

CITY OF MARLBOROUGH MEETING POSTING

Meeting: Planning Board
Date: December 07, 2020
Time: 7:00 PM
Location: REMOTE MEETING NOTICE

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

In accordance with the March 12, 2020 Executive Order issued by Governor Baker modifying certain requirements of the Open Meeting Law, the City of Marlborough Planning Board will hold a remote meeting on Monday, December 07, 2020 at 7:00 pm. The public may access the meeting by clicking on the link provided in the Planning Board calendar on the Planning Board Website <https://www.marlborough-ma.gov/planning-board> or by dialing in using the following phone number and conference ID : +1 617-433-9462 United States, Boston (Toll) Conference ID: 992 106 408#

Agenda Items to be Addressed:

1. Meeting Minutes
 - A. November 16, 2020
2. Chair's Business (None)
3. Approval Not Required
 - A. ANR Application - South Street/Mt. Pleasant Street
Applicant: Matthew Jackson, PO Box 586, Marlborough MA 01752
Engineer/Land Surveyor: Dillis & Roy, 1 Main St., Suite 1, Lunenburg, MA 01462
Deed References: Middlesex Registry of Deeds Book 54715, Page 491 (107 South) and Book 65389, Page 260 (119 South)
Location and Description: 107 South St- Accessor's Map-Parcel 81-86 and 119 South St. – Accessor's Map-Parcel 81-85.
4. Public Hearings (None)
5. Subdivision Progress Reports
 - A. Goodale Estates
 - i) Request for Extension of Subdivision Approval– Schedule, Tax Status, Blight and Bond Status (**Vote**)
 - ii) Request for Reduction of Performance Bond, Draft Second Amendment to Performance Agreement
6. Preliminary/Open Space /Limited Development Subdivision (None)
7. Definitive Subdivision Submissions (None)
8. Signs (None)
9. Correspondence (None)
10. Unfinished Business
 - A. Definitive Subdivision Application - 76 Broad St. 4-Lot Subdivision
Applicant: W.R.E., LLC, 319 Stow Road, Marlborough, MA 01752
Engineer: Hancock Associates, 315 Elm St., Marlborough, MA 01752. Robert DiBenedetto, Representative.
(Note: Submission Date: 09-09-20, **Decision Due: Meeting Prior to January 22, 2021**)
 - B. Communication from Assistant City Solicitor Piques regarding modification of plan notations (Sem Aykanian – 74 Main St.)
 - C. Working group discussion – Planning Board Rules and Regulations
 - a. Forms and Cross Sections Discussion
 - b. Assignment of next tasks
11. Calendar Updates
- 12) Public Notices of other Cities & Towns (See Electronic Packet)
 - A. City of Framingham (2 Notices)

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

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

November 16, 2020

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

1. Meeting Minutes

A. November 2, 2020

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to accept and file the November 2, 2020 meeting minutes. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

2. Chair's Business

A. Working Group Discussion – Rules and Regulations

Chair Fenby updated the Board on the proposed approach for working with the Metropolitan Area Planning Council (MAPC).

- that the Planning Board and the City Engineers look at previously proposed updates to the Rules and Regulations and discuss their current merits for adoption,
- that the City determine which items need more information and assistance from MAPC, and
- that MAPC can provide the City with a more moderate scope to assist in investigation options for a limited series of items, as well as to give the "updated" R&R a "once-over" for any additional thoughts they may have for best practices.

Mr. Fay suggested the Board plug away by tackling limited sections at upcoming meetings. Members LaVenture and Russ will meet with Engineering to formulate a path forward and choose topics for discussion at the next meeting.

3. Approval Not Required

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

Surveyor: City of Marlborough DPW, Engineering Division **(Vote)**

Deed: Middlesex South Registry of Deeds Book 75849 Page 245

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

Mr. LaVenture read the November 12, 2020 review letter from Assistant City Engineer Collins into the record. The purpose of the plan is to subdivide the existing 1.22-acre lot as follows:

Lot 1, on which the exiting house will remain, containing 18,555.9 ft² with 120 feet of frontage on Elm St. Parcel A, a vacant parcel containing 34,785.5 ft² and has 44.77 feet of frontage on Elm Street. Lot 1 has the required area, frontage and meets Lot Shape requirement for a buildable lot in the Residence A-2 zone and has present adequate access. Parcel A has the required area for a buildable lot in Residence A-2 zone but does not have the required frontage and cannot meet the Lot Shape requirement for a buildable lot. It is correctly labelled as "not to be considered a separate buildable lot."

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept, file and endorse the referenced plan of land dated 11-10-20 as Approval Not Required Under the Subdivision Control Law.

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

4. Public Hearings

A. Continued Public Hearing - 76 Broad St. 4-Lot Subdivision (Decision due prior to January 22, 2021)

Applicant: W.R.E., LLC, 319 Stow Road, Marlborough, MA 01752

Engineer: Hancock Associates, 315 Elm St., Marlborough, MA 01752. Robert DiBenedetto, Project Engineer, Representative.

Chair Fenby reopened the public hearing. Ms. Fenby asked if there were any objections to waiving the full reading of the four-page Engineering memorandum dated 11-12-20. Hearing no objections, Ms. Fenby requested that City Engineer DiPersio summarize the comments.

The memorandum addressed mainly minor corrections and notes to be added to the plan's General Notes Section, Title Sheet, Existing Conditions Plan and Lotting Plan. The plan proposes to use easements to achieve the following condition: "Property lines at street intersections shall have a radius equal to 30 feet at intersections involving a major street and 25 feet at other intersections." The use of an easement to meet this requirement will require a waiver. The proposed lots are in a Residence C zone, which allows a higher density of units than the two-family lots proposed by the developer. As the developer committed to building only build two-family dwellings on the property, a note indicating this density should be placed on the plan. Additional comments were made to the Grading & Drainage Plan. The stormwater management for the project has changed from a subsurface infiltration to a surface structure to facilitate maintenance. The City Engineer has not completed his review of the stormwater design but mentioned the concentrator may need extension. Mr. Russ commented that Mr. Collins had explained how the emergency outflow operates and expressed that the design should protect the southerly properties to the extent possible. Engineering provided additional comments on the Utility Plan, the Plan and Profile and the Erosion and Sediment Control Plan.

Mr. LaVenture read the 11-10-20 letter from assistant City Solicitor Piques regarding fee interests into the record. Mr. Fay furthered the discussion pointing out the potential problems as a precedent in agreeing to the rounding without a fee interest. The need to clarify this issue in the revision of the rules and regulations was noted. Attorney Austin offered to add a waiver to the plan to obviate the issue.

Chair Fenby polled the Board whether the hearing should remain open. The Board's sense was to close the hearing. With no additional comment, the hearing was closed. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the correspondences. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

5. Subdivision Progress Reports

A. Goodale Estates -Informational – Communication from Kevin Gillis re: Extension of Approval

Mr. LaVenture read the November 9, 2020 letter from Kevin Gillis into the record. Mr. Gillis reminded the Board of the 12-31-20 expiration of the subdivision approval. Since substantial site work remains, postponing final paving and tree planting until next fall was requested. Mr. DiPersio said the letter was a "heads up" and Mr. Gillis will appear at the 12-07-20 meeting to formally request the extension. Mr. DiPersio said the extension was expected, but the Board will need to contemplate the one-year request. On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to accept and file the correspondence. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

6. Preliminary/Open Space /Limited Development Subdivision

A. Engineering Review Letter -Preliminary Subdivision Plan – Stevens St. (Decision to Approve, Modify or Disapprove)

Applicant: The Charles Company, LLC

Engineer: The Jillson Company- Kevin O'Leary, Representative. Plan dated 9-11-20.

Owners: Rebecca Chaousis and Amy Goebel.

Mr. LaVenture read the 11-12-20 review letter from Assistant City Engineer Collins into the record.

Mr. Collins states that the plan shows a 4-Lot subdivision with a 500' roadway. The remainder of the undeveloped property consists of 18.8 acres and should be noted that (without frontage) it is "not to be considered a buildable lot". Lot 5 shown on the plan should be removed with an ANR and developed as a separate lot or incorporated into the subdivision design. Numerous details including sewer easements, design characteristics for Lane Status and description of a preferred "grass strip" street cross-section are described. Assistant City Engineer Collins also expressed that the DPW is not in favor of the center island design at the cul-de-sac. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the correspondence. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: O. Motion carried.

Chair Fenby opened the discussion by expressing concern of the proposed 22' roadway width for the lane. Mr. DiPersio offered that the engineer may have used that width because the regulations are somewhat confusing. Mr. O'Leary confirmed that he had used the 22' width from the adequacy of streets section. Mr. O'Leary stated the developer would like a waiver for reduced pavement width from the required 26'. The discussion continued while City Engineer presented confirmation that the Board denied similar waiver requests in the past for Goodale Estates (minimum width 26') and Walker Brook Estates (minimum width 26'). In Mauro Farms, the Board approved a waiver request to reduce pavement width from 32' of pavement to 28' of pavement. Mr. LaVenture asked Mr. O'Leary to define the benefits of reducing pavement width from 26' to 24'. Mr. O'Leary stated that reducing impervious surfaces would reduce runoff, which he said would be mitigated on site (regardless of width), and the reduced pavement width provides some cost savings for the developer by adjusting the size of the drainage infrastructure. It was the consensus of the Board to suggest that Mr. O'Leary maintain the 26' width in the definitive design.

Chair Fenby asked if there were any additional waivers Mr. O'Leary would like to discuss. He said the developer preferred a sidewalk on one side. Mr. Fay expressed that the Board does not favor sidewalks on one side. The Board confirmed they prefer walkable developments. Mr. O'Leary added that there are no sidewalks on Stevens Street in that area, so this development doesn't allow for any connections. He believes one sidewalk on a dead-end is adequate. Mr. Fay commented that at present, there is no sidewalk on Stevens. Mr. O'Leary said he will not push for this option if a one-sided sidewalk is not a favored design. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept (approve) the 9-11-20 preliminary plan incorporating the modifications outlined in the 11-12-20 Engineering Division review letter by Assistant City Engineer Collins (including, but not limited to the preferred grass strip cross-section). Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: O. Motion carried.

7. Definitive Subdivision Submissions (None)

8. Signs

- A. Request for Sign Variance - Agnoli Sign Co., Inc. on behalf of Sherwin Williams- 222 E. Main St. Amanda Pfeffer from Agnoli Sign was online to represent the application on behalf of Sherwin Williams. Ms. Fenby requested that she explain why this sign variance is good for the City. The applicant's representative explained that her client proposed changing the existing sign with a new sign across the store front. The design would be channel letters on an aluminum backer. Her client has this replacement sign in stock, and they would like to incorporate this sign at this location. Ms. Fenby asked Ms. Pfeffer to confirm that the existing sign is already larger than adjoining businesses and that there is also an additional store sign on the freestanding entrance to the shopping complex. Ms. Pfeffer confirmed these facts. On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to deny the application for a sign variance at 222 E. Main St. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: Elder. Motion carried. Mr. Fay asked Mr. Elder his reasoning for not supporting the denial. While acknowledging the expressed justification for the sign lacked merit, he preferred to provide the representative more opportunity to explain why the sign was needed. Chair Fenby stated she will take his comments into future consideration.

9. Correspondence

- A. Communication from Attorney Sem Aykanian RE: 74 Main St. (2 S. Bolton) – Release from ANR notations.

Mr. LaVenture read the 11-04-20 correspondence from Attorney Aykanian into the record. Mr. Aykanian requests the following notation included on an Approval Not Required Plan dated March 1, 1985 and recorded in the Middlesex South Registry of Deeds (Plan 528 of 1985 in Book 16149, Page 304) be released and discharged on the referenced plan:

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

Exhibits: 1) Original ANR endorsed 3-13-85. 2) Modern sketch plan 3) Original deed from Community Development Authority (with restrictions highlighted). 4) Copy of recently executed release of restrictions by CDA 5) Proposed Release of Restrictions for Planning Board’s execution.

Attorney Aykanian provided background on the property located on parcel 22B, which he described as small remainder parcel left over from the redevelopment of Main Street in the early 70’s. The parcel was sold to Richard Wagner, and it is speculated that the restrictive language was included to prevent the owner from “flipping” the property. The deed allowed for the erection of an accessory building or addition to the Grantees other property (74 Main St.) Attorney Aykanian is the Trustee for the John Cotting Realty Trust, and current owner of the 74 Main St./2 S. Bolton St. property (on parcel 22B). The 2 South Bolton property contains what has been described as “a carriage house”, which is currently used as office space.

The 2 South Bolton property is under agreement, but the plan and deed notations were of concern to the buyer. Mr. Aykanian appeared informally before the Planning Board in late summer and was waiting for the Community Development Authority to act on the deed restriction, which stated – Said Parcel 22B cannot be transferred as a single parcel. In the event of a violation of this Agreement, the property shall revert to the City of Marlborough Community Development Authority. Attorney Aykanian recounted that the City’s previous City Solicitor had preliminarily found that these deed restrictions had likely expired. The CDA acted on October 5, 2020, by executing a Release of Restrictions, releasing, and forever discharging such restrictions to be null and void. Attorney Aykanian now requests that the Planning Board execute step 2) Removal of plan restrictions. The third step required is receiving acknowledgement from the City’s zoning authority that the new owner will not be prevented from modifying the office building. By facilitating the sale, Attorney Aykanian asserts that there is a greater likelihood that the historic property at 74 Main St. will be preserved. Maintaining both properties on one lot, he believes, presents an opportunity for redevelopment, and includes the possibility of an undesired outcome.

Chair Fenby asked the City Engineer for comment. Mr. DiPersio stated the CDA’s action to remove the deed restrictions made sense due to the passage of time. He clarified that the plan note is not a restriction to be released, but rather is simply a statement allowing the Planning Board to endorse the plan as Approval Not Required (under the Subdivision Control Law). The note identifies the zoning insufficiency of parcel 22B as a separate building lot.

Member Fay believes that the release should be in the form of a Certificate of Vote. He thought that the release should include a motion duly made and seconded authorizing the Chair to execute the release on behalf of the Board.

Attorney Aykanian requested an opportunity to address the City Engineer’s comments. He stated there are two parts of the plan note. Part one states that parcel 22B is not to be considered a building lot, and the second portion says the parcel is to be used in conjunction with the adjoining land. He is not asking the Planning Board to confirm that the parcel complies with zoning. That determination is for the Building Commissioner. He continued that zoning has been the topic of much debate.

