

CITY OF MARLBOROUGH MEETING POSTING

Meeting: Planning Board
Date: July 20, 2020
Time: 7:00 PM
Location: REMOTE MEETING NOTICE

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2020 JUL 16 P 3:05.

In accordance with the March 12, 2020 Executive Order issued by Governor Baker modifying certain requirements of the Open Meeting Law, the City of Marlborough Planning Board will hold a remote meeting on Monday, July 20, 2020 at 7:00 pm. The public may access the meeting by clicking on the link provided in the Planning Board calendar on the Planning Board Website <https://www.marlborough-ma.gov/planning-board> or by dialing in using the following phone number and conference ID : Phone Number 1 617-433-9462, Conference ID 947 953 116 #

Agenda Items to be Addressed:

- 1) Meeting Minutes
 - A. June 22, 2020
- 2) Chair's Business
- 3) Approval Not Required (None)
- 4) Public Hearings
 - A. Public Hearing: Petition of Mr. Robert Gentry of 684 Stow Rd. to remove and replace a stone wall along a scenic roadway. (Vote)
- 5) Subdivision Progress Reports
 - A. Subdivision Status Report
 - B.. Goodale Estates – First Amendment to Subdivision Performance Agreement Secured by Surety Bond (Vote)
- 6) Preliminary/Open Space /Limited Development Subdivision Submissions (None)
- 7) Definitive Subdivision Submissions (None)
- 8) Signs
 - A. Sign Variance Request – Applicant: Greendale Physical Therapy, LLC, Property: 435 Lakeside Avenue
Owner: EMAX LLC, Application: Signage Variance Pursuant to to Section 526-6 (F) and Section 526-12.c (2) of the sign ordinance. Brian Grossman, representative, Bowditch & Dewey, LLP.
- 9) Correspondence
 - A. Transmittal of Environmental Notification Form (ENF) Allen & Major Associates re: 339 Boston Post Road East
(Complete submission is filed and available at the Office of the Planning Board, 135 Neil St.)
- 10) Unfinished Business
 - A. Definitive Subdivision Application: Commonwealth Heights
Applicant – Marlborough/Northborough Land Realty Trust (Scott Weiss, The Gutierrez Company); Project Engineer - Connorstone Engineering, Inc. Location – 10.6 Acres located on the corner of Forest Street and Ames Street. Middlesex Registry of Deeds Book 31932, page 445 (Lot 14).
 - i. Engineering Review Letter
 - ii. Definitive Subdivision Plan: (Vote on waivers and vote on approval of definitive plan, Rev. 7-16-20.)
 - iii. Draft Covenant (Refer draft covenant to Legal.)
 - B. Timeline working group discussion (George LaVenture, Christopher Russ)
- 11) Calendar Updates
- 12) Public Notices of other Cities & Towns (None)

A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

June 22, 2020

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

1. Meeting Minutes

A. June 8, 2020

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to accept and file the minutes of June 8, 2020. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Carried 6-0.

2. Chair's Business

A. Chair Fenby requested that the Board discuss Planning Board timelines.

With no objections, Chair Fenby requested that the Board move forward with the agenda and take this matter up later.

3. Approval Not Required

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

Mr. LaVenture read the June 15, 2020 review letter by Assistant City Engineer Collins into the record.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept, file and endorse the above referenced plan as approval not required under the subdivision control law. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby; Nay: 0. Carried 6-0.

B. 174 and 184 Helen Drive – Applicant: William Shea, 184 Helen Drive, Marlborough, MA 01752; Land Surveyor: Bruce Saluk & Associates, Inc., 576 Boston Post Road East, Marlborough; Description of Property: City Assessor's Parcels 85-5 (174 Helen) and 85-6 (184 Helen); South Middlesex Registry of Deeds Book 65677 page 65 and 16257 page 99. Attorney Chris Flood, representative.

Attorney Flood explained that the purpose of the plan is to swap land between the two properties at 174 and 184 Helen Drive. The plan also corrects a previous error in lot area shown on the recorded plan of 1961. The resultant lots have adequate area, required frontage, proper setbacks and have present adequate access for lots in a Residence A-3 zone.

Mr. LaVenture read the June 11, 2020 review letter by Assistant City Engineer Collins into the record.

On a motion by Mr. Elder, seconded by Mr. LaVenture, the Board voted to accept, file and endorse the above referenced plan as approval not required under the subdivision control law. Yea: Elder, Hodge, LaVenture, Fenby; Nay: 0. Recused: Fay and Russ. Motion carried 4-0 with two members recusing.

C. 26 Jefferson St. – Applicant: Raimundo Coelho Araujo Neto, 36 Jefferson St., Marlborough, MA 01752; Land Surveyor: Dennis O'Brien, 480 West Central St., Franklin, MA 02038; Description of Property: Middlesex South Registry of Deeds Book 65099 Page 247. Assessor's Map 56-153. Owner's representative, Allen Limos.

Mr. Limos was not present when item 3C came up in the agenda. On a motion by Mr. Elder, seconded by Mr. Fay, the Board voted to continue with the agenda and return to item 3C should Mr. Limos join the meeting. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Carried 6-0.

4. Public Hearings

A. Public Hearing: Proposed Zoning Amendment to Chapter 650 to add a new Section 38 creating the Large-Scale Ground-Mounted Solar Photovoltaic Overlay District. Assessor's Map 30, Parcel 4 and Assessor's Map 30, Parcel 4C. City Council President, Michael Ossing.

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

Presentation:

Council President Ossing, 43 Varley Rd., represented the proposed zoning amendment. The proposed amendment would add Section 650-38 to the City's zoning code. The amendment details the construction, operation, maintenance and removal of the installation. The proposed overlay district is over two parcels (30-4, 24 acres, and 30-4C, 11 acres), the site of the former Hudson Street landfill. Councilor Ossing said councilors support the proposal and believe the site is a good fit for a solar facility. Mr. Ossing reviewed that the Board previously supported an alternate solar overlay district, but Urban Affairs did not act on the zoning request.

The state encourages solar development on landfills, and incentives exist for both municipalities and developers to install solar through the State Solar Massachusetts Renewable Target program (SMART). The solar vendor will perform all work, and R2 low income residential users may receive a rate reduction of 2 cents off their current electric rate. Since the City owns the land, the City controls how the parcel is used and where the installation is situated on the parcels. The City could carve out areas for solar and for a future recreation area, for example. The City could also site the panels to provide minimal visual distraction from the rail trail overlook. Mass DEP has permitted over 100 landfill sites in the Commonwealth and will need to approve the site. The overlay district would provide the City with a use for the old landfill, the opportunity to generate needed revenue, provide discounts for low income residential electric users and support the Commonwealth's efforts to reduce the carbon footprint through investment in renewable energy sources.

Those Speaking in Favor:

Councilor David Doucette, 17 Arcadia Circle, spoke in favor. He supports the zoning amendment as an opportunity for an investment in clean energy.

With no further input, Ms. Fenby closed that portion of the public hearing.

Those Speaking in Opposition:

No one spoke in opposition to the proposed amendment.

With no further input, Ms. Fenby closed that portion of the public hearing.

Questions and Comments from Board Members:

Mr. Fay indicated he is in favor of the proposed amendment. He feels it's a good utilization of the former landfill. One reservation is his sensitivity for the adjacent neighborhood, acknowledging that most favor solar power, but no one wants to look at it. He shared his preference for screening for any affected abutters on Gikas Ln. Mr. LaVenture hopes panels are placed without obstructing the view from the rail trail. He is also sensitive to hillside vegetation, which could be used by migrating butterflies (Milkweed). President Ossing reiterated that the City can structure its procurement proposal to dictate panel placement. He shared that the City received an unsolicited proposal for a 6 MW installation. Mr. Russ asked if the 6 MW potential is for the whole site, or a portion of the site? Mr. Ossing said the 6 MW installation is for the whole 35-acre area. The Council is eager to move forward, pending DEP approval. With no further comment, Chair Fenby closed the public hearing.

Mr. Fay began the discussion with a review of the Board's typical review criteria. Does the proposed zoning amendment benefit the City, is the proposed zoning amendment consistent with the City's zoning and does the proposed zoning have limited impact to abutters? Mr. Hodge, Mr. Russ and Mr. Elder commented that they have a favorable opinion of the proposed amendment and feel the solar overlay district is a good use for the land. Mr. Fay feels the Board's recommendation should include efforts to reduce any impact to surrounding neighborhoods, including Gikas Lane and the rail trail.

On a motion by Mr. Fay, seconded by Mr. Elder, the Board voted to send a favorable recommendation to the City Council on the proposed zoning amendment with the following considerations: 1) That appropriate screening from abutting neighborhoods be included in the installation and 2) That the installation be sited in such a way to preserve the scenic view from the rail trail.

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

- B. Public Hearing: Proposed rezoning of land off Valley St. identified as Map 82, Parcel 125, presently zoned partly "Residence C" and partly "Industrial" to be rezoned entirely as "Residence C", Marlborough Hub, LLC. Mark Evangelous and Attorney Mark Bourbeau of Drohan, Tocchio & Morgan, P.C. Chair Fenby opened the public hearing. Mr. LaVenture read the public hearing notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those Speaking in Favor 3) Those Speaking in Opposition 4) Comments and Questions from Board members.

Presentation:

Mr. Evangelous of 108 Kelber Drive represented the proposed zoning amendment. He reviewed the purpose of the zoning amendment, which cleans up a 50' wide, industrially-zoned railroad bed and includes the area in the adjacent "Residence C" zone. The proposed zoning amendment was previously presented and favorably recommended by the Board, but the matter was not acted on by the City Council. He explained that the Board felt the that the zone change fit into the character of the neighborhood and imposed minimal impact on abutters and cleans up an industrial zoning anomaly over the abandoned railroad bed. Mr. Evangelous also stated that the railroad bed was tested for chemical contaminants, and that the testing showed that the railroad bed is safe for residential use (a requirement of the Conservation Commission.) He also indicated that the lots are twice as large as any of the lots in the area (1/2 acre), so development is less dense.

Those Speaking in Favor:

No person spoke in favor, but Mr. Evangelous shared several letters of support from area residents. The letters were included in the agenda packet. The enclosed letters were from Nicholas Hassapas, 42 Framingham Rd., Luiz Bromomschenkef, 254 Howe St., and Michael Ferro, 112 Howe Street. Chair Fenby closed that portion of the public hearing.

Those Speaking in Opposition:

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

Questions and Comments from Board Members:

Mr. Fay asked Attorney Bourbeau how the zoning change would affect the overall plan for the Marlborough Hub project. He asked if more units are planned. Mr. Bourbeau explained that the entire area would be zoned residential. Setbacks can change and lots would be better. You can do more with what's available. It cleans up the zoning and eliminates an industrially zoned lot that is too skinny for any practical use. Mr. Fay asked if the zoning change would increase the number of units for the project. The attorney responded that they aren't looking to do anything inconsistent with zoning. The lots will be larger, and there is no rational use for the industrial parcel. The development design isn't finalized.

Mr. Russ felt the zoning change made sense. Mr. Elder thought there wasn't a lot of benefit for the City but agreed that the zone change is consistent. Mr. LaVenture said he saw no harm from the proposed amendment and could support the amendment. Mr. Hodge said there is no benefit in keeping an orphaned industrial lot. He supports the change. Ms. Fenby agreed that the amendment provided more consistent zoning in the area and would support the amendment. She does not support adding higher density development than the four duplex lots previously shown on the previous "site plan". On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to send a favorable recommendation to the City Council on the proposed zoning amendment. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

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

C. Continued: Commonwealth Heights Definitive Subdivision – Revised plan dated March 2, 2020.

Applicant - The Gutierrez Company; Project Engineer - Connorstone Engineering, Inc.

Location – 10.6 Acres located on the corner of Forest Street and Ames Street. Middlesex Registry of Deeds Book 31932, page 445 (Lot 14).

Discussion of next steps. (Waivers, Engineering Review, Preparation of Covenant)

Ms. Fenby reopened the public hearing and stated that for the ease of Engineering review, Engineering can assume a favorable impression of the two requested waivers. (Roadway length exceeding 500' and the use of an alternate roadway profile modeled after the Mauro Farms development.) Mr. Weiss from The Gutierrez Company asked about the emergency access easement. Fire Chief Breen and City Engineer DiPersio indicated in their comments that the easement was not necessary. If the Board concurs, the easement could be removed from the plan. The Board was polled on their thoughts. All members were either neutral or supported removing the emergency access easement since the City Engineer and Fire Chief indicated no need for the emergency access easement.

Given the history on the property, Mr. Fay asked Mr. Weiss what reassurances he can give to the neighbors. Mr. Weiss recounted several changes that will reduce impact. First, the drainage structures are already in place on the property. Water will drain into those structures, not into surrounding neighborhoods. The elimination of two building lots also creates a buffer zone between the existing neighborhoods, and they have agreed to add additional screening. Mr. Fay said that Gutierrez has yet to identify a construction partner, so that unknown raises concerns for neighbors. Mr. Weiss agreed that a contingency fund could address any potential impacts to abutters. This gesture would provide some assurances to surrounding neighborhoods. Mr. Weiss suggested \$25,000 as an appropriate level. Members agreed that this was a fair value to address any potential damages.

Mr. DiPersio said that conditions for soil management and erosion control should be part of the covenant and the site will have oversight by experts. Mr. Weiss said that the draft covenant will be prepared and will incorporate the conditions presented by both the Conservation Commission and the Board of Health. Ms. Fenby directed Mr. LaVenture to read the submitted comments from Board of Health Director, John Garside. Director Garside placed two conditions on the developer 1) Hire an independent Licensed Site Professional to review all work performed relative to soil removal/site remediation, and 2) proof of Deed Notice on the parcel identifying where the disposition of contaminated soils is located. Chair Fenby declared the Commonwealth Heights public hearing closed.

Mr. Limos joined the meeting, so the Board returned to ANR Item 3C.

3. Approval Not Required

C. 26 Jefferson St. – Applicant: Raimundo Coelho Araujo Neto, 36 Jefferson St., Marlborough, MA 01752; Land Surveyor: Dennis O'Brien, 480 West Central St., Franklin, MA 02038; Description of Property: Middlesex South Registry of Deeds Book 65099 Page 247. Assessor's Map 56-153. Allen Limos-Sovereign Design Associates.

Mr. Limos said he is helping the owner. He explained that the plan prepared by Dennis O'Brien separates one lot into two. The property owner has a landscaping business and uses part of the lot to park cars. The second created lot is on a hill and due to the elevation drop, there is some screening from the use. The owner plans to continue this use. The first lot contains a residence and is considered a pre-existing non-conforming use in the Commercial Automotive zone.

Mr. LaVenture read the 6-17-20 review letter from Assistant City Engineer Collins into the record.

Mr. Collins indicates that both lots have adequate area, frontage and can meet the Lot Shape requirement for lots in the Commercial Automotive Zone. Lot B-1 has a stone wall ranging in height from 1 foot to six feet along the entire frontage of Jefferson Street. This retaining wall impedes the ability to claim that the proposed lot has present adequate access. Citing a 1992 Land Court case, Lot B-1 does not have the present adequate access required for an ANR endorsement. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried 6-0. Since neither the applicant nor his engineer was present to request that the plan be withdrawn, on a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to deny endorsement of the ANR. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

5. Subdivision Progress Reports

A. Goodale Estates – Correspondence from Assistant City Engineer Collins re: Request for Bond Reduction and Extension of Approval – Current Approval June 30, 2020; Request to extend to 12-31-20.

Mr. LaVenture read the June 11, 2020 correspondence from Assistant City Engineer Collins into the record. Given the quantity of work required to complete the subdivision and based on the cost to complete this work (based on the MassDOT weighted bid prices for roadway construction.), Mr. Collins has determined the cost to complete the remaining work for this subdivision is \$205,000, a reduction of \$147,000. Based on the work remaining to complete the subdivision and the schedule proposed by the developer, he concurred that the requested 6-month extension of the subdivision approval to complete the work was realistic. On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to accept, file and reduce the bond securing the completion of the subdivision from \$352,000 to \$205,000. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

Mr. Russ asked about whether it was prudent to pave the top course now. City Engineer DiPersio stated that it wouldn't be ideal to pave the top course given the extent of site work required on the lots. He added that the utility stub rework has delayed the paving and helped preserve the roadway. He shared that he has no update from the developer on any date for the gas line installation. Engineering will follow up with Mr. Gillis to request an update.

On a motion by Mr. Elder Seconded by Mr. Russ, the Board voted to extend the subdivision approval until December 31, 2020. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

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

7. Informal Discussion (None)

8. Signs

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

Ms. Fenby announced that the Board received an email that day from Building Commissioner Cooke with an update on the sign variance application. She read the 6-22-20 email into the record. Assistant City Engineer Collins discovered that the plan submitted to the Inspectional Service with the sign application had an error. The plan misidentified the area as Business Zone District (B) when it should have been Identified as Neighborhood Business (NB) zoning district. Since the location of the new requested sign at 431 Lincoln Street is just outside the 200-foot radius of the nearest abutting "residentially zoned district", the sign does not need a variance from the Planning Board for 526 (12). The sign is not "As of Right" and still requires a special permit from the City Council. Mr. Pedro thanked the City for its consideration and determination by the Commissioner. On a motion by Mr. Elder seconded by Mr. LaVenture, the Board voted to accept and file the email correspondence from Commissioner Cooke. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

9. Correspondence (None)

10. Unfinished Business

A. Draft Policy Discussion – Zoning and Variance Requests

Mr. Fay gave the Board an update on his discussions with the City Solicitor's Office. He restated the purpose of the draft policy, which is to publicly state the Board's standards for the review of both zoning amendments and sign variance requests. Assistant City Solicitor Piques joined the meeting and said his office provided feedback on the draft policy to both Chair Fenby and Mr. Fay. Mr. Fay agreed with the Legal Dept. feedback and will work over the summer on a redraft the policy with the goal of completion in September.

