

CITY OF MARLBOROUGH MEETING POSTING

Meeting: Planning Board
Date: November 16, 2020
Time: 7:00 PM
Location: REMOTE MEETING NOTICE

RECEIVED
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CITY OF MARLBOROUGH
2020 NOV 12 P 3:44

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, November 02, 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 : +1 617-433-9462 United States, Boston (Toll) Conference ID: 353 688 377#
Agenda Items to be Addressed:

- 1) **Meeting Minutes**
 - A. November 2, 2020
- 2) **Chair's Business**
 - A. Working Group Discussion – Rules and Regulations
- 3) **Approval Not Required**
 - A. Engineering Review Letter – ANR Application 481 Elm St. (**Decision**)
Applicant: Marlborough Economic Development Corp. (Thomas DiPersio, Representative)
- 4) **Public Hearings**
 - A. Continued Public Hearing – Definitive Subdivision Application - 76 Broad St. 4-Lot Subdivision
Applicant: W.R.E., LLC, 319 Stow Road, Marlborough, MA 01752
Engineer: Hancock Associates, 315 Elm St., Marlborough, MA 01752. Robert DiBenedetto, Representative.
(**Note:** Submission Date: 09-09-20, **Decision Due: Meeting Prior to January 22, 2021**)
 - i. Engineering Review Letter
 - ii. Communication from Assistant City Solicitor Piques
- 5) **Subdivision Progress Reports**
 - A. Goodale Estates -Informational – Communication from Kevin Gillis re: Extension of Approval
- 6) **Preliminary/Open Space /Limited Development Subdivision**
 - A. Engineering Review Letter -Preliminary Subdivision Plan – Stevens St. (**Decision to Approve, Modify or Disapprove**)
Applicant: The Charles Company, LLC
Engineer: The Jillson Company- Kevin O'Leary, Representative7)
- 7) **Definitive Subdivision Submissions (None)**
- 8) **Signs**
 - A. Request for Sign Variance - Agnoli Sign Co., Inc. on behalf of Sherwin Williams – 222 E. Main St.
- 9) **Correspondence**
 - A. Communication from Attorney Sem Aykanian RE: 74 Main St. – Release from ANR notation relative to non-buildable lot.
- 10) **Unfinished Business (None)**
- 11) **Calendar Updates**
- 12) **Public Notices of other Cities & Towns (See Electronic Packet)**
 - A. City of Framingham (7 Notices)
 - B. Town of Southborough (1 Notice)
 - C. Town of Berlin (1 Notice)

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

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

November 02, 2020

The **remote meeting** of the Marlborough Planning Board was called to order at 7:00 pm. Members present- Barbara Fenby, Matt Elder, Sean Fay, Phil Hodge, George LaVenture and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio, Assistant City Solicitor, Jay Piques and Planning Board Administrator, Krista Holmi.

1. Meeting Minutes

A. October 19, 2020

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to accept and file the October 19, 2020 meeting minutes. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

2. Chair's Business (None)

3. Approval Not Required

A. Applicant: Marlborough Economic Development Corp. (Thomas DiPersio, Representative)

Surveyor: City of Marlborough DPW, Engineering Division

Deed: Middlesex South Registry of Deeds Book 75849 Page 245

Location: 481 Elm St. City of Marlborough Assessor's Map 67, Parcel 4

City Engineer DiPersio presented the plan to the Planning Board. The City recently purchased the oversized lot at 481 Elm St. as a possible location for the west side fire station. The purpose of the plan is to carve out the existing house lot, creating Lot 1 (a zone-conforming house lot) and a Parcel A. The creation of Lot 1 allows the City to sell this home. Mr. Russ asked about the remaining Parcel A. He asked whether it was intended as a non-buildable lot. Mr. DiPersio confirmed that this parcel does not have enough frontage to be considered a building lot on its own. Chair Fenby asked whether any members of the public wished to speak or ask any questions. There were no further comments. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to refer the plan to Engineering. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

4. Public Hearings

A. Applicant: The Charles Co., LLC., 113 Black Bear Dr. S-1912, Waltham, MA 02451. Owner: Rebecca Chaousis & Amy M Aldrich Goebel; Engineer: The Jillson Co., Inc. 32 Fremont ST., Needham MA 02494 Representative: Kevin O'Leary, The Jillson Company. Location: Stevens Street- Middlesex South Registry of Deeds Book 9742, Page 362, excepting Lot 1 from Plan 467 of 2018 and lot 2 (309 Stevens) and Lot 3 (315 Stevens) shown on Plan 479 of 2020.

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 in opposition 4) Comments and questions from Board members

Presentation:

Kevin O'Leary from the Jillson Company represents the applicant, The Charles Co., LLC. The project consists of a 500-foot roadway with four single-family house lots along the roadway. The completed application including the Form B was introduced at the Planning Board's meeting on October 5. The project is a conventional single-family home project and is approximately 4 acres out of a total land area of approximately 20 acres. The project is bounded on the north by 183 Stevens St. and on the south by 159 Stevens St. Two vacant building lots fronting Stevens St. are located at 309 and 315 Stevens. Lot 5 on the Lotting Plan also fronts Stevens St. and not the subdivision roadway. The 4 proposed development lots will be approximately ¾ acres with about 200 linear feet of frontage per lot. Public sewer and water are planned. The developer intends to convey the roadway to the City.

Those Speaking in Favor:

No person spoke in favor of the proposed development.

Those Speaking Against:

Abutters Joseph and Patricia Cutone of 11 Dirado Dr. spoke of their concerns about water on the property. They installed 3 large French drains that convey water to the City's street drain. They also have a pool that they are concerned will be affected by drainage onto the property. Ms. Cutone mentioned that groundwater comes up through the roadway pavement and water runs in front of the driveway in the winter. Mr. Cutone also indicates there is a lot of ledge on the property. Tony and Sue Mellace of 23 Dirado Dr. expressed concerns about water and ledge. They also installed French drains on their property and said they are concerned that blasting on the adjoining property could damage their foundation. Mr. Cutone added that his pool sits on ledge, and any disturbances could damage the pool. Chair Fenby addressed the abutter concerns. The Engineering Division and the developer will take these site conditions into account. If blasting is required, the developer will need to follow specific blasting protocol with oversight by the Fire Department. There were no further comments from the public.

Mr. LaVenture read the 10-05-20 letter from Conservation Chairman, Ed Clancy, into the record. The four key points in the letter were as follows:

- 1) This planned development is more than 200 feet from wetlands; therefore, no wetland filings are necessary. The Commission is pleased that the development avoids the property's steep slope.
- 2) The property is known to contain ledge. The boundaries of the ledge should be defined to ensure the functionality of the drainage design.
- 3) Due to abutter drainage concerns, the subdivision should not compound existing drainage issues.
- 4) The Conservation Commission recommends the owner protect the remainder of the property from development. Much of the property beyond the 4-lot subdivision and the 3 ANR lots fronting Stevens St. contain wetlands and the Commission requests consideration of either a Conservation Restriction or conveyance of the property to the City.

Questions and Comments from Board Members:

Mr. Fay asked Mr. O'Leary what roadway cross section was planned for the development. For comparison, Mr. Fay used two development models... Carisbrooke and Mauro Farms. In one cross section, the sidewalk abuts the roadway, in the other, a grass strip lies between the roadway and sidewalk. Mr. O'Leary's intent is to comply with all dimensional requirements of the subdivision control laws without waivers. Chair Fenby asked Mr. DiPersio to comment on the two cross sections. Mr. DiPersio explained that in Mauro Farms, the developer placed the grass strip between the curbing and sidewalk. This alternate cross section also provides some flexibility in tree placement. To give Mr. O'Leary a sense from the Board, Ms. Fenby polled the Board on their preferred cross section. Mr. Fay prefers Mauro Farms. It is much more practical to have snow plowed onto the grass strip vs. a sidewalk. There's a greater likelihood people will clear the sidewalk and make the neighborhood more walkable. He also feels it looks better. Mr. LaVenture concurs. He agrees it is more practical when plowing. Mr. Hodge agrees. He has always been opposed to plowing the snow onto sidewalks. Mr. Elder agrees. Mr. Russ also prefers the grass strip. Mr. O'Leary asked whether this design required waivers. Ms. Fenby suggested he work with Engineering who can share the preferred cross section. Mr. O'Leary was hesitant to move in the direction of a waiver. Ms. Fenby assured Mr. O'Leary that following the Board's preferred design suggestions is intended to create a better outcome. The Board asked Mr. O'Leary to speak about what the plans for the back land. Mr. O'Leary disagreed with the Conservation Commission's assessment that the additional acreage is all wetlands. He estimated that there is 50% upland and 50% wetlands. He said there is development opportunity there. The steep slopes and wooded setting provide natural buffers to the existing neighborhood.

Mr. LaVenture asked Mr. O'Leary if the owner had considered conveyance or a conservation restriction on the remaining property. Mr. O'Leary stated that this area would be part of the next stage of development, and he would not comment on this request at this time. Mr. Fay asked a follow-up about the preferred cross section. Mr. O'Leary should not fear a denial. Mr. Fay added that the applicant has already shown a compliant design. This process should be viewed as a collaboration, and this waiver should not be viewed as a design blemish, as Mr. O'Leary had characterized. Mr. O'Leary stated he has the same goals and will work with Engineering to ensure a good design. With no further comment, the public hearing was closed. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the correspondence from the Conservation Commission and refer the preliminary plan to Engineering for review and comment. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. Ms. Holmi reminded the Board that a decision to approve, modify or to disapprove the preliminary plan is due by the next meeting on November 16.

- B. Continued Public Hearing - 76 Broad St. 4-Lot Subdivision (Decision due prior to January 22, 2021)
Applicant: W.R.E., LLC, 319 Stow Road, Marlborough, MA 01752
Engineer: Hancock Associates, 315 Elm St., Marlborough, MA 01752. Robert DiBenedetto, Project Engineer, Representative.
Recorded Deed: Middlesex South Registry of Deeds Book 72215, Pages 106-107
Location and Description of Property: 76 Broad St., Assessor's Parcel 68-123, 1.86 acres
Chair Fenby reopened the public hearing. Two correspondences were read into the record by Clerk LaVenture: 1) October 29, 2020 letter from Assistant City Solicitor Piques – review of correspondence from Sandra Austin, attorney for W.R.E. LLC. 2) October 20, 2020 letter from Code Enforcement Officer Wilderman in support of the 76 Broad St. development.

