

CITY OF MARLBOROUGH MEETING POSTING

Meeting: Planning Board
Date: August 24, 2020
Time: 7:00 PM
Location: REMOTE MEETING NOTICE

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2020 AUG 20 P 3:34

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: 611 641 781#

Agenda Items to be Addressed:

- 1) Meeting Minutes
 - A. July 20, 2020
- 2) Chair's Business
- 3) Approval Not Required (None)
- 4) Public Hearings (None)
- 5) Subdivision Progress Reports
 - A. Subdivision Status Report – Goodale Estates
- 6) Preliminary/Open Space /Limited Development Subdivision Submissions (None)
- 7) Definitive Subdivision Submissions (None)
- 8) Signs (None)
- 9) Informal Discussion
 - A. Sem Aykanian, Esquire – Discussion of removal of restrictions from an existing ANR plan - 2 South Bolton St.
- 10) Unfinished Business
 - A. Definitive Subdivision Application: Commonwealth Heights
 - i. Communication from Assistant City Solicitor Piques regarding Commonwealth Heights Covenant (Vote)
 - ii. Endorsement Commonwealth Heights (Vote)
 - B. Working group discussion (George LaVenture, Christopher Russ)
- 11) Calendar Updates
- 12) Public Notices of other Cities & Towns (See Electronic Packet)
 - A. Town of Sudbury (4 Notices)
 - B. City of Framingham (8 Notices)

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

Call to Order

July 20, 2020

After a brief delay due to a member connection issue, the **Remote Meeting** of the Marlborough Planning Board was called to order at 7:06 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 22, 2020

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the minutes of June 22, 2020. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Carried 6-0.

2. Chair's Business (None)

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. (Ref. MGL c. 40, § 15C (The Scenic Roads Act) (Vote)

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. Robert Gentry of 684 Stow Road joined the meeting remotely. His family purchased the home in December of 2018. They have been planning some renovations and wanted to include landscaping improvements, including replacement of the "highly unattractive stone wall" in front of the property. He was unaware of any restrictions to remove the wall that sits in the City's right of way of a designated scenic roadway. Photos of the existing conditions and several alternate wall designs were shown. They wish to remove the existing stone wall and replace it with a new cut stone and mortared 30" high x 18" wide wall running the length of the property and on one side of the driveway. He does not believe the current wall is in any historic condition, as a previous developer dumped a jumble of stones on top of the existing wall, including stones that could not have been part of any original wall. Mr. Gentry said the new wall will enhance the road and property and feels that there is no historic wall to preserve.

Those Speaking in Favor:

No person spoke in favor of allowing the tearing down or destruction of the stone wall. With no further input, Ms. Fenby closed that portion of the public hearing.

Those Speaking in Opposition:

Mr. Robert Fagone of 132 Church St., Marlborough, identified himself as the Chairperson of the Marlborough Historical Commission. He opposes the destruction of the original stone wall. He acknowledged the poor state of the wall but pointed out that its condition is the result of the aftereffects of people damaging the wall. He explained that Stow Road is a scenic roadway and one of the oldest roads in Marlborough. Marlborough has both urban and rural elements and this wall and others in the area are representations of our rural past. The walls were built by farmers, not consistently by artisans. These walls should be preserved, he said, as historical artifacts. Without these regulations, these artifacts will disappear forever. As valid as Mr. Gentry's desire to beautify the property is, someone needs to consider the historic nature of these walls. He would like to come to some sort of mutual understanding to salvage the wall and incorporate the existing wall in the project.

Mr. Brendan Downey of 385 Simpson Rd. also joined the meeting remotely. He said he opposes the removal of the wall as both a resident and as a member of the Historical Commission. His opposition is in the same vein as Mr. Fagone. He also said it was regrettable that the wall was damaged, but he also believes that the wall should be preserved along this historic and scenic roadway. He pointed out that Sudbury St. is also a scenic roadway where the walls are inconsistent, because the walls were constructed in an ad-hock manner. He is interested in preserving their rural character, their real nature and what they represent. These walls are an important part of the fabric of the City, he said. With no further input, Ms. Fenby closed that portion of the public hearing.

Questions and Comments from Board Members:

Planning Board member, Chris Russ, asked Mr. Gentry whether the proposed wall was going to be used as a transitional retaining wall. Mr. Gentry replied no. Mr. Russ said that he preferred the stacked wall option shown in one of Mr. Gentry's photos. These historic stone walls can fall into disrepair, so he supports reworking the wall utilizing the historic stones and used 716 Stow Road (and 724 Stow Road) as similarly constructed yet maintained walls.

Mr. Hodge asked how long the wall has been there. Does the wall predate the home? The Board was shown a 1960 aerial photo of the property, which includes the stone wall. Ms. Fenby shared that the 1996 approved site plan for the 684 Stow Road home notes that the stone wall should be preserved.

Mr. Fay asked about the homeowner's landscaping plan showing grass paving stones along the roadway. Mr. Gentry acknowledged he was advised those will not be allowed. Mr. Fay commented that it is not the City's or Board's fault that he was unaware of the scenic roadway status along Stow Road. His attorney should have pointed that out.

Mr. LaVenture favors the protection and preservation of the wall. These regulations were put in place for a reason, he said. Mr. Fagone added that these stone walls are unique to this region. There are no natural, stone-lined roadways outside the northeast. Mr. LaVenture does not support destruction of what remains of the original wall just to make the wall more upscale or modern. He does not wish to set a precedent. Mr. LaVenture asked the members of the Historical Commission whether they believed the wall was salvageable. Mr. Fagone shared that the stone walls are historical remnants of farmers setting boundaries. While the wall is damaged, he believes a mason could build upon it with similar materials. Mr. LaVenture said he thought allowing the destruction and rebuilding with new materials would be defeating the purpose of state and local rules. Mr. Gentry reiterated his argument. He said Fossile (an area builder/developer) ruined the wall. He dumped rocks on the wall and added a lot of material that is not historical at all. Mr. Gentry believes that what remains of the wall is hideous and is not in any sense historic in nature. Chair Fenby said others may differ.

Mr. Elder said he is likely in the minority but said if Mr. Gentry's neighbors are not in opposition, he would support letting Mr. Gentry build a new wall. Mr. Downey said that as an area resident living at 385 Simpson Road, he disagrees with Mr. Elder that neighbors don't mind. With no further input, Ms. Fenby closed the public hearing.

Mr. LaVenture motioned to deny Mr. Gentry's request to tear down the existing wall and rebuild a mortared cut-stone wall at 684 Stow Rd. Mr. Fay seconded the motion as a courtesy. Yea: LaVenture, Fenby. Nay: Elder, Fay, Hodge, Russ. The motion did not carry. Mr. Elder initially motioned to allow the removal of the wall, but then withdrew the motion.

On a motion by Mr. Russ, seconded by Mr. Fay, the Board voted to consent to allow Mr. Gentry to rebuild a dry, stacked-stone wall utilizing existing stones and stones similar in nature to the former historic wall. Yea: Elder, Fay, Hodge, LaVenture (with reservation), Russ. Chair Fenby was in favor but added a condition that the wall be built with oversight by the City's Engineering Division to ensure the wall remained true to its original historic and scenic nature.

On a motion by Mr. Russ, seconded by Mr. Fay, the Board voted to consent to allow the petitioner to rebuild a dry, stacked stone wall utilizing the existing wall's original stones and, if necessary, stones similar in nature to the historical wall, with the following condition:

The City's Engineering Division shall review the wall's proposed construction plan to ensure the wall retains its scenic value. The Board recommends using 716 Stow Road and 724 Stow Road as models of maintained dry, stacked stone walls to restore the scenic and aesthetic characteristics of the wall along the scenic roadway.

The Board's consideration included the factors set forth in Ord. 497-3. In its decision, the Board heard testimony that the disrepair in the current wall is the result of past actions by other persons.

The roll call vote was taken once again. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0. The Board's vote confirmed that the remaining historical stones should be incorporated into the new design.

5. Subdivision Progress Reports

A. Subdivision Status Report

Mr. DiPersio said there isn't much to report beyond the second Goodale matter on the agenda. Mr. DiPersio said the easement paperwork for the gas line was executed, and gas line scheduling for the Goodale Estates subdivision was proceeding. Ms. Fenby asked about the status of the approved definitive subdivision at 215 Simarano Dr. Mr. DiPersio stated that the submission filing was procedural only for zoning purposes, and they had no intention of building the subdivision. There is already a constructed storage facility on the site.

B. Goodale Estates – First Amendment to Subdivision Performance Agreement Secured by Surety Bond (Vote)

Mr. LaVenture read the email correspondence to Goodale Estates attorney, Adam Clavell. The email requests execution of two sets of the first amendment to the performance agreement for the Goodale Estates subdivision. The amendment extends the Completion Date in the Agreement from June 30, 2020 to December 31, 2020. The document provides evidence that the Security is extended as noted. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the items and to authorize Chair Fenby to sign the "First Amendment to Subdivision Performance Agreement Secured by Surety Bond" on behalf of the Board. 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. Sign Variance Request – Applicant: Greendale Physical Therapy, LLC, Property: 435 Lakeside Avenue Owner: EMAX LLC, Application: Signage Variance Pursuant to Section 526-6 (F) and Section 526-12.c (2) of the sign ordinance. Brian Grossman, representative, Bowditch & Dewey, LLP.

Presentation:

Brian Grossman joined the meeting remotely to make the variance request. He stated that his client wishes to add two 60" x 67" window signs at Greendale Physical Therapy located at 435 Lakeside Ave. Both signs exceed the 50% allowance per window. He said there are other windows and doors that are not covered, so he believes there is plenty of unobscured window space. Overall, the signs would cover less than 50% of total available window space. The window signs will be used for both advertising and wayfinding, and the signs will provide consistent branding for the company. Both signs serve as privacy screening for the treatment and waiting areas.

The representative shared other sites that have sign applications in conflict with the ordinance. Mr. Grossman believes that relief may be granted without substantially derogating from the intent and purpose of the chapter.

Questions and Comments from Members:

Mr. Elder asked if any of the examples shown were legal? Ms. Fenby thanked Mr. Grossman for bringing these applications to the City's attention. Mr. Fay asked if there were any practical difficulty in providing wayfinding? Mr. Fay sees nothing unique, no hardship, special circumstances or any compelling reason to grant the variance. Matt Elder commented on the privacy element of the signs. He said that there are many other ways to achieve screening that didn't involve signage. He also added that the complex is small and other property signage is adequate to identify the business. Mr. LaVenture strongly concurs, as do Mr. Hodge, Mr. Russ and Ms. Fenby.

On a motion by Mr. Elder, seconded by Mr. Fay, the Board voted to deny the variance for two signs in violation of **§526-6 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.* Prior to the roll call vote, Mr. Fay clarified that a yea vote is a vote to deny the variance request. Roll call vote: Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0. The variance request was denied.

The applicant failed to convince the Board that granting variances in each instance would not substantially derogate from the intent and purpose of the chapter. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the application. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

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.)

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

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

Mr. LaVenture read the July 16, 2020 review letter from Assistant City Engineer Collins into the record. The letter details the subdivision history as well as the refile of the subdivision plan dated October 24, 2019, last revised July 16, 2020, which includes 5 requested waivers. During the reading, Mr. LaVenture adjusted his audio for better clarity.

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

- ii. Definitive Subdivision Plan: (Vote on waivers and vote on approval of definitive plan, Rev. 7-16-20.)

Waiver Votes:

- 1) On a motion by Mr. Fay, seconded by Mr. Elder, it was duly voted:

To grant a waiver of Section IV. Design Standard § 676-12 for a Road Greater than 500 Feet.

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

- 2) On a motion by Mr. Russ, seconded by Mr. Elder, it was duly voted:

To grant a waiver of Section V. Required Improvements for an Approved Subdivision §A676-24, B2 to reduce pavement width from 32 feet to 28 feet. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

3) On a motion by Mr. Fay, seconded by Mr. Russ, it was duly voted:
To grant a waiver of Section V. Required Improvements for an Approved Subdivision §A676-26, A (1), to reduce the sidewalk width from 6 feet to 5 feet. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

4) On a motion by Mr. Fay, seconded by Mr. Elder, it was duly voted:
To grant a waiver of Section V. Required Improvements for an Approved Subdivision §A676-27, A, to allow for a grass strip between the granite curbing and the sidewalk. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

5) On a motion by Mr. Fay, seconded by Mr. Elder, it was duly voted:
To grant a waiver of Section V. Required Improvements for an Approved Subdivision §A676-28, A to allow for street tree plantings to be staggered Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

Definitive Subdivision Vote:

On a motion by Mr. LaVenture, seconded by Mr. Russ, it was duly voted:

To approve the following definitive subdivision plan with each of the five waivers granted:

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 (Last revised 7-16-20)

Plan to be endorsed after the twenty (20) day appeal period, provided no appeal has been filed.

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

iii. **Draft Covenant (Refer draft covenant to Legal.)**

Mr. Wiess submitted a draft covenant to the Board. Mr. Fay noted that a reference to the previous subdivision covenant should be removed from this document. Also, the conditions outlined in the June 7, 2020 Memorandum from the Conservation Commission and the June 18, 2020 email from the Board of Health should be explicitly incorporated into the covenant noting they are agreed conditions of the plan approval.

On a motion by Mr. Fay, seconded by Mr. Elder, it was duly voted:

To accept and incorporate conditions submitted by the Conservation Commission on June 7, 2020 and the Board of Health on June 18, 2020 in the Definitive Subdivision Covenant, and to refer to the Legal Department to certify as to proper legal form. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

Mr. DiPersio indicated that Engineering is in contact with the Legal Department and will assist in preparing the covenant for signing (prior to endorsement, if no appeal) at the next meeting of the Planning Board on August 24, 2020. Mr. Fay asked City Engineer DiPersio when we can expect the construction schedule. Mr. DiPersio said that the construction schedule is part of the 1st performance agreement.

10. Unfinished Business (cont.)

B. Timeline working group discussion (George LaVenture, Christopher Russ)

Mr. LaVenture indicated he and Mr. Russ have scheduled a meeting of the working group with Engineering for later that week. The goal will be to create timeline and "decision tree" for Planning Board subdivision approvals.

11. Calendar Updates

- A. 8-13-20- Provided no appeal, City Clerk Certification of Commonwealth Heights Definitive Subdivision Plan dated 7-16-20.

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

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

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

Respectfully submitted,

/kih

George LaVenture/Clerk

From: [Kevin Gillis](#)
To: [Krista Holmi](#)
Cc: [Adam Clavell](#); [Scott Adams](#); [Timothy Collins](#)
Subject: Re: Goodale Estates - First Amendment to Subdivision Performance Agreement
Date: Wednesday, August 5, 2020 11:44:04 AM

Krista,

I am fine with the PDF. If you are inclined, can you send the original to these offices.

TY,

Kevin

P.S. Eversource just now informed me that they expect their gas line install to be completed at the end of August. We will shortly thereafter undertake pavement, sidewalks, and as built to wrap this up.

Tim,

Shall I follow the regulations below for the bound markers or is there something else I should be aware of?

TY

Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets along all easements as described in § A676-14D, and at all other points where, in the opinion of the Planning Board, permanent monuments are necessary.

B. Monuments shall be standard permanent granite, six inches by six inches by four feet, with a polished top and drill hole in the center. Monuments shall be installed at the time of final grading with the top of the monument set flush with the final grade surface.

On Wed, Aug 5, 2020 at 11:20 AM Krista Holmi <kholmi@marlborough-ma.gov> wrote:

Mr. Clavell,

Should I send the executed amendment to the performance agreement to you? If so, which address would you like me to use?

Adam S. Clavell, Esq.

Clavell & Associates, P.C.

Massachusetts Office: 355 Union Street, New Bedford, MA 02740



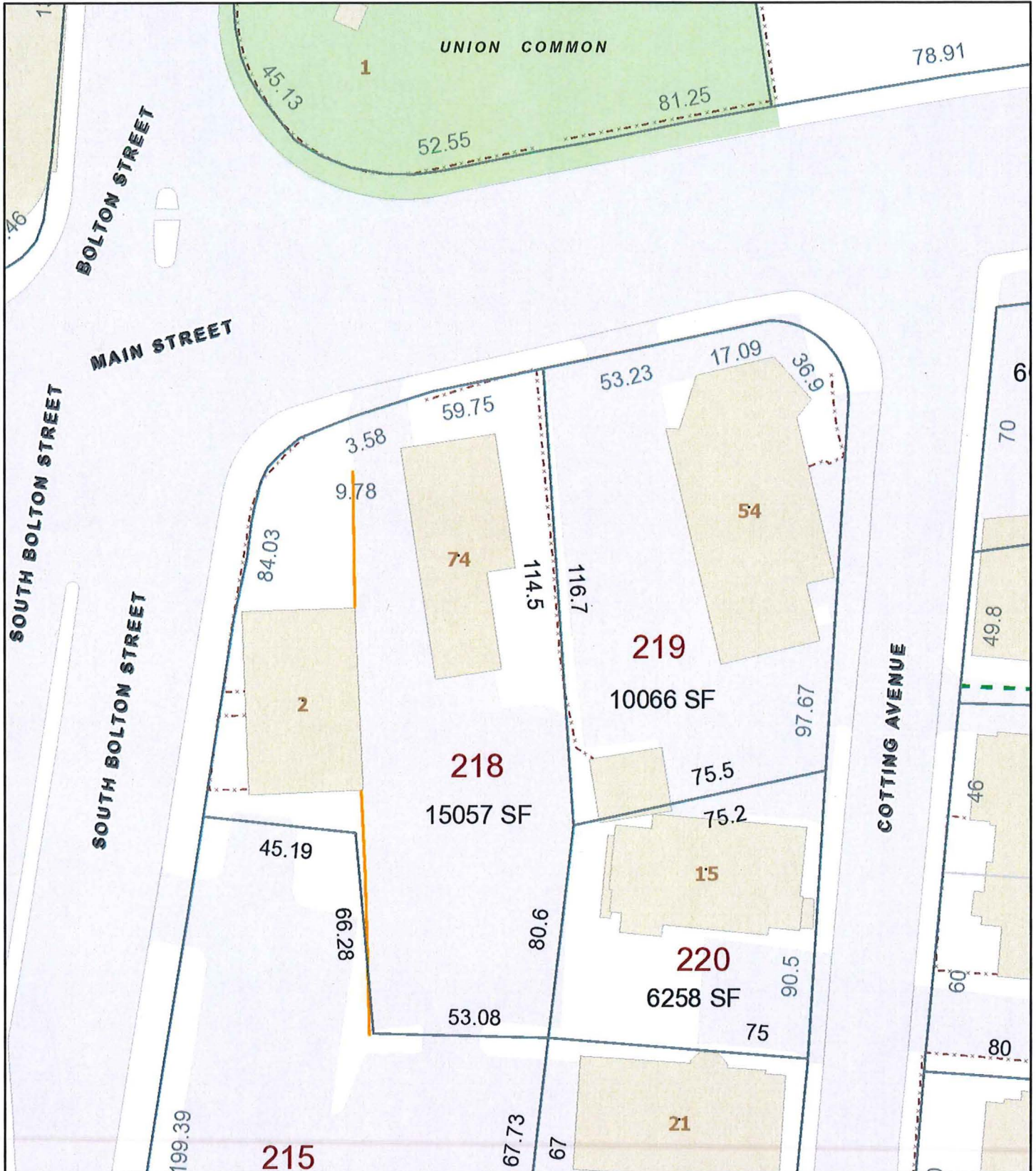
74 Main St (2 S Bolton parcel 22B)

Marlborough, MA

1 inch = 40 Feet



August 19, 2020



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

EXHIBIT A

ZONING CLASSIFICATION
DISTRICT: B

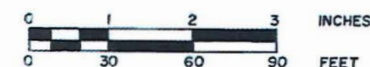
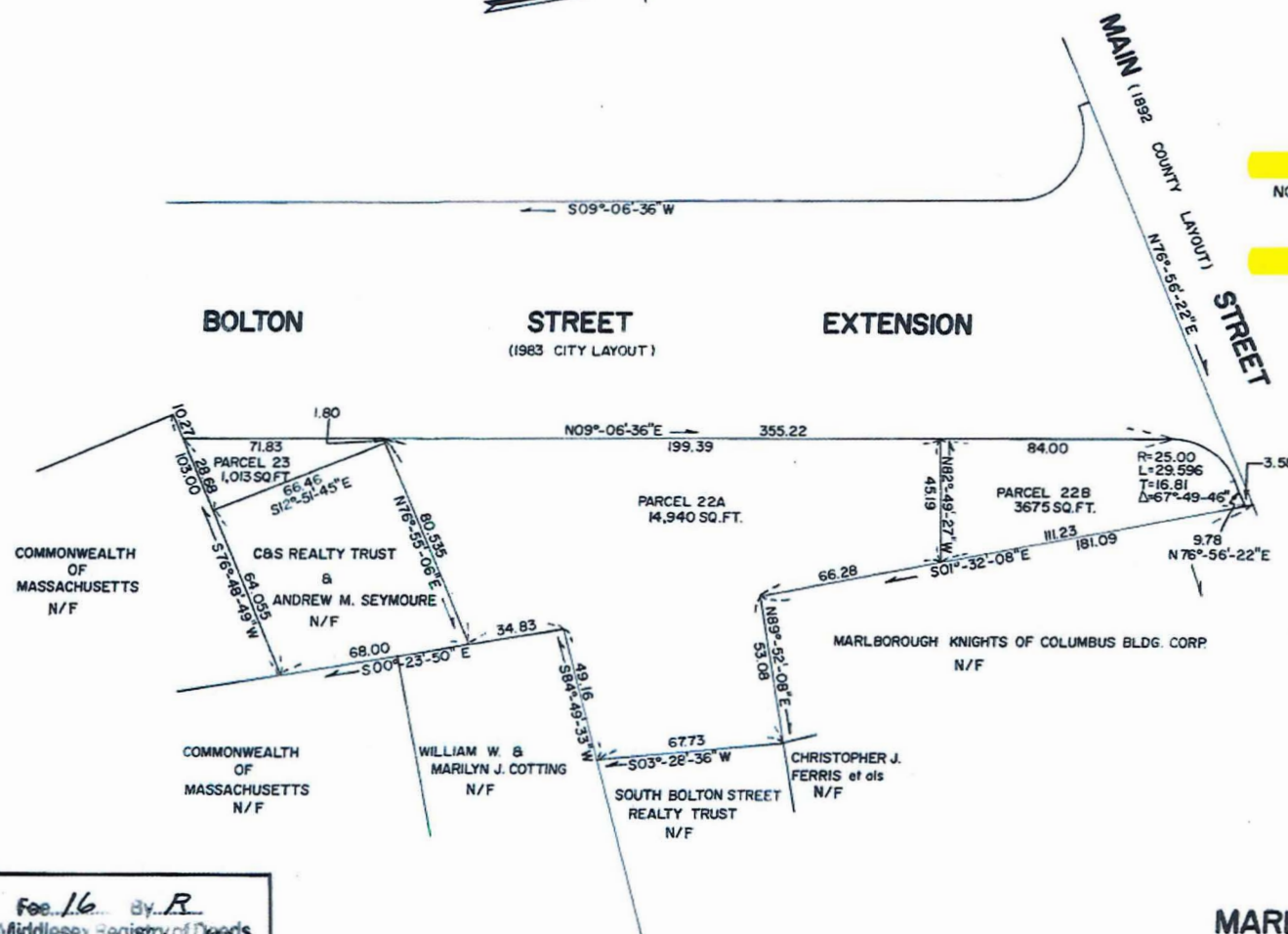
APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.
MARLBOROUGH PLANNING BOARD

MEMBER Natalie Bowler

DATE 3-18-85

NOTE: PARCEL 22B NOT TO BE CONSIDERED A BUILDING LOT.
TO BE DEEDED TO AND USED IN CONJUNCTION WITH ADJOINING
LAND OF MARLBOROUGH KNIGHTS OF COLUMBUS BUILDING CORP,
NOW OR FORMERLY

PLAN REFERENCE: 637 OF 1982



PLAN OF LAND
IN

MARLBOROUGH, MASSACHUSETTS

SCALE: 1" = 30' DATE: MARCH 1, 1985

CITY OF MARLBOROUGH
DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION

Fee 16 by R
Middlesex Registry of Deeds
Southern District
Cambridge, Massachusetts
Plan No. 528 of 1985
Rec'd 5/8 1985
at 8:29 P.M. Doc No. 2
Rec'd, Bk 16149 Pg. 304
Attest John F. Zamparelli
Register

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

Paul A. Sharon
PAUL A. SHARON, REGISTERED LAND SURVEYOR



528

B-690
MFB-2177

528

EXHIBIT B

10/24/85 09:32 TR 140 RE 25.00

REFORM DEED

Bellevue, Cape Cod, MA

BK 16524 PG 387

1125

The CITY OF MARLBOROUGH COMMUNITY DEVELOPMENT AUTHORITY established under the Acts of 1979, the legal successor to the Marlborough Redevelopment Authority of Marlborough

of Marlborough Middlesex County, Massachusetts
in consideration of \$9,000.00

grant to RICHARD R. WAGNER, JR.

of
the land in Marlborough, bounded and described as follows: with quitclaim covenants

Being shown as Lot 22B on a Plan entitled, "Plan of Land in Marlborough, Massachusetts, Scale 1"=30', Date: March 1, 1985, City of Marlborough, Department of Public Works, Engineering Division."

Containing 3675 Square Feet.

Said Plan to be recorded herewith.

There has been compliance with Massachusetts General Laws, Ch.44, Section 63A.

This Instrument is to reform Deed of the City of Marlborough to Richard R. Wagner dated April 25, 1985, and recorded in Middlesex So. District Registry of Deeds in Book 1649 Page 304.

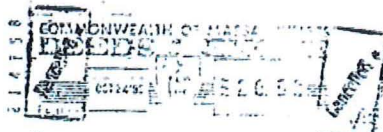
Said Lot 22B shall be used to erect an accessory building or addition to Grantee's other property located on Main Street, Marlborough, and described in Deed recorded at Middlesex So. District Deeds in Book 14124 Page 518 through Page 520.

Said Parcel 22B cannot be transferred as a single parcel.

In the event of a violation of this Agreement, the property shall revert to the City of Marlborough Community Development Authority.

The Grantee shall sign his assent to the reformation of the Deed.

Executed as a sealed instrument this 23rd day of OCTOBER 1985



CITY OF MARLBOROUGH

KUSON J. HADDAD, MAYOR

RICHARD R. WAGNER, JR., GRANTEE

The Commonwealth of Massachusetts

Middlesex,

October 23, 1985

Then personally appeared the above named KUSON J. HADDAD, MAYOR OF THE CITY OF MARLBOROUGH and RICHARD R. WAGNER, JR., GRANTEE,

and acknowledged the foregoing instrument to be

their free act and deed.

