

CITY OF MARLBOROUGH MEETING POSTING

Meeting: **Planning Board**
Date: December 19, 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 DEC 14 PM 1:54

This meeting of the Planning Board will be held in Memorial Hall on Monday, December 19, 2022, at 7:00 PM.

PUBLIC ATTENDANCE IS PERMITTED

Agenda Items to be Addressed:

1. Draft Meeting Minutes

- A. December 5, 2022

2. Chair's Business

- A. Unaccepted Streets – *No Updates*

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports (None)

6. Preliminary/Open Space/Limited Development Subdivision

- A. Stow Road, Preliminary Open Space Concept Plan

Map 20, Parcel 4A, Stow Road, Marlborough, MA 01752

Name of Applicant: Kendall Homes, Inc. (P.O. Box 766, Southborough, MA 01772)

Name of Owner: McCabe Family Irrevocable Trust and Judith McCabe (6 Erie Drive, Hudson, MA 01749)

Name of Engineer: Connorstone Engineering, Inc. (10 Southwest Cutoff, Northborough, MA 01532)

Deed Reference: Book: 66136 Page: 582

Book: 78814 Page: 590

i. Form B-1

ii. Abutter's list

iii. List of requested waivers

iv. Truck Turning Exhibit – Cluster Concept Plan

Dated: December 2, 2022

v. Plan Set

Dated: December 2, 2022

7. Definitive Subdivision (None)

8. Signs

- A. 405 Maple Street (Fazza Group, Inc.)

i. Application

ii. Denial letter, Ethan Lippitt, Code Enforcement Officer

iii. Proposed Sign

9. Correspondence (None)

10. Unfinished Business

- A. Council No. 22-1008721 – Proposed Zoning Amendment to Chapter 650, Mixed Use and Affordable Housing

- B. Working Group

11. Calendar Updates (None)

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

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

December 5, 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: Barbara Fenby, Sean Fay, Phil Hodge, George LaVenture, Chris Russ, Matthew Elder and William Fowler. Meeting support provided by City Engineer, Thomas DiPersio.

1. Draft Meeting Minutes

A. November 21, 2022

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the November 21, 2022, meeting minutes. Yea: Fowler, LaVenture, Russ, and Fenby. Nay: 0. Abstain: Elder, Fay and Hodge. Motion carried. 4-0.

2. Chair's Business

A. Unaccepted Streets – *No Updates*

B. Holiday Party

The Board agreed to have their Holiday Party on December 19th after the meeting.

3. Approval Not Required

A. 57 Main Street, Marlborough, MA 01752, Map 70, Parcel 291

Owner of Land: Marlborough TOTG, LLC (206 Ayer Rd. Suite 5, Harvard, MA 01451)

Name of Applicant: JW Capital Partners, LLC (34 Washington St. Suite 230, Wellesley, MA 02481)

Name of Surveyor: Bruce Saluk & Associates, Inc. (576 Boston Post Rd E, Marlborough, MA 01752)

Deed Reference: Book: 74006 Page: 273

Book: 74006 Page: 276

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

Mr. LaVenture read the November 22, 2022, correspondence from Mr. DiPersio into the record.

ii. Form A

iii. Plan of Land Dated: November 9, 2022

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to accept and file the correspondence and endorse the above referenced Plan of Land dated November 9, 2022, as Approval Not Required under the Subdivision Control Law. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

4. Public Hearings

A. 7:05 - Council No. 22-1008721 – Proposed Zoning Amendment to Chapter 650, Mixed Use and Affordable Housing

Chairperson Fenby opened the hearing. Mr. LaVenture read the public hearing legal notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from the Board members.

Presentation:

City Council Vice President, Kathleen Robey (97 Hudson St, Marlborough) spoke on behalf of the proposed zoning amendment. Mrs. Robey explained the proposed amendment to the City Code covers two areas in Chapter 650 Zoning, one is the definition of mixed-use and one is related to affordable housing. She went on to say, "If you're familiar with the table of use regulations, you might know that mixed-use is listed in the business use section with

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

the number 42 beside it. Mixed-use is allowed in neighborhood business, business and Wayside Village with the special permit and in Marlborough Village by right. While section 18 condition of uses, is where you can find the description for 42 and all the other numbers in the table of uses. We also have Section 5, definitions word usage, I'm not recommending a change to the information on number 42, but I have submitted an amendment to Chapter 650 Section 5. Specifically, the definition of mixed-use. The current language allows mixed-use in several districts of the City, the definition in place seems to only care about a vibrant downtown atmosphere. The current language restricts ground floors of buildings fronting streets or public access ways to residential but does allow two exceptions for residential on the ground floor. One exception is for a building that is set behind another building that has commercial uses on the ground floor and the other allows a residential portion of the ground floor of a building if it is set behind street front prime residential uses in the same building. There was nothing in the current language to delineate how big the commercial space is versus the residential space, and I'm concerned that developers may take advantage of this exception and submit plans with the small portion of mixed-use as commercial and having as much residential as they can. So rather than try to figure out what a percentage should be, I'm suggesting language that requires all ground floor of a building, fronting streets of public access ways to be nonresidential, with one exception. That exception would allow dwelling units on the ground floors of a building that is set behind and mixed-use building that has business uses on the ground floor and residential uses on other floors. This would allow a developer to take a large parcel of land, such as a site in the Wayside Village, to be developed as mixed-use with buildings fronting Route 20 having the lower level be commercial and the upper levels residential, and then having another building with ground floor residential behind that building. On the other hand, I believe most of the buildings in the Marlboro Village District would have the lower portion be all commercial with residential above.

The second proposed amendment is on affordable housing. As a Council has discussed mixed-use projects, we were reminded that current language specifically lists and exemption or affordable housing in the Marlborough Village District. It is clear to me that regardless of where multifamily housing is built, it should have a component of affordable housing as a requirement. The proposed amendment would require future, by right mixed-use projects in the Marlborough Village District that are site plan approval only to include affordable housing. It also removes the ambiguity in the language of 20 or more amendments versus 19 or fewer units requiring special permits by simply requiring them all to have at least 15% of the units as affordable housing. It also removes the ability to buy out this requirement or to allow a builder to build part of the affordable housing unit off site. Back in 2015, the \$50,000 per unit we allowed the developer to give us for economic development versus actually building affordable units sounded like a good idea. I think we all know the City can't afford to build affordable units with the funds we receive. The builders don't want to lose income by having affordable housing as part of their project. I also amended the exemption for affordable housing for future retirement communities for additions to existing sites and the final amendment is to simply clarify the language of mixed-use described in the special provisions of the Wayside zoning that the solicitor thought would be important to use."

Speaking in Favor of the Amendment:

No one spoke in favor.

Dr. Fenby closed this portion of the Public Hearing.

Speaking in Opposition to the Amendment:

No one spoke in opposition.

Dr. Fenby closed this portion of the Public Hearing.

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

Questions and Comments from the Planning Board:

Dr. Fenby and Mr. Elder expressed support in the proposed to change to no longer accept \$50,000 from a developer in lieu of building the affordable units.

The Board members and Mrs. Robey discussed specifics on current language of the zoning code.

Dr. Fenby closed the Public Hearing.

The Board reviewed the voting criteria for proposed zoning amendments and discussed its benefit to the City.

City Engineer, Thomas DiPersio asked, is the definition of affordable in the ordinance such that it's the same for every project and does it always mean in perpetuity? Mrs. Robey explained there is language that talks about the period of affordability being a minimum of 99 years, and that the Council refers to the state formula when calculating the amount. The language also reads that 70% of the affordable housing should go to Marlborough residents.

The Board determined they would keep the proposed zoning amendment on the agenda for further discussion.

5. Subdivision Progress Reports

A. 342 Sudbury Street

i. Correspondence from Kevin O'Malley

Mr. LaVenture read the December 1, 2022, correspondence from Mr. O'Malley 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, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

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

7. Definitive Subdivision (None)

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

A. Working Group

Mr. LaVenture went over email correspondence he had with the City Solicitor Jason Grossfield.

The correspondence discussed the following:

- Changes to the Rules and Regulations
 - o Changes to the numbers of copies required during the submission process
 - o Refining the Limited Developments portion of the rules and regulations by adding a 90-day time limit for the Board decision after the public hearing
- Public hearing requirements
- Flowcharts for Open Space Developments and Limited Developments
- Boilerplate documents of the covenant and certificate of vote for developers to use

Mr. LaVenture explained the legal department is reviewing his questions/comments.

Mr. LaVenture went over the following draft documents.

- i. Draft Appendix M
- ii. Draft Flowcharts

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

(1) Approval Not Required (ANR)

The Board determined to remove the ZBA block from this flowchart.

(2) Preliminary Plan

(3) Acceptance Procedure – Start of Maintenance Period

(4) Acceptance Procedure – After Maintenance Period

Board members discussed minor changes to the draft documents.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the above draft documents and to approve the use of the flowcharts with minor type-o corrections. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

11. Calendar Updates (None)

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

On a motion by Mr. Flower, 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

FORM B-1

APPLICATION FOR APPROVAL OF A PRELIMINARY OPEN SPACE CONCEPT PLAN

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

Marlborough, Massachusetts

Note: Use as many sheets as necessary to fully describe all
of the properties affected in this plan submission.

Date: December 13, 2022

To the Marlborough Planning Board:

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

- Name of Applicant: Kendall Homes, Inc.
Address: P.O. Box 766, Southborough, MA 01772
Email: kendallhomes@aol.com Telephone: 508-395-3500
- Name of Owner (if different): McCabe Family Irrevocable Trust and Judith McCabe
Address: 6 Erie Drive, Hudson MA 01749
Email: judyndray67@hotmail.com, quinnalison@hotmail.com Telephone: 508-561-1191
- Name of Engineer: Connorstone Engineering, Inc.
Address: 10 Southwest Cutoff, Northborough, MA 01532
Email: vc@csei.net Telephone: 508-393-9727
- Property(ies) Information
Deed References (South Middlesex Registry of Deeds): Book 66136, page 582
Book 78814, page 590
Assessors Reference(s): Map: 20 Parcel: 4A
Map: _____ Parcel: _____
Property Address(es): Parcel 20-4A Stow Road
Property Description: Vacant lot off Stow Road containing approximatley 6.4 acres.
- Number of Lots shown, without excessive slopes or wetlands: 1

Signature of Owner: Judith Mello McCabedotloop verified
12/20/22 3:05 AM EST
7YF7-WZPP-URZO-GAV1Print: Judith McCabeAddress: 6 Erie Drive Hudson Ma 01749Signature of Owner: Alison McCabe Quinndotloop verified
12/20/22 7:00 AM EST
AIRV-ZYCF-U1VU-N1ASPrint: Alison McCabe QuinnAddress: 6 Erie Drive Hudson Ma 01749

PLANNING BOARD KL
DATE 12/13/22
AGENDA 12/19/22
ACTION _____
Check-#
6295

KENDALL HOMES, INC.

6295

Stow Road application fee

400.00

12/13/22

6295

City of Marlborough

\$400.00

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM.

KENDALL HOMES, INC.

6295

FRAUDARMOR

DATE

Dec 13, 2022

Check Number 6295

Memo:

AMOUNT
400.00

Four Hundred and 00/100 Dollars

\$

PAY
TO THE
ORDER
OF:

City of Marlborough



James M. Beach
AUTHORIZED SIGNATURE



DEC 12 2022 PM 2:43



City of Marlborough
Office of the Assessors
 140 Main Street
 Marlborough, Massachusetts 01752
 TDD (508) 460-3610
 Phone: (508) 460-3779
 Email: assessors_dept@marlborough-ma.gov

COPY

Date of Application 12/08/2022

REQUEST FOR CERTIFIED LIST OF ABUTTERS

You are requesting a certified list of Abutters, please allow up to 10 business days for the preparation of this list.
 The fee schedule is \$30 per certified abutters list.