Ms. Fenby stated that the Board will continue to meet remotely for the August 24 meeting, and will evaluate the situation in September. It is unlikely than the Board will return to in-person public hearings in the near-term, but the Board may be able to meet in person with appropriate social distancing or meet in a "hybrid fashion" with some choosing to participate in-person, while others participate remotely.

Chair Fenby announced the Board will return to item 2A Chair's Business

2. Chair's Business

- A. Chair Fenby has asked for a Planning Board task force to create comprehensive subdivision process timelines. While the Board has timelines for preliminary and definitive subdivision submissions, Ms. Fenby would like to include open space subdivisions on the process timeline. She would also like to see defined process templates for performance bonds, covenants and street acceptance. She requested that Legal be consulted to inquire whether there are any changes to the subdivision approval or appeal periods due to the COVID state of emergency.

11. Calendar Updates

- A. 7-20-20- Decision due on the Commonwealth Heights definitive subdivision application.
B. Goodale Estates Subdivision – Extension on the definitive subdivision approval until 12-31-20.

12. Public Notices of other Cities & Towns

A. City of Framingham 4 Notices

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

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

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

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

Respectfully submitted,

/kih

George LaVenture/Clerk



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CITY OF MARLBOROUGH

City of Marlborough Planning Board

2020 JUN 26 P 4:19 Administrative Office
135 Neil St.
Marlborough, MA 01752

PLANNING BOARD

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

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

Public Hearing: Scenic Roadway

In accordance with the requirements of the City of Marlborough General Code Chapter 497 and MGL Chapter 40, Section 15C "Scenic Roads Act", and in accordance with the March 12, 2020 Executive Order issued by Governor Baker modifying certain requirements of the Open Meeting Law, the Planning Board will hold a remote public hearing on Monday, July 20, 2020 at 7:00 pm to consider the request of Mr. Robert Gentry of 684 Stow Road to remove an existing stone wall within the right-of-way of a scenic roadway. There will be no in-person attendance by the public.

The public may participate in the hearing by clicking on the video link provided in the Planning Board agenda on the Planning Board website <https://www.marlborough-ma.gov/planning-board> or by dialing in for meeting audio using the following phone number and conference ID: 1 617-433-9462, Conference ID : 947 953 116 #
You may also provide input by emailing kholmi@marlborough-ma.gov or by mailing comments to the City of Marlborough Planning Board, 135 Neil St., Marlborough, MA 01752.

The owners of 684 Stow Road request to remove the existing stone wall and build a new wall using different materials. A copy of this notice is also available at the City Clerk's Office, 140 Main St., Marlborough, MA (508) 460-3775 and on the City of Marlborough Planning Board website at:
<https://www.marlborough-ma.gov/planning-board/pages/planning-board-public-hearing-notices>.

This legal notice shall also be posted by the local newspaper and on the MA Newspaper Publishers Association's ("MNPA") website (masspublicnotices.org).



100 foot Abutters List Report

Marlborough, MA

June 26, 2020

Subject Property:

Parcel Number: 8-146
CAMA Number: 8-146
Property Address: 684 STOW RD

Mailing Address: GENTRY CHRISTOPHER
684 STOW RD
MARLBOROUGH, MA 01752

Abutters:

Parcel Number: 8-1
CAMA Number: 8-1
Property Address: 706 STOW RD

Mailing Address: MYERS LAURA B
706 STOW RD
MARLBOROUGH, MA 01752

Parcel Number: 8-126
CAMA Number: 8-126
Property Address: 73 DEAN RD

Mailing Address: MARTINS PAULO
73 DEAN RD
MARLBOROUGH, MA 01752

Parcel Number: 8-127
CAMA Number: 8-127
Property Address: 85 DEAN RD

Mailing Address: STEVENS BRIAN D
85 DEAN RD
MARLBOROUGH, MA 01752

Parcel Number: 8-145
CAMA Number: 8-145
Property Address: 668 STOW RD

Mailing Address: JALAL HEIDI
668 STOW RD
MARLBOROUGH, MA 01752

Parcel Number: 8-152
CAMA Number: 8-152
Property Address: 692 STOW RD

Mailing Address: WINSKE BRIAN C
692 STOW RD
MALBOROUGH, MA 01752

Parcel Number: 8-160
CAMA Number: 8-160
Property Address: 669 STOW RD

Mailing Address: ABRANCHES FLAVIA
669 STOW RD
MARLBOROUGH, MA 01752

Parcel Number: 8-801
CAMA Number: 8-801
Property Address: BALCOM RD

Mailing Address: FOSSILE NIEL
424 SOUTH ST
MARLBOROUGH, MA 01752

Parcel Number: 9-2
CAMA Number: 9-2
Property Address: 689 STOW RD

Mailing Address: BARNES STEVEN M
689 STOW RD
MARLBOROUGH, MA 01752



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6/26/2020

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100 foot Abutters List Report

Marlborough, MA

June 26, 2020

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Property Address: 684 STOW RD

Mailing Address: GENTRY CHRISTOPHER
684 STOW RD
MARLBOROUGH, MA 01752

Abutters:

Parcel Number: 8-1
CAMA Number: 8-1
Property Address: 706 STOW RD

Mailing Address: MYERS LAURA B
706 STOW RD
MARLBOROUGH, MA 01752

Parcel Number: 8-126
CAMA Number: 8-126
Property Address: 73 DEAN RD

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MARLBOROUGH, MA 01752

Parcel Number: 8-127
CAMA Number: 8-127
Property Address: 85 DEAN RD

Mailing Address: STEVENS BRIAN D
85 DEAN RD
MARLBOROUGH, MA 01752

Parcel Number: 8-145
CAMA Number: 8-145
Property Address: 668 STOW RD

Mailing Address: JALAL HEIDI
668 STOW RD
MARLBOROUGH, MA 01752

Parcel Number: 8-152
CAMA Number: 8-152
Property Address: 692 STOW RD

Mailing Address: WINSKE BRIAN C
692 STOW RD
MARLBOROUGH, MA 01752

Parcel Number: 8-160
CAMA Number: 8-160
Property Address: 669 STOW RD

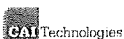
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669 STOW RD
MARLBOROUGH, MA 01752

Parcel Number: 8-801
CAMA Number: 8-801
Property Address: BALCOM RD

Mailing Address: FOSSILE NIEL
424 SOUTH ST
MARLBOROUGH, MA 01752

Parcel Number: 9-2
CAMA Number: 9-2
Property Address: 689 STOW RD

Mailing Address: BARNES STEVEN M
689 STOW RD
MARLBOROUGH, MA 01752



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6/26/2020

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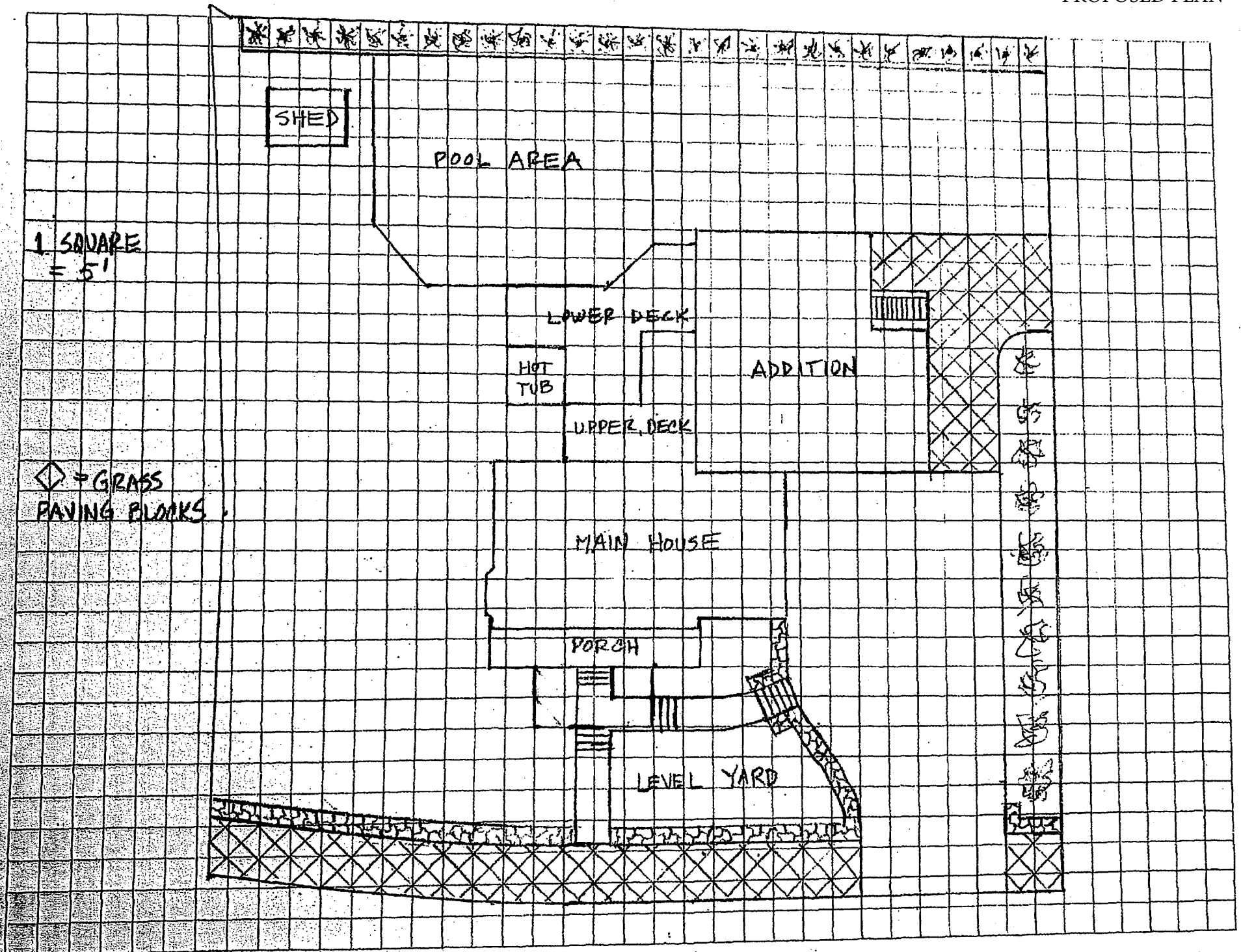
Existing
Conditions



4A- EXISTING
CONDITIONS

EXISTING
CONDITIONS









PREFERRED STYLE
36' H BY 18" W

STACKED
OPTION





July 20, 2020

1 - Summary Sheet

2- Subdivisions - Under construction

3 - Subdivisions - Awaiting Acceptance

4 - Subdivisions - Under Review

SUBDIVISIONS - BOND HAS BEEN PULLED

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

SUBDIVISIONS - AWAITING ACCEPTANCE

SUBDIVISION	BOND AMOUNT	COMMENTS

SUBDIVISIONS - UNDER CONSTRUCTION

SUBDIVISION	BOND AMOUNT	EXPIRATION DATE	COMMENT
Goodale Estates (Open Space): Jenks Lane	\$205,000.00	31-Dec-20	Roadway construction on-going
215 Simarano Drive: Street name has not been assigned	NOT SET	9-Sep-20	Covenant must be in place and City Clerk certify that no appeal has been filed before endorsing plan

SUBDIVISIONS - NEW

SUBDIVISION	DATE SUBMITTED	DECISION DATE (meeting on)	COMMENT
Commonwealth Heights Atkinson Drive	18-Nov-19	7/24/2020	Second version of subdivision Plan with shortened roadway length and modified cross-section

SUBDIVISIONS - UNDER CONSTRUCTION

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

SUBDIVISIONS - APPROVED BUT NOT ENDORSED

215 Simarano Drive:		Street name has not been assigned	
Off Simarano Drive	Approval Date		Bond Amount
Jeremiah 29, LLC	10-Sep-18	9-Sep-20	NOT SET
Covenant must be in place & City Clerk must certify that no appeal has been filed before endorsing.			
Construction of Self Storage Building per Site Plan Review Committee approval has started.			

SUBDIVISIONS - UNDER REVIEW			
Commonwealth Heights		Atkinson Drive	
Off Ames Street/Glen Street			
Marlborough/Northorough Land Realty Trust	Dates	Deadline	
Submission	18-Nov-19		
Public Hearing	16-Dec-19		
Approval Deadline		23-Mar-20	
New Public Hearing	23-Mar-20		
Approval Deadline (extension)		23-May-20	
Approval Deadline (extension)	18-May-20	24-Jul-20	
Approval Date			
20 Day Appeals Date			
Endorsed on			

From: [Krista Holmi](#)
To: [Adam Clavell](#)
Cc: [Kevin Gillis](#); [Jason Grossfield \(jgrossfield@marlborough-ma.gov\)](#); [Scott Adams](#); [Barbara Fenby](#); [Jason Piques \(jpiques@marlborough-ma.gov\)](#)
Subject: Goodale Estates Amendment to Performance Agreement- New Subdivision Approval Date 12-31-20
Date: Friday, June 26, 2020 2:58:00 PM
Attachments: [First Amendment to Performance Agreement 6-26-20.docx](#)

Attorney Clavell,

Please see the attached proposed amendment to the performance agreement for the Goodale Estates subdivision. Please return two original signed documents and bond continuation referencing the amendment's new completion date.

Thank you for your assistance and have a great weekend.

Krista

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

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

**FIRST AMENDMENT TO SUBDIVISION PERFORMANCE
AGREEMENT SECURED BY SURETY BOND**

GOODALE ESTATES SUBDIVISION

This FIRST AMENDMENT TO AGREEMENT made this 22nd day of June, 2020 between **NORTHBOROUGH CAPITAL PARTNERS, LLC**, acting by and through Kevin Gillis as Manager, successor in interest to Valre Realty Trust (the "Developer"), and the **CITY OF MARLBOROUGH**, a municipal corporation duly organized by law, acting by and through its duly authorized Planning Board (the "City" or "Planning Board").

WITNESSETH

WHEREAS, on February 4, 2020, the Developer and Planning Board entered into that certain Subdivision Performance Agreement Secured by Surety Bond ("Agreement"); and

WHEREAS, the Developer requested an extension to the completion date and the Planning Board has authorized same.

NOW THEREFORE, in consideration of the promises exchanged herein and other adequate consideration, the sufficiency of which is hereby acknowledged, it is hereby mutually agreed as follows:

1. The parties hereby extend the Completion Date in the Agreement from June 30, 2020 to **December 31, 2020**. Attached hereto is evidence that the Security is extended in accordance with this Amendment to reflect the new Completion Date.

2. All other terms of the Agreement remain unchanged and in full force and effect.


IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be signed by their duly authorized representatives on the date first written above:

CITY OF MARLBOROUGH

By its Planning Board

By: _____
Barbara Fenby, Chair

NORTHBOROUGH CAPITAL PARTNERS,
LLC

By:  _____
Kevin A. Gillis, Manager
Duly Authorized

As authorized by vote of the
Planning Board on _____

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 2020, before me, the undersigned notary public, Barbara Fenby, as Chair of the City of Marlborough Planning Board, personally appeared, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as the voluntary act of the City of Marlborough Planning Board.

Notary Public

Printed Name: _____

My Commission Expires: _____

[Seal]

COMMONWEALTH OF MASSACHUSETTS/STATE OF RHODE ISLAND

Middlesex, ss.

On this 29th day of June, 2020, before me, the undersigned notary public, Kevin A. Gillis personally appeared, proved to me through satisfactory evidence of identification, which was a Florida Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as the voluntary act of Northborough Capital Partners, LLC.

Muthukkaruppan Malar
Notary Public

Printed Name: Muthukkaruppan Malar

My Commission Expires: 5 Oct 2023



[Seal]

July 14, 2020

Planning Board
City of Marlborough
135 Neil Street

Marlborough, MA 01752

Attn: Krista Holmi, Engineering and Planning Board Administrator

Re: Applicant: *Greendale Physical Therapy, LLC*
 Property Owner: *EMAX LLC*
 Property: *435 Lakeside Avenue, Marlborough, Massachusetts*
 Application: *Signage Variance Pursuant to Section 526-6(F) and Section 526-12.C(2)*
 of the Code of the City of Marlborough

Dear Members of the Planning Board:

Enclosed for filing are ten (10) complete copies of Greendale Physical Therapy, LLC's application for Signage Variance for the above-referenced property. Also enclosed is the \$25.00 filing fee.

Please let me know if you have any questions or concerns or if I can provide any further information.

Thank you.