Mr. Piques shared that his initial analysis was in response to Attorney Austin's specific research as to whether a waiver is required when the applicant seeks to convey to the City an easement, rather than a fee simple, for the purposes of a rounding of an opening to a public way. The analysis, however, may not have taken into consideration other situations having broader impacts. Mr. Fay added that additional research needs to ensure the Board is making the correct ruling. There could be significant policy precedents which warrant the additional research. Attorney Austin asked whether it is preferable to request a waiver at this point. Mr. Fay said to wait. He asked whether Assistant Solicitor Piques would be ready by the next meeting to share his opinion. Attorney Piques responded yes.

Ms. Fenby asked whether there were additional questions from the Board. Mr. Russ asked project engineer Robert DiBenedetto (Hancock Associates) about the drainage easements on the project. Mr. DiBenedetto said he would discuss the changes to the plan. Following the hearing at the last Planning Board meeting, Mr. DiPersio shared that the City discourages stormwater chambers. The City prefers surface basin designs for ease of maintenance and operation. This option was originally discounted due to the amount of grading required, but a suitable location was identified behind lot 4. This design requires retaining walls to obtain the necessary volume. The new design includes maintenance access and an emergency spillway. One retaining wall will be owned by the house, but one retaining wall along the maintenance access must be City-owned. Mr. Russ asked about the location of the overflow section. Mr. DiBenedetto indicated that the overflow is not in the direction of existing buildings. Overflow will be in the south section in an undeveloped area. The water will enter a level spreader, providing about 40' of sheet flow out of the basin vs. a concentrated outflow. Mr. Russ followed up with a question about an easement attached to a property on Lincoln St. Mr. DiBenedetto said that the easement will be on property already owned by Mr. White of W.R.E. Chair Fenby asked if there are any other changes. Mr. DiBenedetto said that there were adjustments made to the drainage inverts with respect to sewer service crossings to ensure proper vertical distances. There were also adjustments to the location of drain manholes. Standard cross sections are provided.

City Engineer DiPersio asked whether there was any further thought to convey the remnant pieces simultaneously on this plan. Attorney Austin said it is easier to get lenders to subordinate to easements vs. conveyances. There is no motivation for them to do so.

After some discussion on whether to close the public hearing, it was decided to continue the public hearing until the next meeting of the Planning Board on November 16, 2020 at 7:00 pm allowing for further input from Assistant City Solicitor Piques. On a motion by Mr. LaVenture, seconded by Mr. Hodge, the Board voted to accept and file the correspondence and refer the revised plan to Engineering for review and comment. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay:0. Motion carried.

10. Unfinished Business

A. Working Group Discussion – Rules and Regulations

Mr. LaVenture shared that he and Mr. Russ met on October 22 with Engineering and Attorney Piques to discuss the MAPC proposal for updating the City's Subdivision Control Regulations. Mr. DiPersio recommended changes to the scope of the proposal. These proposed changes were shared with the Board, and any member comments should be directed to the Planning Board Administrator.

11. Calendar Updates

A. November 16, 2020 7:00 pm. Continued Public Hearing – 76 Broad Street Definitive Subdivision submission.

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

Respectfully submitted,

/kih

George LaVenture/Clerk



City of Marlborough
Department of Public Works

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

SEAN M. DIVOLL, P.E.
 COMMISSIONER

November 12, 2020

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

RE: ANR - Map 67 Parcel 4 (#481 Elm Street)

Dear Dr. Fenby,

Pursuant to the request of the Marlborough Planning Board at the meeting held on November 2, 2020, I have reviewed the following ANR plan submission dated October 28, 2020 (revised November 10, 2020:

PLAN OF LAND IN
 MARLBOROUGH, MA

OWNED BY:
 MARLBOROUGH ECONOMIC DEVELOPMENT CORPORATION
 91 MAIN STREET – SUITE 204, MARLBOROUGH, MA 01752

PREPARED BY:
 CITY OF MARLBOROUGH
 DEPARTMENT OF PUBLIC WORKS
 MARLBOROUGH, MA 01532

The purpose of the plan is to subdivide the existing 1.22-acre lot into two separate lots:

- Lot 1, on which the existing house will remain, containing 18,555.9 square feet in area and has 120.00 feet of frontage on Elm Street
- Parcel A, a vacant parcel containing 34,785.5 square feet in area and has 44.77 feet of frontage on Elm Street.

Lot 1 has the required area, frontage and meets the Lot Shape requirement for a buildable lot in a Residence A-2 zone and has “present adequate access” off Elm Street. Parcel A has the required area for

a buildable lot in a Residence A-2 zone, but does not have the required frontage and cannot meet the Lot Shape requirement for a buildable lot in a Residence A-2 zone and is correctly labelled as "not to be considered a separate buildable lot".

Should you have any questions regarding this matter, please do not hesitate to contact me at (508) 624-6910.

Sincerely,



Timothy F. Collins,
Assistant City Engineer

cc: Sean Divoll, P.E. - DPW Commissioner.
Thomas DiPersio, Jr., P.E., P.L.S. - City Engineer
Marlborough Economic Development Corporation

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

PROFESSIONAL LAND SURVEYOR

DATE

FOR REGISTRY USE

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

DATE:

NO DETERMINATION AS TO
COMPLIANCE WITH ZONING
REQUIREMENTS HAS BEEN
MADE OR INTENDED

MARLBOROUGH ASSESSORS REFERENCE: MAP 67 PCL. 4

DEED REFERENCE: MCRD BOOK 75489, PAGE 245

PLAN REFERENCES: MCRD PLAN NO. 137 OF 1972
MCRD PLAN NO. 152 OF 1980
MCRD PLAN NO. 399 OF 1997

MARLBOROUGH ZONING DISTRICT: RESIDENCE A-2
REQUIREMENTS:
AREA=18,000 S.F.
FRONTAGE=120 FT.

NOTE:

PARCEL A IS FOR DESCRIPTIVE PURPOSES ONLY AND IS
NOT TO BE CONSIDERED A SEPARATE BUILDING LOT.

CITY OF
MARLBOROUGH



DEPARTMENT OF
PUBLIC
WORKS

Engineering Division
135 Neil Street
Marlborough, MA 01752
p. (508) 624-6910

www.marlbrough-ma.gov

REVISIONS

No.	Date	Description
1.		

Drawn By: _____ Designed By: _____ Checked By: _____ Approved By: _____

PLAN OF LAND IN MARLBOROUGH, MA

PREPARED BY: CITY OF MARLBOROUGH
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

OWNED BY: MARLBOROUGH
ECONOMIC DEVELOPMENT
CORPORATION
91 MAIN STREET, STE. 204
MARLBOROUGH, MA 01752

Contract No:	Sheet No:
Date: 11-10-2020	1 of 1
Scale: 1"=40'	

BIGELOW STREET
(PUBLIC, VARIABLE WIDTH)

ELM STREET
(PUBLIC, VARIABLE WIDTH)

0 20 40 80 160

SCALE: 1"=40'

N/F
ERULA, LLC
100 LOCKE DRIVE
(ASSESSOR MAP 54, LOT 14)

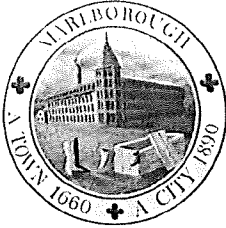
"PARCEL A"
34,782.5 s.f.

"LOT 1"
18,555.9 s.f.

EXISTING HOUSE
2-R. N/Fc
#481

N/F
SAFFLOWER, LLC
40 LOCKE DRIVE
(ASSESSOR MAP 67, LOT 95)

N/F
DAVID C. BROWER &
JEANNE M. DOUGLASS
475 ELM STREET
(ASSESSOR MAP 67, LOT 3)



City of Marlborough
Department of Public Works

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

SEAN M. DIVOLL, P.E.
 COMMISSIONER

11/12/2020

Memorandum

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

The Engineering Division has conducted a review of the submitted Definitive Subdivision Plan entitled:

**RESIDENTIAL SUBDIVISION & SITE DEVELOPMENT
 76 BROAD STREET
 MARLBOROUGH, MASSACHUSETTS 01752
 FOR
 WRE LLC.**

Dated (revised) 10/29/20

General Notes:

A note shall be provided on the plans indicating that the proposed individual site development on each of the lots (grading, house location, driveway location, etc.) is shown schematically only on these plans, and that information will be shown on separate individual Site Plans which shall be submitted for approval.

The roadway should have a street name. The next veteran on the list to be used to name streets, parks and municipal buildings is Pettes - after Thomas Pettes, Civil War veteran.

Title Sheet:

- "Planning" is misspelled in the plan references section.

Existing Conditions Plan

- Remove the metes and bounds, the lot designations and the areas for Lots 1, 2, and 3 and replace their identifying information with Registry Book & Page and Assessor's Map & Parcel.
- The dimensions shown in the Detail view of the iron pipes found near the eastern corner of the Phillipo property shown on this sheet are different than the dimensions shown on the Lotting Sheet.
- There is an extraneous, dimensioned line off of the northeast property line of Lot 3.

- This plan shows “Lots 1, 2, and 3” off of Lincoln Street, will be changing in area. However the Lotting Plan is not clear where the changes in lot lines will occur. It is also confusing that these lots are numbered 1-3, and there are new “Lots 1-3” on the Lotting Plan.
- “Lot 3” will be increasing in area from 5,909 to 10,997 square feet. This lot appears to be owned by Alex DaSilva. Is this owner intended to be part of the project?
- If these lots are not changing as part of this plan, then remove the metes and bounds, the lot designations and the areas for them, and replace their identifying information with Registry Book & Page and Assessor’s Map & Parcel.

Lotting Plan

- Remove the text “6 FT SIDEWALK” from the proposed roadway
- This sheet should contain a note stating that “Parcels D, E, F, G, H” are not to be considered separate building lots, and indicate the disposition of said parcels. The Layout and Materials Plan states that the parcels are to be deeded to the abutters.

Please note: §A676-11 Design guidelines, A. Location (4) states:

“Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.”

Furthermore, §A676-11 Design guidelines B. Alignment, (5) states:

“Property lines at street intersections shall have a radius equal to 30 feet at intersections involving a major street and 25 feet at other intersections”.