*Please note that these fees apply to preparation of new list or verification or reverification of an existing list.

Parcel ID 20-4, 20-A 8-163 & 8-164

Parcel ID 21-150A

<u>Off Stow Road</u>	<u>Property Owner 1: McCabe Family Irrevocable Trust,</u>	
<u>Location(s) of Property</u>	<u>Allison McCabe Trustee</u>	
<u>Rylee Mayo- Fiske Connorstone Engineering, Inc.</u>	<u>Property Owner 2: Judith McCabe</u>	
<u>Applicant Name (please print)</u>	<u>Property Owner Name</u>	
<u>10 SW Cutoff Suite 7</u>	<u>Northborough MA</u>	<u>01532</u>
<u>Mailing Address</u>	<u>City/Town</u>	<u>Zip</u>
<u>rcwmf@csei.net</u>	<u>508-393-9727</u>	
<u>Email Address</u>	<u>Telephone</u>	

PLEASE NOTE: THIS ABUTTERS LIST IS VALID FOR THREE MONTHS.
 Please indicate Radius with a check

- ☒ PLANNING
☐ ZONING
☐ LIQUOR LICENSE
☐ CONSERVATION COMMISSION
☐ HISTORICAL COMMISSION
☐ OTHER _____

- ☐ DIRECT & ACROSS ABUTTERS
☒ 100Ft.
☐ 300Ft.
☐ 400Ft.
☐ 500 Ft.
☐ OR _____ Ft.

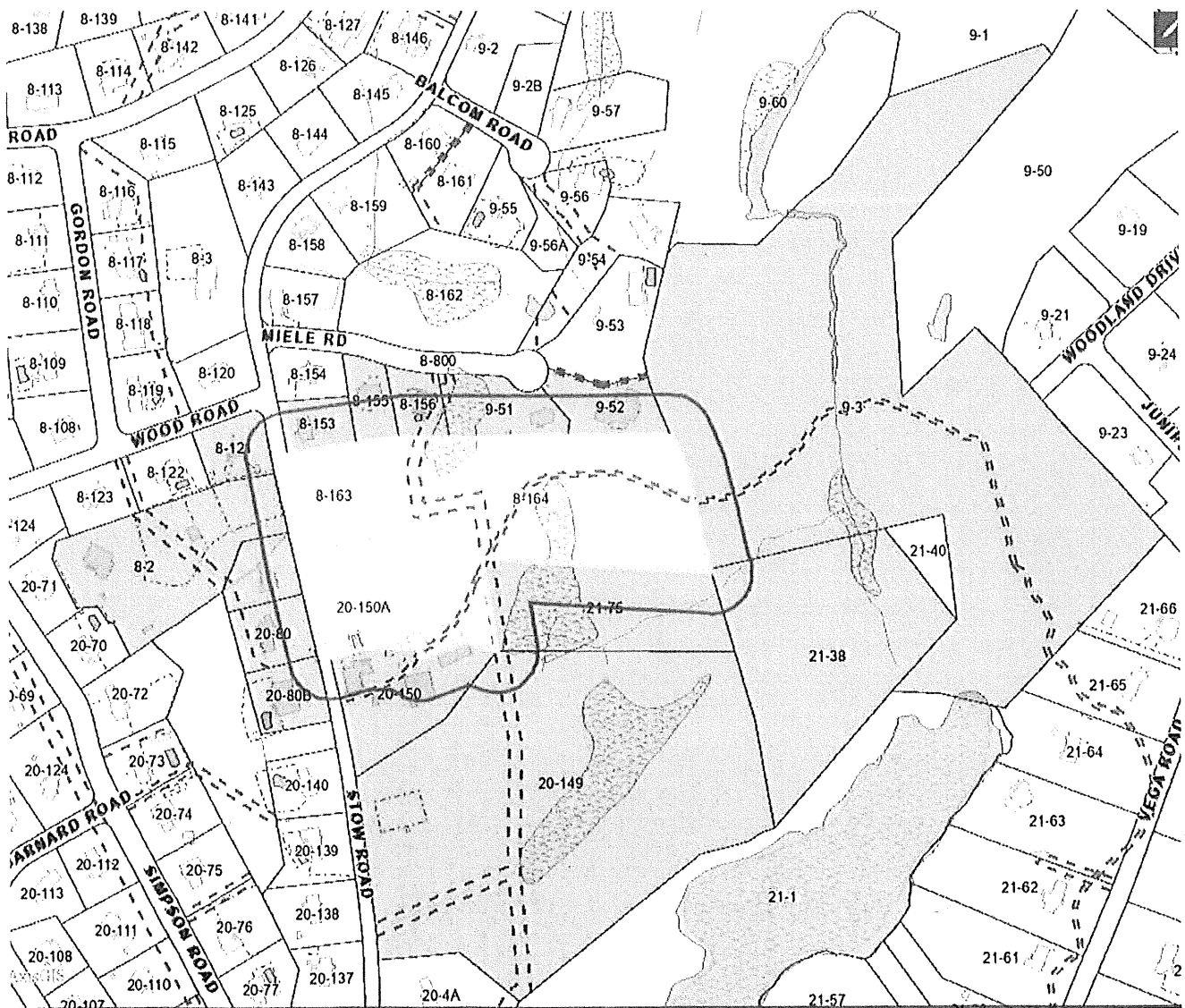
Rylee Mayo-Fiske
 Signature of Applicant

FOR ASSESSORS USE ONLY

☐ PAID WITH THE APPLICATION

☒ PICK UP AND OWES \$30

Paid *12/12/2022*
Check #1232 *(CP)*



BABURINS GUNTHER W
SUSAN BABURINS
43 MIELE RD
MARLBOROUGH, MA 01752

VIGEANT MICHAEL TR
564 STOW RD
MARLBOROUGH, MA 01752

BREITENFELD GREGORY A
YVONNE BREITENFELD
29 MIELE RD
MARLBOROUGH, MA 01752

YOUNG JASON A
ELIZABETH C YOUNG
593 STOW RD
MARLBOROUGH, MA 01752

BUCKLEY MARK C
PEGGY LEE
554 STOW RD
MARLBOROUGH, MA 01752

CANTY JOHN T
566 STOW RD
MARLBOROUGH, MA 01752

CITY OF MARLBOROUGH
140 MAIN ST
MARLBOROUGH, MA 01752

DICARLO PAUL T
PETER J DICARLO
19 MIELE RD
MARLBOROUGH, MA 01752

FOSSILE NIEL TR
GERALDINE FOSSILE TR
53 MIELE RD
MARLBOROUGH, MA 01752

GIROUX TRACY A
548 STOW RD
MARLBOROUGH, MA 01752

HUGHES VINCENT M
MICHELE R HUGHES
53 WOOD RD
MARLBOROUGH, MA 01752

ESTES CONNIE M.
ESTES CHARLES L.
250 STOW RD
MARLBOROUGH, MA 01752



City of Marlborough
Office of the Assessors
140 Main Street
Marlborough, Massachusetts 01752
TDD (508) 460-3610
Phone: (508) 460-3779

CERTIFIED ABUTTERS LIST
(8-163)(8-164)(21-150A) OFF STOW ROAD: PLANNING 100 FT

PARCEL #	GIS NUMBER	CAMA #	PROPERTY ADDRESS	OWNER NAME	CO-OWNER	OWNER ADDRESS	O_CITY	O_STATE	O_ZIP	USE_CODE
20-149	M_198729_902087	20-149	525 STOW RD	CITY OF MARLBOROUGH		140 MAIN ST	MARLBOROUGH	MA	01752	9300
20-150	M_198657_902224	20-150	547 STOW RD	CONNIE M. ESTES	CHARLES L. ESTES III	250 STOW RD	MARLBOROUGH	MA	01752	1060
20-80	M_198518_902211	20-80	554 STOW RD	BUCKLEY MARK C	PEGGY LEE	554 STOW RD	MARLBOROUGH	MA	01752	1010
20-80A	M_198511_902255	20-80A	564 STOW RD	VIGEANT MICHAEL TR		564 STOW RD	MARLBOROUGH	MA	01752	1010
20-80B	M_198530_902166	20-80B	548 STOW RD	GIROUX TRACY A		548 STOW RD	MARLBOROUGH	MA	01752	1010
21-38	M_198926_902201	21-38	STOW RD	CITY OF MARLBOROUGH		140 MAIN ST	MARLBOROUGH	MA	01752	9300
21-75	M_198720_902232	21-75	STOW RD	CITY OF MARLBOROUGH		140 MAIN ST	MARLBOROUGH	MA	01752	9300
8-121	M_198491_902345	8-121	53 WOOD RD	HUGHES VINCENT M	MICHELE R HUGHES	53 WOOD RD	MARLBOROUGH	MA	01752	1010
8-153	M_198552_902363	8-153	593 STOW RD	YOUNG JASON A	ELIZABETH C YOUNG	593 STOW RD	MARLBOROUGH	MA	01752	1010
8-155	M_198591_902380	8-155	19 MIELE RD	DICARLO PAUL T	PETER J DICARLO	19 MIELE RD	MARLBOROUGH	MA	01752	1010
8-156	M_198626_902377	8-156	29 MIELE RD	BREITENFELD GREGORY A	YVONNE BREITENFELD	29 MIELE RD	MARLBOROUGH	MA	01752	1010
8-2	M_198441_902267	8-2	566 STOW RD	CANTY JOHN T		566 STOW RD	MARLBOROUGH	MA	01752	1010
9-3	M_198889_902386	9-3	STOW RD	CITY OF MARLBOROUGH		140 MAIN ST	MARLBOROUGH	MA	01752	9300
9-51	M_198687_902374	9-51	43 MIELE RD	BABURINS GUNTHER W	SUSAN BABURINS	43 MIELE RD	MARLBOROUGH	MA	01752	1010
9-52	M_198767_902375	9-52	53 MIELE RD	FOSSILE NIEL TR	GERALDINE FOSSILE TR	53 MIELE RD	MARLBOROUGH	MA	01752	1010

This is to certify that the owners listed above are as shown in the latest Assessors records.