Before me,

Karen A. Boule

My commission expires 3/19/

Notary Public
Justice of the Peace
19 87

B I 0 7 1 5 P 2 3 8

EXHIBIT C

I, Richard R. Wagner, Jr.,
 of Marlborough, Middlesex County, Massachusetts
 for consideration paid, and in full consideration of \$600,000.00
 grant to Sem Aykanian, Trustee of The John Cotting Realty Trust
 u/d/t dated November 30, 1987 to be recorded herewith
 of 74 Main Street, Marlborough, Middlesex County, Massachusetts
 with Quitclaim Covenants

The land with all the buildings and structures now or hereafter
 standing or placed thereon, situated in Marlborough, Middlesex
 County, Massachusetts, bounded and described as follows:

Being shown as Lot 22B on a Plan entitled, "Plan of Land in
 Marlborough, Massachusetts, Scale 1"-30', Date: March 1, 1985,
 City of Marlborough, Department of Public Works, Engineering
 Division." Said Plan is recorded with Middlesex South District
 Deeds, Book 16149, Page 304.

Said Lot 22B contains 3675 square feet.

There has been compliance with Massachusetts General Laws, Ch.
 44, Section 63A.

Said Lot 22B shall be used to erect an accessory building or
 addition to Grantee's other property located on Main Street,
 Marlborough, and described in Deed recorded at Middlesex So.
 District Deeds in Book 14124, Page 518 through Page 520.

Said Parcel 22B cannot be transferred as a single parcel.

In the event of a violation of this Agreement, the property shall
 revert to the City of Marlborough Community Development
 Authority.

Also, the land in said Marlborough with the buildings thereon,
 containing 11,467 square feet, more or less, situated on the
 Southerly side of Main Street and bounded and described as
 follows:

Beginning at the northeasterly corner thereof at a point on said
 street and at land, now or formerly of the trustees of Holy
 Trinity Church; and thence running

SOUTHERLY	by last mentioned land, 114.5 feet; and again running
SOUTHERLY	by land now or formerly of Frank L. and Eliza J. Gage,
	80.6 feet to land now or formerly of McCarthy; thence
WESTERLY	by said last mentioned land and land now or formerly
	of Rice & Hutchins, Inc., 57.75 feet to land now or
	formerly of Richard J. Dinsmore; thence running
NORTHERLY	by said last mentioned land and land now or formerly
	of the heirs of Peter Kelley, 180.9 feet to said
	Main Street; and thence running
EASTERLY	by said Main Street, 59.75 feet to the point of
	beginning.

Be all of said measurements, more or less.

There is excepted and excluded from the above described premises,
 so much thereof as was conveyed to Boston, Worcester and New York
 Street Railway Company by deed dated June 11, 1948 and recorded
 with Middlesex South District Deeds in Book 7305, Page 592.

This conveyance is made subject to and with the benefit of an
 Easement to Worcester Suburban Electric Company recorded with
 said Deeds in Book 7681, Page 250.

This conveyance is also made subject to zoning by-laws of City of
 Marlborough.

Being the same premises conveyed to me by deed of Richard R.

PROPERTY ADDRESS: 74 Main Street, Marlboro, MA 01752
 *** MASS. ENCLOSURE TAX: 1366.18 ***

MSD 12/21/87 09:03:13 149 25.00

B 1 2 7 2 5 P 2 3 9

Wagner, Jr., Trustee of 74 Main Street Realty Trust, of even date to be recorded herewith.

Witness my hand and seal this 30th day of November, 1987

Richard R. Wagner, Jr.
Richard R. Wagner, Jr.

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

November 30

1987

Then personally appeared the above named Richard R. Wagner, Jr., and acknowledged the foregoing instrument to be his free act and deed before me

Paul V. Giannetti
Paul V. Giannetti-Notary Public
My Commission Expires: 11-13-92

CANCELLED

CANCELLED

900.00

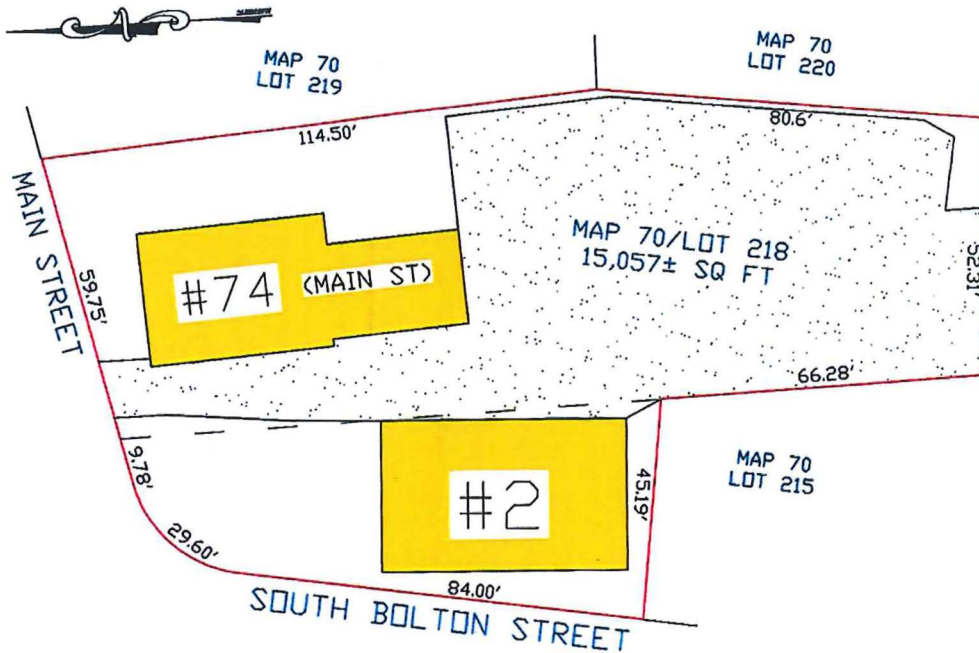
400.00

EXHIBIT D

File number:	190523-33	UNREGISTERED LAND		
Attorney:	SEM AYKANIAN, ESQ.	Deed Book	18725	Page 238
Lender:		Plan Book		Page
Owner:	THE JOHN CUTTING REALTY TRUST			Lot(s)
REGISTERED LAND				
		Reg. Book	Sheet	Lot(s):
Date:	5/30/2019	Certificate of Title		
Assessor's Map	70	Blk:	Lot 218	Census Tract

MORTGAGE INSPECTION PLAN
2 SOUTH BOLTON STREET, MARLBOROUGH, MA

Scale: 1"=30'

**CERTIFICATION**

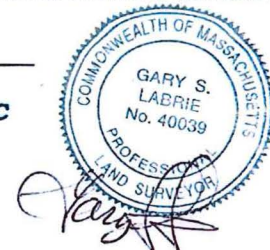
I CERTIFY TO THE ABOVE ATTORNEY, BANK AND THEIR TITLE INSURANCE COMPANY THAT THE MAIN BUILDING, FOUNDATION OR DWELLING WAS IN COMPLIANCE WITH THE LOCAL ZONING BYLAWS IN EFFECT WHEN CONSTRUCTED (WITH RESPECT TO STRUCTURAL SETBACK REQUIREMENTS ONLY) OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. GENERAL LAW TITLE VII, CHAPTER 40A, SECTION 7.

FLOOD DETERMINATION

BY SCALE, THE DWELLING SHOWN HERE DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS DELINEATED ON A MAP OF COMMUNITY # 25017C0481F AS ZONE X DATED 07/07/2014 BY THE NATIONAL FLOOD INSURANCE PROGRAM.



Olde Stone Plot Plan Service, LLC
P.O. Box 1166
Lakeville, MA 02347-
Tel: (800) 993-3302
Fax: (800) 993-3304



PLEASE NOTE: This inspection is not the result of an instrument survey. The structures as shown are approximate only. An instrument survey would be required for an accurate determination of building locations, encroachments, property line dimensions, fences and lot configuration and may reflect different information than shown here. The land as shown is based on client furnished information only or assessor's map & occupation and may be subject to further out-sales, takings, easements and rights of way. No responsibility is extended to the landowner or surveyor, or occupant. This is merely a mortgage inspection and is not to be recorded.



City of Marlborough

Legal Department

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

JASON D. GROSSFIELD
CITY SOLICITOR

JASON M. PIQUES
ASSISTANT CITY SOLICITOR

HEATHER H. GUTIERREZ
PARALEGAL

August 19, 2020

Planning Board
135 Neil Street
Marlborough, MA 01752
kholmi@marlborough-ma.gov

Re: Commonwealth Heights Definitive Subdivision.

Dear Dr. Fenby and Members of the Planning Board:

On July 20, 2020, the Board voted to refer the draft Covenant, incorporating proposed conditions, for the Definitive Subdivision Plan known as "Commonwealth Heights" to the Legal Department. Enclosed please find a tracked and clean version of the Covenant. I hereby certify the attached covenant is in proper legal form.

As some Conditions were incorporated as terms of the Covenant but not included on the Plan, I would advise the Planning Board to retain these terms in any future partial release of the Covenant.

To implement the condition relative to the employment of an outside consultant (i.e. licensed site professional) for the subdivision plan, I recommend the Planning Board adopt rules for the imposition of reasonable fees for the employment of outside consultants which may be deposited in a special account for this purpose consistent with MGL c. 44, s. 53G. Attached please find a draft set of rules for your review based on those adopted by the Marlborough Conservation Commission.

Please contact me if you have any questions.

Respectfully,

/s/ Jay Piques
Jay Piques
Assistant City Solicitor

Enclosure

cc: Diane Smith
Priscilla Ryder
John Garside

**DRAFT POLICY FOR THE EMPLOYMENT OF
OUTSIDE CONSULTANTS**

City of Marlborough Planning Board

RULES FOR HIRING OUTSIDE

CONSULTANTS UNDER GL CH. 44 SEC. 53G

As provided by GL Ch. 44 sec. 53G, the City of Marlborough Planning Board may impose reasonable fees for the employment of outside consultants, engaged by the Planning Board, for specific expert services deemed necessary by the Planning Board to come to a final decision on an application submitted to the Planning Board pursuant to the requirements of the State Zoning Act (G.L. c. 40A) and Subdivision Control Law (G.L. c. 41) or any other state or municipal statute, ordinance or regulation, as they may be amended or enacted from time to time.

Funds received by the Planning Board pursuant to these rules shall be deposited with the City Comptroller who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Planning Board without further appropriation as provided in GL Ch. 44 sec. 53G. Expenditures from this account shall be made only in connection with the review of a specific project or projects for which a consultant fee has been collected from the applicant.

Specific consultant may include but are not limited to architects, engineers, lawyers, or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances, and regulation

The Planning Board shall give written notice to the applicant of the selection of an outside consultant, which notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date notice is given.

The fee must be received in its entirety prior to the initiation of consulting services. The Planning Board may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Planning Board within ten (10) business days of the request for payment shall be cause for the Planning Board to determine that the application is administratively incomplete (except in the case of an appeal). The Planning Board shall state such in a letter to the applicant. No additional review or action shall be taken on the permit request until the applicant has paid the requested fee.

The applicant may appeal the selection of the outside consultant to the City Council, who may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the city council and a copy received by the Planning Board, so as to be received within ten (10) days of the date consultant fees were requested by the Planning Board. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

COVENANT

This Covenant recorded in the Middlesex South District Registry of Deeds at Book _____, Page _____ is made this ____ day of _____, 2020. The undersigned, Arthur J. Gutierrez, Jr. and Gloria M. Gutierrez, Trustees of the Marlborough/Northborough Land Realty Trust under Declaration of Trust dated October 12, 2000 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 July 16, 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 July 20, 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. The approval of the prior 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 was automatically rescinded by its own terms.

1. The Covenantor is the owner of record of the premises, including 21 house lots ("Lots") ; Lots 1 through 8 and Lots 11 through 23 and one additional non-buildable parcel, "Parcel 9-10", 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 and shall operate as restrictions upon the land included in the subdivision and shall be binding upon any executor, administrators, devisees, heirs, successors and assigns of the Covenantor and any of 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 Comptroller.
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 A676, entitled "Subdivision Regulations," except as follows:

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. **This section is a specific condition of approval of this Plan and of this Covenant:** A Pre-construction meeting shall be held, on site at least seven (7) days prior to the start of construction. Prior to scheduling the Pre-Construction meeting, a Health & Safety Plan shall be submitted to, and approved by the Board of Health, the City Engineer and the Conservation Officer or their respective designees.

At the City's discretion, the Covenantor shall pay for a Licensed Site Professional (LSP), engaged by the City, to advise the City and provide technical assistance on the review of construction of this project relating to dust and air quality monitoring. At the Pre-Construction Meeting, the LSP shall review Covenantor's construction protocols concerning dust control, vegetation removal, on-site soil management (including stockpiling, stabilization and permanent disposal), off-site soil removal (if any) and reporting requirements.

The LSP will remain engaged by the City until the contaminated soils are fully consolidated in their final location, covered and stabilized.

12. **This section is a specific condition of the approval of this Plan and of this Covenant:** The Covenantor shall hire an Erosion Control Consultant (ECC), approved as to an adequate level of experience by the City Engineer and the Conservation Officer. The ECC shall be hired prior to construction and shall take part in the Pre-Construction meeting. The ECC shall oversee the construction of the site and direct the Covenantor in compliance with the Soil Management Plan. The ECC shall be consulted when there is any discussion about deviation from the approved construction plan or the Soil Management Plan; to ensure that there is always proper coordination between the site development, the erosion control and the stormwater management.
13. 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.

14. Upon the proper completion of all improvements and their approval by the City Engineer, and if said improvements comply with the applicable state laws, city ordinances, and Planning Board Rules and Regulations and requirements, the City may then, and only then, accept the improvements.

15. Pursuant to Section A676-10. H¼ of the Rules and Regulations, immediately upon providing the performance guarantee to construct the approved definitive subdivision plans, the Applicant shall deed to the City the subdivision road(s) as well as all municipal utility easements, if any; and shall provide the City with a certificate of liability insurance, naming the City as an additional insured relative to the subdivision road as well as all municipal utility easements, if any, to be deeded to the City.
16. **This section is a specific condition of the approval of this Plan and of this Covenant:** Pursuant to the requirements of the Soil Management Plan prepared by Sanborn Head & Associates, Inc., dated April 24, 2020; prior to the conveyance of any Lot or Parcel within the Subdivision, the Covenantor agrees to file a Notice of Deed Restriction at the Middlesex South Registry of Deeds on any Lot or parcel used for impacted soil disposal within the subdivision including “Parcel 9-10”, Lot 8 or any other Lot or area of a Lot within the Subdivision. Such deed restriction shall include the following restrictions:

The following activities are restricted as noted:

- Use of the property for agricultural purposes, where on-site soil within the property is used for growing fruits or vegetables for human consumption;
- Any activity that disturbs soil below the bottom of a Protective Layer on the property, with the exception of short-term emergency utility repairs, without the prior development and implementation of a Soil Management Plan and a Health and Safety Plan, as approved by the City Engineer;
- Any activity that results in the removal of a Protective Layer which is not followed by repair of the Protective Layer or replacement with another Protective Layer, as approved by the City Engineer; and
- Relocation of any soil located below the bottom of a Protective Layer, unless such activity is first evaluated by a Licensed Site Professional (LSP) who renders an Opinion that states that such relocation is consistent with a condition of No Significant Risk.
- Construction or use of the premises for any dwelling.

The property shall be maintained as follows:

- All soil within the property that is subject to the restrictions contained herein must be covered by a Protective Layer (as defined below) and approved by an LSP;
- All Protective Layers described in this Notice must be maintained in place;
- A “Protective Layer” must be one or more of the following: concrete building foundation, asphalt pavement with associated clean base-course, concrete pavement or sidewalk with associated clean base-course, landscaped area with a clean soil layer (minimum one-foot thickness), or another protective layer of similar protective value;
- The Protective Layer may be removed for construction or utility activities undertaken in accordance with this Notice. Following completion of any such construction or utility activity, a protective barrier of similar protective value must be promptly reinstalled and maintained;
- Other than for emergency utility repairs, prior to the commencement of any activity that would disturb soil below the bottom of a Protective Layer, a Soil Management Plan must be prepared by an LSP and followed during the work. The Soil Management Plan must describe appropriate soil excavation, handling, storage, transport and disposal procedures and include a description of any engineering controls and air monitoring procedures that may be necessary. On-site workers

involved in an excavation project must be informed of the requirements of the Soil Management Plan, and the plan must be available on-site throughout the course of the work; and

- A Health and Safety Plan must be prepared by an LSP, a Certified Industrial Hygienist or other qualified individual sufficiently trained in worker health and safety requirements and implemented prior to the commencement of any activity, other than emergency utility maintenance, which is likely to disturb soil located below the bottom of a Protective Layer. The Health and Safety Plan should specify the type of personal protection, engineering controls, and environmental monitoring that may be necessary for the activity. Workers involved in an excavation project must be informed of the requirements of the Health and Safety Plan, and the plan must be available on-site throughout the course of the project.

Any proposed changes in activities and uses at the property which may result in substantially higher levels of exposure to impacted soils than currently exists, shall be evaluated by a LSP who shall render an Opinion as to whether the proposed change will present a significant risk of harm to health, safety, public welfare or the environment. Any and all requirements set forth in the Opinion to meet the objective of this Notice shall be satisfied before any such activity or use is commenced.

The activities, uses and/or exposures upon which this Notice is based shall not change at any time to cause a significant risk of harm to health, safety, public welfare or the environment or to create substantial hazards due to exposure to impacted soils without prior evaluation by a LSP, and without additional response actions, if necessary, to achieve or maintain a condition of No Significant Risk or to eliminate substantial hazards.

17. 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.
18. 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.
19. 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.
20. 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.

21. 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.
22. 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.
23. This Covenant shall take effect upon the approval of the Plan.
24. 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 Administrator – DPW, Engineering Office, Marlborough, Massachusetts within three business days of the date of recording.
25. 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.
26. 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 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

**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 Gloria M. Gutierrez, Trustee 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: August _____, 2020
Marlborough Planning Board, City of Marlborough**

Barbara L. Fenby – Chair

George LaVenture – Clerk

Philip J. Hodge

Sean N. Fay

Christopher P. Russ

Matthew Elder

From: Marlborough Planning Board Subdivision Working Group [MPBSWG]

To: Chair, Marlborough Planning Board

SUBJ: MARLBOROUGH PLANNING BOARD SUBDIVISION WORKING GROUP FINDINGS AND RECOMMENDATIONS

The Marlborough Planning Board Subdivision Working Group [MPBSWG] met 23 July 2020 at 2:00 pm in Memorial Hall, City Hall, Marlborough, MA with representatives of the Marlborough Engineering Department. Timothy Collins, Krista Holmi, George LaVenture, and Christopher Russ attended.

FINDINGS

Mr. Collins presented the group the following documents:

- a process flow chart,
- the version of the Marlborough Subdivision Rules & Regulations Governing the Subdivision of Land amended 2 December 1991,
- the 2005 proposed changes,
- various forms:
 - o Form A Application for Endorsement of Plan Believed Not to Require Approval
 - o Form B Application for Approval of Preliminary Plan
 - o Form B-1 Application for Informal Discussion
 - o Form C Application for Approval of Definitive Plan
 - o Form D Petition for Approval of Final Plan
 - o Form E Certificate of Delineation of Plan
 - o Form G Request for Inspection
 - o Form H Street Bond/Lot Release Request
 - o Appendix H Conveyance of Easement and Utilities
 - o Appendix K – Fee Schedule amended 7 January 1991
- Don Rider's Process letter of 1 May 2014,
- Five approved cross sections amended 7 January 1991
 - o 1 Secondary Residential Street
 - o 2 Major Residential Street
 - o 3 Secondary Residential Street [waiver required]
 - o 4 Major Residential Street
 - o 5 Alternative Standards
- A draft dual sided cross section #6 Alternate Standard
- Subdivision Timeline for Preliminary Plan submitted before a Definitive Plan, and
- Subdivision Timeline for Definitive Plan submitted without a Preliminary Plan

The process flow chart is a visual representation of the workflow of a Preliminary Plan and/or a Definitive Plan submission.

The current Subdivision Rules and Regulations were amended 1 June 2015.

The proposed changes to the Subdivision Rules and Regulations were drafted in 2005 and not adopted by the Planning Board.

The various forms are those currently in use. The Fee Schedule was last amended 7 January 1991.

Don Rider's letter provides his thoughts as of 1 May 2014 regarding The Process of a Plan's Submission to the Planning Board and Subsequent Notice to the City Clerk.

The cross sections show the five approved street layouts as amended 7 January 1991.

Draft cross section #6 Alternative Standards is a proposed addition which conforms to the Mauro Farms layout.

RECOMMENDATIONS

The Working Group recommends the following action by the Planning Board:

- The members review the documents for discussion at the September meeting
- The 2005 proposed Rules and Regulations changes be referred to Engineering for review, considering the passage of time, with any modifications reported back at the September meeting
- The Fee Schedule be referred to Engineering for review, considering the passage of time, with any modifications reported back at the September meeting
- The five existing cross sections and the #6 Alternate Standard cross section be referred to Engineering for review, considering the passage of time, with any modifications reported back at the September meeting

Respectfully submitted,

George LaVenture

Christopher Russ

A true copy is on file
in the City Clerk's Office.

ATTEST: _____
Jo-Ann E. Reynolds
City Clerk
Marlborough, MA 01752
December 13, 1991

RULES AND REGULATIONS GOVERNING
THE SUBDIVISION OF LAND

MARLBOROUGH, MASSACHUSETTS

Adopted: June 25, 1970
Recorded: August 11, 1970

Amended: November 5, 1970
June 29, 1972
March 7, 1974
November 19, 1974
January 7, 1980
July 25, 1983
July 18, 1988
January 7, 1991
December 2, 1991

TABLE OF CONTENTS

PAGE

SECTION I

Authority	1
-----------------	---

SECTION II

General

A. Definitions .. (Amended 7/18/88)	1
B. Plan Believed Not to Require Approval	
(Amended 1/7/91)	3
(Amended 1/7/91)	4
C. Approval Plan Required	4
D. More Than One Dwelling on a Lot	
(Amended 7/18/88)	5
E. Application to Planned Unit Development	5
F. Adequate Access ... (Added 7/18/88)	5
1. General ... (Added 1/7/91)	5
2. Standards of Adequacy	5
3. Obligations (Added 1/7/91)	6
4. Waivers	7
G. Fees and Expenses	6
(Amended 7/18/88)	6
(Amended 1/7/91)	6

SECTION III

Procedure For the Submission and Approval of Plans

A. Preliminary Plan	7
1. General ... (Amended 1/7/91)	7
2. Contents .. (Amended 1/7/80)	8
(Added 1/7/91)	9
3. Approval	11
B. Definitive Plan	11
1. General ... (Amended 1/7/91)	11
(Amended 1/7/91)	11
(Deleted 7/18/88)	12
(Amended 1/7/91)	12
2. Contents .. (Amended 7/18/88)	12
(Amended 11/19/74)	13
(Amended 7/18/88)	13
(Amended 7/18/88)	14
(Amended 7/18/88)	15
(Amended 7/18/88)	16
3. Review by Board of Health	17
4. Review by Other City Officials	17
(Amended 7/18/88)	17
(Amended 1/7/91)	17
5. Soil Survey	18
6. Public Hearing	18
(Amended 7/18/88)	18
7. Performance Guarantee	19
8. Reduction of Bond Surety	20

9. Release of Performance Guarantee	20
10. Certificate of Approval	22
(Amended 7/18/88)	22
11. Decision . (Added 7/18/88)	23
(Added 1/7/91)	23
(Added 1/7/91)	23

SECTION IV

Design Standards (Added 7/18/88)

A. Design Guidelines .	(Added 7/18/88)	23
B. Streets		24
1. Location		24
2. Alignment .	(Amended 7/18/88)	25
	(Amended 7/18/88)	26
3. Width		26
4. Grade	(Amended 7/18/88)	26
	(Amended 7/18/88)	26
	(Amended 7/18/88)	27
	(Amended 7/18/88)	27
5. Deadend Streets		27
	(Amended 7/18/88)	27
	(Amended 1/7/80)	27
C. Curb Cuts	(Amended 7/18/88)	27
	(Amended 7/18/88)	27
	(Amended 7/18/88)	27
D. Easements	(Amended 1/7/80)	28
E. Open Space		28
	(Amended 1/7/91)	29
F. Protection of Natural Features		29
G. Lot Drainage		29
H. Fire Alarms	(Deleted 12/2/91)	30
I. Fire Hydrants		30
J. Sidewalks, Grass Plots, Trees		30
K. Street Lights	(Amended 3/7/74)	30
L. Alternative Standards		30
	(Amended 7/18/88)	31

SECTION V

Required Improvements For An Approved Subdivision

A. General		31
	(Amended 1/7/80)	32
	(Amended 7/18/88)	32
B. Street and Roadway	(Amended 7/18/88)	33
	(Amended 7/18/88)	33
	(Amended 7/18/88)	34
	(Amended 7/18/88)	35
C. Utilities		35
	(Amended 7/18/88)	36
	(Amended 7/18/88)	36
D. Sidewalks, Curbs, Gutters		36
	(Amended 1/7/80)	37
	(Amended 7/18/88)	37

E.	Grass Plots	37
F.	Trees (Amended 7/18/88)	37
	(Amended 1/7/91)	37
G.	Monuments (Amended 7/18/88)	38
	(Amended 7/18/88)	38
H.	Street Signs and Names	38
I.	Street Lights (Amended 6/29/72)	38
J.	Fire Alarm Systems .(Deleted 12/2/91)	38
K.	Underground Lines	38
L.	Cable Television .. (Added 7/18/88)	38
M.	Signage (Added 7/18/88)	38
N.	Guardrails (Added 7/18/88)	38
O.	Mailboxes (Added 1/7/91)	39

SECTION VI

Administration

A.	Variation	39
B.	Reference	39
C.	Building Permit	39
D.	Inspections	39
E.	Validity	40

APPENDIX

A.	Form A - Application for Approval Not Required Plan	41
B.	Form B - Application for Approval of Preliminary Plan	42
C.	Form C - Application for Approval of Definitive Plan	43
D.	Form D - Petition for Approval of Final Plan	44
E.	Form E - Boundary Information	45
F.	Typical Cross Sections	46
G.	Form G - Inspection Form (Amended 12/2/91) ...	47
H.	Drainage Design	48
I.	Wheelchair Ramps (Added 7/18/88)	50
J.	Mailbox Installation Typical Section	51
K.	Subdivision Regulations Fee Schedule	52
	(Added 7/18/88)	52
	(Amended 1/7/91)	52
	(Amended 1/7/91)	52
	(Amended 1/7/91)	52
	(Amended 1/7/91)	52
	(Added 1/7/91)	53
	(Added 1/7/91)	53

Chapter A676

SUBDIVISION REGULATIONS

[HISTORY: Adopted by the Planning Board of the City of Marlborough 6-25-1970; as amended through June 1, 2015 (Ch. A203 of the 1986 Code). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Department of Public Works — See Ch. 7, Art. IV.
Planning Board — See Ch. 19, Art. I.

