitted by a Certified Arborist shall be taken into consideration when designing the subdivision layout. Trees are recognized for their abilities to mitigate heat island effects; provide shade cover; reduce energy consumption; improve air quality; reduce noise pollution; reduce topsoil erosion and storm water runoff; provide wildlife habitat; sequester carbon; enhance the quality of life and the environment of the city; increase property values; and enhance the overall appearance of the community. The Planning Board strongly encourages the preservation of existing significant vegetation and as such strongly discourages the total "clear cutting" of subdivision property. No part of this tree preservation requirement shall discourage the removal of Hazardous Trees, an act which may be important to public health and safety. Significant mature trees over 24" in diameter @ DBH, should be



strongly considered when laying out the proposed subdivision roadway and lot layouts, these trees should be retained if the location is deemed feasible.

- B. The Tree Preservation and Protection Plan shall show the existing conditions of the subdivision property, noting the size and type of all trees 12 inches in diameter or greater @ DBH along with the roadway right-of-way layout, all easement layout lines and zoning setbacks (rear, sides and front) and the limits of proposed grading within the lots that could adversely affect the health and viability of existing trees.
- C. After reviewing and taking into account the Certified Arborist's report the Tree Preservation and Protection plan shall be prepared to show the extent of tree removal and tree preservation for the proposed subdivision design. If feasible, shade trees 12 inches in diameter or greater @ DBH, located in the side and rear yard building setbacks for each individual lot depicted on the Definitive Plan, shall be retained. All trees that would be removed as part of the subdivision design would be noted as (REM.) for to be removed or as (RET.) for to be retained.

## Article V - Required Improvements for an Approved Subdivision

### § A676-23 General.

- A. No street or way through private property shall be accepted by the City unless the same be previously constructed and completed in accordance with the standard cross section (see Appendix F), street layout plan, profile and the following: (amended 5-1-15)
- B. Unless otherwise specified, all the work and the materials used in the work to be done shall conform to the requirements of the most recent editions of the following: Commonwealth of Massachusetts Department of Public Works' Standard Specifications for Highways and Bridges, hereinafter referred to as the "Standard Specifications," as amended; the Commonwealth of Massachusetts Construction Manual, Construction Standards and the special provisions included hereinafter.
- C. Supplementing the aforesaid Standard Specifications, certain specifications or special provisions shall apply particularly to the work to be done hereunder. References in the following specifications, unless otherwise stated, are to the aforesaid Standard Specifications. In case of conflict between these specifications or special provisions and the aforesaid Standard Specifications, amendments or addenda, these specifications and special provisions shall take precedence and shall govern.
- D. To facilitate reference, each paragraph in these specifications is noted with the paragraph number of the particular section as contained in the Standard Specifications.
- E. Wherever in the Standard Specifications or other contractual documents the following terms, or pronouns in place of them, are used, the intent and meaning shall be interpreted by substitution as follows:

COMMONWEALTH

City of Marlborough.

DEPARTMENT

Department of Public Works, City of Marlborough.

ENGINEER

The Commissioner of Public Works of the City of Marlborough, acting directly or through an authorized representative acting within the scope of the particular duties entrusted to him.

- F. The extent of work required is as shown approximately upon approved plans and, in compliance with the standard cross section plans, stakes shall be set which will indicate the exact amount of cut or fill.
- G. As each construction operation is completed; it shall be approved by the Engineer previous to starting work in the succeeding operation.
- H. At the time the street or way or portion thereof is ready for acceptance and to facilitate acceptance by the City of Marlborough, The developer shall have prepared and certified by a registered land surveyor a "plan of acceptance" drawn with black ink on single matte, three-mil Mylar (size: 18 inches by 24 inches or 24 inches by 36 inches), showing widths, areas, lengths, bearings of all boundary lines of streets and easements and radii, tangents and central angles of all curves in street lines. It shall show that all stone bounds have been set.
  - (1) A blank space four inches by eight inches shall be provided on the lower right-hand corner on the plan for a title block to be filled in by the City Engineer. The surveyor shall place a certification on the plan stating: "The street (or way or portion thereof) is laid out and the bounds have been set as shown on this plan," and it shall be dated, signed and the surveyor's stamp affixed thereon. The plan shall be submitted to the City Engineer.
- I. The developer will have the original plans and profiles that were submitted to the Planning Board and that are on file in the City Engineer's office corrected and certified by his Engineer to show the actual as-built locations and grades of all utilities and roadway profile and any changes authorized by the Planning Board. This will be done in a manner approved by the City Engineer.