John H. Valade
JOHN VALADE, PRINCIPAL ASSESSOR
12/12/2022
Date

Stow Road Open Space Concept Plan
Marlborough, MA

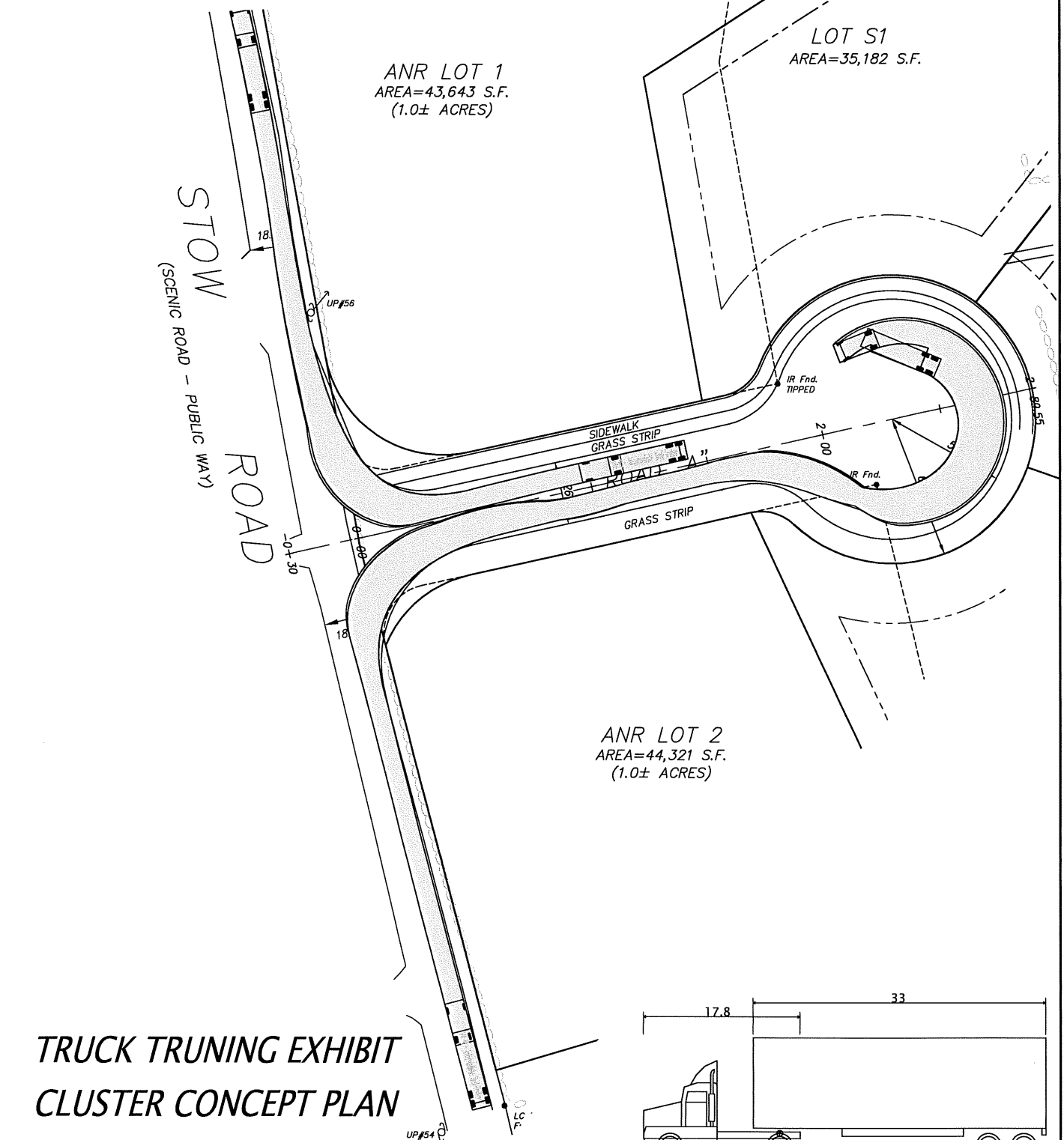
December 13, 2022

List of Requested Waivers

Subdivision Rules and Regulations:

A676-7 B.(2) Adequate Access – A waiver has been requested to allow access off Stow road having a width of 18.6 feet along the frontage of the subject property (width of 22 feet is required). The potential waiver was discussed in depth at several information meetings before the Board. The submitted plans have verified adequate sight distance in both directions along with sufficient space to allow the turning maneuver of a WB-40 design vehicle.

A676-20 Sidewalks – Waiver to allow a sidewalk along one side of the roadway (both sides required). The proposed waiver would reduce impervious surfaces while still providing pedestrian circulation within the development. The low volume of the roadway may not warrant two sidewalks, along with the fact that no sidewalks exist along the abutting Stow Road.

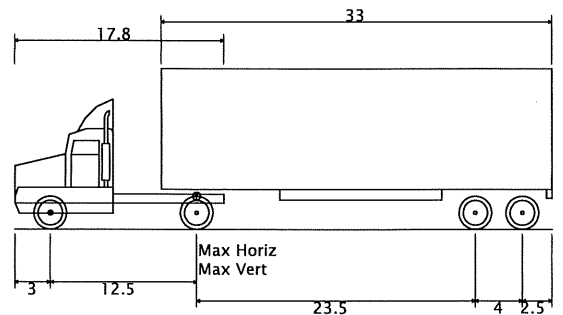


**TRUCK TRUNING EXHIBIT
CLUSTER CONCEPT PLAN
STOWE ROAD SUBDIVISION
IN**

MARLBOROUGH, MA

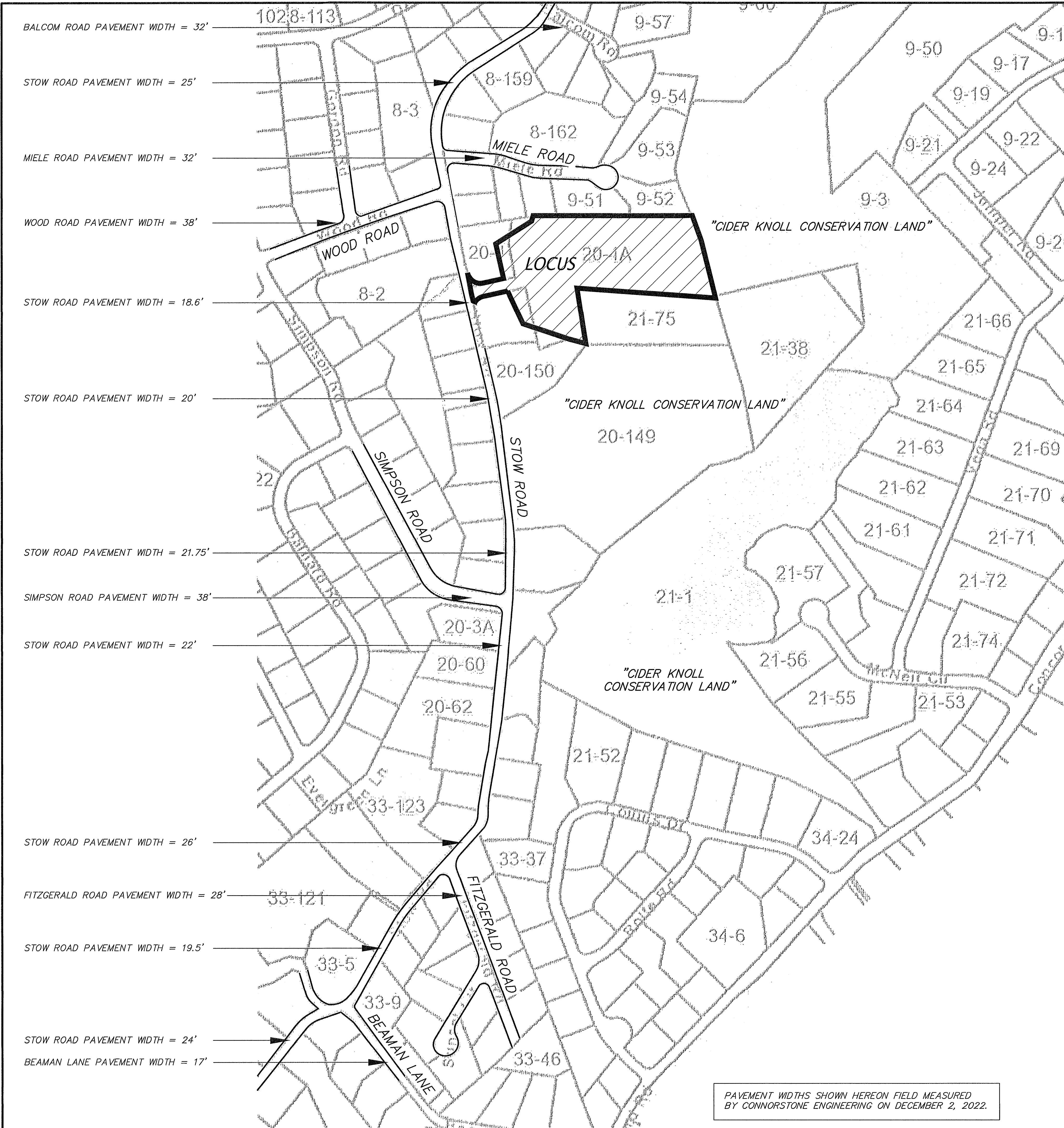
DATE: DECEMBER 2, 2022

SCALE: 1"=60'



WB-40 - Intermediate Semi-Trailer

Overall Length	45.499ft
Overall Width	8.000ft
Overall Body Height	13.500ft
Min Body Ground Clearance	1.334ft
Track Width	8.000ft
Lock to Lock Time	4.00s
Curb to Curb Turning Radius	39.900ft



GENERAL NOTES:

1. THE PURPOSE OF THIS PLAN SET IS TO SHOW A CONVENTIONAL PRELIMINARY PLAN AND OPEN SPACE CONCEPT PLAN.
2. THE SUBJECT PROPERTY IS SHOWN ON THE MARLBOROUGH ASSESSOR'S MAPS AS PARCEL 20, PARCEL 4A.
3. THE PROPERTY IS ZONED RURAL RESIDENCE "RR".
4. PROPERTY LINES AN TOPOGRAPHY ARE FROM AN ON-GROUND SURVEY BY CONNORSTONE ENGINEERING, INC. NOVEMBER 2022.
5. WETLANDS SHOWN HEREON WERE FLAGGED BY ECOTEC, INC. AND LOCATED BY CONNORSTONE ENGINEERING INC.
6. LOTS PROPOSED WILL BE SERVICED BY MUNICIPAL WATER AND SEWER.

SITE NOTES:

1. THE MAJOR FEATURES OF THE LAND INCLUDE: STONEWALLS, WOODED AREAS, LARGE TREE (>12" DIAMETER), AND WETLAND AREAS.
2. THERE ARE NO AREAS OF STEEP SLOPES (>25%) WITHIN THE PROPOSED OPEN SPACE.
3. THERE ARE NO KNOWN ARCHEOLOGICAL OR HISTORIC FEATURES LOCATED ON SITE.
4. THE SITE IS WOODED SO THERE ARE NO MAJOR LONG VIEWS WITHIN THE SITE AND WITHIN 500' OF THE SITE.
5. THERE ARE OPEN SPACES (CONSERVATION LAND) WITHIN 500' OF THE SITE. "CIDER KNOLL CONSERVATION LAND"

OPEN SPACE DEVELOPMENT

CLUSTER SITE AREA = 277,772 S.F. (6.37 ± Acres)
OPEN SPACE REQUIRED = 40% (111,109 S.F.)
OPEN SPACE PROVIDED = 45.7% (126,905 S.F.)
OPEN SPACE UPLAND = 109,517 S.F.
WETLANDS ON SITE = 30,346 S.F. (10.95% OF SITE AREA)
WETLANDS ALLOWED TOWARDS REQUIRED OPEN SPACE
(30,346 S.F. x 10.95% = 3,323 S.F.)
REQUIRED OPEN SPACE PROVIDED (109,517+3,323) = 112,840 S.F.

SHEET INDEX

SHEET 1 OF 4. TITLE SHEET/ LOCUS PLAN
SHEET 2 OF 4. EXISTING CONDITIONS/TREE PLAN
SHEET 3 OF 4. CONVENTIONAL SUBDIVISION LAYOUT.
SHEET 4 OF 4. CLUSTER SUBDIVISION LAYOUT

PRELIMINARY WAIVER REQUEST:

1. A676-20 TO ALLOW A SIDEWALK ON ONE SIDE OF THE PROPOSED ROAD.
2. A676-7 TO ALLOW A REDUCED WIDTH OF STOWE ROAD AS ADEQUATE ACCESS.