Mr. Aykanian stated the "lot" was in existence when the permit (for the carriage house) was issued, and that the structure was built in accordance with a valid building permit. He is not asserting that (the 22B parcel) it has enough area or has proper coverage. He does not wish to assert any pre-existing conditions or land merger, but instead believes he can make a cogent argument that the statute of limitations would prohibit zoning enforcement. He hopes that the plan notes can be removed, and the vote could perhaps state that the Planning Board is not endorsing that the building is in conformance with any zoning. On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to refer the matter to both Legal and Engineering. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

10. Unfinished Business (None)

11. Calendar Updates (None)

12. Public Notices of other Cities & Towns (See Electronic Packet)

- A. City of Framingham (7 Notices)**
- B. Town of Southborough (1 Notice)**
- C. Town of Berlin (1 Notice)**

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the correspondences of items 8,9 and 12. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

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

Respectfully submitted,

/kih

George LaVenture/Clerk

APPENDIX A

APPLICATION FOR ENDORSEMENT OF
PLAN BELIEVED NOT TO REQUIRE APPROVAL

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

Marlborough, Massachusetts

11/30/20
(Date)

To the Planning Board:

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

1. Name of Applicant Matt Jackson

Address

P.O. Box 586 Marlboro Ma 01752

2. Name of Engineer/
Land Surveyor

Ducharme & Dillis

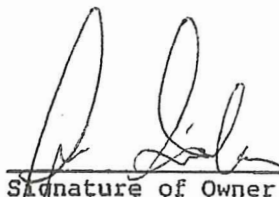
Address

1 Main St Lunenburg Ma 01462

3. Deed of Property recorded in Middlesex Registry of

Deeds Book 65389 Page(s) 260

4. Location and description of property:



Joao Silva

Signature of Owner

Contact email address: Jacksonmattlaw70 @ Yahoo

Address: 119 South St

Contact phone number: 508-395-5309

PLANNING BOARD

DATE 12-2-20

AGENDA 12-7-20

ACTION _____

APPENDIX A

APPLICATION FOR ENDORSEMENT OF
PLAN BELIEVED NOT TO REQUIRE APPROVAL

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

Marlborough, Massachusetts

11/16/2020

(Date)

To the Planning Board:

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

Matthew Jackson

1. Name of Applicant PO Box 586, Marlboro, MA 01752

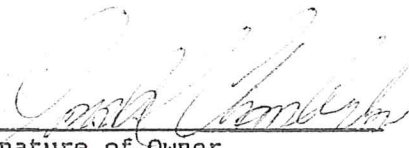
Address DUCHARME & DILLIS Civil Design Group, Inc.

2. Name of Engineer /
Land Surveyor 1 Main Street, suite 1
Address Lunenburg, MA 01462

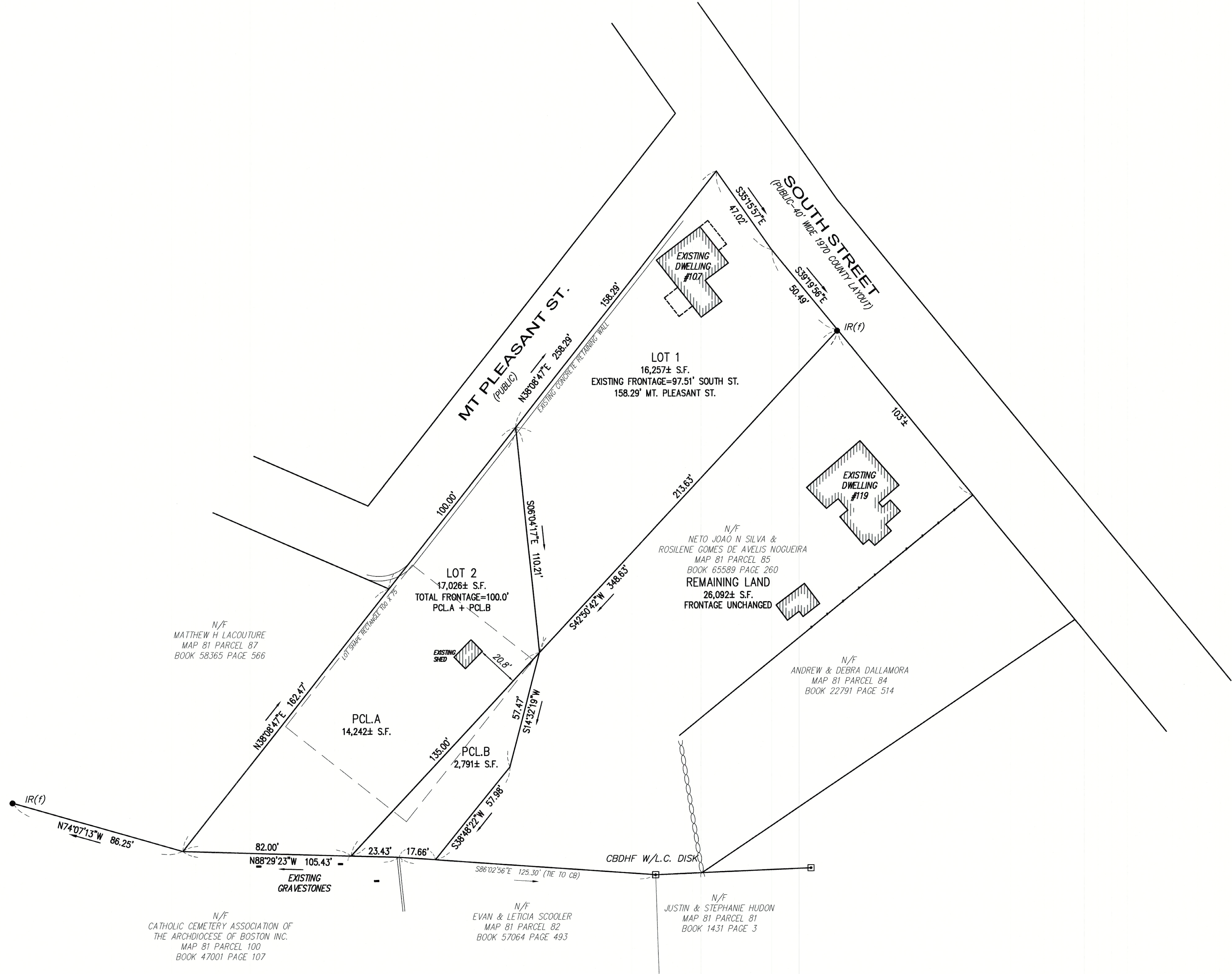
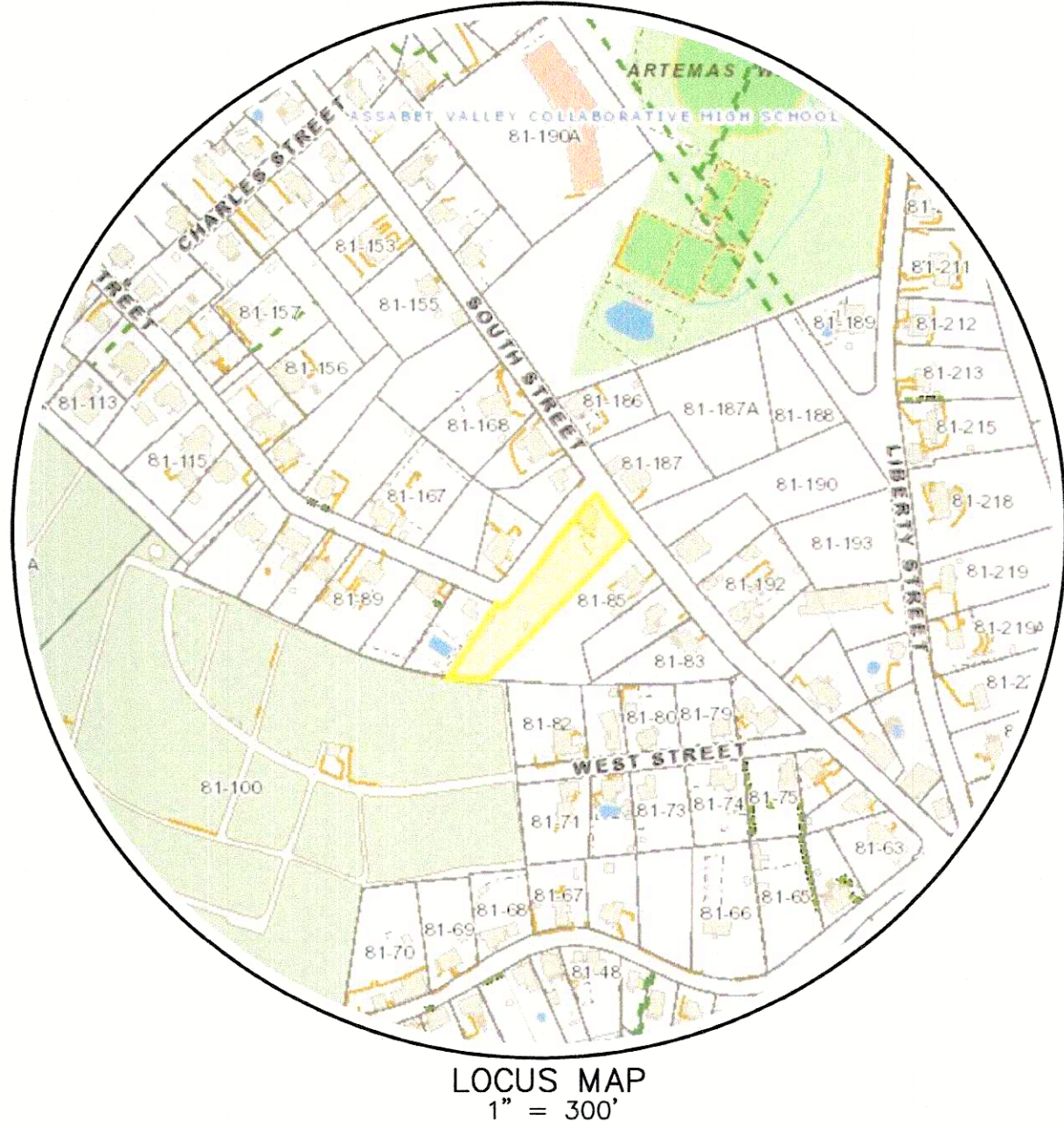
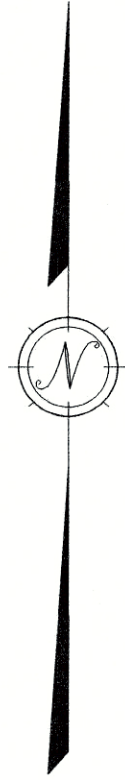
3. Deed of Property recorded in Middlesex Registry of
Deeds Book 54715 Page(s) 491

4. Location and description of property:

Mt. Pleasant

 Donald Chamberlain
Signature of Owner Donald Chamberlain
Contact email address: jacksonmatthew70@yahoo.com
Address: 107 South Street,
Marlboro, MA 01752
Contact phone number: 508-395-5309

PLANNING BOARD
DATE 12-2-20
AGENDA 12-7-20
ACTION



RECORD OWNER:
DONALD A. CHAMBERLAIN II
JENNIFER L. STANGLE
107 SOUTH ST.
MARLBOROUGH, MA
NETO JOAO N SILVA &
ROSILENE GOMES DE AVELIS NOGUEIRA
119 SOUTH ST.
MARLBOROUGH, MA

DEED REFERENCES:
BK.54715 PG.491
BK.65589 PG.260
BK.58365 PG.566
BK.8998 PG.409
BK.25927 PG.178
BK.27022 PG.241
BK.47001 PG.107

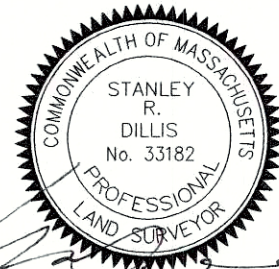
PLAN REFERENCE:
PL.1154 of 1957
PL.721 of 1995
1970 SOUTH ST. COUNTY LAYOUT

ASSESSORS REFERENCE:
MAP 81 PARCEL 86

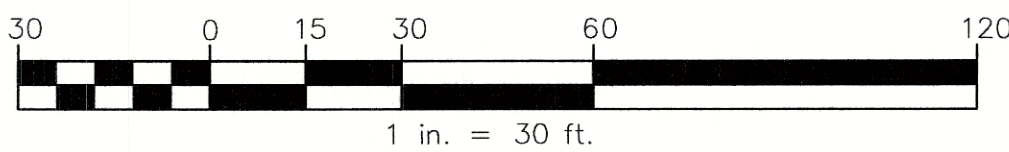
ZONING DISTRICT:
RESIDENCE A-3

THIS ENDORSEMENT OF THE PLANNING BOARD
DOES NOT CONSTITUTE A FINDING THAT
ZONING REQUIREMENTS HAVE BEEN MET

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES
AND REGULATIONS OF THE REGISTERS OF DEEDS OF
THE COMMONWEALTH OF MASSACHUSETTS



PROFESSIONAL LAND SURVEYOR DATE 12/1/20



GENERAL NOTES:

- PROPERTY LINE INFORMATION SHOWN ON THIS PLAN WAS PREPARED BY DUCHARME & DILLIS CIVIL DESIGN GROUP, INC. BASED ON AN ON-THE-GROUND SURVEY PERFORM IN SEPTEMBER 2020 AND RECORDED PLANS AND DEEDS.
- ROAD FACE OF CONCRETE RETAINING WALL ALONG MT PLEASANT ST HELD FOR STREET LINE PER M.G.L. CH 86, SECTION 2

PLAN OF LAND IN MARLBOROUGH, MASSACHUSETTS

DATE: DECEMBER 1, 2020	SCALE: 1 in. = 30 ft.
OWNER: DONALD A. CHAMBERLAIN 107 SOUTH ST. MARLBOROUGH, MA	JOB NO. 6512
NETO JOAO N SILVA & ROSILENE GOMES DE AVELIS NOGUEIRA 119 SOUTH ST. MARLBOROUGH, MA	DWG. NO. 6512-ANR2

DILLIS & ROY
CIVIL DESIGN GROUP

CIVIL ENGINEERS LAND SURVEYORS WETLAND CONSULTANTS
1 MAIN STREET, SUITE 1 PHONE: (978) 779-6091
LUNENBURG, MA 01462 www.dillisanndroy.com

Northborough Realty Holdings, LLC

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

kgillis@northborocapital.com

November 9, 2020

Via: Email-kholmi@marlborough-ma.gov

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

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

Dear Chairperson Fenby:

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

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

Sincerely,



Kevin A. Gillis
Managing Director

From: [Collector's Department](#)
To: [Kevin Gillis](#); [Collector's Department](#)
Cc: [Krista Holmi](#)
Subject: RE: Bill # 8533
Date: Tuesday, November 24, 2020 2:27:47 PM
Attachments: [JENKS LN.pdf](#)

All taxes are current on parcel #0002-0100 Jenks Ln. Please see attached statement.

From: Kevin Gillis <kevinagillis1@gmail.com>
Sent: Monday, November 23, 2020 1:17 PM
To: Collector's Department <collectors_dept@marlborough-ma.gov>
Cc: Krista Holmi <kholmi@marlborough-ma.gov>
Subject: Bill # 8533

Hi Jill,

Per our telcon, please return a statement reflecting that the real estate taxes for Jenks Lane are current.

