

CITY OF MARLBOROUGH MEETING POSTING

Meeting: **Planning Board**
Date: November 7, 2022
Time: **7:00 PM**
Location: Memorial Hall, 3rd Floor, City Hall, 140 Main Street, Marlborough, MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 NOV -3 PM 1:00

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

PUBLIC ATTENDANCE IS PERMITTED

Agenda Items to be Addressed:

1. Draft Meeting Minutes

A. October 17, 2022

2. Chair's Business

A. Millham Estates – Request to amend 1995 special permit

- i. Correspondence from Joseph P. Anderson, Esq. (Crowley & Cummings, LLC)
- ii. Recorded special permit

B. Unaccepted Streets – ***No Updates***

3. Approval Not Required (None)

4. Public Hearings

A. **7:05** - Council No. 22-1008679 – Proposed Amendment to Chapter 650, §40 – Location and Height of Buildings, relative to Attached Roofs for Entryway/Porches.

- i. MISC supporting documents, including Plan Set

5. Subdivision Progress Reports (None)

6. Preliminary/Open Space/Limited Development Subdivision

A. Howe's Landing Subdivision / Acceptance of Gikas Lane as a Public Way

- i. Correspondence from City Engineer, Thomas DiPersio, Engineering Division
- ii. Communication Assistant City Solicitor, Jeremy McManus
- iii. Referral from City Council

7. Definitive Subdivision

A. Tobin Drive, Definitive Subdivision Plan

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

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

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

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

Deed Reference: Book: 9742 Page: 148

- i. Correspondence from Assistant City Solicitor, Jeremy McManus, Legal Department
- ii. Final Draft Certificate of Vote
- iii. Final Draft Covenant
- iv. Correspondence from City Engineer, Thomas DiPersio, Engineering Division
- v. Correspondence from WSP – Response to Thomas DiPersio's August 18, 2022, comments
- vi. Revised Plan Set Dated: October 14, 2022

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business (None)

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.

CITY OF MARLBOROUGH MEETING POSTING

11. Calendar Updates

- A. Tobin Drive (F.K.A: Pettes Drive/Colchester Drive) (0 Stevens Street), Definitive Subdivision Plan, 135 days is Sunday July 24, 2022. Extension granted, vote by **November 7, 2022**, meeting.

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

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

October 17, 2022

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

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to nominate Mr. Fay as Chair Pro-Tem. Yea: Elder, Fay, Fowler, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

1. Draft Meeting Minutes

A. October 3, 2022

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the October 3, 2022, meeting minutes. Yea: Elder, Fay, Fowler, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

2. Chair's Business

A. *No Discussion Required* – Public Hearing Date set for November 7, 2022

Council No. 22-1008679 – Proposed Amendment to Chapter 650, §40 – Location and Height of Buildings, relative to Attached Roofs for Entryway/Porches.

Mr. Fay and Mr. Fowler notified the Board they would not be attending the November 7, 2022, meeting.

B. Unaccepted Streets – *No Updates*

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports

A. Goodale Estates

i. Correspondence from City Engineer, Thomas DiPersio, Engineering Division

Mr. LaVenture read the October 12, 2022, correspondence into the record.

On a motion by Mr. Elder, second by Mr. Russ, the Board voted to accept and file the correspondence. Yea: Elder, Fay, Fowler, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

Mr. Fay addressed concerns regarding seeding this late in the year and Mr. DiPersio said if the developer was to hydro-seed soon it would likely be OK. Mr. Fay asked about the impression in the road and Mr. DiPersio explained he believed this was from Eversource, and that he would have someone check the road condition after it rains to see if it is properly draining. Mr. Fay explained his concerns are ice.

On a motion by Mr. Elder, second by Mr. LaVenture, the Board voted to notify the developer to complete the items listed in Mr. DiPersio's correspondence and that the Board would not reduce the bond until these items are addressed. Yea: Elder, Fay, Fowler, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

6. Preliminary/Open Space/Limited Development Subdivision

A. Howe's Landing Subdivision / Acceptance of Gikas Lane as a Public Way

i. Communication Assistant City Solicitor, Jeremy McManus

Mr. LaVenture read the September 28, 2022, correspondence into the record.

On a motion by Mr. Elder, second by Mr. Russ, the Board voted to accept and file the correspondence. Yea: Elder, Fay, Fowler, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

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

ii. Referral from City Council

Mr. Fay asked if the cracks on Gikas Lane had been repaired. Mr. DiPersio explained he's asked the developer to make these repairs, but they have not been done. He explained he had previously made a recommendation about the road, stating that he didn't believe the cracks were indicative of any structural problems, but that the developer should crack seal them. He told the Board he would determine the current condition of the road and would provide a report at the November 7, 2022, meeting addressing the cracks and any other issues he sees, so the Board could make their recommendation. .

On a motion by Mr. Elder, second by Mr. Russ, the voted to not take any action on the acceptance of Gikas Lane and to keep this item on the November 7, 2022, agenda. Yea: Elder, Fay, Fowler, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

7. Definitive Subdivision

A. Tobin Drive, Definitive Subdivision Plan

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

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

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

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

Deed Reference: Book: 9742 Page: 148

i. Request for extension on decision

Mr. LaVenture read the October 12, 2022, correspondence from Carol Dennison, WSP, into the record.

On a motion by Mr. LaVenture, second by Mr. Elder, the Board voted to accept and file the correspondence and to grant the extension for the decision on the definitive subdivision submission for (0 Stevens Street) to November 7, 2022. Yea: Elder, Fay, Fowler, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

Mr. Bourque explained the plans were submitted today and that they would provide confirmation regarding the review status of the certificate of vote, and the municipal lien certificate.

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business (None)

11. Calendar Updates

- A. Tobin Drive (F.K.A: Pettes Drive/Colchester Drive) (0 Stevens Street), Definitive Subdivision Plan, 135 days is Sunday July 24, 2022. Extension granted, vote by **October 17, 2022**, meeting.

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

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

Respectfully submitted,

/kmm

George LaVenture/Clerk

CROWLEY & CUMMINGS, LLC

980 WASHINGTON STREET
SUITE 123
DEDHAM, MA 02026

TELEPHONE: 781-760-9523
FACSIMILE: 781-394-1051

November 3, 2022

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

To Whom It May Concern:

I represent the buyer of real property located at 55 Gregoire Drive, Marlborough, Massachusetts 01752 (hereinafter, the "Premises"). Our closing date is Thursday November 10, 2022. Our original closing date was Friday November 4, 2022 but we unfortunately could not close because of the following matter. Encumbering the Premises is a Special Permit recorded on April 21, 1995 with the Middlesex South Registry of Deeds in Book 25295, Page 595 (hereinafter, the "Special Permit.") The fifth condition set forth on page six (6) at the top of Book 25295, Page 601 of the Special Permit restricts the maximum price for the sale of the Premises. Underwriting counsel for the title insurance company for the Buyer and Buyer's lender recommended that I contact the Planning Board to obtain written confirmation that the Special Permit neither restricts nor limits the maximum price for the sale of the Premises excepting the original sale thereof.

The Special Permit should please be amended so that any price restriction solely applies to the original purchaser of the parcels of land to which the Special Permit encumbers.

Please find enclosed herewith a copy of the recorded Special Permit for your reference.

I appreciate your assistance with this matter.

Sincerely,

Joseph P. Anderson, Esq.

RECEIVED 2A:ii

FEB 28 1995

CITY CLERK
MARLBOROUGHGRANTING OF SPECIAL PERMIT
CONCEPT PLAN OPEN SPACE DEVELOPMENT

DECISION

The Planning Board of the city of Marlborough voted to GRANT a Special Permit to Clifford O. Avey, Rene Joyal and Ralph Vigeant, Trustees of a Trust for the Youth of St. Mary's Parish on February 27, 1995 under Ch. 200, Section 25.3 of the Marlborough Zoning Ordinance, Open Space Developments.

NAME OF APPLICANT: Clifford Avey
200 Millham Street
Marlborough, MA 01752

NAME OF SURVEYOR: Central Mass. Engineering & Survey
45 River Street
Marlborough, MA 01752

LANDSCAPE ARCHITECT: Vincent Rico
203 Edgebrook Drive
Boylston, MA 01505

LOCATION OF PROPERTY: 19.9 acres of land located on the north side of Millham Street between Evalina Drive and Otis Street (paper street) and across from Maurice Drive.

VOTE: In Favor: 5
In Opposition: 0

DECISION FILED WITH CITY CLERK: *Filed February 28, 1995*
(City Clerk)

16.00 This is to certify that twenty (20) days have passed since the filing of the within decision and no appeal thereto has been filed with this office.

95 Given at Marlborough this 21st day of March, 1995.

Given under Chapter 40A Sec.11 of the General Laws.

A TRUE COPY
ATTEST:

Jo Anne E. Reynolds
City Clerk

RECEIVED

FEB 28 1995

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VOTE: In Favor: 5
In Opposition: 0

DECISION FILED WITH
CITY CLERK:

APPEALS

Appeals, if any, shall be made pursuant to M.G.L. Ch. 40A, Section 17 and shall be filed within twenty (20) days after the date of the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough.

Barbara L. Fenby
Barbara L. Fenby, Chairwoman

8. Some neighboring residents in the City of Marlborough raised concerns over the additional traffic generated by the project.
9. The Applicants presented a conventional subdivision plan entitled "'Millham Estates' Preliminary Subdivision Plan of Land in Marlborough, Massachusetts Owned By: St. Mary's Boys School Plate 65 Parcel 5 Central Mass. Engineering & Survey, Inc. 72 Hosmer St. Marlborough, MA 01752 Date: Jan. 4, 1988 Scale: 1"=40'". Said plan shows that 16 lots could be constructed on the site, if a conventional subdivision was to be developed.
10. Those in favor of the project expressed the need for reduced price housing units for families with moderate incomes.
11. A statistical summary of market conditions in the new construction market dated July 29, 1994 by Marilyn Green, Realtor, G.R.I. was presented and reflected in the record (attached as Exhibit "A"). The summary offered evidence that less than twenty percent of new construction homes in Marlborough are offered at a price under \$200,000.00.
12. The Applicants stated that their houses will have a target range of between \$140,000.00 and \$180,000.00.
13. The City of Marlborough Assessors Office has determined that the average value of a single family house in Marlborough is \$146,300.00.
14. Such a target range would provide housing to families with household incomes in the \$40,000.00 to \$70,000.00 range.
15. Those in favor of the project highlighted the benefits in the permanent preservation of natural resources and open space. They emphasized that the open space plan will provide additional protection to the watershed for Millham Reservoir than the conventional plan.
16. A report from the Conservation Commission was received and reviewed as required under Ch. 200-25.3H(c).
17. The Conservation Commission found that:
 - (a) The 11.62 ± acres of open space are appropriately located.
 - (b) This open space development will provide more protection to the City's Millham Reservoir watershed than a conventional subdivision.
 - (c) The open space development will provide protection to the wetlands and the North Branch of Millham Brook.

(d) The open space proposed in the Millham Woods Open Space Concept Plan is contiguous to the land purchased by the City of Marlborough from Hillside School for watershed protection purposes.

(e) This open space development will protect a scenic path along the brook.

(f) The proposed project meets the intent of the Open Space Development Ordinance and would be more environmentally compatible than a conventional design.

18. Written comments from the Police Chief, Fire Chief and City Engineer were received and reviewed.
19. The Chief of Police upon review of the plan recommends the following:
 - (a) The installation of a "Not a Through Way" sign at the intersection of the sub-division street and Millham Street.
 - (b) The installation of a "Stop" sign on the sub-division street at its intersection with Millham Street to control traffic exiting the sub-division.
20. The Fire Chief upon review of the plan recommends the installation of one additional fire hydrant 400' in from Millham Street.
21. The City Engineer reviewed the open space plans and has opined that the Open Space Concept Plan essentially conforms with the specific criteria of 200.VI.25.3.
22. The Applicants have applied for a density bonus pursuant to Section 200-25.3(E)(2)(c) which will result in two additional lots.
23. The Applicants will use the proceeds from the sale of the two bonus lots (\$65,000.00 x 2 = \$130,000.00) to reduce the price of the other 13 lots in the subdivision. This will result in a reduction of approximately \$10,000.00 per house lot. This further calculates to a reduction of approximately \$4,000.00 in household yearly income thereby qualifying additional moderate income purchasers.
24. The sale of 15 houses in the \$140,000.00 to \$180,000.00 range would not otherwise be provided for in the Open Space Development if the density bonus under Section 200-25.3 E(2)(c) were not approved.
25. The Household Income Distribution Tables from the 1990 Census (attached as Exhibit "B") show that 34% of the Marlborough Households earned more than \$55,000.00, which is the targeted

mean household income for this development. Bonus lots would increase the percentage of qualified households to 38%, a 12% increase.

GENERAL FINDINGS

26. The Open Space Concept Plan and the Conventional Subdivision Plan submitted with the application for a Special Permit meet the requirements of Article VI, Section 200-25.3 of the Code of the City of Marlborough.
27. The development meets the purposes and objectives of an Open Space Development listed in Sub-section B. of Section 200-25.3.
28. The development conforms to the general requirements set forth in Sub-section D of said section.
29. The development meets the dimensional and intensity requirements set forth in Sub-section E of said section.
30. The development meets the design criteria of an Open Space Development listed in Sub-section H(8) (b) of the said Section.
31. The development will not have a substantial or undue adverse effect upon adjacent property or the character of the neighborhood.
32. The Open Space Development is at least as beneficial to the City of Marlborough as a development using the conventional plan would be.
33. The Open Space Development is in harmony with the general purpose and intent of the City of Marlborough Zoning Ordinance.

DENSITY BONUS FINDINGS

34. The Applicants have applied for a density bonus under Section 200-25.3E.(2)(c) resulting in two additional lots.
35. The Applicants will use the proceeds from the sale of the two bonus lots to reduce the price of the other 13 lots in the subdivision.
36. The two bonus lots will act as an incentive for the developer to offer certain amenities which would not otherwise be provided in the Open Space Development, i.e., the sale of single family houses in the \$140,000.00 to \$180,000.00 range.

37. Based on the data presented in the letter prepared by Marilyn Green, Realtor, G.R.I., there are no subdivisions offering new single family homes in the \$140,000.00 to \$180,000.00 range ("Reduced Price Housing"). Consequently, households in the moderate income range (\$40,000.00 to \$70,000.00) are prevented from purchasing a new home in a family orientated subdivision.
38. These unusual circumstances have caused the Planning Board to recognize the need for new housing in said price range (moderate income range) and in order to facilitate the building of this type of Reduced Price Housing the Planning Board hereby authorizes a density bonus of two lots.

DECISION

The Planning Board grants a Special Permit under the provisions of Article VI, Section 200-25.3 to Clifford Avey, Rev. Rene Joyal and Ralph Vigeant, Trustees of a Trust for the Youth of St. Mary's Parish to construct 15 single family dwelling units on 15 lots (inclusive of density bonus) as provided in the Open Space Concept Plan known as "Millham Woods" dated November 7, 1994 subject to the conditions listed below. Further, the Planning Board finds unusual circumstances exist (the need for new housing in the moderate income range) to support the authorization of a density bonus of two lots.

CONDITIONS

1. The Applicants shall submit to the Planning Board a definitive subdivision plan under the rules and regulations of the Planning Board for subdivision control in accordance with the provisions of Massachusetts General Laws Chapter 41, Section 81(0).
2. Final decisions on the request for waivers from the Subdivision Rules and Regulations shall be made during the definitive subdivision plan approval process.
3. Perimeter buffers shall be maintained under the provisions of Section 200-25.3F.(7).
4. The areas shown as Open Space on the concept plan shall be incorporated into the definitive subdivision plan. Prior to the granting of building permits, the Applicants shall deed to the City of Marlborough the open space parcels as shown on said plan to be used for conservation and passive recreation purposes and shall deposit with the City of Marlborough Conservation Maintenance Trust five thousand (\$5,000.00) Dollars.

5. All improved lots in the development shall be made available for home ownership in accordance with the following table:

| Square Feet of Living Space ¹ | Maximum Price ^{2 3} |
|---|------------------------------|
| 1,000 - 1,400 | \$140,000 |
| 1,401 - 1,600 | \$160,000 |
| 1,601 - 1,800 | \$180,000 ⁴ |

6. All units shall be owner occupied. This restriction shall only apply to the original purchaser.
7. The restrictions set forth herein shall be binding upon the heirs, successors and assigns of the Applicants.

¹ All unfinished second floor space to be counted as 50% of living space.

² The maximum price shall be adjusted each month based upon the Consumer Price Index for all urban consumers using February, 1995 as the base month.

³ Extras or upgrades, as customarily termed in the new construction business, shall not be counted against maximum price; provided, however, said exemption shall not exceed \$10,000.00.

⁴ Additional sq. ft. over 1,800 the maximum price will be increased by \$70.00 per square foot.

Upon a vote of 5 to 0 taken on February 27, 1995, the Marlborough Planning Board (grants/denies) this Special Permit to Clifford Avey, Rev. Rene Joyal and Ralph Vigeant, Trustees of a Trust for the Youth of St. Mary's Parish for the Millham Woods Open Space Development.

Marlborough Planning Board

IN FAVOR of Special Permit:

OPPOSED to Special Permit:

Barbara L. Fenby
Barbara L. Fenby, Chairperson

Lawrence G. Union, Jr.
Lawrence G. Union, Jr.

Philip B. Hodge
Philip B. Hodge

Edward F. Coveney
Edward F. Coveney

Clyde L. Johnson
Clyde L. Johnson

Middlesex South, s.s.

On this twenty-seventh day of February 19 95, before me personally appeared the above named, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Denise H. Paul
Notary Public: Denise H. Paul

January 20, 2000
My commission expires

Take reference 7663 / 296⁷

MARKET CONDITIONS

A general overview of the Marlboro new construction market from November 1, 1993 through present shows a considerable amount of inventory sold from \$162,900 to \$250,000. The statistics are as follows:

SOLDS (AVG. PRICE)

32 \$221,978.

SOLD UNDER \$200

7 \$173,407.

CURRENT (AVG. PRICE)

15 \$224,604.

CURRENT UNDER \$200

3 \$169,767.

My overview of the local market is as follows:

- a. There is no one particular "player" in the area controlling market share. The majority of the new construction sites are ill-kept and lack creativity in both design and character of the neighborhood. There is no continuing "theme" used to stimulate the flash-back visions of a potential buyer.
- b. The majority of the lots run approximately 1/2 acre with a few between 1/2 acre and 1 acre.
- c. As you can clearly see from the statistics above, to target a sub \$200K price point with the right product would certainly set us apart in the local marketplace.

**HOUSEHOLD INCOME DISTRIBUTION
1990 U.S. CENSUS
INCOME IN 1989**

| START OF INCOME RANGE | HOUSE- HOLDS | PERCENT IN RANGE |
|--------------------------------------|-------------------------|---------------------------------|
| 0 | 332 | 2.73% |
| 5,000 | 608 | 5.00% |
| 10,000 | 285 | 2.35% |
| 12,500 | 281 | 2.31% |
| 15,000 | 444 | 3.65% |
| 17,500 | 394 | 3.24% |
| 20,000 | 444 | 3.65% |
| 22,500 | 440 | 3.62% |
| 25,000 | 526 | 4.33% |
| 27,500 | 418 | 3.44% |
| 30,000 | 487 | 4.01% |
| 32,500 | 239 | 1.97% |
| 35,000 | 523 | 4.30% |
| 37,500 | 401 | 3.30% |
| 40,000 | 483 | 3.97% |
| 42,500 | 283 | 2.33% |
| 45,000 | 586 | 4.82% |
| 47,500 | 265 | 2.18% |
| 50,000 | 579 | 4.76% |
| 55,000 | 519 | 4.27% |
| 60,000 | 1,323 | 10.89% |
| 75,000 | 1,442 | 11.87% |
| 100,000 | 518 | 4.26% |
| 125,000 | 195 | 1.60% |
| 150,000 | 137 | 1.13% |
| TOTAL | 12,152 | 100.00% |

MEDIAN HOUSEHOLD INCOME \$41,315

SOURCE: 1990 U.S. CENSUS

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 OCT -5 PM 3:44

LEGAL NOTICE

Public Hearing –Proposed Zoning Amendment to Chapter 650, Section 40 to amend Location and Height of Buildings.

Notice is hereby given that the Planning Board of the City of Marlborough will hold a **PUBLIC HEARING** on **Monday, November 7, 2022, at 7:05 PM** in the Memorial Hall, 3rd floor, City Hall, 140 Main Street, Marlborough, Massachusetts to amend Chapter 650, Section 40 to amend Location and Height of Buildings.

THAT, PURSUANT TO SECTION 5 OF CHAPTER 40A OF THE GENERAL LAWS, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT CHAPTER 650 OF THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. By amending Chapter 650 (Zoning), Section 650-40 (Location and Height of Buildings), Subsection F(5) to read as follows (new text shown as underlined):

- (5) (a) Nothing herein shall prevent the projection of cornices or eaves not exceeding 18 inches in width or of uncovered steps, unroofed porches or windowsills into a required yard or other open space.

(b) For single-family and two-family dwellings, in all zoning districts: An attached roof covering an entryway or porch may project into the required yard setback, subject to compliance with all of the following requirements:

[1] Attached roof is permitted to project up to sixty (60) inches into the required yard setback;

[2] Attached roof shall not exceed forty (40) square feet;

[3] Attached roof shall not exceed allowable height per §650-41, Table of Lot Area, Yards and Height of Structures;

[4] Entryway or porch may not be enclosed nor living space or balconies erected above, excepting required elements such as railings;

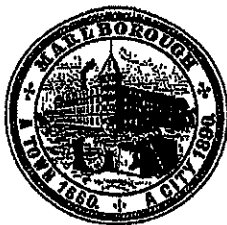
[5] Space beneath the porch may not be occupied; and

[6] Minimum setback from any street or way for an attached roof authorized under this subsection shall be five (5) feet.

- II. The effective date of these amendments shall be the date of passage.

Per Order of the City Council
#22-1008679

This Legal Advertisement will be published on www.wickedlocal.com and <http://masspublicnotices.org>.
AD#7886628
DN 10/24, 10/31/22



CITY OF MARLBOROUGH
ZONING BOARD OF APPEALS
Application for Variance or Appeal Hearing

FILE COPY

4A.i

Official Use :

Date Received : 3-16-2022 City Clerk's # _____ ZBA Case # 1490-2022

Request for :

☒ Variance ☐ Appeal

Information :

Property Address 65 Oakcrest Ave Zoning District A-2 Map# 44 Parcel# 51A

Applicant is: ☒ Owner ☐ Tenant ☐ Prospective Purchaser ☐ Other _____

I am the owner of the property and I have knowledge of, and consent to, this application.

Owner's signature Aura Gauthier Date 3/9/2022

Owner's name Robert Gauthier Address 65 Oakcrest Ave Marl.
State MA Zip 01752 Phone# 508-259-7420 E-mail gauthier2@gmail.com

Applicant name Robert + Aura Gauthier Address 65 Oakcrest Ave Marl.
State MA Zip 01752 Phone# 508-259-7420 E-mail aura@auragauthier.com

Representative Name: _____ Company _____

Address _____

State _____ Zip _____ Phone# _____ E-mail _____

Describe below what is being requested, such as what is the proposed action, relief, or construction on the property.

We are seeking a variance to the setback requirements by 4.6 ft in order to put a portico over our existing entryway. The footprint of the home and the entry will not change.

Provide below all sections of the Zoning Ordinance (Chapter 650, Article(s), Section(s), Paragraph(s), Subsection(s)) which are pertinent to the Variance (see denial letter).

Chapter 650 Article 41

Variance

1. What is the soil condition, shape or topography of **YOUR** lot or structure which **DISTINCTLY** affects your lot, as distinguished from other lots in the zoning district which it is located.

See attached sheet

2. What is the **HARDSHIP** that is **CAUSED** by the soil condition, shape or topography of your lot or structure stated above. **PERSONAL INCONVIENCE** is **NOT** a hardship. A hardship imposes a substantial financial penalty or directly affects your use of the land or structure as it is zoned.

See attached sheet

3. State how the variance you are requesting, if granted, will not nullify or detract from the intent or purpose of the Zoning Ordinance.

See attached sheet

4. State how the variance you are requesting, if granted, will not diminish the public welfare or well-being.

See attached sheet

Appeal

State the specifics of the Appeal (use additional sheet if necessary).

See attached sheet

Variance

1. What is the soil condition, shape or topography of **YOUR** lot or structure which **DISTINCTLY** affects your lot, as distinguished from other lots in the zoning district which it is located.

The lot is older than the rule requiring a minimum of 18,000 sq. ft. for single family dwelling lots, thus, our home was built before the present required setback rules and thus there is a 4.6 foot non-conformity for the setback. The original stairs, as built over sixty years ago were narrow and steep. In order to make them safer we have made them wider and not so steep. This would not be an issue for homes built after the 18,000 sq. ft. rule went into effect. Our lot is only 10,000 sq. ft. which makes it uniquely difficult to maintain a safe entry way while staying within a "conforming" set back. Adding a roof/portico, as proposed, over the door does not increase the present setback as it is now. Indeed, a strict adherence to the rule would ultimately prevent us from ever making any improvements safety or otherwise to the front of our home.

Furthermore, the home is North facing, which means the front does not get sufficient sun and it is often damp in the front as a result. This causes issue with rot and causes the landing and stairs to often be slippery, which is another safety concern we hope to alleviate with a roof/ portico over the door.

2. What is the **HARDSHIP** that is **CAUSED** by the soil condition, shape or topography of your lot or structure stated above. **PERSONAL INCONVENIENCE** is **NOT** a hardship. A hardship imposes a substantial financial penalty or directly affects your use of the land or structure as it is zoned.

In addition to the statements in response to No. 1 above, not having a roof/ portico over the front door to our home has allowed significant rot to the area over the years causing us significant expense. We have had to replace the shingles, sill and the door more than once in the time we have lived here. The North facing aspect of the house means wetness from rain, snow and other precipitation is slow to dry which causes rot. Additionally, after any precipitation because of the North facing aspect of the house, the landing is more likely to remain wet and be slippery risking injury to those entering or exiting our home.

3. State how the variance you are requesting, if granted will not nullify or detract from the intent or purpose of the zoning ordinance.

The portico over the front door will not increase the footprint of the home. It will simply provide a shelter for the front door landing protecting the home and those entering and exiting the home. The variance will not nullify or detract from the purpose of the ordinance. On the contrary, the variance will support the purpose by encouraging the appropriate use of the land and make the front entry safer, free from rot and more

aesthetic. As stated previously, the footprint of the home won't change and, thus, there is no impact to anything other than the positive impact to those entering and exiting the home or admiring its increased aesthetics. The purpose of the ordinance is to promote and conserve the health and general welfare of the inhabitants. This variance will do that by making our home safer to enter and exit. The ordinance is also to secure safety from fire, confusion or congestion – there can be no argument that a portico over the existing front entry would somehow prevent the secure safety from fire, confusion or congestion. The ordinance is also to facilitate the adequate provision of transportation, water, sewerage and other public services – The proposed portico would have zero impact to any public services – this is a private home seeking to add a shelter over an existing entryway. Again, this promotes the purpose that specifically is to encourage the most appropriate use of land. What is more appropriate than allowing a homeowner to better their property by allowing them to have a dry and safe entry to their single family home, which was built before the present set back requirements were put into place.

4. State how the variance you are requesting, if granted, will not diminish the public welfare or well-being.

The portico over the front door will not increase the footprint of the home. It will simply provide a shelter for the front door landing protecting the home and those entering and exiting the home. The variance will not diminish the public welfare or well-being and indeed improves it by preventing rot which could harm someone entering the house and reduce the risk of falls as described above in response to Nos. 1 & 2. Furthermore, it will improve the aesthetics of the house and neighborhood. See also response to No. 3 above.

Appeal

State the specifics of the Appeal (use additional sheet if necessary).

The appeal is to seek a variance to the setback requirement for a portico to be placed over our existing entryway as per the attached plans.

Application Packet:

The applicant shall submit ~~ten~~ (8) copies of the application packet which shall contain sufficient information to illustrate and defend the applicant's case and as a minimum shall consist of the following:

- ☐ Completed Zoning Board of Appeals Application Form
- ☐ Abutters List certified by the Assessor's Office
- ☐ Copy of denial letter from City Official
- ☐ Certified Plot Plan prepared and stamped by a Massachusetts Registered Professional Land Surveyor. A mortgage plan is **NOT** a certified plot plan. The certified plot plan shall include:
 - ☐ Plan Size 8 1/2" x 11" or 11" x 17"
 - ☐ Plans drawn to accurate scale with north arrow
 - ☐ Owner names and street addresses of directly abutting lots
 - ☐ Name of streets and zoning districts.
 - ☐ Bearing and distances of subject property
 - ☐ Dimensions and property line setbacks of all structures on subject property
 - ☐ Location of driveways, parking areas and other impervious surfaces on subject property
 - ☐ Location of walls, curbing, major landscaping, fences on subject property
 - ☐ Location of easements, wetlands and floodplains on subject property, if applicable
 - ☐ Dimensions and property line setbacks of all proposed work
 - ☐ Lot Coverage (area covered by all impervious surfaces) existing and proposed
 - ☐ Location and property line setbacks of structures, fences, driveways etc. on abutting lots that are within fifteen (15) feet of subject property lines
- ☐ Site plans of subject property showing topography and drainage structures, if regrading of the site or rerouting of runoff is proposed or if property is in Floodplain and Wetland Protection District.
- ☐ Architectural plans of new or modified building structure, if applicable.