Building and site development — See Ch. 270.

Fire hydrants — See Ch. 333.

Poles, wires and conduits — See Ch. 473.

Sewers — See Ch. 510.

Soil removal — See Ch. 534.

Solid waste — See Ch. 540.

Streets and sidewalks — See Ch. 551.

Water — See Ch. 608.

Wetlands — See Ch. 627.

Zoning — See Ch. 650.

Article I

General Provisions

§ A676-1 Authority.

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

Article II

Definitions; Applicability

§ A676-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT

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

2005 Proposed changes to Planning Board Rules and Regulations

SECTION II – GENERAL

A. Definitions: **(New) Common Driveway: An otherwise private way that meets the City Code requirements for Common Driveway under Section 650-49 F.**

B. Plan Believed Not to Require Approval, 4. Failure of Board to Act: **(Change)** If the Planning Board fails to act upon a plan submitted under this section or fails to notify the Clerk of the City and the person submitting this plan of its action within **21 days (changed from 14 days)** after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, The City Clerk shall issue a certificate to the same effect.

Note: Planning Board meetings between June, July and August are spaced 30+ days apart. If an ANR plan is submitted where spacing between meeting exceeds 21 days, a Special Meeting of the Planning Board may need to be scheduled. (or request permission for Engineering to review prior.)

F. Adequate Access

2. Standards of Adequacy – (d) Ways abutting, Serving or Leading to a Subdivision shall only be considered adequate only if there is assurance that prior to construction they are in compliance with the following requirements:

Requirements for Ways abutting, serving or leading to a subdivision

	8 or fewer dwelling units	9 - 49 Dwelling units	50 or more dwelling units, business or industry units
Minimum Right-of Way width	40 feet	50 feet	60 feet (from 40 feet)
Surface Type	4 inches Bituminous Concrete (from 3 inches)	4 inches Bituminous Concrete (from 3 inches)	4 inches Bituminous Concrete (from 3 inches)
Minimum Traveled Width	28 feet (from 22 feet)	32 feet (from 26 feet)	38 feet (from 32 feet)
Minimum Sight Distance	200 feet	200 feet	200 feet
Maximum Grade	12%	11%	9%

Note: New MS4 regulations are stressing the use of low impact components in subdivision design. Smaller pavement widths decrease the amount of roadway run-off and thus decrease the amount of contaminants that make their way to resource areas.

nants

2. Standards of Adequacy – **(New) (c) Traffic Studies:** All traffic reports required by the Planning Board or City Engineer shall adhere to the guidelines set forth in the City of Marlborough Engineering Directive 2005-1 entitled "Guidelines for Preparation of a Traffic Impact and Access Study" on file at the Engineering Division of the DPW. If required by the City Engineer, the cost of an additional study shall be paid for by the applicant to the City. The City shall review any recommendations made by the study and they shall be implemented by the applicant prior to final bond reduction to maintenance bond.

Note: Engineering Directive 2005-01 cannot be located.

Additional Changes:

- New Form A
- 2 mylars to be submitted
- AutoCad drawing (current version) to be supplied on flash drive

SECTION III – PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

PRELIMINARY PLAN

1. General: **(Addition)** A properly executed application Form B (see Appendix B) **and Checklist forms (Appendix K through Q as required)** shall be filed with the Preliminary Plan submitted to the Planning Board.

Contents: **(Change)** If the Preliminary Plan is submitted in electronic format then it shall be in AutoCAD or current software format with a copy of the file in AutoCAD or current digital format (typically these files have an extension .dwg on a computer CD disk or current storage medium and be acceptable to the City Engineer. (Changed from The Preliminary Plan shall be drawn on tracing paper with pencil)

(Change) The Preliminary Plan shall be at a suitable scale, preferably forty feet (40') to an inch, with one (1) Mylar original and five (5) prints of both 24" x 36' AND 11' X 17" size shall be filed with the Planning Board and one (1) print shall be filed with the Board of Health at City Hall.

Note: Schedule K – Subdivision Regulations Fee Schedule, does not have a Fee Schedule for Open Space Subdivisions or Limited Development Subdivisions.

Note: The Engineering Division is not using CD disk for electronic storage of plans. Flash Drives are the current digital format being used.

Note: There is no Application Form for a Preliminary Subdivision submission.

(New) The plan shall be designated as a "Preliminary Plan" and to form a clear basis for discussion of the problems of the subdivision and for preparation of the Definitive Plan, the plan should contain the following:

- (d) Locus Map with all buildings and roadways within 1000 feet of the development

(f) Pictometry or other like technology as reasonably available at the time showing the location of the site and surrounding area

DEFINITIVE PLAN

1. General - Any person who submits a Definitive Plan of a Subdivision to the Planning Board for approval shall file with the Board the following:

- (a) Plan Submission

(Added) Submit an original drawing of the Definitive Plan in **AutoCAD or specified software format** and eight (8) contact prints thereof, dark line on white background.

(New) The applicant shall also provide to the Planning Board one (1) original mylar (single matte 3 mil) and eight (8) copies of a reduced plan of the subdivision on eleven by seventeen (11" x 17") inch paper, and a file in AutoCAD or specified storage medium as further defined and specified in Engineering Directive 2005-2 "Marlborough Digital Plan Submission" guide and be acceptable to the City Engineer.

Note: Two mylars should be required.

Note: *The Engineering Division is not using CD disk for electronic storage of plans. Flash Drives are the current digital format being used.*

Note: *The following sentence is included in the regulations for ANR Plan submissions and Preliminary Plan submissions, but is not included in the regulations for A Definitive Plan submission:*

"For the purpose of establishing the official submission date, said submission shall be made to the Planning Board at a regularly scheduled meeting of the Planning Board."

- (b) The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within two (2) years of the date of approval of the Definitive Subdivision Plan. If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the applicant or so required by the Board, no such way thereafter shall be laid out, constructed, completed or opened for public use unless and until a new application is filed with and approved by the Board. Ways not completed, or portions thereof, within two (2) years from the date of approval by the Board, shall thereafter be completed in accordance with the then in force construction standards of the Planning Board and the Department of Public Works of the City of Marlborough.

Note: *There are no regulations that allow for an extension of the original subdivision approval. Developers are agreeing to build a subdivision within the two years from the approval and at the end of the two years are producing a new construction schedule which show a two year time frame for completion and at the end of two years submitting a new construction schedule and requesting an addition extension for approval.*

(c) **Preliminary Plan Changes - (New)** Evidence shall be provided showing that the Definitive Subdivision Plan includes the modifications required by the Board's action on the Preliminary Plan.

(d) **Filing Fee – (Added)** A filing fee as described in Appendix K herein, provided that the Board shall, in the case of a Definitive plan evolving from a Preliminary Plan, use the reduced filing fee rates.

Note: Current Fee Schedule allow for a reduce rate for a Definitive Plan submission if a Preliminary Plan was submitted within 7 months prior.

2. Contents

(a) **Application Information – (Added)** A title stating the date, scale, benchmark, north point, name, **phone number, fax number, address and e-mail** of the petitioner and of the surveyor, name of proposed subdivision of land, names of the proposed streets and zoning classification and Zoning District Lines if any, within the locus of the plan.

(b) **(New) Scope of plans –** Show the entire subdivision, any access and adjacent streets.

(c) **(New) Cover Sheet –** A cover sheet shall be provided including a locus map with all the buildings and roadways within 1000 feet of the development. The Cover Sheet shall include all of the required information as required in Appendix N of these regulations.

(d) **(New) Index Sheet –** There shall be an index sheet at a scale of one inch (1") equals one hundred feet (100'). This can be included on the cover sheet or on a separate sheet.

(i) **(New) Stationing –** The plan shall include stationing (measured in the roadway at 100 foot increments) of the street, ways or easements.

Note – Should be numbered in 100 foot increments and marked at 50 foot increments between stationing. The beginning and the end of the stationing should also be noted.

(j) **(New) Topography –** The topography of the land shall be shown by a two-foot contour interval based on the U.S. Coast and Geodetic 1929 Datum. The origin of the topography shall be shown on the plan.

(k) **(New) Coordinate System –** The location of the subdivision shall be tied to the Massachusetts State Plane Coordinate System (NAD83) or current state standard by locating property line corners or indicating a baseline as further defined and specified in Engineering Directive 2005-2 "Marlborough Digital Plan Submission" guide.

Note: Engineering Directive 2005-02 cannot be located.

(s) Profiles – **(Added)** Profiles shall include the following information on them:

- Any intersecting public or private ways
- Existing and proposed storm drains
- Water mains
- Sewers and their appurtenances
- Any other underground utilities to be placed in the right-of-way

(x) **(New)** Cross Sections – Cross sections of the proposed streets shall be properly located and identified by station (distance along roadway in 100 foot increments) number, at such intervals along the street as will adequately indicate any variations in its section supplemented, where necessary, by lines on the layout plan showing the following:

- Width and location of proposed roadways
- Planting strip
- Gutters
- Sidewalks
- Other similar physical features

(z) **(New)** Pictometry – Pictometry or other like technology as reasonably available at the time showing the location of the site and surrounding area.

(aa) **(Change)** Sheet Information – The detailed information related to parcels areas, roadways, easements and Other areas (Open Space, Parks, Schools etc.) have been added to Appendix D.

(bb) **(New)** Standard Details – All plans submitted to the City for review shall comply with the City of Marlborough Standard Detail Sheets on file at the Engineering Division of the DPW.

4. Review by Other City Officials - **(New)** The applicant shall be required to appear before The Site Plan Review Committee, at their next meeting, after the Planning Board's Public Hearing for the Definitive Subdivision, to discuss the project so that the members of the Site Plan Review Committee can transmit comments to the Planning Board regarding the submission.

5. Soil Survey – **(Change)** The results of borings or test pits shall be sufficient to delineate geology, soil conditions and water table within the subdivision. The number, depth and description of such investigations will be in conformance with acceptable professional engineering geology practice, but in no case shall be less than one (1) pit or boring for every eighty thousand (80,000) square feet nor a depth less than eight (8) feet below proposed grade for roadway installations. The results shall be certified by a licensed Professional Engineer and a MA DEP approved Soil Evaluator with not less than five (5) years experience as a geotechnical engineer. (Changed from - Where appropriate, the Planning Board may require soil surveys to establish the suitability of the land for proposed storm and sanitary drainage installations.)

8. Reduction of Bond Surety – **(Change)** The penal sum of any such bond or the amount of any deposit held under Clause 7 (a) above, may from time to time, be reduced by the Planning Board and

the obligation of the parties thereto released by said Board in whole or in part, to a minimum of 15% (changed from 10%) of the total cost to complete the required improvements specified in Section V.

(New) The request for possible reduction by the Planning Board shall be implemented by the applicant by submitting a completed Road Bond form (Appendix I) to the City Engineer and Planning Board. Said costs shall be the costs necessary to complete the required improvements at the time release is applied for **(New)** multiplied by the current Engineering News Record's Construction Cost Index projected back five years to account for escalation to expiration.

Note: This publication is not being used. The Weighted Bid Prices published on MassDOT's website is being used to when calculation bond adjustments.

9. Release of Performance Guarantee – **(Added)** Lot Release

(Change) Lots can be released under the following conditions:

- Submission of a Completed Lot Release form (Appendix I) to the City Engineer and Planning Board;
- Completion of improvements required under Section V;
- Security for the performance of which was given by bond, deposit or covenant

(Changed from – Upon the completion of improvements required under Section V, security for the performance of any covenant with respect to any lot,)

Note: The covenant is replaced by the bond or deposit to secure the completion of the subdivision.

(Change) However, fifteen (changed from 10) percent of the total costs to complete the required improvements specified in Section V shall be held by the City for one year after **the City Engineer has approved the completion** (change from the completion) of the construction **(New) (Construction Maintenance Period)** or until the streets are accepted by the City, whichever comes first.

Note: Should be the Commissioner of Public Works, upon a favorable recommendation from the City Engineer.

(Change) The Planning Board shall request the Commissioner of Public Works approximately **ninety (90)** (changed from sixty (60)) days before the expiration of the Construction Maintenance Period to make an inspection of said street, way or portion thereof to:

(New) Procedure for Street Acceptance

SECTION IV – DESIGN STANDARDS

New chart to show Design Standards

	Major Street	Secondary Street	Non Residential	Alternate Standard	Common Driveway (Added)
Right-of Way width (in feet, min.)	60	50	60	50	40
Pavement width (in feet, min.)	38	32	44	28	**
Number of Sidewalks (Min.)	2	2	2	2	0
Maximin Grade	4.5% (was 5%)	4.5% *8% (was 8%)	4.5% (new)	4.5% *10% (new)	4.5% *10% (new)
Centerline Radius (in feet, min.)	350	150	350	125	60
Sight Distance (in feet, min.)	400	300	350	200	200

* allowed if sidewalks waived

** Common Driveway pavement width is 16' plus 2 more for each unit up to 24' for five units (only used via City Ordinance).

Note: Does not include design standards for subdivision streets that fall under "Lane" status.

B. Streets

2. Alignment

(Remove) (b) The minimum centerline radii of curved streets shall be as follows:

Lanes – one hundred and twenty-five feet (125').

Other secondary streets – One hundred and fifty feet (150').

Major streets – Three hundred and fifty feet (350').

(New) (c) Streets shall be laid out so as to intersect as nearly as possible at right angles. **(New)** A tangent section of two hundred (200) feet shall be in place prior to any change in horizontal alignment are made.

Note: Centerline radii criteria removed in (b) would be replaced in (c).

3. Width

(Change) *Note: Criteria for pavement width are contained in the table at the beginning of this section.*

Secondary Streets, which in the judgement of the Planning Board may in the future be changed in character to become a major street, shall be deemed a major street. (changed from Major Streets and such secondary streets, which in the judgement of the Planning Board may in the future be changed in character to become a major street: sixty feet (60').)

(Remove) When a secondary street will provide the only access for lots fronting on a length in excess of five hundred feet (500') or when on a major street potential volume is such to warrant it, the Planning Board may require a greater right-of-way width than that specified above and may require construction of a divided roadway.

4. Grade

(Change) *Note: Criteria for roadway grades are contained in the table at the beginning of this section.*

(New) Sidewalks including where they cross driveway aprons and at handicap ramps shall be inspected prior to bond reduction for these items and must meet or exceed AAB & ADA requirements. Th City's inspection of these sidewalks in no way relieves the applicant of the responsibility that the sidewalks meet ADA requirements.

Note: This paragraph would more appropriately be located in the "Bond Reduction" section of the regulations.

5. Deadend Streets

(Change) (a) Deadend streets shall not be longer than five hundred feet (500') unless **(Remove – "provided with a divided roadway or unless")** in the opinion of the Planning Board such a greater length is necessitated by topography or other local conditions **(Add – and a means of secondary access is provided.**

6. Curb Cuts

(Change)(c) Wheelchair ramps shall be provided as required by the American with Disabilities Act (ADA) and the Architectural Access Board (AAB) standards (changed from shown in Appendix I of these Rules and Regulations).

(New) (d) Driveway grades shall be as follows:

- Between gutterline and back of walk one point fifty-six (1.56) percent pitched towards road;
- Between back of walk and layout line three (3) percent pitched toward road;
- Between layout line to a point fifteen (15) feet behind layout line not to exceed three (3) percent;
- Between 15 feet behind the layout line and forty (40) feet behind the layout line not to exceed twelve (12) percent;
- Beyond forty (40) feet not to exceed fifteen (15) percent.

(Note – This is already contained in the Zoning Ordinance. The construction of driveways (grades) is not designed at the time the Definitive Subdivision is approved.

7. Easements

(New) 6. A 20 foot wide temporary easement shall be provided on both sides of the roadway right of way for the purpose of grading, street tree installation, erosion control and maintenance access that will be in full effect until street acceptance.

Note – 10-foot wide Landscape Easement should be in perpetuity to protect street trees. The other easements will protect construction rights should the bond be pulled from the developer.

Note- Proof that all easements outside the limits of the subject property required for the design of the subdivision have been obtained must be submitted before any approvals can be given.

8. Open Space

(Change) 1. Before approval of a plan, the Planning Board may also in **some** (changed from proper) cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air.

(Change) 1. The Planning Board may require that the area or areas reserved shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or of **potential** (changed from probable) subdivisions.

PROTECTION OF NATURAL FEATURES

(Remove) Due regard shall be shown for all natural features, such as large trees, wooded areas, water courses, scenic points, historical spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision. Whenever feasible, shade trees twelve inches (12") in diameter or larger shall not be removed.

(New)

1. Vegetative cover and runoff characteristics shall be maintained as close as possible to conditions before development by reducing cut and fill and other consideration.

2. Important local water features shall be protected, including floodplains, wetlands, aquifer recharge areas and well fields.

Note-These items would be addressed by Conservation Commission

3. Unique natural features shall be preserved, including but not limited to large trees, watercourses, vernal pools, scenic vista points, historic areas, clusters of trees, or rock outcroppings. The areas around a vernal pool may be significant habitat of the animals that breed in the pool.

Note – This could severely hinder a property owner's ability to develop the property.

DRAINAGE

(New) 2. Drainage models

For normal drainage design, peak runoff rates should be estimated using the TR-55, TR-20 and SCS models, with analysis of every subcatchment, reach and detention pond provided for the two (2) year,

ten (10) year, twenty-five (25) year and one-hundred (100) year frequency storms type II, 24 hour, rainfall distribution.

The drainage system shall be designed such that there is no increase in the peak rates of runoff from any of the watershed areas at the discharge point(s) from the site for any of the modeled storms.

All detention and retention structures shall be designed on the basis of a one hundred (100) year frequency storm event and drain pipes at the twenty-five (25) year storm frequency event.

The drainage discharge points, provision shall be made for velocity reduction using appropriate technologies so as to prevent erosion at point discharge and down gradient.

(New) 3. Drain Pipes

Class IV Reinforced Concrete pipe shall be used for drainage and shall have a minimum diameter of twelve (12) inches.

In general, they should be designed to flow full with the hydraulic gradient at the crown. In determining the capacity of concrete pipe drains, the Manning Formula should be used.

The minimum velocity at design flow should be no less than two (2) feet per second and no more than fifteen (15) feet per second for the twenty-five (25) year frequency storm event. The minimum cover over the pipe shall be 2.5 feet.

The outfall of drainage pipes shall have a headwall or flared end with rip rap in front to mitigate erosion. The minimum slope of drainage and sewer pipe shall be one (1) percent and the maximum slope of drainage and sewer pipe shall be nine (9) percent.

(New) 4. Structures

Manholes shall be provided between basins and at all points along the main line where changes in horizontal and vertical alignment are proposed. Where pipe size increase along the main line the crown of the pipe shall match in elevation. Cross-drain inverts should, where possible, enter the structure a minimum of one foot (1') above the outgoing invert. All drop manholes shall have a five (5) foot inside diameter and the drop shall be inside the structure. The maximum change of direction of flow shall be ninety (90) degrees.

(New) 5. Catch Basins

Catch Basins shall be placed on both sides of the roadway on a continuous grade, not more than three hundred (300) feet apart, at all sags in the roadway and at three (3) feet before the P.C. of curb returns at intersections unless the intersection is at the top of a vertical curve. Where roadway grades exceed seven percent (7%), basins should be spaced closer as determined by the City Engineer. In no instance shall catch basins be located along a driveway cut. Catch Basins shall not be tied to one another but should rather be manifolded into a drain manhole and shall be designed and located so that surface water does not cross the roadway. The standard depth (sump) of catch basins shall be four (4) feet below the invert of the lowest drain. Double inlet catch basin structures must have a five (5) foot inside diameter.

Note – Should vertical curve be replaced with vertical grade. Shouldn't a determination be made for CB spacing in the regulation so spacing is standardized. Where catch basins require a curb inlet – catch basins should not be located within 6 feet of a driveway curb cut (or driveway locations should be limited to their locations based on Catch Basin locations). Catch Basin hoods are not required in the rule and regulations.

(New) 6. Discharge

When in the design of a surface water drainage system, the outlet discharging water that has been collected within the confines of the subdivision in a concentrated stream onto land of others, and this land being located beyond the external boundaries of the subdivision to within reasonable proximity of the subdivision, the applicant at his/her expense, shall be required to obtain an easement, suitable for recording, which would legally allow such surface drainage to flow onto or over such land of others.

(New) 7. Basins

Detention/Retention basins requirements are as follows:

- Side slopes shall not be steeper than three and one-half (3.5) feet horizontal to one (1) foot vertical.
- The top of the berm shall be flat and at least ten (10) feet in width.
- A gated fence shall be installed around the basin.
Note – The gated should be double gated, 10-feet wide and located on the outside of the top of the berm. The fence should be a black vinyl coated chain link fence and six feet high, or such alternate type approved by the Planning Board.
- Basins shall be capable of controlling the hundred (100) year storm event discounting infiltration and have at least one (1) foot of freeboard.
- The pipe inlet inverts discharging into the basin shall be at or above the twenty-five (25) year storm event capacity of the basin.
- Basins shall be designed, inspected and certified as to proper installation by a Licensed Professional Engineer certified as a Soil Evaluator by the MassDEP with at least five (5) years experience as a geotechnical engineer. A copy of the installation certification shall be submitted to the City Engineer.
Note - MassDEP website will list Soil Evaluators, but does not indicate the length of time the individual has had a license.
- Banks shall be stabilized with impervious core material keyed into it and an anti-seepage collar installed around the discharge pipe to prevent seepage.
- Basins shall be designed so that the maximum depth, including freeboard shall not exceed eight (8) feet.
- Basins shall have an overflow route not directed towards abutting property.
- A minimum thirty (30) foot setback as measured from the top of the inside slope to all property lines is required.

Note – How would this affect detention basins that are located on multiple properties?

- Test Pit data, groundwater elevations and percolation test results shall be used to verify infiltration rates predicted, any impacts to retention/detention capacity and recharge requirements.

(New) 8. City Drainage

Any connections or modifications to the city drainage system shall require a complete and detailed review of the entire system from that point to outfall including capacity, video film of pipe system, renovation of drainage system, upgrading system to meet water quality standards presently enforced.

Note – “from that point”, from what point? There should be a section or a reference to the “water quality standards presently enforced”.

(New) Phase II

These rules and regulations shall conform to any City Stormwater Ordinance enacted to mitigate sediment and other contaminants removal required by the EPA Stormwater Phase II regulations. Any deviation from the requirements set forth in the ordinance or regulations promulgated from them, than the more restrictive regulation shall apply.

Note – Should be replaced with the current MS4 regulations that go into effect in July 1, 2018.

(New) SITE PREPARATION

Site preparation in site plan development otherwise equivalent to or defined as a gravel pit or mining operation should be subject to a special permit from City Council under Chapter 167 “Soil Removal” of the City Code.

Note – Recodified as Chapter 534.

SECTION V. REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

(New) – SECTION V. CONSTRUCTION REQUIREMENTS

A. General

(Remove) 3. Supplementing the aforesaid Standard Specifications, certain specifications or special provisions shall apply particularly to the work to be done hereunder. References in the following specifications, unless otherwise stated, are to the aforesaid Standard Specifications.

(Replace) 8. At the time the street or way or portion thereof is ready for acceptance and to facilitate acceptance by the City of Marlborough, the developer shall have prepared and certified by a Registered Land Surveyor a “Plan of Acceptance” drawn in **AutoCAD format** (Replaces – with india ink on tracing cloth or single matte, 3 mil. mylar) size **24” X 36”** (Replaces (18”x24” or 24”x36”)) showing the following:

- Widths
- Areas

- Lengths
- Bearing of all boundary lines of streets and easements.
- Radii, tangents and central angles of all curves in street lines.
- That all stone bounds have been set.

(Replaces with new format - widths, areas, lengths bearings of all boundary lines of streets and easements and radii, tangents and central angles of all curves in street lines. It shall show that all stone bounds have been set.)

Replace – A and digital copy of the Street Acceptance Plan in AutoCAD or specified design program format on a computer CD Dick or specified storage device as further defined and specified in Engineering Directive 2005-2 ‘MRLBOROUGH Digital Plan Submission’ guide (Replaces - The plan) shall be submitted to the City Engineer.

B. STREET AND ROADWAY

Replace - 1. The roadway shall be graded and prepared for pavement as follows:

- (a) **Clearing and Grubbing (Section 101)** (Replaces 101)
- (b) **Roadway Earth Excavation (Section 120)** (Replaces 120) **Replace – The contractor** (Replaces – Roadway Earth Excavation) shall remove all unsuitable material encountered down to the true surface of the sub-grade, in preparation for foundation of roadway, sidewalks, driveways and berms.
- (c) **Unsuitable Materials (Section 150)** (Replaces 150)
- (d) **Sub-grade (Section 170)** (Replaces 170) **Add –** The sub-grade surface (16” below the finished surface grade) shall be prepared true to line, grade and cross section given and properly rolled to the proper percentage of the maximum dry density of the material (97%). **New –** Large fills shall be placed and compacted in lifts not exceeding twelve (12) inches. **New –** Test pits data regarding the sub-grade surface will be required by the City Engineer and at locations every three hundred fifty (350) feet along roadway centerline or a minimum of two equally spaced test pits along the proposed roadway, plus areas where the proposed grade is three feet or more below existing grade, and probing will be required along the roadway centerline and sidelines at twenty-five (25) foot intervals where the roadway crosses unsuitable material. The sub-grade shall be compacted to the proper percentage of the maximum dry density of the material (97%).
- (e) **Gravel Base (Section 405)** (Replaces 405)

Grading (Section 405.60) (Replaces 405.60) **New –** All gravel material shall be inspected by the City Engineer and submitted by the developer to an approved soil-testing agency for determination of gradation and maximum dry density. Compaction testing shall be performed by an approved testing agency at a minimum of every one hundred (100) feet along the roadway. All test results and reports related to gravel base testing and placement shall be furnished to the City Engineer. Source of gravel base shall also be furnished to the City Engineer.

Note – What are the requirements for an “approved testing agency”. Sampling and testing should be performed by the testing agency at the location of the source material.

(New) 2. Roadway Alignment – (Change) The minimum width of roadways shall be as follows:

- Lanes – twenty-six feet (26')
- Other Secondary Streets – thirty-two feet (32')
- Major Streets
 - Residential – thirty-eight feet (38')
 - Industrial & commercial – forty-four feet (44')

Criteria for pavement width are contained in the table at the beginning of this section.

