

CITY OF MARLBOROUGH MEETING POSTING

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 JUL 15 P 1:13

Meeting: **Planning Board**
Date: July 19, 2021
Time: **7:00 PM**
Location: Memorial Hall, 3rd Floor, City Hall, 140 Main Street, Marlborough, MA 01752

This meeting of the Planning Board will be held in Memorial Hall on Monday, July 19, 2021 at 7:00 PM.

PUBLIC ATTENDANCE IS PERMITTED.

Agenda Items to be Addressed:

1. Draft Meeting Minutes

A. June 21, 2021

2. Chair's Business

A. **SET PUBLIC HEARING DATE** – Referred from City Council: Order #21-1008344, Proposed Zoning Amendment to Chapter 650, Section 5 and Section 18(36) by adding "Hobby Vehicle Storage" as a warehousing use in the Limited Industrial District

3. Approval Not Required

4. Public Hearings

5. Subdivision Progress Reports

6. Preliminary/Open Space/Limited Development Subdivision

A. Informal Discussion of potential subdivision - Concept plan of three lot subdivision
342 Sudbury Street, Marlborough, MA 01752
Representative: Neal Vigeant, Prepared by Robert Parente, P.E.

7. Definitive Subdivision Submissions

8. Signs

- A. Route Eighty- Five Liquors: Sign Variance Application 274 Maple Street, Marlborough, MA 01752
Representative: Gilmar DaSilva, Best Price Signs and Printing (244 Liberty Street, Brockton, MA 02301)
- B. RK Centers: Sign Variance Application 191-237 Boston Post Road West, Marlborough, MA 01752
Representative: Michael Brangwynne, Fletcher Tilton PC (12 Post Office Square, 6th Floor, Boston, MA 02109)
Continued from April 5, 2021
- C. Sunoco: Sign Variance Application 121 Bolton Street, Marlborough, MA 01752
Representative: Brian Falk, Mirick O'Connell (100 Front Street, Worcester, MA 01608)
Continued from June 7, 2021
Correspondence from abutters Michael and Karen Buckley (104 State Street, Marlborough, MA 01752)

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

CITY OF MARLBOROUGH MEETING POSTING

9. Correspondence

10. Unfinished Business

- A. Working Group Discussion – Planning Board Rules and Regulations Continued

11. Calendar Updates

12. Public Notices of other Cities & Towns

- A. Town of Southborough, Public Hearing Notice – Proposed Zoning Code amendment to create Downtown District

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

June 21, 2021

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

1. Draft Meeting Minutes

A. June 7, 2021

On a motion by Mr. Elder, seconded by Mr. LaVenture, the Board voted to accept and file the June 7, 2021 meeting minutes. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

2. Chair's Business

A. Appointment of William Fowler to the Planning Board

The Board reviewed the June 17, 2021 letter from the Mayor, Arthur G. Vigeant - See attached.

3. Approval Not Required (None)

4. Public Hearings

A. City Council Order # 21-1008293 Proposed Zoning Amendment to Chapter 650 to add a new Section to create the "Commercial Village Overlay District"

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:

Robert Buckley, Esquire, Riemer Braunstein, LLP (700 District Avenue, 11th Floor Burlington, MA 01803)
Kristine Hung, Esquire, Riemer Braunstein, LLP (700 District Avenue, 11th Floor Burlington, MA 01803)
Scott Weiss, Gutierrez Company (200 Summit Drive, Suite 400 Burlington, MA 01803)

Mr. Buckley explained the purpose of this overlay district is to create a transitional zone between Marlborough Hills and the residential area. The subdivision structures in the previously approved subdivision would be in close proximity to the abutting residential properties. They want to explore ways to bring the development sites away from the residential properties and closer to the commercial streets. At the same time providing the City with alternatives to apartments by creating age targeted homes. Mr. Buckley reminded the board this is only the zoning change and they will need to go through the Site Plan Review Committee and review the proposal if approved, but that they provided a development agreement in the proposed zoning change to help the City and the applicant throughout the process.

Mr. Weiss went over the power point - see attached.

Dr. Fenby declared this portion of the public hearing closed.

Speaking in Favor of the Amendment: (NONE)

Dr. Fenby declared this portion of the public hearing closed.

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

Speaking in Opposition to the Amendment: (NONE)

Dr. Fenby declared this portion of the public hearing closed.