TY,

Kevin

--

Kevin A. Gillis
Managing Director
Northborough Realty Holdings, LLC
4 Courthouse Lane, Suite 16
Chelmsford, MA 01824
Tel. Bus. 781-771-8519
Mobile 781-771-8519

City of Marlborough
Commonwealth of Massachusetts

5A-3 i
blight determination



Pamela A. Wilderman (X30201)
Ethan Lippitt (X 30200)
Code Enforcement
140 Main Street
Marlborough, MA 01752
Phone: (508) 460-3776 (x30201)
Fax: (508) 460-3736
Email:

December 2, 2020

Barbara L. Fenby, Chair
Marlborough Planning Board
135 Neil Street
Marlborough, MA 01752

RE: Blight Review
Goodale Estates

Dear Chairperson Fenby and Members:

Please be advised that I visited the above referenced site this morning to review for any "blight" conditions.

At this time, and after a brief discussion with Mr. Collins, I find that the subdivision remains an active construction site with no blight concerns.

As always, feel free to contact this office if you have any questions or if I can be of any further assistance to you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Pamela A. Wilderman".
Pamela A. Wilderman
Code Enforcement Officer

Cc: File



December 3, 2020

Mr. Kevin A. Gillis
Managing Director
Northborough Realty Holdings, LLC
4 Courthouse Lane, Suite 16
Chelmsford, MA 01824

RE: NORTHBOROUGH CAPITAL PARTNERS PERFORMANCE BOND #5419402

Dear Kevin:

The Subdivision Performance Bond (#5419402) written in favor of the City of Marlborough, MA has an effective date of February 4, 2020. As seen from Item #5 in the bond language, the bond will automatically renew for successive one-year terms through completion of the obligations required by the Agreement. This is typical wording and keeps the bond in effect for the benefit of the Obligee (City of Marlborough).

It is within the rights and powers of the Obligee to review work performed on the subdivision and agree to reduce the bond amount based on the work they have accepted to date. This is a positive development and helps everyone – the principal, surety, and obligee. Once the dollar value of the accepted work is determined, the City can send you a letter clarifying the dollar value of the accepted work and the dollar value of the remaining work. Once the surety has that letter, we will reduce the current bond by a rider to reflect the new amount.

Please let me know if you have any questions. Thank you.

Regards,

Melanie A. Bonnevie, CPCU, AFSB
Sr. Account Executive

Bond No. 5419402**SUBDIVISION PERFORMANCE BOND**

KNOW ALL PERSONS BY THESE PRESENTS, that NORTHBOROUGH CAPITAL PARTNERS, LLC, as Principal, and OLD REPUBLIC INSURANCE COMPANY authorized to do business in the State of MASSACHUSETTS and having an office at PO BOX 481, 103 PARK STREET, LEWISTON, ME 04243, as Surety, are held and firmly bound unto THE CITY OF MARLBOROUGH, MA, acting by and through its duly authorized Planning Board, as Oblige, in the penal sum of THREE HUNDRED FIFTY TWO THOUSAND AND NO/100 DOLLARS (\$352,000.00) for the payment of which sum well and truly to be made, we bind ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the above bounded Principal and Oblige entered into a Subdivision Performance Agreement Secured by Surety Bond dated February 4, 2020 regarding certain obligations of Principal with respect to a subdivision known as "Goodale Estates", and which agreement is specifically referred to and made part hereof as Exhibit A (the "Agreement");

WHEREAS, the Agreement requires submission of a bond guaranteeing construction of ways and installation of municipal services as set forth in Exhibit A;

NOW, THEREFORE, the condition of the above obligation is such, that if the said Principal shall fully and satisfactorily complete the above-referenced improvements in accordance with the plans and specifications, covenants, conditions, agreements, terms and provisions, as further described in Exhibit A, in the manner and in the time specified therein (currently said completion date is June 30, 2020); and shall indemnify and save harmless the City from all costs and damages which it may suffer by reason of failure to do so, and fully reimburse and repay the Oblige any outlay and expense which it may incur in making good any such default, then this obligation shall be null and void, otherwise it will remain in full force and effect.

THE FOREGOING OBLIGATION, however, is limited by the following express conditions, the performance of which shall be a condition precedent to any rights of claims or recovery hereunder;

1. Upon the discovery by the Oblige, or by the Oblige's agent or representative, of any act or omission that shall or might involve a loss hereunder, the Oblige shall endeavor to give written notice thereof with the fullest information obtainable at the time to the Surety at its office at 445 S. MOORLAND ROAD, BROOKFIELD, WI 53005
2. Legal proceeding for recovery hereunder may not be brought unless begun within twelve (12) months from the date of the discovery of the act or omission of the Principal on account of which claim is made.
3. The Principal shall be made a party of any suit or action for recovery hereunder, and no judgment shall be rendered against the Surety in excess of the penalty of this instrument.
4. No right of action shall accrue hereunder to or for the use or benefit of anyone other than the Oblige, and the Oblige's right hereunder may not be assigned without the written consent of the Surety.
5. This Bond shall automatically renew for successive one-year terms through completion of the Principal's obligations required by the Agreement, unless, at least sixty (60) days prior to the next annual renewal date (which shall be December 31 of each calendar year), the Surety delivers written notice to Principal and to Oblige, or Principal delivers written notice to Surety and Oblige, that the notice-sender seeks to modify the terms of, or cancel, this bond. Written notice is effective if delivered to, or sent by certified mail, postage prepaid, and deposited in the U.S. Mail addressed to the Principal or Surety, as the case may be, and to the Oblige requiring bond, and is actually received by the Principal or Surety, as the case may be, and the Oblige at least thirty (30) days prior to the renewal date.
6. The Oblige shall have recourse to the Bond notwithstanding any transfer in title or lease, foreclosure, assignment, bankruptcy or imposition of lien by or against the Principal.
7. The Surety hereby assents to any and all changes and modifications that may be made of the aforesaid agreements, covenants, conditions, terms, and provisions to be observed by the Principal, and waives notice thereof.

IN WITNESS WHEREOF, this instrument has been executed by the duly authorized representative of the Principal and the Surety.

SIGNED, SEALED AND DATED: FEBRUARY 4, 2020

NORTHBOROUGH CAPITAL PARTNERS, LLC

BY 

OLD REPUBLIC INSURANCE COMPANY

BY 

MELANIE A. BONNEVIE, ATTORNEY-IN-FACT

From: [Kevin Gillis](#)
To: [Krista Holmi](#)
Subject: Goodale
Date: Wednesday, December 2, 2020 8:46:26 AM
Attachments: [BOND REDUCTION MASTER 11 26 2020.xlsx](#)

Hi Krista,

I have attached the most recent schedule in connection with our request to have a reduction in the bond amount. I trust this will be on the agenda for the upcoming meeting. Are the meetings still via Zoom? If not, can I connect electronically as I am out of state?

TY,
Kevin

--

Kevin A. Gillis
Managing Director
Northborough Realty Holdings, LLC
4 Courthouse Lane, Suite 16
Chelmsford, MA 01824
Tel. Bus. 781-771-8519
Mobile 781-771-8519

**CITY OF MARLBOROUGH, MASSACHUSETTS
ESTIMATE FOR BONDING PURPOSES**

5A-7 ii

SUBDIVISION:		BOND NO.							MassDOT Weighted Bid Prices:	DATES
Goodale Estates		INITIAL							INITIAL DATE OF BOND:	12/01/18
									DATE :	11/27/20
ITEM	DESCRIPTION	UNIT	TOTAL QTY.	UNIT COST	TOTAL COST	QTY. LAST EST.	QTY. THIS EST.	TOTAL COST TO DATE	% COMPLETE	
Earth Work										
	Clearing, grubbing	AC.	0	\$0.00	\$0.00	0			100.00%	
	Excavation	C.Y.	0	\$25.00	\$0.00	0		\$0.00	100.00%	
	Sub-base	C.Y.	0	\$35.00	\$0.00	0		\$0.00	100.00%	
	Ledge excavation	C.Y.	0	\$50.00	\$0.00	0		\$0.00	100.00%	
Water										
	Hydrants (incl. gate)	EA.	1	\$7,250.00	\$7,250.00	0	1	\$7,250.00	100.00%	
	Gates	EA.	1	\$2,300.00	\$2,300.00	0	1	\$2,300.00	100.00%	
	3/4-in. Copper service (complete)	L.F.	375	\$100.00	\$37,500.00	0	275	\$37,500.00	100.00%	
	Corporation and Curb Stop	EA.	7	\$1,200.00	\$8,400.00	0	7	\$8,400.00	100.00%	
	8-in. CL52 DI main	L.F.	490	\$120.00	\$58,800.00	0	490	\$58,800.00	100.00%	
	6-in. CL52 DI hydrant branch	L.F.	10	\$90.00	\$900.00	0	10	\$900.00	100.00%	
Sewer										
	6 In. Service (stub at property line)	L.F.	330	\$90.00	\$29,700.00	0	230	\$29,700.00	100.00%	
	8-In. PVC main	L.F.	460	\$100.00	\$46,000.00	0	460	\$46,000.00	100.00%	
	8-In. CL52 DI main	L.F.	0	\$90.00	\$0.00	0		\$0.00	#DIV/0!	
	10-in. CL52 DI main	L.F.	0	\$115.00	\$0.00	0		\$0.00	#DIV/0!	
	Sewer manhole	EA.	3	\$5,850.00	\$17,550.00	0	3	\$17,550.00	100.00%	
	Sewer manhole - 5' inside dia.	EA.	0	\$5,800.00	\$0.00	0		\$0.00	#DIV/0!	
	Force main - 2-In.	L.F.	0	\$90.00	\$0.00	0		\$0.00	#DIV/0!	
Drainage										
	Catch basin	EA.	4	\$5,350.00	\$21,400.00	0	4	\$21,400.00	100.00%	
	Drain manhole	EA.	2	\$5,350.00	\$10,700.00	0	2	\$10,700.00	100.00%	
	Drain manhole - 5' inside dia.	EA.	0	\$4,800.00	\$0.00	0		\$0.00	#DIV/0!	
	Drop inlet	EA.	1	\$3,200.00	\$3,200.00	0	1	\$3,200.00	100.00%	
	Gutter inlet	EA.	0	\$2,000.00	\$0.00	0		\$0.00	#DIV/0!	
	Box culvert	L.F.	0	\$300.00	\$0.00	0		\$0.00	#DIV/0!	
	8-In. D.I.	L.F.	0	\$120.00	\$0.00	0		\$0.00	#DIV/0!	
	12-In. RCP	L.F.	61	\$100.00	\$6,100.00	0	61	\$6,100.00	100.00%	
	12-In. RCP Flared end	EA.	0	\$1,000.00	\$0.00	0		\$0.00	#DIV/0!	
	15-In. RCP	L.F.	174	\$110.00	\$19,140.00	0	174	\$19,140.00	100.00%	
	15-In. RCP Flared end	EA.	1	\$1,200.00	\$1,200.00	0	1	\$1,200.00	100.00%	
	18-In. RCP	L.F.	40	\$115.00	\$4,600.00	0	40	\$4,600.00	100.00%	
	18-In. RCP Flared end	EA.	0	\$1,150.00	\$0.00	0		\$0.00	#DIV/0!	
	21-In. RCP	L.F.	0	\$120.00	\$0.00	0		\$0.00	#DIV/0!	
	21-In. RCP Flared end	EA.	0	\$1,250.00	\$0.00	0		\$0.00	#DIV/0!	
	24-In. RCP	L.F.	0	\$140.00	\$0.00	0		\$0.00	#DIV/0!	
	24-In. RCP Flared end	EA.	0	\$1,500.00	\$0.00	0		\$0.00	#DIV/0!	
	30-In. RCP	L.F.	0	\$150.00	\$0.00	0		\$0.00	#DIV/0!	
	30-In. RCP Flared end	EA.	0	\$1,500.00	\$0.00	0		\$0.00	#DIV/0!	
	36-In. RCP	L.F.	0	\$175.00	\$0.00	0		\$0.00	#DIV/0!	
	36-In. RCP Flared end	EA.	0	\$1,800.00	\$0.00	0		\$0.00	#DIV/0!	
	Headwalls	C.Y.	11	\$700.00	\$7,700.00	0	11	\$7,700.00	100.00%	
	Detention basins	C.Y.	2250	\$40.00	\$90,000.00	0	2000	\$80,000.00	100.00%	
	Water Quality Structure	EA.	0	\$4,000.00	\$0.00	1		\$0.00	#DIV/0!	
	Outlet Control structure	L.S.	0	\$3,000.00	\$0.00	0		\$0.00	#DIV/0!	
	Rip-Rap	C.Y.	110	\$75.00	\$8,250.00	1	110	\$8,250.00	100.00%	
	6-In. Under Drain	L.F.	0	\$70.00	\$0.00	0		\$0.00	#DIV/0!	
	12-In. Under Drain	L.F.	0	\$80.00	\$0.00	0		\$0.00	#DIV/0!	
	Black Vinyl Clad Fence, Post & Gate	L.F.	540	\$60.00	\$32,400.00	0	0	\$32,400.00	0.00%	
Roadway/Layout										
	Gravel base	C.Y.	650	\$45.00	\$29,250.00	0	650	\$29,250.00	100.00%	
	Bit. Conc. Pavement	Ton	470	\$130.00	\$61,100.00	0	235	\$30,550.00	50.00%	
	Granite curbing	L.F.	950	\$60.00	\$57,000.00	0	950	\$57,000.00	100.00%	
	Bit. Conc. berm	L.F.	0	\$12.00	\$0.00	0		\$0.00	#DIV/0!	
	Sidewalk gravel	C.Y.	10	\$45.00	\$450.00	0		\$450.00	0.00%	
	Sidewalk pavement	Ton	70	\$175.00	\$12,250.00	0	70	\$12,250.00	100.00%	
	Misc. clean up	L.S.	1	\$10,000.00	\$10,000.00	0		\$0.00	0.00%	
	Adj. Structures	EA.	9	\$350.00	\$3,150.00	0	9	\$0.00	100.00%	
	Granite (stone) bounds	EA.	8	\$600.00	\$4,800.00	0		\$0.00	0.00%	
	Guardrail	L.F.	0	\$35.00	\$0.00	0		\$0.00	#DIV/0!	
	Roadside trees	EA.	28	\$500.00	\$14,000.00	0		\$0.00	0.00%	
	Street signs w/ breakaway posts	EA.	1	\$150.00	\$150.00	0		\$0.00	0.00%	
	Street lighting	EA.	1	\$3,000.00	\$3,000.00	0	1	\$3,000.00	100.00%	
	Elec/Tel/Cable	L.F.	760	\$50.00	\$38,000.00	0	760	\$38,000.00	100.00%	
	Gas	L.F.	475	\$45.00	\$21,375.00	0	475	\$21,375.00	100.00%	
	As-built plans	EA.	1	\$2,500.00	\$2,500.00	0		\$0.00	0.00%	
	Acceptance plans	EA.	1	\$2,500.00	\$2,500.00	0		\$0.00	0.00%	
	Field stone masonry wall	C.Y.	20	\$600.00	\$12,000.00	0	20	\$12,000.00	100.00%	
TOTAL					\$684,615.00			\$616,965.00		

TOTAL COST TO COMPLETE SUBDIVISION: \$684,615.00
 TOTAL COST OF WORK COMPLETED TO DATE: \$616,965.00
 TOTAL COST OF WORK REMAINING: \$67,650.00
 10% RETAINAGE \$6,696.50
 TOTAL BOND FIGURE, THIS ESTIMATE: \$129,346.50
 TOTAL BOND FIGURE, THIS ESTIMATE: \$130,000.00

SECOND AMENDMENT TO SUBDIVISION PERFORMANCE

AGREEMENT SECURED BY SURETY BOND

GOODALE STATES SUBDIVISION

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

WITNESSETH

WHEREAS, on February 4, 2020, the Developer and Planning Board entered into that certain Subdivision Agreement Secured by Surety Bond ("Agreement"), which was amended pursuant to that certain First Amendment to Agreement, dated June 22, 2020, which among other things, extended the "Completion Date", as defined in the Agreement, to December 31, 2020; and

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

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

1. The parties extend the Completion Date in the Agreement from December 31, 2020 to **DECEMBER 31, 2021**. Attached hereto is evidence that the Security is extended in accordance with this Amendment to reflect the new Completion Date.
2. All other terms of the Agreement remain unchanged and in full force and effect.