#### § A676-24 Street and roadway.

- A. The roadway shall be graded and prepared for pavement as follows:
  - (1) Clearing and grubbing shall be performed to remove stumps, brush, roots, boulders and like from the area of the travelled way, shoulders, sidewalks and utility trenches, but elsewhere existing vegetation shall be preserved wherever feasible.
  - (2) Roadway earth excavation shall remove all unsuitable materials encountered down to the true surface of the subgrade in preparation for foundation of roadway, sidewalks, driveways and berms. Approved materials such as gravel and loam obtained in the excavation may be used in fills, as required, if in the opinion of the Engineer they are suitable.
  - (3) When, in the opinion of the Engineer, suitable material is not available within the limits of the highway location to form the subgrade or subbase, the contractor shall obtain such additional material from other sources in accordance with this section and as may be approved by the Engineer.
  - (4) The subgrade surface (16 inches below the finished surface grade) shall be prepared true to the lines, grades and cross sections given and properly rolled. All unsuitable material and organic materials below the subgrade surface shall be removed to a depth determined by the Engineer, and the space thus made shall be filled with special gravel borrow, containing no stones over six inches in their largest diameter.
- (4-1/2) A layer of geotextile fabric shall be installed beneath the gravel base specified in §A676- 24.A(5). The required fabric shall be TenCate Mirafi® 500X woven polypropylene geotextile material or approved equal.
- (5) Gravel base course shall consist of approved gravel placed upon the subgrade or subbase as directed and in accordance with these specifications and in reasonably close conformity with the lines and grades shown on the plans or established by the Engineer.

- (6) The gravel shall be spread in layers upon the prepared subgrade from self-spreading vehicles or with power graders of approved types or by hand methods. Gravel shall be spread in layers not more than four inches thick, compacted measure.
  - (a) The gravel shall be compacted and placed to the tolerance as stipulated in Mass DOT Standard Specifications for Highways and Bridges (Current Edition) – Section 401, Gravel Sub-base and Section 402 Dense Grade Crushed Stone for Sub-base.
  - (b) At the conclusion of this step, the roadway shall be staked in all locations where permanent monuments are to be installed as provided in §A676-29.
- B. Roadways shall be constructed for the full length of all streets within the subdivision and shall have the same curb radius required in §A676-13B above.
  - (1) The center line of all roadways shall coincide with the center line of the street right-of-way unless a deviation is approved by the Planning Board. Provided however, that the minimum center line radius for a paved width less than 32 feet shall be 150 feet.
  - (2) The minimum width of roadways shall be as follows:
    - (a) Lanes: 26 feet.
    - (b) Other secondary streets: 28 feet.
    - (c) Major streets, residential: 38 feet; industrial and commercial: 44 feet.
- C. The wearing surface of roadways shall be of Class 1 bituminous concrete pavement, Type I-1. This type of pavement shall be composed of mineral aggregate, mineral filler and bituminous material, plant mixed and laid hot. The pavement shall be constructed in two courses for residential streets: 1 ½ inch top course laid upon a 2 ½ inch binder course, with a final pavement depth after rolling of 4 inches and for Industrial/Commercial streets: 1 ½ inch top course laid upon a 2 ½ inch binder course, and a 3 inch base course on which the binder course is laid, with a final pavement depth after rolling of 7 inches. Pavement shall be placed upon the prepared surface and in conformity with lines, grades and typical cross section shown on plans. Material and construction methods shall conform to all other requirements of Section 460 of the Standard Specifications, except that no such construction shall be undertaken before March 30 of any year nor after November 1 of any year without written permission of the City Engineer.
- D. Embankments outside the right-of-way shall be evenly graded and pitched at a slope of not greater than two horizontal to one vertical in fill. Where cuts are made in ledge, other slopes may be determined with the approval of the City Engineer. Where terrain necessitates greater slopes, retaining wall, terracing, fencing or riprap may be used either alone or in combination to provide safety and freedom from maintenance, but must be done in accordance with plans filed with the Planning Board and approved by the City Engineer. The subdivider must furnish to the City duly recorded access easements for maintenance of the slopes, terraces or retaining walls. All such slopes shall be grassed in accordance with the specifications for the area between the roadway and sidewalk or roadway and boundary of the right-of-way.
- E. Dust control shall be provided throughout the entire project. Sprinklers, watering trucks, calcium chloride, fencing, etc. shall be employed as directed by the DPW – Engineering Division or the Code Enforcement Office.