Questions and Comments from the Planning Board:

The Planning Board had a discussion regarding several concerns and aspects of this proposed zoning change.

City Councilor Kathleen Robey brought to the Planning Boards attention: in May of 2018 the Planning Board was presented the same proposal, and at the time, the Planning Board had sent a negative recommendation to the City Council.

Mr. LaVenture read the May 8, 2018 Planning Board letter of negative recommendation to City Council regarding the City Council Order #18-1007134 Proposed Zoning Amendment, Section 650-36, Commercial Village Housing Overlay District into the record. – See attached.

The Board came to the following conclusion:

- The developer did not establish the proposed Overlay District is consistent with the character of the surrounding neighborhood in that a high density is proposed abutting a single residential family area;
- Approval of the Overlay District would be overly burdensome to the residential neighbors (increased traffic with the number of proposed units and 4-story height in close proximity to single family residential abutters);
- The developer did not establish the proposed Overlay District would provide the City with a type of housing that is not already available in the City, or that the proposed Overlay District would benefit the City in any compelling way, or in a manner that would outweigh the potential burdens on the residential neighbors. Although a tax benefit was cited by the developer, there could be corresponding costs for safety and other services. In addition, the developer would not be cleaning up their open space of soil contamination;
- The developers did not establish the proposed Overlay District would be keeping with the intent and purposes of the City Zoning Ordinance. The residents of the surrounding neighborhood are entitled to a reasonable expectation of being protected by the existing zoning absent a change that clearly benefits the City;

In addition, if the City Council sees fit to approve the Overlay District, the Planning Board suggests the following limitations:

- Significantly reducing the percentage of lot coverage allowed;
- Reducing the number of stories allowed for the buildings;
- Reducing the overall number of units;
- Restricting the undeveloped portion of the property so that no further development could take place, and the existing land could not be disturbed;
- Given the contaminated soil, the undeveloped portion of the land should not be transferred to the City; and,
- Incorporating the environmental and soil management plan contained in the developer's current single family subdivision approval into the terms of any Special Permit issued in the future.

On a motion by Mr. Elder, seconded by Mr. Fay, the Board voted to send a negative recommendation to the City Council based on the four thresholds and with the stipulations noted above for the proposed zoning amendment. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

Dr. Fenby declared the public hearing closed.

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

5. Subdivision Progress Reports (None)

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

7. Definitive Subdivision Submissions (None)

8. Signs (Discussed before 4. Public Hearings)

B. Sign Variance Application 121 Bolton Street, Marlborough, MA 01752

Representative: Brian Falk, Mirick O'Connell (100 Front Street, Worcester, MA 01608) Continued from June 7, 2021

Correspondence from Assistant City Solicitor Jason Piques

Mr. LaVenture read the Correspondence from Solicitor Mr. Piques into the record.

Mr. LaVenture read the email requesting a continuance to July 19th from Mr. Falk into the record.

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file both correspondence and grant the continuance to the July 19th Planning Board Meeting. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

The Planning Board decided to reach out to the Legal Department for further guidance regarding the 121 Bolton Street sign variance application.

9. Correspondence (None)

10. Unfinished Business

B. Working Group Discussion – Planning Board Rules and Regulations Continued

Mr. LaVenture thanked the Engineering and Legal Departments for their continued support. He went over the highlighted changes within a portion of the proposed changes to the Planning Board Rules and Regulations.

The Board discussed their concerns on the language under section I.(3). The Board decided to add the following language "or provide a detailed written plan of corrective action acceptable to the Planning Board."

Mr. LaVenture presented additional information "Section L" from the proposed changes of the Planning Board's Rules and Regulations - See attached.

Mr. LaVenture presented a draft timeline:

- Wednesday, June 23 - Deadline for Legal to provide language on Street Acceptance.
- Monday, July 19 - Planning Board meeting with presentation of language for final proposed changes. The desire here is for the Board to formally refer all proposals to Legal for formal review.
- Tuesday, July 20 - Assuming referral by the Board, the final draft package would be resubmitted to the Mayor, CC, DHs, MEDC/MAPC for their thoughts and deconfliction. Comments/questions/suggestions would be requested by August 11.
- Wednesday, August 11 - The Working Group would be available to answer questions from the above group.
- Monday, August 23 - Planning Board meeting for review of any changes due to input from the above group.
- Monday, September 13 - Public hearing for formal presentation by the Working Group of proposed changes.