The plan proposes to use easements to achieve this alignment requirement. The use of an easement to meet this requirement would require a variance from the Planning Board. If Parcels G & H were to become part of the abutting/existing Broad Street parcels, the additional frontage on the new roadway would allow for the reduction in frontage for the two parcels that currently have their legal frontage on Broad Street. A ANR plan depicting these changes in property line and increasing the property line frontage to be compliant with current zoning, can be submitted to and endorsed by the Marlborough Planning Board prior to endorsing the Definitive Subdivision Plan - this should protect from a zoning violation for insufficient frontage. Parcels D, E & F could likewise be deeded to the abutters.

- A Landscape Easement for street trees should be shown. Given the small lots size and multiple utility connected that would be required for each of the building lots, a Landscape Plan should be provided to determine if trees can be planted at 40-foot intervals with at least 2 trees per lot. If this unattainable, then a variance under §650-28 Trees, will be required.
- The dimensions shown in the Detail view of the iron pipes found near the eastern corner of the Phillipo property shown on this sheet are different than the dimensions shown on the Existing Conditions Sheet.

Layout & Materials Plan

- The proposed lots are located in a Residence C Zone, which allows for up to a 3-family house, with 3 stories in height, on lots containing at least 10,000 square feet and an additional unit allowed for each 2,000 square feet of area above the initial 10,000 square feet in area. The developer has stated to the board that his intention is to build only 2-family dwellings. A note indicating this should be put on the plan.

- Zoning Tabulation Chart - remove the front yard setback, rear yard setback, side yard setback and lot coverage for the proposed lots from the chart. These figures would be determined when each individual lot is developed.
- The plan should note the proposed sidewalks as "bituminous concrete", and the proposed wheelchair ramps as "cement concrete".
- The plan should note that the proposed sidewalks and curbing at the roundings at Broad Street shall "meet existing" within Broad Street.
- The plan should note the limits of final trench repair within Broad Street limits.

Grading & Drainage Plan

- Remove the "existing trees" from the roadway.
- A detail should be provided for the proposed retaining wall. The interlocking precast concrete blocks used for the wall shall be at least 2,000 lbs. each.
- A detail should be provided for the proposed "3-chamber oil/grit separator". This structure shall have 24" cast iron covers to grade over each of the chambers.
- The proposed 1:1 embankment for the detention basin should include filter fabric beneath the rip rap.
- A fence shall be constructed along the top of the retaining wall. A detail shall be provided.
- The existing pavement driveways at 84 Broad Street and 70-72 Broad Street are going to be cut to provide for the new roadway and grading. What is proposed for the new sloped area between the driveways and the back of the new sidewalk? The plan seems to indicate a retaining wall may be constructed. A berm may also be needed along the new edge of driveways.
- Provide a note indicating that the proposed driveways for #70-#72 Broad Street and #84 Broad Street are shown schematically only, and that the driveways, if constructed, must meet the §650-49 Driveways and curb cuts (3) Grades (c), which states:

"Outside street layout. No driveway outside the street right-of-way shall exceed a positive or negative grade of 3% for a distance at least 15 feet, and 12% for a distance of at least 40 feet from the street right-of-way. Beyond said 40 feet, the grade of a minor driveway shall not exceed 15%, but major driveways shall in no case exceed a grade of 12%."

Utility Plan

- The water main proposed should be an 8" ductile iron water main.
- The connection to the main in Broad Street should specify 10"x8" tapping sleeve and gate valve.
- The Utility Plan should show the baseline for the road for easier interpretation of the Plan & Profile Plan.

Plan and Profile

- §A676-11 Design guidelines D. Grade, (3) states:

"Where changes in grade exceed 1%, reasonable vertical curves, as required by the Commissioner of Public Works, will be provided, and where a grade is 5% or greater within 150 feet of the intersection of street right-of-way lines, there shall be provided a levelling area of at least 75 feet with a maximum grade of 3%."

There is a grade change from 2% to 4%, where a vertical curve is required for this transition.

- The Plan and Profile Plan should show the following:

- Stationing at all drainage structures and sewer structures
 - Final grades along vertical curves at 20-foot intervals
 - Type of piers proposed for drainage and sewer
- A hydrant should be added to the end of the cul-de-sac for water main flushing. The proposed hydrant should be relocated to the other side of the crest in the roadway, at the same elevation as proposed.
- Remove the “existing trees” from the roadway.

Erosion and Sediment Control Plan

- The location and/or the configuration of the proposed temporary sediment basin should be revised to account for the fill that will be installed at the end of the roadway.
- A second “v-shaped swale” should be constructed and maintained on the west side of the proposed roadway cul-de-sac, as is shown on the east side.
- A second row of haybales and silt fence should be constructed below the first temporary basin, given the steepness of the slope at the rear of the property and the sites proximity to Lake Williams.



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

November 10, 2020

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

Re: 76 Broad Street Definitive Subdivision

Dear Dr. Fenby and Members of the Planning Board:

You asked this office whether a subdivision applicant for a definitive plan must hold fee simple interest in the land, including the required access roadways and roundings. In my opinion while an applicant may be someone other than an owner in fee-simple, an "applicant" is *both* the party seeking approval in addition to the property owner, agent, or assigns who holds ultimate fee-simple title to the property.

Marlborough Planning Board Subdivision Rules and Regulations, Art II. §A676-2 defines an "applicant" and an "owner". An "applicant" is defined as 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 owner¹, or his agent or representative, or his assigns."(emphasis added).²

Analyzing a similar local definition, the Land Court held that "[u]nder the plain language of this definition, an "applicant" is both the party seeking approval in addition to the property owner, agent, or assigns." Town of Millbury ex rel. Planning Bd. v. Carlstrom, No. 336193 (AHS), 2009 WL 1526922, at *5 (Mass. Land Ct. June 1, 2009). Courts have consistently interpreted MGL c. 41, s. 81L to require that all owners of the site be identified and named on the application.

Should the Planning Board seek to further clarify that only an owner(s) may be an "applicant", the definition may be amended to state that:

1. The person who applies for the approval of a plan of a subdivision or his administrators, executors, heirs, devisees, successors and assigns. The applicant shall certify that he is the

¹ OWNER is defined as: "As applied to real estate, the person or persons holding the ultimate fee-simple title to a parcel, tract or lot of land, as shown by the record in the appropriate Land Registration Office. Registry of Deeds or Registry of Probate." Id.

² This language in relevant part mirrors MGL c. 40 § 81L.

PLANNING BOARD

DATE 11-10-20

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ACTION _____

owner of all the land included in the proposed subdivision. Upheld in Kuklinska v. Planning Board of Wakefield, 357 Mass. 123, 129 (1970); or

2. "Applicant: The owner or his representative submitting a plan for approval under these Rules and Regulations." Upheld in Batchelder v. Planning Board of Yarmouth, 31 Mass. App. Ct. 104 (1991); or
3. "Applicant: Owner of land shown on a plan submitted for Board action, acting personally or through a designated representative, or the owner's assigns. The authority of a representative or one of several owners to act must be in writing, unless such representative is an attorney-at-law." Upheld in Silva v. Planning Board of Somerset, 34 Mass. App. Ct. 339 (1993).

Courts have held regulations that the applicant be the owner of record to be reasonable and non-waivable.³ "These cases recognize the Board's legitimate interest in ascertaining whether the applicant has sufficient ownership rights in the property to go forward with the project."⁴

Please do not hesitate to contact me if you have any additional questions.

Respectfully,

/s/ Jay Piques

Jay Piques

Assistant City Solicitor

³ Kuklinska v. Planning Board of Wakefield, 357 Mass. 123 (1970). See also Batchelder v. Planning Board of Yarmouth, 31 Mass. App. Ct. 104 (1991),

⁴ Brady v. City Council of Gloucester, supra

Northborough Realty Holdings, LLC

4 Courthouse Lane, Suite 16
Chelmsford, MA 01824
978-934-9000

kgillis@northborocapital.com

November 9, 2020

Via: Email-kholmi@marlborough-ma.gov

Chairperson Fenby
City of Marlborough
Planning Board Administration Office
Town Hall
135 Neil Street
Marlborough, MA 01752

**RE: Goodale Estates Subdivision
Goodale Street
Marlborough, Massachusetts
Map 2 Parcel 5**

Dear Chairperson Fenby:

The expiration of the Board's subdivision approval is December 31, 2020. Northborough Realty Holdings, LLC, as the present owner of the subject parcel, is hereby requesting a one (1) year extension of the approval.

The engineering office, home builder and paving contractor have all recommended that the final course of paving and tree installation be postponed until next fall when the homes will be substantially completed and no additional construction traffic is expected on the roadway.

Sincerely,



Kevin A. Gillis
Managing Director



City of Marlborough
Department of Public Works

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

SEAN M. DIVOLL, P.E.
 COMMISSIONER

November 12, 2020

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

Dear Dr. Fenby,

Pursuant to the request of the Planning Board at the meeting held on November 2, 2020, the Engineering Division has conducted a review of the submitted preliminary subdivision plan entitled:

**PRELIMINARY SUBDIVISION PLAN
 LAND IN MARLBOROUGH, MASS.**

**APPLICANT: THE CHARLES COMPANY, LLC
 131 BLACK BEAR DR. S-1912
 WALTHAM, MA 02451**

OWNER: REBECCA I CHAOUSIS & AMY M. ALDRICH GOEBEL

dated
 SEPTEMBER 11, 2020

prepared by
 THE JILLSON COMPANY, INC., 32 FREMONT STREET, NEEDHAM HEIGHTS, MA 02494

Our review of this preliminary plan is primarily limited to the concept of the subdivision and major design elements. Far greater attention will be devoted to the review of the final subdivision plan, assuming that it will be submitted in the future. Comments on the preliminary plan are listed below.

The Plan & Profile Sheet (Sheet 1 of 2) show a four-lot subdivision with a road, 500 feet in length. The Lotting Plan (Sheet 2 of 2) shows a Lot 5 and the Locus Plan (Sheet 2 of 2) shows the remainder of the undeveloped property as "44-148" containing 18.8 acres. An ANR plan will need to be developed to subdivide Lot 5 out of the subdivision parcel or it will need to be incorporated into the subdivision plan. The 18.8-acre portion of the property should be labeled as a "Parcel", noting that "it is not to be considered a buildable lot".

If Lot 5 is to be included in the subdivision submission, then it will be bound by the conditions of the covenant for the subdivision. If Lot 5 is separated from the subdivision, then it would be developed separate from the subdivision, as a single buildable lot.