Filing Fee: Filing fees are based upon the proposed **USE** of the property:

- | | | |
|---|----------|---|
| <input type="checkbox"/> Residential Non--revenue bearing | \$130.00 | ✓ |
| <input type="checkbox"/> Residential Revenue bearing | \$250.00 | |
| <input type="checkbox"/> Business, Commercial or Automotive | \$375.00 | |
| <input type="checkbox"/> Industrial, Limited or Full | \$500.00 | |
| <input type="checkbox"/> Special Permit (Flood Plain and Wetland Protection District..... | \$450.00 | |

Hearing Request: I hereby request a hearing before the Zoning Board of Appeals regarding this application packet and I am aware that two (2) legal ads will be placed in the MetroWest Daily News or the Marlborough Enterprise Weekly newspaper which will be billed directly to me or my representative. I am further aware that I am responsible for sending copies of the Notice of Hearing to all the abutters on the certified list at least fourteen (14) days prior to the hearing date and that I will submit the receipts confirming this mailing to the zoning office seven (7) days prior to the hearing. Finally, I am aware that I am required to record the board's certified decision and the certified plot plan with the Registry of Deeds in order for it to take effect.

Applicant's signature: *Aura Gauthier*
Print name: Robert + Aura Gauthier
and/or

Date: 3/9/2022

Representative's signature: _____
Print Name: _____

Date: _____

Official Use Only:

Received from applicant, the sum of \$ 132⁰⁰ Check # _____

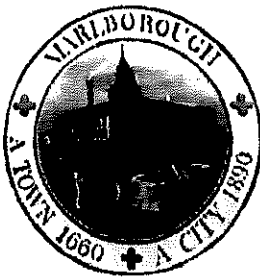
Signature of the agent of the Zoning Board of Appeals:

Susan Brown
Susan Brown - Board Secretary
Department - Zoning Board of Appeals
140 Main Street
Marlborough, MA 01752

Date: 3-16-2022

Tel# 508-460-3768 E-mail: sbrown@marlborough-ma.gov

The date and signature of the agent of the Zoning Board of Appeals will serve as certification as to when the **COMPLETE** application packet accompanied by the proper filing fee was filed with this office.



City of Marlborough

BUILDING DEPARTMENT

140 Main Street
Marlborough, MA 01752
Tel. (508) 460-3776 Facsimile (508) 460-3736
building_dept@marlborough-ma.gov

TIN HTWAY
BUILDING COMMISSIONER

LAURENT "LARRY" LEMIEUX
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

WILLIAM PAYNTON
BUILDING INSPECTOR

ETHAN LIPPITT
BUILDING INSPECTOR

MICHAEL LEEDS
BUILDING INSPECTOR

ZONING DENIAL

February 23, 2022

Property Owner:
Robert Gauthier
65 Oakcrest Avenue
Marlborough, MA 01752

Building Permit # BP-2022-000129

RE: 65 OAKCREST AVENUE, PARCEL ID #44-51A
PROPOSED CONSTRUCTION OF A NEW 5'x7' FRONT PORTICO

Mr. Gauthier,

Based upon the information provided on your permit application the plot plan prepared by Jarvis Land Survey, Inc, dated 11/5/2021, to construct a new 5'x7' front portico at the property listed above, located in Zoning District (A-2) does not comply with Chapter 650, Article 41, "Table of Lot Area, Yards and Height of Structures", of the City Code of Marlborough. This office offers the following comments:

1. The property is a lawful pre-existing non-conforming lot in regard to lot area and lot frontage.
2. The minimum lot area required is 18,000 sq.ft. The existing lot area is 10,001 sq.ft,
3. Minimum allowed lot frontage is 120 feet. The existing lot frontage is 100 feet
4. The minimum front yard setback in Chapter 650, Article 41 for Zoning District A-2 is 30 feet.
5. The existing front yard setback is 30.1 feet. The proposed front yard setback is 25.4 feet, creating a new non-conformity of 4.6 feet.
6. Your proposed new construction will require relief in the form of a Variance issued

65 OAKCREST AVENUE-PROPOSED FRONT PORTICO

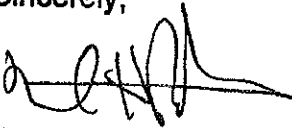
by the Zoning Board of Appeals. Detailed plans showing the existing conditions and the proposed construction will be required with your application to the ZBA.

You have the right to appeal this determination to the Zoning Board of Appeals as stated in the City Code section 650-57.

An appeal from this denial may be taken to the Zoning Board of Appeals by filing a Notice of Appeal with the Zoning Board of Appeals within 30 days of the date of this denial letter. Further information should be obtained from the Board of Appeals secretary, Susan Brown at 508-460-3768.

The code in its entirety may be found at www.ecode360.com/MA1056

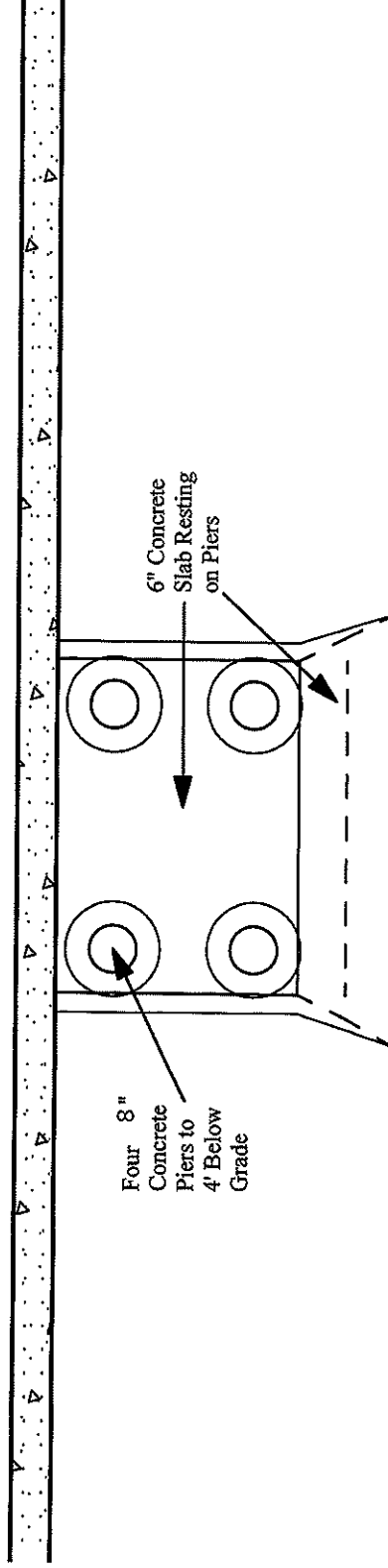
Sincerely,



William Paynton
Local Building Inspector
City of Marlborough, MA
(508)460-3776

wpaynton@marlborough-ma.gov
www.Marlborough-MA.gov

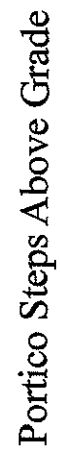
Existing House

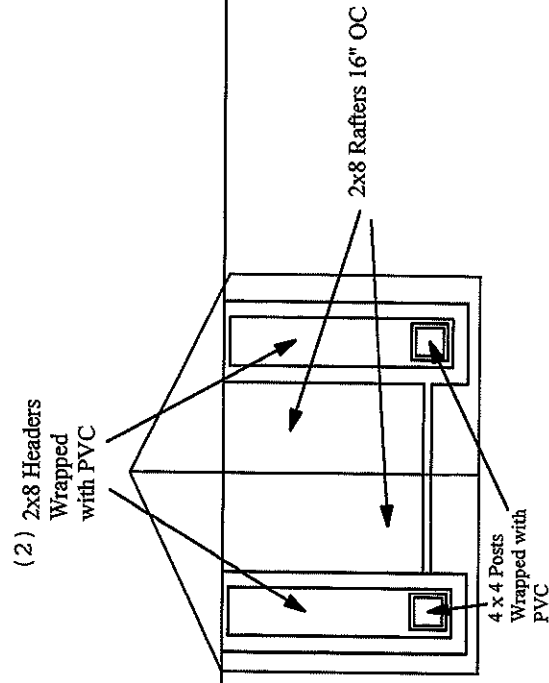


Portico Foundation Plan

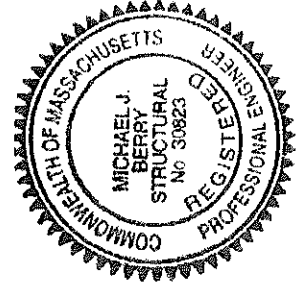


Michael J. Berry PE

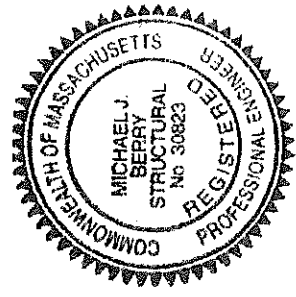
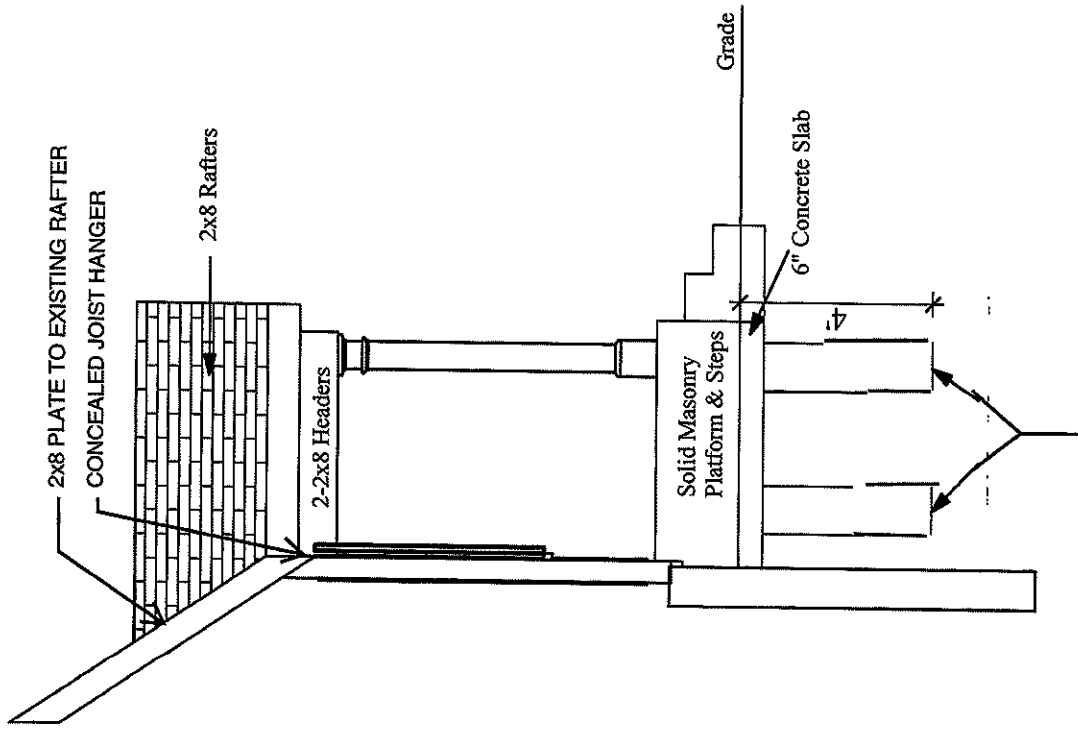




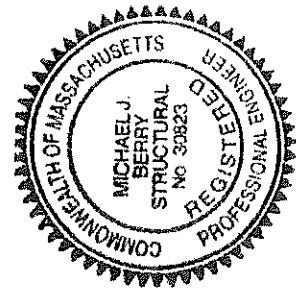
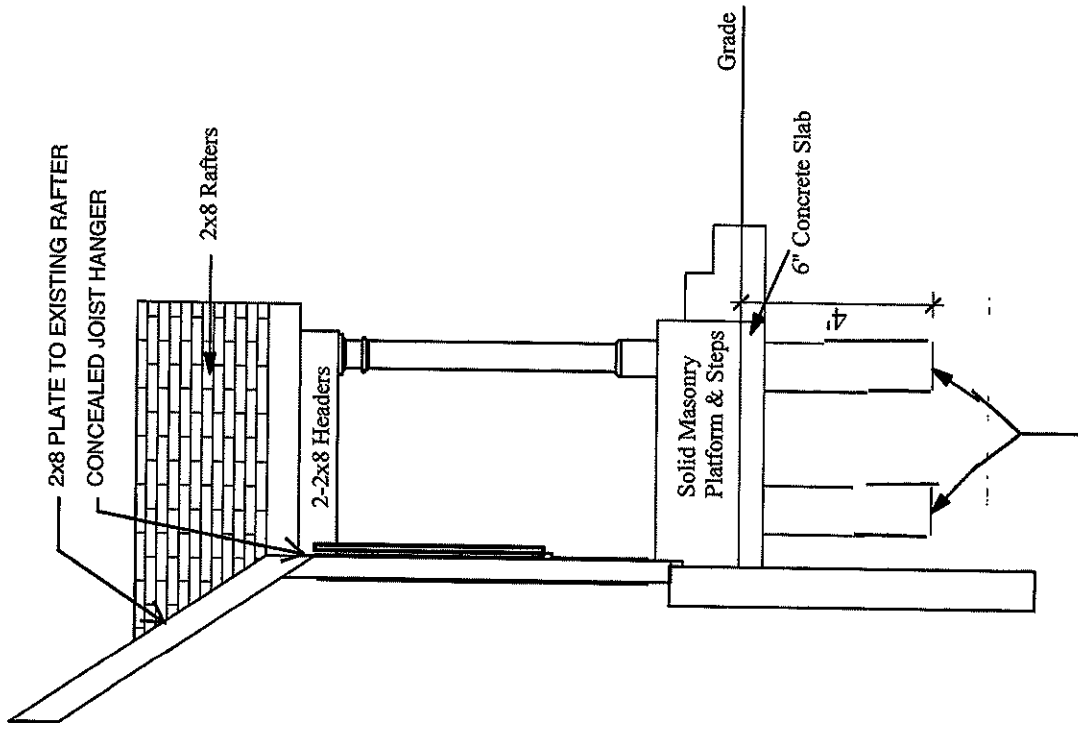
Roof Framing



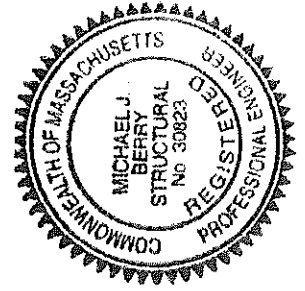
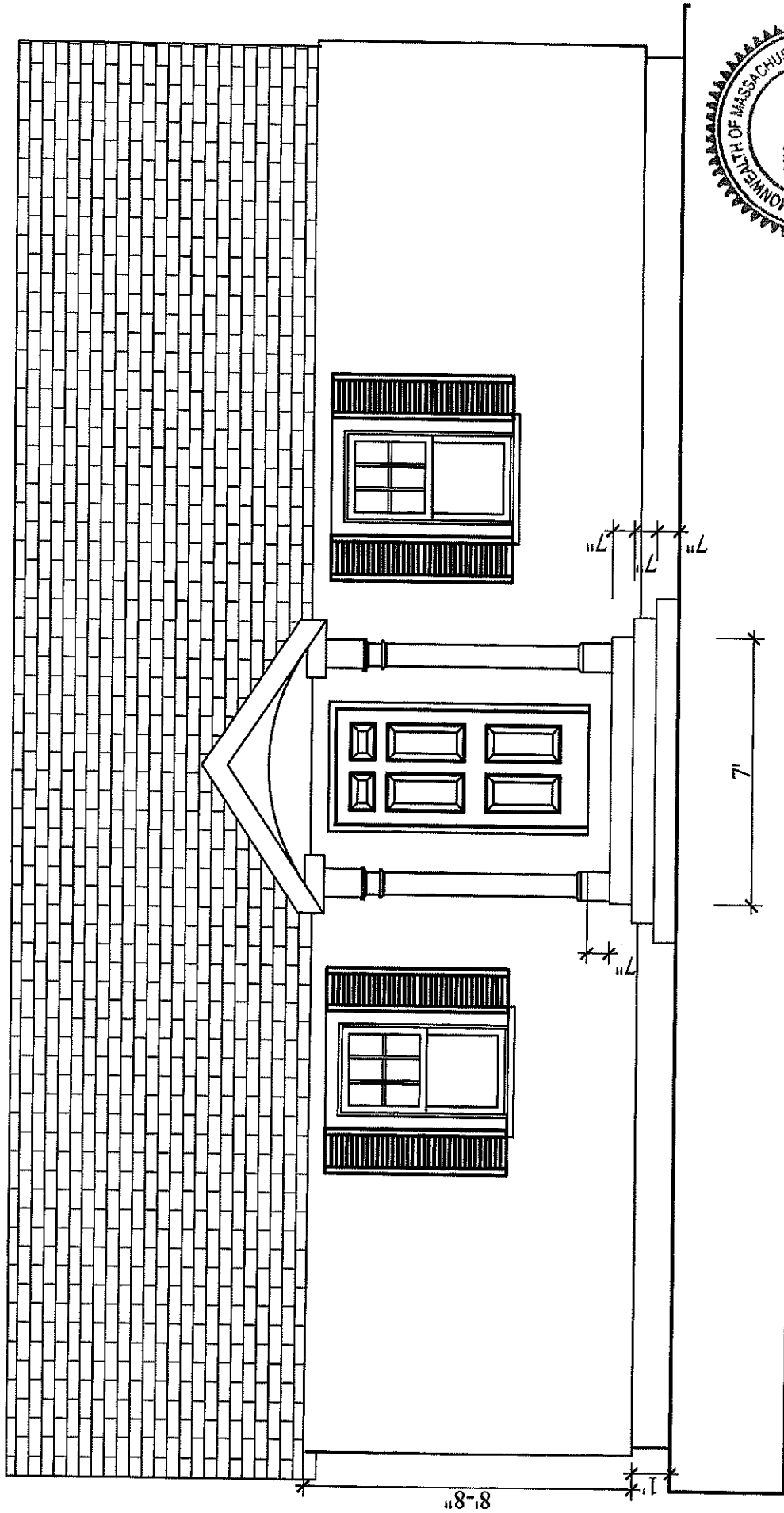
Michael J. Berry, P.E.



Michael J. Berry P.E.



Michael J. Berry, P.E.



Michael J. Berry P.E.

PLAN SHOWING PROPOSED COVERED PORCH
PREPARED FOR
ROBERT J. & AURA M. GAUTHIER
65 OAKCREST AVENUE
MARLBOROUGH, MASSACHUSETTS

JARVIS LAND SURVEY, INC
29 GRAFTON CIRCLE
SHREWSBURY, MA 01545
TEL. (508) 842-8087
FAX. (508) 842-0661
KEVIN@JARVISLANDSURVEY.COM

NOVEMBER 5, 2021
SCALE: 1 INCH = 30 FEET

* THE SURVEYOR RETAINS COPYRIGHT TO THE PLAN OF SURVEY, AND RE-USE OF THIS PLAN IS NOT ALLOWED WITHOUT PERMISSION FROM THE SURVEYOR.

1. THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO THE FINDINGS SUCH A REPORT MIGHT DISCLOSE.

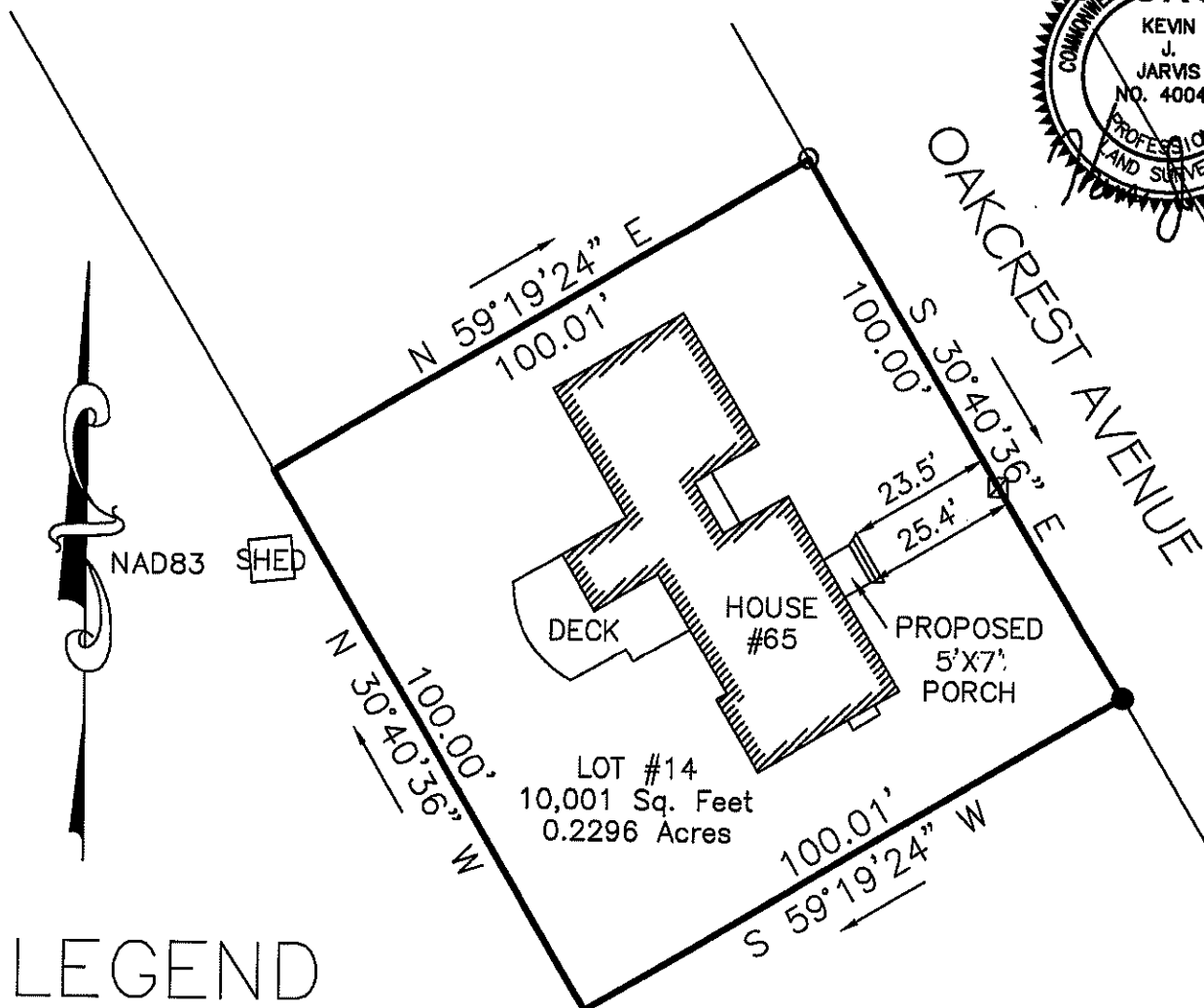
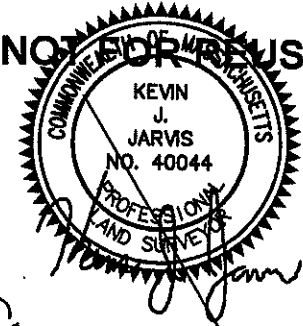
2. THIS PLAN HAS NOT BEEN PREPARED FOR RECORDING PURPOSES.

3. THE LICENSED MATERIAL CONTAINS VALUABLE PROPRIETARY INFORMATION BELONGING EXCLUSIVELY TO JARVIS LAND SURVEY, INC. THE LICENSED MATERIAL AND THE INFORMATION CONTAINED THEREON ARE COPYRIGHTED INSTRUMENTS OF PROFESSIONAL SERVICES AND SHALL NOT BE USED, IN WHOLE OR IN PART, FOR ANY PROJECT OTHER THAN THAT FOR WHICH THEY WERE CREATED, WITHOUT THE EXPRESS WRITTEN CONSENT OF JARVIS LAND SURVEY, INC. YOU AGREE NEVER TO REMOVE ANY NOTICES OF COPYRIGHT, NOR TO REPRODUCE OR MODIFY THE LICENSED MATERIAL.

ASSESSORS MAP 44
LOT 51A

11-5-2021

*NOT FOR REUSE



LEGEND

These standard symbols will be found in the drawing.

○ IRON PIPE FOUND

☒ STAKE SET

● IRON ROD SET





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 3, 2022

Marlborough Planning Board

RE: Update on Street Acceptance
Gikas Lane

Chair Fenby and Board Members,

Pursuant to a request from the board on October 17, 2022 and the referral to you from the City Council, the Engineering Division has inspected the condition of Gikas Lane. We found that the pavement has sustained some cracking since it was paved in 2018. I have notified the developer that the cracks need to be sealed. As of today this has not taken place. No other issues with the condition of the roadway were noted.

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

Sincerely,

Thomas DiPersio, Jr., PE, PLS
City Engineer

copy: Sean Divoll, P.E. – DPW Commissioner



IN CITY COUNCIL

6A.ii & iii

Marlborough, Mass., OCTOBER 3, 2022

ORDERED:

That the Communication from Assistant City Solicitor, Jeremy McManus, re: Howes Landing Subdivision/Acceptance of Gikas Lane as a Public Way, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE AND THE PLANNING BOARD.**

ADOPTED

ORDER NO. 22-1008691
X 22-1008553



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 SEP 28 AM 9:42

JASON D. GROSSFIELD

CITY SOLICITOR

JEREMY P. MCMANUS

ASSISTANT CITY SOLICITOR

September 28, 2022

*Public
sevs
Planning
Board*

Michael H. Ossing, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

Re: Howes Landing Subdivision / Acceptance of Gikas Lane as a Public Way
Order No. 22-1008553

Dear Honorable President Ossing and Councilors:

As requested, we have reviewed the above-referenced item as to legal form. Enclosed, please find a proposed order of acceptance for the above-referenced street and municipal easements in the Howe's Landing subdivision. The order is in proper legal form. This office takes no position on whether the street should be accepted. In any event, should the Council wish to proceed, then pursuant to MGL c. 41, § 81I the Council must refer this proposed street acceptance to the Planning Board for its review and report. Thereafter, the Council may act on the proposal upon receipt of the Planning Board's report, or upon the expiration of forty-five days after referral, whichever occurs first. Copies of the acceptance plan and the deed, which includes a description of the easements, are attached. The City Engineer has reviewed and approved the submittals.

Respectfully,

Jeremy P. McManus
Assistant City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Thomas DiPersio, Jr., City Engineer
Jason D. Grossfield, City Solicitor

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require:

that GIKAS LANE be accepted as a public way

from Hudson Street at Station 0+00 to its terminus at Station 4+98.67

and that the appurtenant easements be accepted as municipal easements,

as shown on plans thereof and as hereinafter described:

DESCRIPTION

Plan entitled, "Acceptance Plan of Land in Marlborough, MA", Owner: Howe's Landing Developers, LLC, 1818 Worcester Road, Suite 200, Framingham, MA 01701, Dated March 12, 2019, Prepared by: Colonial Engineering, Inc., 11 Awl Street, Medway, MA, Scale: 1"=40', which plan is to be recorded herewith.

Title to the roadways shown as Gikas Lane on said plan, and title to all the municipal easements shown on said plan as:

Drainage/Flowage Easements:

- Drainage/Flowage Easement, over Lot 7, containing 3,442 square feet
- Drainage/Flowage Easement, over Lot 7, containing 2,499 square feet
- Drainage/Flowage Easement, over Lot 8, containing 5,390 square feet
- Drainage/Flowage Easement, over Lot 9, containing 900 square feet
- Drainage/Flowage Easement, over Lot 10, containing 6,862 square feet

Landscape Easements:

- 20 ft. wide Landscape Easement, over Lot #1*,
- 20 ft. wide Landscape Easement, over Lot #2*,
- 20 ft. wide Landscape Easement, over Lot #3*,
- 20 ft. wide Landscape Easement, over Lot #4,
- 20 ft. wide Landscape Easement, over Lot #5,
- 20 ft. wide Landscape Easement, over Lot #6,
- 20 ft. wide Landscape Easement, over Lot #7*,
- 20 ft. wide Landscape Easement, over Lot #8*,
- 20 ft. wide Landscape Easement, over Lot #9*,
- 20 ft. wide Landscape Easement, over Lot #10*.

*A 20 ft. wide private utility (forced sewer) easement also exists within the Landscape Easement has been granted to the City of Marlborough in a quitclaim deed from Howe's Landing Developers, LLC, a Massachusetts limited liability company with a principal place of business at 1818 Worcester Road, Suite 200, Framingham, MA 01701, said deed to be recorded in substantially the same form herewith at the Middlesex County (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

GIKAS LANE be accepted as a public way, and its appurtenant easements be accepted as municipal easements, in the City of Marlborough.