11. Calendar Updates (None)

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

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

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

Respectfully submitted,

/kmm

George LaVenture/Clerk

DRAFT



City of Marlborough
Office of the Mayor

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CITY OF MARLBOROUGH

2021 JUN 17 A 9 23
Arthur G. Vigeant
MAYOR

Patricia M. Bernard
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlbrough-ma.gov

Ryan P. Egan
EXECUTIVE SECRETARY

June 17, 2021

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Appointment of William Fowler to the Planning Board

Honorable President Ossing and Councilors:

I am pleased to submit for your approval the appointment of William Fowler to the Planning Board for a five-year term to expire on February 2, 2026.

Mr. Fowler is new to the City of Marlborough but not new to municipal government. He currently volunteers at the Marlborough Community Cupboard and recently took the Mayor's Local Municipal Government Academy and expressed an interest in service.

He is a retired Somerville Firefighter of 32 years and former Waltham City Councilor where he served for three consecutive terms as Ward Councilor. Mr. Fowler has served on numerous boards and committees during his time in Waltham and the understands the Planning Board's responsibility and the importance of their role in our City.

Enclosed is his resume for your review.

Thank you in advance for your consideration.

Sincerely,

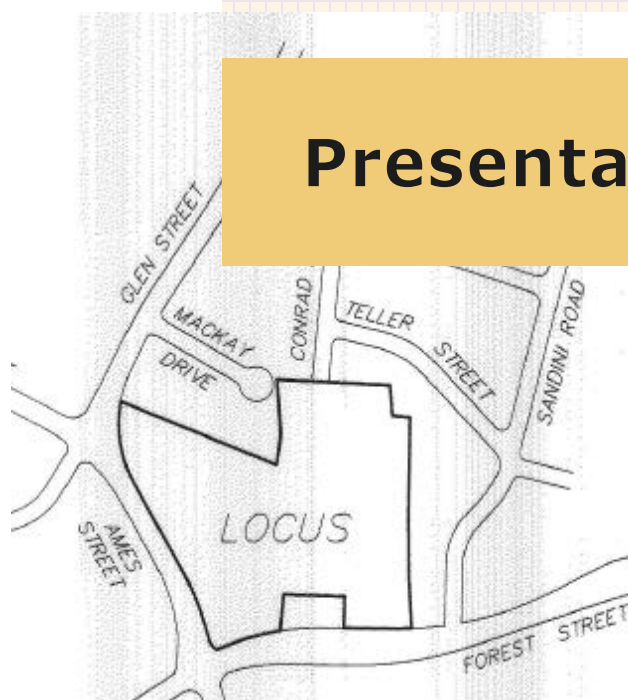
Arthur G. Vigeant
Arthur G. Vigeant
Mayor

Enclosure



Commercial Village Overlay District

COMMONWEALTH
HEIGHTS



Presentation Outline

- Background
- CVOD Overview
- Why CVOD works for the neighbors
- Why CVOD works for the City
- Summary

Work with the City to provide an optimal project



History

2006-7

23-Lot
Subdivision
approved

Construction
started

2008-10

Construction
halted

Great
Recession

2011-17

Subdivision
approval
extended

Home
builder
partner
sought

2018-19

Marlborough
housing
studies

Commercial
Village
Overlay
District
conceived

2019-20

New
subdivision
approval
granted

COVID
pandemic

Commonwealth Heights

*DEFINITIVE SUBDIVISION PLAN
OF
"COMMONWEALTH HEIGHTS"
IN
MARLBOROUGH, MASSACHUSETTS*



Commercial Village Overlay District

Subdivision Approval



June 21, 2021

CVOD Overview



- Special permit by City Council
- Master plan required
- Development agreement
- Age-targeted multi-family housing
- Complimentary service & retail
- Housing Choice compliant



Neighbor Benefits



- Responds to concerns raised
- More extensive buffer
- Existing vegetation remains
- Added berm & landscaping
- Cleans up existing property
- Keeps all access on Forest & Ames