ZONED: RURAL RESIDENCE RR
AREA = 43,560 sf
FRONTAGE = 180 feet
SETBACKS: FRONT = 40 feet
SIDE = 25 feet
REAR = 50 feet

ZONED: RURAL RESIDENCE RR
OPEN SPACE DEVELOPMENT
AREA = 20,000 sf
FRONTAGE = 70 feet
LOT WIDTH AT FRONT SETBACK = 90'
SETBACKS: FRONT = 25 feet
SIDE = 15 feet
REAR = 25 feet

OWNERS:

MCCABE FAMILY REVOCABLE TRUST
AND
JUDITH MELLO MCCABE

APPLICANT:

KENDALL HOMES
P.O. BOX 766
SOUTHBOROUGH, MA 01772

CONNORSTONE
ENGINEERING INC.

CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
PHONE: 508-393-9727 WWW.CSEI.NET
SUDBURY, MASSACHUSETTS 01776
PHONE: 978-443-9566

COVER SHEET / LOCUS PLAN
OF
STOW ROAD SUBDIVISION
IN
MARLBOROUGH, MA

REVISED:

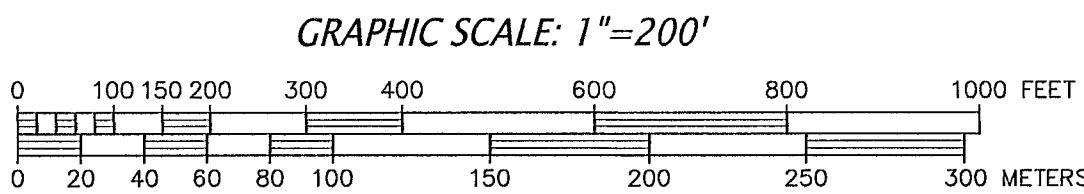
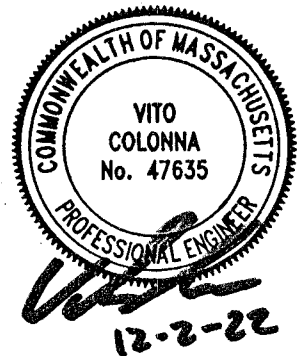
DESCRIPTION:

DRAWN BY: REM

CHECK BY: VC

DATE: DECEMBER 2, 2022

SCALE: 1"=200' SHEET 1 OF 4.



SOIL LOGS

DTH-1	5/26/2022	
0-12"	Ap	SANDY LOAM
12-36"	Bw	SANDY LOAM
36-112"	C1	LOAMY SAND
NO WATER, NO MOTTLES		

DTH-5	5/26/2022	
REFUSAL AT 24"		

DTH-6	5/26/2022	
0-12"	Ap	SANDY LOAM
12-32"	Bw	SANDY LOAM
32-78"	C1	LOAMY SAND
NO WATER, NO MOTTLES REFUSAL AT 78"		

DTH-7	5/26/2022	
REFUSAL AT 36"		

DTH-8	5/26/2022	
REFUSAL AT 24"		

DTH-9	5/26/2022	
0-8"	Ap	SANDY LOAM
8-24"	Bw	SANDY LOAM
24-68"	C1	LOAMY SAND
MOTTLES AT 42" REFUSAL AT 68"		

DTH-10	5/26/2022	
0-8"	Ap	SANDY LOAM
8-24"	Bw	SANDY LOAM
24-72"	C1	LOAMY SAND
MOTTLES AT 42" REFUSAL AT 72"		

DTH-2	5/26/2022	
0-12"	Ap	SANDY LOAM
12-34"	Bw	SANDY LOAM
34-100"	C1	LOAMY SAND
NO WATER, NO MOTTLES REFUSAL AT 100"		

DTH-3	5/26/2022	
0-12"	Ap	SANDY LOAM
12-30"	Bw	SANDY LOAM
30-60"	C1	MEDIUM SAND
60-124"	C1	LOAMY SAND DENSE
MOTTLES AT 60"		

DTH-4	5/26/2022	
0-12"	Ap	SANDY LOAM
12-32"	Bw	SANDY LOAM
32-64"	C1	MEDIUM SAND
64-98"	C1	LOAMY SAND DENSE
MOTTLES AT 64" REFUSAL AT 98"		

MA COORDINATE SYSTEM

MELLO FAMILY MEADOW
TAKEN FROM G.I.S.

OWNERS:

McCABE FAMILY REVOCABLE TRUST
AND
JUDITH MELLO McCABE

APPLICANT:

KENDALL HOMES
P.O. BOX 766
SOUTHBOROUGH, MA 01772

CONNORSTONE ENGINEERING INC.

CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
PHONE: 508-393-9727 FAX: 508-393-5242

"PRELIMINARY PLAN"
EXISTING CONDITIONS/TREE PLAN
STOWE ROAD SUBDIVISION
IN
MARLBOROUGH, MA

REVISED:

DESCRIPTION:

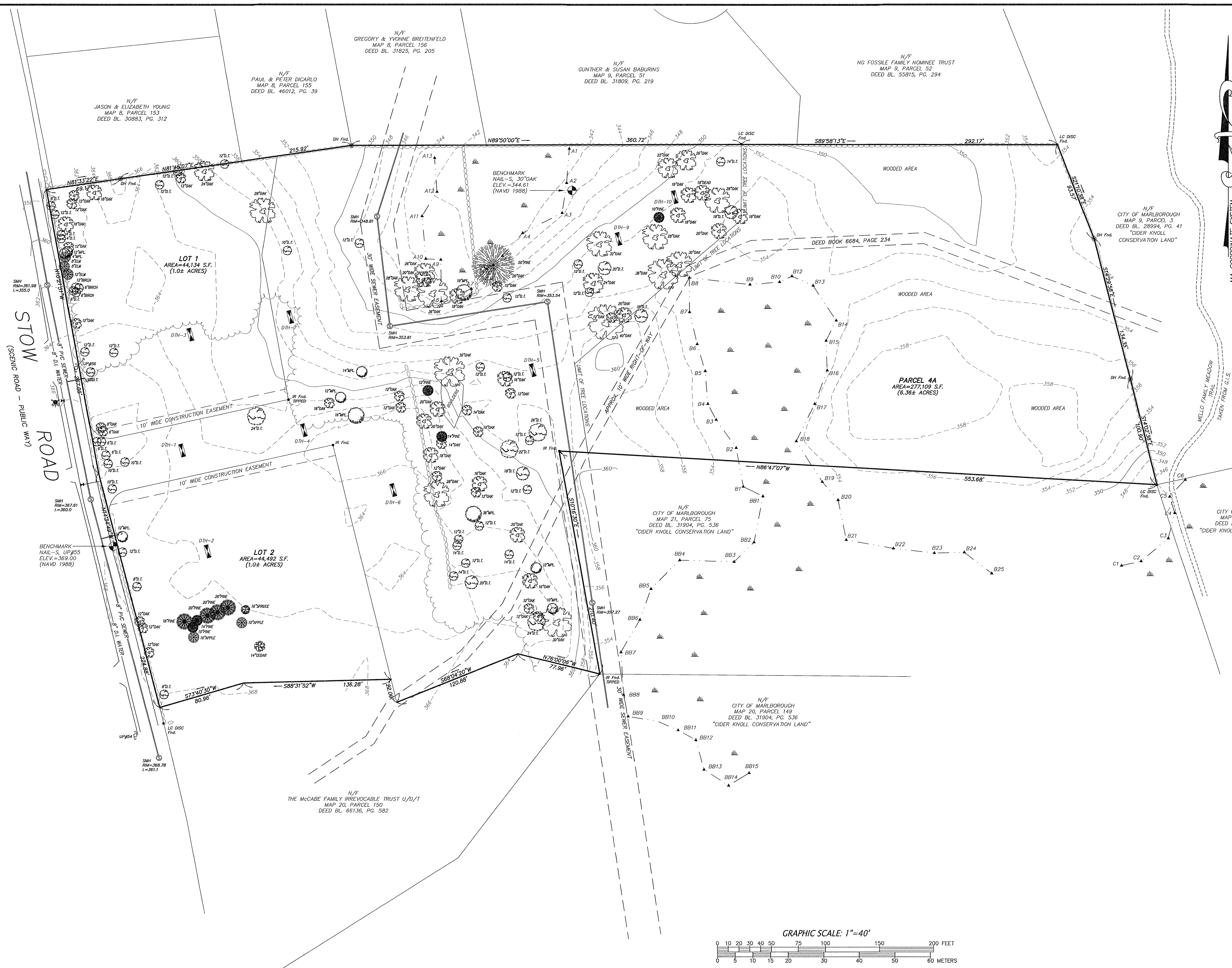
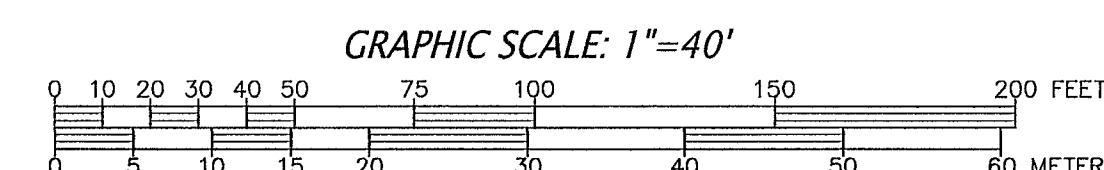
DRAWN BY: REM