ADOPTED
In City Council
Order No. 22-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

Return to:

QUITCLAIM DEED

HOWE'S LANDING DEVELOPERS, LLC, a Massachusetts limited liability company with a principal place of business at 1881 Worcester Road, Suite 200, Framingham, Massachusetts 01701 ("Grantor"),

for consideration of less than ONE HUNDRED DOLLARS (\$100.00)

grants to the **CITY OF MARLBOROUGH**, a municipal corporation with offices at 140 Main Street, Marlborough, Massachusetts 01752 ("Grantee")

with **QUITCLAIM COVENANTS**,

the land in Marlborough, Middlesex County, Massachusetts, on the southerly side of Hudson Street and being shown as "GIKAS LANE (40' WIDE)" on a plan entitled "Acceptance Plan of Land in Marlborough, MA" Owner: Howe's Landing Developers, LLC, 1818 Worcester Road, Suite 200, Framingham, MA 01701, Dated March 12, 2019, Prepared by: Colonial Engineering Inc., 11 Awl Street, Medway, MA, Scale: 1"=40'." which plan is recorded with the Middlesex South District Registry of Deeds herewith as Plan No. ____ of 2019. (the "Plan"). According to said Plan, Gikas Lane contains an area of 24,306 square feet and is more particularly described as follows:

Beginning at a stone bound on the southerly side of Hudson Street along the northerly sideline of Lot 1 as shown on said Plan,

THENCE running in a curved line having a radius of 30.00 feet along said Lot 1 a distance of 47.25 feet to a nail set;

THENCE running South 01° 58' 51" East along the westerly lot lines of Lot 1, Lot 2 and Lot 3 as shown on said Plan a distance of 287.96 feet to a stone bound;

THENCE running in a curved line having a radius of 200.00 feet through land shown as "City of Marlborough Sewer Taking" and along the westerly lot line of Lot 4 as shown on said Plan a distance of 84.95 feet to a nail set;

THENCE running in a curved line having a radius of 25.00 feet along said Lot 4 a distance of 19.65 feet to a nail set;

THENCE running in a curved line having a radius of 50 feet along Lot 4, Lot 5, Lot 6, land shown as "Open Space City of Marlborough" and Parcel A as shown on said Plan a distance of 248.72 feet to a stone bound;

THENCE running in a curved line having a radius of 25.00 feet along said Parcel A a distance of 28.37 feet to a re-bar/cap set;

THENCE running in a curved line having a radius of 160 feet along said Parcel A and along Land shown as "City of Marlborough Sewer Taking" and by the easterly lot line of Lot 7 as shown on said Plan a distance of 53.87 feet to a stone bound;

THENCE running North $01^{\circ} 58' 51''$ West along Lot 7, Lot 8, Lot 9 and Lot 10 as shown on said Plan a distance of 288.02 feet to a stone bound;

THENCE running in a curved line having a radius of 30.00 feet along said Lot 10 a distance of 47.74 feet to a stone bound;

THENCE running North $88^{\circ} 16' 03''$ East a distance of 85.13 feet along Hudson Street to a stone bound at the point of beginning.

The Grantor hereby conveys to the Grantee all of its right, title and interest in and to the easements shown on said Plan as "20' Utility & Landscape Easement" and "Drainage/Flowage Easement."

For title, see Deed from Sage Investors, Inc. to Grantor dated April 16, 2015 and recorded with said Registry on April 21, 2015 in Book 65244, Page 455.

(Signatures appear on the following page)

Executed at Framingham, Massachusetts this ____ day of _____, 2022

HOWE'S LANDING DEVELOPERS, LLC

By: _____
John R. Parsons, Jr., its manager

By: _____
Victor C. Galvani, its manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this ____ day of _____, 2022, before me, the undersigned Notary Public, personally appeared John R. Parsons, Jr. and Victor C. Galvani, managers as aforesaid, and proved to me through satisfactory evidence of identification, which was [] photographic identification with signature issued by a federal or state governmental agency, [] oath or affirmation of a credible witness, [] personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that each one signed it as a duly authorized manager of Howe's Landing Developers, LLC, voluntarily for its stated purpose, before me.

Notary Public



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

JEREMY P. MCMANUS
 ASSISTANT CITY SOLICITOR

VIA E-MAIL ONLY

November 3, 2022

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

Re: Definitive Subdivision Plan, 0 Stevens Street Subdivision (Tobin Road)

Dear Honorable Planning Board Members:

As requested, I have reviewed the proposed form of the certificate of vote and covenant, in connection with the above-referenced subdivision plan. Enclosed for the Board's consideration, please find versions in proper legal form. Pursuant to Planning Board Rules and Regulations section A676-10(L)(1)(B), a lot must be selected to be retained and not built upon or conveyed in any means until after the covenantors have met all requirements of the City to complete the street acceptance process. Once this lot is selected, it may be added to Paragraph 9 of the covenant.

Additionally, Planning Board Rules and Regulations section A676-10(F)(5) requires subdividers to submit a municipal lien certificate indicating that all taxes, assessment, and charges on the property have been paid in full prior to the Planning Board approving a definitive plan of subdivision.

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

Respectfully,

Jeremy P. McManus
 Assistant City Solicitor

Enclosures

cc: Applicant
 Thomas DiPersio, Jr., City Engineer

CERTIFICATE OF VOTE
DEFINITIVE SUBDIVISION PLAN
0 STEVENS STREET

_____, 2022

Pursuant to MGL c. 41, s. 81 and the Planning Board's Rules and Regulations Governing the Subdivision of Land in Marlborough, the Planning Board of the City of Marlborough (the "Planning Board") hereby certifies that on _____, 2022 it voted to approve a Definitive Subdivision Plan for a Residential Subdivision for property located on 0 Stevens Street, Marlborough, MA 01752 owned by Amy M. Aldrich of 246 Main Street #1, Marlborough, MA 01752 and Rebecca Chaousis of 283 Bolton Street, Marlborough, MA 01752 or its Assignee as follows:

PROCEDURAL FINDINGS:

1. On March 11, 2022, an application (the "Application") was filed on behalf of Amy M. Aldrich of 246 Main Street #1, Marlborough, MA 01752 and Rebecca Chaousis of 283 Bolton Street, Marlborough, MA 01752 (Collectively, the "Applicant"), pursuant to M.G.L. c. 41, § 810, and the Planning Board's Rules and Regulations Governing the Subdivision of Land in Marlborough (the "Rules and Regulations"), seeking approval of five (5) lot, single-family definitive subdivision plan as shown on a plan entitled "Definitive Plan for Tobin Road, Map 44 Lot 148, Marlborough, Massachusetts, Middlesex County" prepared by WSP USA, 100 Summer Street, Boston, MA 02493, dated March 11, 2022 and last revised on October 14, 2022 (the "Plan"), on land identified on the City of Marlborough's Assessor's Map ("Assessor's Map") as Map 44, Parcel 148, located on 0 Stevens Street, Marlborough, MA 01752, owned by Applicant, further identified in the Middlesex South District Registry of Deeds in Book 79734 Page 446 and consisting of 23 acres of land ("Development").
2. The Planning Board provided copies of the Application to other City boards and commissions, departments and officials including, but not limited to, the Building Commissioner, Conservation Commission, Department of Public Works, Fire Chief, City Engineer and City Solicitor. The Applicant further provided a copy of the Application to the Board of Health.
3. The Board of Health submitted an email correspondence dated August 8, 2022, indicating the Board of Health had reviewed the Definitive Subdivision Plans for 0 Stevens Street and had no objections to the Planning Board issuing a subdivision approval if they deem it appropriate.
4. The City Engineer submitted a review letter dated August 18, 2022, summarizing engineering-related comments on the plans. The City Engineer indicated that the majority of engineering-related issues had been addressed and remaining issues were minor in nature.
5. After notice and publication was provided pursuant to the applicable provisions of M.G.L. c. 41, 81 T of the Subdivision Control Law, and the applicable provisions of the Rules and Regulations, a public hearing on the Application commenced on May 9, 2022. The Planning Board closed the public hearing on May 9, 2022.
6. Planning Board members Barbara Fenby, Sean Fay, Phillip Hodge, George LaVenture, Christopher Russ, and William Fowler were present for the public hearing. Any member(s) who were absent from a single session of the public hearing on the Application, prior to the vote on this decision, filed a written certification as to examination of all the evidence and testimony received at the hearing session, made as part of the record of the hearing, in accordance with Massachusetts General Laws Chapter 39, Section 23D.

CERTIFICATE OF VOTE
DEFINITIVE SUBDIVISION PLAN
0 STEVENS STREET

7. The Plan was further amended on July 21, 2022, and October 14, 2022, to incorporate details and to address the comments and requirements of City Engineer Thomas DiPersio.
8. Planning Board members Barbara Fenby, Sean Fay, Phillip Hodge, George LaVenture, Christopher Russ, Matthew Elder, and William Fowler, deliberated on the Application at duly authorized meetings including on November 7, 2022.

PROJECT FINDINGS:

- A. The subject property consists of one (1) lot owned by the Applicant identified on the City Assessors Maps as follows: Map 44, Parcel 148.
- B. In seeking approval of the amended Plan, the Applicant proposes to build a new road containing five (5) lots, subject to conditions set forth below.
- C. The Development, as governed by the conditions set forth in this Certificate of Vote, is consistent with the applicable provisions of the Subdivision Control Law and the Rules and Regulations.
- D. The Development, as governed by the conditions of this Certificate of Vote, will not present a public safety hazard to the City or surrounding properties.
- E. WAIVERS - None

CONDITIONS:

The Planning Board on _____, 2022, by a vote of ___ to ___, approved the Plan, as amended, as described above, subject to the following conditions:

- A. All easements, if any, shown on the Plan for the benefit of the abutters/lots shall be deeded to the respective abutters/lots after the Plan and covenant are recorded.
- B. Prior to their installation, all final landscaping, signage and/or improvements within the subdivision road's right of way shall be approved by the City Engineer.
- C. The Applicant shall provide for a Performance Guarantee, in a manner acceptable to the Planning Board, to ensure that the required improvements will be constructed and/or installed in accordance with the approved Plan.
- D. The Applicant shall record at the Middlesex South District Registry of Deeds an executed copy of this Certificate of Vote and of the approved Plan and shall forthwith provide those copies to the Planning Board and the Solicitor's office.
- E. Any future change, modification or amendment to the approved Plan, as may be approved by the Planning Board, shall be in accordance with the requirements of M.G.L. Chapter 41, 81 w.
- F. All conditions herein shall apply to Applicant, its successors and assigns, and to its successors in title to the Development.

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CERTIFICATE OF VOTE
DEFINITIVE SUBDIVISION PLAN
0 STEVENS STREET

RECORD OF VOTE:

The following members of the Planning Board voted on _____, 2022, to approve the Plan, as amended:

Barbra L. Fenby

William Fowler

Philip J. Hodge

Sean N. Fay

George LaVenture

Christopher Russ

Matthew Elder

CERTIFICATE

I hereby certify that twenty (20) days have elapsed since the Board's filing of a copy of the above-referenced vote in the Office of Marlborough City Clerk on _____, 2022, and that no notice of an appeal of that decision has been timely filed with said office.

A True Copy Attest:

Steven Kerrigan
Marlborough City Clerk

Date

This Covenant recorded in the Middlesex South District Registry of Deeds at _____ Book _____ Page _____ is made this day of, _____ 2022. The undersigned, Amy M. Aldrich of 246 Main Street #1, Marlborough, MA 01752 and Rebecca L. Chaousis of 283 Bolton Street, Marlborough, MA 01752 (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 Plan for Tobin Road, Map 44 Lot 148, Marlborough, Massachusetts, Middlesex County" dated March 11, 2022 and last revised on October 14, 2022, prepared by WSP USA, 100 Summer Street Boston, MA 02493, on land located on 0 Stevens Street, Marlborough, MA 01752 (said plan being hereinafter called the "Plan"), in accordance with the conditions of Approval as voted by the Planning Board on _____, _____, 2022, does hereby covenant, and agree with the Planning Board, pursuant to Massachusetts General Laws (Ter. Ed.) Chapter 41, Section 81 U, as amended that:

1. The Covenantor is the owner of record of the premises, including 5 house lots ("Lots"), Lots 1, 2, 3, 4, 5", as shown on the Plan, which is to be recorded in the Middlesex South District Registry of Deeds herewith as Plan No. _____ of 2022 and is referred to herein. There are no mortgages of record or otherwise on any of said premises.
2. This Covenant shall run with the land 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 for the benefit of the abutters and shall be deeded to the respective abutters after the Plan and covenant are recorded.
6. Prior to the release by the Planning Board of any Lots shown on the Plan from the terms of this Covenant, the Covenantor or its assignee(s) shall deposit with the City of

COVENANT

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 Finance Director.

8. 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.

9. Pursuant to the Planning Board Rules and Regulations, lot _____ shall be retained and may not be built upon or conveyed in any means until after the covenantors have met all requirements of the City to complete the street acceptance process.

10. Pursuant to Massachusetts General Laws (M.G.L.) Chapter 41, Section 8 IR, 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,"

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

12. 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

COVENANT

(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.

13. The City of Marlborough shall not be responsible for the maintenance and care of the subdivision road or other improvement. 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.

14. All as-built plans and profiles pertaining to the Plan shall be submitted to the City Engineer forthwith after the completion of said subdivision road. Copies of all the site plans prepared for each of the individual building Lots shall be submitted to the City Engineer for review and approval to be included with the application for a Building Permit.

15. Prior to the execution of this Covenant, the Covenantor agrees to submit a work schedule, and a progress report every month beginning 60-days after the Covenant is signed, 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.

16. 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.

17. 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.

18. This Covenant shall take effect upon the approval of the Plan.

19. 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

COVENANT

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.

20. 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.

21. The undersigned, Amy M. Aldrich of 246 Main Street #1, Marlborough, MA 01752 and Rebecca L. Chaousis of 283 Bolton Street, Marlborough, MA 01752, hereby certifies that (i) the ownership has not been altered, amended, rescinded, revoked or terminated in whole or in part; (ii) are the owners of the property (iii) none of the owners have died, and all owners are eighteen (18) years of age or older, and of sound mind, and (iv) that we have been authorized and directed by Amy M. Aldrich of 246 Main Street #1, Marlborough, MA 01752 and Rebecca Chaousis of 283 Bolton Street, Marlborough, MA 01752 to execute and deliver this Covenant.

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COVENANT

EXECUTED AS A SEALED INSTRUMENT this _____ day of _____, 2022.

Covenantor: _____

Amy M. Aldrich

THE COMMONWEALTH OF MASSACHUSETTS MIDDLESEX, SS

On this _____ of _____, 20____, before me, _____ (name of notary public), _____ (name of document signer) personally appeared and proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

EXECUTED AS A SEALED INSTRUMENT this _____ day of _____, 2022.

Covenantor: _____

Rebecca L. Chaousis

THE COMMONWEALTH OF MASSACHUSETTS MIDDLESEX, SS

On this _____ of _____, 20____, before me, _____ (name of notary public), _____ (name of document signer) personally appeared and proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Signature Page to Follow

COVENANT

**CITY OF MARLBOROUGH
COMMONWEALTH OF MASSACHSETTS**

Approved and Accepted: _____, 2022.
Marlborough Planning Board, City of Marlborough.

Barbra L. Fenby

William Fowler

Philip J. Hodge

Sean N. Fay

George LaVenture

Christopher Russ

Matthew Elder



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 2, 2022

Marlborough Planning Board

RE: 0 Stevens Street Subdivision
Tobin Road

Chair Fenby and Board Members,

I have reviewed the updated subdivision plans, dated (revised) 10/14/22, and the correspondence from the engineers dated 10/13/22. I can confirm that all outstanding engineering items have been addressed.

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

Sincerely,

Thomas DiPersio, Jr., PE, PLS
City Engineer

copy: Applicant and representative



City of Marlborough
Department of Public Works

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

7A.v

SEAN M. DIVOLL, P.E.
COMMISSIONER

August 18, 2022

Marlborough Planning Board

RE: Definitive Subdivision Plan
"Pettes Drive" (FKA "Colchester Drive"), Stevens Street

Chair Fenby and Board Members,

The Engineering Division has conducted a review of the updated Definitive Subdivision Plans entitled:
"Definitive Plan for Pettes Drive, Map 44, Lot 148, Marlborough, Massachusetts", Dated: March 11, 2022,
revised July 21, 2022

The plans were updated to address comments from the Engineering Division in a letter to the board dated May 3, 2022. Upon our review we can confirm that the majority of our comments have been addressed. At this time our outstanding issues with the plans are as follows:

1. We do not approve of the proposed "curb inlet", to convey runoff from the roadway under the sidewalk into the basin. The grades should allow for a traditional catch basin at this location instead of the curb inlet.
2. The proposed drainage overflow pipe from the infiltration basin should be moved to the north end of the basin and connected to the existing catch basin in Stevens Street, instead of the proposed drainage connection and piping in Stevens Street as they are shown on the plan.
3. Bounds shall be set at all easement corners.
4. Invert information and size is needed for the flared end sections.
5. The proposed roadway should be referred to as "Parcel A" instead of "Lot A".
6. The plan should contain a note stating that the exact locations of the proposed street trees shall be determined after site utilities are installed, and approved by the Marlborough DPW.
7. Where possible, the sewer main should be moved to provide 5 feet separation from the drain.

These comments are generally minor in nature and we can work with the engineer in addressing them. I will be at your meeting on August 22 and can discuss further at that time. In the meantime if you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,

Thomas D. Persio

Thomas DiPersio, Jr., PE, PLS
City Engineer

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

CHRISTOPHER S. LAFRENIERE
ASST. COMMISSIONER, UTILITIES

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



10/13/2022

DEFINITIVE PLAN RESPONSE TO COMMENTS

1. The proposed “curb inlet” has been replaced with a concrete block gutter inlet with a 12” reinforced concrete discharge pipe.
2. The proposed drainage overflow pipe from the infiltration basin has been relocated to the north end of the basin and connected to existing catch basin in Steven’s Street.
3. Proposed bounds have been added to all proposed easement corners.
4. Invert information and sizes have been added to all flared end sections on the profile sheet.
5. The proposed roadway has been changed to “Parcel A”.
6. A note has been added to C-002 stating, “Exact locations of the proposed street trees shall be determined after site utilities are installed and approved by the Marlborough DPW”.
7. All drain lines have a minimum 5 feet separation from all sewer lines.
8. The proposed street has been renamed to Tobin Road per City’s request.

DEFINITIVE PLAN
FOR
TOBIN ROAD
MAP 44 LOT 148
MARLBOROUGH, MASSACHUSETTS
MIDDLESEX COUNTY
MARCH 11, 2022

APPROVED BY THE
MARLBOROUGH PLANNING BOARD

DATE: _____

REGISTRY USE ONLY:

GENERAL NOTES

- 1. FOR ADDITIONAL PROPERTY LINE INFORMATION REFER TO THE DEED IN BOOK 9742, PAGE 362 RECORDED AT THE MIDDLESEX REGISTRY OF DEEDS.
- 2. CITY OF MARLBOROUGH ASSESSOR'S MAP/LOT REFERENCE FOR THE PROJECT IS MAP 44, LOT 148.
- 3. THE ZONING CLASSIFICATION FOR THIS PROJECT IS RESIDENTIAL ZONES A-2 AND A-3.
- 4. THIS PLANSET IS INTENDED FOR PERMITTING REVIEW AND APPROVAL ONLY.

DRAWING INDEX

| | |
|-------|--------------------------|
| G-001 | TITLE SHEET |
| G-002 | ABUTTERS LIST |
| E-001 | EXISTING CONDITIONS PLAN |
| C-001 | LOTING PLAN |
| C-002 | GRADING AND UTILITY PLAN |
| C-003 | PLAN & PROFILE |
| C-004 | CONCEPTUAL SITE PLAN |
| C-005 | EROSION CONTROL PLAN |
| C-006 | DETAIL SHEET 1 OF 5 |
| C-007 | DETAIL SHEET 2 OF 5 |
| C-008 | DETAIL SHEET 3 OF 5 |
| C-009 | DETAIL SHEET 4 OF 5 |
| C-010 | DETAIL SHEET 5 OF 5 |

PREPARED FOR:

APPLICANT:

CHARLES BOURQUE
STEVENS STREET DEVELOPMENT LLC
131 BLACK BEAR DRIVE, SUITE 1912
WALTHAM, MA 02451

OWNER:

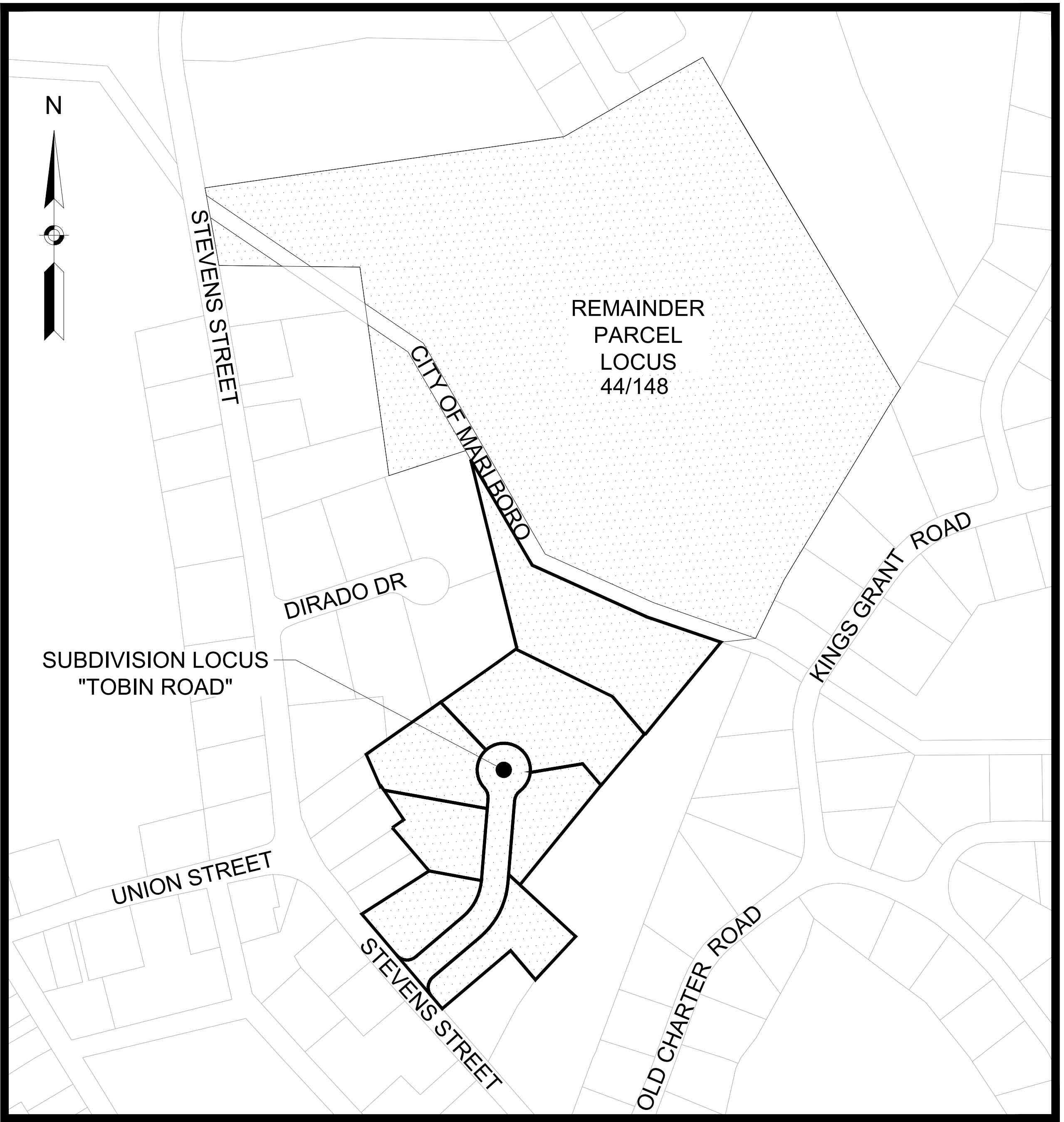
JAMES & REBECCA CHAOUSIS
283 BOLTON STREET
MARLBOROUGH, MA 01752

PREPARED BY:

CIVIL:



WSP USA
100 SUMMER STREET
BOSTON, MA 02110



PROJECT LOCUS
SCALE: 1" = 150'

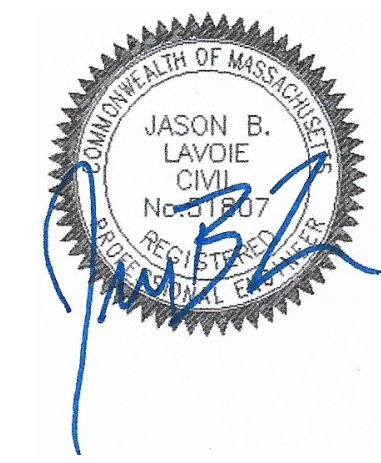
ZONING
RESIDENTIAL CLASS A-2 & A-3

ZONING REQUIREMENTS

| | ZONE A-2 | ZONE A-3 |
|----------------------|-------------|-------------|
| MINIMUM LOT AREA | 18,000 S.F. | 12,500 S.F. |
| FRONTAGE | 120 FT. | 100 FT. |
| FRONT YARD | 30 FT. | 20 FT. |
| SIDE YARD | 15 FT. | 15 FT. |
| REAR YARD | 40 FT. | 30 FT. |
| MAXIMUM LOT COVERAGE | 30% | 30% |

PROPOSED LOTS ZONING COMPLIANCE

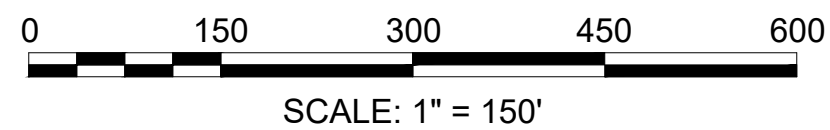
| | LOT 1 | LOT 2 | LOT 3 | LOT 4 | LOT 5 |
|-----------------------|--------------|--------------|--------------|-------------|--------------|
| ZONING CLASSIFICATION | A-2/A-3 | A-2 | A-2 | A-2 | A-2 |
| LOT AREA | 20,275± S.F. | 18,000± S.F. | 26,142± S.F. | 51,805±S.F. | 24,315± S.F. |
| FRONTAGE | 217± FT. | 131± FT. | 120± FT. | 120± FT. | 213± FT. |
| FRONT YARD | 30 FT. | 30 FT. | 30 FT. | 30 FT. | 30 FT. |
| SIDE YARD | 15 FT. | 15 FT. | 15 FT. | 15 FT. | 15 FT. |
| REAR YARD | 40 FT. | 40 FT. | 40 FT. | 40 FT. | 40 FT. |



| REVISIONS: | | | |
|------------|----------|--|-----|
| REV NO: | DATE: | DESCRIPTION: | BY: |
| 1 | 7/21/22 | REVISIONS TO PLANNING BOARD 5/3/22 COMMENTS | NSB |
| 2 | 10/14/22 | REVISIONS TO PLANNING BOARD 8/14/22 COMMENTS | JAZ |
| | | | |

SHEET NUMBER:

G-001



DATE: _____

SHEET NUMBER:

G-002



APPROVED BY THE
MARLBOROUGH PLANNING BOARD

DATE:

LEGEND

| | | | |
|------|--------------------------|------|--------------------------------|
| BMK | BENCHMARK | CBWH | CONCRETE BOUND WITH DRILL HOLE |
| BOMO | BOLT OVER MAIN OUTLET | SBWH | STONE BOUND WITH DRILL HOLE |
| BIT | BITUMINOUS PAVEMENT | IPF | IRON PIPE FOUND |
| CONC | CONCRETE PAVEMENT | IRF | IRON ROD FOUND |
| BC | BITUMINOUS CURB | | CATCH BASIN |
| GC | GRANITE CURB | | DRAIN MANHOLE |
| LSA | LANDSCAPED AREA | | SEWER MANHOLE |
| FFE | FINISHED FLOOR ELEVATION | | ELECTRIC BOX |
| SRW | STONE RETAINING WALL | | GAS VALVE |
| CRW | CONCRETE RETAINING WALL | | WATER GATE |
| BRW | BLOCK RETAINING WALL | | WATER SHUT OFF |
| SWL | SOLID WHITE LINE | | FIRE HYDRANT |
| DYL | DOUBLE YELLOW LINE | | GUY WIRE |
| RC | REINFORCED CONCRETE PIPE | | UTILITY POLE WITH RISER |
| VC | VITROUS CLAY PIPE | | UTILITY POLE |
| PVC | POLYVINYL CHLORIDE | | UTILITY POLE WITH LIGHT |
| CA | COATED ASBESTOUS PIPE | | DECIDUOUS TREE |
| DI | DUCTILE CAST IRON PIPE | | CONIFER TREE |
| INV. | INVERT | | SHRUB |
| (R) | RECORD INFORMATION | | SIGN (SINGLE POSTED) |
| NPV | NO PIPES VISIBLE | | POST |
| CNO | COULD NOT OPEN | | MAILBOX |
| | | | ABUTTERS LOT LINE |
| | | | PROPERTY LINE |
| | | | EASEMENT LINE |
| | | | ZONING LINE |
| | | | CHAIN LINK FENCE |
| | | | WOOD FENCE |
| | | | VINYL FENCE |
| | | | EDGE OF BROOK |
| | | | STONE WALL |
| | | | TREE LINE |
| | | | INTERMEDIATE CONTOURS |
| | | | INDEX CONTOURS |

SURVEYORS NOTES

1. THIS PLAN WAS PREPARED FROM AN ACTUAL ON THE GROUND FIELD SURVEY CONDUCTED BY WSP IN JUNE OF 2021.
2. THE HORIZONTAL DATUM SHOWN HEREON IS REFERENCED TO THE NORTH AMERICAN DATUM OF 1983, MASSACHUSETTS STATE PLANE MAINLAND COORDINATE SYSTEM AND WAS ESTABLISHED UTILIZING RTK GPS SURVEY TECHNIQUES.
3. THE VERTICAL DATUM SHOWN HEREON IS REFERENCED TO THE VERTICAL DATUM NAVD88 AND WAS ESTABLISHED ON SITE UTILIZING RTK GPS SURVEY TECHNIQUES.
4. THE SURVEYED PROPERTY IS SUBJECT BUT NOT LIMITED TO THE INFORMATION SHOWN HEREON. ALL INFORMATION THAT MAY AFFECT THE QUALITY OF THE TITLE TO BOTH THE SUBJECT AND ADJOINING PARCELS SHOULD BE VERIFIED BY AN ACCURATE AND CURRENT TITLE REPORT. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.
5. THE UNDERGROUND UTILITY INFORMATION SHOWN HEREON LABELED WITH AN (R) ARE FROM RECORD DOCUMENTS. ADDITIONAL FIELD INVESTIGATION WILL BE REQUIRED BY OTHERS TO DETERMINE THE ACTUAL PIPE SIZE(S) AND TYPE(S). GAS AND TELEPHONE RECORDS NOT YET RECIEVED.
6. AREAS OF THIS PARCEL WITHIN 100 FEET OF STEVENS STREET IS IN ZONE A-3, WITH THE REMAINDER OF THE PARCEL IN ZONE A-2, WITH THE FOLLOWING DIMENSIONAL REQUIREMENTS:

| | ZONE A-2 | ZONE A-3 |
|-----------------------|---------------|---------------|
| MINIMUM LOT AREA: | 18,000 S.F. | 12,500 S.F. |
| MINIMUM LOT FRONTAGE: | 120 FEET | 100 FEET |
| MINIMUM SIDE YARD: | 15 FEET | 15 FEET |
| MINIMUM FRONT YARD: | 30 FEET | 20 FEET |
| MINIMUM REAR YARD: | 40 FEET | 30 FEET |
| MAXIMUM HEIGHT: | 2 1/2 STORIES | 2 1/2 STORIES |
| MAXIMUM COVERAGE: | 30% | 30% |
7. THIS PARCEL IS LOCATED WHOLLY WITHIN "ZONE X - AREA OF MINIMAL FLOOD HAZARD" AS SHOWN ON FIRM FLOOD MAP NUMBER 25017C0481F, EFFECTIVE DATE 7/7/2014.