Neighbor Benefits



View A

Subdivision

Condo Building



Commercial Village Overlay District



June 21, 2021

Neighbor Benefits



View B

Subdivision

Condo Building





Neighbor Benefits

View C

Subdivision

Condo Building



Commercial Village Overlay District

June 21, 2021

MULTIFAMILY MARKET AND FISCAL IMPACT ANALYSIS
CITY OF MARLBOROUGH, MASSACHUSETTS



Prepared by:
RKG
ASSOCIATES INC.
RKG Associates, Inc.
Economic, Planning and Real Estate Consultants
300 Montgomery Street
Suite 203
Alexandria, VA 22314
703.739.0965
www.rkgassociates.com

City of Marlborough
**Multifamily Development Review
Criteria and Design Guidelines**

MAY 31, 2018



City Benefits

- Targeted housing, consistent with commercial zone
- Condo ownership
- Increased net tax revenue
- More environmentally sustainable
- Consistent w/prior planning
- Provide diversity of housing choice
- Satisfies State Housing Choice requirements



S U M M A R Y

- ❑ Age-targeted condominium
- ❑ Increased neighbor buffer & screening
- ❑ Consistent with prior planning
- ❑ Increased value to City
- ❑ Housing Choice eligible

T H A N K Y O U F O R Y O U R C O N S I D E R A T I O N



City of Marlborough
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 CITY CLERK'S OFFICE
Commonwealth of Massachusetts
 2018 MAY 10 P 4:39

PLANNING BOARD

Barbara L. Fenby, Chair
 Colleen Hughes
 Philip Hodge
 Sean N. Fay
 George LaVenture
 Greg Gallagher
 Christopher Russ

Krista Holmi, Administrator

Phone: (508) 624-6910 x33200

Email: planning_board@marlborough-ma.gov

kholmi@marlborough-ma.gov

May 8, 2018

Edward Clancy, President
 Marlborough City Council
 140 Main St.
 Marlborough, MA 01752

RE: Council Order#18-1007134 Proposed Zoning Amendment, Section 650-36, Commercial Village Housing Overlay District.

Honorable President Clancy and Councilors:

At its regularly scheduled Planning Board meeting on May 7, 2018, the Board took the following action regarding the above referenced Council order:

On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to make a negative recommendation to the City Council for the proposed zoning amendment. Motion Carried.

The Board provided the following reasons in reaching its recommendation:

- The developer did not establish that the proposed overlay district would result in a development that was preferable to any other potential use of the subject parcel;
- The developer did not establish to the Board's satisfaction that the proposed overlay district fits into the neighborhood, and in the Board's opinion, approval of the overlay district would have been unduly burdensome to single family residential abutters;
- The developer did not establish that the proposed overlay district would benefit the City in any compelling way;
- MAPC's finding of a particular housing need should not be used as justification that a particular type of housing should be allowed on every available parcel absent a finding that a proposed overlay district fits into the specific neighborhood involved, and approval of the overlay district would benefit the City;
- What a developer wants to build on a property, or the attractiveness of a proposed project, should not be used as the principal justifications for an overlay district.

Sincerely,

Barbara L. Fenby

Barbara L. Fenby
 Chairperson

cc: City Clerk
 File

- (5) Determination that access to the subdivision is adequate, as provided in §-A676-8;
- (6) Conformity with all applicable zoning requirements; and
- (7) Consistency with the purposes of the Subdivision Control Law.

L. Street Acceptance.

1. After the Board has determined that construction and services installation was successfully completed, it is the responsibility of the applicant to ensure the ways are accepted by the City as public ways.

This will be secured by one, or in part by one and in part by the other, of the following methods, which may from time to time be varied by the applicant with the written consent of the Planning Board. This shall be submitted to the Board at the time of submission of the Detailed Plan and is in addition to any applicable fees (see Appendix K).

- (a) Cash deposit or bond. The subdivider shall either file a proper bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be equal to the value of one buildable lot in the subdivision. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the City Solicitor and as to sureties by the City Treasurer and shall be contingent on the subdivider meeting all requirements of the City to complete the street acceptance process. This cash deposit, bond or securities deposit is separate and different from those used to guarantee performance as required in paragraph G.
 - (b) Covenant. The subdivider shall file a covenant, executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby one buildable lot of the subdivider's choosing shall be retained and may not be built upon or conveyed in any means until after the subdivider has met all requirements of the City to complete the street acceptance process. This covenant is separate and different from those used to guarantee performance as required in paragraph G.
2. After the City determines the applicant has met all City requirements for street acceptance, it is the responsibility of the applicant to petition the City for release of any cash deposit, bond, security, and/or buildable lot retained.