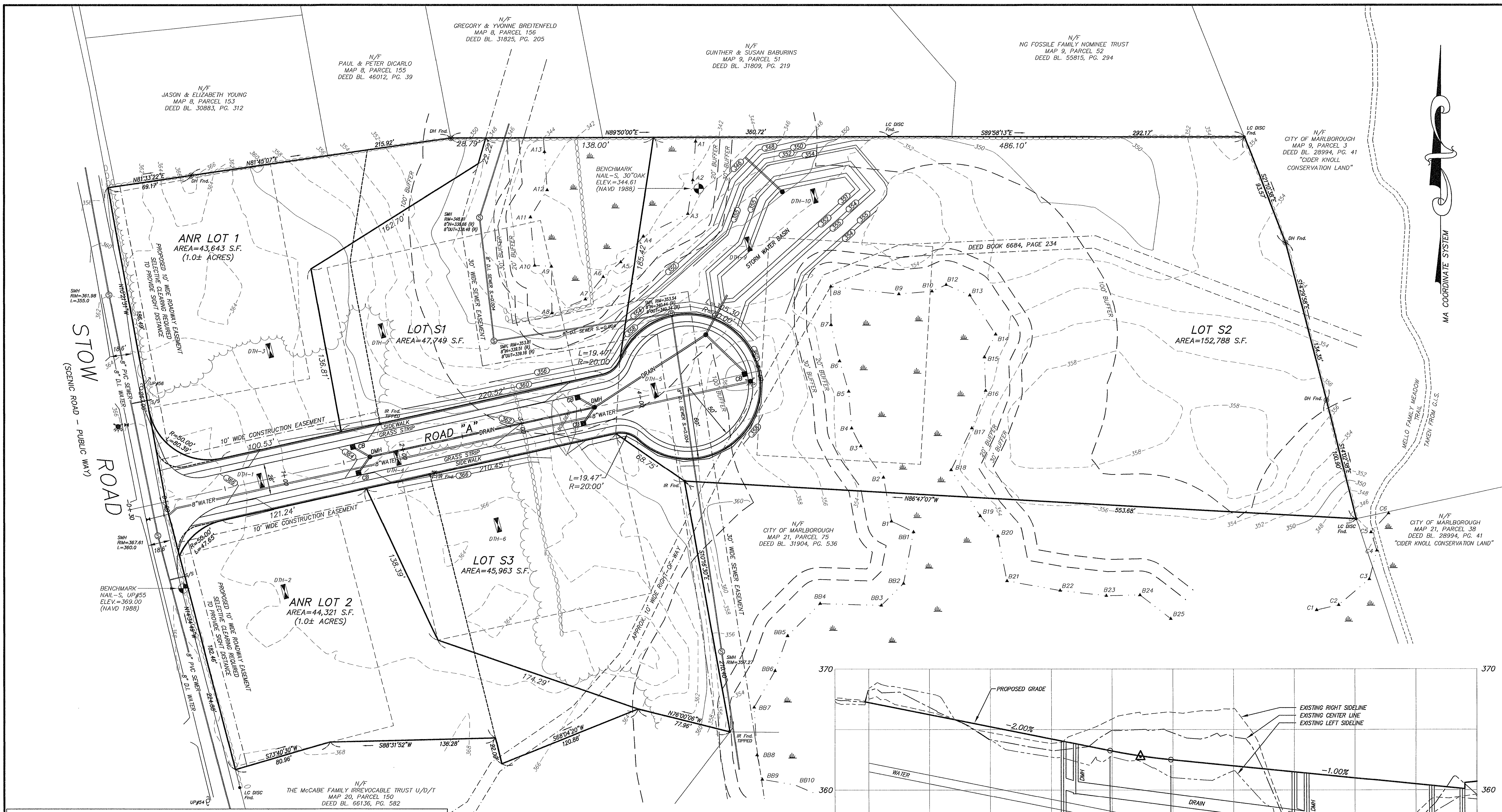
CHECK BY: VC

DATE: DECEMBER 2, 2022

SCALE: 1"=40'

SHEET 2 OF 4.





ZONED: RURAL RESIDENCE RR
AREA = 43,560 sf
FRONTAGE = 180 feet
SETBACKS: FRONT = 40 feet
SIDE = 25 feet
REAR = 50 feet

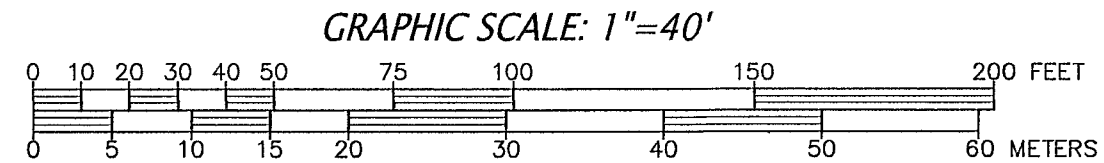
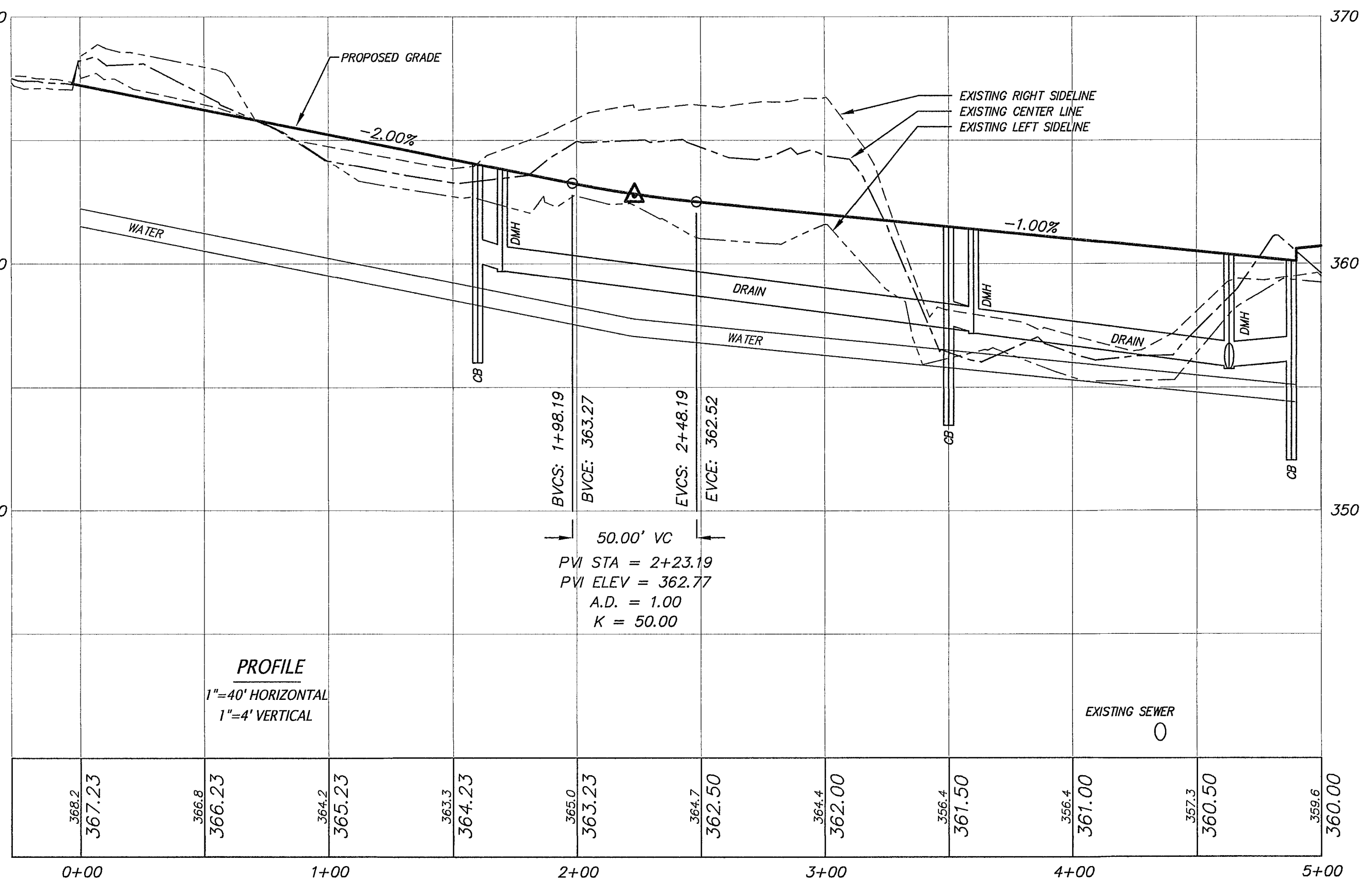
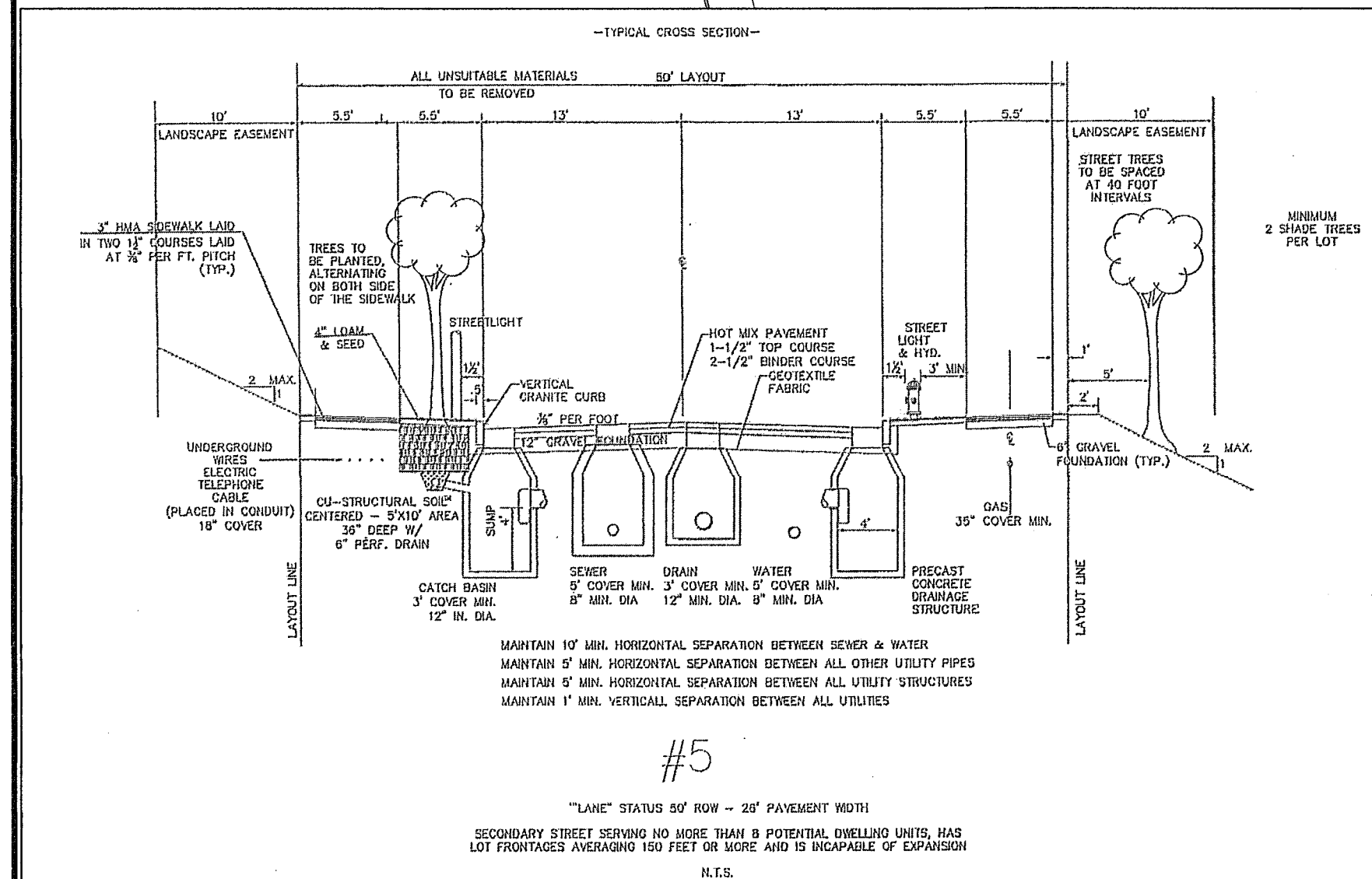
OWNERS:
McCABE FAMILY REVOCABLE TRUST
AND
JUDITH MELLO McCABE