Sincerely,



Brian S. Grossman

Enclosures

**APPLICATION TO PLANNING BOARD
FOR SIGNAGE VARIANCE**

Greendale Physical Therapy, LLC
435 Lakeside Avenue (Route 20 - West)
Marlborough, MA 01752

Respectfully submitted,

Brian S. Grossman, Esq.
Bowditch & Dewey, LLP
200 Crossing Boulevard, Suite 300
Framingham, MA 01702
(508) 416-2410
bgrossman@bowditch.com

BOWDITCH

ATTORNEYS

July 14, 2020

**APPLICATION TO PLANNING BOARD
FOR SIGNAGE VARIANCE**

Greendale Physical Therapy, LLC
435 Lakeside Avenue (Route 20 - West)
Marlborough, MA 01752

TABLE OF CONTENTS

1. Application and Building Inspector's Denial Letter
2. Supporting Statement
3. Proposed Sign Specifications
4. Existing Signage on Property
5. Greendale PT Signage at Other Locations
6. Examples of Existing Signage on Nearby Properties



CITY OF MARLBOROUGH
APPLICATION FOR SIGN APPEAL TO PLANNING BOARD

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

1. **Location of Proposed Sign: Street Address:** 435 Lakeside Avenue (Route 20 - West)
What other signs exist on the property: (Type, Size, Location) Existing ground-mounted sign for 419-435 Lakeside Avenue. Applicant has 2' x 17' Aluminum tubing wall sign with raised 9" high x 1/2" PVC letters. Please see attached for additional detail.
2. **Name of business or activity applying for sign:** Greendale Physical Therapy, LLC
3. **Applicant:** Greendale Physical Therapy, LLC
Applicant Address: 280 Boston Turnpike, Shrewsbury, MA 01545, Attention: Jon M. Dooley, M.S.P.T.
Applicant Contact Info: (name, email and phone) Brian S. Grossman, Esq., (attorney for Applicant); 508.416.2410; bgrossman@bowditch.com
4. **Building Owner:** EMAX LLC
Owner Address: 3 Joslin Lane, Southborough MA 01772
Owner Contact Info: (name, email and phone) Euger Lin, 508-740-0944
- (F) 5. Applicant is ☐ Building Owner ☒ Tenant ☐ Other _____
6. **Date of Building Inspector's decision from which appeal is taken:** June 23, 2020
(Attach a copy of the denial of sign permit letter.)
7. **Section of the Sign Ordinance from which appeal is requested:** Chapter 650, Section(s) 526-6 (F)
Section heading(s): Signs permitted in all districts
8. **Description of Sign:** Two perforated "view thru" vinyl window signs
9. **Give a brief outline why permit was refused and the purpose of the sign:** _____

Signs exceed 50% of window area. Please see attached for additional detail.
Other pertinent information may be submitted with this application or requested by the Planning Board.
I hereby request a hearing before the Planning Board with reference to the above noted application:

Signed:  Date: _____ Owner: 

Applicant

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

Scheduled Hearing Date: _____ Date of payment _____

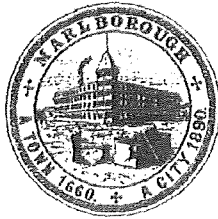
NEW SIGNS MAY NOT BE ERECTED UNTIL APPEAL HAS BEEN GRANTED AND PERMIT IS ISSUED Variance

Decision: Approved ☐ Denied ☐

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

ot 2

City of Marlborough
Commonwealth of Massachusetts



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

6/23/2020

Lyons Signs
1454 Grafton St.
Worcester, MA ~~01752~~ — 01604

RE: Window Sign Issue, Sign Permit BP-2020-000673

To whom it may concern,

On 6/18/2020 a window covering sign was applied that would be installed at 435 Lakeside Ave. This permit cannot be installed as applied for and will need a variance from the Planning Board due to exceeding the allowable window covering ordinance. The ordinances regarding both the window covering and the appeal process have been included in this letter for your convenience.

§ 526-6

Signs permitted in all zoning districts.

The following signs are permitted in all zoning districts:

F. Window signs. *Permanent window signs shall not require a sign permit, provided that their aggregate display surface covers no more than 50% of the window or door on which they are placed.* Temporary window signs may cover no more than 75% of the window or door on which they are placed. Temporary window signs promoting a public service or charitable event shall not be calculated in the allowable 75%. Temporary window signs may be displayed for a period of time not to exceed 14 days, and shall be removed within 48 hours after the sale, event or reason for the sign has been concluded.

Your rights for an appeal have been included below.

§ 526-12 Administration and penalties.

C. Rights to appeal.

(1) Any applicant for a permit, any person who has been ordered by the Building Commissioner to incur expense in connection with a sign and any person dissatisfied with any refusal, order or decision of the Building Commissioner may appeal to the Planning Board within 30 days from the date of such refusal, order or decision. The fee for the filing of said appeal shall be \$25, payable to the City of Marlborough upon the filing of said appeal. After written notice given to such parties as the Planning Board shall order, the Planning Board shall address the appeal at a regularly scheduled meeting of the Board. Applying the standards described in Subsection C(2) below, where applicable, and interpreting this chapter, the Planning Board shall affirm, annul or modify such refusal, order or decision within 45 days after hearing the appeal. The action of the Building Commissioner may be annulled or modified only by a two-thirds vote of the Planning Board. If the action of the Building Commissioner is modified or annulled, the Building Commissioner shall issue a permit or order in accordance with the decision of the Planning Board.
[Amended 10-6-2014 by Ord. No. 14-1005921A]

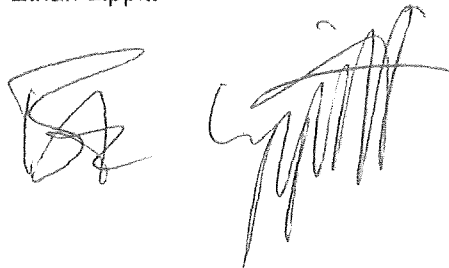
(2) Variances. The Planning Board may vary the provisions of this chapter in specific cases which appear to it not to have been contemplated by this chapter, and in cases wherein its enforcement would involve practical difficulties if, in each instance, desirable relief may be granted without substantially derogating from the intent and purpose of this chapter but not otherwise. Any decision to vary the provisions of this chapter shall be by 2/3 majority and shall specify any variance allowed and the reason therefor. Each decision of the Planning Board shall be filed in the office of the City Clerk within 30 days after the decision and a copy of the decision shall be sent by mail or delivered to the appellant and any other person appearing at the hearing and so requesting in writing. Failure to file such a decision within 30 days after the hearing shall not be deemed to be approval of any variance sought. No variances shall be allowed by the Planning Board from the date on which this sentence becomes effective until July 1, 2007.

[Amended 10-30-2006 by Ord. No. 06100-1323A]

(3) Conditions and safeguards. The Planning Board shall set forth appropriate conditions and safeguards whenever in its opinion they are desirable.

Code Enforcement Officer Ethan Lippitt

Best,
Ethan Lippitt



CC File
 City Council
 Commissioner Cooke

Brian S. Grossman
Direct telephone: 508-416-2410
Direct facsimile: 508-929-3120
Email: bgrossman@bowditch.com

July 14, 2020

Planning Board
City of Marlborough
135 Neil Street
Marlborough, MA 01752
Attn: Krista Holmi, Engineering and Planning Board Administrator

Re: **Applicant:** *Greendale Physical Therapy, LLC*
 Property Owner: *EMAX LLC*
 Property: *435 Lakeside Avenue, Marlborough, Massachusetts*
 Application: *Signage Variance Pursuant to Section 526-6(F) and Section 526-12.C(2)*
 of the Code of the City of Marlborough

Dear Members of the Planning Board:

Pursuant to Section 526-6 and Section 526-12.C(2) of the Code of the City of Marlborough (the "Code"), Greendale Physical Therapy, LLC (the "Applicant") hereby applies for a variance from Section 526-6 of the Code to permit the placement of two (2) permanent window signs at the Property that exceed "50% of the window or door on which they are placed." As set forth herein, the requested relief "may be granted without substantially derogating from the intent and purpose of this chapter."

The Applicant is a provider of physical therapy services at the Property, as well as locations in Worcester, Shrewsbury and Clinton. The Applicant delivers the highest level of physical therapy care and patient service that has received accolades and recognition on both the local and national levels.

The requested window signage serves a number of important functions that would not be achieved if the signs were limited to the 50% of window coverage permitted under the Code. Given the distance the building is setback from Route 20, the signs help patients quickly identify the Applicant's operations at the Property and allow the contact information (phone and website) to be more easily read from Route 20, in particular the eastbound side of Route 20 (the side furthest from the building). The proposed signs are the only signage that is visible from Route 20 that provide passers-by with the contact information. The proposed signs also help patients, and prospective patients, quickly identify the Applicant through its consistent branding with its other locations (see Exhibit 5).

The signage also serves another important function by protecting the privacy of patients receiving care at the Property. Due to the layout of the space, without the proposed signage, the waiting area and part of the area within which patients receive physical therapy services would both be visible from the parking area and street. By covering the windows looking directly into the space, the signs affords those waiting and especially those receiving care, additional privacy so they can receive necessary medical services without being seen from public areas.

The proposed window signs can be installed without derogating from the intent and purpose of the Code. The proposed signs are approximately 60" x 67" and do not cover the entire area of glass on either side of the doors. As depicted on Exhibit 3 and Exhibit 4, the divided windows directly above each of the signs (approximately 34" x 34") and the divided windows above the double doors (approximately 34" x 28") are each completely uncovered and unobstructed. In addition, the total amount of window space covered by the proposed signs covers less than 50% of all of the aggregate window/glass (including doors) of the Applicant's location.

The proposed signage also does not derogate from the intent and purpose of the Code because it is consistent with signage permitted in the surrounding business area (see Exhibit 6). As demonstrated by the examples of existing signage at nearby properties, the proposed signage covers a similar amount of window area as existing signage in several properties in the surrounding area. As discussed above, although some examples of existing signage completely obscure all of the available window space, the proposed signage obscures less than 50% of the entire window area of the Applicant's location.

For the foregoing reasons, the Applicant respectfully requests the Planning Board to find that the proposed signage does not substantially derogate from the intent and purpose of the Code and to grant the Applicant a variance from the Code to permit the installation of the proposed window signage.

If I can provide any further information in connection with this application, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian S. Grossman".

Brian S. Grossman

GREENDALE PHYSICAL THERAPY

34"

34"

60"

435

433



508. 485. 0080

GREENDALE
PHYSICAL THERAPY



GREENDALEPT.COM

Perforated view thru printed on vinyl window design

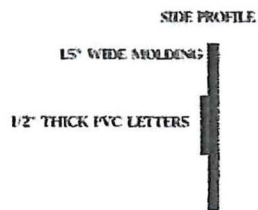
67"

green vinyl graphics

28"

White vinyl graphics

4



(1) 2'x17' Aluminum tubing wall sign. 1" aluminum tubing framework with green aluminum picture frame moldings. Raised 9" high x 1/2" pvc letters painted green.

2' **GREENDALE PHYSICAL THERAPY** 17'



Lyon
SIGNS

1454 Grafton Street Worcester, MA 01604
508-754-2501
www.lyonssignsinc.com

Job: Greendale Physical Therapy
Marlborough, MA

419-435

ORAL SURGERY

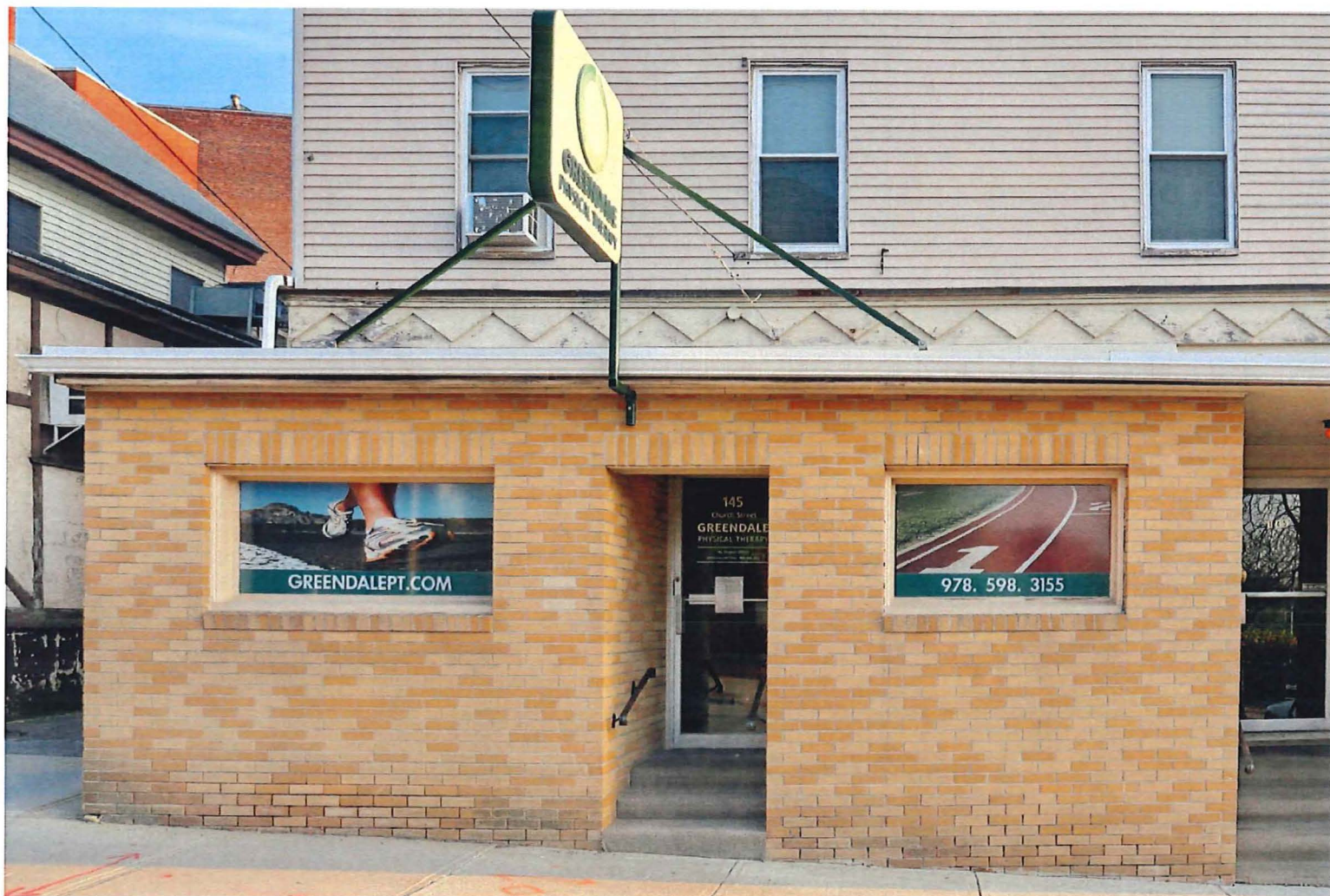
Euger Lin, DMD, FRCD(C)

 theVitamin
Shoppe

GREENDALE
PHYSICAL THERAPY



5







6

nShoppe

423



COMING EARLY 2020







160E

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\$29* Children's
Complete
Checkup
*ask for details

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Met Life • Altus Dental • Guardian
Blue Cross • Blue Shield • GEHA
Local 103 IBEW • Ameritas
United Health
Aetna

Dr. Jas Arora, DMD
508-251-1701
OxfordSmilesDental.com



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HEALTHY • FIT • KITCHEN



PLANNING BOARD
DATE 7-15-20
AGENDA _____
ACTION _____



100 Commerce Way, Suite 5
 Woburn, MA 01801
 Tel: (781) 935-6889
 Fax: (781) 935-2896

Transmittal

To: Krista Holmi
 Planning Board Administrator
 Planning Board
 135 Neil Street, 2nd Floor
 Marlborough, MA 01752

From: Steven Lee, EIT
A&M Project #: 2658-01
Date: July 15, 2020
Re: ENF Filing
 393 Boston Post Road East
 Marlborough, MA

Copy: None

We are transmitting ☐ herewith ☐ under separate cover ☒ by FedEx ☐ by Mail ☐ by Messenger:
☒ Priority
☐ Standard
☐ Two Day

☐ Originals ☐ Copy of Letter ☐ Certification
☒ Prints ☐ Specifications ☐ Digital Data
☐ Shop Drawings ☐ Report ☐ Other

Copies	Document Date	Description
1	7/15/2020	Environmental Notification Form (ENF)

These items are transmitted:

☐ For approval ☐ For your use
☐ As requested ☒ For review and comment


 Steven Lee, EIT
 Senior Project Engineer
 Email: SLee@allenmajor.com



ENVIRONMENTAL NOTIFICATION FORM

Multi-Family Development
339 Boston Post Road East
Marlborough, MA

Prepared: 07/15/2020



Site Locus – Not to Scale

CLIENT:

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

PREPARED BY:

Allen & Major Associates, Inc.
100 Commerce Way, Suite 5
Woburn, Massachusetts 01801
EOR: Carlton M. Quinn, PE



City of Marlborough
Department of Public Works

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

THEODORE L. SCOTT, P.E.
INTERIM COMMISSIONER

July 16, 2020

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

RE: Commonwealth Heights Definitive Subdivision

Dear Dr. Fenby:

I have reviewed the Commonwealth Heights Definitive Subdivision submittal and have researched our files and have the following comments to offer regarding the submission for:

Definitive Subdivision Plan of Commonwealth Heights
 In Marlborough, Massachusetts

Owner: Marlborough/Northborough Land Realty Trust

Subdivider: Commonwealth Heights, LLC

Prepared by: Connorstone Consulting Civil Engineers and Land Surveyors

Date: October 24, 2019 (Revised Date: March 2, 2020)

Originally approved as a 23-lot Definitive Subdivision on May 11, 2006 (recorded at the South Middlesex Registry of Deeds as Recorded Plan No. 549 and No. 550 of 2007), the approval of the subdivision was extended several times until the approval expired, at the request of the developer, on November 27, 2017.

After a failed attempt to have the property rezoned and developed as a “Commercial Village Housing Overlay District” project, the original subdivision was re-submitted for approval as a Definitive Subdivision Plan. This submission incorporated updated design criteria to the Planning Board Rules and Regulations, such as using vertical granite curbing and a 10-foot wide landscape easement around the perimeter if the roadway.

In the timeframe between the original subdivision approval and the expiration of the approval, the property was cleared and brought to subgrade. Municipal Utilities were brought off the adjacent public ways onto the property and three detention basins were constructed to treat drainage runoff from this property. Off-site improvements to the drainage system on Glen Street and Conrad Road were also completed during this timeframe.

As a result of discussions with the Planning Board, the developer has shortened the roadway length from 1,070.00 feet to 964.43 feet and has reconfigured the shape of Lots 7, 8, 11 & 12 and has eliminated Lots 9 & 10 as buildable lots and has designated this area as Parcel 9-10. Where the length of the roadway is in excess of 500 feet, the following waiver will be required:

Section IV. Design Standards

- §A676.11 Design Guidelines, E. Dead End Streets:

“Dead end streets shall not be longer than 500 feet unless provided with a divided roadway, or unless, in the opinion of the Planning Board, such greater length is necessitated by topography or other local conditions.”

Roadway grades and the drainage design has been modified so that the shortened roadway meets the design guidelines for §A.676.11 Design Guidelines D. Grade and E. Dead End Streets.