The sewer service for Lot 2 will require an easement over Lot 3 in order to eliminate an excessive length of the sewer service for Lot 2 within the layout for the street.

THEODORE L. SCOTT, P.E.
 ASST. COMMISSIONER, OPERATIONS

CHRISTOPHER S. LAFRENIERE
 ASST. COMMISSIONER, UTILITIES

THOMAS DIPERSIO, JR. P.E., P.L.S.
 CITY ENGINEER

The water main should be extended to the end of the cul-de-sac and a hydrant placed at the end of the water main (for water main flushing). The proposed hydrant at Station 4+05 (rt.) should be moved to Station 2+80 (rt.) – other side of the crest in the hill, same elevation.

It appears that the roadway has been designed as a "Lane", as it meets the requirements set in §A676-2, Definitions for LANE":

- Serving 8 lots or less, 4 lots are proposed
- Maximum roadway grade of 10%, 3% is proposed as the maximum roadway grade
- Incapable of being extended < roadway ends in a cul-de-sac

If it is the intent of the design to have the roadway developed as a "Lane", a note stating this intent and statement that the design criteria have been met or a waiver is being sought should be placed on the plan.

The design has followed design criteria for a "Lane":

- Maximum centerline grade of 125 feet, 150.0 feet is proposed
- Maximum roadway grade of 10%, 3% is proposed as the maximum grade

The minimum roadway width for a "Lane" is 26 feet. A 22-foot roadway width is proposed. This would require that a variance be granted by the Planning Board for §A676-24, B-2 pavement width.

Consideration should be given to a newly preferred cross-section for the roadway to allow for a 5-foot wide grass strip between the curbing and the sidewalk. This will allow for staggered street trees placement (on either side of the sidewalk) and for sidewalk run-off to infiltrate into the ground and not drain into the street drainage system. The request would be for:

- Section V. Required Improvements for an Approved Subdivision:
 - §A676 - 26, A(1), 5' sidewalk
 - §A676 - 27, A, allows a grass strip
 - §A676 - 28, A, allows for staggered tree placement

The proposed center island in the cul-de-sac has a small radius (22 ft. - scaled). The D.P.W. is not in favor of center islands, as they have the potential to become a maintenance problem and are problematic when plowing snow - the tight radius makes it difficult to clear the snow around the island and requires smaller pieces of curbing, which do not have the strength to endure the plow blade running against the curbing.

The abutter list and parcel designations should be checked for accuracy.

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

Sincerely,



Timothy F. Collins
Assistant City Engineer

xc: Sean Divoll, P.E. – DPW Commissioner
Thomas DiPersio, Jr., P.E., P.L.S. – City Engineer
Kevin O'Leary – The Jillson Company, Inc.



CITY OF MARLBOROUGH
APPLICATION FOR SIGN APPEAL TO PLANNING BOARD

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

1. **Location of Proposed Sign: Street Address:** 222 E Main Street
What other signs exist on the property: (Type, Size, Location) The other plaza tenants at this location have illuminated channel letters that are placed above their storefront on the building that appear to cover length of storefront.
2. **Name of business or activity applying for sign:** Sherwin Williams
3. **Applicant:** Agnoli Sign Co. Inc.
Applicant Address: PO Box 1055 Springfield, MA 01101-1055
Applicant Contact Info: (name, email and phone) Amanda Pfeffer
amanda@agnolisign.com 413-732-5111
4. **Building Owner:** Karnak Realty LLC
Owner Address: 222 C East Main Street - Marlborough, MA 01752
Owner Contact Info: (name, email and phone) Harold Nahigian 508-481-9104
5. **Applicant is** ☐ **Building Owner** ☐ **Tenant** ☒ **Other** Sign Installer
6. **Date of Building Inspector's decision from which appeal is taken:** 10/29/20
(Attach a copy of the denial of sign permit letter.)
7. **Section of the Sign Ordinance from which appeal is requested:** Chapter 650, Section(s) 526-9 B (3) (a)
Section heading(s): Nonresidence districts: B Flat Wall Signs (3) calculation of area
8. **Description of Sign:** One set of 30" illuminated channel letters on a 36" x 34' background raceway panel
9. **Give a brief outline why permit was refused and the purpose of the sign:** See attached

Other pertinent information may be submitted with this application or requested by the Planning Board.
I hereby request a hearing before the Planning Board with reference to the above noted application:

Signed: Amanda Pfeffer **Date:** 11/6/2020 **Owner:** see attached

Applicant

Received: \$25 application fee - Check payable to City of Marlborough **Initials of Board agent** KIH
Scheduled Hearing Date: 11-16-20 **Date of payment** 11-03-20 CK 2361

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

Decision: **Approved** ☐ **Denied** ☐

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

9. Give a brief outline why permit was refused and the purpose of the sign

The sign was denied due to exceeding the maximum allowed square footage per bylaws. The purpose of the sign is to promote the name of the Sherwin William business and to let customers know where they are located. The requested signage will be proportional to the store front and compliment the design of the shopping center. The building is set back from the street approximately over 200 feet. The larger signs enable the business to be seen from the road and helps promote the business. The proposed sign will not substantially injure neighboring property values or create conditions inimical to the public health, safety & welfare of the community.

Landlord Letter of Authorization

September 29, 2020

Please accept this letter as authorization for Agnoli Sign Company or any of their agents to obtain any necessary permits for new signage at:

Sherwin Williams Paints
222 E MAIN ST. STE. 6 F-G
MARLBOROUGH, MASSACHUSETTS 01752

Property Owner Information:

KARNAK Realty, LLC

Owner Name

222C East Main St. Marlboro MA
Street Address City State
Zip 01752

(508) 481-9104 58 128
Contact Phone Number Block # Lot #

[Signature] member
Signature Date Harold Nahigian
9/30/20

Printed Name

City of Marlborough
Commonwealth of Massachusetts



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

10/29/2020

Agnoli Sign Co., Inc
722 Worthington Street
Springfield, MA
01101

RE: Sign Permit Application BP-2020-001404

To whom it may concern,

On 10/6/2020 a sign for an internally illuminated flat wall sign was applied for at 222 E. Main Street. The allowance for signage at this tenant space is 69 square feet. The sign that was applied for is 102 square feet. As such this sign permit application is denied based upon §526-9 B (3) (a).

§ 526-9 Nonresidence districts.

[Amended 2-14-2011 by Ord. No. 10/11-1002763A]

The following regulations pertain to signs in Business, Industrial, Limited Industrial, and Commercial and Automotive Districts and to legally nonconforming businesses located in residence districts but not to home occupations.

B. Flat wall signs.

(3) Calculation of area.

(a) Basic area. Unless otherwise hereinafter provided, the total area of all flat wall signs shall not exceed 1 1/2 square feet for each horizontal linear foot of the facade of the establishment, provided that the aggregate area of all flat wall signs for any one establishment on any one building shall not exceed 100 square feet, except for bonus area provided in § 526-9B(4) and (5) below.

Your rights for an appeal have been included below.

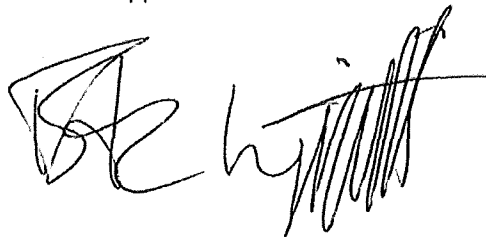
§ 526-12 Administration and penalties.

C. Rights to appeal.

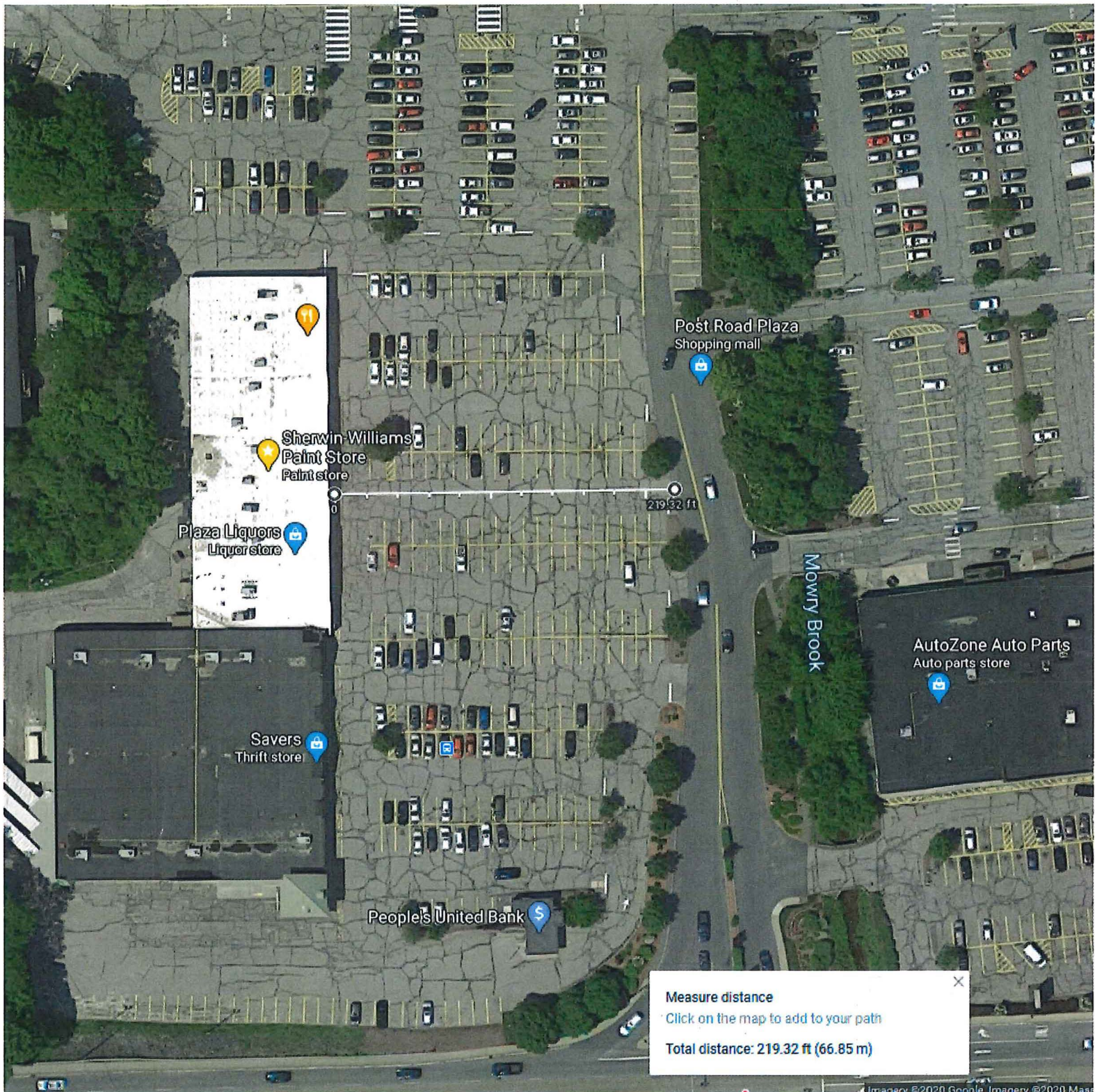
(1) Any applicant for a permit, any person who has been ordered by the Building Commissioner to incur expense in connection with a sign and any person dissatisfied with any refusal, order or decision of the Building Commissioner may appeal to the Planning Board within 30 days from the date of such refusal, order or decision. The fee for the filing of said appeal shall be \$25, payable to the City of Marlborough upon the filing of said appeal. After written notice given to such parties as the Planning Board shall order, the Planning Board shall address the appeal at a regularly scheduled meeting of the Board. Applying the standards described in Subsection C(2) below, where applicable, and interpreting this chapter, the Planning Board shall affirm, annul or modify such refusal, order or decision within 45 days after hearing the appeal. The action of the Building Commissioner may be annulled or modified only by a two-thirds vote of the Planning Board. If the action of the Building Commissioner is modified or annulled, the Building Commissioner shall issue a permit or order in accordance with the decision of the Planning Board.