GENERAL NOTES

1. FOR ADDITIONAL PROPERTY LINE INFORMATION REFER TO THE DEED BOOK 9742, PAGE 362 RECORDED AT THE MIDDLESEX REGISTRY OF DEEDS.
2. CITY OF MARLBOROUGH ASSESSOR'S MAP/LOT REFERENCE FOR THE PROJECT IS MAP 44, LOT 148. THE PLAN REFERENCES ARE RECORDED IN THE MIDDLESEX REGISTRY OF DEEDS, SOUTHERN DISTRICT AS FOLLOWS: LAND COURT PLAN 19247-A, PLAN 1350 OF 1957, PLAN 688 OF 1959, PLAN 1346 OF 1967, PLAN 1557 OF 1968, PLAN 1560 OF 1968, PLAN 332 OF 1982, PLAN 1630 OF 1987 AND PLAN 467 OF 2018.
4. THIS PLANSET IS INTENDED FOR PERMITTING REVIEW AND APPROVAL ONLY.

PREPARED FOR:
CHARLES BOURQUE
131 BLACK BEAR DRIVE SUITE 1912
WALTHAM, MA 02451

PREPARED BY:
wsp
100 SUMMER STREET
BOSTON, MA 02110
617.426.7330

CERTIFICATION:
I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS FOR RECORDING AT THE REGISTRY OF DEEDS.



| REVISIONS: | | | |
|------------|----------|--|-----|
| REV NO. | DATE: | DESCRIPTION: | BY: |
| 1 | 7/21/22 | REVISIONS TO PLANNING BOARD 5/3/22 COMMENTS | NSB |
| 2 | 10/14/22 | REVISIONS TO PLANNING BOARD 8/14/22 COMMENTS | JAZ |
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REGISTRY USE ONLY:

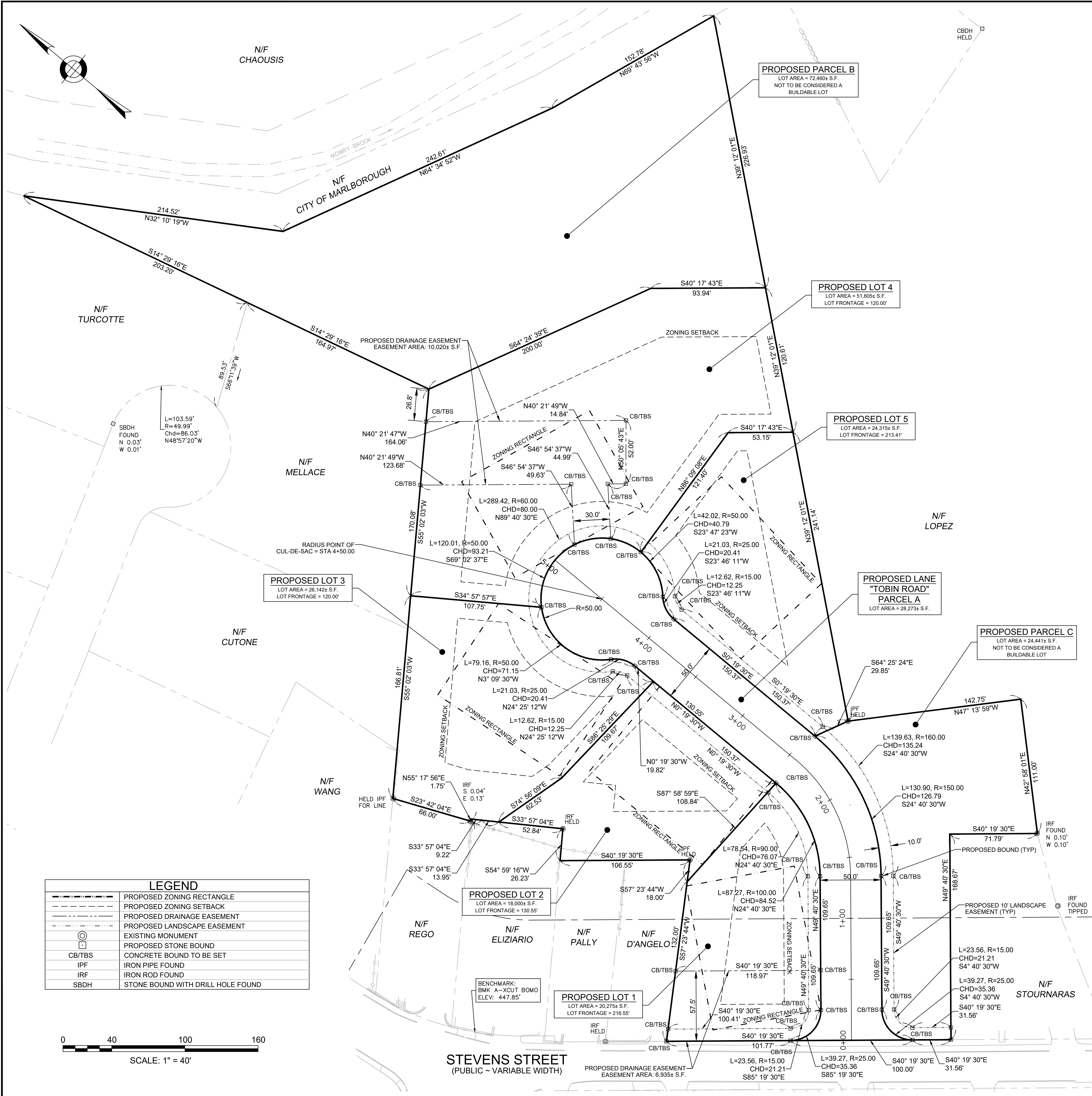
PLAN TITLE:
TOBIN ROAD SUBDIVISION
EXISTING CONDITIONS PLAN
OF LAND IN MARLBOROUGH, MA
OWNED BY
JAMES CHAOUSIS

DISCIPLINE:
CIVIL

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|-----------|-------------|--------------|
| DRAWN BY: | CHECKED BY: | APPROVED BY: |
| NB | JL | JL |

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|----------|-----------|
| SCALE: | DATE: |
| 1" = 40' | 3/11/2022 |

SHEET NUMBER:
E-001



APPROVED BY THE
MARLBOROUGH PLANNING BOARD

DATE:

TOBIN ROAD SUBDIVISION

SHEET NO. C-001

- 1. TOTAL AREA OF ORIGINAL TRACT SHOWN ON THIS PLAN EQUALS 795,406 S.F.
 - 1.a. AREA IN LOTS 1,2,3,4 & 5 EQUALS 140,537 S.F.
 - 1.b. AREA IN STREETS EQUALS 28,273 S.F.
 - 1.c. AREA IN EASEMENTS EQUALS 27,319 S.F.
 - 1.d. AREA RESERVED FOR PARKS, SCHOOLS, ETC. EQUALS 96,901 S.F.TOTAL AREA OF SUBDIVISION EQUALS 265,711 S.F.
TOTAL AREA REMAINING ON ORIGINAL TRACT EQUALS 529,695 S.F.
- 2. STREETS:
TOBIN ROAD:
STATION 0+00.00 TO STATION 5+00.00
TOTAL AREA OF STREETS EQUALS 28,273 S.F.
- 3. EASEMENTS:
DRAINAGE:
STATION 0+0.00 LT TO STATION 0+57.53 LT
STATION 4+76.00 RT TO STATION 4+95.82 RT
LANDSCAPE:
10' WIDE AROUND ENTIRE RIGHT OF WAY
TOTAL AREA OF EASEMENTS EQUALS 27,319 S.F.
- 4. OTHER AREAS:
PARCEL B (NOT A BUILDABLE LOT) EQUALS 72,460 S.F.
PARCEL C (NOT A BUILDABLE LOT) EQUALS 24,441 S.F.

SURVEYORS NOTES

- 1. THIS PLAN WAS PREPARED FROM AN ACTUAL ON THE GROUND FIELD SURVEY CONDUCTED BY WSP IN JUNE OF 2021.
- 2. THE HORIZONTAL DATUM SHOWN HEREON IS REFERENCED TO THE NORTH AMERICAN DATUM OF 1983. MASSACHUSETTS STATE PLANE MAINLAND COORDINATE SYSTEM AND WAS ESTABLISHED UTILIZING RTK GPS SURVEY TECHNIQUES.
- 3. THE VERTICAL DATUM SHOWN HEREON IS REFERENCED TO THE VERTICAL DATUM NAVD88 AND WAS ESTABLISHED ON SITE UTILIZING RTK GPS SURVEY TECHNIQUES.
- 4. THE SURVEYED PROPERTY IS SUBJECT BUT NOT LIMITED TO THE INFORMATION SHOWN HEREON. ALL INFORMATION THAT MAY AFFECT THE QUALITY OF THE TITLE TO BOTH THE SUBJECT AND ADJOINING PARCELS SHOULD BE VERIFIED BY AN ACCURATE AND CURRENT TITLE REPORT. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.
- 5. THE UNDERGROUND UTILITY INFORMATION SHOWN HEREON LABELED WITH AN (R) ARE FROM RECORD DOCUMENTS. ADDITIONAL FIELD INVESTIGATION WILL BE REQUIRED BY OTHERS TO DETERMINE THE ACTUAL PIPE SIZE(S) AND TYPE(S). GAS AND TELEPHONE RECORDS NOT YET RECEIVED.
- 6. AREAS OF THIS PARCEL WITHIN 100 FEET OF STEVENS STREET IS IN ZONE A-3, WITH THE REMAINDER OF THE PARCEL IN ZONE A-2, WITH THE FOLLOWING DIMENSIONAL REQUIREMENTS:

| | ZONE A-2 | ZONE A-3 |
|-----------------------|-------------|-------------|
| MINIMUM LOT AREA: | 18,000 S.F. | 12,500 S.F. |
| MINIMUM LOT FRONTAGE: | 120 FEET | 100 FEET |
| MINIMUM SIDE YARD: | 15 FEET | 15 FEET |
| MINIMUM FRONT YARD: | 30 FEET | 20 FEET |
| MINIMUM REAR YARD: | 40 FEET | 30 FEET |
| MAXIMUM HEIGHT: | 2½ STORIES | 2½ STORIES |
| MAXIMUM COVERAGE: | 30% | 30% |
- 7. THIS PARCEL IS LOCATED WHOLLY WITHIN "ZONE X - AREA OF MINIMAL FLOOD HAZARD" AS SHOWN ON FIRM FLOOD MAP NUMBER 25017C0481F, EFFECTIVE DATE 7/7/2014.

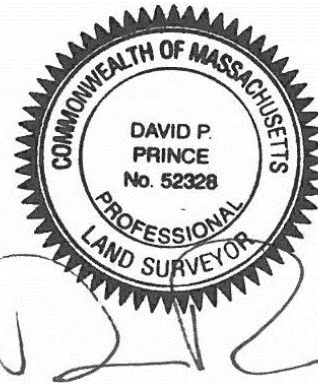
GENERAL NOTES

- 1. FOR ADDITIONAL PROPERTY LINE INFORMATION REFER TO THE DEED BOOK 9742, PAGE 362 RECORDED AT THE MIDDLESEX REGISTRY OF DEEDS.
- 2. CITY OF MARLBOROUGH ASSESSOR'S MAP/LOT REFERENCE FOR THE PROJECT IS MAP 44, LOT 148.
- 3. THE ZONING CLASSIFICATION FOR THIS PROJECT IS ZONE A-2 AND ZONE A-3.
- 4. THE PLAN REFERENCES ARE RECORDED IN THE MIDDLESEX REGISTRY OF DEEDS, SOUTHERN DISTRICT AS FOLLOWS: LAND COURT PLAN 19247-A, PLAN 1350 OF 1957, PLAN 688 OF 1959, PLAN 1346 OF 1967, PLAN 1557 OF 1968, PLAN 1560 OF 1968, PLAN 332 OF 1982, PLAN 1630 OF 1987 AND PLAN 467 OF 2018.
- 5. LOT B IS NOT BE CONSIDERED A BUILDABLE LOT.
- 6. THIS PLANSET IS INTENDED FOR PERMITTING REVIEW AND APPROVAL ONLY.

PREPARED FOR:
CHARLES BOURQUE
131 BLACK BEAR DRIVE SUITE 1912
WALTHAM, MA 02451

PREPARED BY:
wsp
100 SUMMER STREET
BOSTON, MA 02110
617.426.7330

CERTIFICATION:
I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS FOR RECORDING AT THE REGISTRY OF DEEDS.



| REVISIONS: | | | |
|------------|----------|--|-----|
| REV NO. | DATE | DESCRIPTION | BY |
| 1 | 7/21/22 | REVISIONS TO PLANNING BOARD 5/3/22 COMMENTS | NSB |
| 2 | 10/14/22 | REVISIONS TO PLANNING BOARD 8/14/22 COMMENTS | JAZ |
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REGISTRY USE ONLY:

PLAN TITLE:
TOBIN ROAD SUBDIVISION
LITTING PLAN
OF LAND IN MARLBOROUGH, MA
OWNED BY
JAMES CHAOUSIS

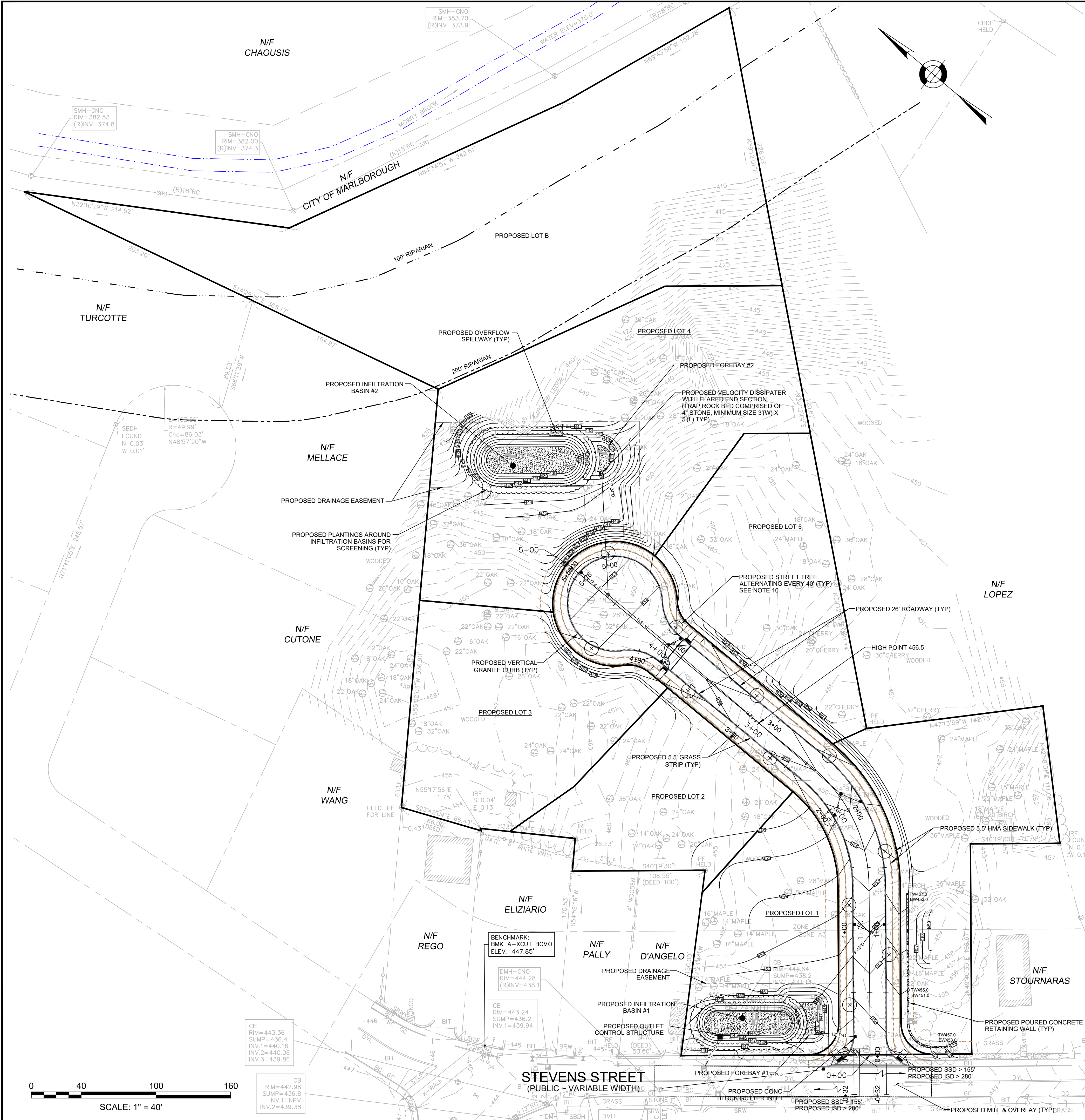
DISCIPLINE:
CIVIL

| | | |
|-----------|-------------|--------------|
| DRAWN BY: | CHECKED BY: | APPROVED BY: |
| NB | JL | JL |

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| SCALE: | DATE: |
| 1" = 40' | 3/11/2022 |

SHEET NUMBER:

C-001



APPROVED BY THE
MARLBOROUGH PLANNING BOARD

DATE:

UNCLASSIFIED EARTH
WORK VOLUME

PROPOSED CUT: 3,231± CY
PROPOSED FILL: 4,052± CY
NET FILL: 821± CY
(SEE GENERAL NOTE #6)

| LEGEND | |
|--------|-------------------------------|
| | EXISTING CONTOUR |
| | PROPOSED CONTOUR |
| | PROPOSED SPOT ELEVATION |
| | EXISTING SEWER PIPE |
| | EXISTING WATER SERVICE |
| | EXISTING GAS SERVICE |
| | EXISTING UNDERGROUND ELECTRIC |
| | EXISTING UTILITY POLE |
| | PROPOSED 12"Ø DRAINAGE PIPE |
| | EXISTING RETAINING WALL |
| | EXISTING EDGE OF PAVEMENT |
| | PROPOSED RETAINING WALL |
| | PROPOSED EDGE OF ROAD |
| | PROPOSED EDGE OF SIDEWALK |
| | PROPOSED LANDSCAPE EASEMENT |
| | PROPOSED DRAINAGE EASEMENT |

GENERAL NOTES

- FOR ADDITIONAL PROPERTY LINE INFORMATION REFER TO THE DEED BOOK 9742, PAGE 362 RECORDED AT THE MIDDLESEX REGISTRY OF DEEDS.
- CITY OF MARLBOROUGH ASSESSOR'S MAP/LOT REFERENCE FOR THE PROJECT IS MAP 44, LOT 148.
- THE ZONING CLASSIFICATION FOR THIS PROJECT IS ZONE A-2 AND ZONE A-3.
- THE PROJECT SITE DATUM IS BASED ON N.A.V.D. 88.
- THE PLANIMETRIC AND TOPOGRAPHIC SITE FEATURES SHOWN HEREON ARE BASED ON FIELD SURVEY WORK PERFORMED BY WSP USA, INC. IN JUNE 2021.
- ANY EXISTING UNDERGROUND UTILITY LOCATIONS SHOWN HEREON ARE BASED ON DIG SAFE MARKINGS AND SHALL BE CONSIDERED APPROXIMATE.
- THE PROPOSED SUBDIVISION IS LOCATED WITHIN "ZONE X - AREA OF MINIMAL FLOOD HAZARD" AS SHOWN ON THE FIRM FLOOD MAP NUMBER 24017C0481F, EFFECTIVE DATE 7/7/2014.
- THE VOLUME DATA SHOWN HEREON IS APPROXIMATE AND INTENDED FOR DISCUSSION PURPOSES ONLY. INDIVIDUAL MATERIALS WERE NOT DIFFERENTIATED AND NO SWELLING OR SHRINK FACTORS WERE USED. FOR MORE SPECIFIC INFORMATION REGARDING CUT/FILL CALCULATIONS, CONTACT THE DESIGN ENGINEER.
- THIS PLANSET IS INTENDED FOR PERMITTING REVIEW AND APPROVAL ONLY.
- EXACT LOCATIONS OF THE PROPOSED STREET TREES SHALL BE DETERMINED AFTER SITE UTILITIES ARE INSTALLED AND APPROVED BY THE MARLBOROUGH DPW.

PREPARED FOR:
CHARLES BOURQUE
131 BLACK BEAR DRIVE SUITE 1912
WALTHAM, MA 02451

PREPARED BY:

100 SUMMIT STREET
BOSTON, MA 02110
617.426.7330



| REVISIONS: | | | |
|------------|----------|--|-----|
| REV NO. | DATE | DESCRIPTION | BY |
| 1 | 7/21/22 | REVISIONS TO PLANNING BOARD 5/3/22 COMMENTS | NSB |
| 2 | 10/14/22 | REVISIONS TO PLANNING BOARD 8/14/22 COMMENTS | JAZ |
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REGISTRY USE ONLY:

PLAN TITLE:
TOBIN ROAD SUBDIVISION
GRADING & DRAINAGE PLAN
OF LAND IN MARLBOROUGH, MA
OWNED BY
JAMES CHAOUSIS

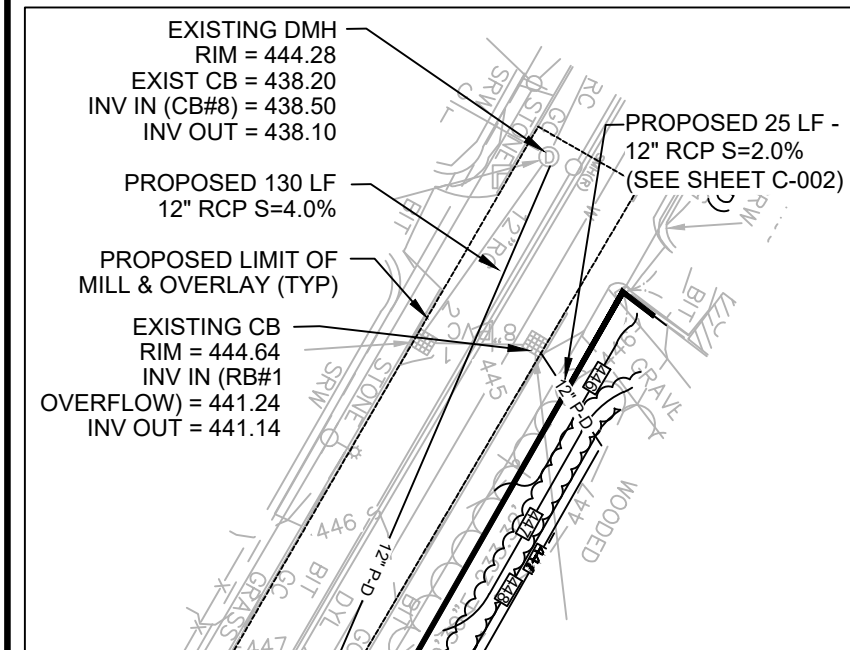
DISCIPLINE:
CIVIL

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| DRAWN BY: NB | CHECKED BY: JL | APPROVED BY: JL |
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| SCALE: 1" = 40' | DATE: 3/11/2022 |
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SHEET NUMBER:

C-002



1. FOR ADDITIONAL PROPERTY LINE INFORMATION REFER TO THE DEED BOOK 9742, PAGE 362 RECORDED AT THE MIDDLESEX REGISTRY OF DEEDS.
2. CITY OF MARLBOROUGH ASSESSOR'S MAP/LOT REFERENCE FOR THE PROJECT IS MAP 44, LOT 148.
3. THE ZONING CLASSIFICATION FOR THIS PROJECT IS ZONE A-2 AND ZONE A-3.
4. THE PROJECT SITE DATUM IS BASED ON N.A.V.D. 88.
5. THIS PLANSET IS INTENDED FOR PERMITTING REVIEW AND APPROVAL ONLY.