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

CITY OF MARLBOROUGH

NORTHBOROUGH CAPITAL PARTNERS, LLC

By its Planning Board

By: _____

Barbara Fenby, Chair

By: _____

Kevin A. Gillis, Manager

Duly Authorized

As authorized by vote of the Planning Board on _____

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

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

Notary Public

Printed Name: _____

My Commission Expired: _____

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

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

Notary Public

Printed Name: _____

My Commission Expired: _____

From: [Jason Piques](#)
To: [Krista Holmi](#)
Cc: [Jason Grossfield](#)
Subject: #2 S. Bolton St ANR
Date: Wednesday, December 2, 2020 9:42:44 AM

Good morning Krista,

As we discussed earlier, this matter is not currently on the agenda for next week. I also am awaiting a legal interpretation from the applicant on whether the issue can be considered by the Planning Board at this time.

As such, I do not plan to have correspondence to the Planning Board on this issue prior to the meeting.

Thanks,

Jay

Jason M. Piques
Assistant City Solicitor
City of Marlborough
City Hall, 4th Floor
140 Main Street
Marlborough, MA 01752
T: (508) 460-3771
F: (508) 460-3698
jpiques@marlborough-ma.gov

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APPENDIX A

APPLICATION FOR ENDORSEMENT OF
PLAN BELIEVED NOT TO REQUIRE APPROVAL

current
form

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

Marlborough, Massachusetts

(Date)

To the Planning Board:

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

1. Name of Applicant _____

Address _____

2. Name of Engineer _____

Address _____

3. Deed of Property recorded in _____ Registry of

Deeds Book _____ Page(s) _____

4. Location and description of property:

Signature of Owner

Address: _____

APPENDIX A - FORM A

**APPLICATION FOR ENDORSEMENT OF
PLAN BELIEVED NOT TO REQUIRE APPROVAL (ANR)**

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

Marlborough, Massachusetts

(date)

To the Planning Board,

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

1. Name of Applicant _____
Address _____
E-Mail _____ Phone _____
2. Name of Surveyor _____
Address _____
E-Mail _____ Phone _____
3. Deed of Property recorded in _____ Registry of Deeds
Book _____ Page(s) _____
4. Location (address) and description of property: _____

5. Number of lots being created _____

Filing Fee:

Signature of Owner

Print

See Schedule K for Fee Amount

APPENDIX A-1

APPLICATION FOR APPROVAL OF A LIMITED DEVELOPMENT SUBDIVISION

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

Marlborough, Massachusetts

(date)

To the Planning Board,

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

1. Name of Record Owner of Land: _____

2. Name of Applicant* _____

Address _____

E-Mail _____ Phone _____

3. Name of Surveyor _____

Address _____

E-Mail _____ Phone _____

4. Deed of Property recorded in _____ Registry of Deeds

Book _____ Page(s) _____

5. Location and description of property: _____

6. Number of Lots shown on the preliminary plan: _____

7. Number of Lots proposed (2.5:1 reduction in lots): _____

Filing Fee:

*Advertising Fees will be billed directly to the Applicant

Signature of Owner

Print

See Schedule K for Fee Amount

APPENDIX B

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

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

Marlborough, Massachusetts

(Date)

To the Planning Board:

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

1.Name of Subdivider: _____

Address: _____

2.Name of Engineer: _____

Address: _____

3.Deed of property recorded in _____ Registry

of Deeds, Book _____ Page _____

4.Location and description of property:

Signature of Owner

Address: _____

APPENDIX B - FORM B

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

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

Marlborough, Massachusetts

(date)

To the Planning Board,

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

1. Name of Applicant* _____

Address _____

E-Mail _____

Phone _____

2. Name of Engineer _____

Address _____

E-Mail _____

Phone _____

3. Deed of Property recorded in _____ Registry of Deeds

Book _____

Page(s) _____

4. Location (address) and description of property: _____

5. Length of roadway proposed: _____ Ft.

*Advertising Fees will be billed directly to the Applicant

Filing Fee:

Signature of Owner

Print

See Schedule K for Fee Amount

APPENDIX B - FORM B-1

APPLICATION FOR APPROVAL OF PRELIMINARY OPEN SPACE DEVELOPMENT CONCEPT PLAN

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

Marlborough, Massachusetts

(date)

To the Planning Board,

The undersigned herewith submits the accompanying Open Space Concept Plan of Property located
in the City of Marlborough for Special Permit in compliance under the Subdivision Control Law and
the Rules and Regulations governing the Subdivision of Land of the Planning Board in the City of
Marlborough.

1. Name of Applicant* _____

Address _____

E-Mail _____

Phone _____

2. Name of Engineer _____

Address _____

E-Mail _____

Phone _____

3. Name of Landscape Architect _____

Address _____

E-Mail _____

Phone _____

4. Deed of Property recorded in Middlesex South Registry of Deeds in:

Book _____

Page(s) _____

5. Location (address) and description of property: _____

6. Number of Lots shown, without excessive slopes or wetland areas: _____

*Advertising Fees will be billed directly to the Applicant

Filing Fee: _____

Signature of Owner

Print

See Schedule K for Fee Amount

APPENDIX B - FORM B-2

APPLICATION FOR APPROVAL OF LIMITED DEVELOPMENT SUBDIVISION CONCEPT PLAN

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

Marlborough, Massachusetts

(date)

To the Planning Board,

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

1. Name of Applicant* _____

Address _____

E-Mail _____ Phone _____

2. Name of Engineer _____

Address _____

E-Mail _____ Phone _____

3. Deed of Property recorded in _____ Registry of Deeds

Book _____ Page(s) _____

4. Location (address) and description of property: _____

5. Length of roadway proposed: _____ Ft.

***Advertising Fees will be billed directly to the Applicant**

Filing Fee:

Signature of Owner

See Schedule K for Fee Amount

Print

APPENDIX C
(Amended 11/19/74)

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

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

Marlborough, Massachusetts

(Date)

To the Planning Board:

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

1. Name and Record Owner of Land: _____

Address: _____ (Amended 11/19/74)

2. Name of Subdivider: _____

Address: _____

3. Name of Engineer: _____

Address: _____

4. Deed of property recorded in _____ Registry of

Deeds Book _____ Page(s) _____

5. Location and description of property: _____

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

Signature of Owner

Address of Owner

APPENDIX C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

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

Marlborough, Massachusetts

(date)

To the Planning Board,

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

1. Name of Record Owner of Land: _____

2. Name of Applicant* _____

Address _____

E-Mail _____ Phone _____

3. Name of Engineer _____

Address _____

E-Mail _____ Phone _____

4. Deed of Property recorded in _____ Registry of Deeds
Book _____ Page(s) _____

5. Location and description of property: _____

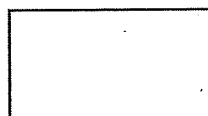
6. Date of completion of ways, public utilities, and other facilities _____

7. Length of roadway proposed: _____ Ft. Filing Fee: _____

*Advertising Fees will be billed directly to the Applicant

Signature of Owner

Print



See Fee Schedule

APPENDIX D
(Amended 7/18/88)

PETITION FOR APPROVAL OF FINAL PLAN

Date: _____

City Clerk
City Hall
Marlborough, MA 01752

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

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

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

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

Authorized Signature of Applicant

APPENDIX D

PETITION FOR APPROVAL OF FINAL PLAN

City Clerk
City Hall
Marlborough, MA 01752

(date)

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

--

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

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

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

Authorized Signature of Applicant

APPENDIX E

Date: _____

To the Marlborough Planning Board:

In preparing the plan entitled _____

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

1. Deed from _____ to _____

Dated _____ and recorded in the Middlesex South District

Registry of Deeds Book _____ Page _____.

2. Other plans as follows: _____

3. Oral information furnished by: _____

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

5. Other sources: _____

Signed _____

APPENDIX E

To the Marlborough Planning Board,

(date)

In preparing the plan entitled:

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

1. Deed from _____ to _____

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

Book: _____ Page: _____

2. Other plans as follows:

3. Oral Information furnished by: _____

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

5. Other sources: _____

Signature: Engineer or Surveyor

APPENDIX F
(Amended 7/18/88)