## § A676-25 Utilities.

- A. Excavation for structures including foundations for drains, sewers and water pipes, walls and other structures shall be made to the depth as indicated on plans or established by the Engineer. Rock excavation designated as Class B encountered in trench excavation shall be removed as directed by the City Engineer.
- B. All drain, sewer, gas and water pipes and other structures shall be installed upon the completion of roadway subgrade and before the placing of the subbase, gravel base course, sidewalks or pavement.
  - (1) Sewer and water mains shall be installed in accordance with the ordinances of the City of Marlborough. Gravity sewer and drain lines shall be designed with a minimum slope of 1% and a maximum slope of 9%.
  - (2) Gas mains shall be installed if gas connection is available unless said installation is specifically waived by the Planning Board.
- C. Adequate disposal of surface and subsurface water shall be provided and pipes, manholes and catch basins shall be provided according to the sizes and depths as indicated on the plans and in conformity with the requirements of the Massachusetts Department of Public Works Standard Specifications for Highway and Bridges (current Edition) and shall be built on both sides of the roadway at intervals not to exceed 300 feet, unless otherwise provided by the Planning Board, and at such other places as deemed necessary by the Commissioner of Public Works and the Planning Board to assure the unimpeded flow of all natural watercourses, to assure adequate drainage of all low points and to provide proper runoff of stormwater. In no instances shall catch basins be located along a driveway cut.
  - (1) The standard depth of catch basins shall be four feet below invert of lowest drain. Manholes shall be constructed to the required depth at each junction point and as shown on the plan. Pipe culvert and pipe drains shall be in conformity with the requirements of the Massachusetts Department of Public Works Standard Specifications for Highway and Bridges (current Edition) for installation of pipes. The outlet pipe for all catch basins shall be equipped with the "Eliminator" hood by Ground Water Rescue or approved equal.
  - (2) Class IV reinforced concrete pipe shall be used for all drain lines and installed according to the size and grade shown on the approved definitive plan.
- D. On-site sewage disposal facilities shall be installed and constructed in conformity with the rules, regulations and requirements of the Board of Health.
- E. Where adjacent property is not subdivided or where all the property of the applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision, at such grade and size which will, in the opinion of the Planning Board, permit their proper extension.

## § A676-26 Sidewalks, curbs and gutters.

- A. Unless otherwise specified by the Planning Board, the sidewalks shall extend the full length of each side of the street and shall be of the following minimum widths:
  - (1) Along secondary streets: where placed adjacent to curbing: six feet including curb. Where a grass strip has been placed between the sidewalk and curbing; five feet six inches
  - (2) Along major streets: where placed adjacent to curbing: six feet including curb. Where a grass strip has been placed between the sidewalk and curbing; five feet six inches

- B. Bituminous concrete sidewalks having a minimum thickness of three inches after compression shall be constructed on a six-inch gravel foundation to the required lines and grades in accordance with these specifications. The sidewalk shall be constructed with a vertical granite curbing as approved by the Commissioner of Public Works.
- C. If desired, granolithic sidewalks shall be constructed as directed by the Engineer in conformity with this section of the Standard Specifications.

#### § A676-27 Grass plots.

- A. Grass plots on secondary road layouts may be permitted.
- B. Grass plots on major roads or secondary roads (based on sixty-foot layout) may be permitted if desired by the Planning Board.

#### § A676-28 Trees.

- A. Street trees of a species approved by the Tree Warden shall be planted on each side of each street in a subdivision, except where the definitive plan showed trees to be retained which are healthy and adequate. Such trees shall be located outside of the right-of-way as shown in the profile and standard cross section plans, Appendix F, approximately at forty-foot intervals, and shall be at least 12 feet in height and a minimum of three-inch caliper. Existing trees designated to remain shall be protected in a manner deemed acceptable to the Tree Warden.
- B. The subdivider shall plant shade trees as needed to provide at least two areas of shade to each lot.
- C. If allowed by the Tree Warden, Shade Trees located within 15 feet of the roadway layout may also be designated as Street Trees and be designated as both a Shade Tree and a Street Tree.
- D. Street Tree compensation.