The developer has presented a roadway cross-section consistent with the cross-section approved for the Mauro Farm Definitive Subdivision, which has a 28-foot pavement width, a 5-foot wide grass strip (including a vertical granite curb) placed between the roadway and a 5-foot wide paved sidewalk and a 1-foot wide grass strip between the paved sidewalk and the edge of the 50-foot wide roadway layout. The following waivers from the Planning Board will be required to deviate from the standard roadway cross-section:

Section V. Required Improvements for an Approved Subdivision

- §A.676.24 - Streets and Roadway, B.2, to reduce the pavement width from 32 feet to 28 feet.
- §A.676.26 – Sidewalks, Curbs and Gutters, A (1), to reduce the sidewalk width from 6 feet to 5 feet.
- §A.676.27 – Grass Plots, A, to allow for the grass strip between the granite curbing and the sidewalk.
- §A.676.28 – Trees, A, to allow for street trees to be planted within the roadway right-of-way, to maintain a staggered planting pattern on each side of the sidewalk.

The Definitive Subdivision Plans, with the approval of the aforementioned waivers, meets the Design Standards as set forth in §A676 – Article IV, for Design Guidelines for Location, Alignment, Width, and Grade of Street and provisions for Dead end Streets, Curb Cuts, Easements, Protection of Natural Features, Lot Drainage, Fire Hydrants, Sidewalks, Grass Plots, Trees and Street Lighting and as set forth in §A676 – Article V, for general plan requirements, Streets and Roadways, Utilities, Sidewalks, Curbs and Gutters, Grass Plots, Trees, Monuments, Street Signs and Names, Street Lights Underground Lines, Cable Television, Signage, and Guardrails.

There are no provisions for Open Space in this subdivision, although Parcel 9-10 will remain unimproved, other than a portion of the property which will function as a detention basin for the subdivision drainage system.

I have requested that the applicant make changes to the Definitive Subdivision Plan and addressed in the Covenant for the Commonwealth Heights Definitive Subdivision submission to address the concerns noted by the Marlborough Conservation Commission in a Memorandum to the Marlborough Planning Board dated June 7, 2020 and an e-mail from John Garside, Director of Public Health, dated June 18, 2020. I received final plans on July 16, 2020 for the Definitive Subdivision Plan submission which have addressed our concerns.

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

Sincerely,



Timothy F. Collins
Assistant City Engineer

xc: Theodore L. Scott, P.E. – Interim DPW Commissioner
Thomas DiPersio, Jr., P.E., P.L.S. – City Engineer

DEFINITIVE SUBDIVISION PLAN OF "COMMONWEALTH HEIGHTS" IN MARLBOROUGH, MASSACHUSETTS

REFERENCES:
ASSESSORS MAP 100, LOTS 24-26
MAP 89, LOTS 80-89
DEED BOOK 1228, PAGE 149
Plan No. 453 of 1961
Plan No. 1549 of 1968
Plan No. 327 of 1941
Plan No. 1527 of 1906
Plan No. 437 of 1976
Plan No. 198 of 1967
Plan No. 1544 of 1968
Plan No. 511 of 1964
Plan No. 455 of 1961
Plan No. 1174 of 1995
L.C. Plan 30702A
Plan No. 549 of 2007
Plan No. 550 of 2007

Middlesex South
Registry of Deeds
SITE ADDRESS: OFF FOREST STREET

2019 PLAN NOTE:
THE PURPOSE OF THIS PLAN IS FOR RE-PERMITTING/APPROVAL OF THE COMMONWEALTH HEIGHTS SUBDIVISION PREVIOUSLY APPROVED BY THE CITY OF MARLBOROUGH PLANNING BOARD IN MAY OF 2006.
THE PREVIOUS SUBDIVISION APPROVAL EXPIRED.
THIS PLAN SET WILL SUPERCEDE THE PREVIOUS SUBDIVISION PLANS RECORDED AS PLANS 549 & 550 OF 2007 IN THE MIDDLESEX SOUTH REGISTRY OF DEEDS.

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW,
IS REQUIRED.

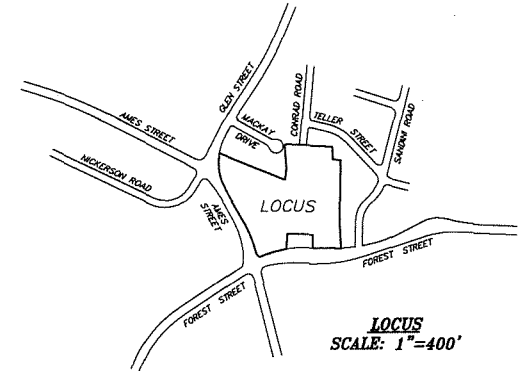
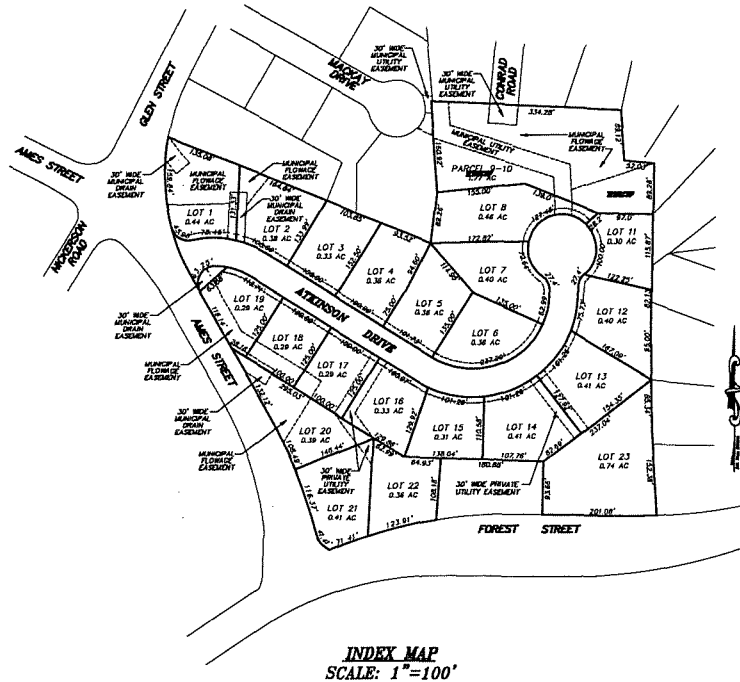
MARLBOROUGH PLANNING BOARD

DATE: _____

I HEREBY CERTIFY THAT THIS PLAN
WAS PREPARED IN CONFORMANCE WITH
THE RULES AND REGULATIONS OF THE
REGISTERS OF DEEDS.

WARDJIAN H. HAGOPIAN, P.L.S. 49665

I, _____, CLERK OF THE CITY OF MARLBOROUGH
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD
OF THIS PLAN ON _____ AND NO APPEAL WAS TAKEN
FOR TWENTY (20) DAYS THEREAFTER.



PLAN SUMMARY

DESCRIPTION	SHEET
LOCUS / INDEX PLAN	1
PLAN OF LAND	2
CONSTRUCTION DRAWINGS	1-9

SITE SUMMARY

TOTAL AREA = 10.60± Acres
TOTAL LOT AREA = 9.23± Acres
ROADWAY AREA = 1.37± Acres
ROADWAY LENGTH = 1,071.16 Feet
TOTAL LOTS = 23

OWNER

MARLBOROUGH / NORTHBOROUGH
LAND REALTY TRUST
1 WALL STREET
BURLINGTON, MA 01803
PHONE: (781) 272 7000
FAX: (781) 272 3130

SUBDIVIDER

COMMONWEALTH HEIGHTS, LLC
128 WEST MAIN STREET
WILMINGTON, MA 01887
PHONE: (978) 988 8080
FAX: (978) 988 0181

DEFINITIVE PLAN

PLAN OF LAND
OF
COMMONWEALTH HEIGHTS
IN
MARLBOROUGH, MA.

JULY 16, 2020
JULY 13, 2020
MARCH 2, 2020
JANUARY 29, 2020
REVISIONS
OCTOBER 24, 2019

ZONED: RESIDENCE A-3
AREA = 12,500 sf
FRONTAGE = 100 feet
SETBACKS: FRONT = 20 feet
SIDE = 15 feet
REAR = 30 feet



CONNORSTONE
CONSULTING CIVIL ENGINEERS
AND
LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
PH. (508) 393 9727 FAX (508) 393 5242

DESIGNED BY: REM.TDP
CHECKED BY: VHH
COMPUTED BY: VHH
FIELD SURVEY: BKK,VHH
DRAWN BY: VHH
SCALE: 1"=40'
SHEET 1 OF 2

ZONE: RESIDENCE A-3
AREA = 12,500 sf
FRONTAGE = 100 feet
SETBACKS: FRONT = 20 feet
SIDE = 15 feet
REAR = 30 feet

LEGEND

- FLAID DAD
- PROPOSED DAD
- UTILITY POLE
- NET FLAD #
- COORDED STONE WALL
- 2" CONTOUR
- 10" CONTOUR
- EXISTING DAD
- EXISTING DAD
- SEWER SERVICE
- WATER SERVICE
- CABLE UTILITIES
- WATER SERVICE
- SEWER SERVICE

APPROVAL UNDER THE SUBDIVISION CONTROL LAW, IS REQUIRED.
MARLBOROUGH PLANNING BOARD

DATE: _____

OWNER
MARLBOROUGH / NORTHBOROUGH LAND REALTY TRUST
1 WALL STREET
BURLINGTON, MA. 01803
(781) 272-7000
(781) 272-3130

SUBDIVIDER
COMMONWEALTH HEIGHTS, LLC
128 WEST MAIN STREET
WILMINGTON, MA. 01887
(978) 988-8060
(978) 988-0181

TOPOGRAPHICAL PLAN OF COMMONWEALTH HEIGHTS IN MARLBOROUGH, MA.
CONNORSTONE CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01852
TEL: (508) 393-9727 FAX: (508) 393-6242

DESIGNED BY: REM, TDP
CHECKED BY: VC
COMPUTED BY: VEH
FIELD SURVEY: BKK
DRAWN BY: REM, VEH
SCALE: 1" = 40'
DATE: JANUARY 28, 2020

REVISIONS

NO.	DATE	DESCRIPTION
1	JULY 16, 2020	
2	JULY 13, 2020	
3	MARCH 2, 2020	
4	JANUARY 28, 2020	

SHEET 1 OF 10
OCTOBER 24, 2019

PROJECT SUMMARY

- TOTAL AREA OF ORIGINAL TRACT SHOWN ON THIS PLAN = 147,430 S.F.
- AREA IN LOTS 1-23 AND PARCEL "A" = 402,267 S.F.
- AREA IN STREETS = 58,171 S.F.
- AREA IN EASEMENTS = 78,536 S.F.
- AREA RESERVED FOR PARKS, SCHOOLS, ETC. = 0 S.F.
- TOTAL AREA OF SUBDIVISION = 461,930 S.F.

STREETS

- ROAD STA. 0+00 TO STA. 10+71.16 = 1071.16 L.F.

EASEMENTS

- UTILITY EASEMENTS = 68,382 S.F.
- ACCESS, EGRESS, AND UTILITY EASEMENTS = 8,154 S.F.

WETLANDS EVALUATION OF SITE DONE BY OTHERS.
NO WETLANDS IDENTIFIED ON-SITE. OFF-SITE WETLAND LOCATION (NEAR GLEN ROAD) BY OTHERS.

CLERK OF THE CITY OF MARLBOROUGH
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD OF THIS PLAN ON _____ AND NO APPEAL WAS TAKEN FOR TWENTY (20) DAYS THEREAFTER.

NOTE: 1. TOPOGRAPHY SHOWN IS BASED ON N.G.V.D. OF 1929 AND THE RESULT OF AN ON-GROUND SURVEY BY: CONNORSTONE.
2. INDIVIDUAL TREE LOCATIONS WERE TAKEN FROM AERIAL PHOTOGRAPHS AND WERE NOT LOCATED FROM ON-GROUND SURVEY.

GRAPHIC SCALE: 1" = 40'

0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200 FEET

0 10 20 30 40 50 60 70 80 90 100 METERS

DESIGNED BY: REM, TDP
CHECKED BY: VC
COMPUTED BY: VEH
FIELD SURVEY: BKK
DRAWN BY: REM, VEH
SCALE: 1" = 40'
DATE: JANUARY 28, 2020

REVISIONS

NO.	DATE	DESCRIPTION
1	JULY 16, 2020	
2	JULY 13, 2020	
3	MARCH 2, 2020	
4	JANUARY 28, 2020	

SHEET 1 OF 10
OCTOBER 24, 2019

TOPOGRAPHICAL PLAN OF COMMONWEALTH HEIGHTS IN MARLBOROUGH, MA. **CONNORSTONE** CONSULTING CIVIL ENGINEERS LAND SURVEYORS 10 SOUTHWEST CUTOFF, SUITS 7 NORTHBOROUGH, MASSACHUSETTS 01532 TEL: (508) 393-9727 FAX: (508) 393-6242

DESIGNED BY: REM, TDP	
CHECKED BY: VC	
COMPUTED BY: VHH	JULY 10, 2020
FIELD SURVEY: RKK	JULY 13, 2020
DRAWN BY: REM, VHH	MARCH 2, 2020
SCALE: 1" = 40'	JANUARY 20, 2020
SHEET 1 OF 10	REVISIONS
	OCTOBER 24, 2019

PROJECT SUMMARY

1. TOTAL AREA OF ORIGINAL TRACT SHOWN ON THIS PLAN = 147,430 S.F.

A. AREA IN LOTS 1-23 AND PARCEL "A" = 402,287 S.F.

B. AREA IN STRIPS = 56,671 S.F.

C. AREA OF EASEMENTS = 782,875 S.F.

D. AREA RESERVED FOR PARKS, SCHOOLS, ETC. = 0 S.F.

TOTAL AREA OF SUBDIVISION = 461,336 S.F.

2. STREETS

A. ROAD STA. 0+00 TO STA. 10+71.16 = 1071.16 L.F.

3. EASEMENTS

A. UTILITY EASEMENTS = 68,382 S.F.

B. ACCESS, EGRESS, AND UTILITY EASEMENTS = 8,154 S.F.

4. METLANDS EVALUATION OF SITE DONE BY OTHERS

NO METLANDS IDENTIFIED ON-SITE OR OFF-SITE METLAND

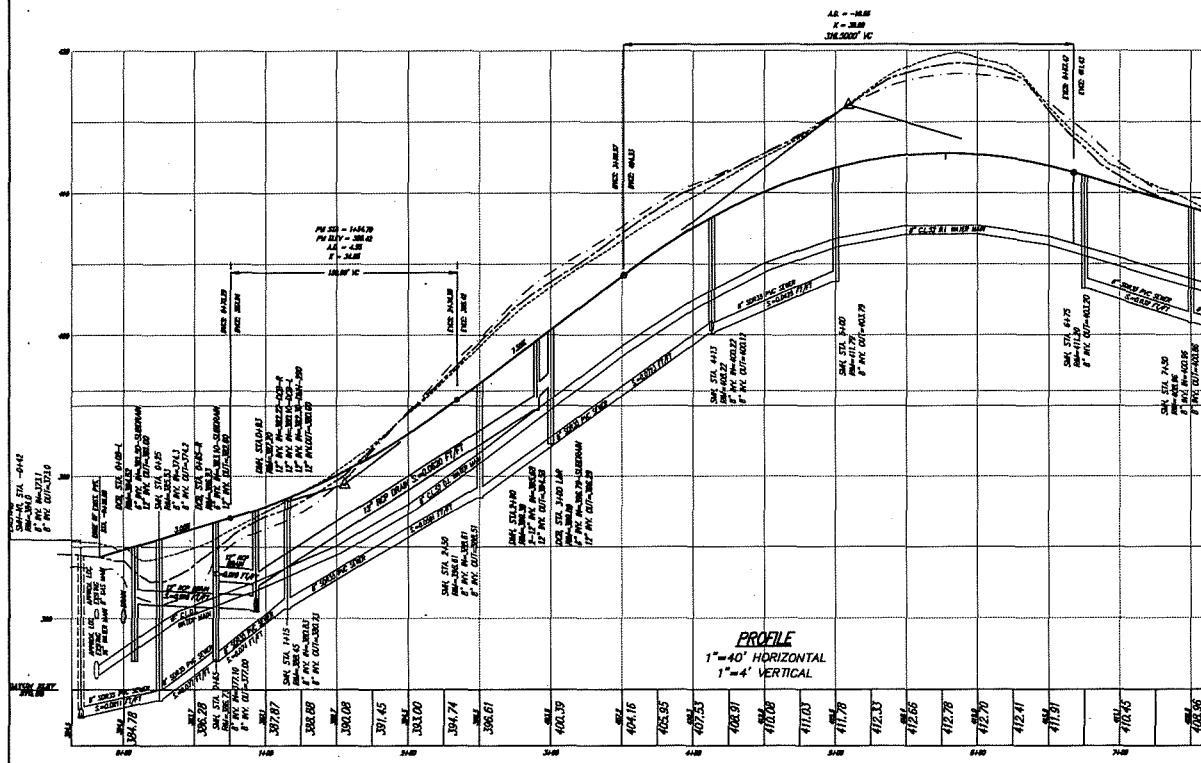
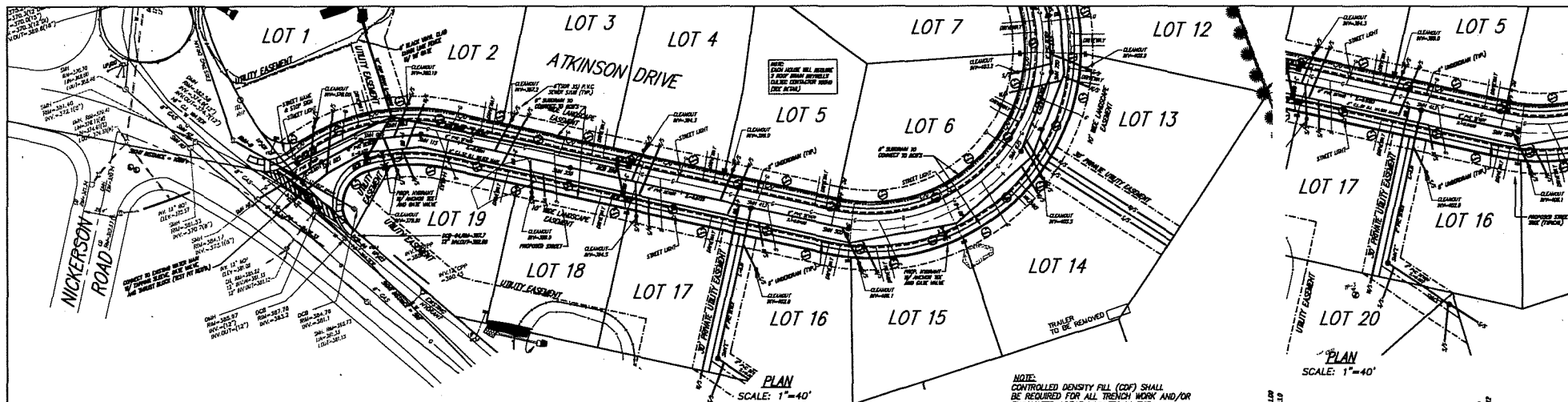
NO OTHER GLEN OR RIVER OTHER

NOTE: 1. TOPOGRAPHY SHOWN IS BASED ON N.G.V.D. OF 1929 AND
THE RESULT OF AN ON-GROUND SURVEY BY: CONNORSTONE.
2. INDIVIDUAL TREE LOCATIONS WERE TAKEN FROM AERIAL PHOTOGRAPHS
AND WERE NOT LOCATED FROM ON-GROUND SURVEY.