APPROVED BY THE
MARLBOROUGH PLANNING BOARD

DATE:

PREPARED FOR:
CHARLES BOURQUE
131 BLACK BEAR DRIVE SUITE 1912
WALTHAM, MA 02451

PREPARED BY:
wsp
100 SUMMER STREET
BOSTON, MA 02110
617.426.7330



| REVISIONS: | | | |
|------------|----------|--|-----|
| REV NO. | DATE: | DESCRIPTION: | BY: |
| 1 | 7/21/22 | REVISIONS TO PLANNING BOARD 5/3/22 COMMENTS | NSB |
| 2 | 10/14/22 | REVISIONS TO PLANNING BOARD 8/14/22 COMMENTS | JAZ |
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| REGISTRY USE ONLY: | | | |
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PLAN TITLE:
TOBIN ROAD SUBDIVISION
CONCEPTUAL SITE PLAN
OF LAND IN MARLBOROUGH, MA
OWNED BY
JAMES CHAOUSIS

| DISCIPLINE: | | |
|-------------|-------------|--------------|
| CIVIL | | |
| DRAWN BY: | CHECKED BY: | APPROVED BY: |
| NB | JL | JL |

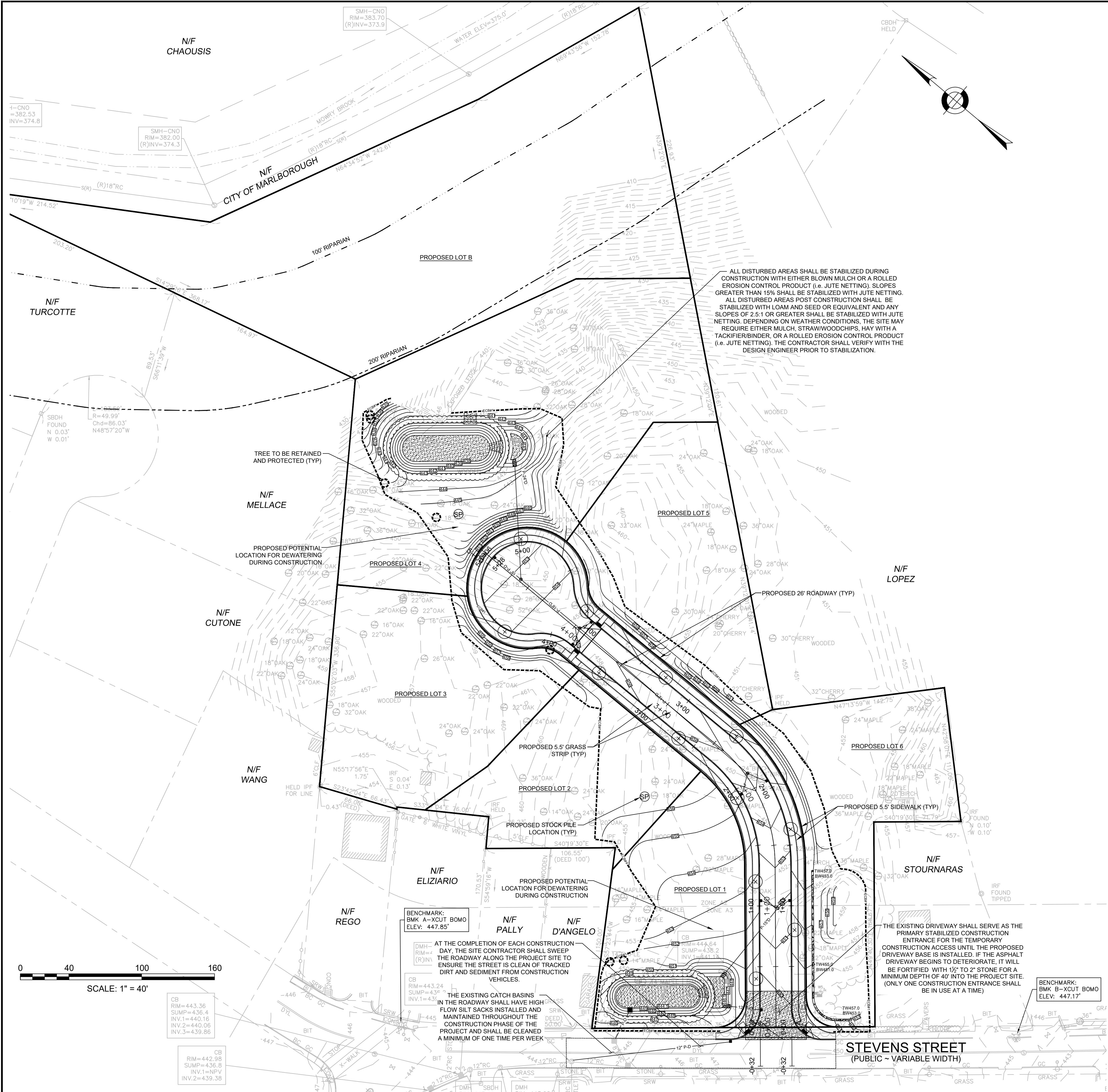
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| SCALE: | DATE: |
| 1" = 40' | 7/21/2022 |

SHEET NUMBER:
C-004

| LEGEND | |
|-----------------------------|---------------------------------------|
| 190 | EXISTING CONTOUR |
| 190 | PROPOSED CONTOUR |
| +190.0 | PROPOSED SPOT ELEVATION |
| S | EXISTING SEWER PIPE |
| W | EXISTING WATER SERVICE |
| G | EXISTING GAS SERVICE |
| UE | EXISTING UNDERGROUND ELECTRIC |
| UP | EXISTING UTILITY POLE |
| P-D | PROPOSED DRAINAGE PIPE |
| P-S | PROPOSED SEWER PIPE |
| P-FM | PROPOSED FORCE MAIN |
| P-UGE | PROPOSED UNDERGROUND ELECTRIC SERVICE |
| EXISTING RETAINING WALL | EXISTING RETAINING WALL |
| EXISTING EDGE OF PAVEMENT | EXISTING EDGE OF PAVEMENT |
| PROPOSED RETAINING WALL | PROPOSED RETAINING WALL |
| PROPOSED EDGE OF PAVEMENT | PROPOSED EDGE OF PAVEMENT |
| PROPOSED LANDSCAPE EASEMENT | PROPOSED LANDSCAPE EASEMENT |
| PROPOSED DRAINAGE EASEMENT | PROPOSED DRAINAGE EASEMENT |

GENERAL NOTES

- FOR ADDITIONAL PROPERTY LINE INFORMATION REFER TO THE DEED BOOK 9742, PAGE 362 RECORDED AT THE MIDDLESEX REGISTRY OF DEEDS.
- CITY OF MARLBOROUGH ASSESSOR'S MAP/LOT REFERENCE FOR THE PROJECT IS MAP 44, LOT 148.
- THE ZONING CLASSIFICATION FOR THIS PROJECT IS ZONE A-2 AND ZONE A-3.
- THE PROJECT SITE DATUM IS BASED ON N.A.V.D. 88.
- THE PLANIMETRIC AND TOPOGRAPHIC SITE FEATURES SHOWN HEREON ARE BASED ON FIELD SURVEY WORK PERFORMED BY WSP USA, INC. IN JUNE 2021.
- ANY EXISTING UNDERGROUND UTILITY LOCATIONS SHOWN HEREON ARE BASED ON DIG SAFE MARKINGS AND SHALL BE CONSIDERED APPROXIMATE.
- THE PROPOSED SUBDIVISION IS LOCATED WITHIN "ZONE X - AREA OF MINIMAL FLOOD HAZARD" AS SHOWN ON THE FIRM FLOOD MAP NUMBER 24017C0481F, EFFECTIVE DATE 7/7/2014.
- THE CONCEPTUAL HOUSES AND INFORMATION SHOWN HEREON IS FOR PRESENTATION PURPOSES ONLY.
- THIS PLANSET IS INTENDED FOR PERMITTING REVIEW AND APPROVAL ONLY.



APPROVED BY THE
MARLBOROUGH PLANNING BOARD

DATE:

| LEGEND | |
|--------|-------------------------------------|
| | EXISTING CONTOUR |
| | PROPOSED CONTOUR |
| | PROPOSED SPOT ELEVATION |
| | EXISTING SEWER PIPE |
| | EXISTING WATER SERVICE |
| | EXISTING GAS SERVICE |
| | EXISTING UNDERGROUND ELECTRIC |
| | EXISTING UTILITY POLE |
| | PROPOSED 12" DRAINAGE PIPE |
| | EXISTING RETAINING WALL |
| | EXISTING EDGE OF PAVEMENT |
| | PROPOSED RETAINING WALL |
| | PROPOSED EDGE OF ROAD |
| | PROPOSED EROSION CONTROL BARRIER #1 |
| | PROPOSED POTENTIAL STOCK PILE AREA |

GENERAL NOTES

- FOR ADDITIONAL PROPERTY LINE INFORMATION REFER TO THE DEED BOOK 9742, PAGE 362 RECORDED AT THE MIDDLESEX REGISTRY OF DEEDS.
- CITY OF MARLBOROUGH ASSESSOR'S MAP/LOT REFERENCE FOR THE PROJECT IS MAP 44, LOT 148.
- THE ZONING CLASSIFICATION FOR THIS PROJECT IS ZONE A-2 AND ZONE A-3.
- THE PROJECT SITE DATUM IS BASED ON N.A.V.D. 88.
- THE PLANIMETRIC AND TOPOGRAPHIC SITE FEATURES SHOWN HEREON ARE BASED ON FIELD SURVEY WORK PERFORMED BY WSP USA, INC. IN JUNE 2021.
- ANY EXISTING UNDERGROUND UTILITY LOCATIONS SHOWN HEREON ARE BASED ON DIG SAFE MARKINGS AND SHALL BE CONSIDERED APPROXIMATE.
- THE CONTRACTOR SHALL INSTALL TEMPORARY DRAINAGE SYSTEMS DURING CONSTRUCTION TO ENSURE THAT THERE IS NO INCREASE IN FLOODING TO ANY OF THE ABUTTERS OR WETLAND RESOURCES.
- THE PROPOSED SUBDIVISION IS LOCATED WITHIN "ZONE X - AREA OF MINIMAL FLOOD HAZARD" AS SHOWN ON THE FIRM FLOOD MAP NUMBER 24017C0481F, EFFECTIVE DATE 7/7/2014.
- THIS PLANSET IS INTENDED FOR PERMITTING REVIEW AND APPROVAL ONLY.

CONSTRUCTION NOTES

- ANY MINOR MODIFICATIONS (AS DETERMINED BY THE CITY ENGINEER) TO THE INFORMATION SHOWN ON THE APPROVED SITE PLANS SHALL BE SUBMITTED TO THE CITY ENGINEER AS A MINOR PLAN REVISION FOR APPROVAL PRIOR TO THE WORK BEING PERFORMED.
- ANY WORK AND MATERIAL WITHIN THE CITY RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF MARLBOROUGH REQUIREMENTS.
- ALL HANDICAP PARKING, RAMPS, AND ACCESS SHALL CONFORM TO AAB REQUIREMENTS.
- ALL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO CONSTRUCTION. EROSION CONTROL SHALL CONFORM TO THE CITY OF MARLBOROUGH CONSERVATION COMMISSION REQUIREMENTS AS STATED IN THE ORDER OF CONDITIONS. (REFER TO EROSION CONTROL PLAN FOR MORE DETAILS).
- ALL PAVEMENT MARKINGS AND SIGNS SHALL CONFORM TO MUTCD REQUIREMENTS.
- THE CONTRACTOR SHALL OBTAIN A STREET OPENING PERMIT PRIOR TO ANY CONSTRUCTION WITHIN THE CITY RIGHT-OF-WAY.
- ALL WATER AND SEWER MATERIAL AND CONSTRUCTION SHALL CONFORM TO THE CITY OF MARLBOROUGH REQUIREMENTS (SEE STREET OPENING PERMIT).
- ALL WATER AND SEWER CONSTRUCTION SHALL BE INSPECTED BY THE CITY OF MARLBOROUGH BEFORE BEING BACKFILLED.
- THE CITY SHALL BE NOTIFIED AT LEAST 24 HRS. PRIOR TO THE REQUIRED INSPECTIONS.

PREPARED FOR:
CHARLES BOURQUE
131 BLACK BEAR DRIVE SUITE 1912
WALTHAM, MA 02451

PREPARED BY:

100 SUMMER STREET
BOSTON, MA 02110
617.426.7330

REGISTRATION STAMP:

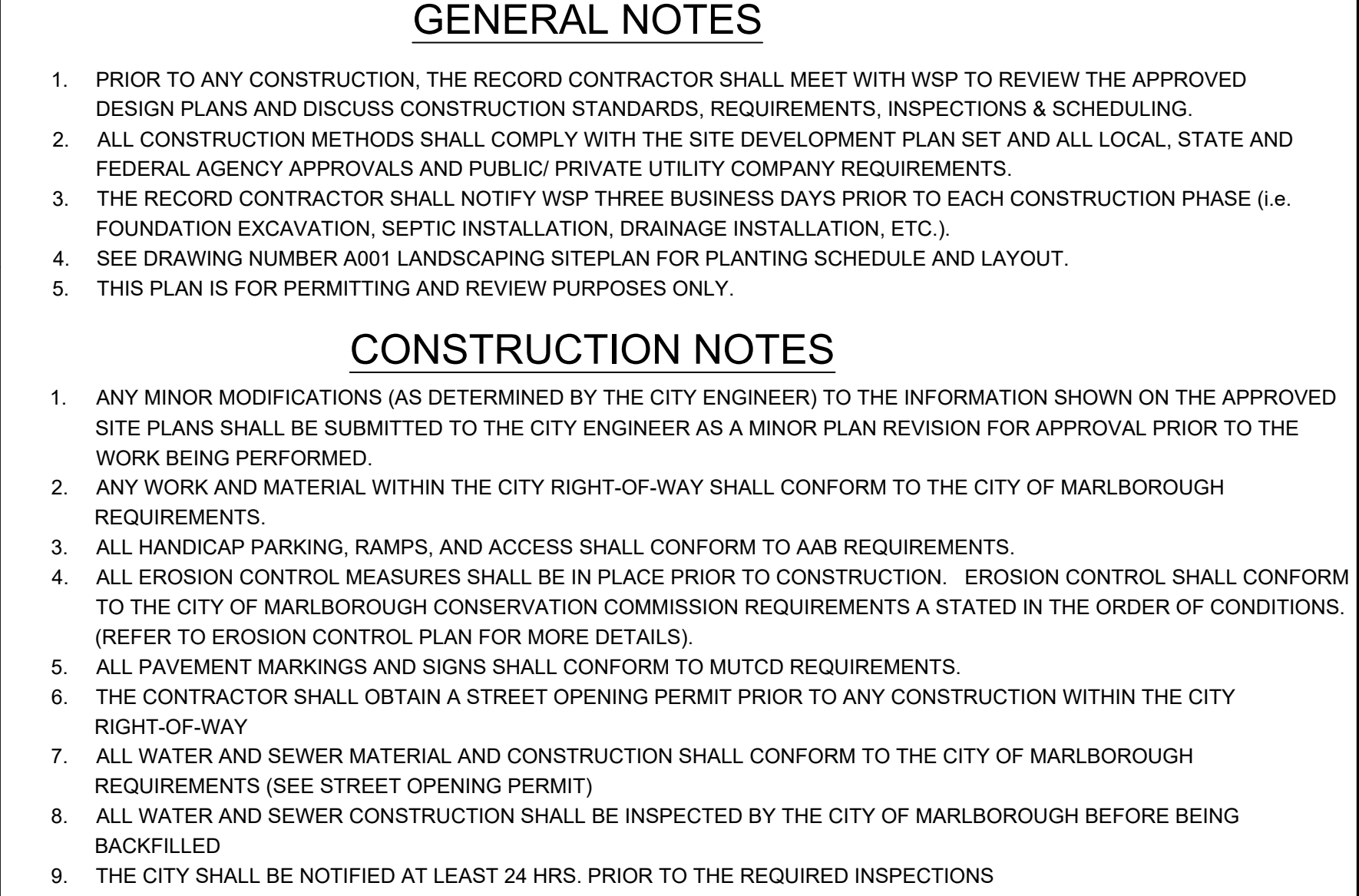
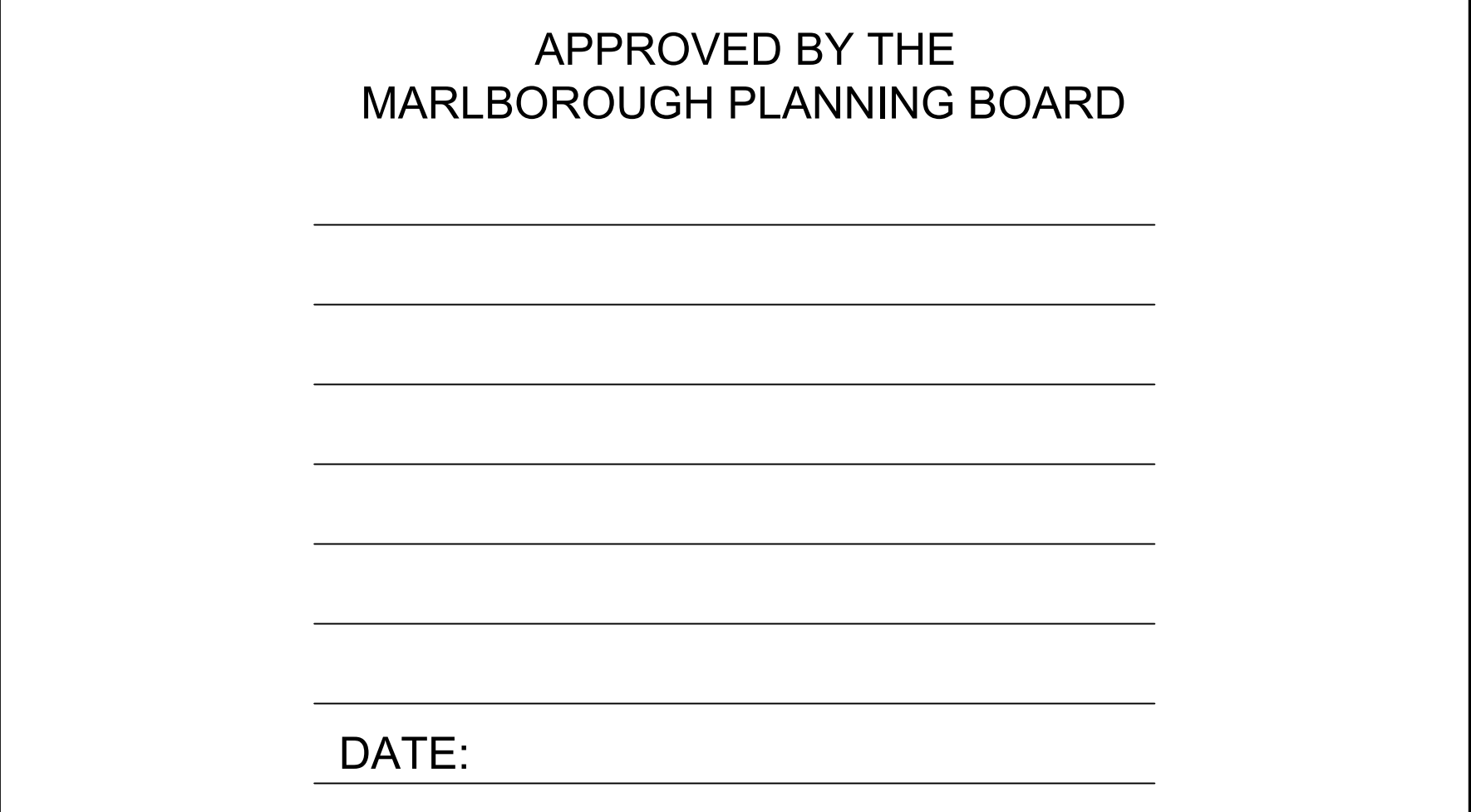
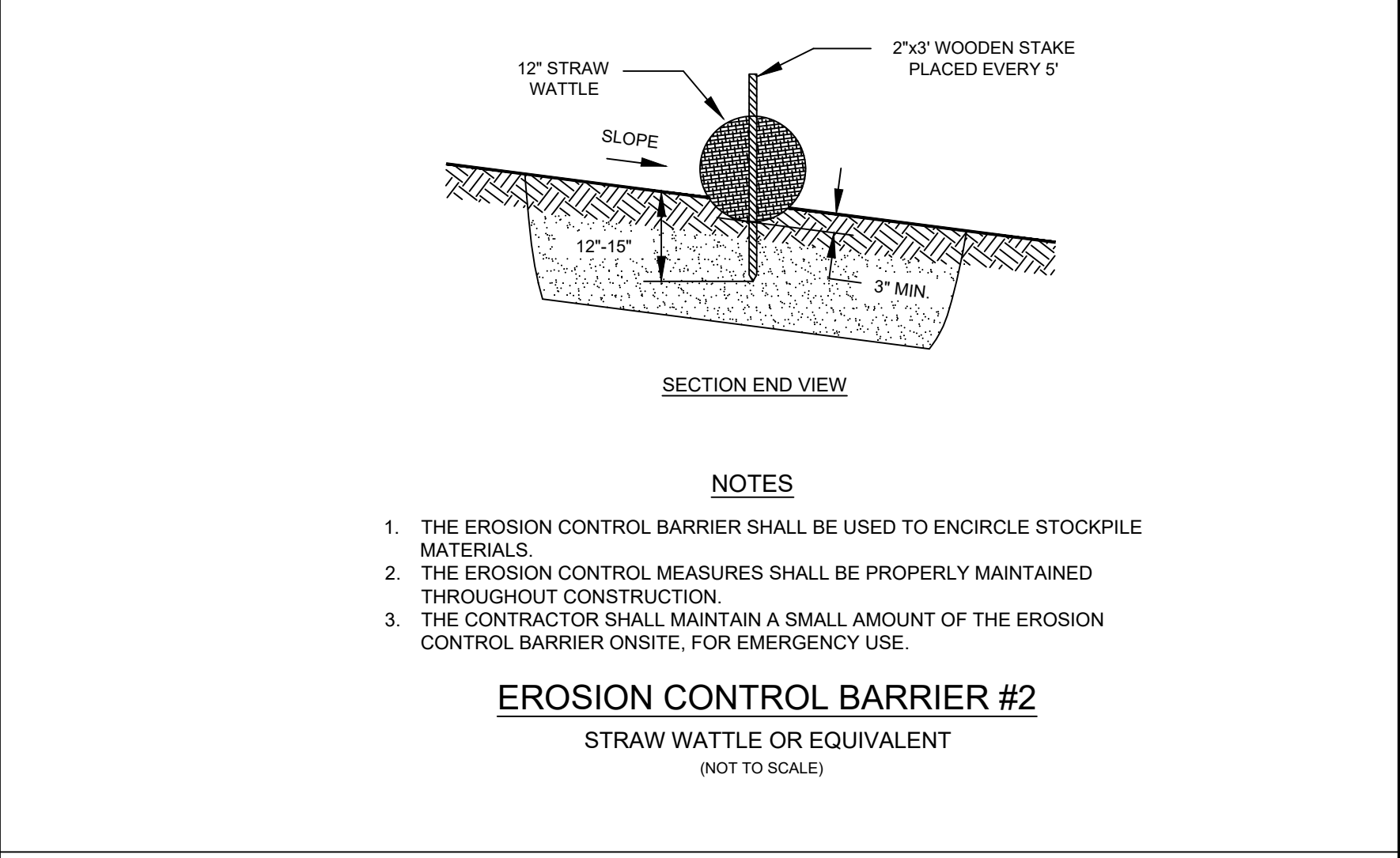
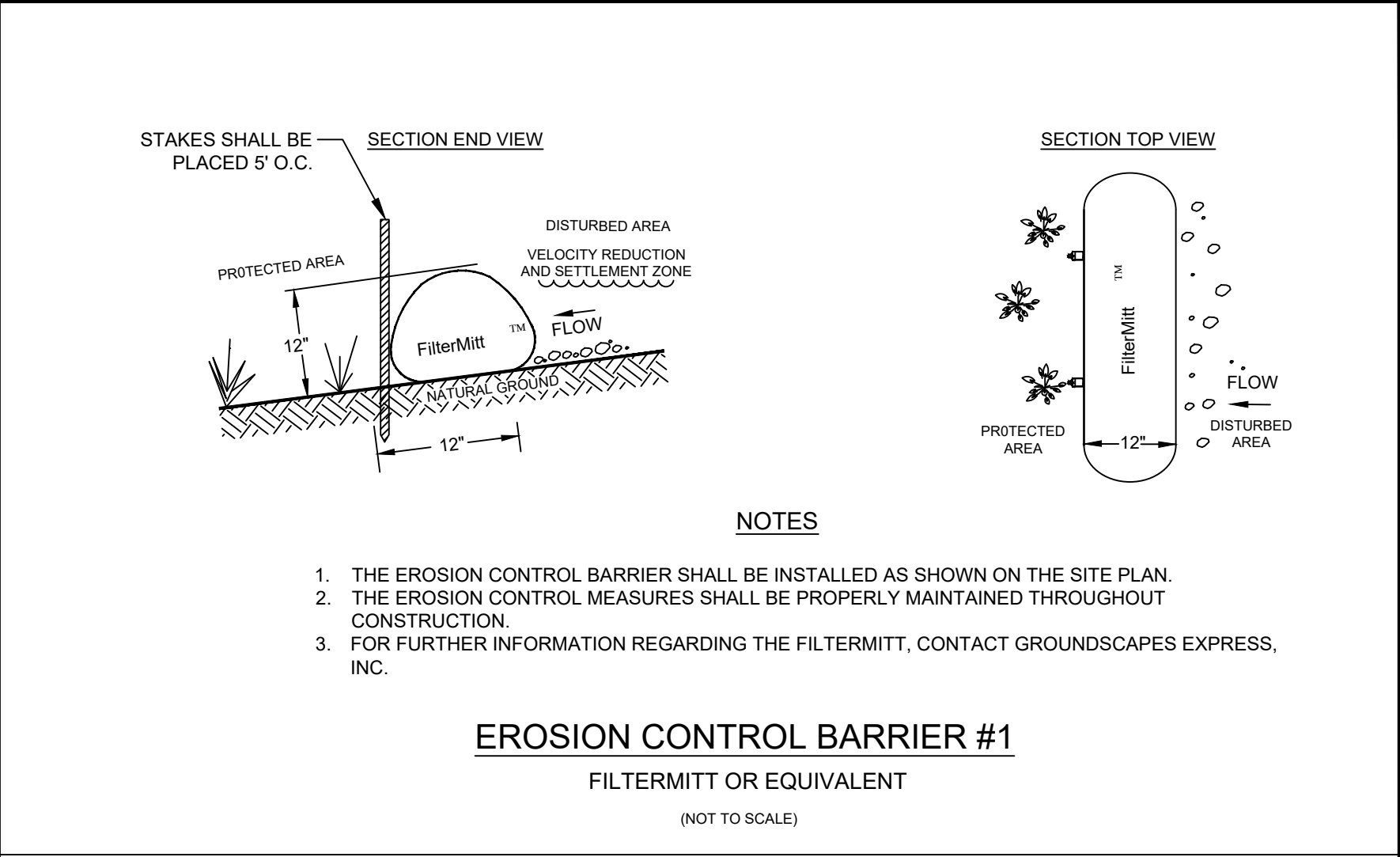
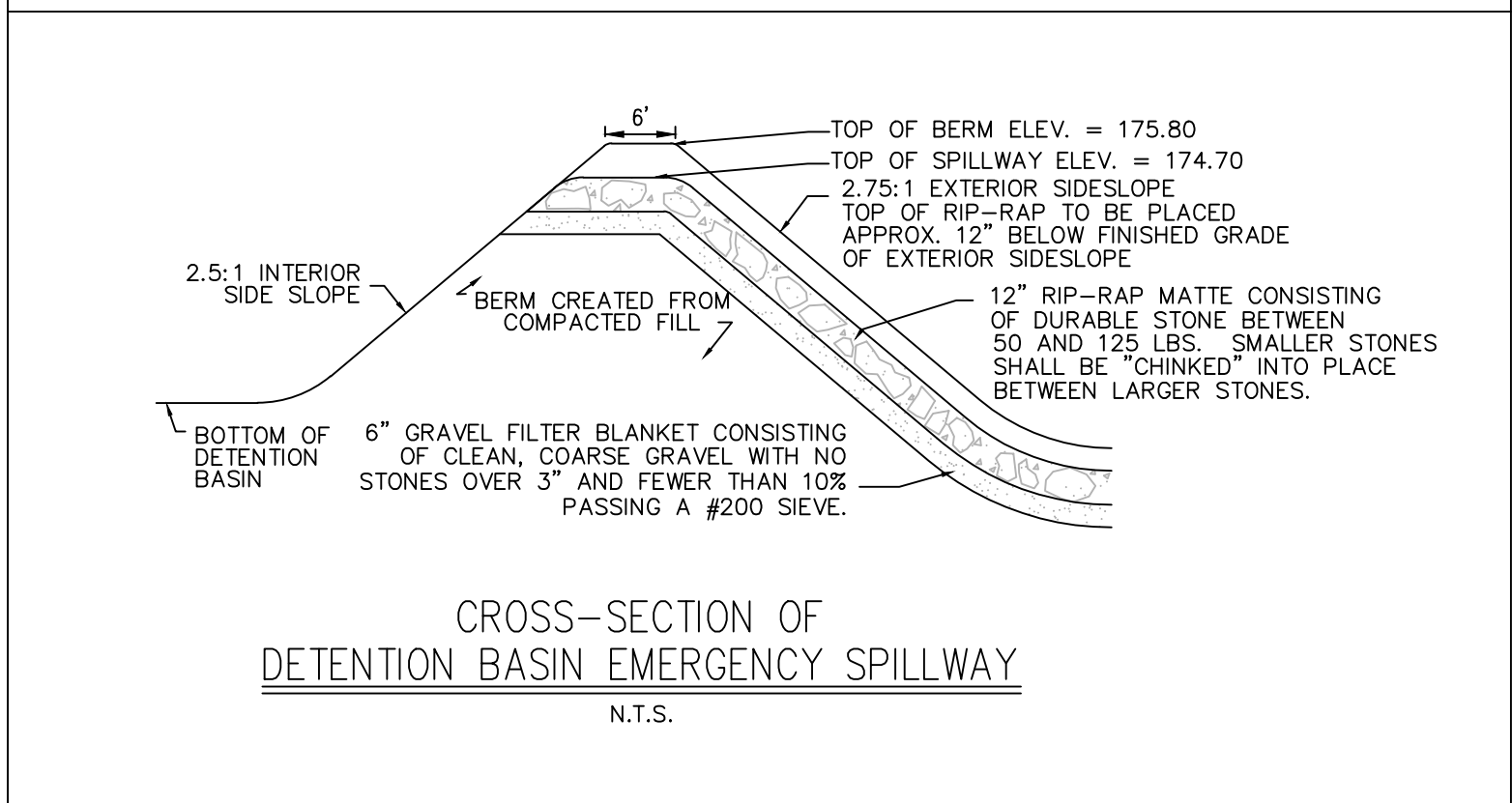
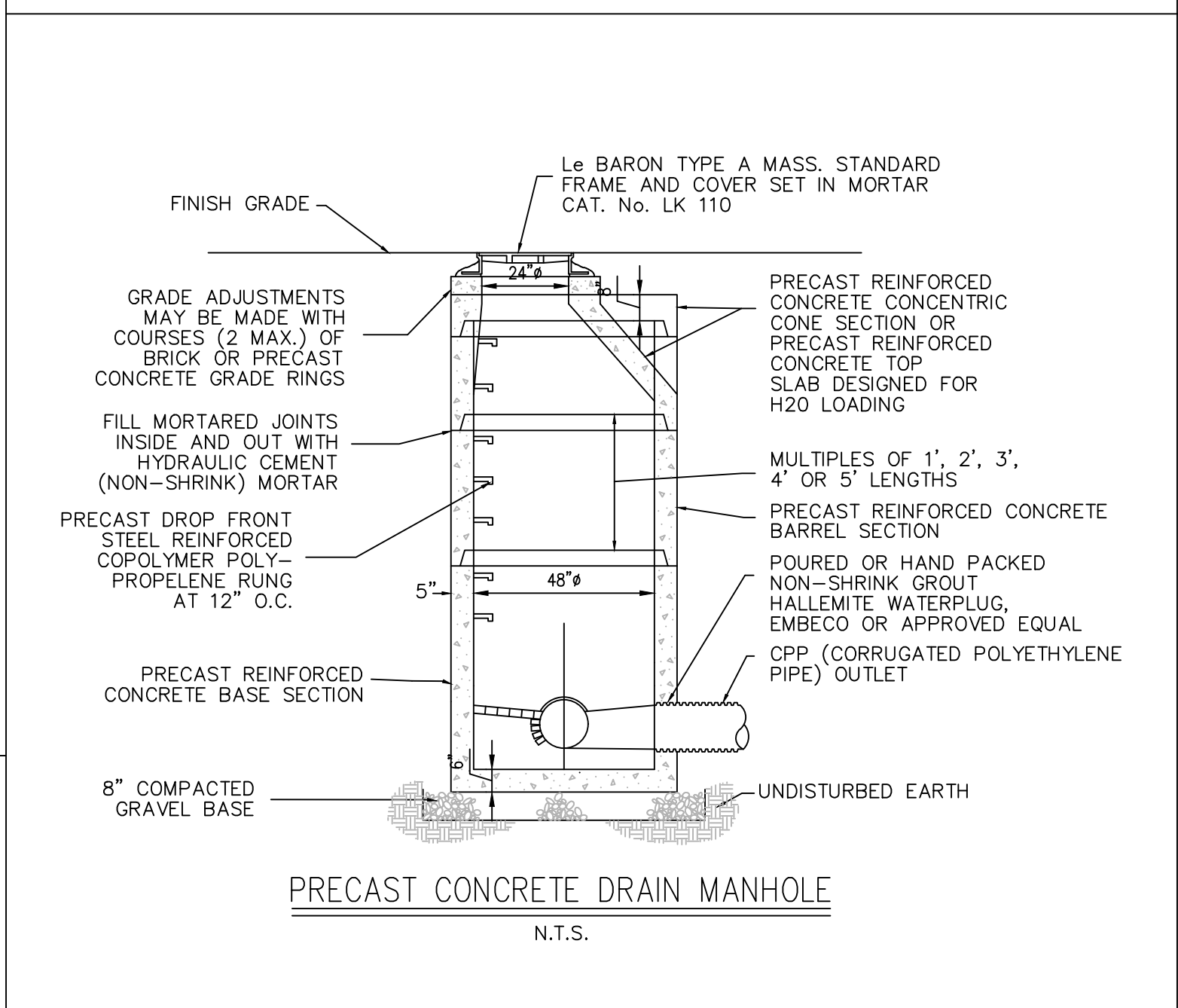
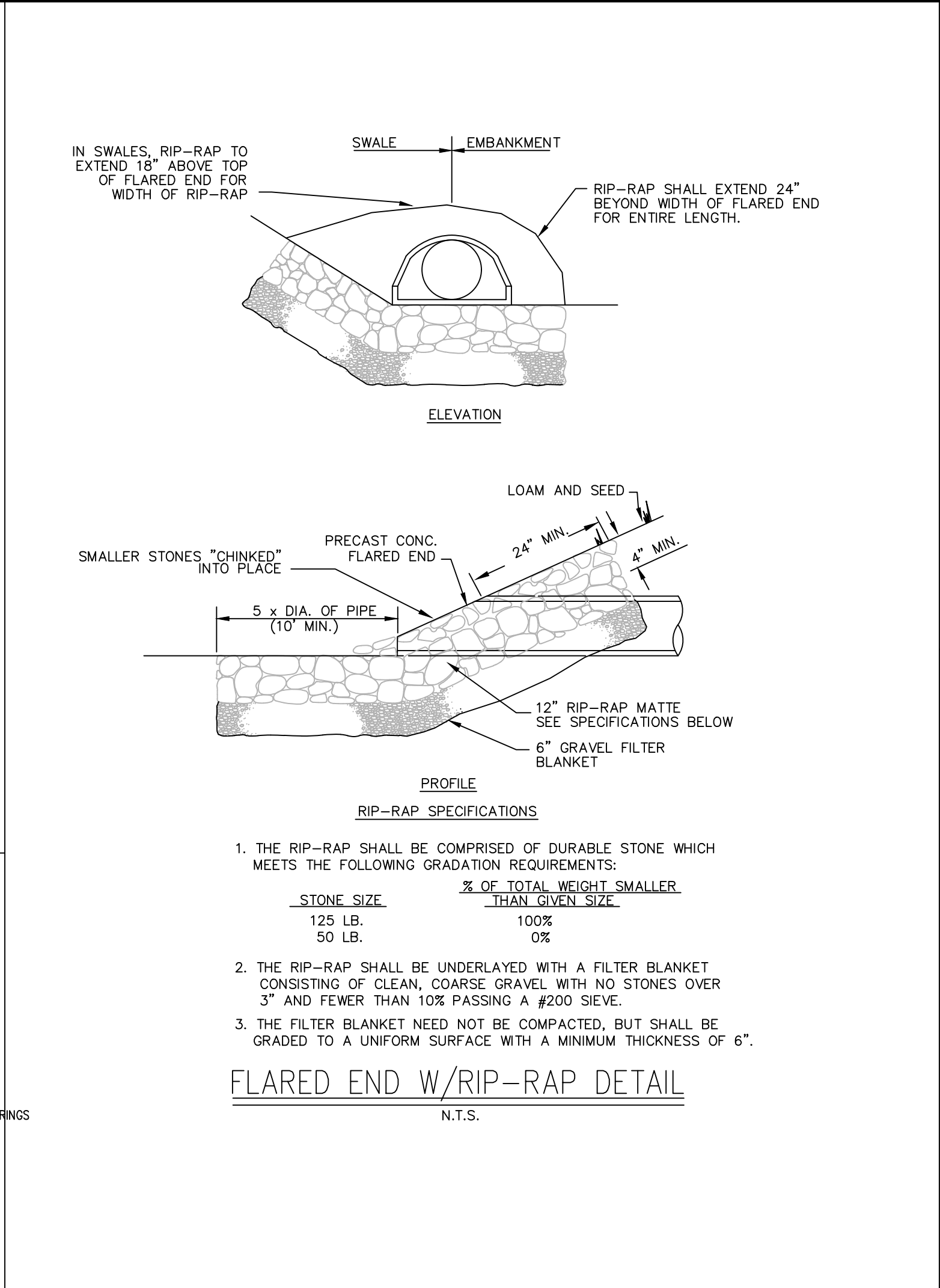
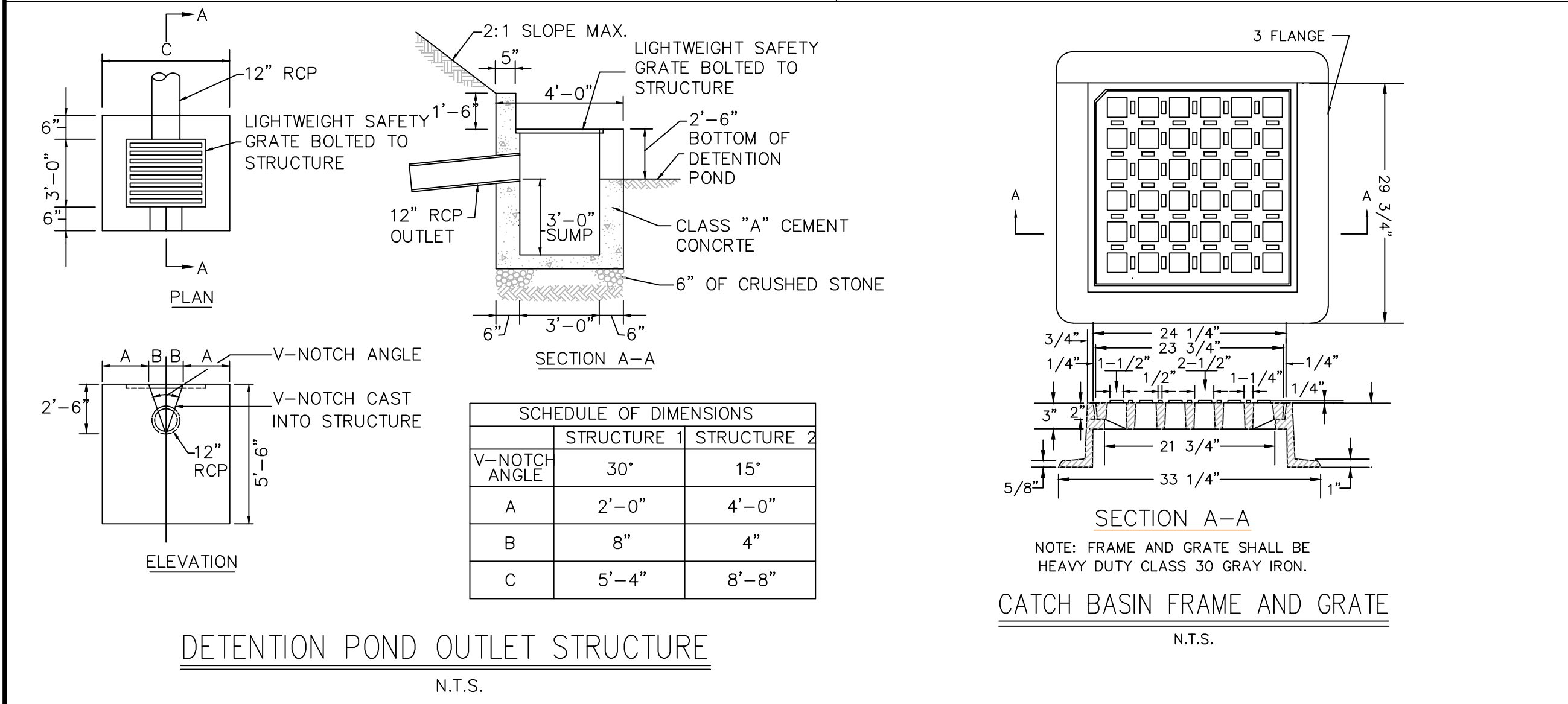
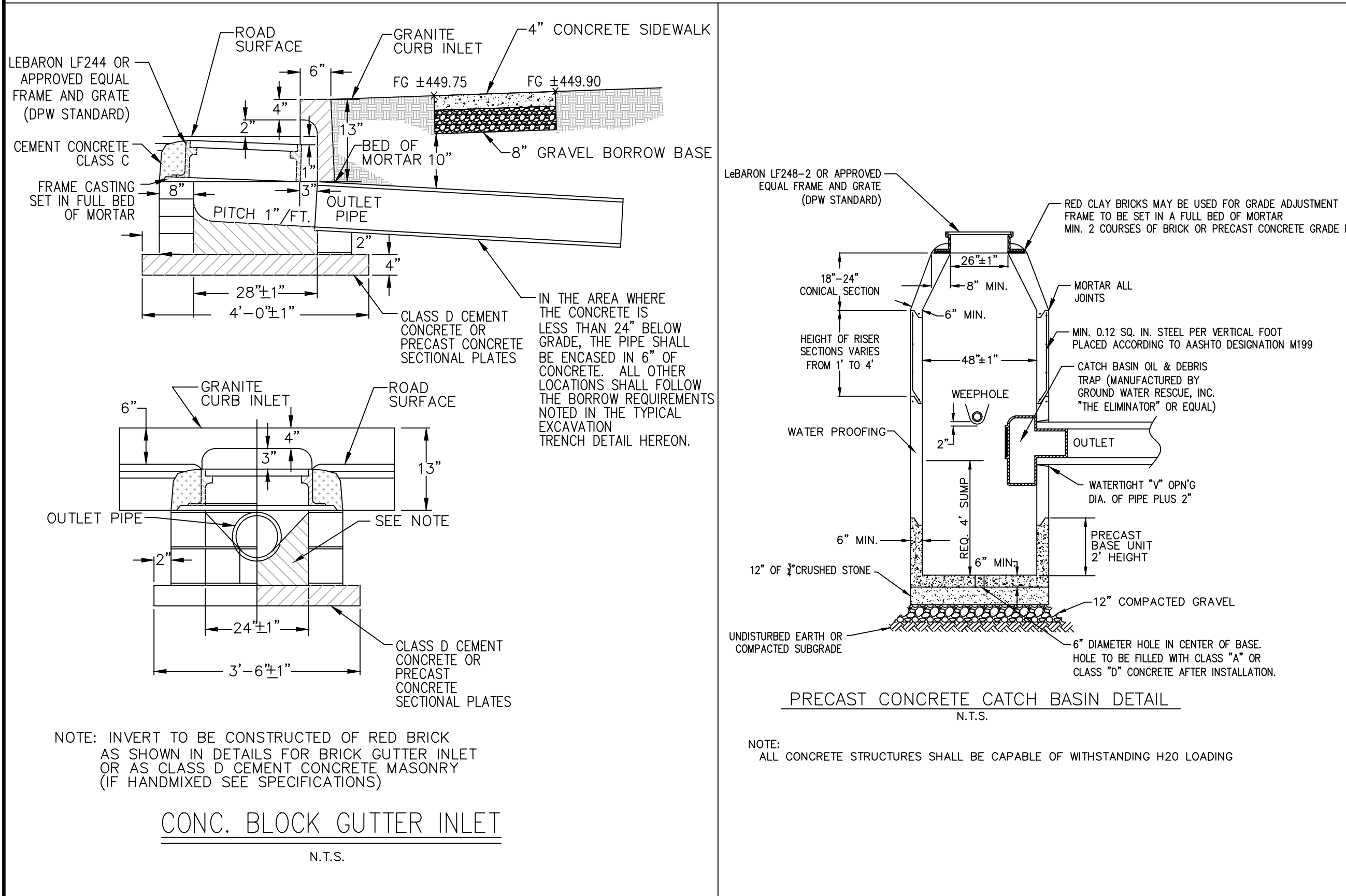
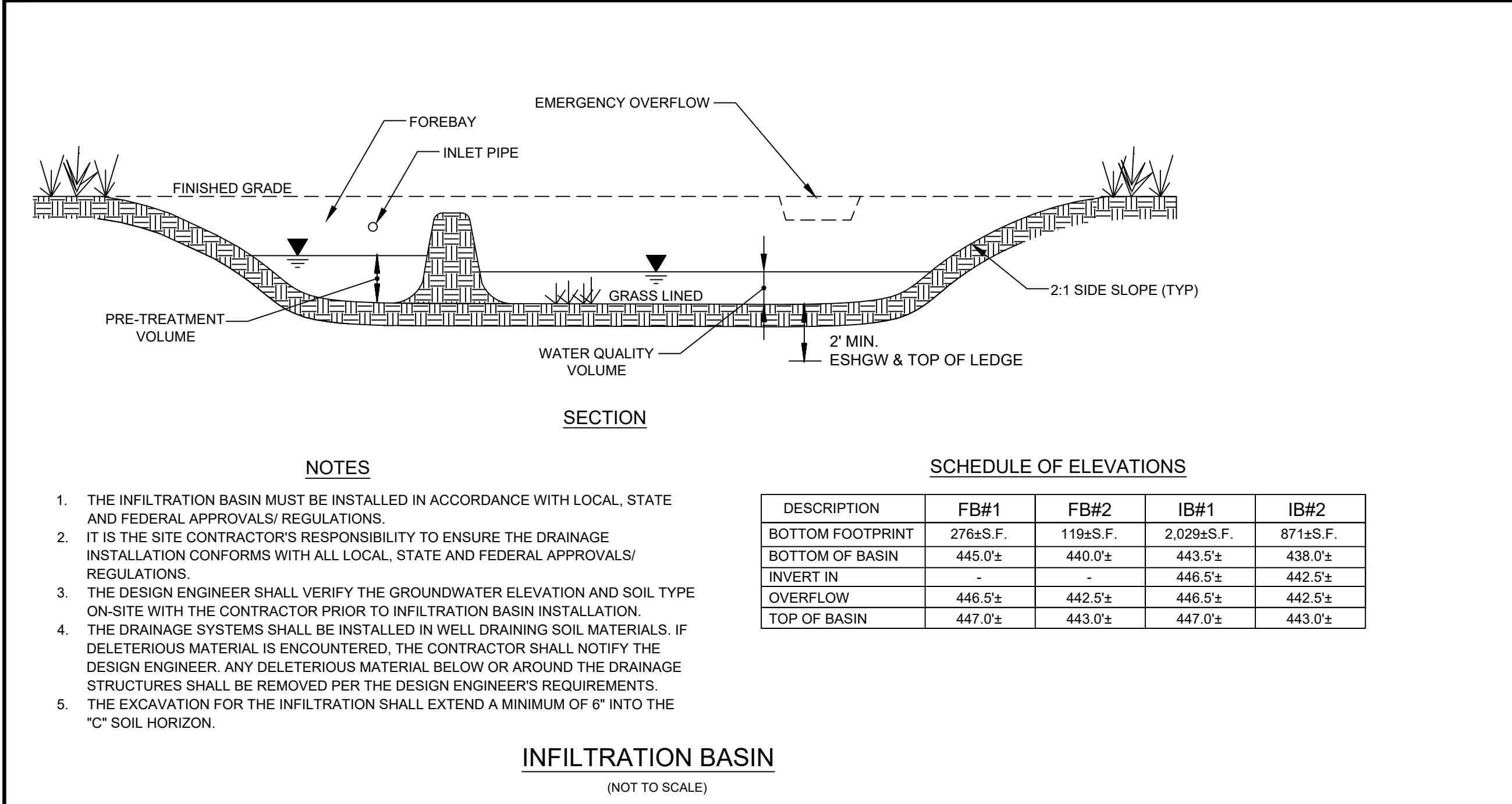
| REVISIONS: | | | |
|------------|----------|--|-----|
| REV NO. | DATE: | DESCRIPTION: | BY: |
| 1 | 7/21/22 | REVISIONS TO PLANNING BOARD 5/3/22 COMMENTS | NSB |
| 2 | 10/14/22 | REVISIONS TO PLANNING BOARD 8/14/22 COMMENTS | JAZ |