TYPICAL CROSS SECTIONS

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

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

APPENDIX F

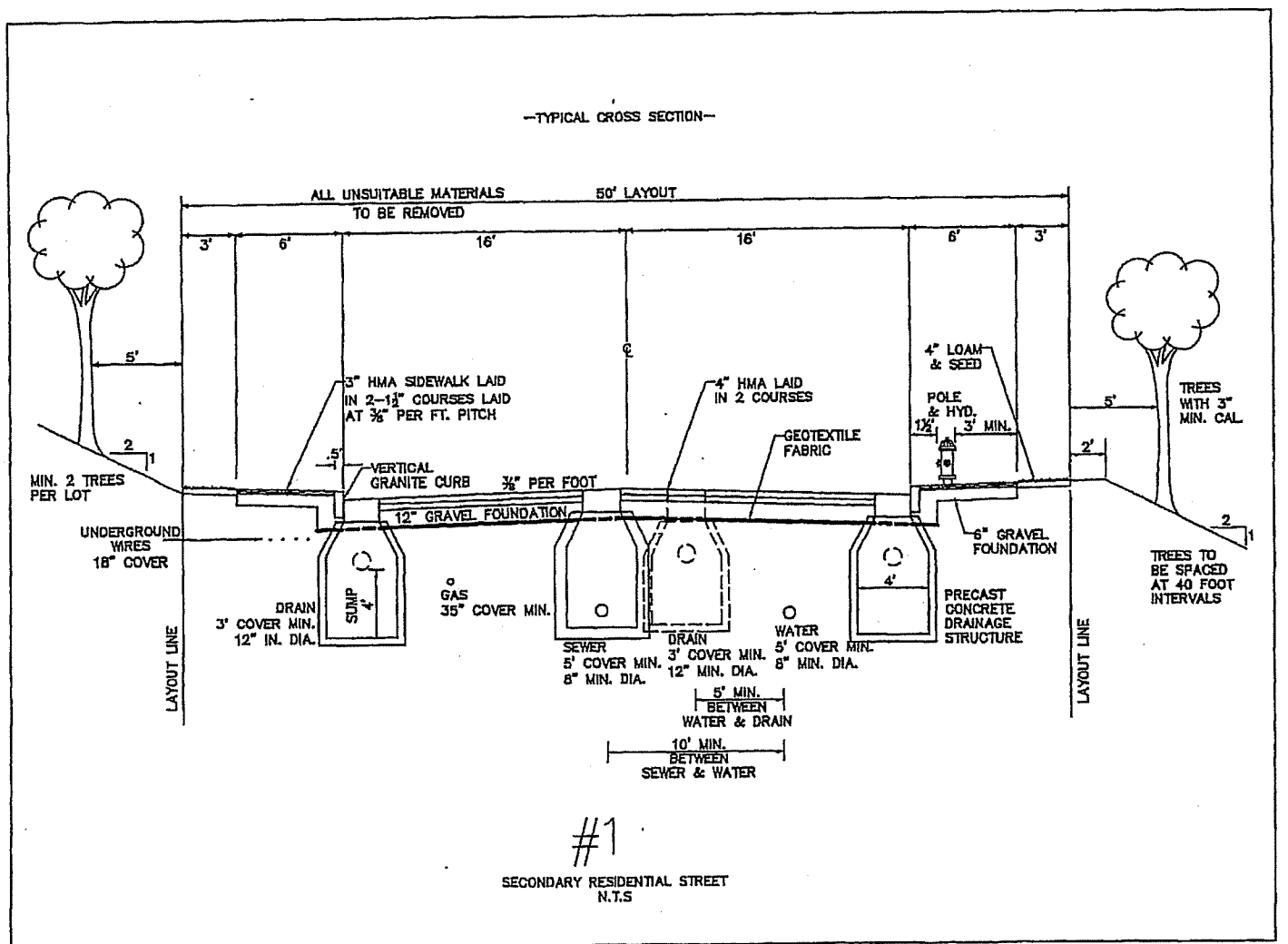
TYPICAL CROSS SECTIONS

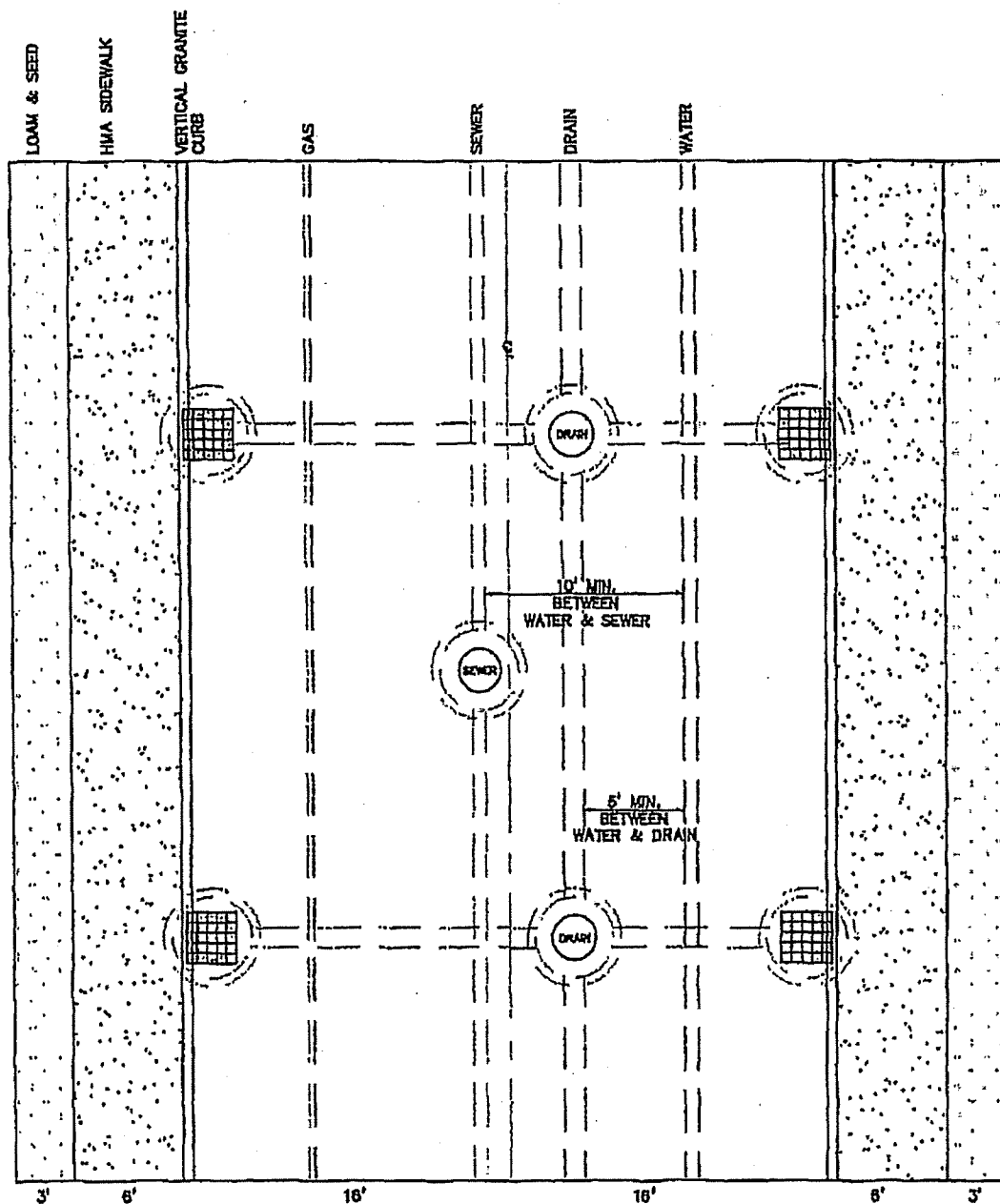
All plan submittals shall use "Typical Section 1" include in "Appendix F" of these regulations, as a basis of design unless other typical sections is approved in writing by the Planning Board.

1. Granite curb inlets (6'x6"x18") shall be utilized at all catch basins.
2. Generally, main surface water drain lines shall be placed on the high side of the road and all other utility lines located respectively in accordance with the typical sections.
3. Water and sewer utilities shall be installed in accordance with the requirements of the Marlborough Department of Public Works.
4. Excavations and backfilling of all utilities shall be accordance with the requirements of the Marlborough Department of Public Works.
5. Design of the utilities and structures shall meet the latest State standards and local D.P.W. regulations as applicable.
6. Wheelchair ramps will be provided as depicted in "Appendix I".
7. Vertical granite curbing may be required along streets where maximum slope regulations have been waived. Limits shall be determined by the City Engineer.
All curbing shall be vertical granite curbing measuring 4" x 18" and 6' in length, unless along a curve (radius of 50' or less) where a length of 3 feet min. is allowed.
8. Grade and Alignment stakes shall be set for each utility and for the road construction.
9. ***10-foot wide Municipal Landscape Easement rerquires abutting roadway layout.***

Typical Cross-Sections:

Cross Section 1	For Secondary Residential Streets - 50' layout
Cross Section 2	Major Residential Streets - 50' Layout (as determined by the Planning Board)
Cross Section 3	For Secondary Residential Streets - 40' Layout (requires a Waiver)
Cross Section 4	Major Residential Streets - 60' Layout (as determined by the Planning Board)
Cross Section 5	Alternative Standards - 50' Layout, per §A676-22 Alternative Standards
Cross Section 6	Alternative Standards - 50' Layout, MS4 preference