GRAPHIC SCALE: 1"=40'

A horizontal graphic scale bar. The top scale is in feet, with markings at 0, 10, 20, 30, 40, 50, 75, 100, 150, and 200. The bottom scale is in meters, with markings at 0, 5, 10, 15, 20, 30, 40, 50, and 80. The bar is divided into two sections: the first 100 feet (50 meters) is shaded with diagonal lines, and the remaining 100 feet (50 meters) is unshaded.





UTILITIES LEGEND

UNDERDRAIN
CABLE/UTILITIES
GAS LINE
SEWER LINE
WATER LINE
DRAIN LINE

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW,
IS REQUIRED.

MARLBOROUGH PLANNING BOARD

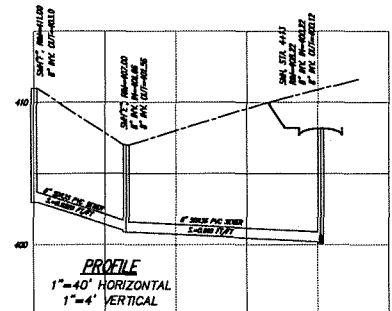
DATE: _____

OWNER
MARLBOROUGH / NORTHBOROUGH
LAND REALTY TRUST
1 WALL STREET
BURLINGTON, MA. 01803
(781) 272-7000
(781) 272-3130

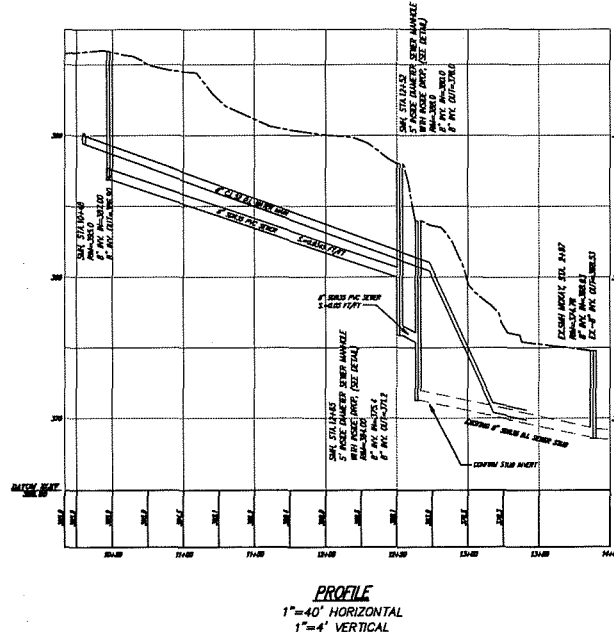
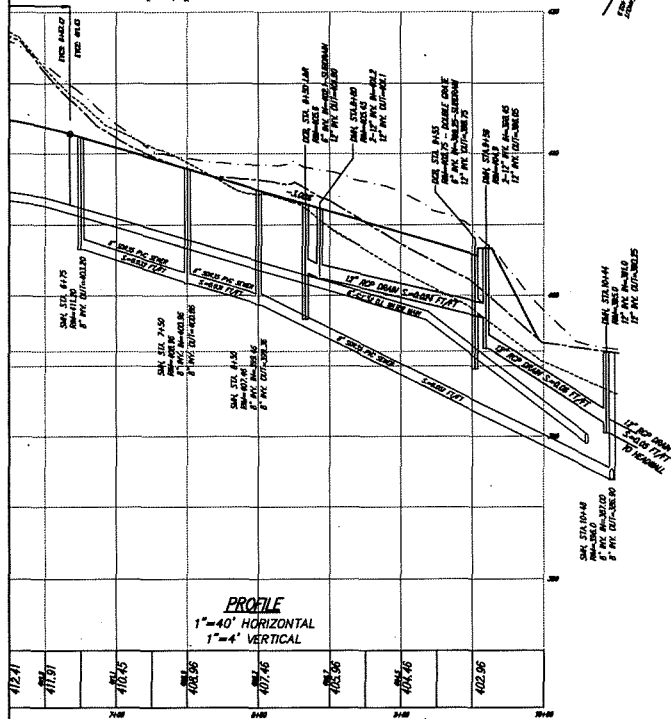
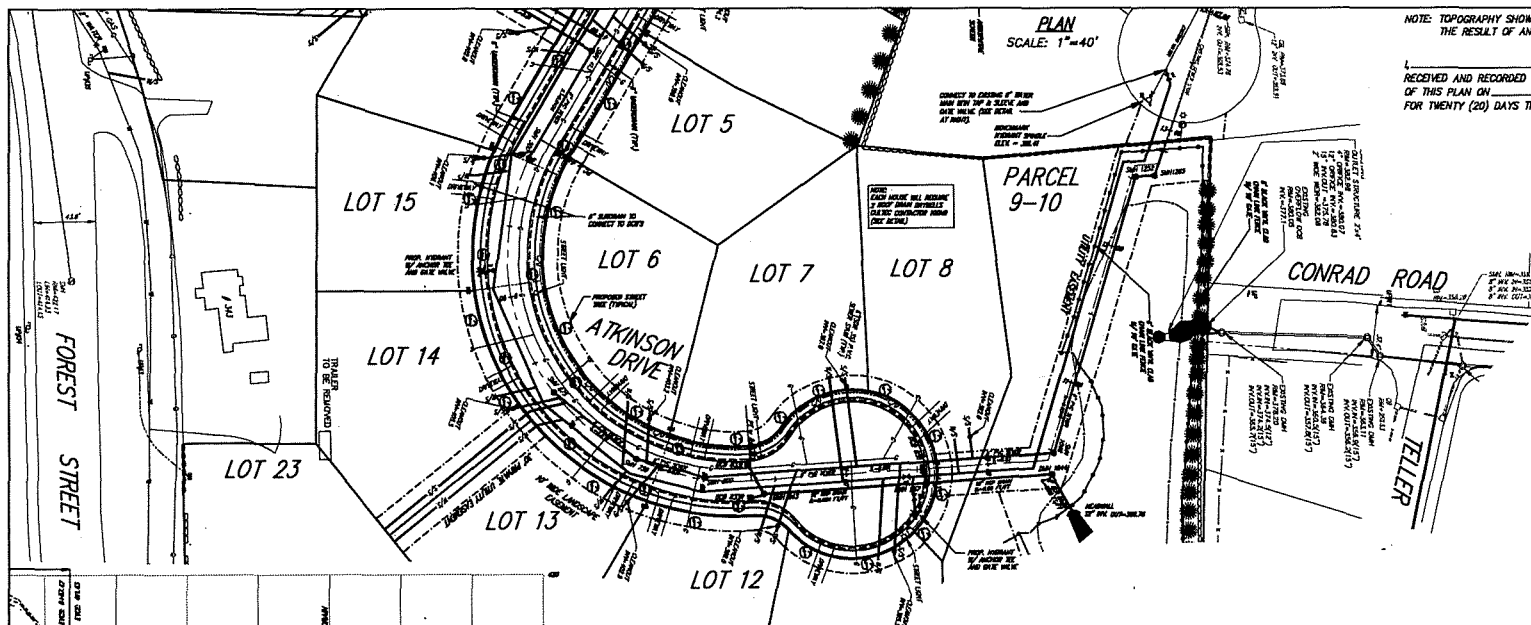
SUBDIVIDER
COMMONWEALTH HEIGHTS, LLC
128 WEST MAIN STREET
WILMINGTON, MA. 01887
(978) 988-8060
(978) 988-0181

CLERK OF THE CITY OF MARLBOROUGH
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD
OF THIS PLAN ON _____ AND NO APPEAL WAS TAKEN
FOR TWENTY (20) DAYS THEREAFTER.

NOTE: TOPOGRAPHY SHOWN IS BASED ON N.G.V.D. OF 1929 AND
THE RESULT OF AN ON-GROUND SURVEY BY: CONNORSTONE.



PLAN AND PROFILE	
OF	
ATKINSON DRIVE	
IN	
MARLBOROUGH, MA.	
CONNORSTONE	
CONSULTING CIVIL ENGINEERS	
AND	
LAND SURVEYORS	
10 SOUTHWEST CUTOFF, SUITE 7	
NORTHBOROUGH, MASSACHUSETTS 01832	
TEL: (508) 393-9727 FAX: (508) 393-5242	
DESIGNED BY: REM, TDP	CHECKED BY: VC
COMPUTED BY: VHH	JULY 16, 2020
FIELD SURVEY: BKK	JULY 13, 2020
DRAWN BY: REM, VHH	MARCH 2, 2020
SCALE: AS SHOWN	JANUARY 28, 2020
SHEET 2 OF 10	REVISIONS
	OCTOBER 24, 2019



NOTE: SURVEY PERFORMED BY CONNORSTONE ENGINEERS IN FEBRUARY AND MARCH, 2020.

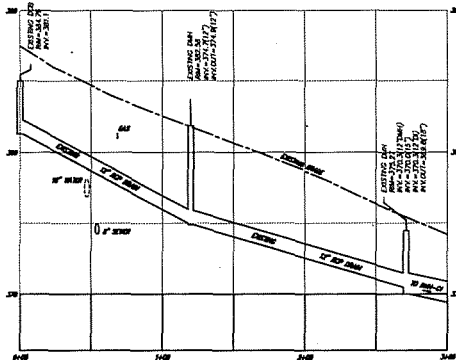
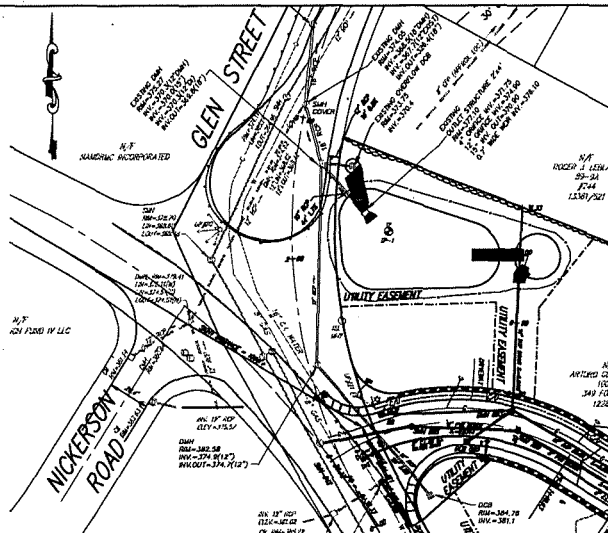
NOTE: CONNORSTONE DOES NOT GUARANTEE THE LOCATION OF CONNORSTONE'S ENGINEERING OFFICE OR OTHER SURFACE CONDITIONS.



OWNER
MARLBOROUGH / NORTHBOROUGH
LAND REALTY TRUST
1 WALL STREET
BURLINGTON, MA. 01803
(781) 272-7000
(781) 272-3130

SUBDIVIDER
COMMONWEALTH HEIGHTS, LLC
128 WEST MAIN STREET
WILMINGTON, MA. 01887
(978) 988-8060
(978) 988-0181

PLAN AND PROFILE OF ATKINSON DRIVE IN MARLBOROUGH, MA.	
CONNORSTONE CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS	
10 SOUTHWEST CUTOFF, SUITE 7 NORTHBOROUGH, MASSACHUSETTS 01532 TEL: (508) 393-9727 FAX: (508) 393-5242	
DESIGNED BY: REM, TDP	
CHECKED BY: VC	
COMPUTED BY: VHB	JULY 16, 2020
FIELD SURVEY: BKK	JULY 13, 2020
DRAWN BY: REM, VHB	MARCH 2, 2020
SCALE: AS SHOWN	JANUARY 28, 2020
SHEET 3 OF 10	REVISIONS OCTOBER 24, 2019

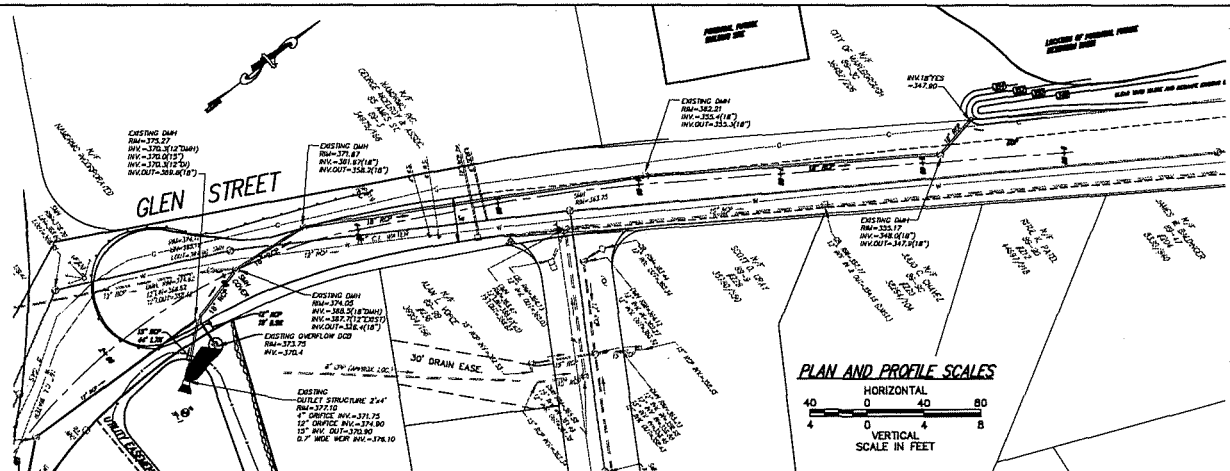


APPROVAL UNDER THE
SUBDIVISION CONTROL LAW,
IS REQUIRED.
MARLBOROUGH PLANNING BOARD

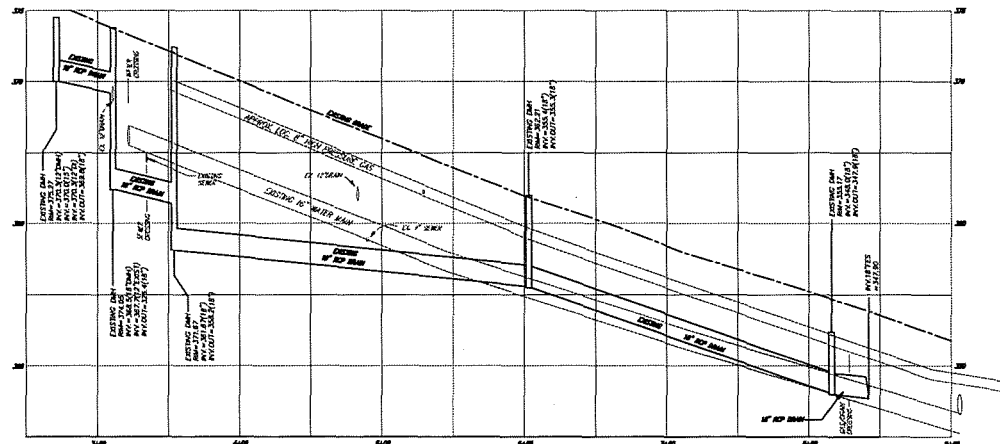
NOTE: TOPOGRAPHY SHOWN IS BASED ON A.G.V.D. OF 1929 AND
THE RESULT OF AN ON-GROUND SURVEY BY: CONNORSTONE.

I, _____, CLERK OF THE CITY OF MARLBOROUGH
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD
OF THIS PLAN ON _____
FOR TWENTY (20) DAYS THEREAFTER.