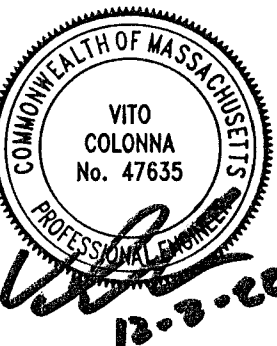
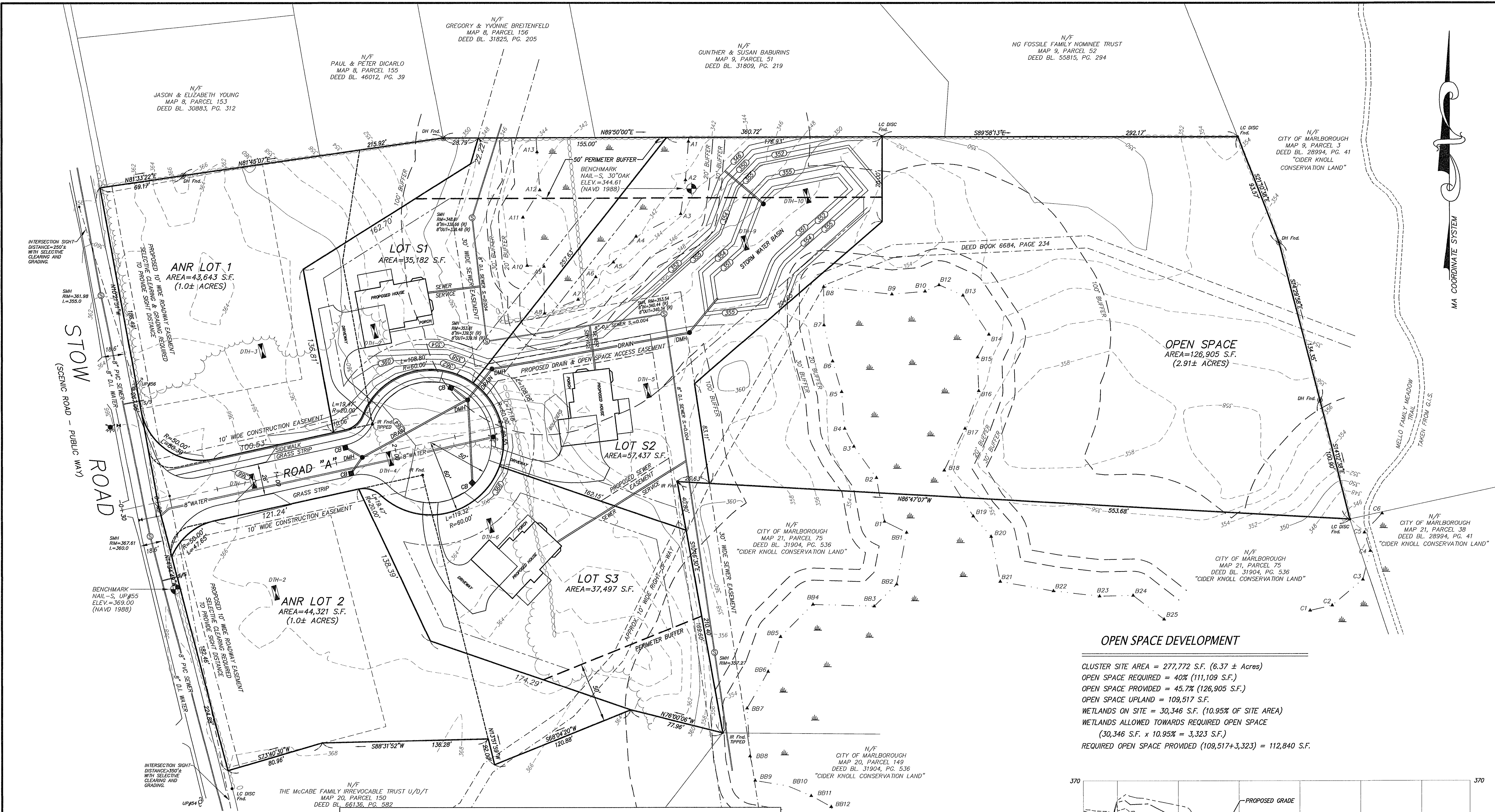
APPLICANT:
KENDALL HOMES
P.O. BOX 766
SOUTHBOROUGH, MA 01772

**CONNORSTONE
ENGINEERING INC.**
CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
PHONE: 508-393-9727 FAX: 508-393-5242

"PRELIMINARY PLAN"
CONVENTIONAL CONCEPT PLAN
STOWE ROAD SUBDIVISION
IN
MARLBOROUGH, MA

REVISED: DESCRIPTION:
DRAWN BY: REM CHECK BY: VC
DATE: DECEMBER 2, 2022
SCALE: 1"=40' SHEET 3 OF 4.





ZONED: RURAL RESIDENCE RR
OPEN SPACE DEVELOPMENT
AREA = 20,000 sf
FRONTAGE = 70 feet
LOT WIDTH AT FRONT SETBACK = 90'
SETBACKS: FRONT = 25 feet
SIDE = 15 feet
REAR = 25 feet

OWNERS:
McCABE FAMILY REVOCABLE TRUST
AND
JUDITH MELLO McCABE

APPLICANT:
KENDALL HOMES
P.O. BOX 766
SOUTHBOROUGH, MA 01772

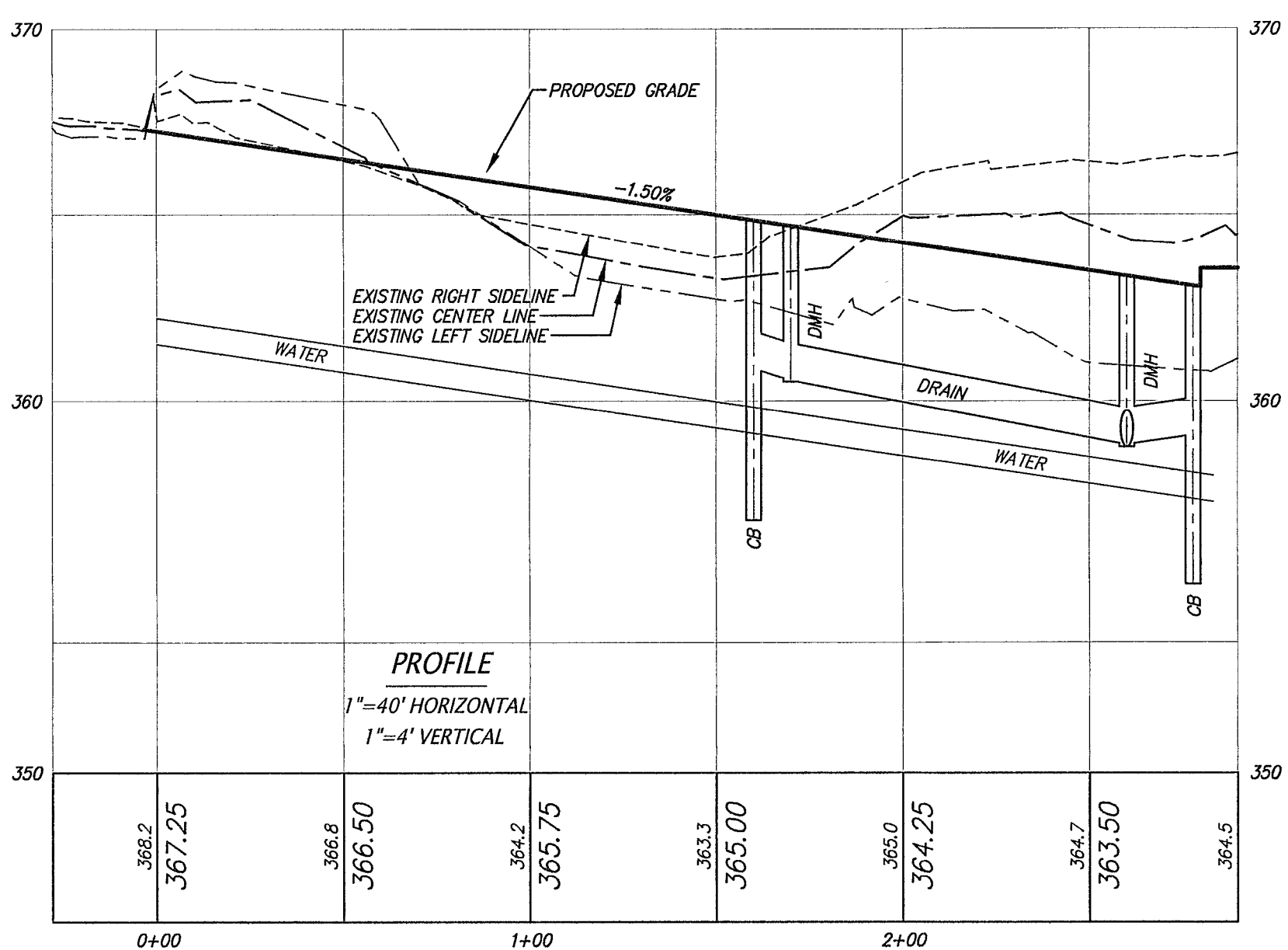
**CONNORSTONE
ENGINEERING INC.**
CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
PHONE: 508-393-9727 FAX: 508-393-5242

"PRELIMINARY PLAN"
CLUSTER CONCEPT PLAN
STOWE ROAD SUBDIVISION
IN
MARLBOROUGH, MA

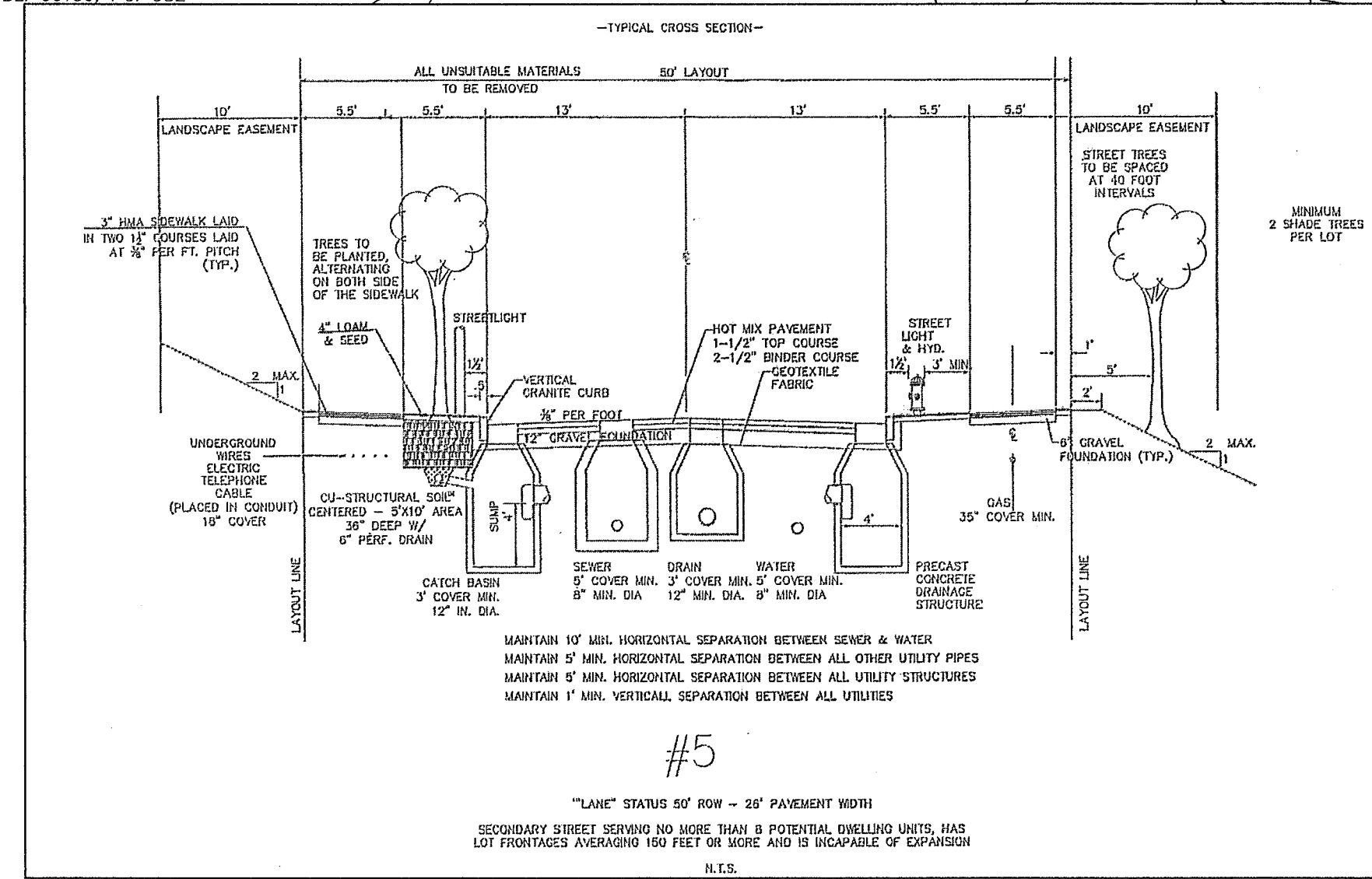
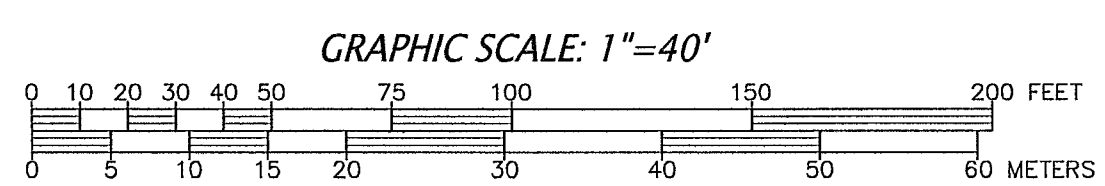
REVISED: DESCRIPTION:
DRAWN BY: REM CHECK BY: VC
DATE: DECEMBER 2, 2022
SCALE: 1"=40' SHEET 4 OF 4.