REGISTRY USE ONLY:

PLAN TITLE:
TOBIN ROAD SUBDIVISION
EROSION CONTROL PLAN
OF LAND IN MARLBOROUGH, MA
OWNED BY
JAMES CHAOUSIS

| DISCIPLINE: | | |
|-------------|-------------|--------------|
| CIVIL | | |
| DRAWN BY: | CHECKED BY: | APPROVED BY: |
| NB | JL | JL |
| SCALE: | | DATE: |
| 1" = 40' | | 3/11/2022 |

SHEET NUMBER:
C-005



PREPARED FOR:
CHARLES BOURQUE
131 BLACK BEAR DRIVE SUITE 1912
WALTHAM, MA 02451

PREPARED BY:
wsp
100 SUMMER STREET
BOSTON, MA 02110
617.426.7330

REGISTRATION STAMP:

REVISIONS:

| REV NO. | DATE | DESCRIPTION | BY |
|---------|----------|--|-----|
| 1 | 7/21/22 | REVISIONS TO PLANNING BOARD 5/3/22 COMMENTS | NSB |
| 2 | 10/14/22 | REVISIONS TO PLANNING BOARD 8/14/22 COMMENTS | JAZ |

REGISTRY USE ONLY:

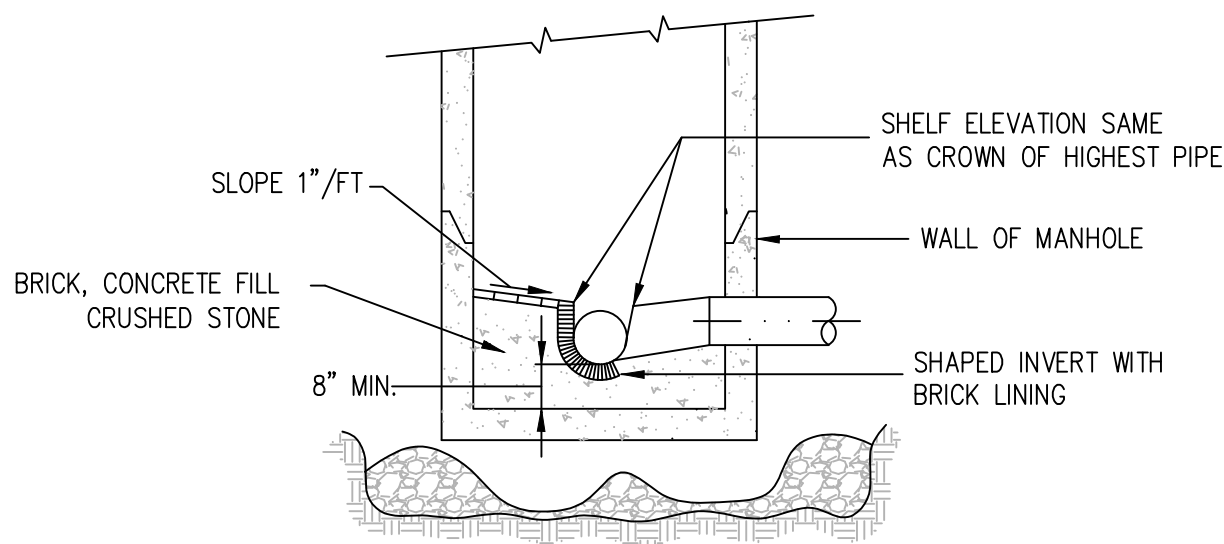
PLAN TITLE:
**TOBIN ROAD SUBDIVISION
DETAIL SHEET 1 OF 5
OF LAND IN MARLBOROUGH, MA
OWNED BY
JAMES CHAOUSIS**

DISCIPLINE:
CIVIL

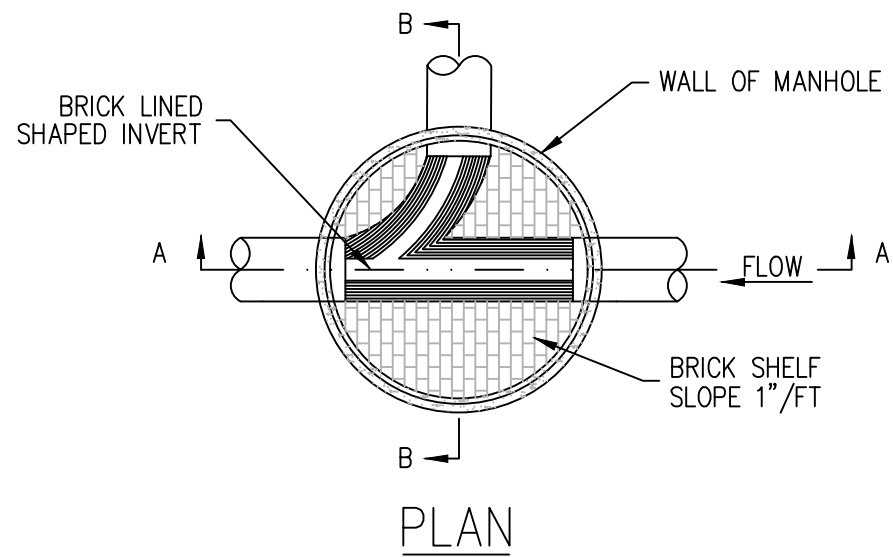
DRAWN BY: **NB** CHECKED BY: **JL** APPROVED BY: **JL**

SCALE: **NTS** DATE: **3/11/2022**

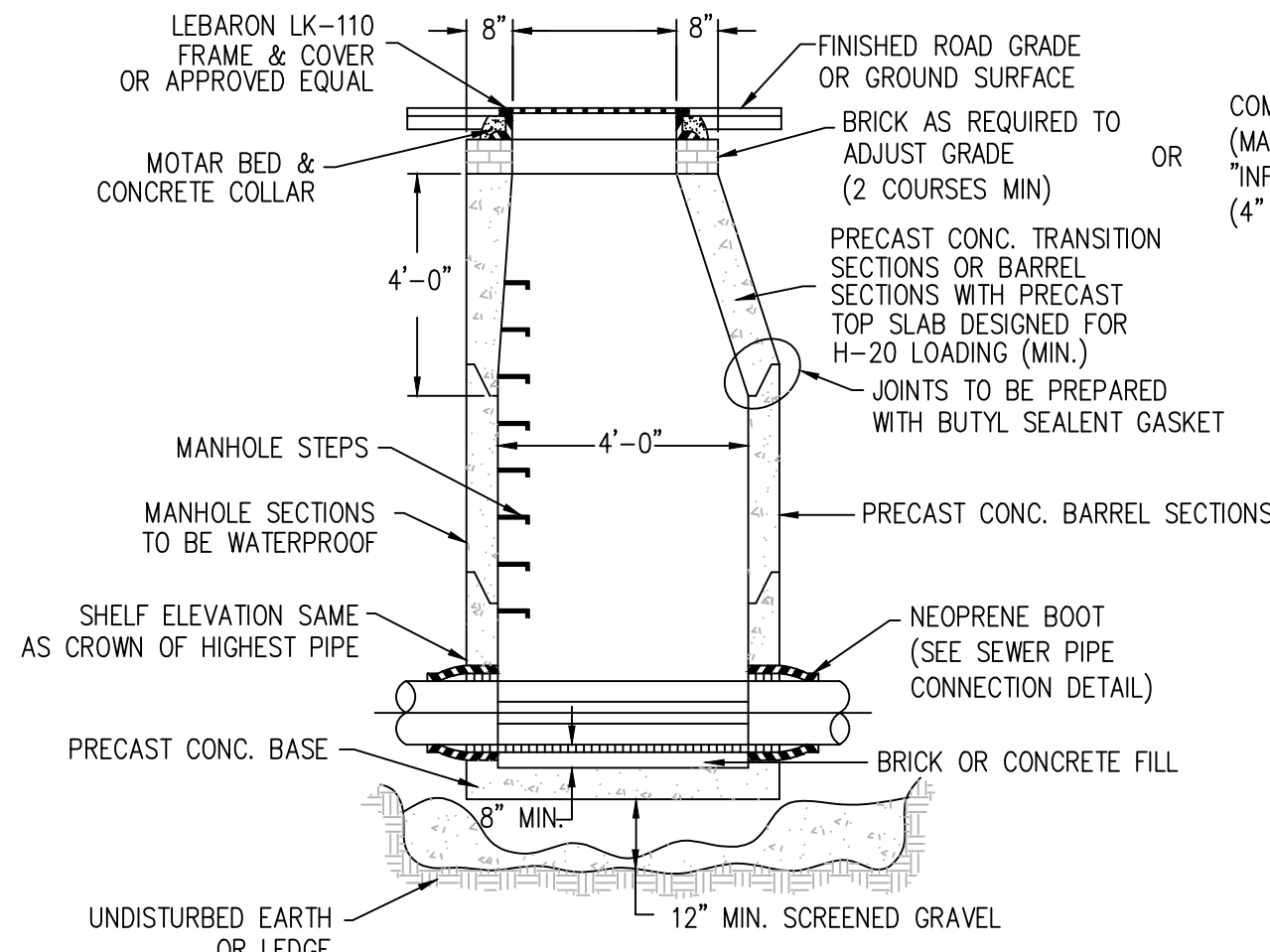
SHEET NUMBER:
C-006



SECTION B-B



PLAN

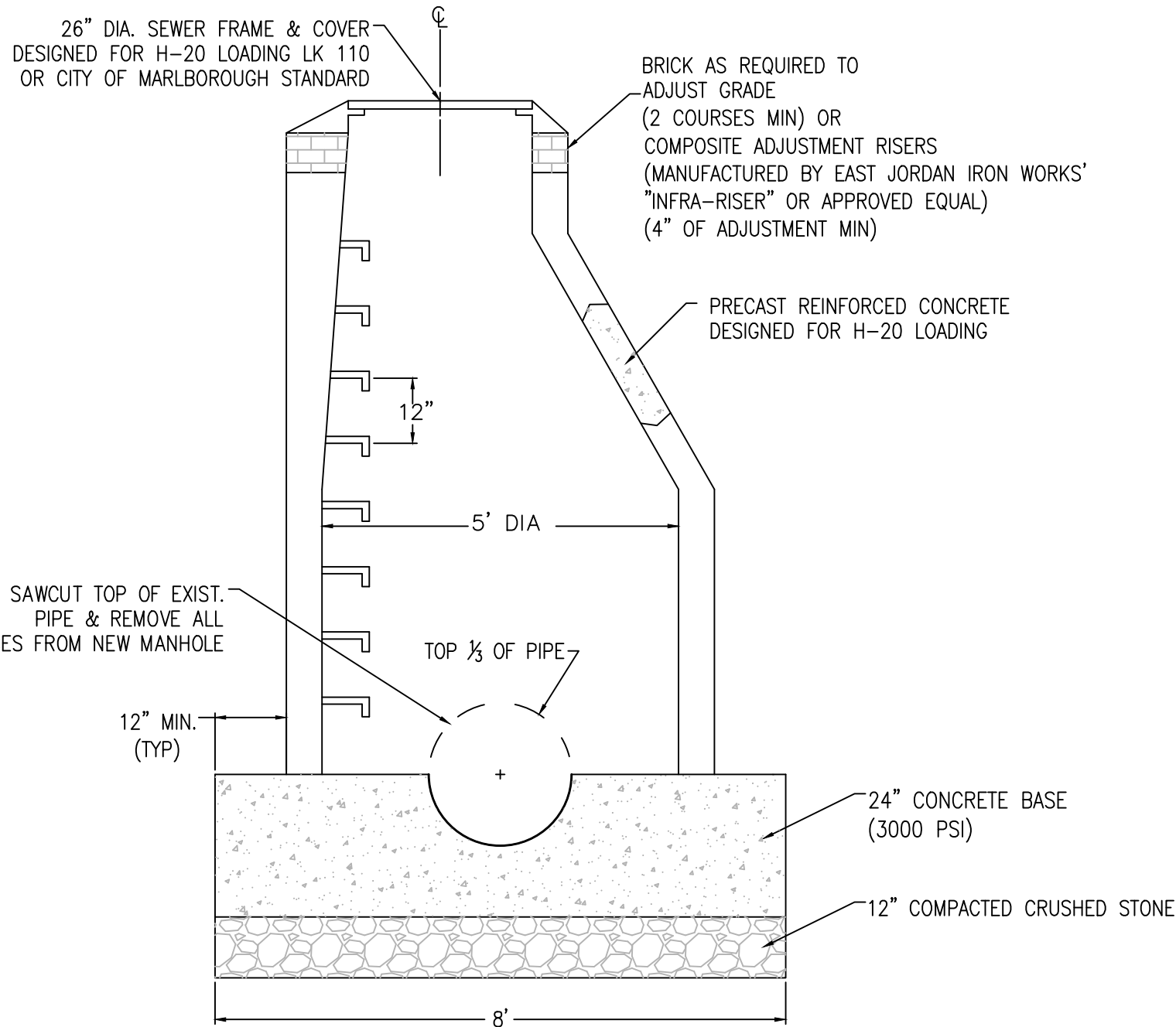


SECTION A-A

PRECAST SEWER MANHOLE

N.T.S.