DATE: _____



PLAN AND PROFILE SCALES
HORIZONTAL
0 40 80
VERTICAL
SCALE IN FEET



OWNER
MARLBOROUGH / NORTHBOROUGH
LAND REALTY TRUST
1 WALL STREET
BURLINGTON, MA. 01803
(781) 272-7000
FAX (781) 272-3130

SUBDIVIDER
COMMONWEALTH HEIGHTS, LLC
128 WEST MAIN STREET
WILMINGTON, MA. 01887
(978) 988-8060
FAX (978) 988-0181

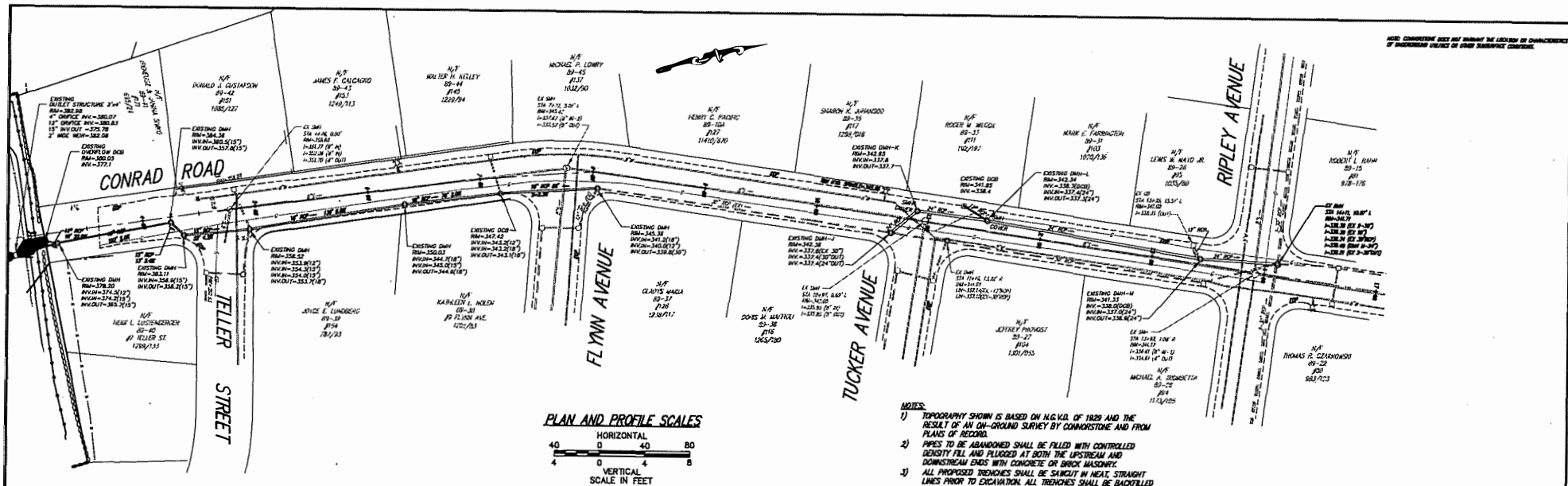
NOTE: CONNORSTONE DOES NOT WARRANT THE LOCATION OR CHARACTERISTICS
OF UNDERGROUND UTILITIES OR OTHER SUBSURFACE CONDITIONS.

NOTES

- TOPOGRAPHY SHOWN IS BASED ON A.G.V.D. OF 1929 AND THE
RESULT OF AN ON-GROUND SURVEY BY CONNORSTONE AND FROM
PLANS OF RECORD.
- PIPES TO BE ABANDONED SHALL BE FILLED WITH CONTROLLED
DENSITY FILL AND PLUGGED AT BOTH THE UPSTREAM AND
DOWNSTREAM ENDS WITH CONCRETE OR BRICK MASONRY.
ALL PROPOSED TRENCHES SHALL BE SLOTTED IN NEAT, STRAIGHT
LINES PRIOR TO EXCAVATION. ALL TRENCHES SHALL BE BACKFILLED
AND RESURFACED TO MEET AND MATCH EXISTING GRADES.
- EACH PORTION OF DRAIN PIPE INSTALLATION SHALL BE INSTALLED
WORKING FROM THE DOWNSTREAM END AND WORKING BACK TOWARDS
THE SITE.
- THE CONTRACTOR SHALL COORDINATE WITH THE CITY ENGINEER
REGARDING WORK IN THE PUBLIC RIGHT-OF-WAY.
- END THE END OF WORK EACH DAY, TRENCHES SHALL BE BACKFILLED
AND PROTECTED TO THE SATISFACTION OF THE CITY ENGINEER.

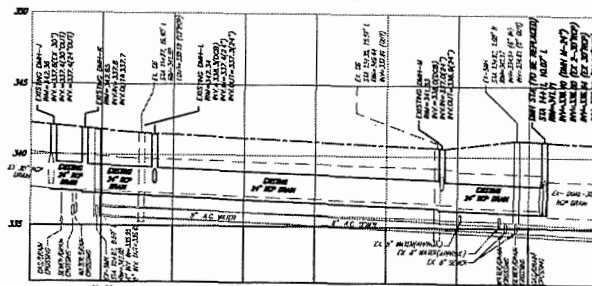


OFF SITE PLAN AND PROFILES OF COMMONWEALTH HEIGHTS IN MARLBOROUGH, MA.	
CONNORSTONE	
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS	
10 SOUTHWEST CUTOFF, SUITE 7 NORTHBOROUGH, MASSACHUSETTS 01832	
TEL: (508) 393-9727 FAX: (508) 393-6242	
DESIGNED BY: RKM, TDP	
CHECKED BY: VC	
COMPUTED BY: TDP	JULY 16, 2020
FIELD SURVEY: BKK	JULY 13, 2020
DRAWN BY: RKM, TDP	MARCH 2, 2020
SCALE: AS SHOWN	JANUARY 28, 2020
SHEET 4 OF 10	REVISIONS OCTOBER 24, 2019



NOTES:

- 1) TOPOGRAPHY SHOWN IS BASED ON N.G.V.D. OF 1929 AND THE RESULT OF AN ON-GROUND SURVEY BY CONNORSTONE FROM PLANS OF RECORD.
- 2) PIPES TO BE ABANDONED SHALL BE FILLED WITH CONTROLLED DENSITY FILL AND PLUGGED AT BOTH THE UPSTREAM AND DOWNSTREAM ENDS WITH CONCRETE OR BRICK MASONRY.
- 3) ALL PROPOSED TRENCHES SHALL BE SAUCUT IN NEAT, STRAIGHT LINES PRIOR TO EXCAVATION. ALL TRENCHES SHALL BE BACKFILLED AND RESURFACED TO MEET AND MATCH EXISTING GRADES.
- 4) EACH PORTION OF DRAIN PIPE INSTALLATION SHALL BE BACKFILLED WORKING FROM THE DOWNSTREAM END AND WORKING BACK TOWARDS THE SITE.
- 5) THE CONTRACTOR SHALL COORDINATE WITH THE CITY ENGINEER REGARDING WORK IN THE PUBLIC RIGHT-OF-WAY.
- 6) END OF WORK EACH DAY, TRENCHES SHALL BE BACKFILLED AND PROTECTED TO THE SATISFACTION OF THE CITY ENGINEER.



APPROVAL UNDER THE
SUBDIVISION CONTROL LAW,
IS REQUIRED.

MARLBOROUGH PLANNING BOARD

DATE: _____

NOTE: TOPOGRAPHY SHOWN IS BASED ON N.G.V.D. OF 1929 AND THE RESULT OF AN ON-GROUND SURVEY BY CONNORSTONE.

CLERK OF THE CITY OF MARLBOROUGH
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD
OF THIS PLAN ON _____ AND NO APPEAL WAS TAKEN
FOR TWENTY (20) DAYS THEREAFTER.



OWNER
MARLBOROUGH / NORTHBOROUGH
LAND REALTY TRUST
1 WALL STREET
BURLINGTON, MA. 01803
(781) 272-7000
FAX (781) 272-3130

SUBDIVIDER
COMMONWEALTH HEIGHTS, LLC
128 WEST STREET
WILMINGTON, MA. 01887
(978) 988-8060
FAX (978) 988-0181

OFF SITE PLAN AND PROFILE
OF
CONRAD ROAD
IN
MARLBOROUGH, MA.
CONNORSTONE
CONSULTING CIVIL ENGINEERS
AND
LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01552

DESIGNED BY: RKM, TDP	
CHECKED BY: VCS	
COMPUTED BY: TDP	JULY 16, 2020
FIELD SURVEY: BKK	JULY 13, 2020
DRAWN BY: TDP	MARCH 2, 2020
SCALE: AS SHOWN	JANUARY 28, 2020
SHEET 5 OF 10	REVISIONS
	OCTOBER 24, 2019

SOIL MANAGEMENT NOTES
THE FOLLOWING NOTES APPLY TO THE REMOVAL OF EXISTING CONTAMINATED SOILS ON-SITE IN ACCORDANCE WITH THE APPROVED SOIL MANAGEMENT PLAN PRIOR TO COMMENCING CONSTRUCTION OF THE SUBDIVISION.

1. A PRE-CONSTRUCTION MEETING SHALL BE HELD AT THE SITE AT LEAST SEVEN DAYS PRIOR TO THE START OF CONSTRUCTION INCLUDING SUPERVISORS OF THE WORK, THE CONTRACTOR, APPROVED CITY OFFICIALS, A LICENSED SITE PROFESSIONAL, AND A DISCRETIONARY OFFICER.
2. A LIST OF RESPONSIBLE PERSONS AS CITED IN THE SOIL MANAGEMENT PLAN, WILL BE PROVIDED AT THE PRE-CONSTRUCTION MEETING.
3. APPROPRIATE RECORDS WILL BE PROVIDED IN ACCORDANCE WITH THE SOIL MANAGEMENT PLAN. THE LOCATION OF THE RECORDS WILL BE SHOWN ON A CONSTRUCTION RECORDING PLAN AND PROVIDED AT THE PRE-CONSTRUCTION MEETING.
4. PRIOR TO CONSTRUCTION, THE SOIL MANAGEMENT PLAN FOR THE CONSTRUCTIONAL RECORDS WILL BE PROVIDED, SUBJECT TO THE APPROVAL OF THE MARLBOROUGH BOARD OF HEALTH.
5. AIR QUALITY MONITORING LOCATIONS AND PROCEDURES WILL BE PROVIDED ON THE CONSTRUCTION RECORDING PLAN AND PROVIDED AT THE PRE-CONSTRUCTION MEETING.
6. THE HEALTH AND SAFETY PLAN WILL BE PROVIDED BY THE CONTRACTOR AND THE MAINTAINED LEASED SITE PROFESSIONAL AT THE PRE-CONSTRUCTION MEETING.
7. SUBJECT TO THE IMPLEMENTATION OF THE FINAL SOIL MANAGEMENT PLAN PREPARED FOR THE SUBDIVISION, PREPARED BY SANDHILL FIELD LIMITED, APRIL 20, 2005.
8. TOPSOIL SHIPPED SHALL BE PLACED IN PILES, COVERED AND THEN PLACED IN THE DISPOSAL AREA AS SOON AS POSSIBLE AND STABILIZED IMMEDIATELY TO AVOID DUST FROM EXPOSURE AND MOBILE OFFICE.

PHASES
THIS DEVELOPMENT SHALL BE SEQUENCED SO THAT THE EXISTING SITE IS NOT EXPOSED AT THE SAME TIME, AND THE EXISTING AREAS SHALL BE STABILIZED AS SOON AS POSSIBLE.

1. CUT SITES MUST BE REVEALED
2. RECORD EXISTING CONDITIONS
3. CONTRACT TEMPORARY SEGMENT BARRIERS
4. RECORD CONTAMINATED AREAS IN ACCORDANCE WITH APPROVED SOIL MANAGEMENT PLAN
5. PROTECT EXISTING RECORDS
6. INSTALL DRAINAGE, SLOPE SLOPES IN DRAIN BASINS
7. INSTALL BARRIERS, INTERLOCKED UNIFORMS
8. CONTRACT STABILIZE AND ROAD TO BINDER
9. LEASE AND BOND
10. BARRIER SITE IS STABILIZED, CONTRACT TEMPORARY SEGMENT BARRIERS TO REMAIN, CONTAMINATED AREAS
11. REMOVE AND EXPOSE OF ACCESSIBLE SOILS
12. RECORD EXISTING AREAS
13. CONTRACT FENCELINE
14. INSTALL BARRIERS IN BASIN
15. GRADE BOTTOM FOR HIGH AND LOW MARCH
16. PLANT WEEDLAND PLANTS IN BASIN

DUST CONTROL: THE CONTRACTOR SHALL MAINTAIN ON SITE AN ADEQUATE WATER SUPPLY TO PREVENT THE EXPOSURE OF DUST.

WATER: ADEQUATE WATER SUPPLY USED ON THE SITE SHALL BE OBTAINED FROM MARLBOROUGH AND/OR OTHER ADEQUATE CONTROLLING AGENCIES AS REQUIRED BY STATE AND LOCAL REGULATIONS.

BLASTING: REQUIRED BLASTING SHALL BE CONDUCTED IN ACCORDANCE WITH ALL LOCAL, FEDERAL AND STATE REGULATIONS, INCLUDING SET BACKS.

WELLS:
1. DISCRETIONARY WELLS TO BE SET IN PLACE PRIOR TO CONSTRUCTION DURING PHASE.

2. ONCE EXISTING BARRIERS HAVE BEEN REVEALED, DISCRETIONARY WELLS SHALL BE PLACED IN ALL EXISTING BARRIERS.

3. ROVER PIPES SHALL BE INSTALLED IN DETENTION BASIN OUTLET STRUCTURES TO ENSURE PROPER SETTING OF DRAINAGE PRIOR TO EXPOSURE. UNDER THE SITE HAS BEEN PROPERLY STABILIZED AS DETERMINED BY THE CITY ENGINEER.

I, _____ CLERK OF THE CITY OF MARLBOROUGH
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD
OF THIS PLAN ON _____ AND NO APPEAL WAS TAKEN
FOR TWENTY (20) DAYS THEREAFTER.

EROSION CONTROL PLAN OF COMMONWEALTH HEIGHTS IN MARLBOROUGH, MA.

**CONNORSTONE
CONSULTING CIVIL ENGINEERS
AND
LAND SURVEYORS**
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
TEL: (508) 393-9727 FAX: (508) 393-5242

DESIGNED BY: REM/TDP	
CHECKED BY: VC	
COMPUTED BY: VHH	JULY 16, 2020
FIELD SURVEY: BEK	JULY 13, 2020
DRAWN BY: REM, VHH	MARCH 2, 2020
SCALE: 1" = 40'	JANUARY 28, 2020
REVISIONS	
SHEET 6 OF 10	OCTOBER 24, 2019

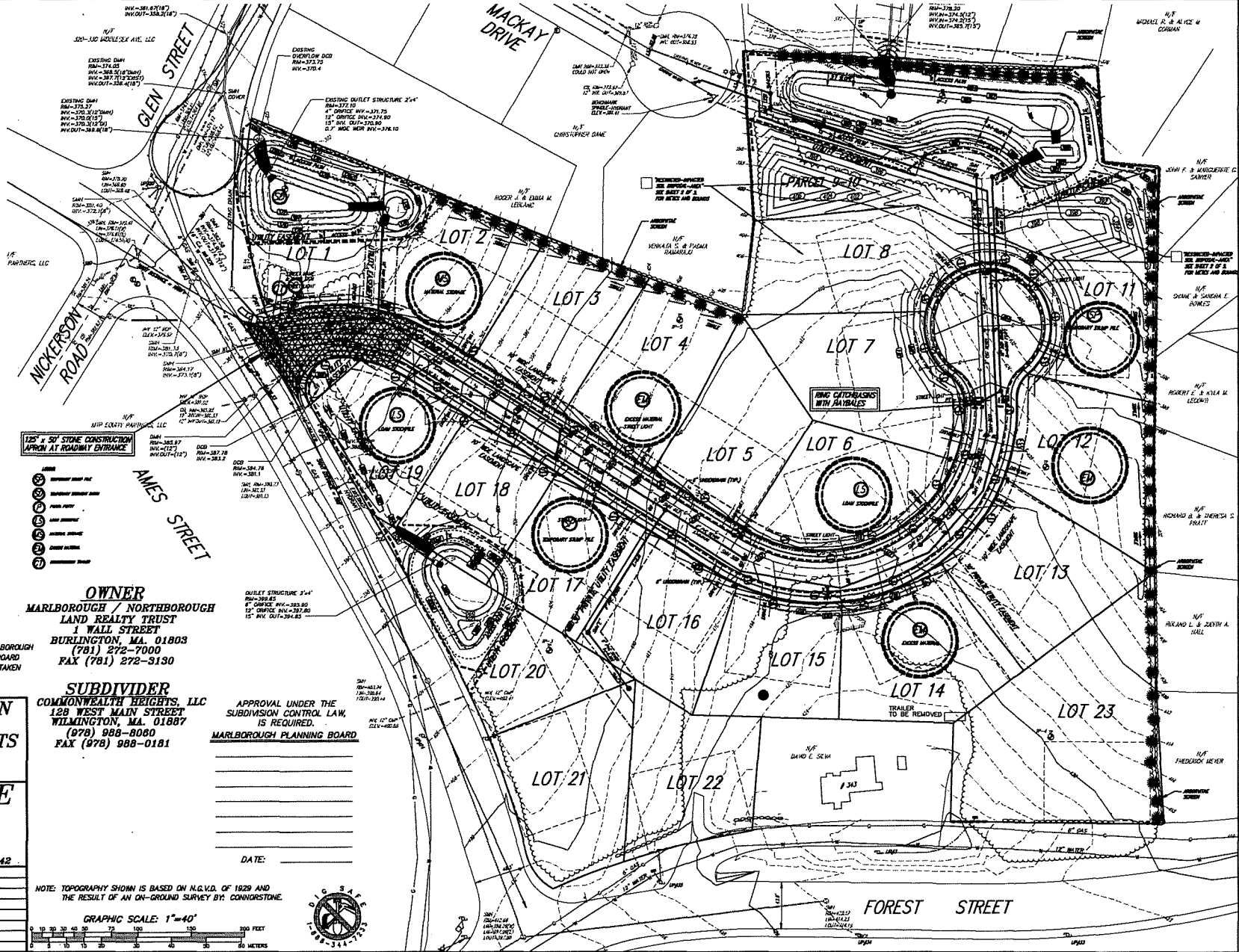
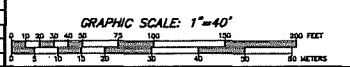
OWNER
**MARLBOROUGH / NORTHBOROUGH
LAND REALTY TRUST**
1 WALL STREET
BURLINGTON, MA. 01803
(781) 272-7000
FAX (781) 272-3130