3. **(Remove 460) Add - Paving (Section 460) (Replace)** 3. The wearing surface of roadways shall be laid in two separate operations: a two and one-half (2-½) inch thick (after rolling) layer of Class 1 type I-2 and one and one-half (1-½) inch thick (after rolling) of Class 1 type I-2 bituminous concrete pavement upon the prepared surface and in conformity with lines, grades and typical cross-section shown on plans (Replaces Class 1 Bituminous Concrete Pavement, Type I-1). These types (Replaces This type) of pavement . . .

New – Finish course pavement shall not be placed until all driveways are constructed and houses are substantially complete. Copies of tonnage slips from paving contractor shall be furnished to the City Engineer. All pavement shall be "water tested" with the City Engineer present before the release of pavement bonding monies to ensure that water flows along gutters, into catch basins or inlets and not into driveways. Contractor will take the necessary measures to correct the roadway profile if water sheets across the roadway. Water testing shall be performed by the contractor and observed by a representative from the City.

Note – Necessary measures should be taken to correct the roadway profile if all the roadway drainage does not flow to a catch basin or to an outlet structure and in the roadway cross section if roadway drainage flows from one side of the street to the other.

4. **(Remove 658) Add – Roadway Slopes (Section 658)**
5. **(Add – Dust Control) Replace –** The contractor shall provide dust control (Replace - Dust control shall be provided) throughout the entire project. **New – Nonconformance with this regulation shall warrant stoppage of work by the City and/or bond monies being used by the City to mitigate the issue.**

Note – A Performance Bond is established for the completion of the subdivision. Dust Control is not a component of the bond figure. The bond is used to secure the completion of the subdivision should the developer not be able to, not to mitigate a problem with the construction of the subdivision.

C. UTILITIES

1. **(Replace) Excavation (Section 140) (Replaces 140) (Add)** Rock Excavation designated as Class B or other unsuitable material encountered in trench excavation shall be removed as directed by the City Engineer.
2. **(Replace) Installation (Section 200) (Replaces 200)**
3. **(Replace) Drainage flow (Sections 200, 220, ~~300~~ 230) (Replaces 200, 220, 230)** **Remove** Adequate disposal of surface and subsurface water shall be provided and pipes, manholes and catch basins shall

be provided according to the size and depths as indicated on the plans and in conformity with the requirements on Sections 200, 220, 230 (and shall be built on both sides of the street at intervals not to exceed three hundred feet (300')), unless otherwise provided by the Planning Board, and at such other places as deemed necessary by the Commissioner of Public Works and the Planning Board to assure the unimpeded flow of all natural watercourses, to assure adequate drainage of all low points and to provide proper run off of storm water. In no instance shall catch basins be located along a driveway cut. The standard depth of catch basins shall be two feet six inches (2'6") below invert of lowest drain.)

Note – See comment in SIDEWALKS, CURBS AND GUTTERS 3., regarding the distance between catch basins and driveways.

(Add) Generally, main surface water drain lines shall be placed on the high side of the road and all other utility lines located respectively in accordance with Appendix F.

(Add) Class IV reinforced concrete pipe shall be used for all drain lines and installed according to the size and grade shown on the approved "Definitive Plan". (Frames or covers shall be placed on all structures to current grade, within the pavement area prior to binder course installation. Steel plates shall be utilized in place of frames and covers during the compaction of gravel and pavement of binder course. Within ten (10) working days, or seventy-two (72) hours for catch basins, after the installation of the binder course. All utility structures shall be flush to the binder grade. All vertical adjustments of frames and covers shall be made with hardened sewer brick (no concrete bricks will be allowed) and shall be a two (2) brick minimum and a four (4) brick maximum layer above the pre-cast structure.

4. **(Add) Sewage disposal** On-site sewage disposal facilities shall be installed and constructed in conformity with the rules, regulations and requirements of the Board of Health.

5. **(Add) Utility Easements** Where adjacent property is not subdivided or where all the property of the applicant is not being subdivided at the same time, provisions shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision, at such grade and size which will, in the opinion of the Planning Board, permit their proper extension.

6. **(New) Filling of trenches**

(a) Unsuitable material below normal pipe inverts shall be removed and replaced by materials approved by the appropriate public official. Unsuitable material shall not be used for trench backfill.

(b) Width of trenches shall be equal to four thirds (4/3) diameter of the pipe or conduit plus eighteen (18) inches.

(c) Sheeting, if used, shall be cut off twelve (12) inches above the pipe or conduit.

(d) Pipe and conduit shall be surrounded by six (6) inches of compacted screen gravel if set in earth and twelve (12) inches if set in rock.

(e) Backfill shall be compacted to ninety seven percent (97%) of the maximum dry density of the material as determined by the American Association of State Highway Officials, Designation T-180 D. Uncompacted lifts shall be no greater than twelve (12) inches.

Note – Sheeting should not be used to replace the use of a trench box. The trench width will be widths would require more than six inches of backfill on the sides of the pipe. Backfill material for water is sand and backfill for sewer is ¾" crushed stone. No lifts in any trench within the layout of the roadway should be uncompacted.

7. (New) Testing

All underground utilities shall be tested and approved prior to installation of the base course(s) and pavement.

8. (New) Services

All lot connections shall be installed to the right-of-way line and so marked or surveyed as to be easily located in the future.

Note – Water and sewer stubs are to be located and ties from permanent objects shall be filed with D.P.W. – Water & Sewer Division.

9. (New) Illegal connections

All drainage not shown on approved definitive plans shall be prohibited. All foundation and perimeter drains shall be accommodated on site.

Note – Foundation and perimeter drains are allowed to connect to the municipal drainage system, provided the developer has provided a Release of Indemnification and has been issued a Grant of License by the D.P.W. Commissioner for the connection.

SIDEWALKS, CURBS AND GUTTERS

(Change) 2. 700 Bituminous concrete sidewalks having a minimum thickness of **three** (changed from two) inches after compression, shall be constructed on a six inch (6") gravel foundation to the required lines and grades in accordance with these specifications.

3. (Add) The sidewalk shall be constructed with a shaped granite curbing or upright granite curbing as approved by the Commissioner of Public Works. **Granite curb inlets (6'x6"x18") shall be utilized at all catch basins.**

Note – The regulation proposed in C. UTILITIES – Drainage Flow "In no instance shall catch basins be located along a driveway cut." Should be change to "In no instance shall a driveway be located within six (6) feet of a catch basin."

5. (New) Sidewalks including where they cross at driveway aprons and at handicap ramps shall be inspected prior to bond reduction for these items and must meet or exceed ADA. Mass Highway and the Architectural Access Board requirements. The City inspection of the sidewalk in no way relieves the applicant of the responsibility that the sidewalks meet ADA. Mass Highway and the Architectural Access Board requirements.

Note – Mass Highway is now referred to as Massachusetts Department of Transportation (MassDOT).

6. (New) There shall be required a planting strip of a minimum of five (5) feet between the roadway pavement and the sidewalk.

Note – This was done for the Mauro Farms subdivision as a “trial” for an Alternative Layout and has not been evaluated by the Planning Board to be made a permanent part of the regulations.

7. (New) Sidewalks shall have a finished grade two and zero tenths percent (2.0%) sloping towards the roadway.

Note – MassDOT slope requirements for sidewalks is a maximum of 1.5% sloping toward the roadway.

8. Dimensions are further defined in Appendix F Cross Sections

(New) PLANTING STRIPS

A. The finished grade of planting strips shall be two percent (2%) sloping towards the roadway. Where unusual physical land characteristics or topographic conditions exist, the Board may approve the construction of a planting strip at a slope greater than two percent (2%) provided that the finished slope will not project above or below a plane sloped two (2) horizontal to one (1) vertical upward or downward from the edge of the roadway.

Note – The planting area should be utilized for stormwater infiltration, with overflow connected to the municipal drainage system.

B. No trees or other obstructions shall be placed or retained within the planting strip so as to be closer than two (2) feet to the edge of the roadway. Tree species and planting locations shall be approved by the Planning Board to determine if the future growth of limbs and root systems will be a detriment or nuisance to the roadway infrastructure system or impact the safety of vehicular and pedestrian traffic. Root barriers of a style and design acceptable to the City Engineer shall be installed at locations where street trees are closer than ten (10) feet to a roadway or sidewalk.

Note – The Tree Warden should be the person who determines the species and planting location.

C. The top four (4) inches of planting strip shall consist of good quality loam, screened, raked and rolled with at least a one-hundred (100) pound roller to grade. The loam shall be seeded with lawn grass seed applied in sufficient quantity to assure adequate coverage, rolled when loam is moist.

I. (Add) STREET LIGHTS

Street lights shall be installed subdivision **streets and ways** by the utility for the developer in each section as developed prior to the reduction or moving or release of bond or release from covenant thereon.

Note – Street lights should be operational before homeowner occupancy is allowed. A Street Light Installation Form should be added to the Appendices.

M. (Add) GUARDRAILS

Guardrails shall be provided at the locations designated by the developer's engineer meeting the Commonwealth of Massachusetts Department of Public Works Standard Specifications for Highway and Bridges or as directed by the City Engineer.

O. (New) RETAINING WALLS

All retaining walls shall be designed as required by the Massachusetts Highway Department 1977 Construction Standards and 2001 Supplemental Drawing Manuals (or current versions). Larger walls or alternative designs shall meet or exceed the structural strength of the reinforced concrete retaining wall design shown in the detail sheets and be approved by the Planning Board. The visual appearance of the exterior face of the wall shall be aesthetically pleasing as so defined and approved by the Board. The approved retaining wall shall be shown in detail on the definitive plans and designed and stamped by a structural engineer. The design engineer shall certify in writing that the wall was built to the Planning Board's design standards prior to any bond reduction for the retaining wall or lot releases for the surrounding lots. Vertical and horizontal reference baselines shall be generated and monitoring of the retaining wall in relation to these baselines shall be conducted and bonding shall be held for a period of not more than three years after the wall has been constructed, said period to be determined at the discretion of the Board.

Note – Planning Board timeframe for buiding a road is teo years.

P. (New) SIDE SLOPE

The area in back of the sidewalk or, where there is no sidewalk is constructed, in back of the required planting strip, shall be graded to a point where it coincides with the finish grade of the abutting lots in such a manner that no portion thereof within th right-of-way lines of the street will project above a plane sloped three (3) horizontal to one (1) vertical from the edge of the sidewalk or grass lot or be below a plane sloped three (3) horizontal to one (1) vertical downward. Steeper side slopes may be allowed in cases of demonstrated hardship as determined by the Planning Board, but shall not be steeper than two (2) horizontal to one (1) vertical.

The top four (4) inches of planting strip shall consist of good quality loam, screened, raked and rolled with at least a one-hundred (100) pound roller to grade. The loam shall be seeded with lawn grass seed applied in sufficient quantity to assure adequate coverage, rolled when loam is moist.

Q. (New) FIRE HYDRANTS

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

Note – Spacing of the hydrants greater than 500 feet should be approved by the Fire Chief. The City of Marlborough has a relationship with the Massachusetts Municipal Insurance Association, not the American Insurance Association.

SECTION VI ADMINISTRATION

C. BUILDING PERMIT

(Change in format – sentence to list)

The Building Inspector shall not issue any permit for the erection of a building until the following has been completed (Chapter 41, Section 81-Y, and amendments thereto):

- The inspector is satisfied that the lot on which the building is erected is not within a subdivision,

- A way furnishing access to such lot as required by the Subdivision Control Law is shown on a plan recorded or entitled to be recorded under Chapter 41, Section 81-X, as amended.
- Any condition endorsed thereon limiting the right to erect or maintain building on such lot have been satisfied or waived by the Board.
- That if the Board has by rule or regulation required that not more than one building for dwelling purposes be erected or placed or converted to use as such lot without consent, that the Building Inspector is satisfied that such consent has been obtained.
- **The construction of roads or ways shown on the subdivision plan shall be completed at least the binder pavement course.**
- **Full completion of all utilities in the right of way.**
- **Submission to and approval by the City of a curb cut/driveway permit for all buildable lots.**

Note – It is not practical to have the utilities completed throughout the entire subdivision before building houses. Requirements for Occupancy: road at binder, curbing installed, sidewalk at binder, street light(s) installed and street sign erected.

Note – The Building Inspector's title has changed to Building Commissioner

D. INSPECTIONS

1. (New) A Completion Schedule must be submitted and approved by the City Engineer and a pre-construction meeting held prior to any inspections being performed.

3. Inspections shall be requested in writing at least 48 hours in advance of each inspection to the proper City Official and a copy of each request shall be sent to the Clerk of the Planning Board.????

4. (Add) Inspections shall be for the following:

- (a) Satisfactory installation of Haybales/Erosion Control Devices;**
- (b) Satisfactory placement of centerline/offsets for construction;**
- (c) Satisfactory clearing and grubbing**
- (d) Satisfactory excavation;**
- (e) Satisfactory blasting and ledge removal;**
- (f) Satisfactory installation of sanitary sewers and related equipment or on site disposal system;**
- (g) Satisfactory installation of surface and sub-surface drainage system and related equipment;**
- (h) Satisfactory installation of water mains and appurtenances;**
- (i) Satisfactory filling;**
- (j) Satisfactory compaction;**
- (k) Satisfactory Certification of Retaining Walls and Detention Basins;**
- (l) Satisfactory installation/compaction of 12 inch gravel base course;**
- (m) Satisfactory completion of base course of pavement;**

- (n) Satisfactory placement of curbs and gutters;
- (o) Satisfactory construction of sidewalks
- (p) Satisfactory construction of finish course of pavement;**
- (q) Satisfactory finish of landscaping area;**
- (r) Satisfactory installation of monuments.

(New) AS-BUILT PLANS

1. Interim As-Built Plans

At the completion of the base course of pavement for a section of the development plans as defined in subsection 5 shall be submitted to the City Engineer and the Planning Board showing all the information required by the approved plans and any deviations regarding elevations and alignment of the roadway, plan and profile of all utility services (including structures and conduit), basins/ retention or forebay areas, retaining walls, stormwater quality mitigation devices, swales, regraded areas, infiltration trenches and wetland or sensitive areas that have been constructed at that point. The interim as-built plan shall be required prior to occupancy for that section of the development being granted by the City of Marlborough. Bonding will remain at 100% for that section of the roadway until the Interim As-Built Plan has been properly prepared, submitted and approved by the City Engineer.

2. As-Built Plans

At completion of the project the applicant shall submit as-built record drawings of all items and as required in the interim as-built plan plus any other information as required by the approved plans including deviations from the approved plans, if any, and be certified by a Registered Professional Engineer.

3. Additional Plan Requirements

The interim and as-built plan shall include a licensed land surveyors stamp and certification stating the following: "I hereby certify that the information shown on this/these plan(s) accurately depicts field conditions based on an as-built survey by (*name of as-built surveyor*) performed on (*date of as-built survey*) and the right of way and items required by the Planning Board are in the locations required by the approved plans or revised as noted ", a licensed professional engineer's stamp and certification stating the following: "I hereby certify that the as-built information shown on this plan is in conformance with the approved site plans dated (*date of latest approved site plan*) or revised as noted" and a licensed professional engineer's stamp and certification stating the following: "I hereby certify that all handicap access and parking conform to the latest ADA and Massachusetts Access Board requirements."

The licensed Surveyor/Engineer shall submit, as part of the As-Built Plan, a list of the changes from the approved plan observed and found in the field and shown on the as built plan. The licensed Surveyor/Engineer shall comment and explain each change and certify that the change meets the design intent of the approved plan. Typical changes shall include, but are not limited to, slopes,

structure elevations, structure location, curbing, and encroachments into the right-of-way and any other observed field change. The certification statement shall include the Surveyor/Engineer's stamp and signature.

4. Review

As-built plans shall be submitted to the City Engineer for review and field verification.

5. Plan Requirements

As-built plans shall be made on a reproducible medium meeting the current standards set forth by the Registry of Deeds for record plans.

The drawing shall be in AutoCAD or current software format with a copy of the file in AutoCAD or current file digital format (typically these files currently have an extension .DWG) on a computer CD disk or current storage medium and be acceptable to the City Engineer.

The drawing shall indicate its position relative to the Massachusetts State Plan Coordinate System as specified as further defined and specified in engineering directive 2005-2 "Marlborough Digital Plan Submission" guide.

(New) F. Procedure for Street Acceptance (New Subdivision Roadways) (Added 12/14/05)

1. Prior to the bond being reduced to 15% and being placed into a one (1) year maintenance period as required under Section III B. 9. of these Rules and Regulations the applicant shall submit the following to the City Solicitor and City Engineer for review:

(a) As-built plans for all streets and/ or easements in four (4) paper prints in an electronic AutoCAD or specified design program file copy shall be submitted on a computer CD Disk or specified storage device to Engineering along with the location of the site being tied to the Commonwealth of Massachusetts State Plan Coordinate system or specified GIS system as further defined and specified in engineering directive 2005-2 "Marlborough Digital Plan Submission" guide to the City Engineer for review.

(b) Video tapes of all drainage/sewer pipes installed.

(c) Draft copies of the deeds and appropriate title certifications listed in section 3 below to properties which are to be conveyed to the City as part of the street acceptance for review.

2. During the course of the maintenance period the City Engineer shall review the plans to identify possible conflicts between "as-Built" conditions and record rights-of-way and the appurtenant easements.

3. Ninety (90) days prior to the (1) year maintenance period ending the applicant shall submit the following to the City Solicitor and City Engineer for review and any deficiencies noted by the City Engineer in any of the construction or any of the items submitted in section 1 above shall be mitigated by the developer to the satisfaction of the City Engineer:

(a) The actual Council Order to be used for accepting the respective rights-of-way and easements, including a description which references the acceptance plans.

- (b) Mylar plan and four (4) paper prints thereof showing the street or streets to be accepted. This plan shall be entitled "Street Acceptance Plan" and shall show the streets and all appurtenant easements by bounds, courses and distances. A paper and digital copy of the Street Acceptance Plan in AutoCAD or specified design program format on a computer CD Disk or specified storage device as further defined and specified in engineering directive 2005-2 "Marlborough Digital Plan Submission" guide shall also be provided to the Planning Board and City Engineer. (Note: This plan is not to be confused with the "as-built" plan required under Sec. 218-25 of these rules and regulations.).
- (c) Instruments suitable for recording for all easements which are not a part of the street or streets (including, but not necessarily limited to drainage, water and other utilities) with the City having fee interest. These instruments must be signed by all parties having an interest or rights in such easements.
- (d) Deed for the street itself with the City having fee interest . This deed shall contain a legal description of the street named in the acceptance application and shall be signed by all parties having any rights or interests in such street. The Applicant shall provide a certificate of title indicating ownership of the street.
- (e) Deed of gift in trust for "open space", other parcels or money (if applicable) in the form acceptable to the Marlborough Conservation Commission.
- (f) Certifications from a licensed site professional (LSP) that all property, subject to transfer or conveyance of interest, has been examined and determined to be free of hazardous waste in accordance with MGL Chapter 21E.
- (g) Certificate of compliance for any and all orders of conditions issued by the Marlborough Conservation Commission or Massachusetts Department of Environmental Protection for work in relation to construction of the roadway, drainage or any associated infrastructure.
- (h) A statement from the Marlborough Fire Chief certifying that all fire protection requirements, including but not necessarily limited to installation of hydrants and cisterns, have been provided and are satisfactory.
- (i) Certificate(s) signed by the applicant and/or his/her attorney certifying that all necessary parties have signed all easement instruments, street deeds and open space deeds.
- (j) Check made payable to the City of Marlborough for the recording of all instruments and deeds for filing at the Middlesex Registry of Deeds at the prevailing rate at the time of filing. Copies of these easement instruments and deeds shall be submitted to the City Engineer for review prior to recording.
- (k) Using the certification of monuments form (Form I) the applicant shall produce certification that the granite bounds were placed as required by the approved planning board definitive plans and this form shall be stamped by a Registered Land Surveyor.

- (l) The Applicant shall execute and provide to the Board an instrument, in a form approved by the board or the conveyance of easements and utilities form (Appendix H), transferring to the City, without cost, valid unencumbered title to all sanitary and storm sewers, water mains and appurtenances thereto, constructed and installed in the subdivision or approved portion thereof, and shall convey to the Town, without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain such sanitary and storm sewers and water mains, with any manholes, pipes conduits and other appurtenances, and to do all acts incidental thereof, and if any such sanitary and storm sewers, water mains and appurtenances thereto has been constructed and installed in land not within such streets, then in, through and under the land within that easement.
4. Prior to the (1) year maintenance period ending the City Engineer shall submit an inspection report to the Planning Board recommending approval or rejection of the street acceptance. If the report is in the affirmative the Board shall so recommend to City Council forthwith that the way be laid out as a public way as required in Section III B. 9. of these Rules and regulations.
 5. Upon approval by the City Solicitor and City Engineer of the language of the documentation noted above and mitigations required, the developer may formally submit a request to the full City Council to have the rights-of-way, easements and where appropriate any land which may be appurtenant to the acceptance accepted by the City.
 6. After review of the street acceptance request the Council may then refer the request to the Planning Board for its recommendation and may also refer it to subcommittee for purposes of input from City officials and others.
 7. Upon receipt of the Planning Boards recommendation the subcommittee may act on the request and recommend it out to full council. The council may choice to approve, not approve or not act at all. Failure of the Council to act does not result in de-facto approval or public acceptance of the rights-of-way or easements.
 8. The City's interest in the performance bond shall not be released until all the provisions of Section III B. 9. of these Rules and Regulations have been completed, approval by City Council granted and certification of recordings provided to the City Solicitor and planning board.

Add Trench permit required

Forms

- Certificate of Approval after 21 days with no action taken by the Planning Board within 21 days of ANR submission.
- Form Letter – ANR Plan approval/denial
- Form Letter – Preliminary Plan Decision
- Form Letter – Definitive Plan Decision
- Update Appendix D
- Update new Appendix I to reference specific Bond information
- Draw details for:
 - Detention basin cross-section (with keys)
 - Anti-Seepage Collar
- Street Opening Permit & Trench Permit
- Typical cross-section for “Mauro Farm” as an Alternative Cross-Section
- Street Light Installation Form



CITY OF MARLBOROUGH
Department of Public Works
Engineering Division
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 33200 TDD (508) 460-3610

(date)

Attn: National Grid
Customer Fulfillment
40 Sylvan Road
Waltham, MA 02451

Subdivision: _____

This letter is to confirm Street Lighting requirements for the above-mentioned subdivision. The name(s) of the new street will be:

The location of the (#) luminaires, with 30 ft. aluminum standard pole, shall provide 4000 lumens of light, and are shown on the signed approved definitive subdivision plans.

-
-
-

The billings for these lights should be established in the name of the developer:

until such time as the municipality accepts the street(s) as a public way. Upon acceptance, the Department of Public Works will notify you to change the billing.

Signed by: _____
Thomas DiPersio, P.E., P.L.S. – City Engineer

Date: _____

cc: Marlborough Planning Board
John Ghiloni – D.P.W. Commissioner/Public Facilities Director
(Developer)

APPENDIX A

APPLICATION FOR ENDORSEMENT OF
PLAN BELIEVED NOT TO REQUIRE APPROVAL

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

Marlborough, Massachusetts

(Date)

To the Planning Board:

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

1.Name of Applicant _____

Address _____

2.Name of Engineer _____

Address _____

3.Deed of Property recorded in _____ Registry of

Deeds Book _____ Page(s) _____.

4.Location and description of property:

Signature of Owner

Address: _____

APPENDIX B

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

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

Marlborough, Massachusetts

(Date)

To the Planning Board:

The undersigned herewith submits the accompanying Preliminary Plan of Property located in the City of Marlborough for approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations governing the Subdivision of Land of the Planning Board in the City of Marlborough.

1.Name of Subdivider: _____

Address: _____

2.Name of Engineer: _____

Address: _____

3.Deed of property recorded in _____ Registry
of Deeds, Book _____ Page _____

4.Location and description of property:

Signature of Owner

Address: _____

APPENDIX C
(Amended 11/19/74)

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

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

Marlborough, Massachusetts

(Date)

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of property located in the City of Marlborough for approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations governing the Subdivision of Land of the Planning Board of the City of Marlborough.

1.Name and Record Owner of Land: _____

Address: _____ (Amended 11/19/74)

2.Name of Subdivider: _____

Address: _____

3.Name of Engineer: _____

Address: _____

4.Deed of property recorded in _____ Registry of

Deeds Book _____ Page(s) _____

5.Location and description of property: _____

6.Date of completion of ways, public utilities, and other

facilities: _____

Signature of Owner

Address of Owner

APPENDIX D
(Amended 7/18/88)

PETITION FOR APPROVAL OF FINAL PLAN

Date: _____

City Clerk
City Hall
Marlborough, MA 01752

The undersigned petitioner desires to subdivide a parcel of land and to open in the City of Marlborough, as described on plot, ways or street for access to all lots of land within the parcel. Said parcel of land is described as follows:

All as more particularly described and bounded on a plot or plan filed herewith and made a part of this petition. The following are all of the mortgages and other liens or encumbrances on the whole or any part of the described property:

The undersigned hereby applies for the approval of said plan by the Planning Board. The undersigned hereby covenants and agrees with the City of Marlborough upon the approval of said plan:

- a.to complete the ways as finally approved by the Board within _____ (months or years) from the date hereof;
- b.to install utilities in accordance with the Rules and Regulations of the Planning Board, the Commissioner of Public Works, Board of Health, and all general as well as Zoning Ordinances of said City, as are applicable to the installation of utilities within the limits of ways or streets;
- c.to complete and construct the said streets or ways in accordance with Section II (General Requirements) and the approved plan, profile, and cross-sections of same. All to be in accordance with the specifications provided for in said Rules and Regulations of the Board. Said plans, profiles, cross-sections, and construction specifications are specifically, by reference, incorporated herein and made a part of this petition. This petition shall be binding upon all heirs, executors, administrators, successor, grantees of the whole or part, and assigns of the undersigned.

Authorized Signature of Applicant

APPENDIX E

Date: _____

To the Marlborough Planning Board:

In preparing the plan entitled _____

my source of information about the location of boundaries shown on said plan were one or more of the following:

1. Deed from _____ to _____

Dated _____ and recorded in the Middlesex South District

Registry of Deeds Book _____ Page _____.

2. Other plans as follows: _____

3. Oral information furnished by: _____

4. Actual measurement on the ground from a starting point established by: _____

5. Other sources: _____

Signed _____

APPENDIX F
(Amended 7/18/88)

TYPICAL CROSS SECTIONS

All plan submittals shall use "Typical Section 1" included in "Appendix F" of these regulation, as a basis of design unless another typical section is approved in writing by the Marlborough Planning Board.