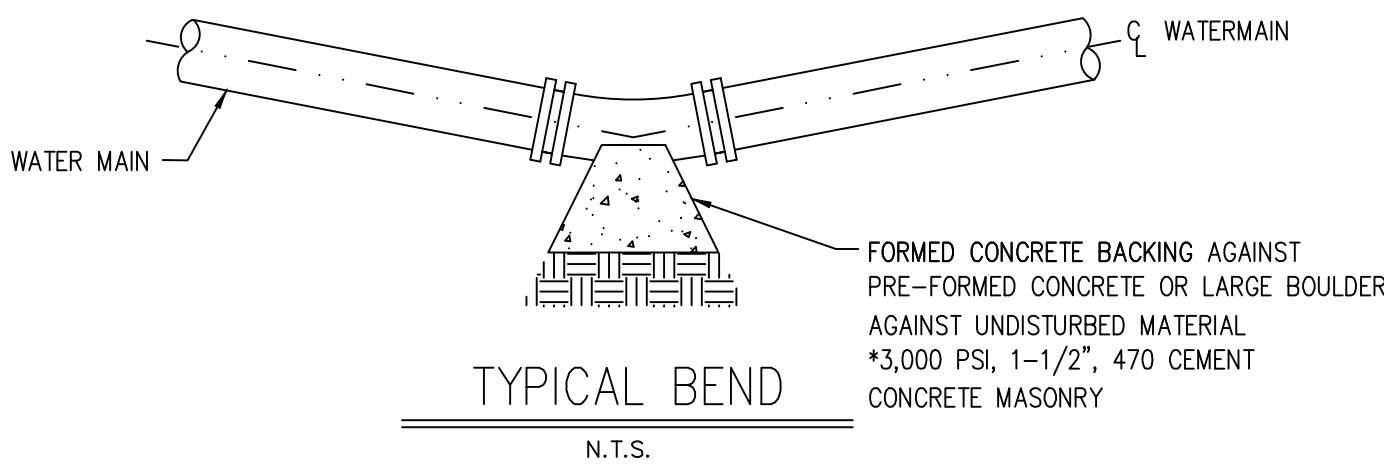
- NOTE:
- LANDING PLATFORMS SHALL BE INSTALLED IN MANHOLES THAT ARE OVER TWENTY FEET (20') DEEP TO THE INVERT.



DOGHOUSE SEWER MANHOLE

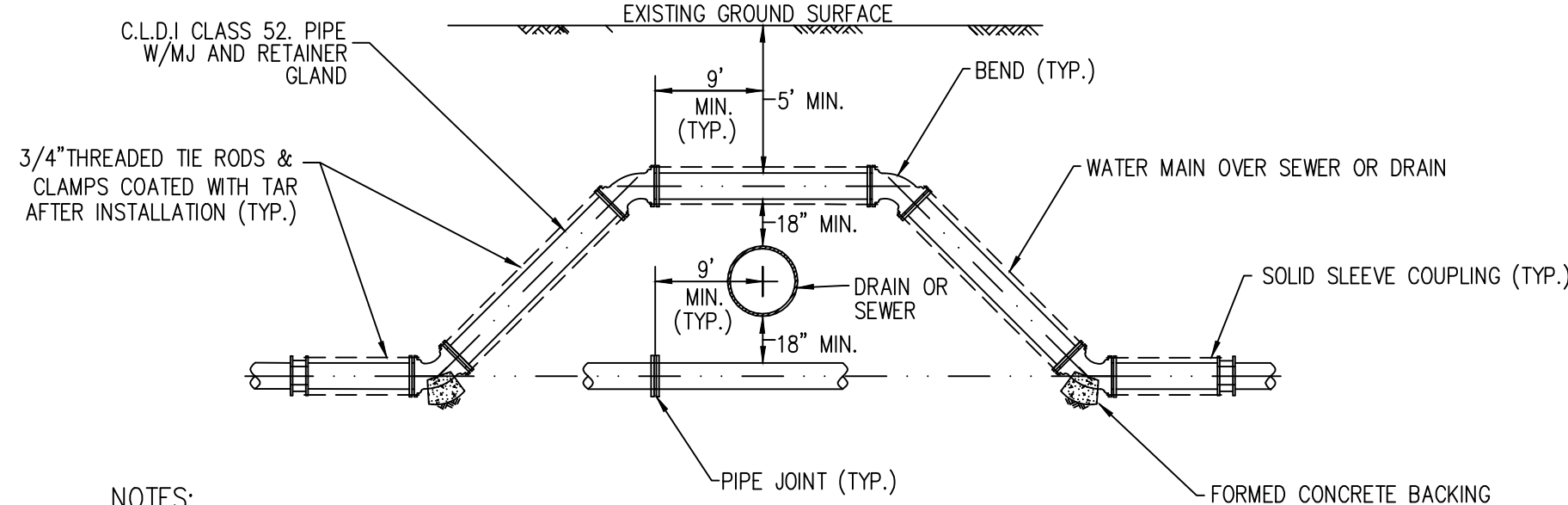
N.T.S.

| TABLE OF BEARING AREAS IN SQUARE FEET AGAINST UNDISTURBED MATERIAL FOR WATER MAIN FITTINGS | | | |
|--|-----------------|--------------|--------------|
| SIZE OF MAIN (IN.) | 45° BEND (S.F.) | TEES & PLUGS | 22 1/2° BEND |
| 8" & LESS | 8 | 10 | 8 |
| 10" - 12" | 22 | 16 | 13 |



NOTES:

- PROVIDE RESTRAINTS FOR MECHANICAL JOINTS (MEGALUGS OR FRICTION CLAMPS).
- 6 MIL POLYETHYLENE SHALL BE PLACE BETWEEN THE THRUST BLOCK AND PIPE AT ALL MECHANICAL JOINTS PRIOR TO PORING CONCRETE.

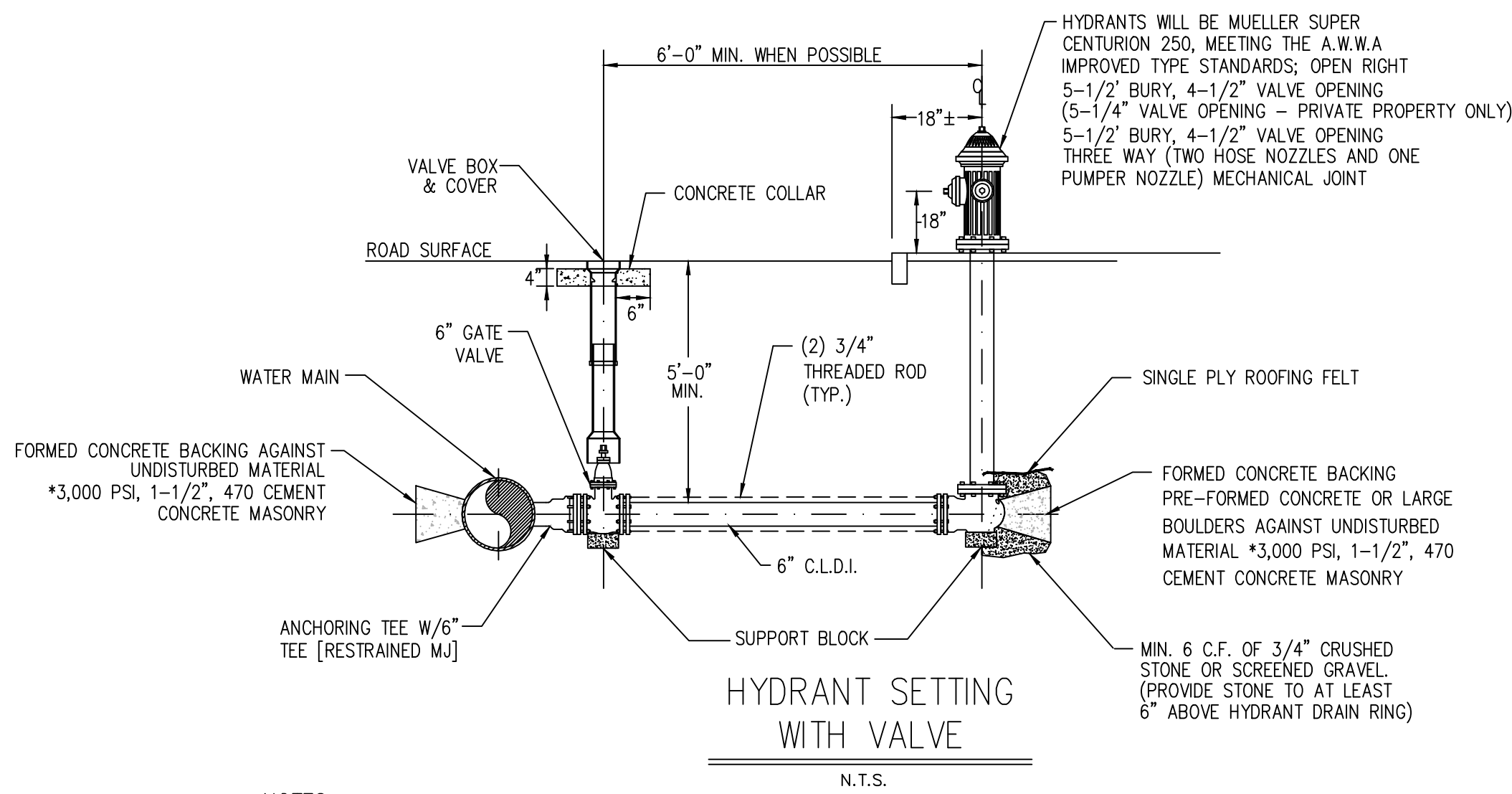


NOTES:

- BENDS TO BE UTILIZED ONLY WHEN DEFLECTION CANNOT ACHIEVE REQUIRED DEPTH.
- ALL VERTICAL BENDS ARE TO BE RODDED W/ MEGA LUGS OR FRICTION CLAMPS AT BELL JOINTS.
- THE UTILITY WHICH LIES BELOW ANOTHER UTILITY SHALL BE SLEEVED IN A CEMENT LINED DUCTILE IRON PIPE THAT IS 4 INCHES LARGER IN DIAMETER AND FURNO BOOTED AT EITHER END, OR ENCASED WITH EXCAVATABLE FLOWABLE FILL. THE EXACT METHOD IS TO BE DETERMINED BY THE CITY.
- 6 MIL POLYETHYLENE SHALL BE PLACE BETWEEN THE THRUST BLOCK AND PIPE AT ALL MECHANICAL JOINTS PRIOR TO POURING CONCRETE.

WATER MAIN CROSSING WITH SEWER OR DRAIN

N.T.S.



NOTES:

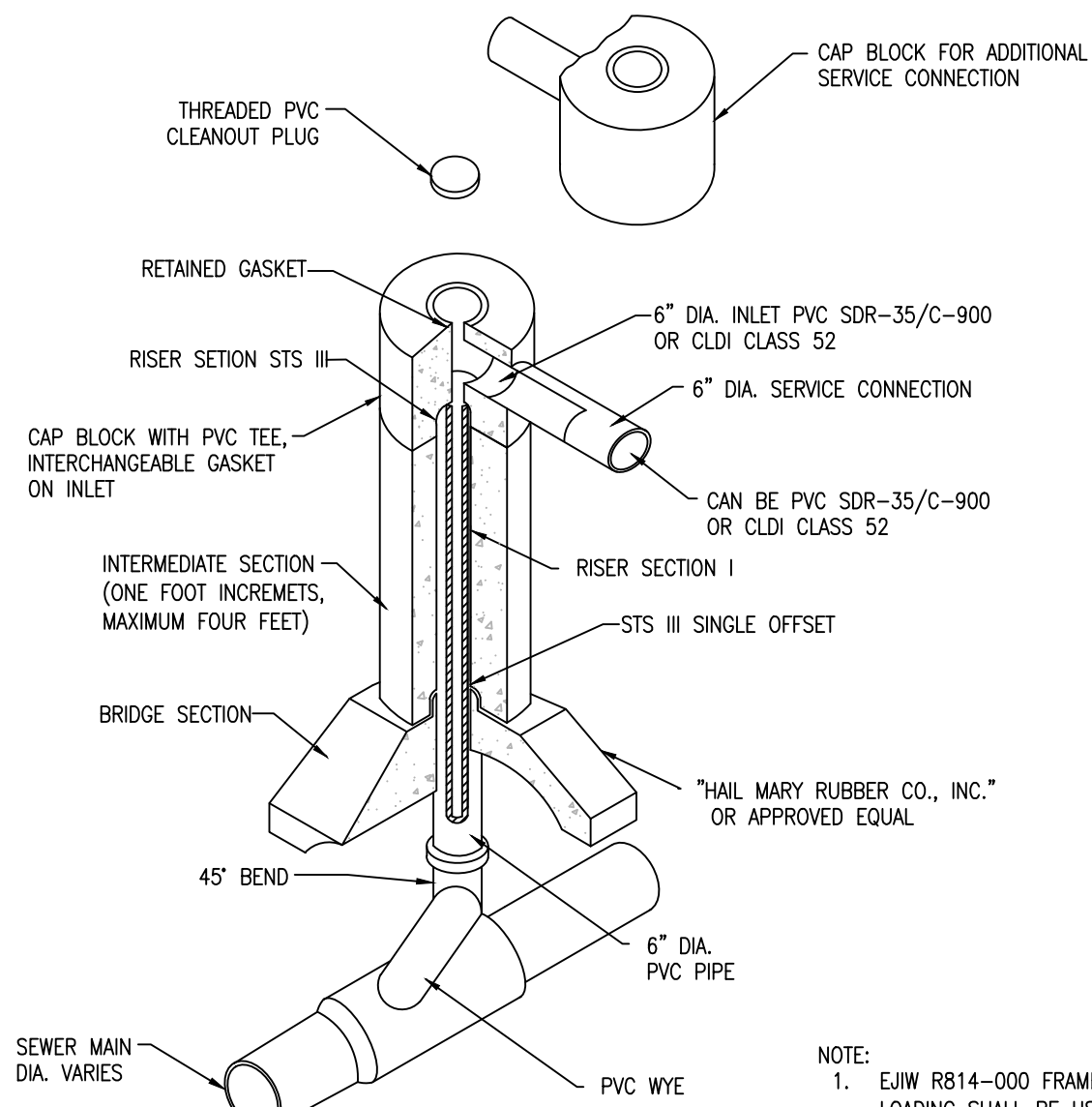
- PROVIDE HYDRANT AND VALVE JOINTS WITH MECHANICAL JOINTS (MEGALUG OR APPROVED EQUAL).
- SUPPORT BLOCKS TO BE PRESSURE TREATED WOOD OR CONCRETE MASONRY BLOCKS.
- ALL VALVES OPEN RIGHT.
- 6 MIL POLYETHYLENE SHALL BE PLACE BETWEEN THE THRUST BLOCK AND PIPE AT ALL MECHANICAL JOINTS PRIOR TO PORING CONCRETE.

APPROVED BY THE
MARLBOROUGH PLANNING BOARD

DATE: _____

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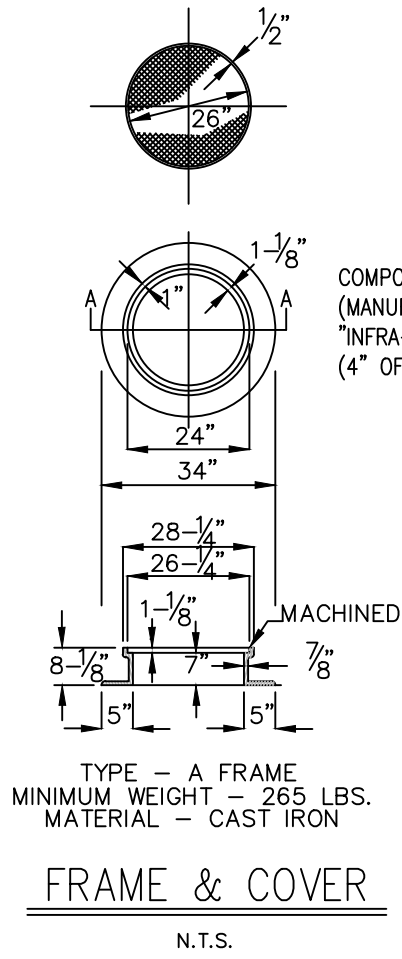


PRECAST SEWER CLEANOUT

N.T.S.

- NOTE:
- EJW R814-000 FRAME AND COVER HS-20 LOADING SHALL BE USED WITH "SEWER" ON COVER OR APPROVED EQUAL.
 - PRECAST STRUCTURES WILL ONLY BE REQUIRED FOR CHANGE IN ELEVATION OR CHANGE IN DIRECTION NOT FOR RUNS IN EXCESS OF 100'.

"SEWER" W/ 3 INCH LETTERING



FRAME & COVER

N.T.S.

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PREPARED FOR:

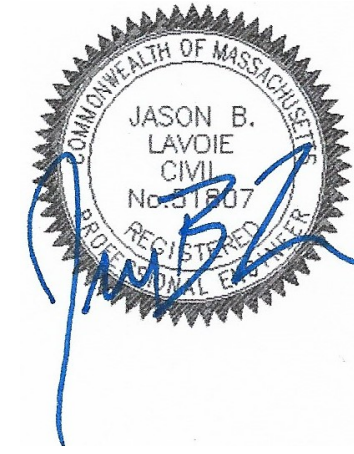
CHARLES BOURQUE
131 BLACK BEAR DRIVE SUITE 1912
WALTHAM, MA 02451

PREPARED BY:

wsp

100 SUMMER STREET
BOSTON, MA 02110
617.426.7330

REGISTRATION STAMP:



REVISIONS:

| REV NO. | DATE | DESCRIPTION | BY |
|---------|----------|--|-----|
| 1 | 7/21/22 | REVISIONS TO PLANNING BOARD 5/3/22 COMMENTS | NSB |
| 2 | 10/14/22 | REVISIONS TO PLANNING BOARD 8/14/22 COMMENTS | JAZ |
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| | | | |

REGISTRY USE ONLY:

PLAN TITLE:

TOBIN ROAD SUBDIVISION
DETAIL SHEET 2 OF 5
OF LAND IN MARLBOROUGH, MA
OWNED BY
JAMES CHAOUSIS

DISCIPLINE:

CIVIL

DRAWN BY:

NB

CHECKED BY:

JL

APPROVED BY:

JL

SCALE:

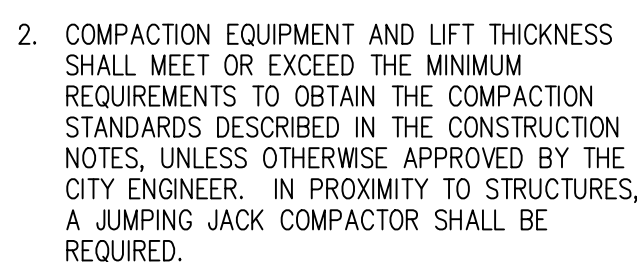
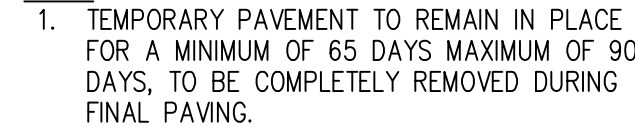
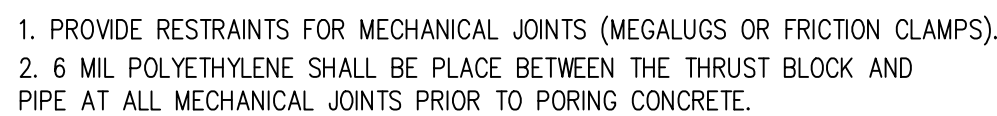
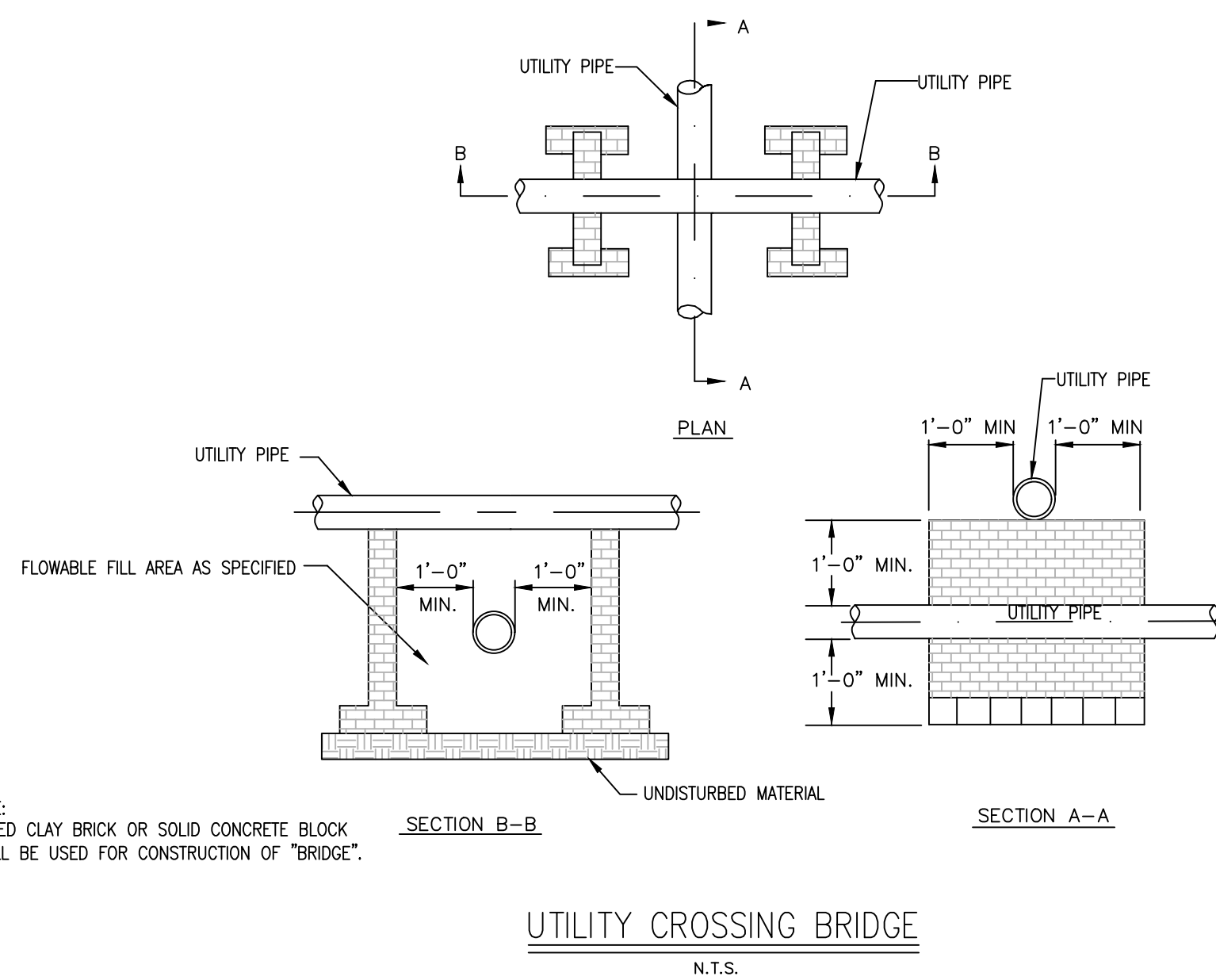
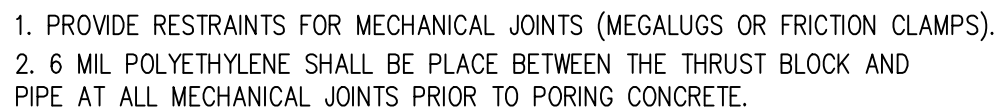
NTS

DATE:

3/11/2022

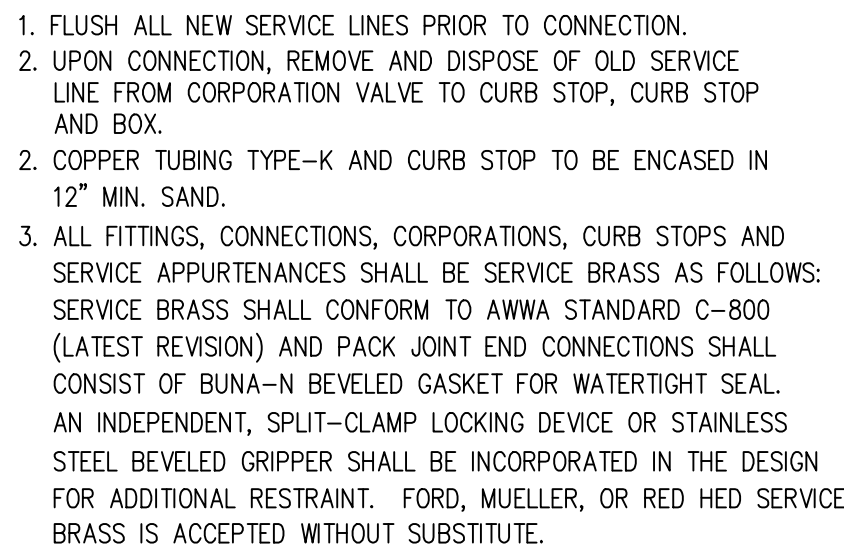
SHEET NUMBER:

C-007



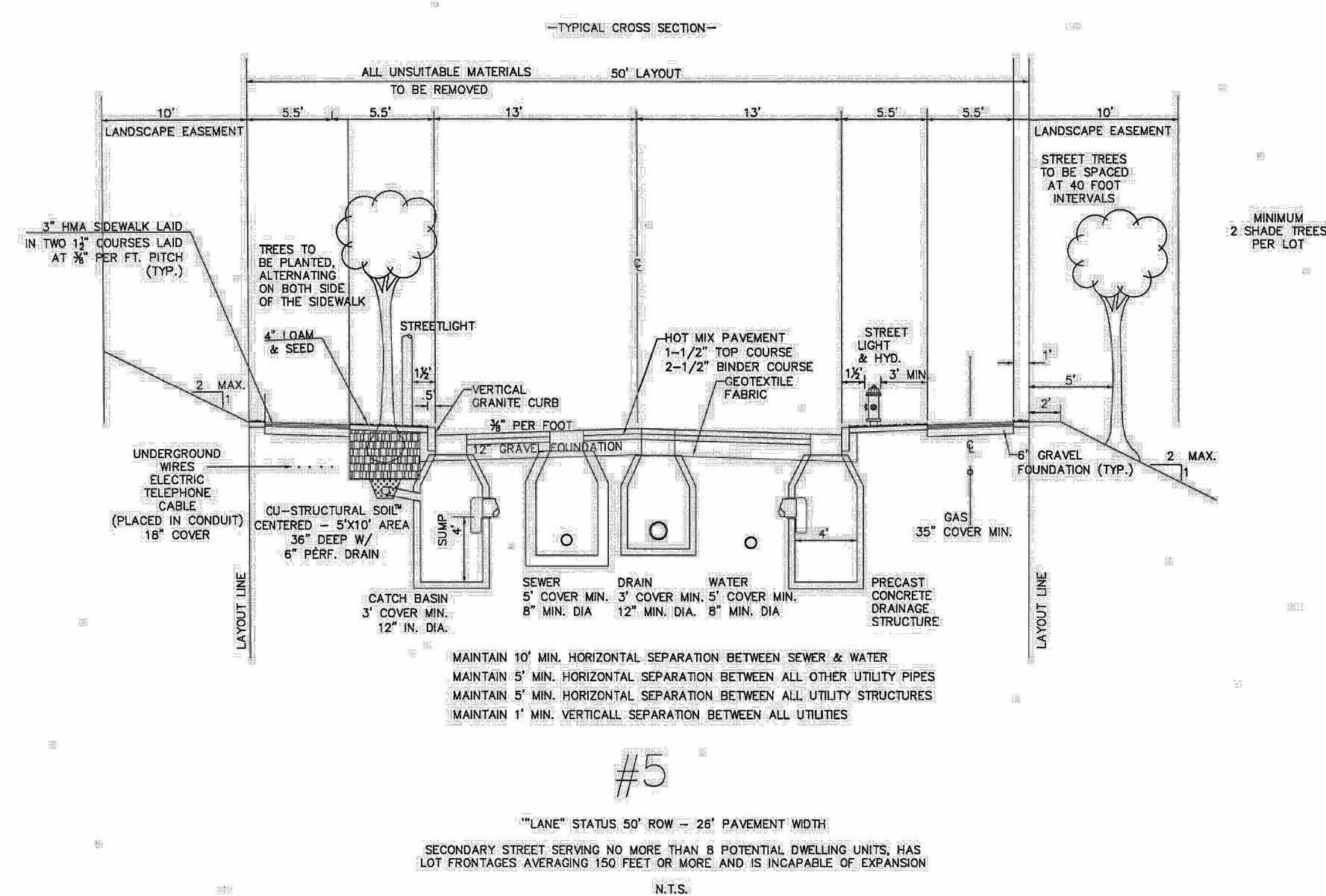
TYPICAL
WATER TRENCH
N.T.S.