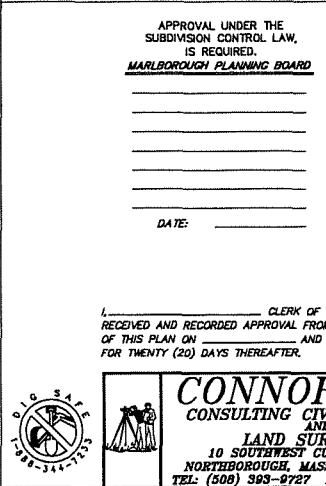
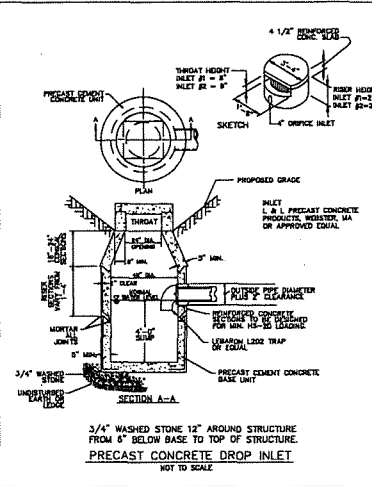
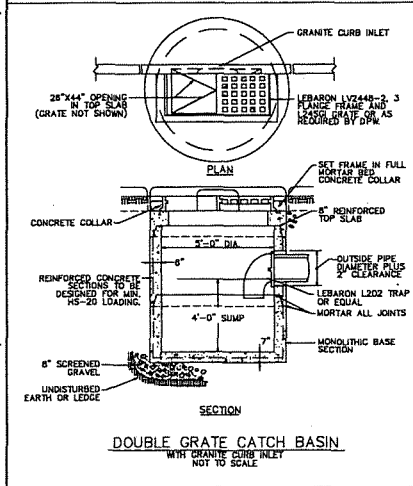
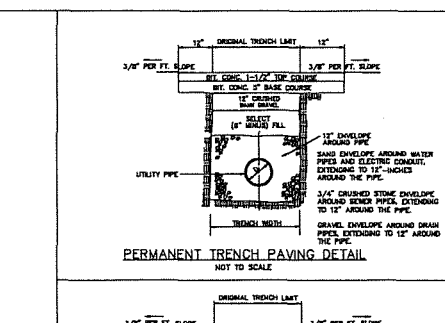
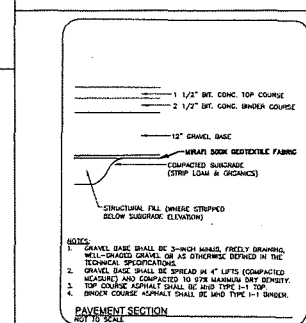
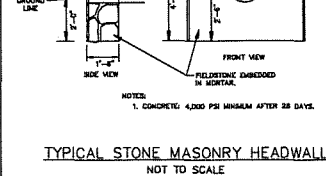
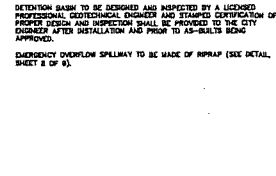
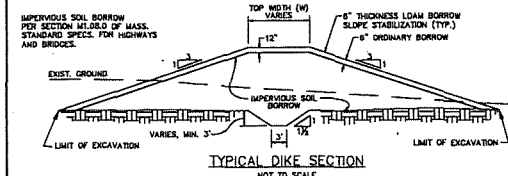
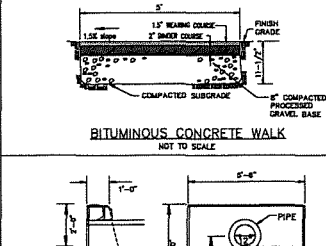
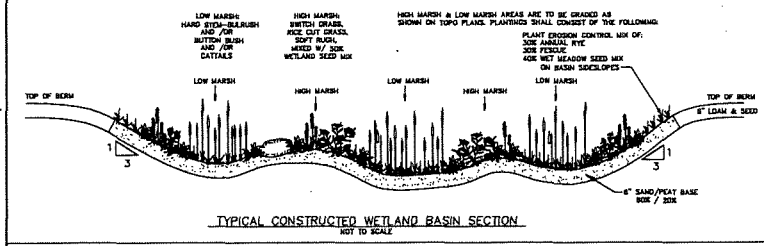
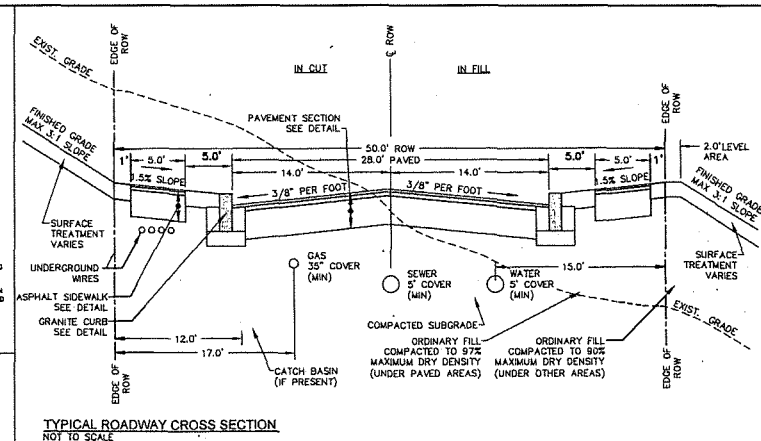
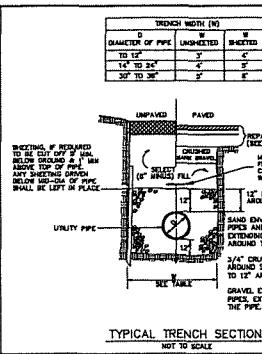
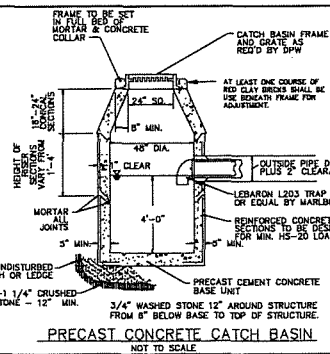
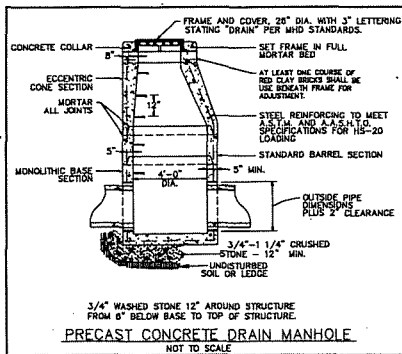
SUBDIVIDER
COMMONWEALTH HEIGHTS, LLC
128 WEST MAIN STREET
WILMINGTON, MA. 01887
(978) 988-8080
FAX (978) 988-0181

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
IS REQUIRED.
MARLBOROUGH PLANNING BOARD

DATE: _____

NOTE: TOPOGRAPHY SHOWN IS BASED ON N.G.V.D. OF 1929 AND
THE RESULT OF AN ON-GROUND SURVEY BY: CONNORSTONE.





OWNER
MARLBOROUGH / NORTHBOROUGH
LAND REALTY TRUST
1 WALL STREET
BURLINGTON, MA. 01803
(781) 272-7000

SUBDIVIDER
COMMONWEALTH HEIGHTS, LLC
128 WEST MAIN STREET
WILMINGTON, MA. 01887
(978) 988-8060

APPROVAL UNDER THE SUBDIVISION CONTROL LAW, IS REQUIRED.
MARLBOROUGH PLANNING BOARD

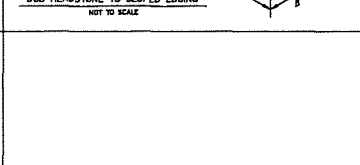
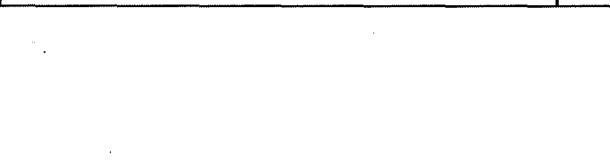
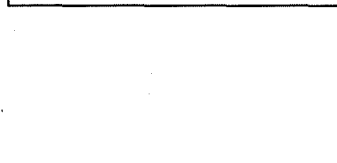
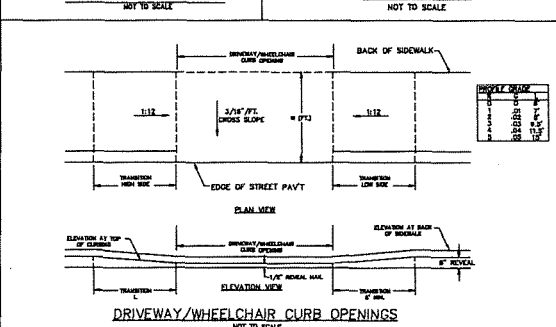
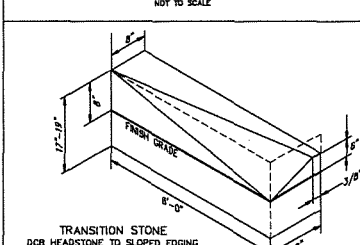
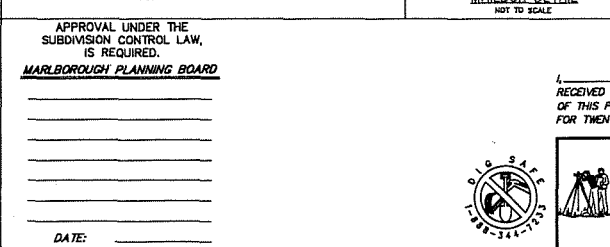
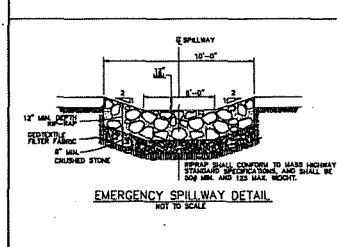
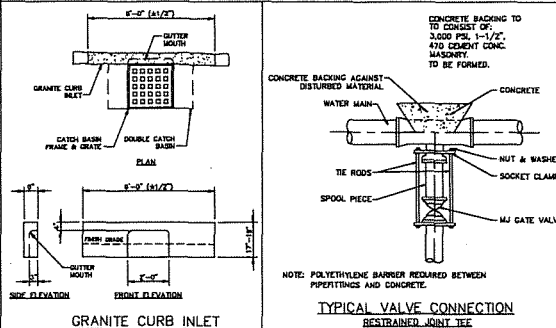
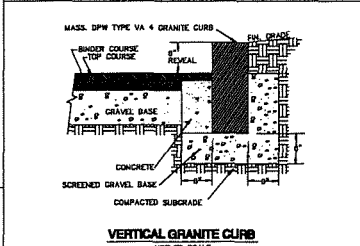
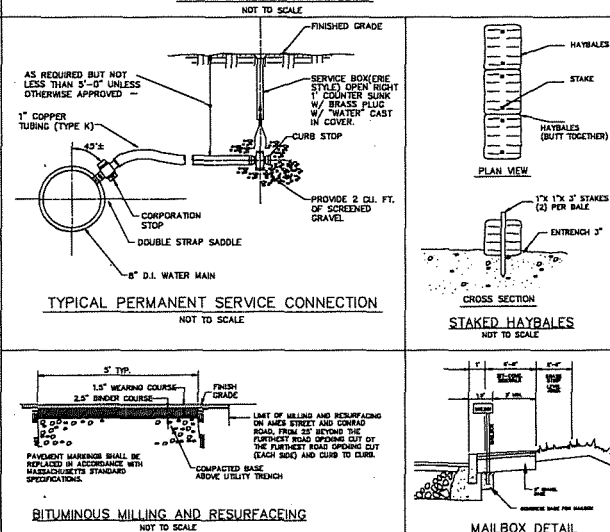
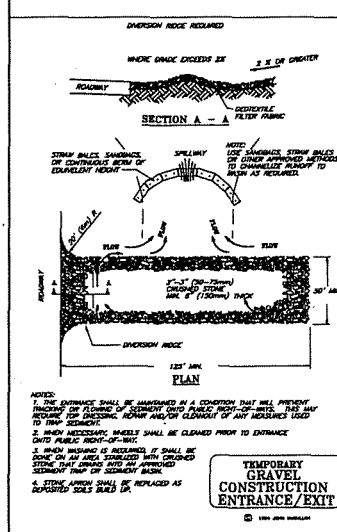
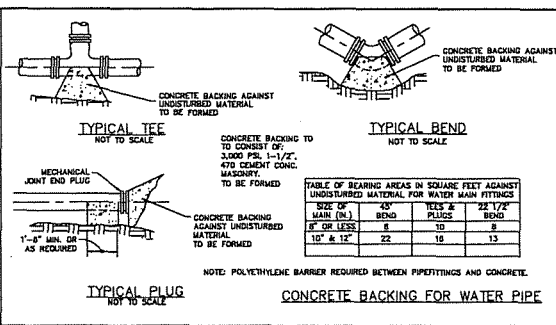
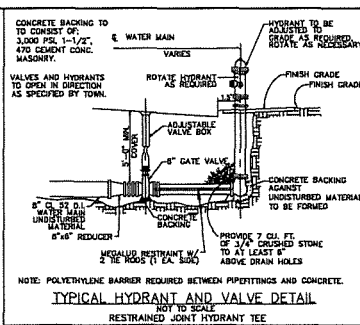
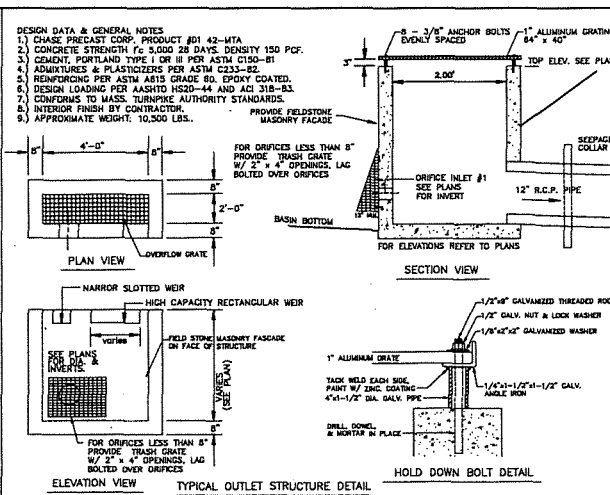
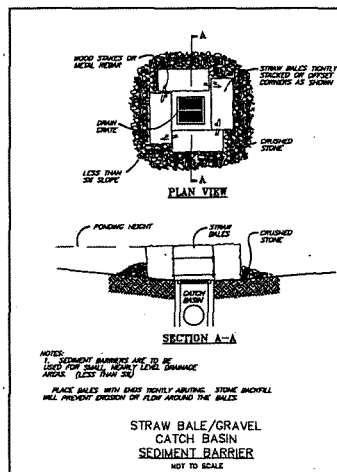
DATE: _____

CLERK OF THE CITY OF MARLBOROUGH
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD
OF THIS PLAN ON _____ AND NO APPEAL WAS TAKEN
FOR TWENTY (20) DAYS THEREAFTER.

DEFINITIVE PLAN
CONSTRUCTION DETAILS
OF
COMMONWEALTH HEIGHTS
IN
MARLBOROUGH, MA.

DESIGNED BY: REM, TDP
CHECKED BY: VC
COMPUTED BY: REM
FIELD SURVEY: BKK
DRAWN BY: REM
SCALE: NONE
SHEET 7 OF 10

JULY 16, 2020
JULY 13, 2020
MARCH 2, 2020
JANUARY 28, 2020
OCTOBER 26, 2019



SUBDIVIDER
COMMONWEALTH HEIGHTS, LLC
128 WEST MAIN STREET
WILMINGTON, MA. 01887
(978) 988-8060

OWNER
MARLBOROUGH / NORTHBOROUGH
LAND REALTY TRUST
1 WALL STREET
BURLINGTON, MA. 01803
(781) 272-7000

DEFINITIVE PLAN
CONSTRUCTION DETAILS
OF
COMMONWEALTH HEIGHTS
IN
MARLBOROUGH, MA.