Article IV

Design Standards

§ A676-11 Design guidelines.

- A. All subdivisions shall be designed, and improvements made by the developer consistent with the requirements of Article IV.
- B. In addition, design and construction shall accomplish the following:
 - (1) Reduce, to the extent reasonably possible:
 - (a) Volume of cut and fill;



IN CITY COUNCIL

Marlborough, Mass., JUNE 21, 2021

ORDERED:

That the Communication from Attorney Brian Falk on behalf of Marlborough Industrial, LLC, re: Proposed Zoning Amendment to Chapter 650, §5 and §18(36) by adding “Hobby Vehicle Storage” as a warehousing use in the Limited Industrial District, be and is herewith referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, JULY 19, 2021.**

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. By amending Section 650-5, Definitions; word usage, to include the following new definition:

Hobby Vehicle Storage – the warehousing, maintenance, and repair of vehicles owned as part of a collection, provided that the vehicles shall be stored indoors in a building with a floor area not to exceed 17,000 square feet with an accessory building not to exceed a floor area of 3,000 square feet, the vehicles shall not be displayed outdoors for sale, and any maintenance or repair shall take place indoors and shall be limited to vehicles stored at the site.

2. By amending Section 650-18(36), Conditions for Uses, as follows (new text underlined):

“Manufacturing and/or warehousing of footwear, precision instruments, tool and die, dental, medical and optical equipment, electrical or electronic instruments, hobby vehicle storage, biomedical or biotechnology products, subject to the provisions governing biomedical research in Subsection A(33) above, provided truck loading and parking areas are effectively screened from abutting office and residential use. Oil or asphalt manufacturing is prohibited.”

ADOPTED

ORDER NO. 21-1008344

MIRICK O'CONNELL

A T T O R N E Y S A T L A W

17
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Brian R. Falk
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
bfalk@mirickoconnell.com
t 508.929.1678
f 508.983.6256
JUN 17 A 11:23

June 17, 2021

Councilor Michael Ossing, President
Marlborough City Council
City Hall
Marlborough, MA 01752

*U/A
Planning Board
7/19/21
Advances*

Re: Proposed Zoning Amendment: Hobby Vehicle Storage

Dear Councilor Ossing:

I represent Marlborough Industrial LLC (Capital Group), the owner of land located at 685 Farm Road, Assessors Map 73, Parcel 52, under development as the Airport Industrial Park. On behalf of Capital Group, I respectfully request that the City Council consider amending the Zoning Ordinance of the City of Marlborough by adding "hobby vehicle storage" as a warehousing use in the Limited Industrial District, as specified in the enclosed Proposed Order.

Capital Group has a buyer interested in using an Airport Industrial Park site for the indoor storage of its collection of rare automobiles. The current list of permissible warehousing uses in the Limited Industrial District does not accommodate this use. This new use category would not allow for vehicle repair beyond the maintenance of vehicles that are stored at the site as part of the collection, or the outdoor display of vehicles for sale. All storage would be indoors, out of public view.

Please refer this matter to the Planning Board and take the appropriate steps for review by the City Council.

Thank you for your time and attention to this matter.

Very truly yours,


Brian R. Falk

BRF/

Encl.

cc: Client

PROPOSED CITY COUNCIL ORDER

ORDERED:

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended by amending certain provisions of Zoning Ordinance of the City of Marlborough, Massachusetts as follows:

1. By amending Section 650-5, Definitions; word usage, to include the following new definition:

Hobby Vehicle Storage – the warehousing, maintenance, and repair of vehicles owned as part of a collection, provided that the vehicles shall be stored indoors in a building with a floor area not to exceed 17,000 square feet with an accessory building not to exceed a floor area of 3,000 square feet, the vehicles shall not be displayed outdoors for sale, and any maintenance or repair shall take place indoors and shall be limited to vehicles stored at the site.