1. Granite curb inlets (6'x6"x18") shall be utilized at all catchbasins.
2. Generally, main surface water drain lines shall be placed on the high side of the road and all other utility lines located respectively in accordance with the typical section.
3. Water and sewer utilities shall be installed in accordance with the most recent provisions of the City of Marlborough Water & Sewer Ordinance.
4. Excavations and backfilling of all utilities shall be in accordance with the requirements of the Marlborough Department of Public Works.
5. Design of utilities and structures shall meet the latest State standards and local D.P.W. regulations as applicable.
6. Wheelchair ramps will be provided as depicted in "Appendix I".
7. Vertical granite curbing may be required along all streets where maximum slope regulations have been waived. Limits shall be determined by the City Engineer.
8. Grade and alignment stakes shall be set for each utility and for the road construction.

APPENDIX G

INSPECTION FORM
(Amended 12/2/91)

Marlborough, Massachusetts

Name of Subdivision: _____

Street _____

	Date	Inspector's
<u>Item Inspected</u>	<u>Inspected</u>	<u>Remarks</u>
<u>Approval</u>	<u>Signature</u>	

Excavation _____

Filling _____

Compacting _____

Laying Water Mains _____

Completion of Pavement _____

Grading of Curbs
and Gutters _____

Construction of
Sidewalks _____

Installation of
Sanitary Sewers and
Related Equipment _____

Installation of
Monuments _____

Installation of
Hydrants _____

APPENDIX H
(Amended 7/18/88)

DRAINAGE DESIGN

Drainage Design:

The following general criteria shall be employed in the design of surface water drainage systems for subdivisions:

Minimum inside pipe diameter - 12".

Type of pipe - Class IV, reinforced concrete.

Maximum distance between catch basins - 300 feet.

Minimum ground cover over pipe - 2.5'.

Minimum size on catchbasin sumps - 2.5'.

Maximum change in the direction of flow - 90 degrees.

Pipe ends - headwall or flared end.

Generally, catchbasins should be placed three feet (3') before the P.C. of curb returns at intersections. Where roadway grades exceed seven percent (7%), basins should be spaced closer than the above noted 300 feet as determined by the City Engineer. Manholes shall be provided at all points along the main line where changes in horizontal and vertical alignment are proposed. At structures where pipe sizes increase along the main line the crown of the pipes shall match in elevation. Cross-drain inverts should, where possible, enter the structure a minimum of one foot (1') above the outgoing invert.

Computations:

The following methods shall be used to perform the hydraulic and hydrologic calculations for the subdivision:

Watershed parameters - "TR55, Urban Hydrology for Small Watersheds", U.S. Soil Conservation Service, USDA.

Existing and proposed runoff hydrographs - "TR20 - Computer Program for Project Formulation Hydrology", U.S. Soil Conservation Service, USDA.

Design Storm Criteria

Generally post development flows must be equal to or less than pre-development flows measured at each analysis point.

Hydrologic analyses: 10 year and 100 year recurrence intervals, Type II, 24 hour, rainfall distribution.

Hydraulic analyses: 25 year storm recurrence interval, rational formula.

Alternative methodologies and design criteria shall only be allowed upon written approval by the City Engineer.

APPENDIX K
(Added 7/18/89, Amended 1/7/91)

SUBDIVISION REGULATIONS FEE SCHEDULE

The Planning Board shall require fees for submission, review and approval of Approval Not Required Plans, Preliminary Subdivision Plans, Definitive Subdivision Plans, and Inspections. Said fees shall be as adopted by the Board and according to the Schedule of Fees posted in City Hall and available from the City Clerk's Office. Said fees shall be tendered at the times specified in the Schedule of Fees.

The Planning Board fees are established to cover all administrative costs borne by the City, whether by City employees or by consultants.

The fees cover application filing, public notice, and advertising for hearings, data collection, analysis, Department of Public Works review, Planning Department review, zoning and subdivision regulation compliance, legal review of covenants, establishing bonding amounts, review and filing of bonding instruments, issuing lot releases, field testing, and inspections of roadways and utilities under construction, administration of acceptance of streets, issuance of street names and numbers.

APPROVAL NOT REQUIRED PLAN

\$50.00 filing fee, plus \$50.00 for each lot described on the plan. (Amended 1/7/91)

To be paid at the time of plan submission.

PRELIMINARY SUBDIVISION PLAN

\$200.00 filing fee plus \$1.00 per linear foot of proposed roadway.

Plus \$100.00 for advertising for public hearing, if held.

Plus mailing costs. (Added 1/7/91)

To be paid at the time of plan submission.

DEFINITIVE SUBDIVISION PLAN

\$500.00 filing fee plus \$2.00 per linear foot of proposed roadway less 80 percent (80%) of all fees paid for preliminary subdivision plan if filed within seven (7) months (Amended 1/7/91) of filing of preliminary plan.

Plus \$100.00 for advertising for required public hearing.

Plus mailing costs. (Added 1/7/91)

To be paid at the time of plan submission.

CHANGES TO SUBDIVISION PLAN SUBSEQUENT TO APPROVAL (Added 1/7/91)

\$200.00 filing fee.

\$100.00 advertising for public hearing, if any.

Plus mailing costs.

To be paid at the time of plan submission.

INSPECTION OF SUBDIVISION CONSTRUCTION

\$50.00 plus \$1.00 per linear foot of proposed roadway.

To be paid after approval of subdivision plan and expiration of appeal period, but prior to signing of Definitive Plans by Planning Board.

SPECIAL STUDIES BY CONSULTANTS

All expenses in connection with any special consultant's study, (such as a traffic, impact, ground water, or sub-surface study) considered necessary by the Planning Board shall be borne by the applicant in full and shall be in addition to the filing fee or paid directly to the consultant.

All fees to be in the form of a check made payable to the City of Marlborough.

Signed _____

Barbara L. Fenby, Chairperson
MARLBOROUGH PLANNING BOARD

FORM A

10B
Review and update
example forms

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

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

Marlborough, Massachusetts

(Date)

To the Marlborough Planning Board:

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

1. Name of Applicant _____

Address _____

Email _____ Telephone _____

2. Name of Engineer _____

Address _____

Email _____ Telephone _____

3. Deed of Property in the South Middlesex Registry of Deeds;

Book _____ Page(s) _____

4. Location and description of property:

Signature of Owner

Address: _____



RESERVED FOR OFFICIAL USE



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

FORM B

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

***File one completed form with the Planning Board and a copy
with the City Clerk in accordance with the requirements of §A676-9.***

Marlborough, Massachusetts

(Date)

To the Marlborough Planning Board:

The undersigned, herewith submits the accompanying Preliminary Plan of Property located in the City of Marlborough for approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations governing the Subdivision of Land of the Planning Board in the City of Marlborough.

1. Name of Subdivider: _____

Address _____

Email _____ Telephone _____

2. Name of Owner (if different): _____

Address _____

Email _____ Telephone _____

3. Name of Engineer _____

Address _____

Email _____ Telephone _____

4. Deed of Property in the South Middlesex Registry of Deeds;

Book _____ Page(s) _____

5. Location and description of property:

Signature of Owner

Address: _____



RESERVED FOR OFFICIAL USE



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

FORM B-1

APPLICATION FOR INFORMAL DISCUSSION

File one completed form with the Planning Board and one copy with the City Clerk

Marlborough, Massachusetts

(Date)

To the Marlborough Planning Board:

The undersigned, herewith submits the accompanying Sketch Plan of Property located in the City of Marlborough for an informal discussion with the Marlborough Planning Board for the development of the subject property.

1. Name of Applicant: _____

Address _____

Email _____ Telephone _____

2. Name of Owner (if different): _____

Address _____

Email _____ Telephone _____

3. Name of Engineer (if applicable) _____

Address _____

Email _____ Telephone _____

4. Deed of Property in the South Middlesex Registry of Deeds;

Book _____ Page(s) _____

5. Property location and description of topic for discussion:

Signature of Applicant

Address: _____



RESERVED FOR OFFICIAL USE



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

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

***File one completed form with the Planning Board and one copy
with the City Clerk in accordance with the requirements of §A676-10.***

Marlborough, Massachusetts

(Date)

To the Marlborough Planning Board:

The undersigned, herewith submits the accompanying Definitive Plan of Property located in the City of Marlborough for approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations governing the Subdivision of Land of the Planning Board in the City of Marlborough.

1. Name of Subdivider: _____

Address _____

Email _____ Telephone _____

2. Name of Owner (if different): _____

Address _____

Email _____ Telephone _____

3. Name of Engineer _____

Address _____

Email _____ Telephone _____

4. Deed of Property in the South Middlesex Registry of Deeds;

Book _____ Page(s) _____

5. Location and description of property:

6. Date of Completion of ways, public utilities and other facilities: _____

Signature of Owner

Address: _____



RESERVED FOR OFFICIAL USE



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

FORM D

PETITION FOR APPROVAL OF FINAL PLAN

Page 1

***File one completed form with the Marlborough Planning Board and a copy
with the City Clerk in accordance with the requirements of §A676-10.***

Date: _____.

Subdivision Name: _____.

Applicant(s): _____.

To the Planning Board:

The undersigned petitioner desires to subdivide a parcel of land and to open in the City of Marlborough, as described on plot, ways or street for access to all lots of land within the parcel. Said parcel of land is described as follows:

All as more particularly described and bounded on a plot or plan filed herewith and made a part of this petition. The following are all of the mortgages and other liens or encumbrances on the whole or any part of the described property:

The undersigned hereby applies for the approval of said plan by the Planning Board. The undersigned hereby covenants and agrees with the City of Marlborough upon the approval of said plan:

- a. to complete the ways as finally approved by the Board within _____ (months or years) from the date hereof;
- b. to install utilities in accordance with the Rules and Regulations of the Planning Board, the Commissioner of Public Works, Board of Health, and all general as well as Zoning Ordinances of said City, as are applicable to the installation of utilities within the limits of ways or streets;
- c. to complete and construct the said streets or ways in accordance with Section II (General Requirements) and the approved plan, profile, and cross-sections of same. All to be in accordance with the specifications provided for in said Rules and Regulations of the Board. Said plans, profiles, cross-sections, and construction specifications are specifically, by reference, incorporated herein and made a part of this petition. This petition shall be binding upon all heirs, executors, administrators, successor, grantees of the whole or part, and assigns of the undersigned.

Signature of Applicant(s):

_____.

_____.

_____.

_____.

FORM D**PETITION FOR APPROVAL OF FINAL PLAN**

Page 2

To the Planning Board:

SUBDIVISION NAME: _____

SHEET NO.: _____ (Complete for each sheet of the subdivision plans as submitted)

(1) Total area of original tract shown on this plan equals _____.

(a) Area in lots Nos. 1, 2, 3, etc. equals _____.

(b) Area in streets A-B-C equals _____.

(c) Area in easements equals _____.

(d) Area reserved for parks, schools, etc., equals _____.

Total area of Subdivision Lots equals _____.(Should equal (1a) above.)

(2) Streets:

(a) Street _____ : Station _____ + _____ to Station _____ + _____ Equals _____ square feet.

(b) Street _____ : Station _____ + _____ to Station _____ + _____ Equals _____ square feet.

(c) Street _____ : Station _____ + _____ to Station _____ + _____ Equals _____ square feet.

Total Area of Streets equals _____.(Should equal (1b) above.)

(3) Easements:

(a) Easement _____ : Station _____ + _____ to Station _____ + _____ Equals _____ square feet.

(b) Easement _____ : Station _____ + _____ to Station _____ + _____ Equals _____ square feet.

(c) Easement _____ : Station _____ + _____ to Station _____ + _____ Equals _____ square feet.

Total Area of Easements equals _____.(Should equal (1c) above.)

(4) Other Areas:

(a) Park Area (locate) _____ equals _____ square feet.

(b) School Area (locate) _____ equals _____ square feet.

(c) Other (define and locate) _____ equals _____ square feet.

Total remaining area equals _____(Should equal (1d) above.)

(5) A grading plan with two-foot (2') contour intervals depicting existing and proposed topographic conditions for the entire subdivision including on and off-site easements. The City shall not accept any design or layouts unless based on an actual on-the-ground survey.

Signature of Applicant_____
Address

FORM E

CERTIFICATE OF DELINEATION OF PLAN

***File one completed form with the Marlborough Planning Board and a copy
with the City Clerk in accordance with the requirements of §A676-10.***

Date: _____

Subdivision Name: _____

Applicant(s): _____

To the Planning Board:

In preparing the plan entitled _____

my source of information about the location of boundaries shown on said plan were one or more of the following:

1. Deed from _____ to _____

Dated _____ and recorded in the Middlesex South District Registry of Deeds

Book _____ Page _____

2. Other plans as follows: _____

3. Oral information furnished by: _____

4. Actual measurement on the ground from a starting point established by: _____

5. Other sources: _____

Signature of Applicant

FORM G

REQUEST FOR INSPECTION FORM

File one completed form with the City Engineer in accordance with the requirements of Section VI-D.

TO: MARLBOROUGH DEPARTMENT OF PUBLIC WORKS - ENGINEERING DIVISION

SUBDIVISION: _____.

COMPANY REQUESTING INSPECTION: _____.

NAME OF COMPANY CONTACT: _____.

PHONE NUMBER: _____ **EMAIL:** _____

DATE AND TIME OF REQUEST FOR INSPECTION: _____.

STREET NAME	STATION:	TO STATION:	NATURE OF INSPECTION

ADDITIONAL COMMENTS/REQUESTS: _____

NOTE: ALL REQUESTS FOR INSPECTIONS MUST BE MADE AT LEAST 24 HOURS BEFORE ACTUAL TIME OF INSPECTION (EXCLUDING WEEKENDS AND LEGAL HOLIDAYS).

FORM H

STREET BOND/ LOT RELEASE REQUEST FORM

File one completed form with the City Engineer in accordance with the requirements of Section III-b.

FILL OUT SECTION A AND RETURN TO THE CITY ENGINEER'S OFFICE – PLANNING BOARD ADMINISTRATOR

SECTION A:

SUBDIVISION: _____ DATE _____.

DEVELOPER: _____.

DATE OF EXPIRATION FOR SUBDIVISION APPROVAL: _____.

NATURE OF REQUEST:

BOND ESTABLISHMENT ☐

LOT RELEASE ☐ COVENANT RECORDING INFORMATION BOOK _____ PAGE _____

BOND REDUCTION ☐ BOND RELEASE ☐ CURRENT BOND AMOUNT \$ _____

BOND EXPIRATION DATE: _____

FORM OF BOND: _____

DESCRIPTION OF WORK PERFORMED: _____

Provide the following:

☐ Updated Construction Schedule

☐ Certificate from the Tax Collector stating that all taxes are current and that there are no municipal liens on the property

☐ Certificate from the Code Enforcement Officer stating that the property is free from blight and other enforcement actions

☐ Continuation Certificate to verify bond status (current expiration date and bond amount)

The developer should be present at the Planning Board meeting for possible discussion regarding the progress of the construction of the subdivision.

Bond Reductions will not be considered unless the work performed has a value of at least 10% of the current bond amount.

SECTION B – (FOR OFFICE USE ONLY)

PROJECT REVIEW SUMMARY: _____

DATE SCHEDULED FOR PLANNING BOARD REVIEW: _____.

APPENDIX H

CONVEYANCE OF EASEMENTS AND UTILITIES

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

_____, of _____
(name of owner) (address of owner)

Middlesex County, Massachusetts; for the consideration of _____.

hereby grants, transfers and delivers unto the City of Marlborough a municipal corporation in Middlesex County, the following:

A. The perpetual rights and easements to construct, inspect, repair, remove, replace, operate and forever maintain (1) a sanitary sewer or sewers with any manholes, pipes, conduits and other appurtenances, (2) pipes, conduits and their appurtenances for the conveyance of water, and (3) a covered surface and ground water drain or drains with any detention/retention basins, manholes, pipes, conduits and their appurtenances, and to do all other acts incidental to the foregoing, including the right to pass along and over the land for all the aforesaid purposes, in, through, and under the whole of _____, dated _____, said plan is made and said plan is incorporated herein for a complete and detailed description of said roads.

B. The perpetual rights and easements to use for _____
(describe use or purpose)

of the following parcel of land situated on _____ in said City of Marlborough and
(name of street(s))

bounded and described as follows: _____

The grantor warrants that the aforesaid easements are free and clear of all liens or encumbrances, that he (she/it) has good title to transfer the same, and that he will defend the same against claims of all persons.

For grantor's title see deed from _____ dated _____,

20____, and recorded in Middlesex South District Registry of Deeds, Book _____, Page _____.

This is not a homestead property.

And (to be completed if a mortgage exists) _____
(name of mortgage holder)

_____ the present holder of a
(name and address)

mortgage on the above described land, which mortgage is dated _____, 20____, and recorded in the

APPENDIX H

CONVEYANCE OF EASEMENTS AND UTILITIES

South Middlesex Registry of Deeds as Book _____, Page _____, for consideration paid, hereby releases unto the City of Marlborough forever from the operation of said mortgages, the rights and easements hereinabove granted and assents thereto.

Authorized Signature of Mortgagee

Owner

IN WITNESS WHEREOF we have hereunto set our hand and seals this _____ day of _____ 20 ____.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

_____, 20 ____

Then personally appeared the above named _____

_____ and acknowledged the foregoing to be his/her/their free act and deed, before me.

Notary Public

My commission expires on: _____.

seal

NOTE: This conveyance is NOT effective until accepted by city council.



City of Marlborough Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

May 1, 2014

Marlborough Planning Board
Chairwoman Barbara Fenby
140 Main Street
Marlborough, MA 01752

Re: The Process of a Plan's Submission to the Planning Board and Subsequent Notice to the City Clerk

Dear Dr. Fenby:

In supplementation of Legal's letter to the Planning Board ("the Board") dated December 16, 2013, this letter offers further clarification as to 1) the process for a plan's submission to the Board, whether a subdivision plan or an ANR plan; and 2) the subsequent notice to be filed with the City Clerk regarding that submission.

1. Submission Of A Plan To The Board.

Mass. Gen. Laws c. 41, § 81O governs the submission of a subdivision plan. As for submission of ANR plans, a planning board's regulation, if it is consistent with § 81O, "controls the determination of the submission date of an ANR plan."¹

The relevant portion of § 81O provides as follows:

A plan shall be submitted under this section when delivered at a meeting of the board or when sent by registered mail to the planning board. If so mailed, the date of receipt shall be the date of submission of the plan.

Thus, under § 81O, the date of a plan's submission is either 1) the date when it is delivered at a meeting of the Board, or 2) the date when it is received by the Board by registered mail.²

In contrast, for ANR plans under Section II.B.1, and for preliminary plans under Section III.A.1, the Board's Rules and Regulations provide that, "[f]or the purpose of establishing the official submission date, said submission shall be made to the Planning Board at a regularly scheduled meeting of the Planning Board." In other words, there is no opportunity under the

¹ Peters v. Labonte, 2012 WL 273714 (Land Ct. 2012), at * 5 (citing Maini v. Whitney, 7 LCR 263, 264 (1999)(Land Court)).

² " 'Registered mail', when used with reference to the sending of notice or of any article having no intrinsic value shall include certified mail." Mass. Gen. Laws c. 4, § 7, cl. Forty-fourth.

However, § 81T “lacks precision as to the timing of the filing of the notice.”¹⁰ So § 81T has been judicially interpreted as requiring that notice to the City Clerk must be filed “simultaneously with or, at least, very promptly after submission to the [planning] board,”¹¹ but in any event “after submission to the Planning Board, since the required notice must include the date of submission.”¹²

Note that this § 81T filing requirement is crucial in circumstances where a board may have failed to timely act on a plan, otherwise resulting in a constructive grant (for a subdivision plan) or a constructive endorsement (for an ANR plan). Thus, if the plan’s proponent has itself failed to file such a § 81T notice with the city or town clerk, that failure is fatal to the proponent’s claim of the constructive grant or constructive endorsement.¹³ Section 81T’s filing requirement serves the statutory purposes of providing aggrieved persons with “the definitive date from which an appeal is measured,” while at the same time “limiting the period during which an appeal may be taken” and precluding an “indefinite protraction of the appeal process.”¹⁴

Thank you for your attention to this matter.

Very truly yours,

/s/ Donald V. Rider, Jr.
Donald V. Rider, Jr.
City Solicitor

¹⁰ Korkuch v. Planning Board of Eastham, 26 Mass. App. Ct. 307, 308 (1988).

¹¹ Korkuch, 26 Mass. App. Ct. at 309.

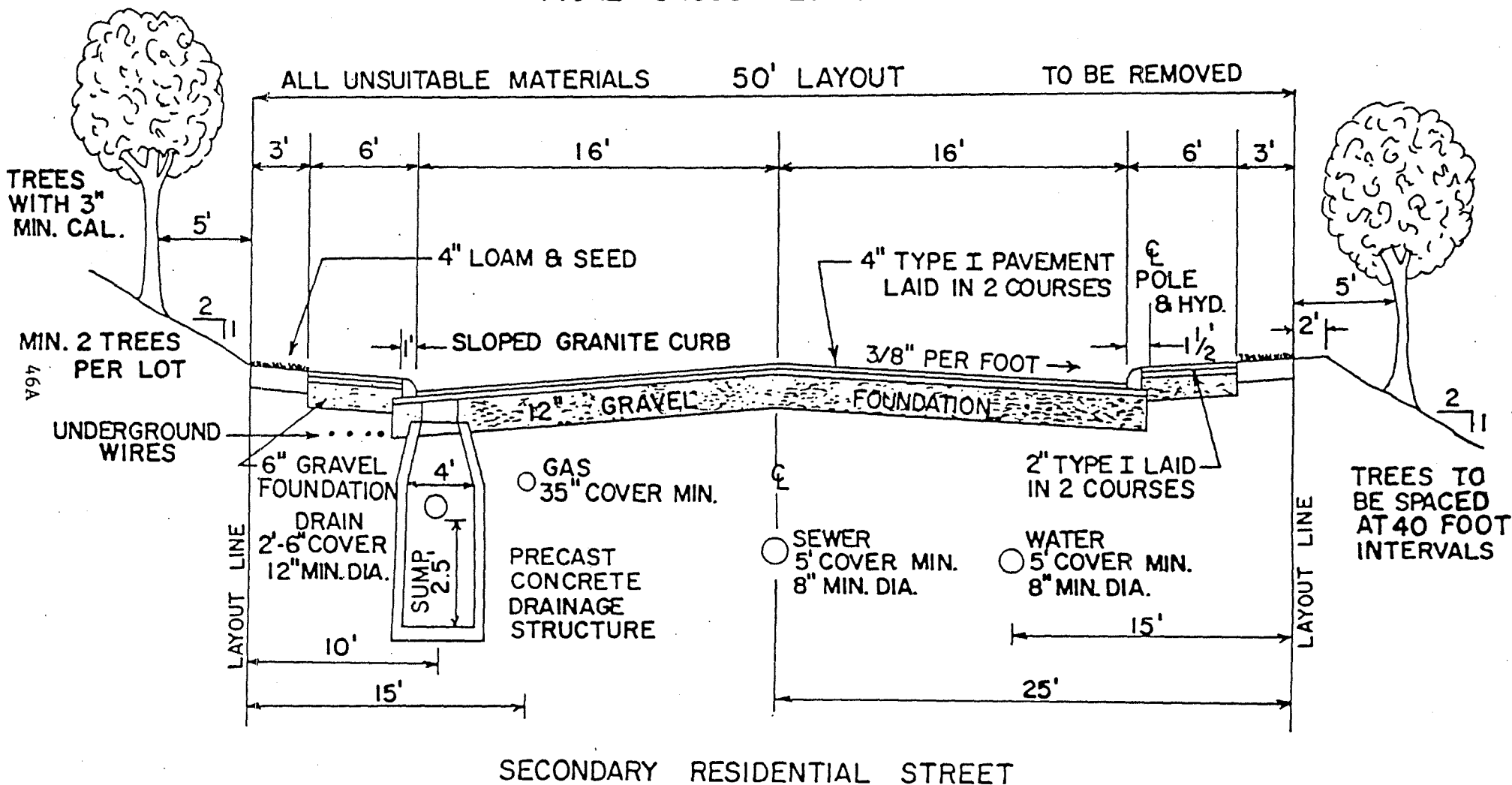
¹² Peters, 2012 WL 273714 at * 6 (emphasis in original).

¹³ Korkuch, 26 Mass. App. Ct. at 309 (discussing ANR plan); Peters, 2012 WL 273714 at *4 (discussing ANR plan).

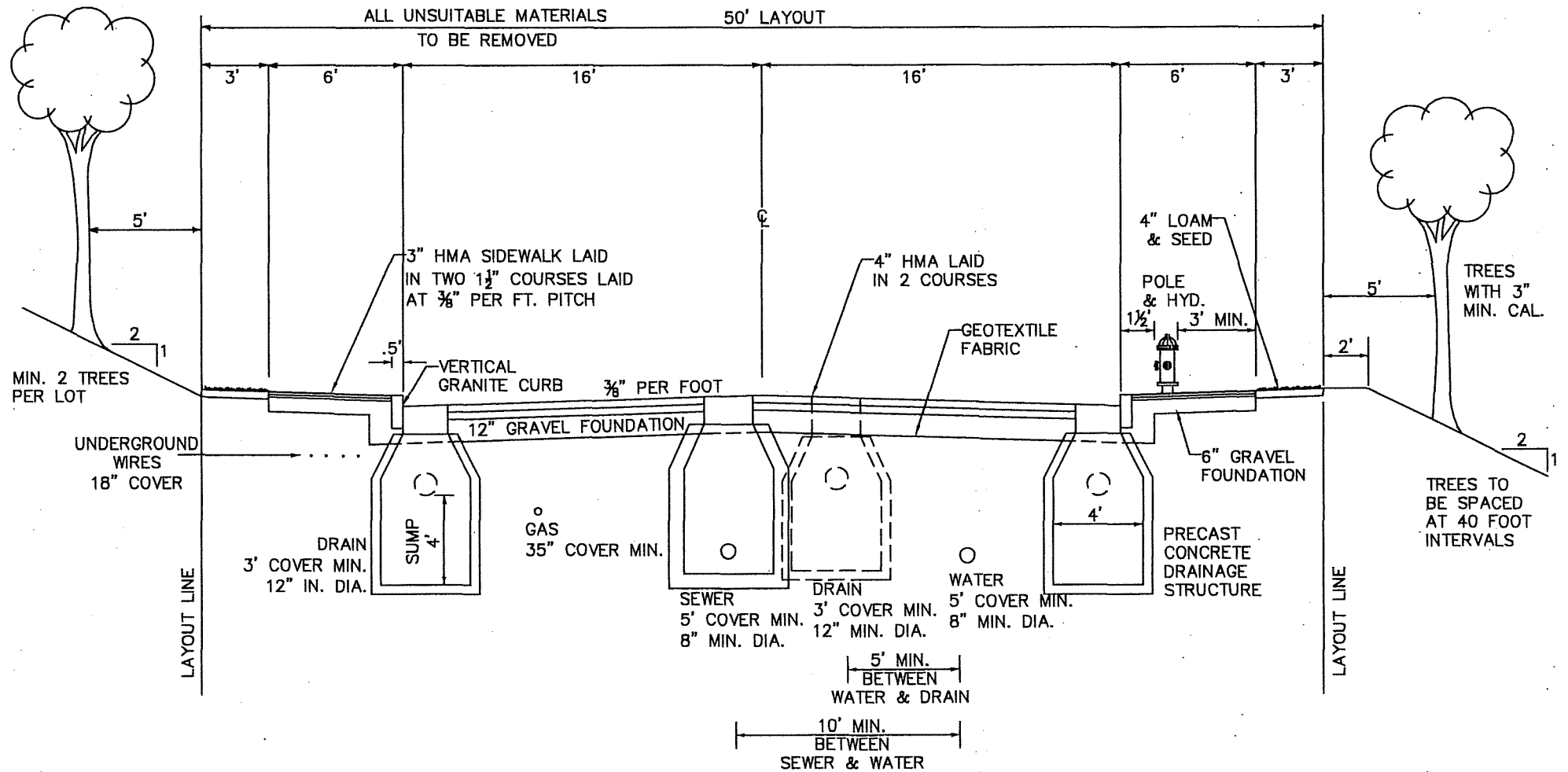
¹⁴ Korkuch, 26 Mass. App. Ct. at 309 (citations omitted).