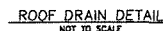
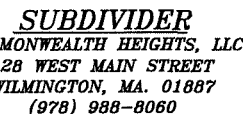
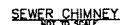
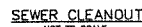
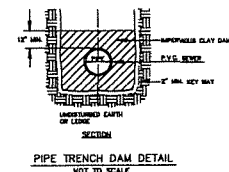
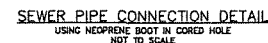
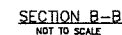
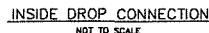
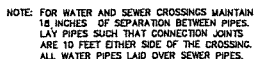
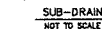
CONCORSTONE
CONSULTING CIVIL ENGINEERS
AND
LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
TEL: (508) 393-9727 FAX: (508) 393-5242

DESIGNED BY: REM, TDP
CHECKED BY: VC
COMPUTED BY: REM
FIELD SURVEY: REM
DRAWN BY: REM
SCALE: NONE
SHEET 8 OF 10

DATE: _____

REVISIONS

DATE	REVISION
JULY 16, 2020	
JULY 13, 2020	
MARCH 2, 2020	
JANUARY 28, 2020	
OCTOBER 24, 2019	



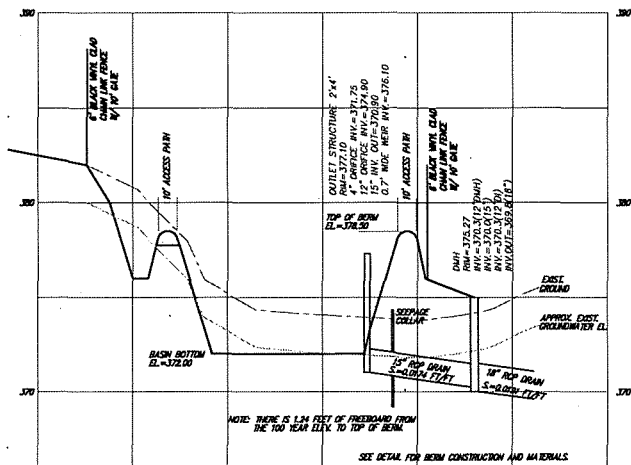
DATE:

5. CULVERT DISCHARGE PIPES SHALL HAVE 2 DOUBLE ROWS OF HAYBALES 5' APART AND 10' FROM THE OUTLETS.

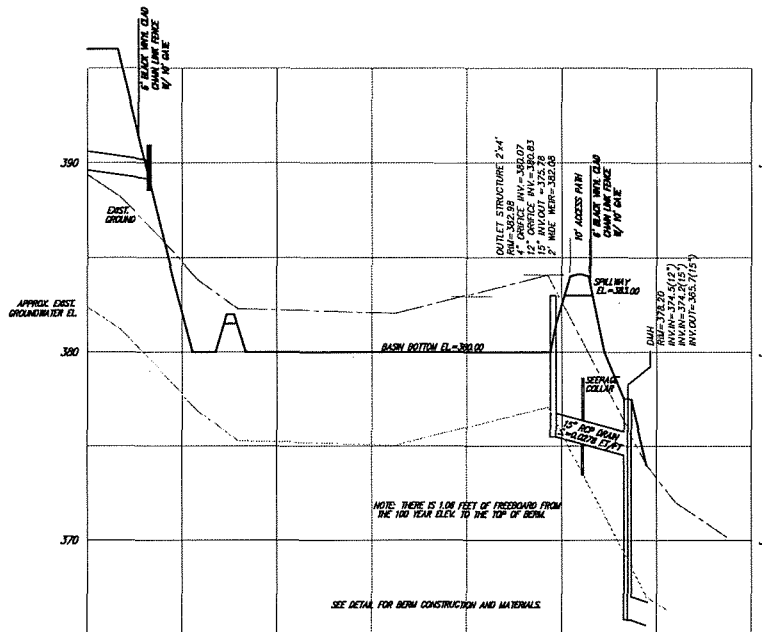
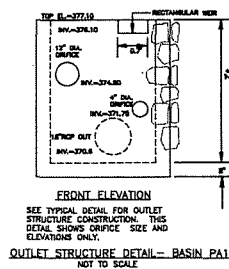
5. A 2' LEVELING AREA SHALL BE PROVIDED BEHIND THE SIDEWALK IN THE VICINITY OF PROPOSED MAILBOXES.

DESIGNED BY: REM, TDP
CHECKED BY: VC
COMPUTED BY: REM
FIELD SURVEY: BKK
DRAWN BY: REM
SCALE: NONE
SHEET 9 OF 10

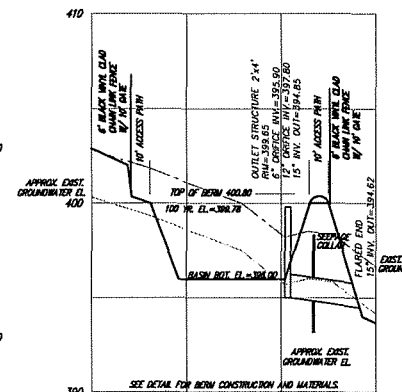
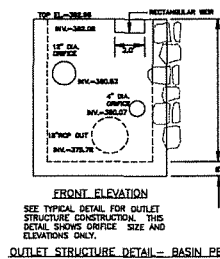
JULY 16, 2020
JULY 13, 2020
MARCH 2, 2020
JANUARY 28, 2020
REVISIONS
OCTOBER 24, 2019



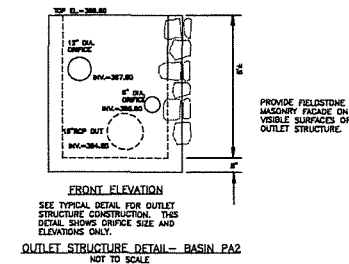
BASIN PA1 SECTION
HORIZONTAL SCALE: 1"=30'
VERTICAL SCALE: 1"=3'



BASIN PB SECTION
HORIZONTAL SCALE: 1"=30'
VERTICAL SCALE: 1"=3'



BASIN PA2 SECTION
HORIZONTAL SCALE: 1"=30'
VERTICAL SCALE: 1"=3'



APPROVAL UNDER THE
SUBDIVISION CONTROL LAW,
IS REQUIRED.
MARLBOROUGH PLANNING BOARD

DATE: _____

OWNER
MARLBOROUGH / NORTHBOROUGH
LAND REALTY TRUST
1 WALL STREET
BURLINGTON, MA. 01803
(781) 272-7000
FAX (781) 272-3130

SUBDIVIDER
COMMONWEALTH HEIGHTS, LLC
128 WEST MAIN STREET
WILMINGTON, MA. 01887
(978) 988-8060
FAX (978) 988-0181

I, _____, CLERK OF THE CITY OF MARLBOROUGH
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD
OF THIS PLAN ON _____
FOR TWENTY (20) DAYS THEREAFTER.

NOTE: TOPOGRAPHY SHOWN IS BASED ON N.G.V.D. OF 1929 AND
THE RESULT OF AN ON-GROUND SURVEY BY: CONNORSTONE.



CONSTRUCTION DETAILS OF COMMONWEALTH HEIGHTS IN MARLBOROUGH, MA.	
CONNORSTONE CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS	
10 SOUTHWEST CUTOFF, SUITE 7 NORTHBOROUGH, MASSACHUSETTS 01832 TEL: (508) 393-9727 FAX: (508) 393-6242	
DESIGNED BY: REM TDP	
CHECKED BY: VC	
COMPUTED BY: VHH	JULY 16, 2020
FIELD SURVEY: BKK	JULY 13, 2020
DRAWN BY: REM, VHH	MARCH 2, 2020
SCALE: AS SHOWN	JANUARY 28, 2020
SHEET 10 OF 10	REVISIONS
	OCTOBER 24, 2019

AMENDED AND RESTATED COVENANT

This Amended and Restated Covenant recorded in the Middlesex South District Registry of Deeds in Book _____, Page _____ is made this _____ day of June, 2020. The undersigned, Arthur J. Gutierrez, Jr. and Gloria M. Gutierrez, Trustees of the Marlborough/Northborough Land Realty Trust under Declaration of Trust dated _____ and recorded in the Middlesex South District Registry of Deeds on October 18, 2000 in Book 31932 Page 433, having a usual place of business c/o The Gutierrez Company, 200 Summit Drive, Suite 400, Burlington, MA 01803 (hereinafter referred to as the "Covenantor"), having submitted to the Marlborough Planning Board (hereinafter referred to as the "Planning Board") a definitive plan of a subdivision entitled "Definitive Subdivision of 'Commonwealth Heights' in Marlborough, Massachusetts," dated October 24, 2019 and revised through June ___, 2020, drawn by Connorstone Consulting Civil Engineers and Land Surveyors, 10 Southwest Cutoff, Suite 7, Northborough, MA 01532 (said plan being hereinafter called the "Plan"), in accordance with the conditions of Approval as voted by the Planning Board on _____, 2020, does hereby covenant and agree with the Planning Board, pursuant to Massachusetts General Laws (Ter. Ed.) Chapter 41, Section 81U, as amended that:

A. That all references to "this Covenant" as used herein shall refer to that certain Covenant dated May 7, 2007 and recorded in the Middlesex South District Registry of Deeds in Book 49528, Page 456, as amended by a First Amendment to Covenant dated March 23, 2009 and recorded in the Middlesex South District Registry of Deeds in Book 52553, Page 40, as amended and restated by this "Amended and Restated Covenant."

1. The Covenantor is the owner of record of the premises, including 21 house lots ("Lots") and one additional non-buildable parcel, as shown on the "Plan", which is to be recorded in the Middlesex South District Registry of Deeds herewith as Plan No _____ of 2020 and is referred to herein.
2. This Covenant shall run with the land and be binding upon the successors and assigns of the Covenantor and its successors in title to the premises shown on the Plan.
3. The construction of the subdivision roadway and the installation of municipal services shall be provided to serve any and all Lots in accordance with the applicable Rules and Regulations of the Planning Board before any such Lot may be built upon or conveyed, other than by mortgage deed; provided, however, that a mortgagee who acquires title to the mortgaged premises or any part thereof may sell any such Lot, subject only to that portion of this Covenant which provides that no Lot so sold shall be built upon until such ways and services have been provided to serve such Lot.
4. Nothing contained herein shall be deemed to prohibit a conveyance subject to this Covenant, by a single deed, of the entire parcel of land shown on the Plan or all Lots not previously released by the Planning Board without first providing such subdivision road and services. A deed of any part of the premises shown on the Plan in violation of any portion of the above referenced statute shall be voidable by the grantee prior to the release of the Covenant, but not later than three (3) years from the date of such deed.

5. The Covenantor agrees to the easements shown on the Plan and will grant to the City of Marlborough the easements shown thereon. Further, the Covenantor will submit to the City Solicitor's Office a written Attorney's Certification of Title or Title Commitment or Policy regarding such easements to the City of Marlborough, specifying that the Covenantor has good and marketable title to said easements and that said easements are free and clear of all encumbrances at the time of conveyance to the City. Said Certificate or Title Commitment or Policy, as applicable, shall be a condition precedent to consideration by the City to accept the subdivision road as shown on the Plan.
6. Prior to the release by the Planning Board of any Lots shown on the Plan from the terms of this Covenant, the Covenantor shall deposit with the City of Marlborough a Performance Bond in an amount to be determined by the Planning Board, said bond to be secured by the posting of cash, or by surety company bond or by such other form of security as may be approved by the Planning Board. Said bond shall be to secure the performance by the Covenantor of the construction of the subdivision road and the installation of municipal services as required by the Approval of the "Plan", within the time requirements as stipulated herein. The amount of the bond may be reduced from time to time by said Planning Board. However, due to present and anticipated future inflationary conditions, the amount of the Performance Bond is subject to annual redetermination by the Planning Board.
7. Pursuant to the Rules and Regulations of the Planning Board, Section (III.B.7(a), as amended, such bond or security, when filed or deposited shall be reviewed as to form and manner of execution by the City Solicitor's Office, and as to sureties by the City Treasurer.
8. No Lot shall be built upon until such time as it has been approved by the Marlborough Board of Health.
9. No Lot shall be sold or built upon until released by the Planning Board after acceptable bonding. If at any time said bonding as required in Paragraph 6 expires, then all Lot releases of Lots not transferred to third party purchasers or mortgaged subsequent to release, shall be void.
10. Pursuant to Massachusetts General Laws (M.G.L.) Chapter 41, Section 81R, as amended, the Planning Board has not agreed to waive compliance with its Rules and Regulations, as set forth in the Marlborough City Code, Chapter A6767, entitled "Subdivision Regulations," except as follows:

(List waivers, if any)

Section A676-12 Streets. E. Dead-end streets. (1) to allow a dead-end roadway longer than 500 feet for the road length of approximately 964;

Section A676-24 Street and roadway. B.(2) to allow a reduced pavement width from thirty-two (32) feet to twenty-eight (28) feet;

Section A676-26 Sidewalks, curbs and gutters. A.(1) to reduce the sidewalk width from 6 feet to 5 feet;

Section A676-27 Grass plots C. to provide a grass plot between the roadway and sidewalk; and

Section A676-28 Trees. A. to allow staggered street tree planting to alternate both in front of and behind the sidewalk.

The Planning Board has made these waivers after determining that such action is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law and with the Planning Board Rules and Regulations.

11. The construction of all ways and the installation of all municipal services shall be completed in accordance with the applicable Rules and Regulations of the Planning Board within a period of two (2) years from the date of the "approval of the Plan". Failure to so complete or to obtain an extension shall automatically rescind approval of the Plan as to Lots not yet released from this Covenant and full re-application for approval of such Lots will be required.

The Covenantor hereby agrees that the two (2)-year time period for completion of the subdivision may be extended at the sole discretion of the Planning Board, but only upon the condition that the City of Marlborough has received, on or before the specified completion date, payment of all real estate taxes owed as to the premises shown on the Plan, and upon the further condition that the Board has received, on or before the specified completion date, a certification from the City's Code Enforcement Officer determining that no conditions exist on the said premises that are in violation of the City's so-called Anti-Blight Ordinance set forth in Chapter 485 of the Marlborough City Code; provided, however, that the Anti-Blight condition may be waived temporarily by a majority vote of the Board if the Board finds that an extension of no more than thirty (30) calendar days from the specified completion date is necessary for the Code Enforcement Officer to examine the said premises and make a proper determination.

12. Upon the proper completion of all improvements and their approval by the City Engineer, and if said improvements comply with the the applicable state laws, city ordinances, and Planning Board Rules and Regulations and requirements, the City may then, and only then, accept the improvements.
13. The Covenantor will retain ownership of the fee interest in and to the road in the subdivision as shown on the Plan until such time as the road may be accepted as a public way by the City Council of the City of Marlborough.

The Covenantor agrees to include the following paragraph in all deeds to Lots within the subdivision:

"Grantor reserves to his or her benefit, the fee simple in the proposed rights-of-way within the subdivision and also reserves to his or her benefit any easements within the proposed Lots of the subdivision which are shown on the Plan. Grantor also reserves the right, upon written approval of the Planning Board, to relocate any easements shown on the Plan, within a Lot, as conditions and local regulation require and permit."

14. The Covenantor shall prepare a grant of authority to the Marlborough Police Department to enforce all traffic regulations dictated by the traffic signage approved and shown on the Plan, during the period the subdivision road is a private way.
15. The City of Marlborough shall not be responsible for the maintenance and care of the subdivision road or other improvements, until the same have been accepted. In emergency situations as

determined by the City Engineer, the City of Marlborough may take steps to correct a condition(s) within the subdivision which, if not corrected, would jeopardize public health and safety. In these instances, any and all costs so incurred by the City to correct said condition(s), shall be reimbursed to the City within thirty (30) days of notice to the Covenantor. Failure to reimburse the City within this period will be considered cause to rescind approval of the Plan.

16. All as-built plans and profiles pertaining to the above described Plan shall be submitted to the City Engineer forthwith after the completion of said subdivision road. The subdivision road will not be considered for acceptance until such plans and profiles have been approved by the City Engineer. Copies of all the site plans prepared for each of the individual building Lots shall be forwarded to the City Engineer and to the Planning Board at the time they are submitted to the Building Inspector for a Building Permit.
17. Prior to the execution of this Covenant, the Covenantor agrees to submit a work schedule, and a progress report every month after the commencement of work, to the City Engineer, with copies to the Planning Board, until said subdivision has been completed. Said progress reports shall be delivered to the Planning Board prior to the third Monday of each and every month. Failure to comply with the provisions of this paragraph shall give the Planning Board the right to rescind the approval of the application for subdivision approval after notice to the Covenantor and opportunity to be heard.
18. If the City, by its Planning Board, determines that there is a violation of the applicable state laws, City ordinances, Planning Board Rules and Regulations and/or the terms and provisions of this Covenant, it shall seek a cease and desist order after appropriate application to a court of competent jurisdiction, and it shall seek any and all other equitable and legal relief it deems necessary. If in the opinion of the Covenantor, there has not been a violation of said applicable state laws, city ordinances, Planning Board Rules and Regulations, or the terms and provisions of this Covenant, nothing herein shall be construed as the Covenantor's consent to cease and desist from work on the Subdivision without Court order.
19. The Covenantor's applications, all plans and profiles, calculations, and other supporting data relating to the Plan, state laws, city ordinances, Planning Board Rules and Regulations and all terms, provisions, and conditions of final approval of the Plan are incorporated herein by reference, as if set forth in full, except as expressly modified herein.
20. This Covenant shall take effect upon the approval of the Plan.
21. Reference to this Covenant shall be entered upon the Plan and the Covenant shall be recorded with the Plan. The Covenantor further agrees that it shall cause two certified copies of this Covenant as recorded at the Middlesex South District Registry of Deeds to be delivered to the City Solicitor's Office and the Planning Board Office, City Hall, Marlborough, Massachusetts within three business days of the date of recording.
22. The provisions of this Covenant are severable, and if any of these provisions shall be held to be illegal or unconstitutional by any Court of competent jurisdiction, then the remaining provisions of this Covenant shall continue in effect.

23. The undersigned Arthur J. Gutierrez, Jr. and Gloria M. Gutierrez, Trustees of the Marlborough/Northborough Land Realty Trust, hereby certify that (i) the Trust remains in full force and effect and has not been altered, amended, rescinded, revoked or terminated in whole or in part; (ii) Arthur J. Gutierrez, Jr. and Gloria M. Gutierrez are the sole Trustees of the Trust; (iii) none of the beneficiaries of the Trust is a corporation, no person who at any time has been a beneficiary of the Trust has died, and all of the beneficiaries of the Trust are eighteen (18) years of age or older, and of sound mind, and (iv) that we have been authorized and directed by all of the beneficiaries of the Trust to execute and deliver this Amended and Restated Covenant.

*Remainder of Page Intentionally Left Blank
Signature Page to Follow*

EXECUTED AS A SEALED INSTRUMENT this _____ day of _____, 2020.

Covenantor:

Marlborough/Northborough Land Realty Trust

**Arthur J. Gutierrez, Jr., as Trustee and
not Individually**

Marlborough/Northborough Land Realty Trust

**Gloria M. Gutierrez, as Trustee and
not Individually**

THE COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared Arthur J. Gutierrez, Jr. and Gloria M. Gutierrez, Trustees and not Individually of the Marlborough/Northborough Land Realty Trust, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document(s), and acknowledged to me that they signed it voluntarily for its stated purpose.

(official seal)

Notary Public
My Commission Expires:

**CITY OF MARLBOROUGH
COMMONWEALTH OF MASSACHUSETTS**

**Approved and Accepted: May _____, 2020
Marlborough Planning Board, City of Marlborough**

_____	_____
_____	_____
_____	_____
_____	_____