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

#### § A676-29 Monuments.

- A. Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets along all easements as described in § A676-14D, and at all other points where, in the opinion of the Planning Board, permanent monuments are necessary.
- B. Monuments shall be standard permanent granite, six inches by six inches by four feet, with a polished top and drill hole in the center. Monuments shall be installed at the time of final grading with the top of the monument set flush with the final grade surface. The City Engineer shall have the discretion to modify the type of monumentation and method of setting monumentation based on actual field conditions.



#### § A676-30 Street signs and names.

- A. Street signs shall be installed at each intersection to conform to the standard established by the Commissioner of Public Works.
- B. Street names shall be approved by the City Engineer to prevent duplication and to provide names in keeping with the character of the City.
- C. All streets not Accepted as Public Ways shall have a designation sign - PRIVATE WAY placed on top of the Street sign.

#### § A676-31 Streetlights.

Streetlights shall be installed in all subdivisions by the utility for the developer in each section as developed prior to the reduction or moving or release of bond or release from covenant thereon.

#### § A676-32 Fire alarm system.

(Reserved)

#### § A676-33 Underground lines.

Telephone and electric lines and service connections shall be installed underground in accord with the procedure required by the Commissioner of Public Works.

#### § A676-34 Cable television.

Cable television shall be installed in accordance with the requirements of the Commissioner of Public Works to serve all lots within the proposed subdivision.

#### § A676-35 Signage.

Regulatory and warning signs shall be approved by the Marlborough Traffic Commission and installed in accordance with the requirements of the City Engineer.

#### § A676-36 Guardrails.

Guardrails shall be provided at the locations designated by the City Engineer. §

#### § A676-37 Mailboxes.

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

## Article VI - Administration

### § A676-38 Variation.

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgement of the Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

### § A676-39 Reference.

For matters not covered by these rules and regulations, reference is made to MGL c. 41, §§ 81K to 81GG, inclusive.

### § A676-40 Building permit.

- A. No building shall be erected within a subdivision without written release from the Planning Board.
- B. The Building Inspector shall not issue any permit for the erection of a building until he is first satisfied that the lot on which the building is to be erected is not within a subdivision or that a way furnishing the access to such lot as required by the Subdivision Control Law is shown on a plan recorded or entitled to be recorded under MGL c. 41, § 81X, as amended, and that any condition endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied or waived by the Board, and in the event that the Board has by rule or regulation required that not more than one building for dwelling purposes be erected or placed or converted to use as such on any lot without its consent, that the Building Inspector is satisfied that such consent has been obtained; MGL c. 41, § 81Y, and amendments thereto.

### § A676-41 Inspections.

- A. Inspections shall be arranged for by the subdivider with the proper City Department for the purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at each significant construction stage.
- B. Inspection shall be requested in writing at least 48 hours in advance of each inspection to the proper City Department.
- C. Inspection shall be for the following:
  - (1) Satisfactory excavating of unsuitable material and excess material,
  - (2) Satisfactory filling of sub-base material and base material,
  - (3) Satisfactory compacting of sub-base and base material,
  - (4) Satisfactory completion of the pavement courses,
  - (5) Satisfactory finish grading of grass plots and structural soils,
  - (6) Satisfactory placing of curbs and gutters,
  - (7) Satisfactory construction of sidewalks,
  - (8) Satisfactory installation of sanitary sewers and related equipment or on-site disposal systems,
  - (9) Satisfactory installation of water mains and appurtenances,
  - (10) Satisfactory installation of surface and subsurface drainage system and related equipment, and
  - (11) Satisfactory installation of monuments.

- D. The Planning Board may establish the order of the required inspection and may require satisfactory completion of one step before the subdivider proceeds to the next. It may require tests to be done by the subdivider as a condition for approval when in the opinion of the Planning Board it is advisable.
- E. The proper City official shall indicate on Form G, (Appendix G) provided by the Planning Board the date of inspection and the approval and shall file such form with the Planning Board.

#### § A676-42 Validity.

The invalidity of any section or provision of this regulation shall not invalidate any other section or provision thereof.