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TYPICAL
SERVICE CONNECTION

N.T.S.



TYPICAL ROADWAY SECTION
(NOT TO SCALE)

APPROVED BY THE
MARLBOROUGH PLANNING BOARD

DATE:

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4. SEE DRAWING NUMBER A001 LANDSCAPING SITEPLAN FOR PLANTING SCHEDULE AND LAYOUT.
5. THIS PLAN IS FOR PERMITTING AND REVIEW PURPOSES ONLY.

[illegible]

REGISTRY USE ONLY:

TOBIN ROADSSUBDIVISION
DETAIL SHEET 3 OF 5
OF LAND IN MARLBOROUGH, MA
OWNED BY
JAMES CHAOUSIS

CIVIL

DRAWN BY:
NB

CHECKE
JL

APPROVED BY:

JL

NTS

3/11/2022

SHEET NUMBER:

C-008

SOIL TESTING DATA

DATES OF TESTING: MARCH 28, 2022
TEST BY: JASON LAVOIE P.E., WSP USA
WITNESSED BY: UNWITNESSED

DEEP TEST HOLE DATA

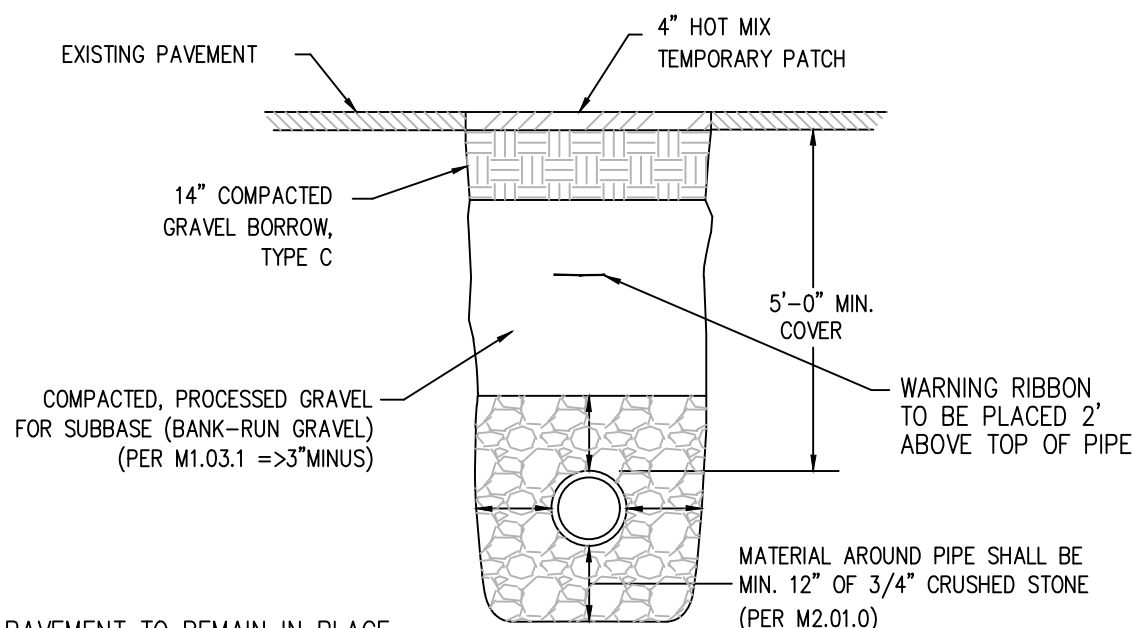
| DTH#W1 | | | | | |
|--------------------|--------------|------------|-------------|-----------------------|-------|
| DEPTH FROM SURFACE | SOIL HORIZON | SOIL COLOR | DESCRIPTION | PARENT MATERIAL: | TILL |
| 0.0'-0.7' | A | 10YR2/1 | SANDY LOAM | DEPTH TO BEDROCK: | >7.5' |
| 0.7'-2.7' | B | 10YR4/6 | SANDY LOAM | DEPTH TO GROUNDWATER: | N/A |
| 3.0'-8.5' | C | 2.5Y5/4 | SANDY LOAM | MOTTLES: | N/A |
| | | | | STANDING: | N/A |
| | | | | WEEPING: | N/A |
| | | | | ESHGW: | 7.5' |

| DTH#W2 | | | | | |
|--------------------|--------------|------------|-------------|-----------------------|-------|
| DEPTH FROM SURFACE | SOIL HORIZON | SOIL COLOR | DESCRIPTION | PARENT MATERIAL: | TILL |
| 0.0'-0.7' | A | 10YR2/1 | SANDY LOAM | DEPTH TO BEDROCK: | >8.7' |
| 0.7'-2.7' | B | 10YR4/6 | SANDY LOAM | DEPTH TO GROUNDWATER: | 7.8' |
| 3.0'-8.7' | C | 2.5Y5/4 | SANDY LOAM | MOTTLES: | N/A |
| | | | | STANDING: | N/A |
| | | | | WEEPING: | N/A |
| | | | | ESHGW: | 7.8' |

| DTH#W3 | | | | | |
|--------------------|--------------|------------|-----------------|-----------------------|-------|
| DEPTH FROM SURFACE | SOIL HORIZON | SOIL COLOR | DESCRIPTION | PARENT MATERIAL: | TILL |
| 0.0'-0.5' | A | 10YR2/1 | SANDY LOAM | DEPTH TO BEDROCK: | >7.5' |
| 0.5'-2.0' | B | 10YR4/6 | SANDY LOAM | DEPTH TO GROUNDWATER: | N/A |
| 2.0'-5.7' | C1 | 2.5Y5/4 | FINE SANDY LOAM | MOTTLES: | 7.5' |
| 5.7'-7.5' | C2 | 2.5Y5/4 | SANDY LOAM | STANDING: | 5.7' |
| | | | | WEEPING: | 5.7' |
| | | | | ESHGW: | 5.7' |

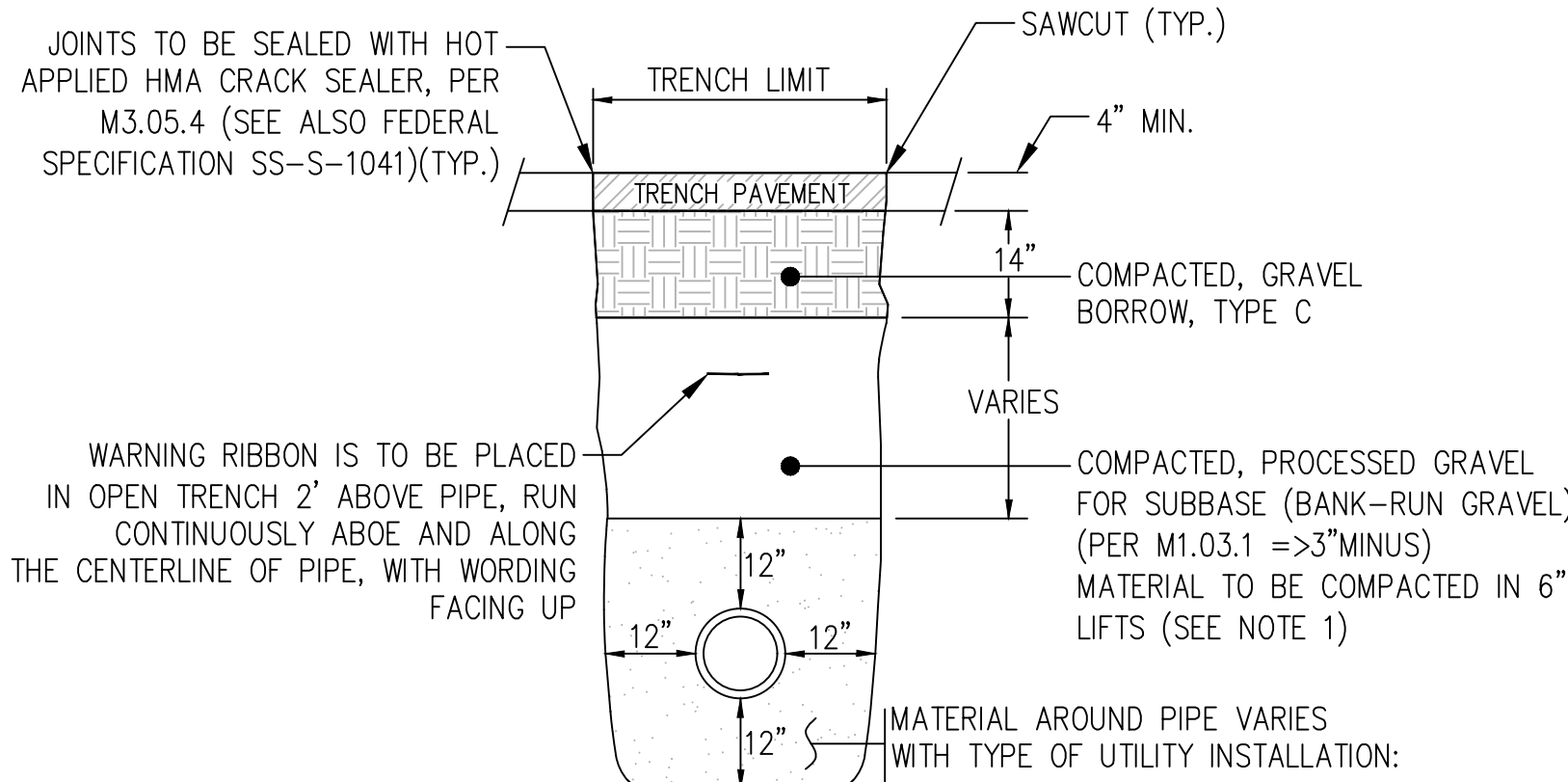
| DTH#W4 | | | | | |
|--------------------|--------------|------------|-------------|-----------------------|-------|
| DEPTH FROM SURFACE | SOIL HORIZON | SOIL COLOR | DESCRIPTION | PARENT MATERIAL: | TILL |
| 0.0'-0.5' | A | 10YR2/1 | SANDY LOAM | DEPTH TO BEDROCK: | >6.0' |
| 0.5'-2.0' | B | 10YR4/6 | SANDY LOAM | DEPTH TO GROUNDWATER: | N/A |
| 2.0'-6.0' | C | 2.5Y5/4 | SANDY LOAM | MOTTLES: | N/A |
| | | | | STANDING: | N/A |
| | | | | WEEPING: | 5.7' |
| | | | | ESHGW: | 5.7' |

| DTH#W5 | | | | | |
|--------------------|--------------|------------|-------------|-----------------------|-------|
| DEPTH FROM SURFACE | SOIL HORIZON | SOIL COLOR | DESCRIPTION | PARENT MATERIAL: | TILL |
| 0.0'-1.0' | A | 10YR2/1 | SANDY LOAM | DEPTH TO BEDROCK: | >9.0' |
| 1.0'-2.5' | B | 10YR4/6 | SANDY LOAM | DEPTH TO GROUNDWATER: | 8.5' |
| 2.5'-9.0' | C | 2.5Y5/4 | SANDY LOAM | MOTTLES: | N/A |
| | | | | STANDING: | N/A |
| | | | | WEEPING: | N/A |
| | | | | ESHGW: | 8.5' |



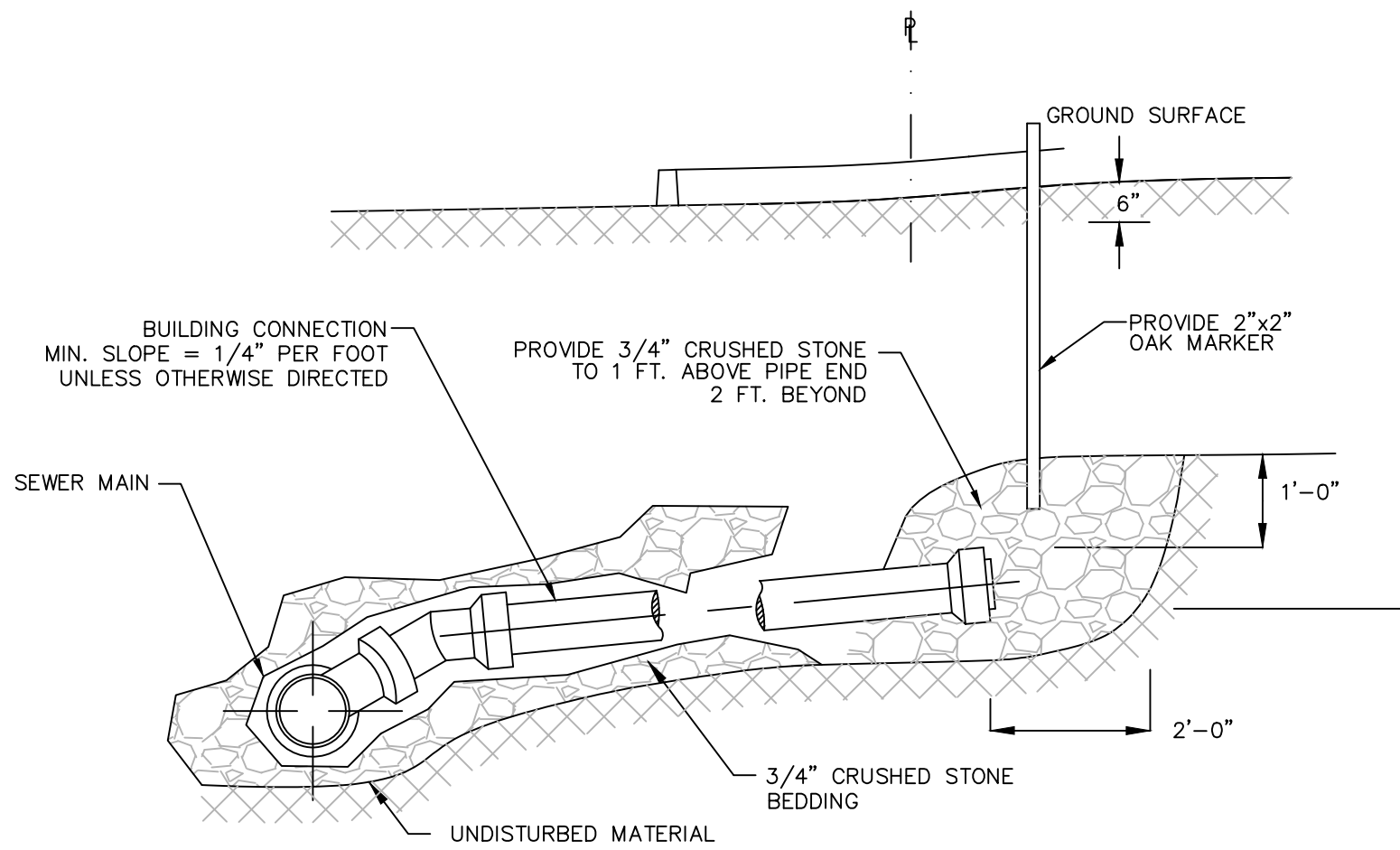
- NOTE:
- TEMPORARY PAVEMENT TO REMAIN IN PLACE FOR A MINIMUM OF 65 DAYS MAXIMUM OF 90 DAYS, TO BE COMPLETELY REMOVED DURING FINAL PAVING.
 - COMPACTION EQUIPMENT AND LIFT THICKNESS SHALL MEET OR EXCEED THE MINIMUM REQUIREMENTS TO OBTAIN THE COMPACTION STANDARDS DESCRIBED IN THE CONSTRUCTION NOTES, UNLESS OTHERWISE APPROVED BY THE CITY ENGINEER. IN PROXIMITY TO STRUCTURES, A JUMPING JACK COMPACTOR SHALL BE REQUIRED.

TYPICAL
SEWER TRENCH
N.T.S.

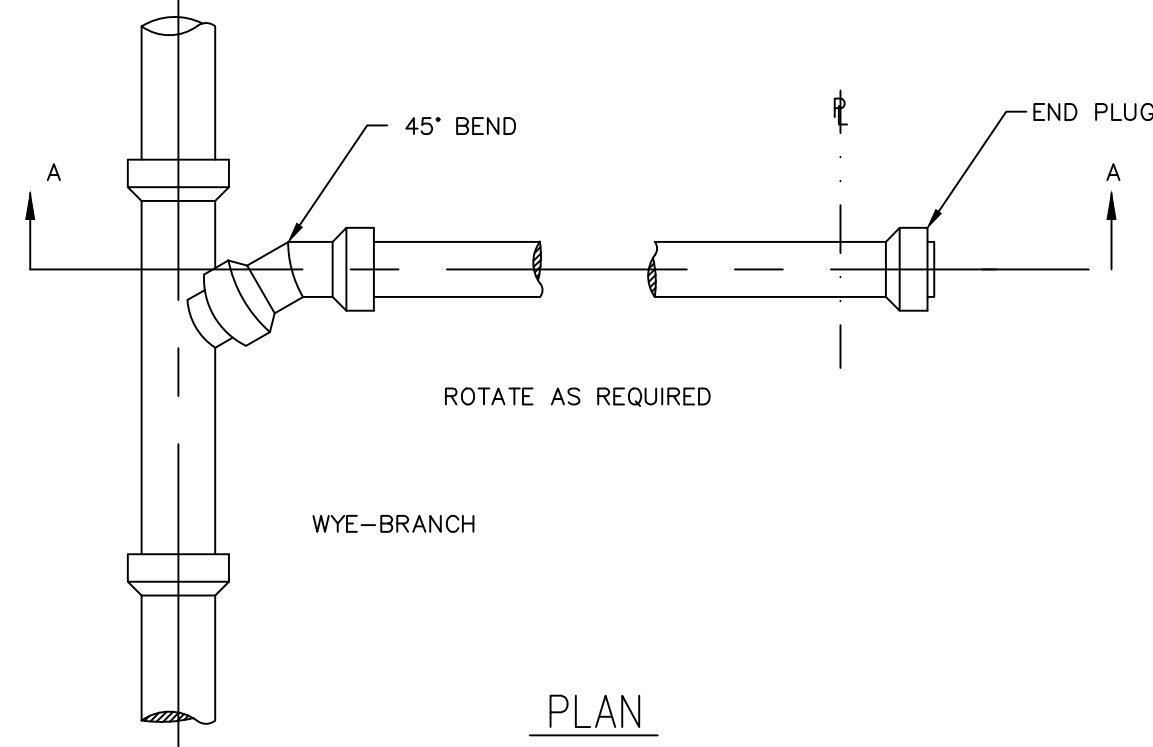


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 - WATER MAIN PIPE IS TO HAVE MINIMUM COVER DEPTH OF 5 FEET FROM FINISHED SURFACE.

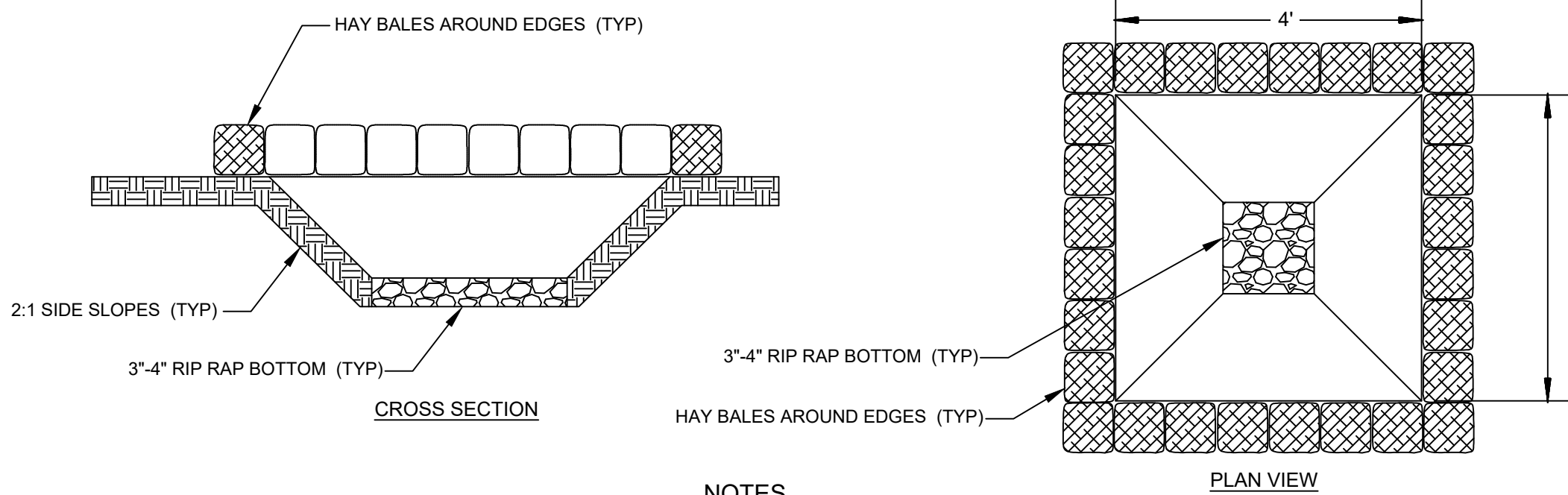
TYPICAL
EXCAVATION TRENCH
N.T.S.



SECTION A-A



SEWER SERVICE CONNECTION
N.T.S.



- NOTES
- THE CITY OF MARLBOROUGH SHALL BE NOTIFIED WITHIN 48 HOURS OF ANY DEWATERING.
 - DEWATERING SYSTEM SHALL BE INSPECTED PRIOR TO USE.
 - DURING USE THE DEWATERING SYSTEM SHALL BE MONITORED AND MAINTAINED. AT THE END OF EACH DAY SEDIMENT AND DEBRIS SHALL BE REMOVED. IF HAYBALES BECOME DETERIORATED THEY SHALL BE REPLACED AS NEEDED.

DEWATERING DETAIL
(NOT TO SCALE)

APPROVED BY THE
MARLBOROUGH PLANNING BOARD

DATE:

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PREPARED FOR:
CHARLES BOURQUE
131 BLACK BEAR DRIVE SUITE 1912
WALTHAM, MA 02451

PREPARED BY:
wsp
100 SUMMER STREET
BOSTON, MA 02110
617.426.7330



| REVISIONS: | | | |
|------------|----------|--|-----|
| REV NO. | DATE: | DESCRIPTION: | BY: |
| 1 | 7/21/22 | REVISIONS TO PLANNING BOARD 5/3/22 COMMENTS | NSB |
| 2 | 10/14/22 | REVISIONS TO PLANNING BOARD 8/14/22 COMMENTS | JAZ |
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REGISTRY USE ONLY:

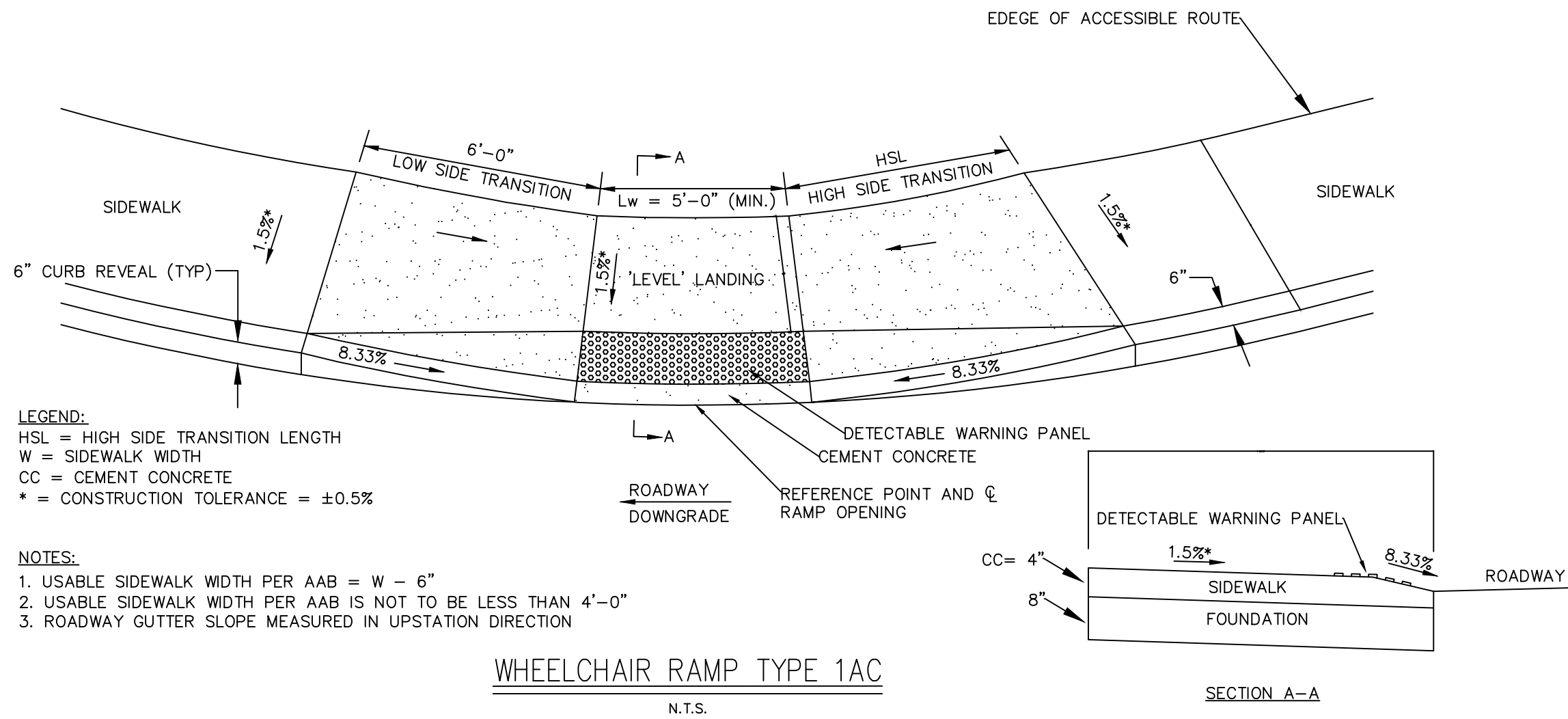
PLAN TITLE:
TOBIN ROAD SUBDIVISION
DETAIL SHEET 4 OF 5
OF LAND IN MARLBOROUGH, MA
OWNED BY
JAMES CHAOUSIS

DISCIPLINE:
CIVIL

| | | |
|-----------------|-------------------|--------------------|
| DRAWN BY: NB | CHECKED BY: JL | APPROVED BY: JL |
|-----------------|-------------------|--------------------|

| | |
|---------------|--------------------|
| SCALE: NTS | DATE: 7/21/2022 |
|---------------|--------------------|

SHEET NUMBER:
C-009



APPROVED BY THE
MARLBOROUGH PLANNING BOARD

DATE:

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PREPARED FOR:
CHARLES BOURQUE
131 BLACK BEAR DRIVE SUITE 1912
WALTHAM, MA 02451

PREPARED BY:

100 SUMMER STREET
BOSTON, MA 02110
617.426.7330



| REVISIONS: | | | |
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REGISTRY USE ONLY:

PLAN TITLE:
TOBIN ROAD SUBDIVISION
DETAIL SHEET 5 OF 5
OF LAND IN MARLBOROUGH, MA
OWNED BY
JAMES CHAOUSIS

| DISCIPLINE: | | |
|-------------|-------------|--------------|
| CIVIL | | |
| DRAWN BY: | CHECKED BY: | APPROVED BY: |
| NB | JL | JL |
| SCALE: | | DATE: |
| NTS | | 7/21/2022 |

SHEET NUMBER:

C-010



City of Marlborough Planning Board

10A

Procedure for Approval Not Required (ANR) Plans