OPEN SPACE DEVELOPMENT

CLUSTER SITE AREA = 277,772 S.F. (6.37 ± Acres)
OPEN SPACE REQUIRED = 40% (111,109 S.F.)
OPEN SPACE PROVIDED = 45.7% (126,905 S.F.)
OPEN SPACE UPLAND = 109,517 S.F.
WETLANDS ON SITE = 30,346 S.F. (10.95% OF SITE AREA)
WETLANDS ALLOWED TOWARDS REQUIRED OPEN SPACE
(30,346 S.F. x 10.95% = 3,323 S.F.)
REQUIRED OPEN SPACE PROVIDED (109,517+3,323) = 112,840 S.F.



- LEGEND**
- DRAIN MAN HOLE
 - DRAINAGE LINE
 - CATCH BASIN
 - SEWER MAN HOLE
 - ELECTRIC CURBING
 - EDGE OF PAVEMENT
 - GUARD RAIL
 - APPROX. WATERLINE
 - HYDRANT
 - WATERGATE
 - APPROX. GAS LINE
 - GAS GATE
 - UTILITY POLE & GUY WIRE
 - CHAIN LINK FENCE
 - LIGHTPOST
 - HANDICAP SPACE
 - ELECTRIC TRANSFORMER
 - SIGN
 - VERTICAL BENCHMARK
 - DECIDUOUS TREE >8"
 - CONIFEROUS TREE >8"
 - TREELINE
 - SPOT GRADE
 - WETLAND LINE
 - TELEPHONE MAN HOLE
- MONUMENTS**
- SB/DH Fnd. STONE BOUND W. DRILL HOLE FOUND
 - SB Fnd. STONE BOUND FOUND
 - IP Fnd. IRON PIPE FOUND





CITY OF MARLBOROUGH
APPLICATION FOR SIGN APPEAL TO PLANNING BOARD

INSTRUCTIONS: Use this form if your sign permit application has been denied by the Building Inspector and your denial letter indicates your right to appeal to the City of Marlborough Planning Board. This application must be filed with the Planning Board within 30 days of the date of the decision of the of the Building Inspector. (See Number 7 below.) Applicant must attach a copy of the Building Inspector's decision letter (usually a denial of a sign permit.) This application form must be signed by the applicant or their authorized agent (and the property owner if the owner is not the applicant.) Send the completed form along with the \$50.00 filing fee to the Planning Board administrative offices at 135 Neil St. 2nd Floor, Marlborough, MA 01752. The Planning Board Administrator will sign this form and schedule an appeal hearing date at a future scheduled meeting of the Planning Board.

1. **Location of Proposed Sign: Street Address:** 405 Maple st. , Marlboro, MA 01752
What other signs exist on the property: (Type, Size, Location) 30"Pan Face Channel letter and Monumental Sign
2. **Name of business or activity applying for sign:** Fazza group Inc
3. **Applicant:** Elias DeAquino
Applicant Address: 62 West Main St. Northboro, MA 01532
Applicant Contact Info: (name, email and phone) Elias DeAquino, ultrasigns@gmail.com / 774-285-2702
4. **Building Owner:** Yuri Souza
Owner Address: 405 Maple st. , Marlboro, MA 01752
Owner Contact Info: (name, email and phone) Yuri Souza / targetpainting@live.com / 774-249-1830
5. **Applicant is** ☐ **Building Owner** ☐ **Tenant** ☒ **Other** _____
6. **Date of Building Inspector's decision from which appeal is taken:** 11/30/2022
 (Attach copy of denial of sign permit.)
7. **Section of the Sign Ordinance from which appeal is requested:** Chapter 650, Section(s) 526-9B(3)
Section heading(s): 526-9B(4)
8. **Description of Sign:** Flat wall Sign
9. **Give a brief outline why permit was refused and the purpose of the sign:** Exceeds the allowable aggregated area.
 (Purpose of the sign will be the increase the elegance of the building.)

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

Signed: Elias de Aquino Date: 12-08-2022 Owner: Fazza Group Inc.
 Applicant

Received: \$50 application fee - Check payable to City of Marlborough Initials of Board agent KL
 Scheduled Hearing Date: December 19, 2022 Date of payment 12/8/22

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

Variance Decision: Ap ☒ ed Denied ☐
 (attached)

ULTRA SIGNS CORP

108

53-7054/2113
38

12/08/72

Date

Pay to the
Order of

city of Marlboro

\$ 5000

Five thousand and no/100

Dollars



Photo
Safe
Deposit®
Details on back

405 maple st. application fees
For FOR SIGN AREA TO PAVING

[Signature]

MP

8A.ii

City of Marlborough
Commonwealth of Massachusetts



Ethan Lippitt
Local Building Inspector
140 Main Street
Marlborough, MA 01752
Phone: (508) 460-3776 XT 4
Fax: (508) 460-3736
Email: elippitt@marlborough-ma.gov

11/30/2022

Elias DeAquino
62 West Main Street,
Northborough, MA 01532

RE: Flat Wall Sign Determination, Sign Permit SP-22-44, *405 Maple*

To whom it may concern,

On 11/22/2022 a flat wall sign was applied that would be installed at 405 Maple Street. This flat wall sign cannot be installed as applied for due to being in direct conflict with **§526-9B(3)** and **§526-9B(4)** due to exceeding the allowable aggregate area of all flat wall signs for the property at 150 square feet. The ordinances regarding both the aggregate area and the appeal process have been included in this letter for your convenience.

The following calculations pertain to the existing signage and the proposed signage to be installed upon the site.

Existing Flat Wall Sign Square Footage that is permitted upon the site.

- **134.95 SF of permitted signage was installed as part of sign permit SP-22-37.**

Remaining square footage of area that can have signage installed upon it.

- **15.05 SF of aggregate area that can have wall signs installed upon it.**

Area of proposed signage to be added to the building.

- **105 SF of sign to be added to the existing signage, exceeding the allowable aggregate signage by 89.95 SF.**

§ 526-9 Nonresidence districts.

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

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

(3) Calculation of area.

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

(b) Number of signs and allocation of area. Any number of separate flat wall signs may be erected on the face of a building, provided they meet all provisions of this section and do not exceed the aggregate area allowed by Subsection B(3)(a), Basic area, above.

(c) Area of canopy, marquee or awning sign: refer to Subsection B(2) above.

(4) Bonus area for multiple frontage. If the building has frontage on more than one public street, or public entrances on more than one facade, then an additional flat wall sign area of one square foot shall be allowed for each linear foot of such additional facade frontage. Such additional sign area shall appear solely on that side of the building which gives rise to the multiple frontage and shall be used exclusively for the business establishment having its facade on that frontage. In no case shall more than two facades be counted on any one building for the purpose of calculating total allowable sign area, which shall not exceed 150 square feet per establishment except for bonus area provided for in § 526-9B(5).

Your rights for an appeal have been included below.

§ 526-12 Administration and penalties.

C. Rights to appeal.

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

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

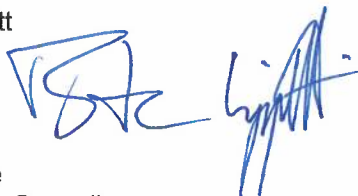
(2) Variances. The Planning Board may vary the provisions of this chapter in specific cases which appear to it not to have been contemplated by this chapter, and in cases wherein its enforcement would involve practical difficulties if, in each instance, desirable relief may be granted without substantially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