(Amended 1/7/91)

- TYPICAL CROSS SECTION -

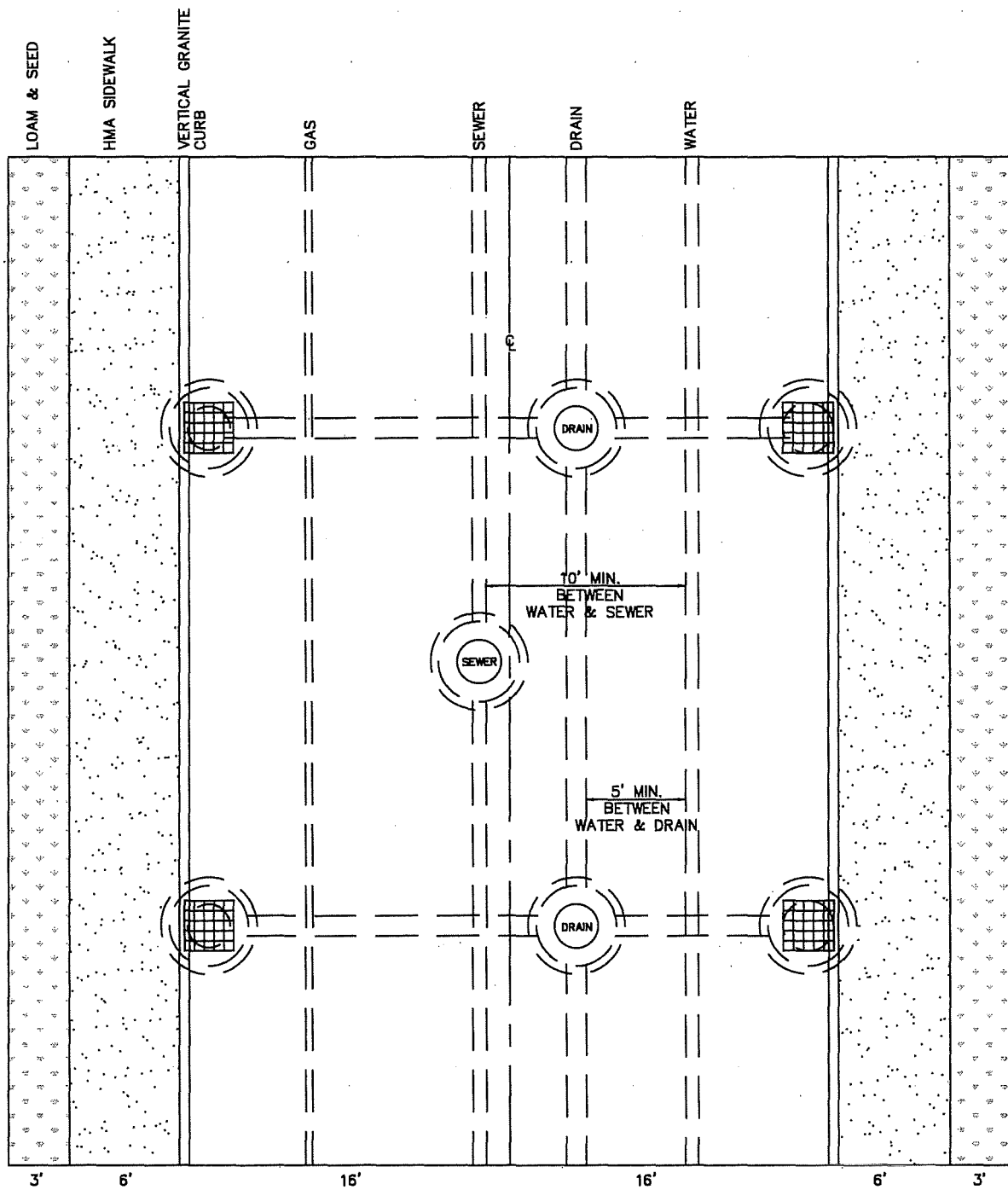


-TYPICAL CROSS SECTION-



#1

SECONDARY RESIDENTIAL STREET
N.T.S

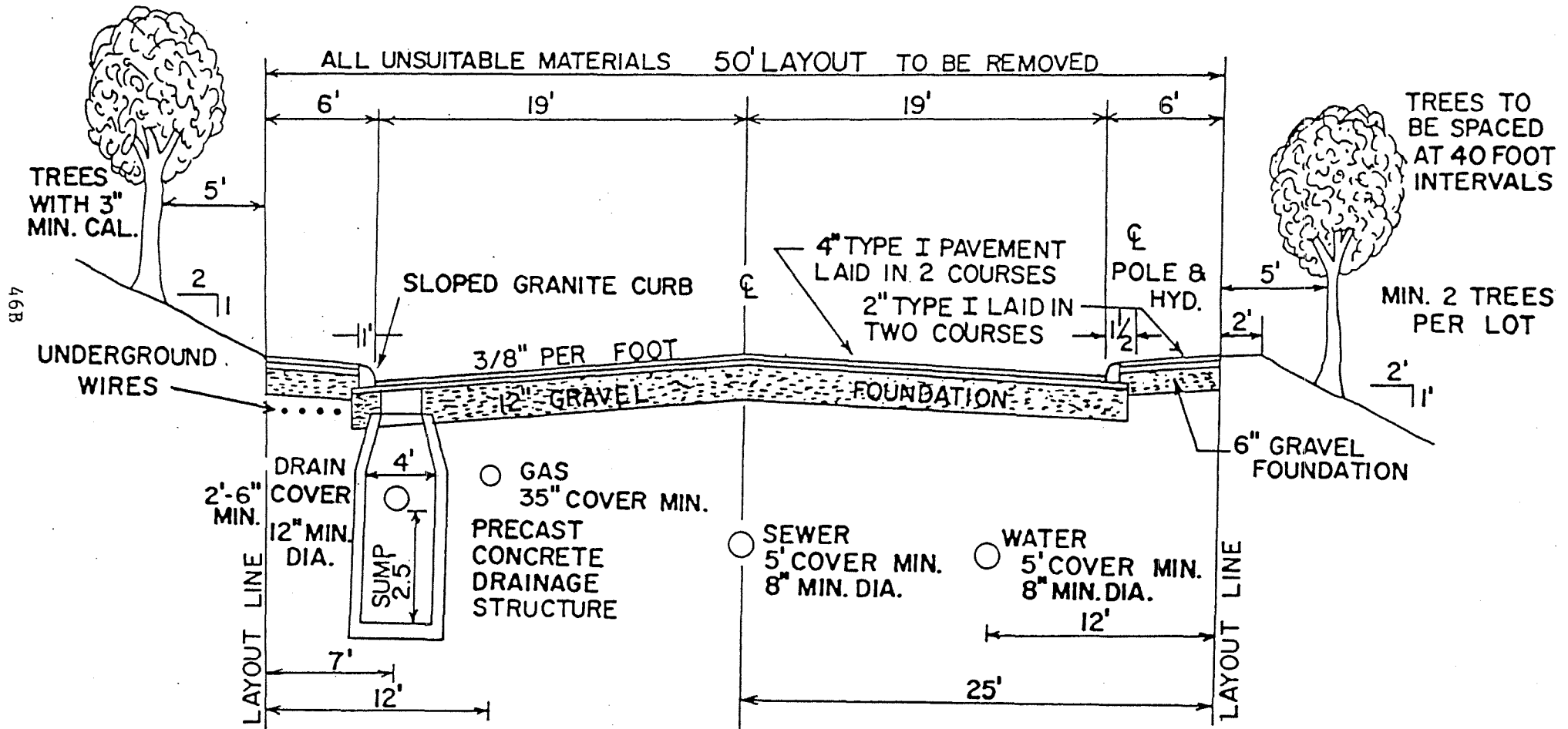


#1

SECONDARY RESIDENTIAL STREET
PLAN VIEW
N.T.S

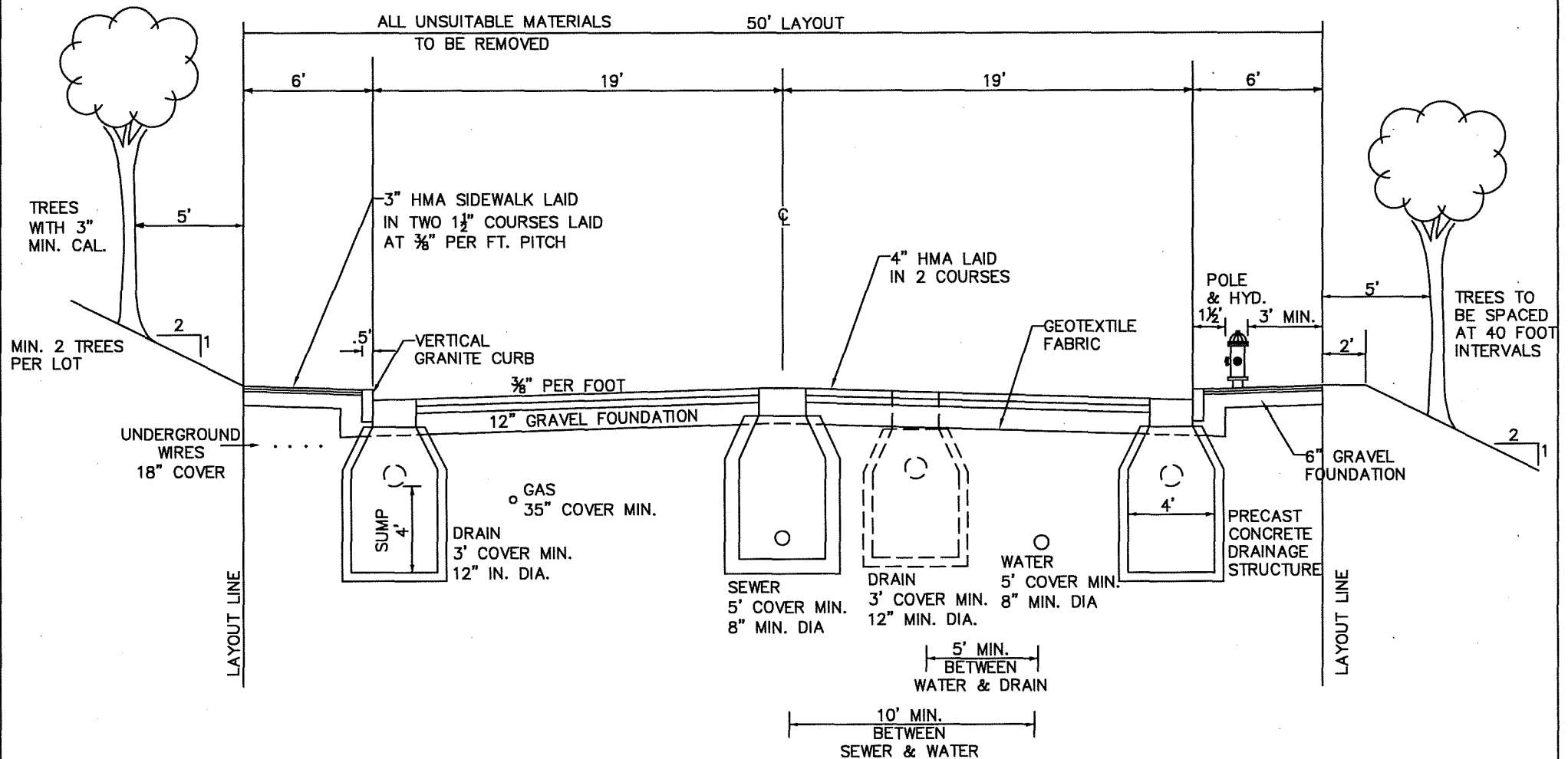
(Amended 1/7/91)

-TYPICAL CROSS SECTION-



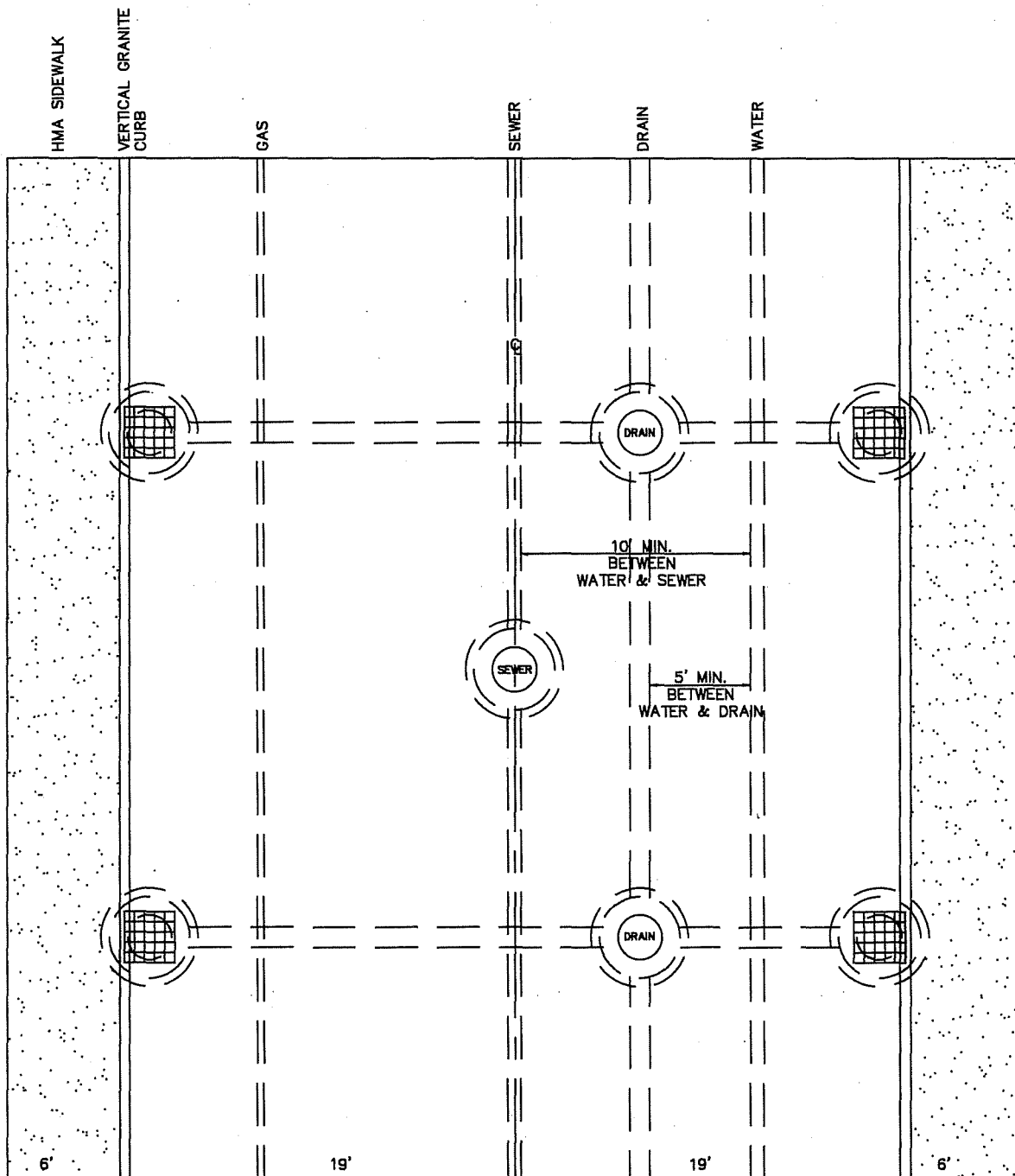
MAJOR RESIDENTIAL STREET
AS
DETERMINED BY THE PLANNING BOARD

—TYPICAL CROSS SECTION—



#2

MAJOR RESIDENTIAL STREET
AS
DETERMINED BY THE PLANNING BOARD
N.T.S

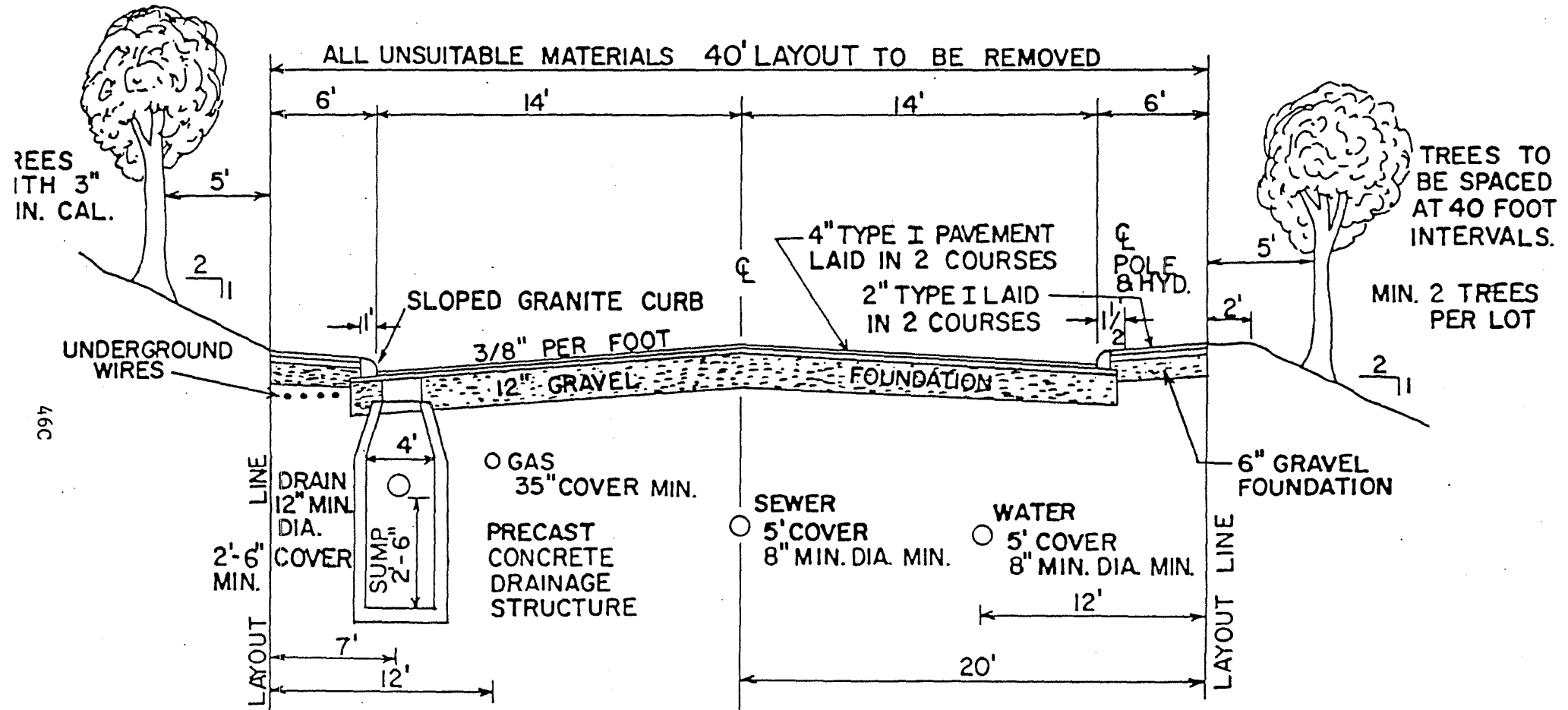


#2

MAJOR RESIDENTIAL STREET
AS
DETERMINED BY THE PLANNING BOARD
PLAN VIEW
N.T.S

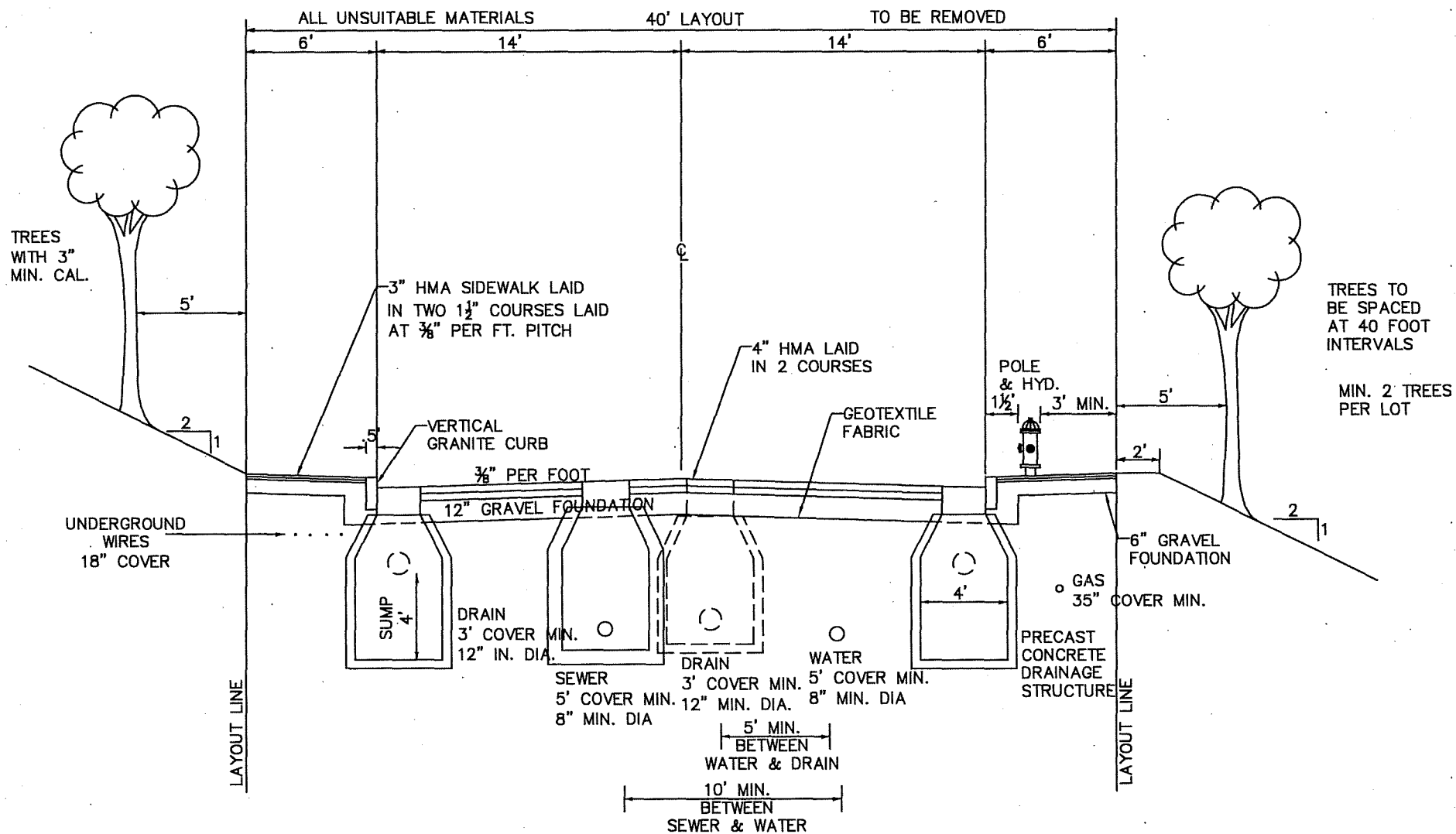
(Amended 1/7/91)