[Amended 10-6-2014 by Ord. No. 14-1005921A]

Code Enforcement Officer Ethan Lippitt

A handwritten signature in black ink, appearing to read 'E. Lippitt', with a large, stylized flourish extending from the end.

CC File
 City Council
 Planning Board Secretary



16630

34'-0"

32'-6 1/2"±

3'-0"
30"±
24 1/2"



SHERWIN-WILLIAMS® PAINTS

HP WHITE VINYL "®"

PLEX FACE CHANNEL LETTERS ON BACKGROUND RACEWAY

102 Sq Ft Total

(1) REQUIRED

Scale: 3/8" = 1'-0"

* DO NOT PRODUCE

.040 ALUMINUM
BACKS & RETURNS
COLOR - BLACK GLOSS

1" JEWELITE TRIMCAP
COLOR - BLACK

TRANSLUCENT PLEX FACES
THICKNESS - ☒ 3/16" ☐ 1/8"
COLOR - LTRS = WHITE
LOGO = STANDARD SHERWIN WILLIAMS
COLORS

LED ILLUMINATION
LTRS = WHITE
LOGO = WHITE

NON-CORROSIVE
FASTENERS AS REQ'D.

1/4" WEEP HOLES
☒ YES ☐ NO

.063 ALUMINUM BACKGROUND RACEWAY
PAINTED - SHERWIN WILLIAMS BLUE

POWER SUPPLY UNITS
LOCATED INSIDE
BACKGROUND RACEWAY.
120 VAC PRIMARY
24volt DC SECONDARY.

NUMBER REQ'D. = _____

MET Laboratories
☒ YES
☐ NO

CLN
☐ YES ☐ NO

NOTE:
ACCESS REQUIRED FOR
ELECTRICAL & INSTALLATION

SECTION DETAIL - PLEX FACE CHAN LTRS on BACKGROUND RACEWAY

Scale: NTS

INSTALLATION REQUIREMENTS for all signs unless specified otherwise on individual sign specifications.
Variation from this criteria without written approval from Accent Graphics is strictly forbidden.
* All freestanding signs are to be engineered for local conditions by a licensed and registered engineer.

SIGN SIZE	MOUNTING SURFACE							
	SQUARE FOOTAGE	WOOD	SHEET METAL	BRICK	CONCRETE	CONCRETE BLOCK	DRYVIT / EIFS	STUCCO over wire mesh
UNDER 10 SQ. FT.	3/8" THRU BOLTS w/ 2" angle iron backer A minimum of (4) 3/8" bolts are required.	3/8" THRU BOLTS w/ 2" angle iron backer A minimum of (4) 3/8" bolts are required.	3/8" LEAD ANCHORS A minimum of (4) 3/8" bolts are required.	3/8" LEAD ANCHORS A minimum of (4) 3/8" bolts are required.	3/8" TOGGLE A minimum of (4) 3/8" bolts are required.	3/8" THRU BOLTS w/ 2" angle iron backer A minimum of (4) 3/8" bolts are required.	3/8" THRU BOLTS w/ 2" angle iron backer A minimum of (4) 3/8" bolts are required.	3/8" THRU BOLTS w/ 2" angle iron backer A minimum of (4) 3/8" bolts are required.
10 SQ. FT. TO 50 SQ. FT.	3/8" THRU BOLTS w/ 2" angle iron backer A minimum of (4) 3/8" bolts are required.	3/8" THRU BOLTS w/ 2" angle iron backer A minimum of (4) 3/8" bolts are required.	3/8" LEAD ANCHORS A minimum of (4) 3/8" bolts are required.	3/8" LEAD ANCHORS A minimum of (4) 3/8" bolts are required.	3/8" TOGGLE A minimum of (4) 3/8" bolts are required.	3/8" THRU BOLTS w/ 2" angle iron backer A minimum of (4) 3/8" bolts are required.	3/8" THRU BOLTS w/ 2" angle iron backer A minimum of (4) 3/8" bolts are required.	3/8" THRU BOLTS w/ 2" angle iron backer A minimum of (4) 3/8" bolts are required.
50 SQ. FT. TO 100 SQ. FT.	3/8" THRU BOLTS w/ 3" angle iron backer A minimum of (10) 3/8" bolts are required.	3/8" THRU BOLTS w/ 3" angle iron backer A minimum of (10) 3/8" bolts are required.	1/2" LEAD ANCHORS A minimum of (10) 1/2" bolts are required.	1/2" LEAD ANCHORS A minimum of (10) 1/2" bolts are required.	3/8" THRU BOLTS w/ 1" angle iron backer A minimum of (10) 3/8" bolts are required.	3/8" THRU BOLTS w/ 3" angle iron backer A minimum of (10) 3/8" bolts are required.	3/8" THRU BOLTS w/ 3" angle iron backer A minimum of (10) 3/8" bolts are required.	3/8" THRU BOLTS w/ 3" angle iron backer A minimum of (10) 3/8" bolts are required.
100 SQ. FT. TO 200 SQ. FT.	1/2" THRU BOLTS w/ 3" angle iron backer A minimum of (11) 1/2" bolt per each 15 sq ft is required.	1/2" THRU BOLTS w/ 3" angle iron backer A minimum of (11) 1/2" bolt per each 15 sq ft is required.	1/2" WEDGE ANCHOR A minimum of (1) 1/2" bolt per each 15 sq ft is required.	1/2" WEDGE ANCHOR A minimum of (1) 1/2" bolt per each 15 sq ft is required.	1/2" THRU BOLTS w/ 3" angle iron backer A minimum of (1) 1/2" bolt per each 15 sq ft is required.	REQUIRES SPECIAL ENGINEERING	REQUIRES SPECIAL ENGINEERING	REQUIRES SPECIAL ENGINEERING
OVER 200 SQ. FT.	REQUIRES SPECIAL ENGINEERING	REQUIRES SPECIAL ENGINEERING	1/2" THRU BOLTS w/ at least 3" angle iron backer A minimum of (1) 1/2" bolt per each 15 sq ft is required.	1/2" THRU BOLTS w/ at least 3" angle iron backer A minimum of (1) 1/2" bolt per each 15 sq ft is required.	REQUIRES SPECIAL ENGINEERING	REQUIRES SPECIAL ENGINEERING	REQUIRES SPECIAL ENGINEERING	REQUIRES SPECIAL ENGINEERING

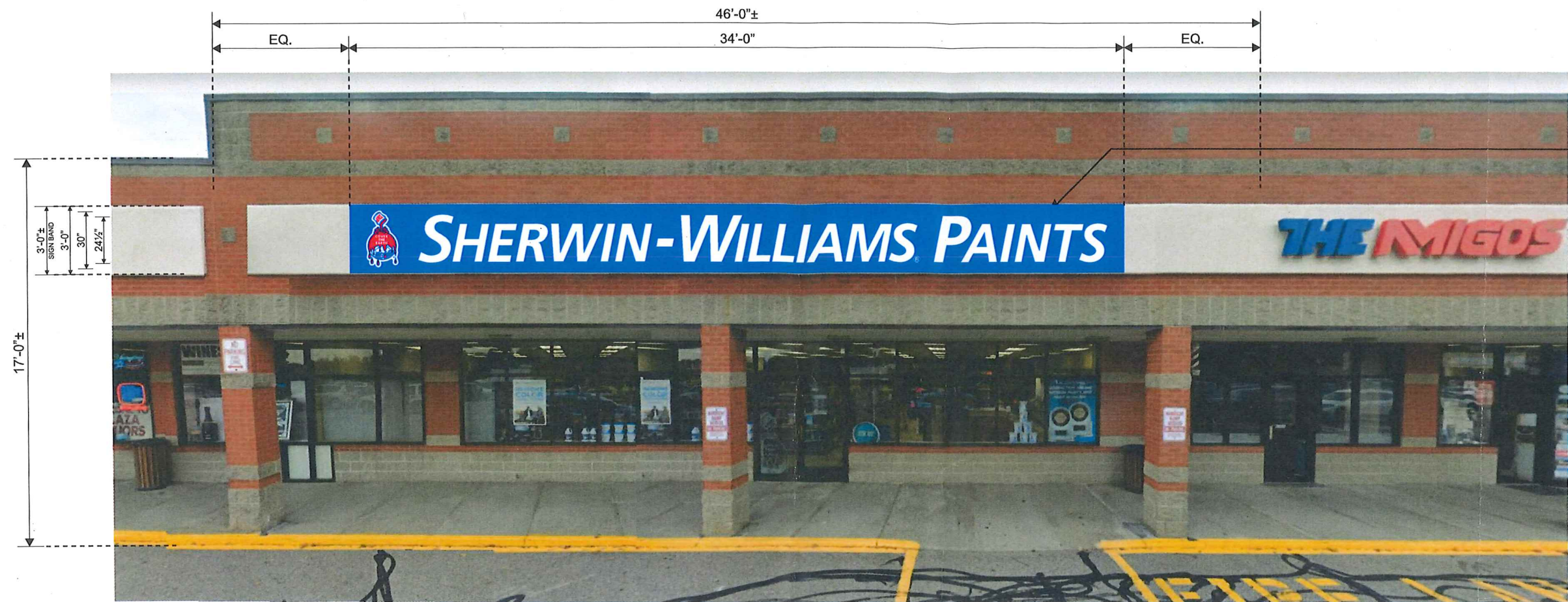
Backers = 24" or 36" long steel angle iron (1 1/2" x 1 1/2" min)

DATE	REVISIONS	NAME	AUTHORIZATION
8-20-20	REVISE W/ SIGN WITHIN CODE ALLOWANCE	1 KD	CLIENT
8-31-20	REVISE SIGN SIZE TO BE REUSED	1 KD	DATE
			ACCOUNT EXECUTIVE
			DATE
			LANDLORD
			DATE
			ALL CHANGES MUST BE INITIALED BY CLIENT AND ACCOUNT EXECUTIVE ON FINAL APPROVED PRINT.