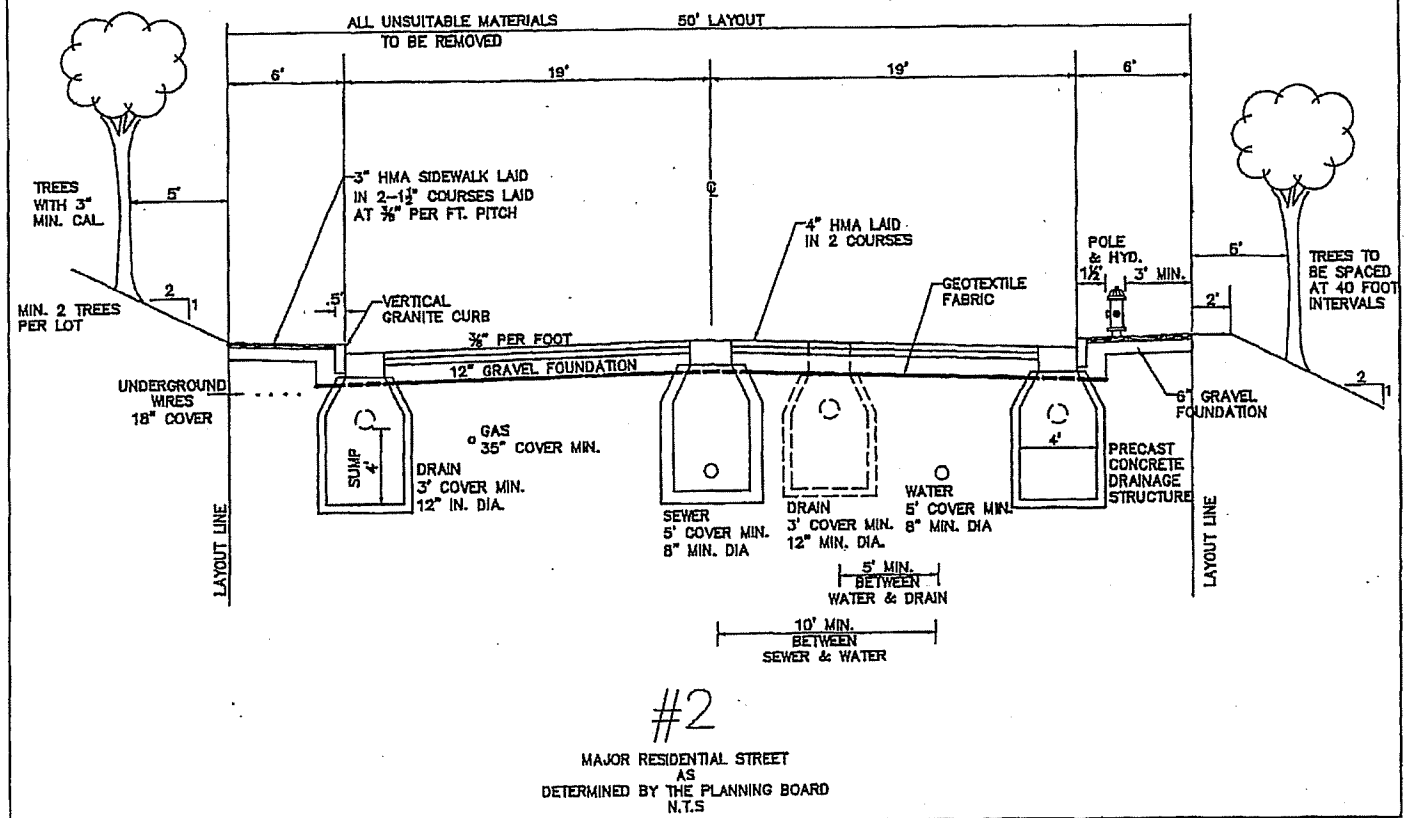


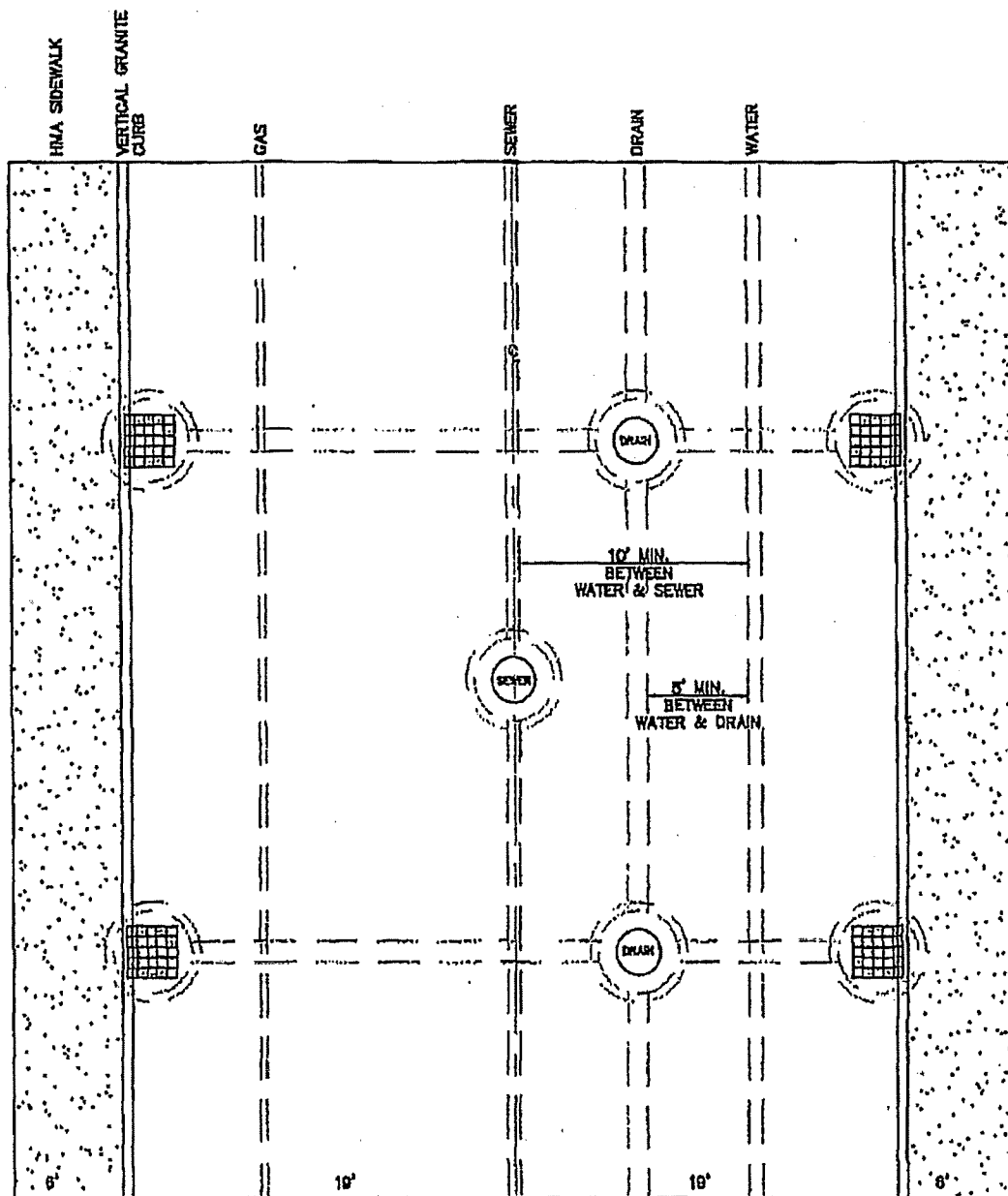


#1

SECONDARY RESIDENTIAL STREET
PLAN VIEW
N.T.S

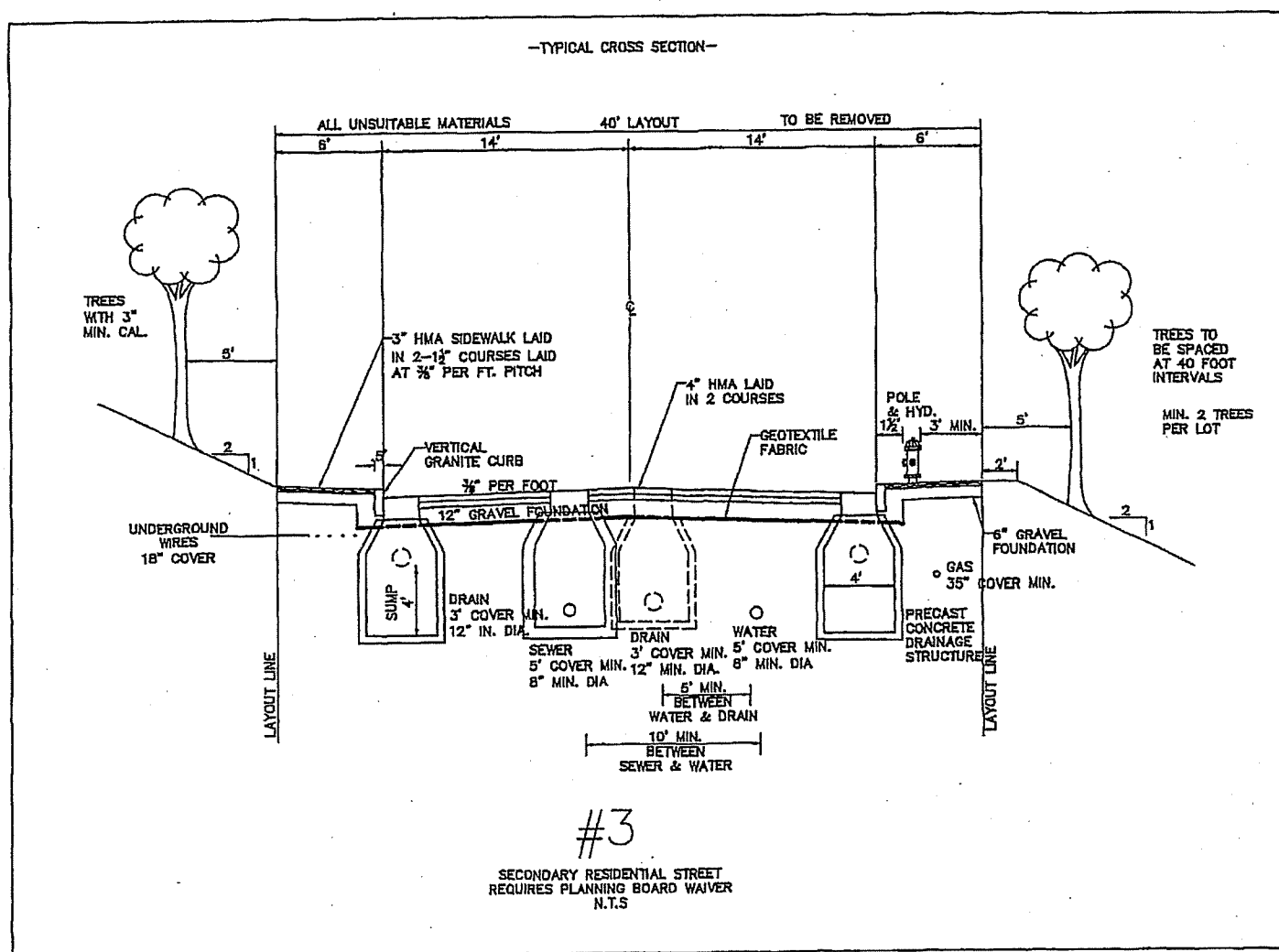
-TYPICAL CROSS SECTION-

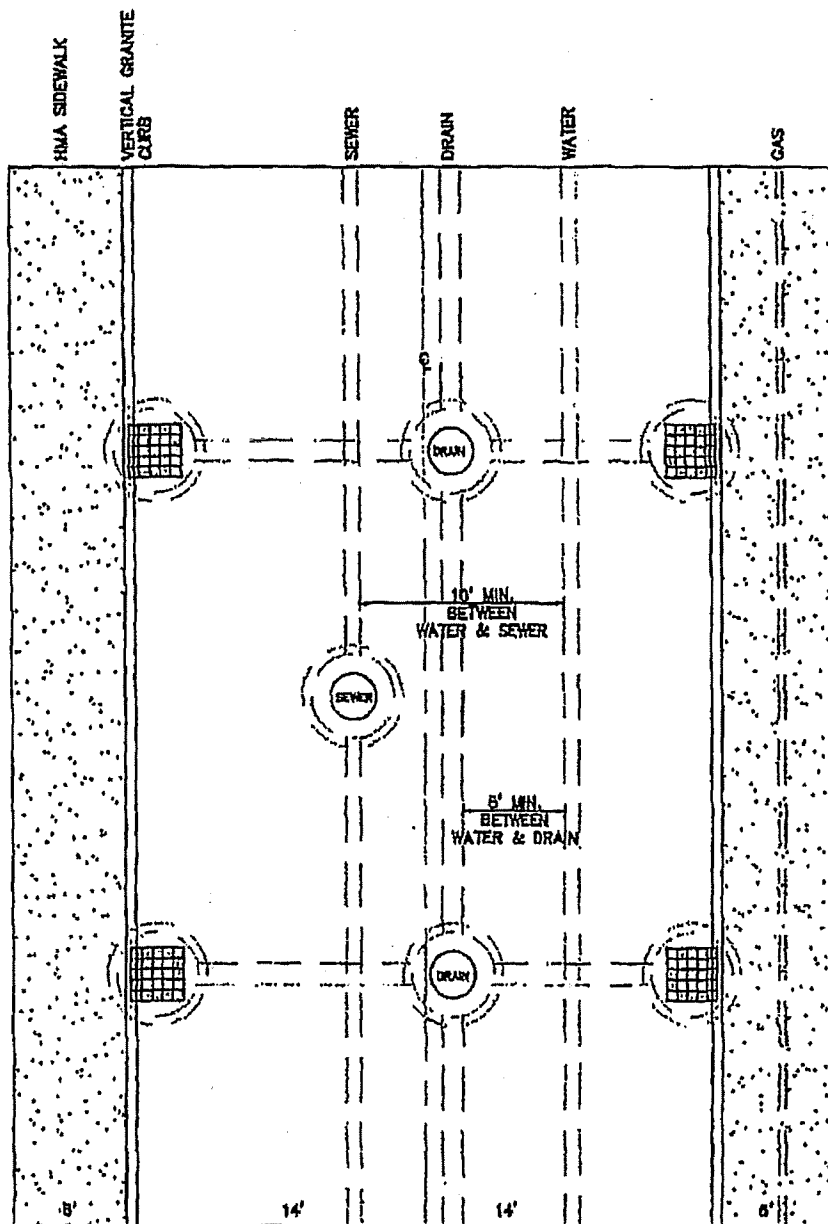




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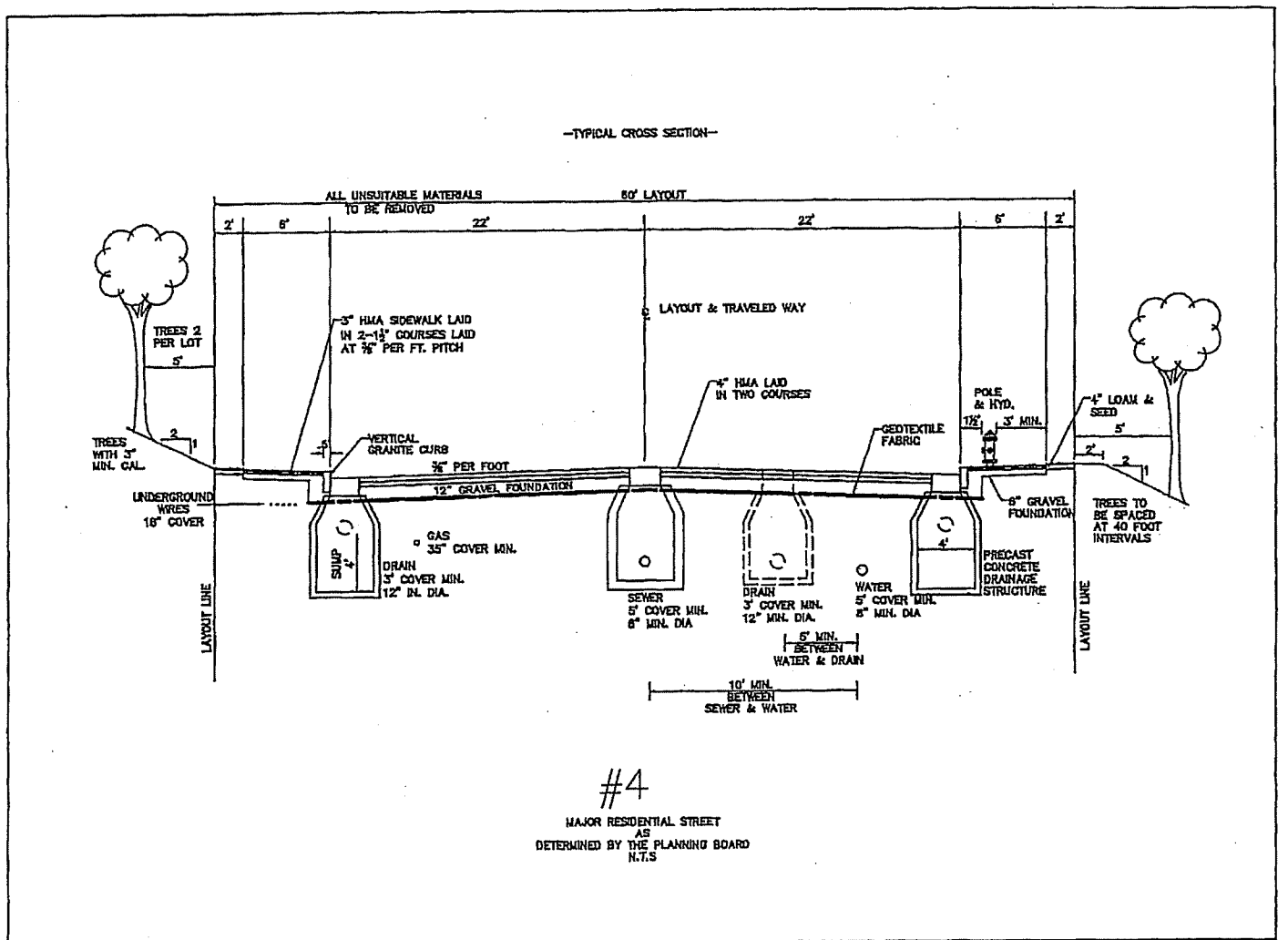
MAJOR RESIDENTIAL STREET
AS
DETERMINED BY THE PLANNING BOARD
PLAN VIEW
N.T.S

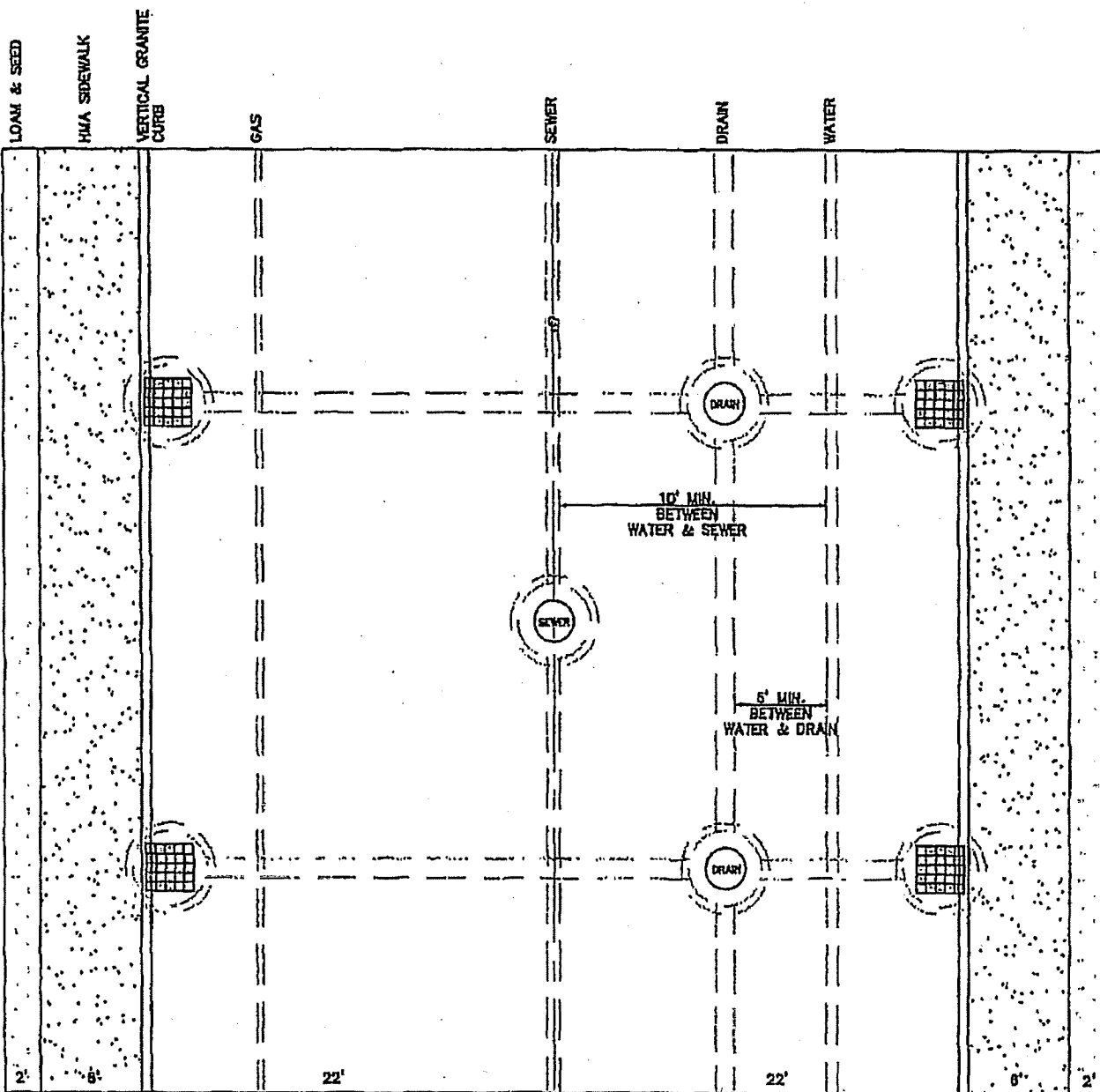




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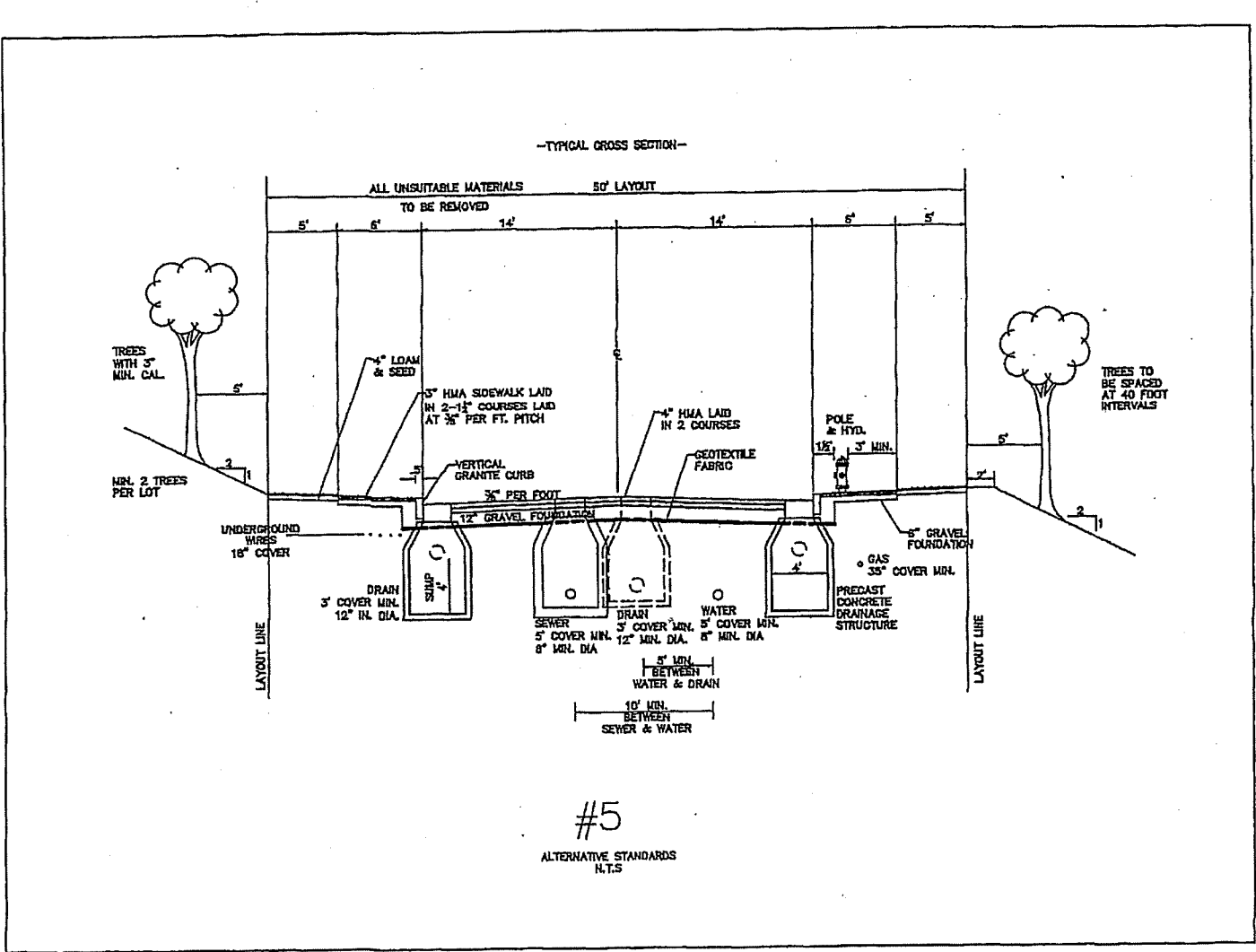
SECONDARY RESIDENTIAL STREET
REQUIRES PLANNING BOARD WAIVER
PLAN VIEW
N.T.S