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

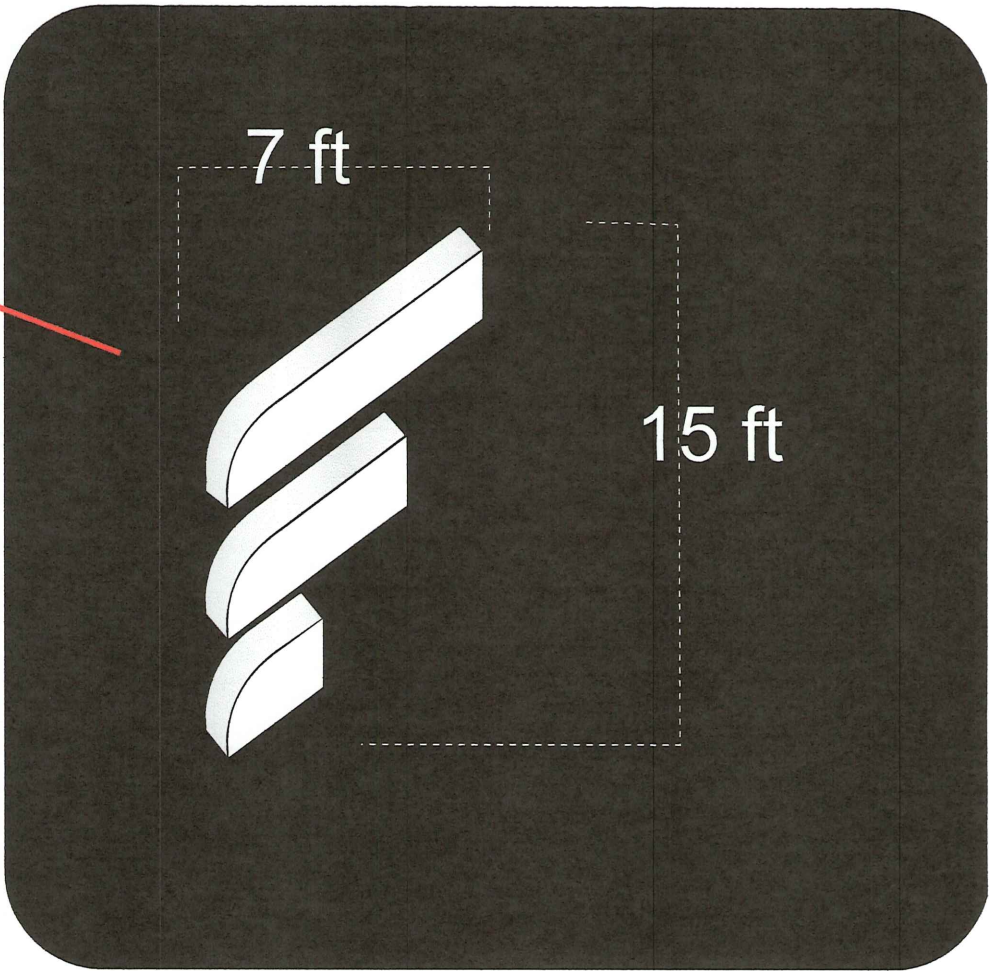
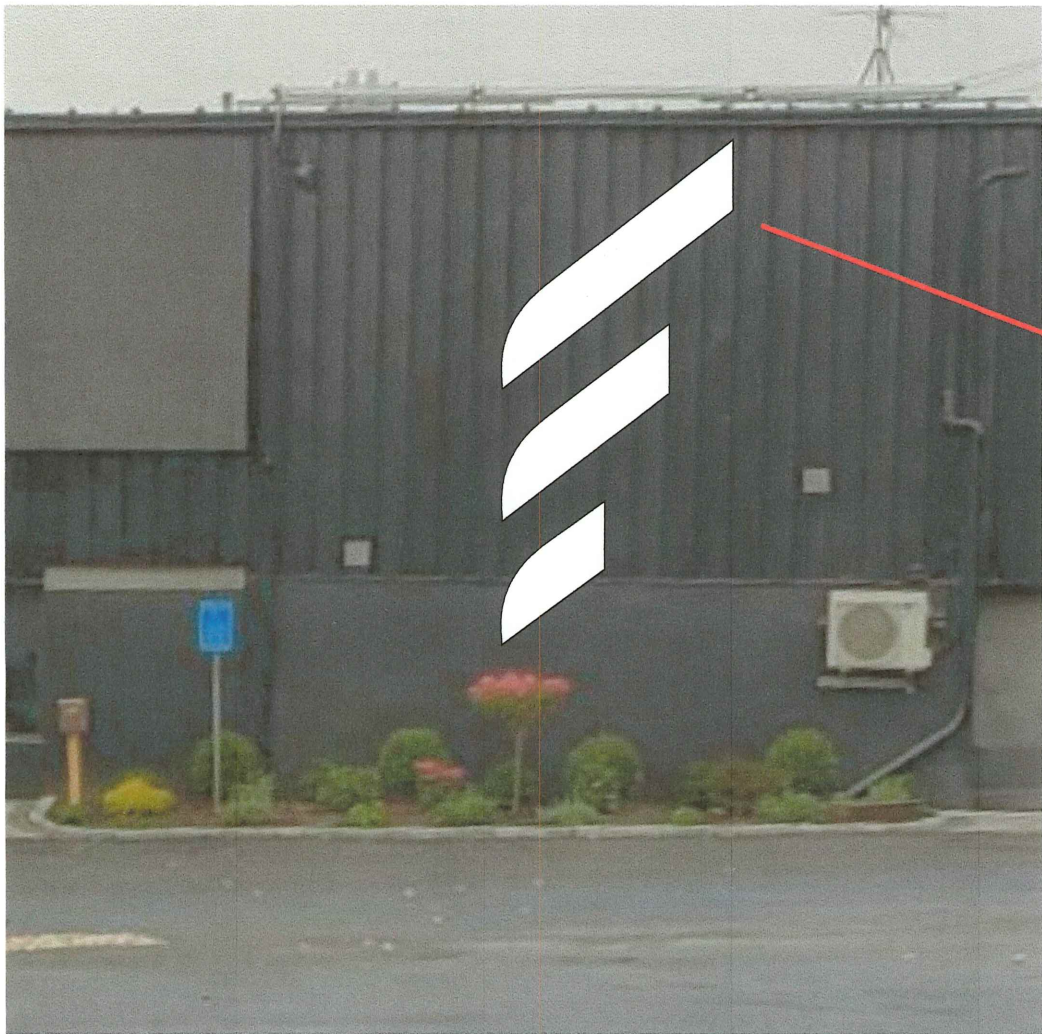
(3) Conditions and safeguards. The Planning Board shall set forth appropriate conditions and safeguards whenever in its opinion they are desirable.

Code Enforcement Officer Ethan Lippitt

Best,
Ethan Lippitt



CC File
 City Council
 Planning Board
 Commissioner Htway



ULTRA SIGNS
VISUAL COMMUNICATION
Cell: **774.285.2702**

**62 West Main Street
Northboro, MA 01532**
www.ultrasigns.net

- ☐ Change: Please modify the design as marked above and resend proof
- ☐ Accepted: The above specifications & conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

PLEASE EMAIL RESPONSES TO ultrasigns@gmail.com

FAZZA REALTY 774-249-1830 YURI SOUZA
405 Maple St, Marlborough, MA 01752

Designer: ELIAS

These Drawings & Photo are exclusive use of Ultra Signs. Note, by using these drawing without writing down permission are Prohibited. Charge Fees will be applied.
Most of our JOBS, we request 40% deposit before WE generate UNLIMITED PROOFS & 60% on approval. PROOF with watermark are FREE/ and a cost of \$85.00 (Proof with out watermark "JPG or PNG" Only)
First proof will be sent by email within 24h. After Deposit Received./ Please replay after reviewed your proof carefully to see if is Ok to be Printed. or sign-up the blue print "proof" handle by the accounted rep.

SIGN TYPE: Pan-Face Channel Letters

SCALE: 1:00

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

LEGAL NOTICE

2022 NOV 15 AM 10:14

Public Hearing –Proposed Zoning Amendment to Chapter 650, Mixed Use and Affordable Housing.

Notice is hereby given that the Planning Board of the City of Marlborough will hold a **PUBLIC HEARING** on **Monday, December 5, 2022, at 7:05 PM** in Memorial Hall 3rd floor, City Hall, 140 Main Street, Marlborough, Massachusetts to amend Chapter 650, to amend various sections relative to Mixed-Use and Affordable Housing.

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 650-5 (Definitions; word usage), Subsection B, “Mixed Use” definition, by deleting the definition in its entirety and replacing it with the following:

MIXED USE

(1) A combination of permitted (Y) or special permit (SP) residential/business uses as listed in § 650-17, Table of Use Regulations, for a particular zoning district, located on the same lot and arranged vertically in multiple stories of a structure or horizontally adjacent to one another in one or more buildings.

(2) To achieve a mix of residential to business uses, such as retail or restaurant, that is balanced and compatible, ground floors of buildings fronting streets or public accessways shall be restricted to nonresidential uses, except as specified below:

(a) Dwelling units shall be allowed on ground floors of a building that is set behind a mixed-use building that has business uses on the ground floor and residential on other floors so long as the building set behind does not face a public way.

- II. By amending Chapter 650 (Zoning), Section 650-26 (Affordable Housing), to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

§ 650-26. Affordable housing.

A. All site plan approvals granted for multifamily dwellings as part of a mixed-use development, and all special permits granted to applicants to construct multifamily dwellings thereby increasing the number or density of residential dwellings to a number or level greater than that allowable as a matter of right under the zoning classification for the subject parcel shall require the following.

(1) Developments ~~of 20 or more units.~~

- (a) Number of affordable units. The development shall ~~i) provide that at least 15% of the dwelling units to be constructed for homeownership or rental purposes will be made available at affordable prices to home buyers or renters, or ii) if authorized by a majority of the City Council, provide a sum not less than \$50,000 per affordable dwelling unit that would have been required in Item i) above to be deposited as directed by the City Council into the fund for economic development created by Chapter 126 of the Acts of 2011 or into another fund designated by the City Council.~~
- (b) Local preference. The development plan shall provide that all legally permissible efforts shall be made to provide 70% of the affordable dwelling units to eligible residents of the City of Marlborough.
- (c) Distribution of affordable units. Dwelling units to be sold or rented at affordable prices shall be integrated into the overall development to prevent physical segregation of such units.
- (d) Appearance. The exterior of the affordable units shall be designed to be compatible with and as nearly indistinguishable from the market rate units as possible.
- (e) Minimum and maximum floor areas. Affordable housing units shall have a gross floor area not less than the minimum required by the State Department of Housing and Community Development under the regulations created under the authority of MGL Chapter 40B.
- (f) Period of affordability. Limitations and safeguards shall be imposed to ensure the continued availability of the designated affordable units for a minimum of 99 years or in perpetuity. Such limitations and safeguards may be in the form of deed restrictions, resale monitoring, requirements for income verification of purchasers and/or tenants, rent level controls and the like.
- (g) Limitation on change in affordability. In no event shall any change in affordability occur if the minimum percentage of affordable units required in the entire City under MGL Chapter 40B has either not been met at that time or such change in affordability would cause the City to fall below that percentage.
- (h) Staging of affordable and market-rate units. No more than 50% of the building permits for the market-rate units shall be issued until construction has commenced on 30% of the affordable units. No more than 50% of the occupancy permits for the market-rate units shall be issued until 30% of the occupancy permits for the affordable units have been issued. The City Council may modify this provision for developments under 50 units.
- ~~(i) Alternate site. The City Council may allow the developer to build some or all of the affordable housing required by Subsection A(1)(a) on an alternate site within the City, provided that the City Council determines that this is in the best interest of the City and orders that this specific condition be attached to the special permit. The location of the alternate site shall either be specified at the time of approval for the special permit or selected within six months of said application and shall then be subject to approval by the Housing Partnership Committee or its successor, by the City Council if otherwise required by this Zoning Ordinance and by any other proper authority as may be required by law. The development of the alternate site shall comply with Subsection A(1)(b), (c), (f), (g), (h) and (j) of this section, and the staging of development on the alternate site shall be governed by Subsection A(1)(h) applied to all units on both the main and alternate sites.~~
- (j) Guaranty of performance. The City Council shall require security in a form satisfactory to the City Council and City Solicitor to guarantee performance, including preservation of affordability, under this subsection, and no building permit shall be issued until and unless said security has been provided.

~~(2) Developments of 19 or fewer units. All provisions of Subsection A(1) above applicable to 20 or more units may also be applied to developments of 19 or fewer units as the City Council finds practical.~~

(3) The provisions of this section shall not apply to a special permit for an existing retirement community ~~or the expansion of an existing retirement community~~ as governed by §§ 650-21 and 650-22, but shall apply to any new retirement community or expansion of an existing retirement community. This subsection will be effective pursuant to the applicable provisions of Chapter 40A of the General Laws.

~~(4) The provisions of this section shall not apply to projects which are granted special permits within the Marlborough Village District.~~

III. By amending Chapter 650 (Zoning), Section 650-37 (Special Provisions Applicable to the Wayside Zoning District), Subsection H(4)(A), entitled "Mixed Uses", by inserting the following sentence at the end of the existing subsection: Floor usage in a mixed-use development shall conform to subsection (2) of the definition of "Mixed Use" set forth in Section 650-5(B).

IV. The effective date of these amendments shall be the date of passage.

Per Order of the City Council

#22-1008721

This Legal Advertisement will be published on www.wickedlocal.com and <http://masspublicnotices.org>.

#8063294

DN 11/21, 11/28/22