This drawing is the exclusive property of Accent Graphics, Inc. and is the result of the original work of its employees. The plans are provided to your company for the sole purpose of considering the purchase of a sign manufactured by Accent Graphics, Inc. based on these plans OR the purchase of the plans and design concepts contained therein for manufacture elsewhere. Distribution or exhibition of the plans to anyone outside of your company or the use of the plans by others to manufacture or design a similar sign as displayed in the plans is expressly forbidden. In the event that such exhibition occurs, Accent Graphics will expect payment of a minimum \$2000 design fee in recompense for the time and effort entailed to produce the plans.

CLIENT SHERWIN WILLIAMS STORE #
INSTALLATION ADDRESS POST ROAD PLAZA
222 E MAIN ST. STE. 6 F-G MARLBOROUGH, MASSACHUSETTS 01752
DESIGNER KD 1 1/2 ACCOUNT EXECUTIVE DM
DATE 8-20-2020 SHEET 1 OF 2 DESIGN # 20-381 R2
Gerber FILE = P:\1-2020-Jobs\1-Sherwin Williams\MA\Marlborough\Production\JOBS
Corel FILE = P:\1-2020-Jobs\1-Sherwin Williams\MA\Marlborough\Drawings

accent **signs** graphics
COMPLETE SIGN SERVICE & FABRICATION
523 E. ROCK ISLAND TOLL FREE (800) 810-3044
GRAND PRAIRIE, TX 75050 METRO (972) 399-0333
FAX (972) 986-4456
EMAIL
WEBSITE www.accentgraphicsinc.com FAX (800) 810-3045



EAST ELEVATION - STOREFRONT

Scale: 3/16" = 1'-0"

EXISTING CONDITION



± 69 SQ. FT. ALLOWANCE

MUNICIPAL CODE: WALL SIGNS SHALL NOT EXCEED 1-1/2 SQ. FT. FOR EACH HORIZONTAL LINEAR FOOT OF FACADE OF THE ESTABLISHMENT. ANY NUMBER OF SIGNS ALLOWED, N.T.E. 100 SQ. FT. OF AGGREGATE AREA

DATE	REVISIONS	NAME	AUTHORIZATION
8-20-20	REVISE W/ SIGN WITHIN CODE ALLOWANCE	KD	
8-31-20	REVISE SIGN SIZE TO BE REUSED	KD	

This drawing is the exclusive property of Accent Graphics, Inc. and is the result of the original work of its employees. The plans are provided to your company for the sole purpose of considering the purchase of a sign manufactured by Accent Graphics, Inc. based on these plans OR the purchase of the plans and design concepts contained therein for manufacture elsewhere. Distribution or exhibition of the plans to anyone outside of your company or the use of the plans by others to manufacture or design a similar sign as displayed in the plans is expressly forbidden. In the event that such exhibition occurs, Accent Graphics will expect payment of a minimum \$2000 design fee in recompense for the time and effort entailed to produce the plans.

CLIENT SHERWIN WILLIAMS STORE #
INSTALLATION ADDRESS POST ROAD PLAZA
222 E MAIN ST. STE. 6 F-G MARLBOROUGH, MASSACHUSETTS 01752
DESIGNER KD ACCOUNT EXECUTIVE DM
DATE 8-20-2020 SHEET 2 OF 2 DESIGN # 20-381 R2
Gerber FILE = P:\1-2020-Jobs\1-Sherwin Williams\MA\Marlborough\Production\JOBS
Corel FILE = P:\1-2020-Jobs\1-Sherwin Williams\MA\Marlborough\Drawings

accent  graphics
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WEBSITE www.accentgraphicsinc.com FAX (800) 810-3045


SEM AYKANIAN

ATTORNEY AT LAW

 74 Main Street
 Marlborough, Massachusetts 01752
 SemAykanian@aykanianlaw.com

 t 508.485.4882
 f 508.624.4110
 c 508.667.9186

www.aykanianlaw.com
PLANNING BOARD

 DATE 11-9-20

 AGENDA 11-16-20

ACTION _____

November 4, 2020

 City of Marlborough Planning Board
 135 Neil Street, 2nd Floor
 Marlborough, MA 01752

 RE: 2 SOUTH BOLTON STREET
 JOHN COTTING REALTY TRUST (SEM AYKANIAN, TRUSTEE)

Dear Board Members:

You will recall that I met with you informally during the late summer on this property and a certain plan restriction relating thereto. I would now request this plan restriction be formally removed by vote of the Board and request that the matter be placed on the agenda at your next regularly scheduled meeting.

I have enclosed the following documents:

- Original Planning Board approved ANR from March 13, 1985 (with restriction highlighted)
- Modern sketch plan
- Original Deed from CDA to my predecessor in title (with restriction highlighted)
- Copy of recently executed release of restrictions by the CDA
- Proposed Planning Board Release of Restriction

You may recall that we have 2 South Bolton Street under agreement and while it is our opinion that the CDA restrictions are likely unenforceable by the statute and the passage of time, it was agreed that I would obtain the written approvals of both the CDA and Planning Board.

It is quite clear that the Planning Board's plan notation was in keeping with the CDA restriction at the time and, now that the CDA has acted, it follows that the plan notation may be similarly removed.

While I will be happy to elaborate at the meeting, this action, having the complete endorsement of the Mayor's office, the Community Development

Authority, and the Community Development Corporation, will surely be a benefit to the City.

Do let me know once you have scheduled the matter. Thank you in advance.

Very truly yours



Sem Aykanian, Esq.

SA/ek

Enc.

CC: Office of the Mayor, Hon. Arthur Vigeant
Office of the City Solicitor, Jason Grossfield, Esq.

COPY

RELEASE OF RESTRICTIONS

THE CITY OF MARLBOROUGH, a Municipal Corporation, acting by and through its Community Development Authority, established under Chapter 327 of the Acts of 1979, as amended by Chapter 380 of the Special Acts of 2004 and Chapter 395 of the Special Acts of 2008.

Grantor under a certain deed to Richard R. Wagner, Jr. dated October 23, 1985 and recorded with Middlesex South District Registry of Deeds in Book 16524, Page 387 of real property known and numbered as 2 South Bolton Street, otherwise known as Bolton Street Extension, in said Marlborough, Massachusetts,

And recognizing that such Deed created the following restriction, to wit:

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

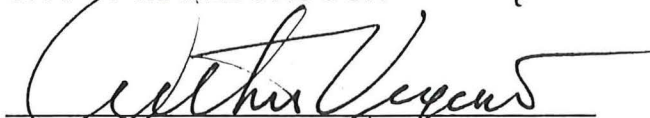
"Said Parcel 22B cannot be transferred as a single parcel."

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

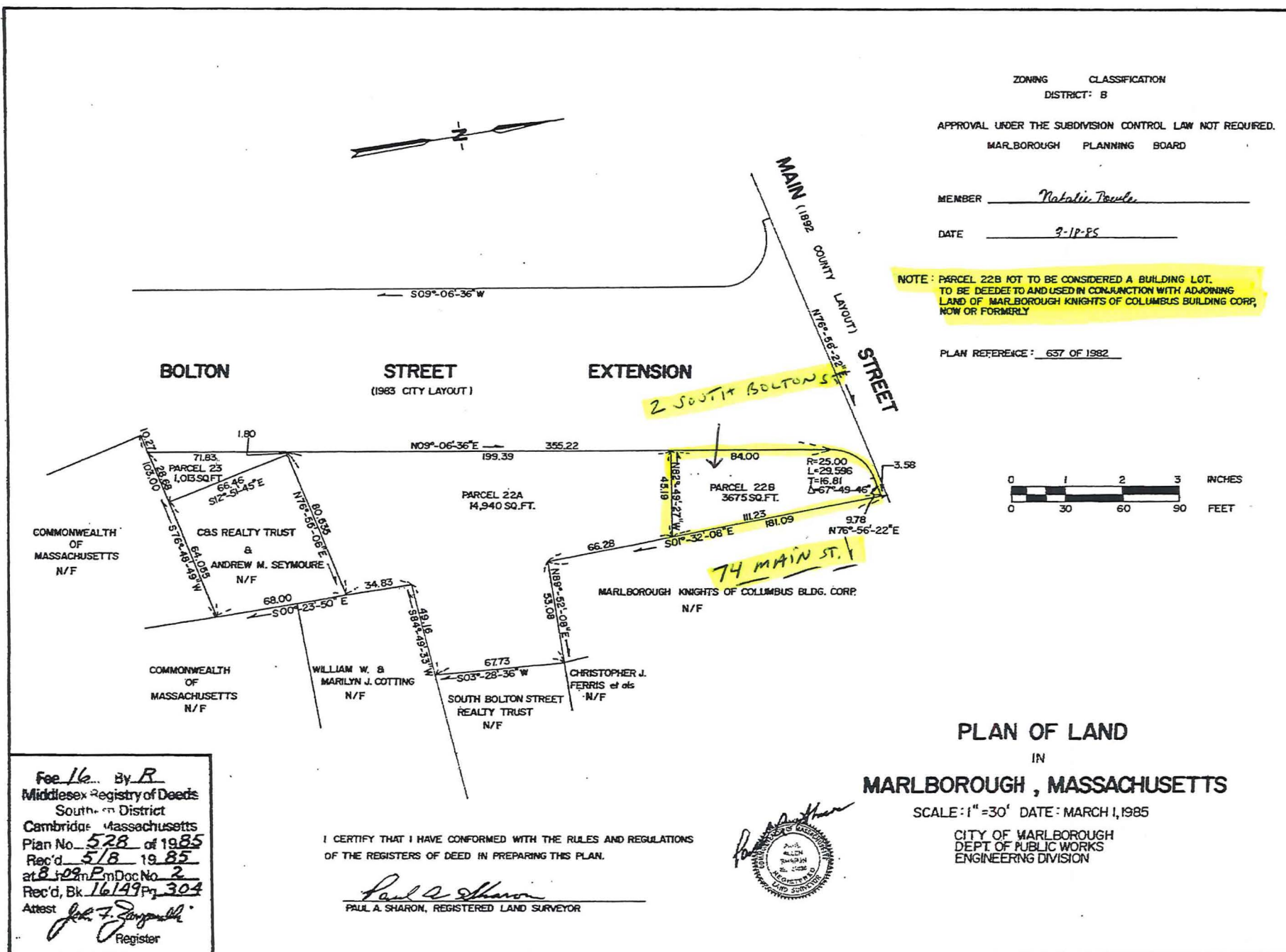
Hereby release and forever discharge such restrictions, and declare such restrictions to be null and void.