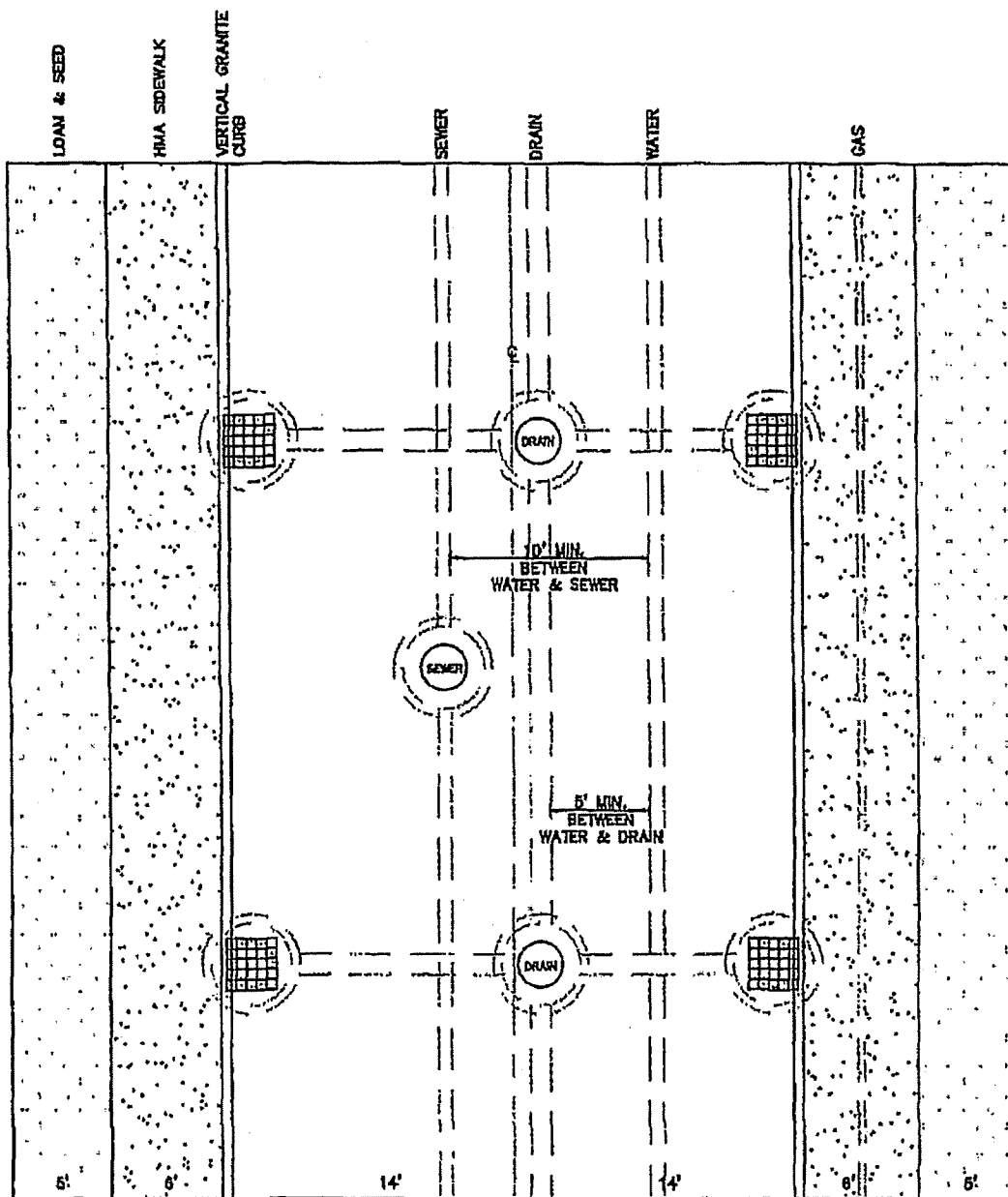




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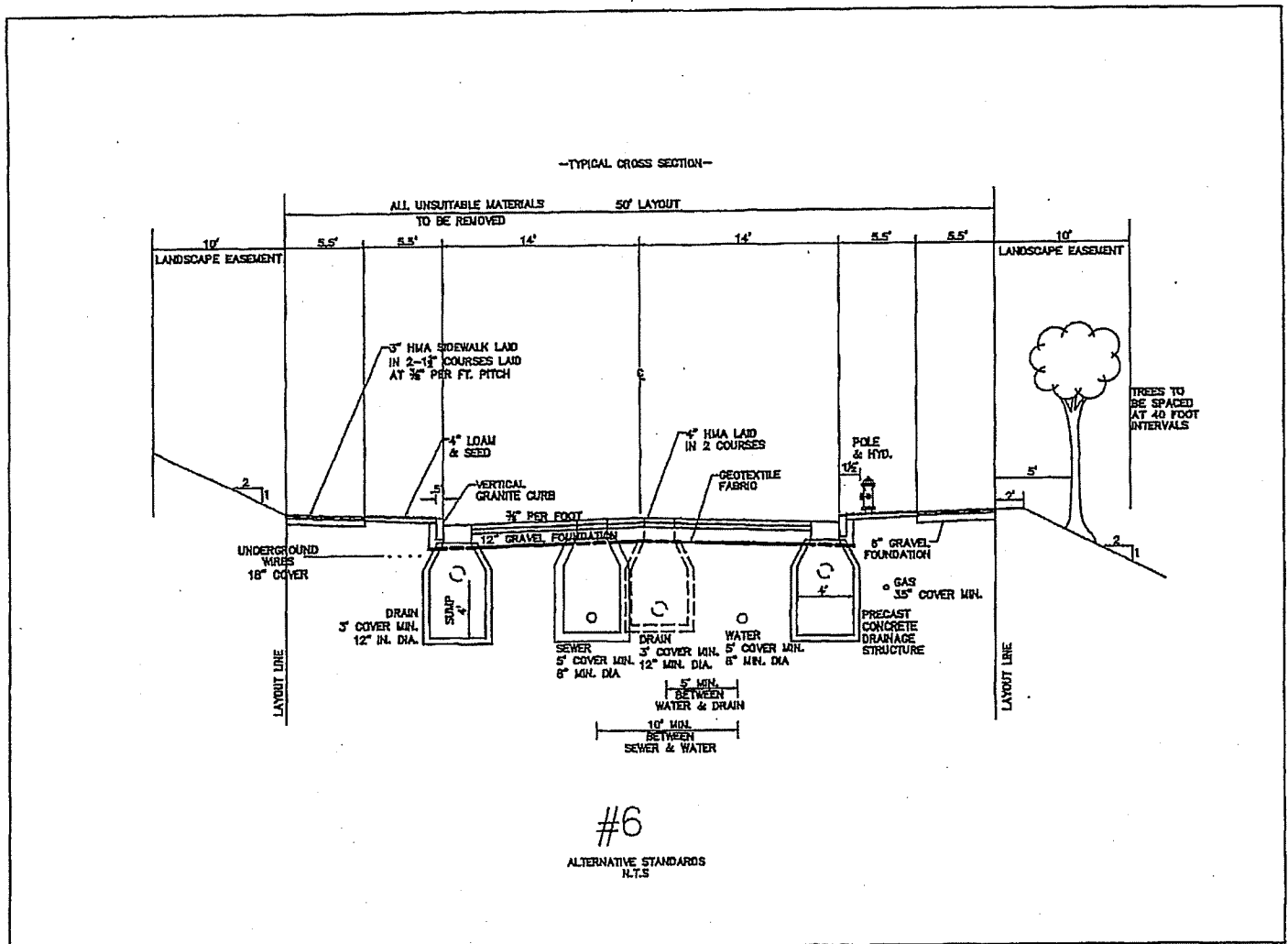
MAJOR RESIDENTIAL STREET
AS
DETERMINED BY THE PLANNING BOARD
PLAN VIEW
N.T.S

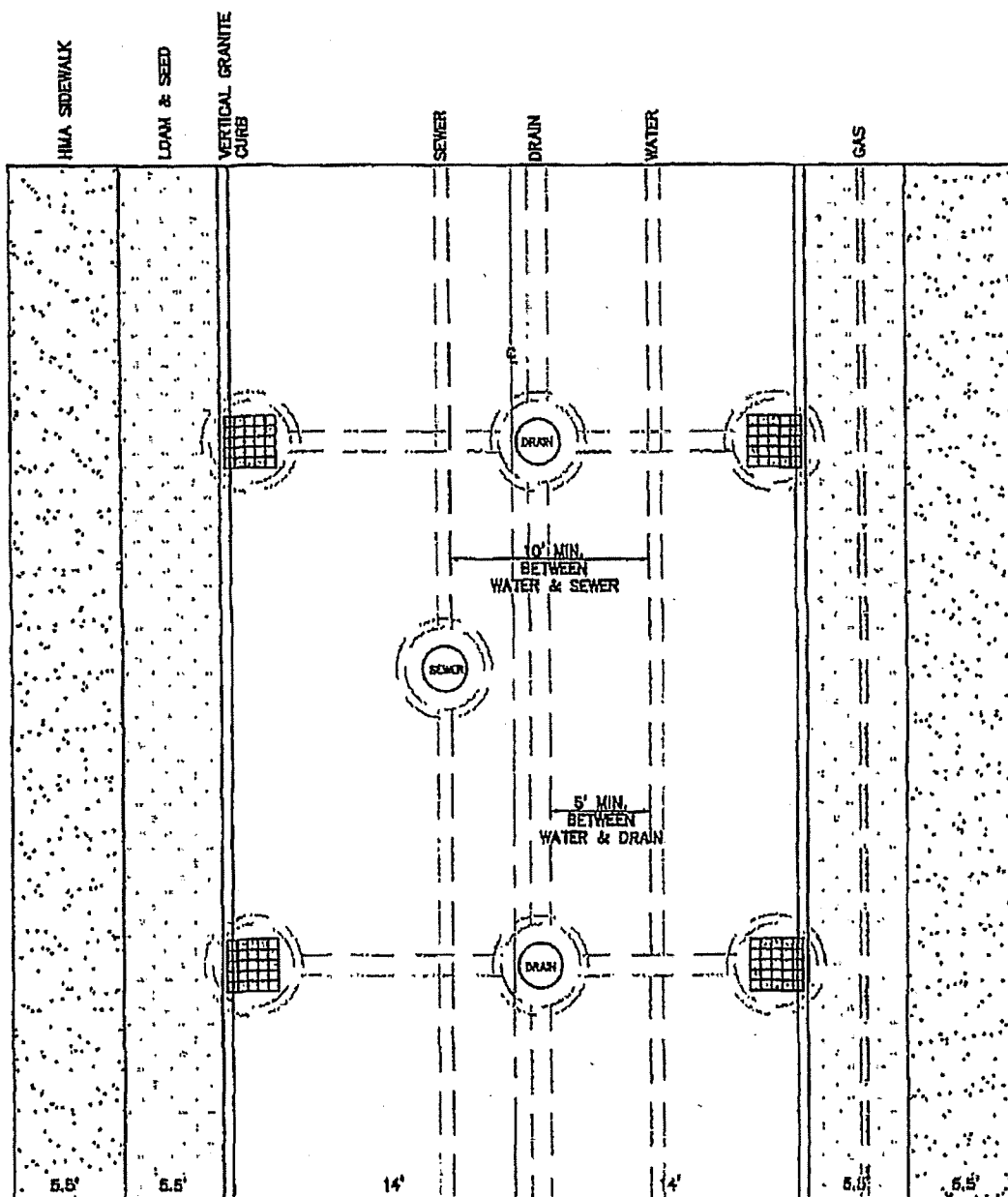




#5

ALTERNATIVE STANDARDS
PLAN VIEW
N.T.S





#6

ALTERNATIVE STANDARDS
PLAN VIEW
N.T.S

APPENDIX G

INSPECTION FORM
(Amended 12/2/91)

Marlborough, Massachusetts

Name of Subdivision: _____

Street _____

Date

Inspector's

Item InspectedInspectedRemarksApproval Signature

Excavation _____

Filling _____

Compacting _____

Laying Water Mains _____

Completion of Pavement _____

Grading of Curbs
and Gutters _____

Construction of
Sidewalks _____

Installation of
Sanitary Sewers and
Related Equipment _____

Installation of
Monuments _____

Installation of
Hydrants _____



CITY OF MARLBOROUGH
DEPARTMENT OF PUBLIC WORKS - ENGINEERING DIVISION
MUNICIPAL GARAGE - #135 NEIL STREET
MARLBOROUGH, MASSACHUSETTS 01752
Tel. (508) 624-6910 Facsimile (508) 624-7699

APPENDIX G - INSPECTION REPORT

SUBDIVISION: _____

STREET: _____

WATER SYSTEM	DATE	CONFIRMATION	COMMENTS
AIR PRESSURE TEST			
CHLORINATION TEST			
SYSTEM OPERATIONAL			
HYDRANT LOCATION			
- HORIZONTAL			
- VERTICAL			
TIES			
- SERVICES			
- MAIN LINE GATES			
- HYDRANT GATES			
SEWER SYSTEM	DATE	CONFIRMATION	COMMENTS
AIR PRESSURE TEST			
MANHOLE LOCATION			
- HORIZONTAL			
- VERTICAL			
- INVERTS			
TIES			
- SERVICES			
- MANHOLES			
DRAINAGE SYSTEM	DATE	CONFIRMATION	COMMENTS
STRUCTURE LOCATION			
- CATCH BASINS			
- HORIZONTAL			
- VERTICAL			

SUBDIVISION: _____

STREET: _____

DRAINAGE SYSTEM**DATE****CONFIRMATION****COMMENTS****MANHOLES**

HORIZONTAL

VERTICAL

OUTLETS

HORIZONTAL

VERTICAL

DRAIN LINE

SIZE

OTHER UTILITIES**DATE****CONFIRMATION****COMMENTS****SERVICES**

NSTAR GAS

NATIONAL GRID

VERIZON

COMCAST CABLE

OTHER

STREET LIGHTS

FOUNDATIONS

SERVICE LINES

LOCATION (D.P.W.)

HORIZONTAL

VERTICAL

ROADWAY & CURBING**DATE****CONFIRMATION****COMMENTS****GRAVEL COMPACTION****CENTERLINE**

STAKED

GRADED

CROSS-SECTION GRADE**WEATHER**

3 NON-FREEZING DAYS

NO RAIN/SNOW FORECAST

40°F AND RISING

PAVEMENT AUTHORIZED BY: _____

DATE _____

APPENDIX H
(Amended 7/18/88)

DRAINAGE DESIGN

Drainage Design:

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

Minimum inside pipe diameter - 12".