-TYPICAL CROSS SECTION-



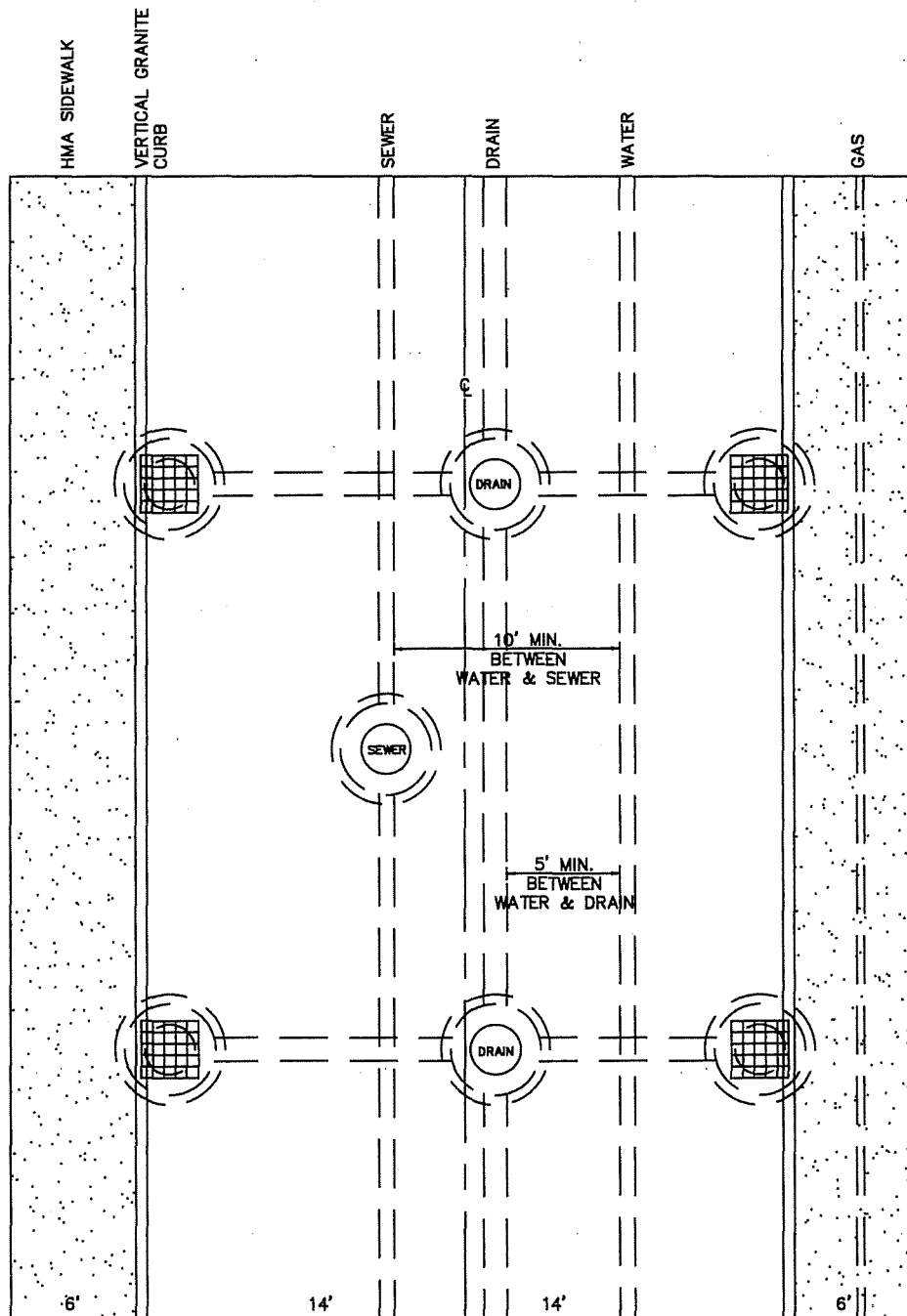
SECONDARY RESIDENTIAL STREET
-REQUIRES PLANNING BOARD WAIVER-

-TYPICAL CROSS SECTION-



#3

SECONDARY RESIDENTIAL STREET
REQUIRES PLANNING BOARD WAIVER
N.T.S

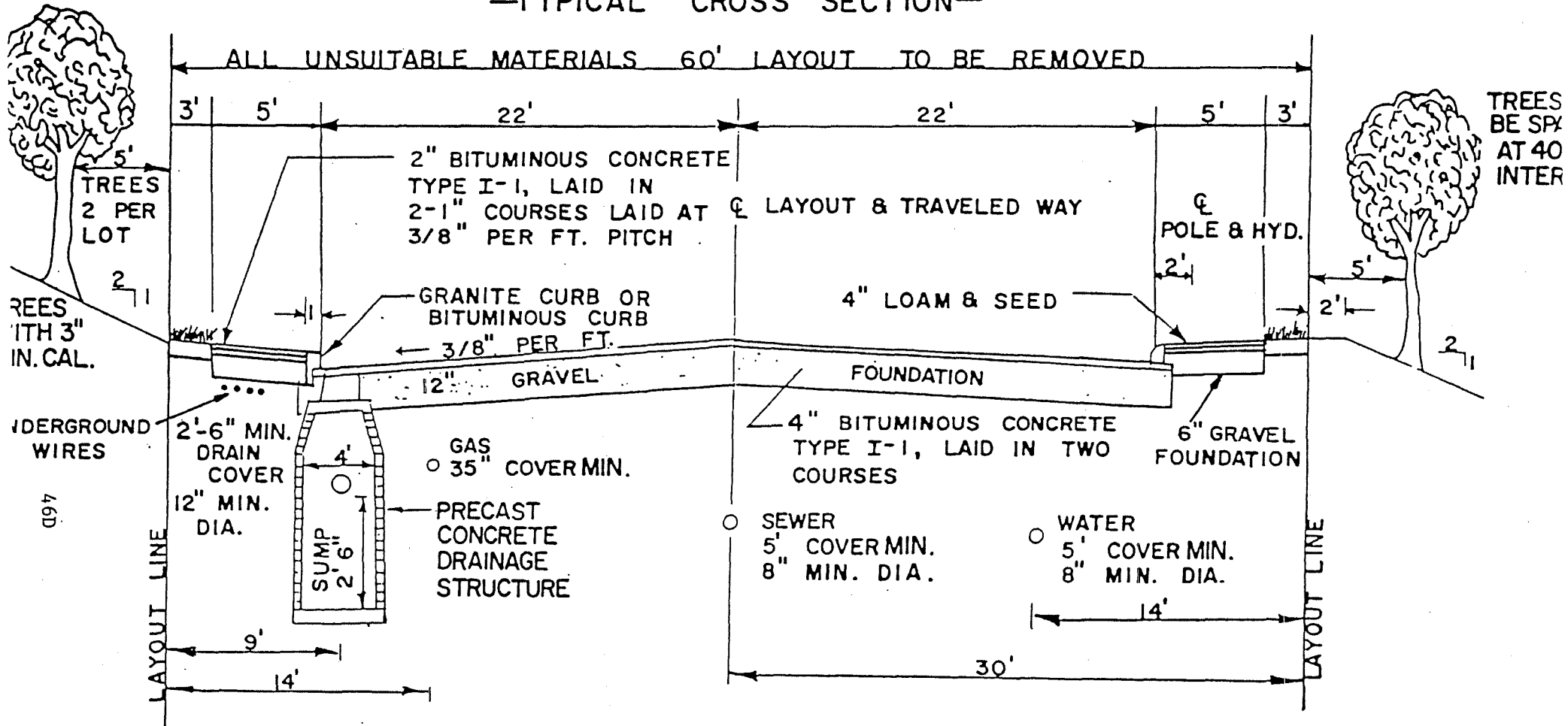


#3

SECONDARY RESIDENTIAL STREET
REQUIRES PLANNING BOARD WAIVER
PLAN VIEW
N.T.S

(Amended 1/7,)

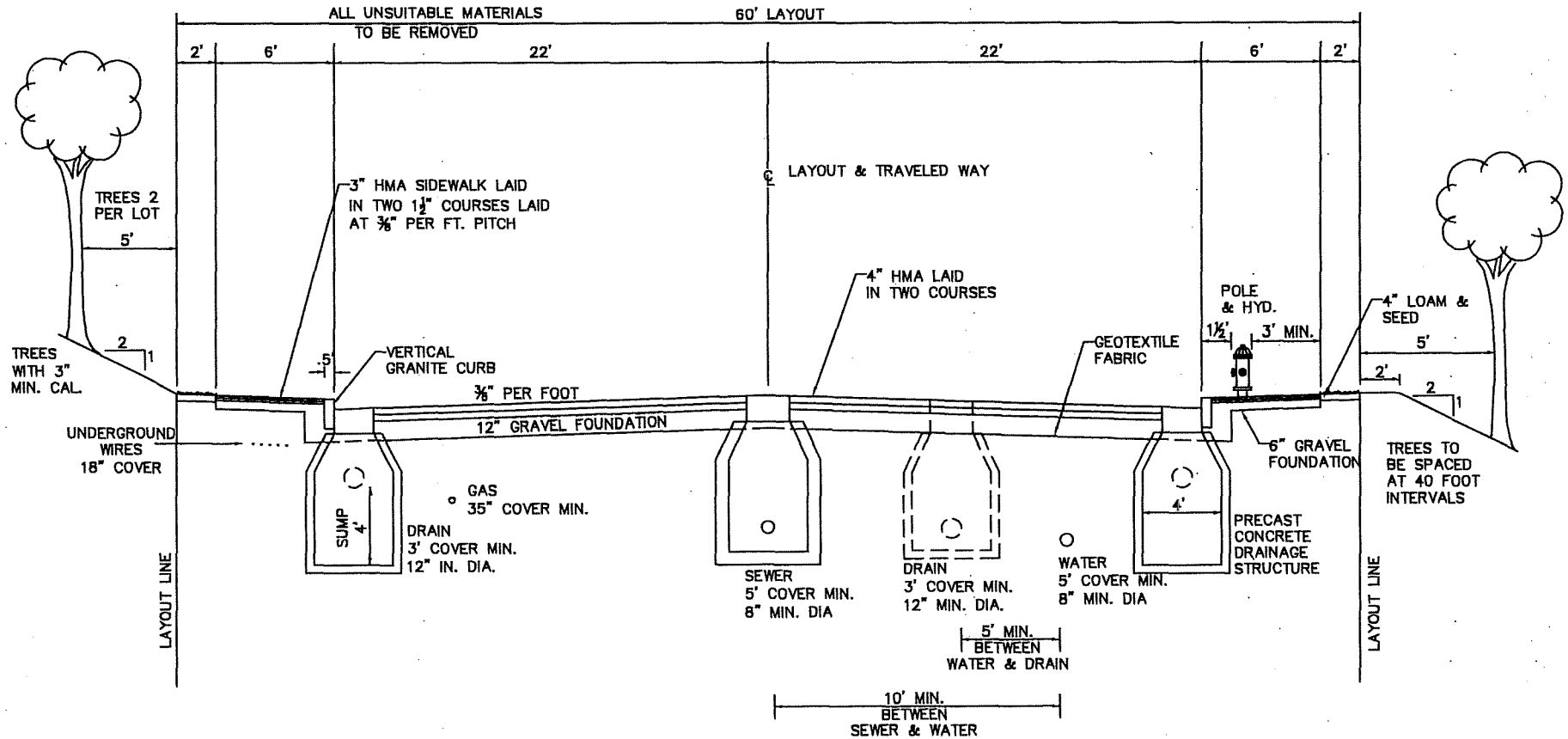
—TYPICAL CROSS SECTION—



MAJOR RESIDENTIAL STREET
AS
DETERMINED BY THE PLANNING BOARD

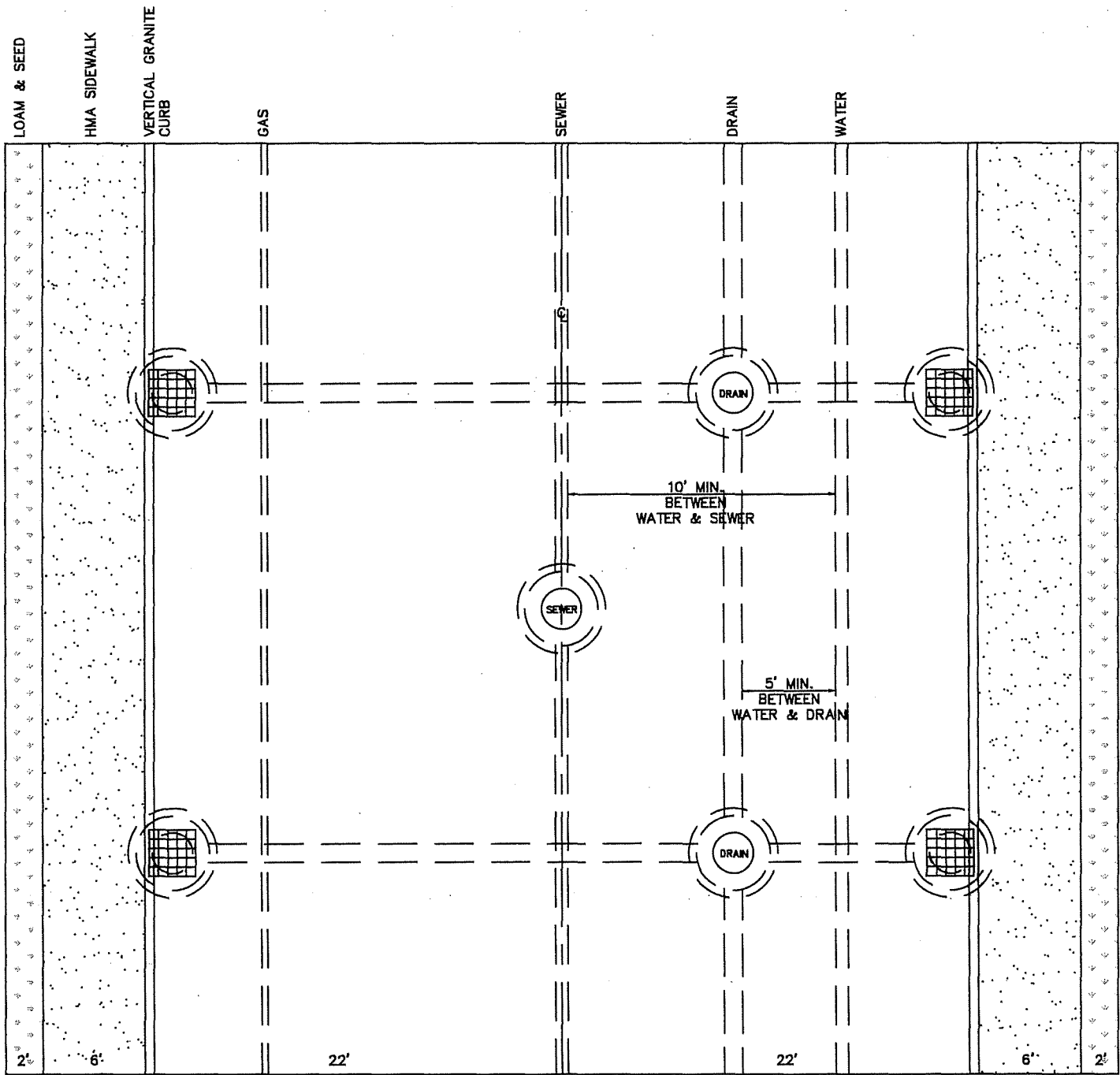
#4

—TYPICAL CROSS SECTION—



#4

MAJOR RESIDENTIAL STREET
AS
DETERMINED BY THE PLANNING BOARD
N.T.S



#4

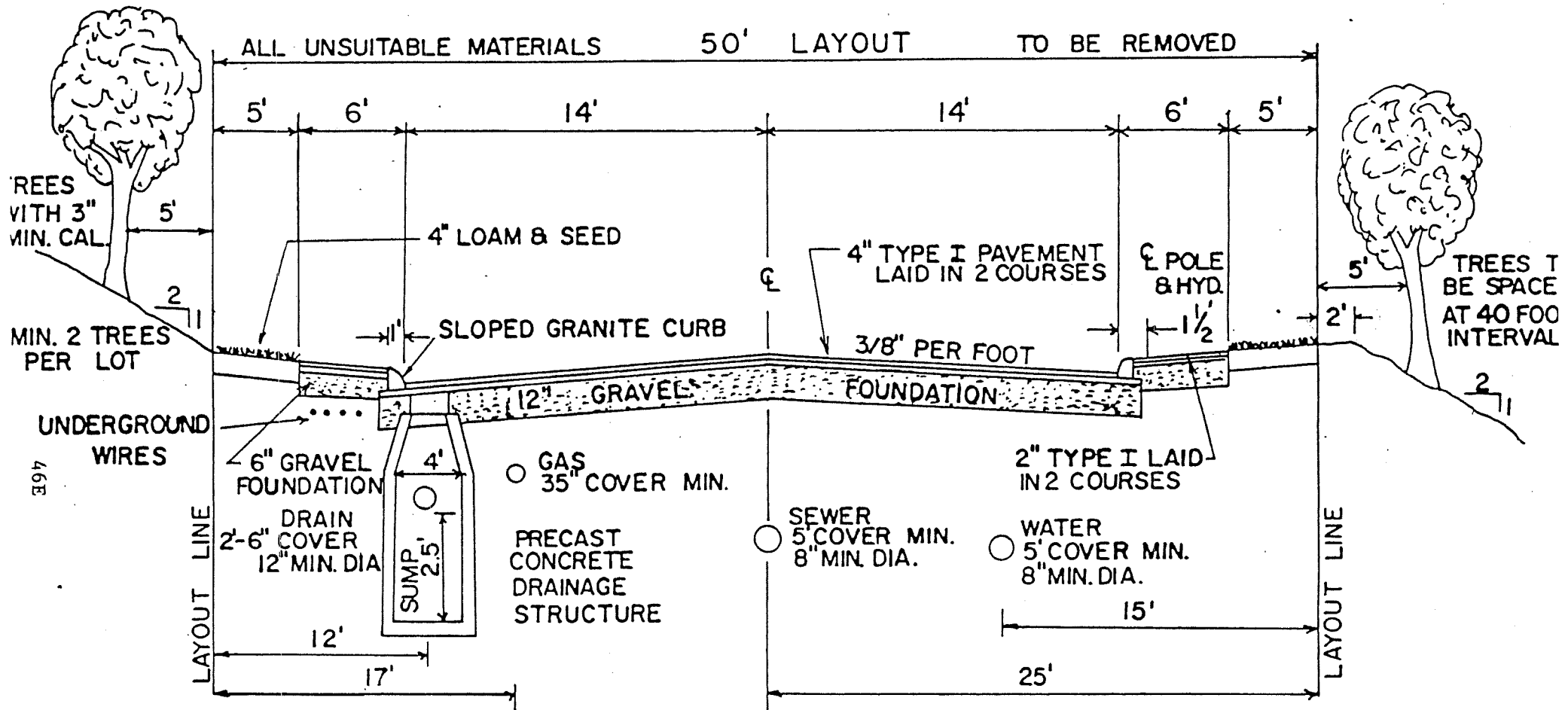
MAJOR RESIDENTIAL STREET
AS
DETERMINED BY THE PLANNING BOARD
PLAN VIEW
N.T.S

(Amended 1/7/91)