IN WITNESS WHEREOF, the City of Marlborough has caused these presents to be executed, acknowledged and delivered as a sealed instrument this 5th day of October, 2020.

CITY OF MARLBOROUGH



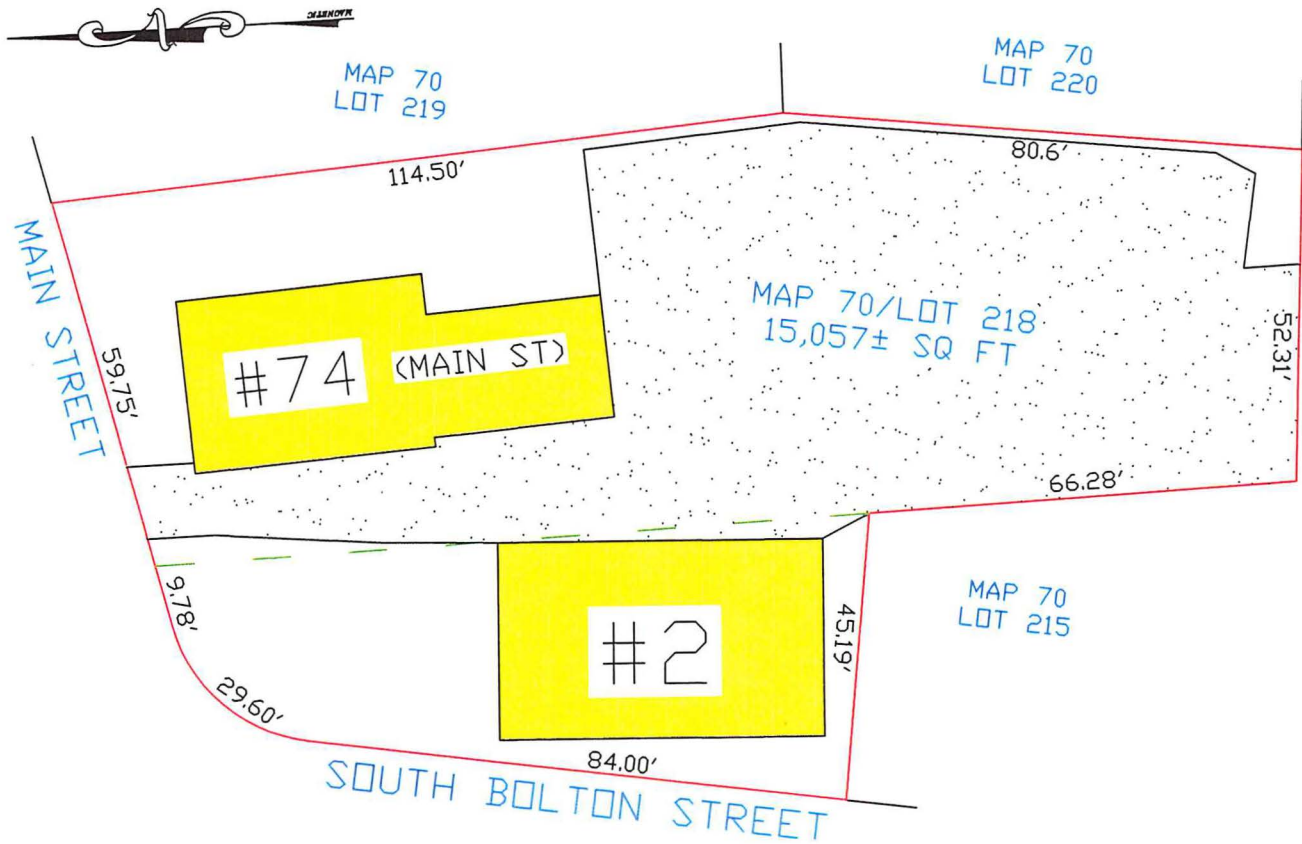
By: Arthur G. Vigeant as Mayor and
duly authorized Chair of the Community Development Authority



File number:	190523-33	UNREGISTERED LAND		
Attorney:	SEM AYKANIAN, ESQ.	Deed Book	18725	Page 238
Lender:		Plan Book		Page Lot(s)
Owner:	THE JOHN CUTTING REALTY TRUST	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

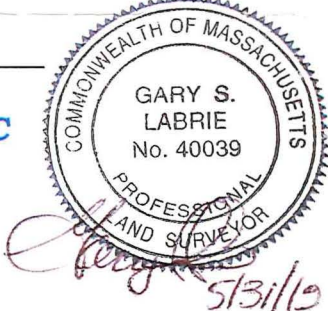
I CERTIFY TO THE ABOVE ATTORNEY, BANK, AND THEIR TITLE INSURANCE COMPANY THAT THE MAIN BUILDING, FOUNDATION OR DWELLING WAS IN COMPLIANCE WITH THE LOCAL ZONING BYLAWS IN EFFECT WHEN CONSTRUCTED (WITH RESPECT TO STRUCTURAL SETBACK REQUIREMENTS ONLY) OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER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

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

*Reformed by
M. Sullivan*

BK 16524 PG 387

1135

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

COMMONWEALTH OF MASSACHUSETTS
CITY OF MARLBOROUGH
KUSON J. HADDAD, MAYOR
Richard R. Wagner
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
Karen A. Boule

Notary Public
Justice of the Peace
19 87

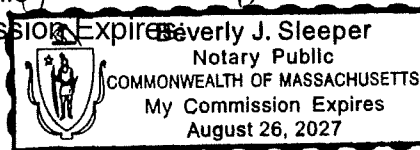
My commission expires 3/19/

COMMONWEALTH OF MASSACHUSETTS

Middlesex County, ss

On this 31st day of October, 2020, before me, the undersigned notary public, personally appeared Arthur G. Vigeant as Mayor and Chair of the Community Development Authority, proved to me through satisfactory evidence of identification, which was personally known to me, to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to me, under the pains and penalties of perjury, that the contents of the document are truthful and accurate to the best of their knowledge and belief, and that they signed such document voluntarily for its stated purpose.

Beverly J. Sleeper
Notary Public
My Commission Expires August 26, 2027



RELEASE OF PLAN RESTRICTION

THE CITY OF MARLBOROUGH PLANNING BOARD

having endorsed an Approval Not Required Subdivision Plan, entitled "Plan of Land in Marlborough, Massachusetts", Scale: 1" = 30', Dated March 1, 1985, which plan is recorded with the Middlesex South District Registry of Deeds as Plan No. 528 of 1985 in Book 16149, Page 304,

after due deliberation

hereby releases and discharges the notation on said plan, to wit:

"Note: Parcel 22B not to be considered a building lot. To be deeded to and used in connection with adjoining land of Marlborough Knights of Columbus Building Corp. now or formerly."

IN WITNESS WHEREOF, the City of Marlborough Planning Board has caused these presents to be executed, acknowledged and delivered as a sealed instrument this day of _____, 2020.

CITY OF MARLBOROUGH PLANNING BOARD

By _____

COMMONWEALTH OF MASSACHUSETTS

Middlesex County

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was Massachusetts Driver's License, to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to me, under the pains and penalties of perjury, that the contents of the document are truthful and accurate to the best of their knowledge and belief, and that they signed such document voluntarily for its stated purpose.

Notary Public
My Commission Expires:

Framingham Zoning Board of Appeals - Notice of Decision

Notice is hereby given, that at the meeting on October 14, 2020, the following petitions were decided and the decisions were filed on **October 28, 2020**.

20-28 | GRANTED

Petition of **Candido B. Gouvea** for a **Finding** to allow a front porch with a setback within street line setback in R-1 Zone, pursuant to §I.D.5.b. of the Framingham Zoning By-Law, on the premises located at **27 Fenwick Street**, Parcel ID: 134-54-4575-000, Zoning District: Single Residence (R-1).

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

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

Stephen E. Meltzer, Chair

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

Framingham Zoning Board of Appeals - Notice of Decision

Notice is hereby given, that at the meeting on October 14, 2020, the following petitions were decided and the decisions were filed on **October 28, 2020**.

20-15 | DENIED

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 §I.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).

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

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

Stephen E. Meltzer, Chair

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

Framingham Zoning Board of Appeals - Notice of Decision

Notice is hereby given, that at the meeting on October 14, 2020, the following petitions were decided and the decisions were filed on **October 28, 2020**.

20-25 | GRANTED

Petition of **Marcio De Oliveira** and **Anthony Ferracamo** to renew a **Special Permit** for a Storage & Distribution business on the premises located at **733 Waverly Street**, Parcel ID: 134-54-4575-000, Zoning District: General Manufacturing (M).