Type of pipe - Class IV, reinforced concrete.

Maximum distance between catch basins - 300 feet.

Minimum ground cover over pipe - 2.5'.

Minimum size on catchbasin sumps - 2.5'.

Maximum change in the direction of flow - 90 degrees.

Pipe ends - headwall or flared end.

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

Computations:

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

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

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

Design Storm Criteria

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

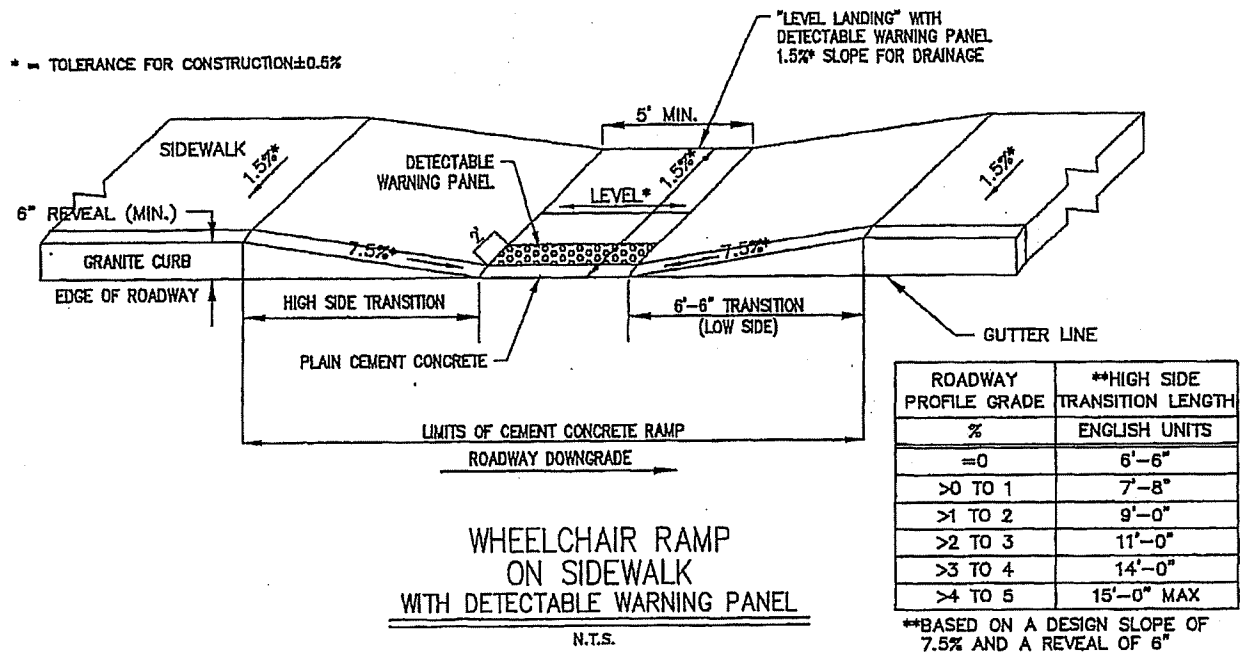
Hydrologic analyses: 10 year and 100 year recurrence intervals, Type II, 24 hour, rainfall distribution.

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

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

APPENDIX I

(PAGE 1 OF 3)

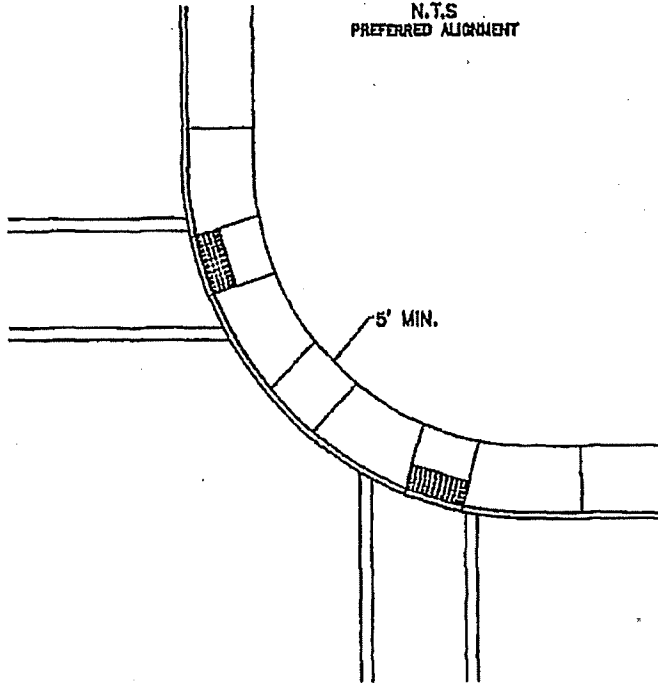


TYPICAL SECTION FOR WHEELCHAIR
RAMPS AT SIDEWALKS

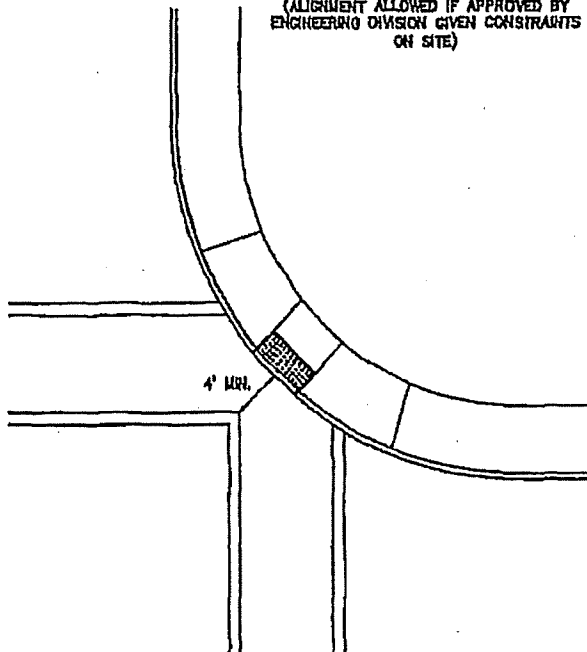
APPENDIX I

(PAGE 2 OF 3)

25 OR 30-FOOT RADIUS
PARALLEL CURB RAMPS
N.T.S
PREFERRED ALIGNMENT

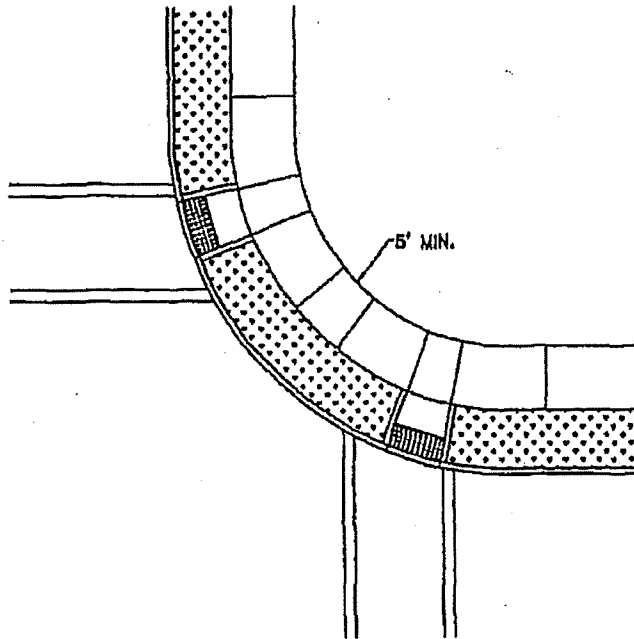


25 OR 30-FOOT RADIUS
PARALLEL RAMPS, ONE SHARED LANDING
N.T.S
(ALIGNMENT ALLOWED IF APPROVED BY
ENGINEERING DIVISION GIVEN CONSTRAINTS
ON SITE)

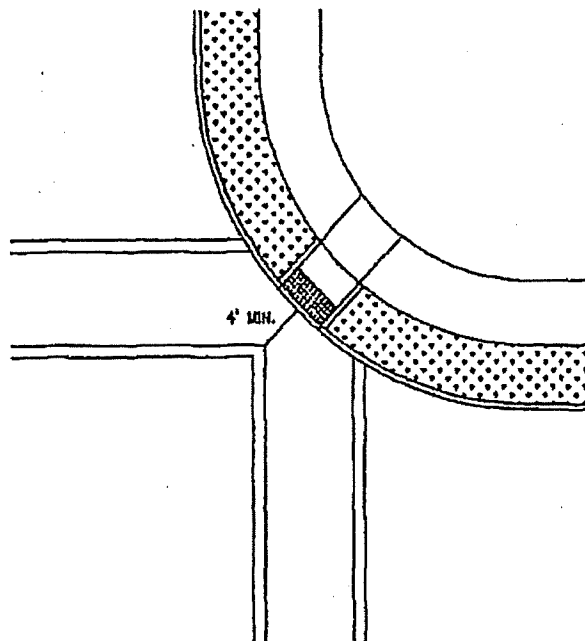


APPENDIX I
(PAGE 3 OF 3)

25 OR 30-FOOT RADIUS
COMBINATION PARALLEL & PERPENDICULAR CURB RAMPS
N.T.S.
PREFERRED ALIGNMENT



25 OR 30-FOOT RADIUS
ONE PERPENDICULAR CURB RAMP
N.T.S.
(ALIGNMENT ALLOWED IF APPROVED
BY ENGINEERING DIVISION GIVEN
CONSTRAINTS ON SITE)



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

SUBDIVISION REGULATIONS FEE SCHEDULE

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

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

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

APPROVAL NOT REQUIRED PLAN

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

To be paid at the time of plan submission.

PRELIMINARY SUBDIVISION PLAN

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

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

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

To be paid at the time of plan submission.

DEFINITIVE SUBDIVISION PLAN

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

Plus \$100.00 for advertising for required public hearing.

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

To be paid at the time of plan submission.

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

\$200.00 filing fee.

\$100.00 advertising for public hearing, if any.

Plus mailing costs.

To be paid at the time of plan submission.

INSPECTION OF SUBDIVISION CONSTRUCTION

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

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

SPECIAL STUDIES BY CONSULTANTS

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

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

Signed _____

Barbara L. Fenby, Chairperson
MARLBOROUGH PLANNING BOARD

APPENDIX K - SUBDIVISION REGULATIONS FEE SCHEDULE

Added 7/18/89, Amended 1/7/91

Amended 12/07/20

The Planning Board shall require fees for submissions, review and approval of Approval Not Required Plans, Limited Development Subdivisions, Preliminary Subdivision Plans, Definitive Subdivision Plans, Open Space Developments, Changes to Subdivision Plan Subsequent to Approval and Inspections. Said fees shall be as adopted by the Board and according to the Schedule of Fees posted in City Hall and available from the City Clerk's Office. Said fees shall be tendered at the time of plan submission. The Planning Board fees are established to cover all administrative costs borne by the City, whether by City Employees or by consultants.

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

***All fees to be paid in the form of a check, made payable to:
The City of Marlborough***

SPECIAL STUDIES BY CONSULTANTS

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

SCHEDULE K – SUBDIVISION REGULATIONS FEE SCHEDULE

For working
group update

- **Preliminary Plan for Informal Discussion – No Charge**
- **Plan Believed Not to Require Approval (ANR) & Limited Development Subdivision**
 - \$50 Filing Fee
 - \$50 per Lot (as shown on the plan)
- **Preliminary Subdivision Plan/Open Space Development**
 - \$200 Filing Fee*
 - \$1 per length of roadway*
 - * Fee may be waived by the Planning Board
 - Advertising Fee for Public Hearing, if required by the Planning Board, will be billed directly to the Applicant
 - Proof of mailing, for notification to abutters – if a Public Hearing is required.
- **Definitive Subdivision Plan**
 - \$500 Filing Fee**
 - \$2 per length of roadway**
 - ** (80% reduction in fee if a Preliminary Plan was filed within past 7 months)
 - Advertising Fee for Public Hearing will be billed directly to the Applicant
 - Proof of mailing, for notification to abutters within 500 feet of subject property
- **Changes to Subdivision Plan subsequent to Approval**
 - \$200 Filing Fee
 - Advertising Fee for Public Hearing, if required by the Planning Board, will be billed directly to the Applicant
 - Proof of mailing, for notification to abutters within 500 feet of subject property – if a Public Hearing is required.
- **Inspection of Subdivision Construction**
 - \$50 Filing Fee
 - \$1 per length of roadway
 - To be paid after approval of the subdivision plan and expiration of appeal period, but prior to signing of Definitive Plans by the Planning Board.
- **Special Studies by Consultants**
 - All expenses in connection with any special consultant's studies, (such as traffic impact, ground water, or sub-surface study) considered necessary by the Marlborough Planning Board shall be borne by the applicant in full and shall be in addition to the filing fee or paid directly to the consultant.

Framingham Zoning Board of Appeals - Notice of Hearing

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing on **Wednesday, December 09, 2020** in the **Ablondi Room** of the Memorial Building, 150 Concord Street, Framingham, **OR via remote conference**, to consider:

20-31 | 7:00 PM

Petition of **Denis James Ingham** and **Jitendra Saxena** for a **Variance** to allow an addition for single-family dwelling within side yard setback in R-4 Zone, pursuant to §IV.E.2. of the Zoning By-Law, on the premises located at **47 Flanagan Drive**, Parcel ID: 054-30-9398-000, Zoning District: Single Residence (R-4).

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

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

Stephen E. Meltzer, Chair

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

FRAMINGHAM PLANNING BOARD

NOTICE OF PUBLIC HEARING – 120 LELAND STREET

APPLICATION OF 120 LELAND STREET, LLC

Pursuant to Sections IV. E. 4. a. of the Framingham Zoning By-Law, the Framingham Planning Board, will hold a public hearing on Thursday, December 3, 2020, in the Ablondi Room, Memorial Building, located at 150 Concord Street, Framingham, Massachusetts. In the event that the Memorial Building is inaccessible due to the current COVID-19 pandemic, the hearing will be held remotely via Zoom dependent on Memorial Building accessibility. The public hearing will be held to consider 120 Leland Street LLC's application for a Special Permit for a shared vehicular driveway/access. The property is zoned General Manufacturing (M) and listed as Framingham Assessor's Parcel ID: 142-23-5905-000. The application and plan submittal is available for review in the Planning Board Office, Room B2 of the Memorial Building and available online at www.framinghamma.gov on the Planning Board Webpage. The legal notice can be found in the MetroWest Daily Newspaper and on the Massachusetts Newspaper Publishers Association's (MNPA) website.

Kristina Johnson, Chair, Framingham Planning Board

Publish, MetroWest Daily Newspaper: November 18, 2020 and November 25, 2020

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