SEE SECTION IV SUBSECTION L FOR
DESIGN CRITERIA ON ALTERNATIVE
STANDARDS

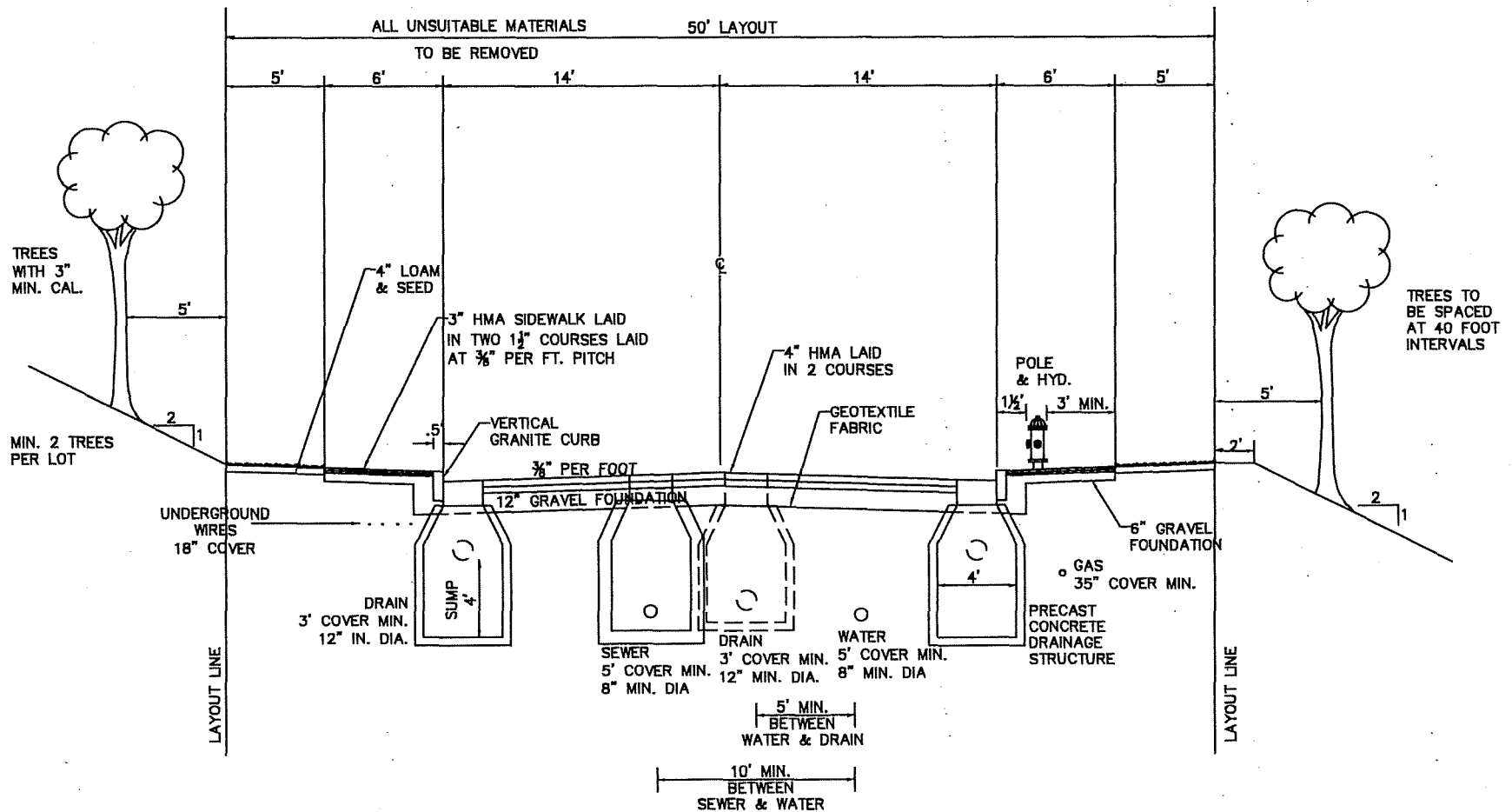
Development of 2/3 potential # of lots

-TYPICAL CROSS SECTION -



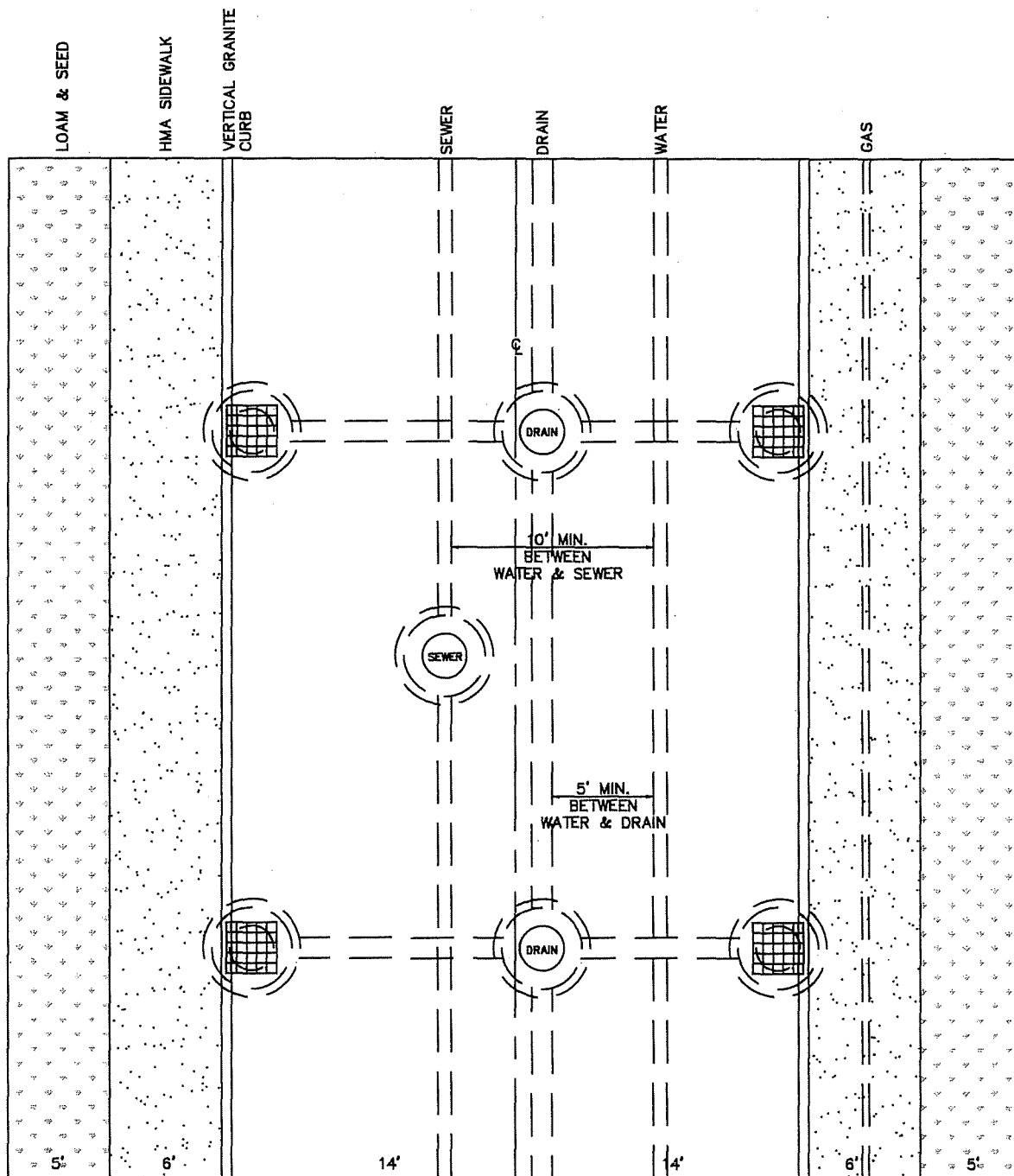
ALTERNATIVE STANDARDS

—TYPICAL CROSS SECTION—



#5

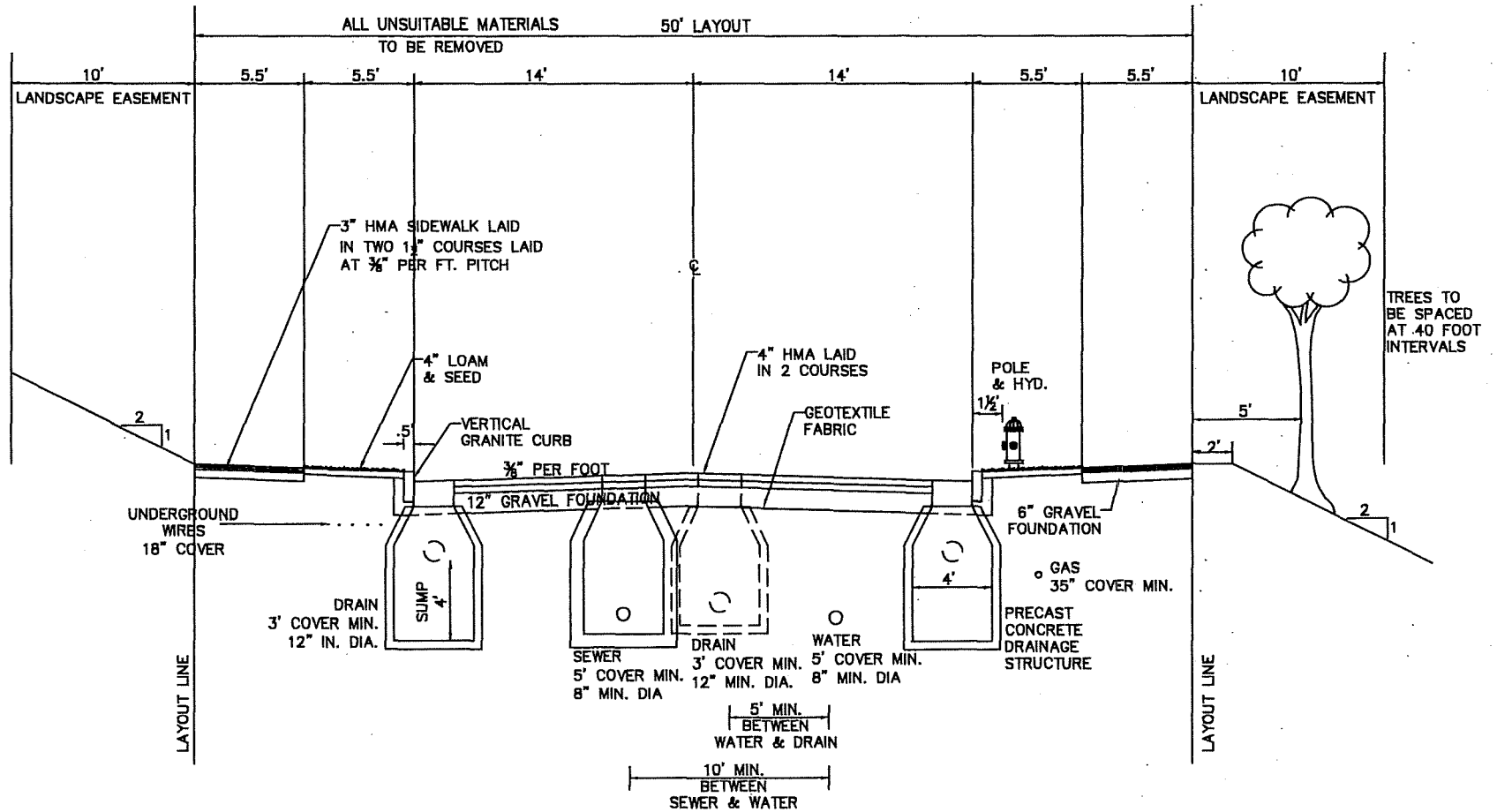
ALTERNATIVE STANDARDS
N.T.S



#5

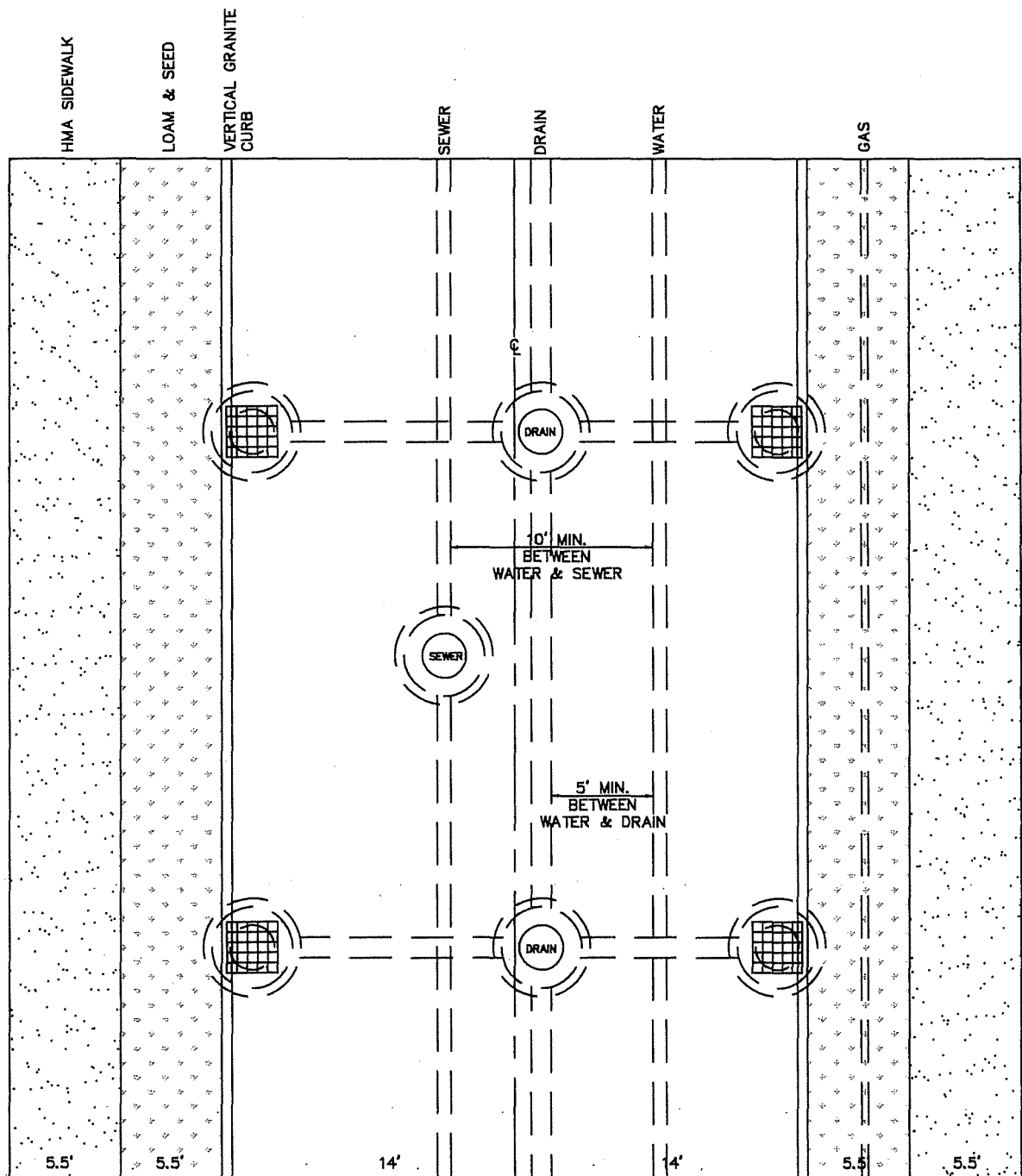
ALTERNATIVE STANDARDS
PLAN VIEW
N.T.S

-TYPICAL CROSS SECTION-



#6

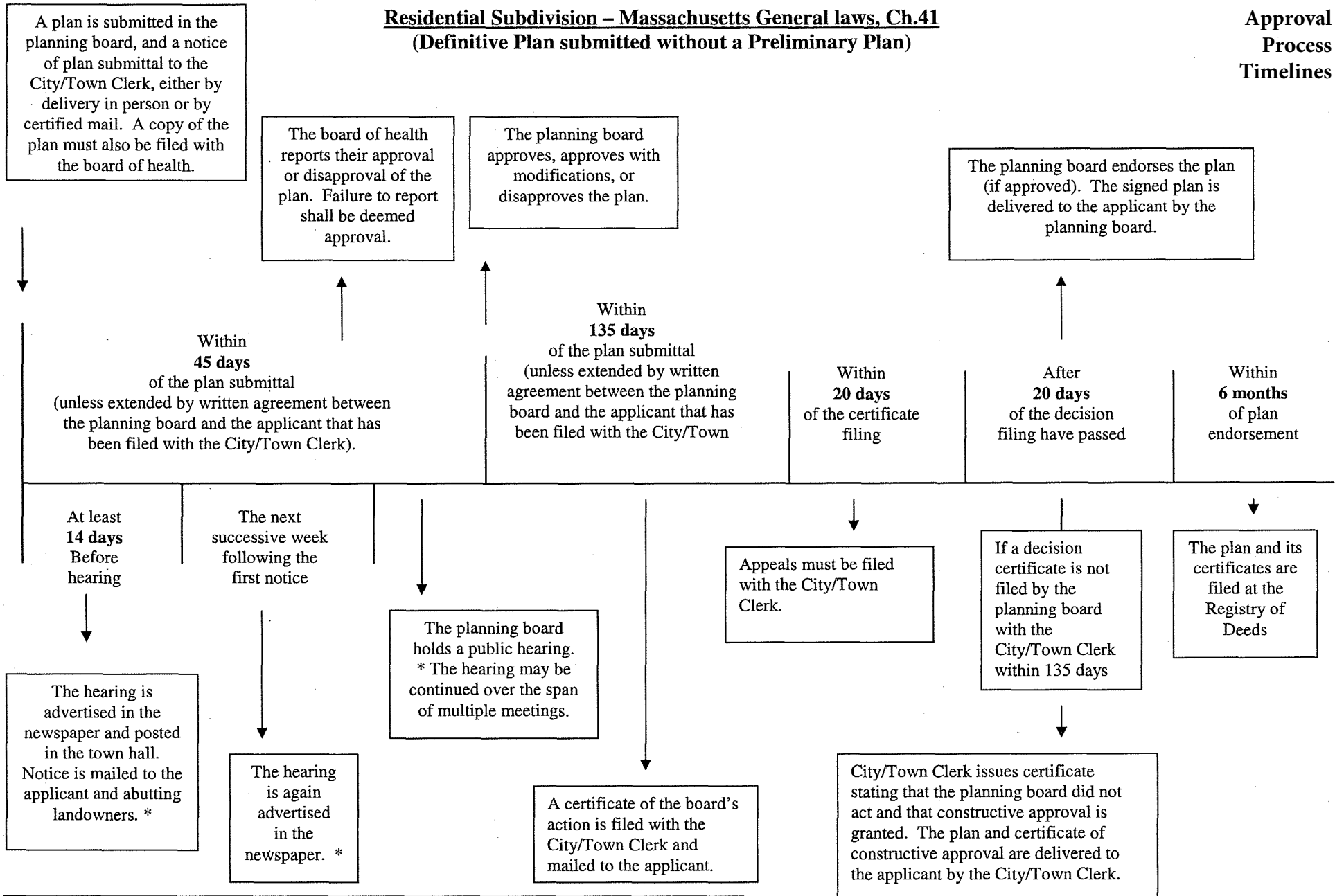
ALTERNATIVE STANDARDS
N.T.S



#6

ALTERNATIVE STANDARDS
PLAN VIEW
N.T.S

Residential Subdivision – Massachusetts General laws, Ch.41
(Definitive Plan submitted without a Preliminary Plan)

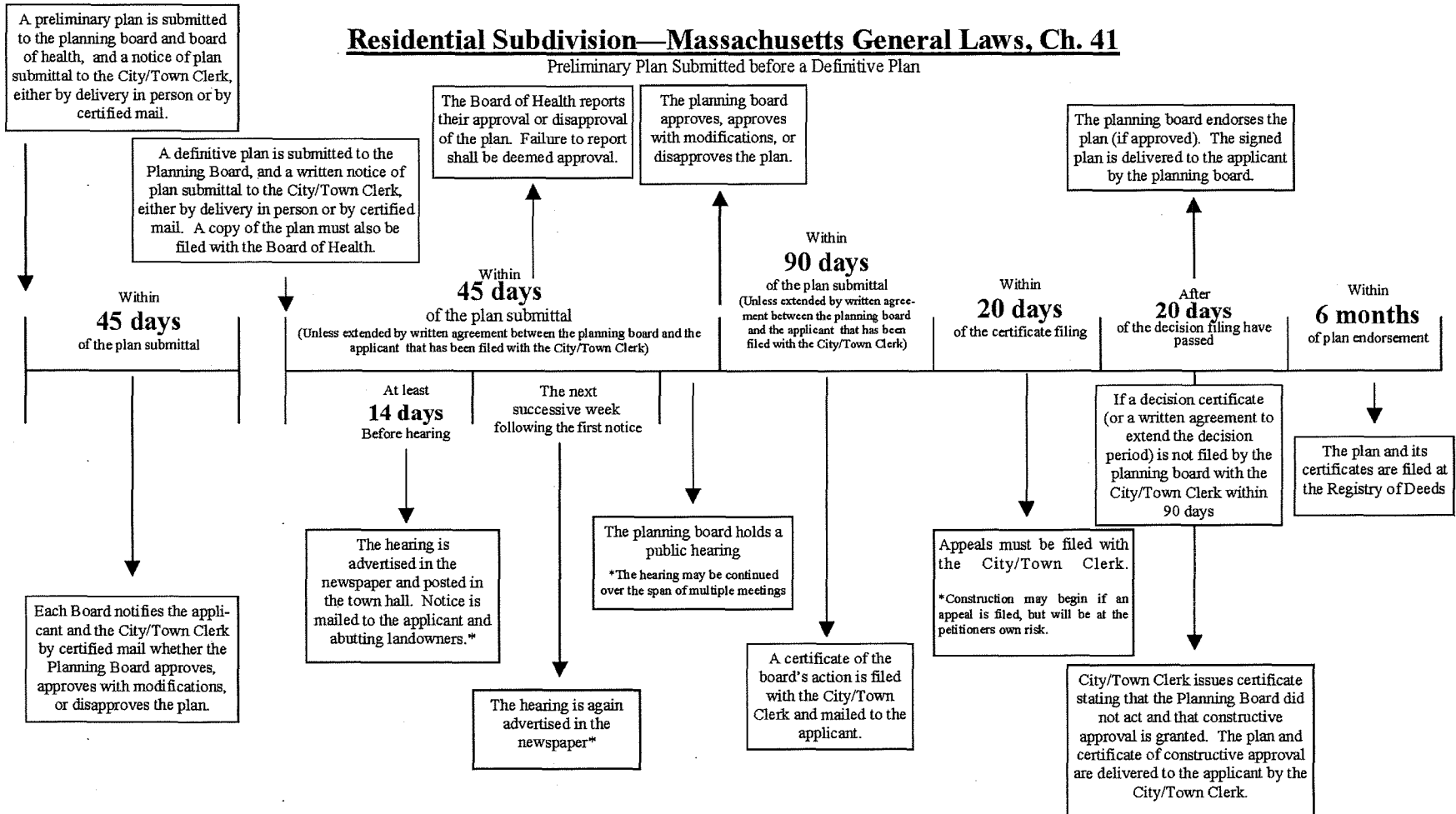


Disclaimer: Developed as an informal guide for permit agencies with information current as of January 2008. It has been transmitted for informational purposes only, and its content should not be construed as legal advice. Please consult legal counsel before taking any action on this information. Please consult MGL.C41 for more detailed information.

* = at the expense of the applicant

Residential Subdivision—Massachusetts General Laws, Ch. 41

Preliminary Plan Submitted before a Definitive Plan



* = at the expense of the applicant.

JUL 21 2020



Town of Sudbury

Zoning Board of Appeals

appeals@sudbury.ma.us

Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776
978-639-3387
Fax: 978-639-3314

www.sudbury.ma.us/boardofappeals

NOTICE OF PUBLIC HEARING

The Sudbury Zoning Board of Appeals will hold a Public Hearing on
Monday, August 3, 2020 at 7:00 PM
Lower Town Hall, 322 Concord Road, Sudbury, MA or as a Virtual Meeting

On the following applications:

1. Public Hearing, Case 20-20 – Tom and Sherri Lowery, Applicants and Owners, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2313 and 6200 of the Town of Sudbury Zoning Bylaw to raise up to seven (7) hens at **38 Haynes Road**, Assessor's Map D09-0024, Single Residence A-1 Zoning District.
2. Public Hearing, Case 20-21 – Scott and Janice Ritter, Applicants and Owners, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2313 and 6200 of the Town of Sudbury Zoning Bylaw to raise up to eight (8) hens at **14 Russet Lane**, Assessor's Map M10-0110, Single Residence A-1 Zoning District.
3. Public Hearing, Case 20-22 – Brian Beaulieu, Applicant and Owner, seeks a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2440, 2445, and 6200 of the Town of Sudbury Zoning Bylaw to add a front deck/porch to a pre-existing nonconforming single-family dwelling within the front yard setback at **10 Richard Avenue**, Assessor's Map G06-0553, Single Residence A-1 Zoning District.

The applications are on file in the Town Clerk's Office and the Planning and Community Development Department.

Petitioners must be present or send an authorized representative.

ZONING BOARD OF APPEALS
By: John Riordan, Chair

To be advertised in the Sudbury Town Crier on July 16, 2020 and July 23, 2020.



Town of Sudbury

Planning Board

JUL 24 2020

Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776
978-639-3387
Fax: 978-639-3314

PlanningBoard@sudbury.ma.us

www.sudbury.ma.us/planning

**LEGAL NOTICE
PUBLIC HEARING
SUDBURY PLANNING BOARD
FOR THE SEPTEMBER 12, 2020 ANNUAL TOWN MEETING**

In accordance with the provisions of MGL Chapter 40A, Section 5, the Sudbury Planning Board will hold a public hearing on **August 12, 2020 at 7:00 PM** in the Lower Town Hall, 322 Concord Road, Sudbury, Massachusetts, or as a virtual meeting, concerning the following subjects on the Warrant for the September 12, 2020 Annual Town Meeting:

1. Amend the Zoning Bylaw by inserting a section regarding requirements to implement affordable housing units in certain development projects (Inclusionary Zoning).
2. Amend the Zoning Bylaw by inserting a section regulating the installation of Solar Energy Systems.

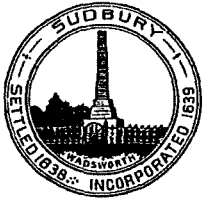
A copy of the full text and maps of the proposed amendments can be viewed in the Planning and Community Development Department and Town Clerk's Office during normal business hours.

All those wishing to be heard on these matters should appear at the time and place designated above, or send written comments prior to the hearing to the Sudbury Planning Board at 278 Old Sudbury Road, Sudbury, MA 01776.

Stephen R. Garvin, Chair
Sudbury Planning Board

To be published in the Sudbury Town Crier on July 23, 2020 and July 30, 2020.
To be sent to the Department of Housing & Community Development, the Metropolitan Area Planning Council, and abutting Towns.
To be posted in Town Hall.

JUL 24 2020



Town of Sudbury

Historic Districts Commission

HistoricDistricts@sudbury.ma.us

Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776
978-639-3387
Fax: 978-639-3314
www.sudbury.ma.us/historicdistricts

LEGAL NOTICE

HISTORIC DISTRICTS COMMISSION

NOTICE OF PUBLIC HEARING

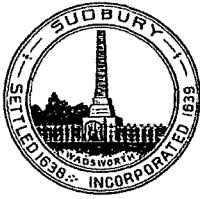
Pursuant to Sections 7 and 8 of Chapter 40 of the Acts and Resolves of Massachusetts, 1963, the Sudbury Historic Districts Commission will hold a public hearing on **Thursday, August 6, 2020** at 7:30 PM in the Silva Room, Flynn Building, 278 Old Sudbury Road, Sudbury, Massachusetts or as a Virtual Meeting to consider the following applications:

1. Public Hearing – Case 20-23, **293 Concord Road** (Assessor's Map H09-0007), Applicants and Owners James & Elizabeth Andrews seek a Certificate of Appropriateness to construct an addition to the kitchen and a screened porch.
2. Public Hearing – Case 20-24, **11 Maple Avenue** (Assessor's Map K08-0015), Applicant and Owner Paul Poteat seeks a Certificate of Appropriateness to replace eight (8) windows their sills and trim, and to replace damaged clapboard siding.

The applications are on file in the Planning and Community Development Department and may be reviewed during regular business hours. Any person interested or wishing to be heard on the proposed applications should appear at the time and place designated.

To be advertised in the *Sudbury Town Crier* on July 23, 2020.

JUL 29 2020



Town of Sudbury

Planning Board

PlanningBoard@sudbury.ma.us

Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776
978-639-3387
Fax: 978-639-3314

www.sudbury.ma.us/planning

TOWN OF SUDBURY PLANNING BOARD PUBLIC HEARING NOTICE

In accordance with the provisions of Article V(F). Stormwater Management, Section 5.C, of the Town of Sudbury General Bylaw the Sudbury Planning Board will hold a public hearing on August 12, 2020 at 7:00 PM in the Lower Town Hall, 322 Concord Road, or as a virtual meeting, regarding an application submitted by co-applicants NSTAR Electric Company d/b/a Eversource Energy ("Eversource") and the Massachusetts Department of Conservation ("DCR") for a Major Stormwater Management Permit for construction of the Sudbury-Hudson Transmission Reliability and Mass Central Rail Trail Project. The Project includes construction of a new 115-kV underground transmission line and a multi-use path within an existing inactive railroad right-of-way, which will require removal of the existing rails and ties; vegetation clearing; grading; installation of the underground transmission line, duct bank, and manholes; installing a 14-foot-wide gravel base; paving of the 10-foot-wide rail trail; installation of stormwater management features; and site restoration. Along the 4.3-mile length in Sudbury, the Project will disturb approximately 643,985 square feet (14.8 acres), including 221,410 square feet on slopes greater than 10 percent, within an approximate 2,367,103 square feet (54.4 acres) Project Locus (the MBTA right-of-way). The increase in impervious surface associated with the Project for the paved multi-use path is approximately 226,556 square feet.

Copies of the application materials are available at the Planning and Community Development Department and may be requested by emailing pcd@sudbury.ma.us or calling 978-639-3387. Any person interested or wishing to be heard on the proposed application should participate in the hearing or submit written comments. Please see sudbury.ma.us/planning/meetings/ for more information.

Stephen Garvin, Chair
Sudbury Planning Board

To be published in the Metrowest Daily News, July 27, 2020 and the Sudbury Town Crier, July 30, 2020 and August 6, 2020.

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing on **Wednesday, August 12, 2020** in the **Ablondi Room** of the Memorial Building, 150 Concord Street, Framingham, **OR via remote conference**, to consider:

20-15 | 7:15 PM

Petition of **ADESA Auction Boston and Consolidated Rail** for a **Variance** to use an existing parking lot as an auto dealership for vehicles to be auctioned, pursuant to §II.B.5.V. of the Zoning By-Law, on the premises located at **480 Hollis Street, 63 Western Ave, 223 Arlington Street**, Parcel ID: 146-81-2853-000, 146-00-0656-000, 141-82-5043-000, Zoning District: Manufacturing (M).

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

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

Stephen Meltzer, Chair

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

Framingham Zoning Board of Appeals - Notice of Hearing

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing on **Wednesday, August 12, 2020** in the **Ablondi Room** of the Memorial Building, 150 Concord Street, Framingham, **OR via remote conference**, to consider:

20-16 | 7:30 PM

Petition of **Delmy Valentin** for a **Variance** to construct a proposed new front porch 16.1 feet from the street line within the front setback, pursuant to §IV.E.2. of the Zoning By-Law, on the premises located at **47 Berry Street**, Parcel ID: 140-72-1696-000, Zoning District: General Residence (G).

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

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

Stephen Meltzer, Chair

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

Framingham Zoning Board of Appeals - Notice of Hearing

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing on **Wednesday, August 12, 2020** in the **Ablondi Room** of the Memorial Building, 150 Concord Street, Framingham, **OR via remote conference**, to consider:

20-19 | 7:45 PM

Petition of **Martha Hancock Owen** for a **Variance** to locate a 42" high fence proposed at the point of two intersecting street lines, pursuant to §IV.E.5.C. of the Zoning By-Law, on the premises located at **1568 Concord Street**, Parcel ID: 050-32-3694-000, Zoning District: Neighborhood Business (B-1).

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

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

Stephen Meltzer, Chair

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

Framingham Zoning Board of Appeals - Notice of Hearing

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing on **Wednesday, August 12, 2020** in the **Ablondi Room** of the Memorial Building, 150 Concord Street, Framingham, **OR via remote conference**, to consider:

20-18 | 7:45 PM

Petition of **Anthony & Nancy Pawluczzonek** for a **Variance** to locate a 16 foot x 22 foot shed eight feet from the side lot line within the side setback, pursuant to §IV.E.2. of the Zoning By-Law, on the premises located at **61 Hemenway Road**, Parcel ID: 027-57-1520-000, Zoning District: Single Residence (R-3).

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

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

Stephen Meltzer, Chair

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

Framingham Zoning Board of Appeals - Notice of Hearing

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing on **Wednesday, August 12, 2020** in the **Ablondi Room** of the Memorial Building, 150 Concord Street, Framingham, **OR via remote conference**, to consider:

20-14 | 7:15 PM

Petition of **Howard, One Grant LLC** for a **Special Permit** to allow a laboratory under 8,000 square feet, pursuant to §II.B.6.a. of the Zoning By-Law, on the premises located at **1 Grant Street**, Parcel ID: 128-06-0604-000, Zoning District: Central Business (CB).

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

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

Stephen Meltzer, Chair

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

Framingham Zoning Board of Appeals - Notice of Hearing

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing on **Wednesday, August 12, 2020** in the **Ablondi Room** of the Memorial Building, 150 Concord Street, Framingham, **OR via remote conference**, to consider:

20-17 | 7:30 PM

Petition of **Sirlei R. Evangelista** for a **Variance Amendment** to condition #7.11.1 and the associated site plan connected to ZBA Decision No. 19-29, which granted a **Variance**, pursuant to §IV.E.2 of the Zoning By-Law, on the premises located at **37 Little Farms Road**, Parcel ID: 029-36-4825-000, Zoning District: Single Residence (R-3).

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

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

Stephen Meltzer, Chair

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

FRAMINGHAM PLANNING BOARD

NOTICE OF PUBLIC HEARING – PROPOSED REPEAL OF SECTION V.B OF THE FRAMINGHAM ZONING BYLAW RELATIVE TO HISTORIC REUSE

The Framingham Planning Board will hold a public hearing on Thursday, August 20, 2020 at 7:00 p.m. in the Ablondi Room of the Memorial Building, located at 150 Concord Street, Framingham, MA. In the event that the Memorial Building is inaccessible due to the current COVID-19 pandemic, the hearing will be held remotely via Zoom. The public hearing will be held pursuant to M.G.L. c. 40A, § 5 to review and make recommendation on the proposed repeal of Section V.B. of the Framingham Zoning Bylaw relative to Historic Reuse.

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

***Kristina Johnson, Chair
Framingham Planning Board***

Publish, MetroWest Daily Newspaper: August 5, 2020 and August 12, 2020

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

FRAMINGHAM CITY COUNCIL

NOTICE OF PUBLIC HEARING – PROPOSED REPEAL OF SECTION V.B OF THE FRAMINGHAM ZONING BYLAW RELATIVE TO HISTORIC REUSE

The Framingham City Council shall hold a public hearing on the following:

Pursuant to M.G.L. c. 40A, § 5 to review and make recommendation on the proposed repeal of Section V.B. of the Framingham Zoning Bylaw relative to Historic Reuse.

The public hearing will be held at 7:00 PM on Tuesday, August 18, 2020 via remote teleconferencing. The teleconference information will be included in the meeting agenda.

The information can be found on the City website at the following links:

<https://www.framinghamma.gov/2432/City-Council>

Written comments should be submitted to citycouncil@framinghamma.gov by 5 PM on Monday, August 17, 2020.

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

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