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

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

Stephen E. Meltzer, Chair

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

FRAMINGHAM PLANNING BOARD NOTICE OF PUBLIC HEARING – 190 BEACON STREET APPLICATION OF PATRICIA MARSHALL

Pursuant to Section IV, E, 4, a. of the Framingham Zoning By-Law, the Framingham Planning Board, will hold a public hearing on Thursday, November 19, 2020 at 7:00 p.m. in the Ablondi Room, Memorial Building, located at 150 Concord Street, Framingham, Massachusetts. In the event that the Memorial Building is inaccessible due to the current COVID-19 pandemic, the hearing will be held remotely via Zoom dependent on Memorial Building accessibility. The public hearing will be held to consider the application for a Special Permit. The applicant is proposing for a driveway elimination currently serving 190 Beacon Street and a proposed common driveway easement to serve both 188 Beacon Street and 190 Beacon Street. The property is zoned Residential (R-1) and listed as Framingham Assessor's Parcel ID: 081-06-3177-000. The application and plan submittal are available for review in the Planning Board Office, Room B14 of the Memorial Building and available online at www.framinghamma.gov on the Planning Board Webpage. The legal notice can be found in the MetroWest Daily Newspaper and on the Massachusetts Newspaper Publishers Association's (MNPA) website.

Kristina Johnson, Chair, Framingham Planning Board

Publish, MetroWest Daily Newspaper: November 4, 2020 and November 11, 2020

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

FRAMINGHAM PLANNING BOARD - NOTICE OF DECISION
82-84 MORTON STREET - APPLICATION OF EXHIBIT 'A' BREWING COMPANY

12A-2

The Applicant filed an application for a Major Site Plan Review, notice of the opening public hearing was published in MetroWest Daily Newspaper on September 30, 2020 and October 7, 2020; and the legal ad was mailed to parties of interest pursuant to the Framingham Zoning By-Law and M.G.L. Chapter 40A. The Planning Board held a public hearing for the project on October 15, 2020. The project includes the operation of a pre-existing beer garden. The property is zoned General Manufacturing (M) and Business (B), and listed as Framingham Assessor's Parcel ID: 129/26/6853/000 & 129/26/7804/000. On October 15, 2020, the Planning Board **APPROVED** the application with conditions. The **DECISION** was filed in the office of the City Clerk on November 4, 2020. For additional information, please see the Planning Board's webpage at www.framinghamma.gov.

Kristina Johnson, Chair FRAMINGHAM PLANNING BOARD

Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the City Clerk. The Notice of Decision can be found in the MetroWest Daily Newspaper and on the Massachusetts Newspaper Publishers Association's (MNPA) website.

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

26 WHITTIER STREET - APPLICATION OF BJ'S WHOLESALE CLUB

The Applicant filed an application for a Minor Site Plan Review and a Special Permit for a Reduction in Off-Street Parking, notice of the opening public hearing was published in MetroWest Daily Newspaper on September 30, 2020 and October 7, 2020; and the legal ad was mailed to parties of interest pursuant to the Framingham Zoning By-Law and M.G.L. Chapter 40A. The Planning Board held a public hearing for the project on October 15, 2020. The project includes the proposal to add a Propane Refill Station to the parking lot at 26 Whittier Street. The property is zoned Light Manufacturing (M-1), and listed as Framingham Assessor's Parcel ID: 082/36/5915/000. On October 15, 2020, the Planning Board **APPROVED** the application with conditions. The **DECISION** was filed in the office of the City Clerk on November 4, 2020. For additional information, please see the Planning Board's webpage at www.framinghamma.gov.

Kristina Johnson, Chair FRAMINGHAM PLANNING BOARD

Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the City Clerk. The Notice of Decision can be found in the MetroWest Daily Newspaper and on the Massachusetts Newspaper Publishers Association's (MNPA) website.

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

Framingham Zoning Board of Appeals - Notice of Decision

Notice is hereby given, that at the meeting on October 14, 2020, the following petitions were decided and the decisions were filed on **October 28, 2020**.

20-27 | GRANTED

Petition of **Barbara Matyi, WDC Designs, Inc.** and **Kathleen M. O'Connor** for a **Finding** to allow an addition to a pre-existing nonconforming single-family residence within side and street line setbacks, pursuant to §I.D.5.b. of the Zoning By-Law, on the premises located at **254 Grant Street**, Parcel ID: 122-19-1403-000, Zoning District: General Residence (G).

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

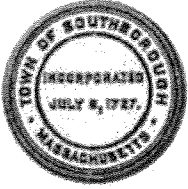
The full decision is available at: www.FraminghamMA.gov/meetings. Legal notice can be found in the
MetroWest Daily News or on MassPublicNotices.org.

Stephen E. Meltzer, Chair

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

RECEIVED
SOUTHBOROUGH TOWN CLERK

2020 OCT 27 P 12:31



Town of Southborough
PLANNING BOARD

17 COMMON STREET
SOUTHBOROUGH, MASSACHUSETTS 01772-1662

508-485-0710

October 27, 2020

James Hegarty
Town Clerk
Town of Southborough
17 Common Street
Southborough, MA 01772

**PUBLIC HEARING NOTICE
for STONEWALL HEARING**

Pursuant to the provisions of Massachusetts General Laws C40 section 15C, the Southborough Planning Board will hold a public hearing on **November 16, 2020 at 7:20 PM** via virtual Zoom meeting to **consider the partial removal of a stone wall at 12A Pinehill Road** which is designated a scenic road in the Town of Southborough. The request for stone wall removal was made by Stephen Coukos to access the property for construction of a new driveway.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing limitations on in person gatherings, there will be no in-person attendance by the public. Persons wishing to participate in this meeting while in progress may do so by going online to <https://www.southboroughtown.com/remotemeetings>.

Any person wishing to be heard on the proposed subject should virtually appear at the time and place designated. A copy of the plans and application can be reviewed at: <https://www.southboroughtown.com/node/261/news>

Sincerely,

Donald C. Morris, Chair
Planning Board

Berlin Planning Board

Public Hearing

Berlin, Massachusetts 01503

In accordance with MGL Ch 40A §5, the Berlin Planning Board shall hold a public hearing on Tuesday, November 17, 2020, at 8:00 PM on the Zoom virtual meeting platform. Interested citizens may present oral feedback at the hearing, or may send written comments to the Planning Board prior to the hearing via email to planning@townofberlin.com or US MAIL to: Berlin Planning Board, 23 Linden Street Box #6, Berlin, MA 01503. The purpose of the public hearing is to provide interested parties with an opportunity to comment on proposals to amend the Town of Berlin Zoning By-Laws (said By-Laws to be acted upon at the Berlin Special Town Meeting to be held at Noon on Sat., Dec, 5, 2020 at the Berlin Town Offices at 23 Linden St., Berlin, MA.

The proposed amendments (with place-holder numbering only at this time) to the Zoning By-law would be:

1. To see if the Town will amend the Zoning Bylaw, Section 540, Home Based Contracting Business by adding a new 540.10: "The business must be owned and operated by a resident of the dwelling."
2. To see if the Town will amend the Zoning Bylaw, Section 541, Table of Home Based Contracting Business, by adding "as registered with the RMV" after every instance where "GVW" appears.
3. To see if the Town will amend the Zoning Bylaw, Section 510, "In-Law Apartments, 512 Maximum size by adding "including any proposed addition or modification" after "total floor area."
4. To see if the Town will vote to amend the Zoning Bylaw Section 710, Common Driveways, by adding a new Section 716.8 "Any change or structural addition or modification beyond general maintenance in the location, width, length, height or material composition of a common driveway affecting its accessibility by users or emergency vehicles or re-directing water run-off must be approved by the Berlin Planning Board. If, at the discretion of the Planning Board, it is determined that the modification is substantial, a public hearing will be required.
5. To see if the Town will vote to amend the Zoning Bylaw Section 585.4 Medical Marijuana and Adult Use Marijuana Establishments by adding a new Section "585.4, 6 No more than two (2) Retail Marijuana Establishments shall be permitted at any given time."
6. To see if the Town will vote to amend the Town of Berlin Zoning By-law Article 454.2 by replacing the last sentence with the following: "A Mixed-Use Village may include drive-up facilities for banks, pharmacies, and other retail and service uses, and for a maximum of two (2) food establishments."

NOV 06 2020

7. To see if the Town will vote to amend the Town of Berlin Zoning By-law as follows:
- a. Replace Sections 455.2 and 455.3 with the following new section 455.2: "In order to ensure a mix of uses within a Mixed Use Village, no less than 25% of the total Floor Area of all uses within the Mixed Use Village shall be Commercial Space."
 - b. Amend the Table in Section 456.3 by:
 - i. changing the "Residential" subsection heading to "Residential – Apartment Dwellings, CCRC Independent Living Units, Assisted Living Units"; and by adding the word "Apartment" before each word "Dwelling" within this subsection.
 - ii. adding a new subsection entitled "Townhomes", and inserting "Maximum number of Townhomes – 30 (see Note 5)".
 - iii. adding a new Note 5 as follows: "If approved by the Planning Board during VO Site Plan Approval, up to 30,000 square feet of Commercial space may be substituted with Townhomes at the rate of 1,000 square feet of Commercial space per Townhome."
 - iv. adding a new column for Townhomes under the section entitled "Building Height" and adding within this column "Maximum Building Height – 32 feet"; "Maximum Building Height if fully sprinklered – 32 feet".
 - c. Add a new Section 458.5 as follows: "At least ten percent (10%) the Townhomes shall qualify for inclusion in the Town's SHI. These units shall be affordable as "moderate income", as defined in such Section 730."
 - d. Add the following new definition to Article 14: "Dwelling, Apartment - Any dwelling unit within a building containing more than two units where the dwelling units are connected by an interior corridor."
 - e. Add the following new definition to Article 14: "Townhome - A dwelling that has two levels and which is attached to a similar dwelling by a shared wall."

A full copy of the proposed Zoning by-law amendments is on file for review during the posted office hours for the Berlin Town Clerk's Office, Room 202, Berlin Town Offices, 23 Linden St., Berlin, MA 01503, and accessible online at www.mytowngovernment.org under "Planning Board".

Attendance/participation via Zoom in one of three ways: (1) Webinar link: <https://us02web.zoom.us/j/81219807909> (2) iPhone one-tap US: +13017158592,,81219807909# or +13126266799,,81219807909# (3) Telephone callers dial: +1 301 715 8592 or +1 312 626 6799 and enter Webinar ID# 812 1980 7909.

For the Board,

Timothy H. Wheeler