2. By amending Section 650-18(36), Conditions for Uses, as follows (new text underlined):

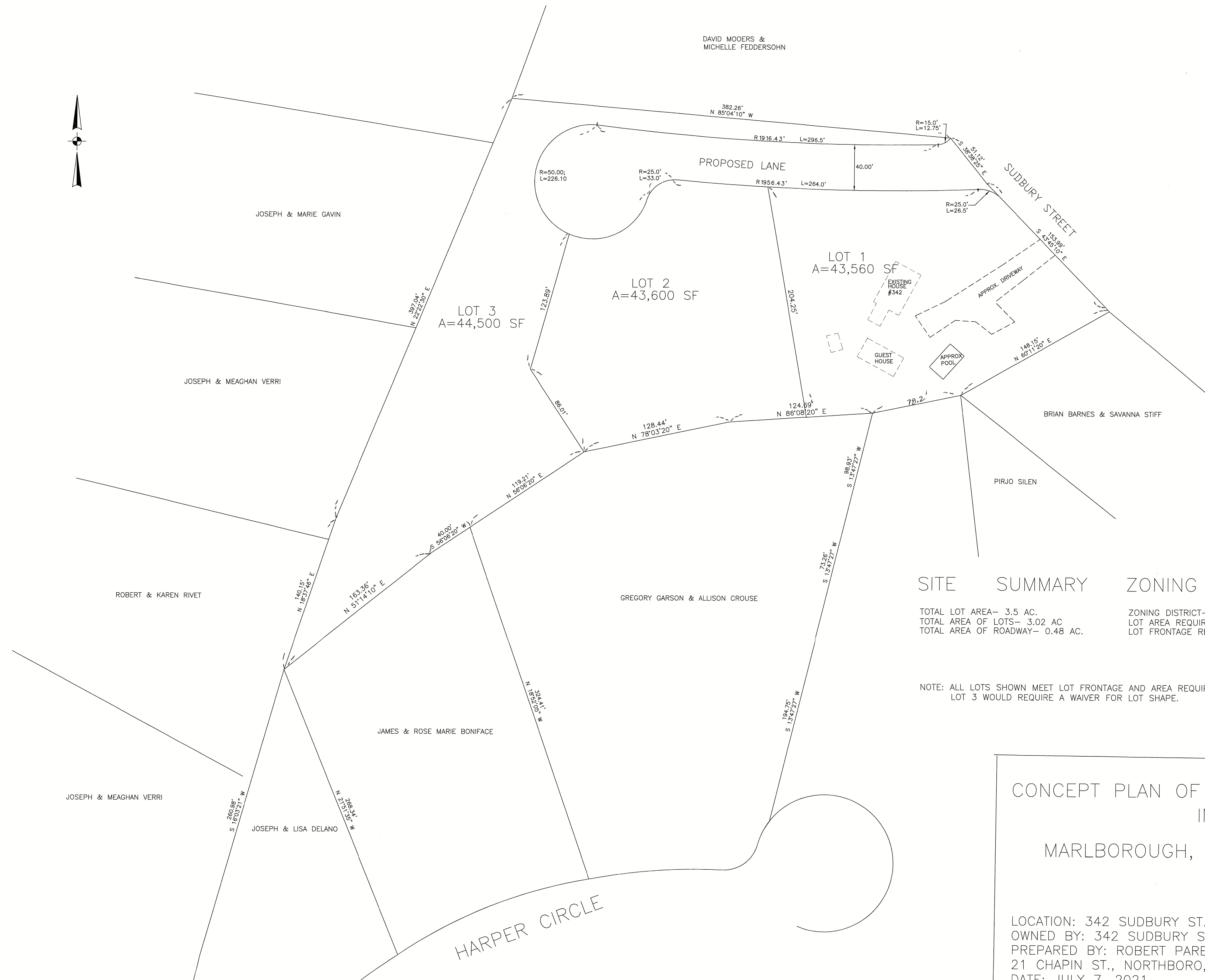
“Manufacturing and/or warehousing of footwear, precision instruments, tool and die, dental, medical and optical equipment, electrical or electronic instruments, hobby vehicle storage, biomedical or biotechnology products, subject to the provisions governing biomedical research in Subsection A(33) above, provided truck loading and parking areas are effectively screened from abutting office and residential use. Oil or asphalt manufacturing is prohibited.”

ADOPTED
In City Council
Order No. 21-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



SITE SUMMARY ZONING REQUIREMENTS

TOTAL LOT AREA- 3.5 AC.
TOTAL AREA OF LOTS- 3.02 AC
TOTAL AREA OF ROADWAY- 0.48 AC.

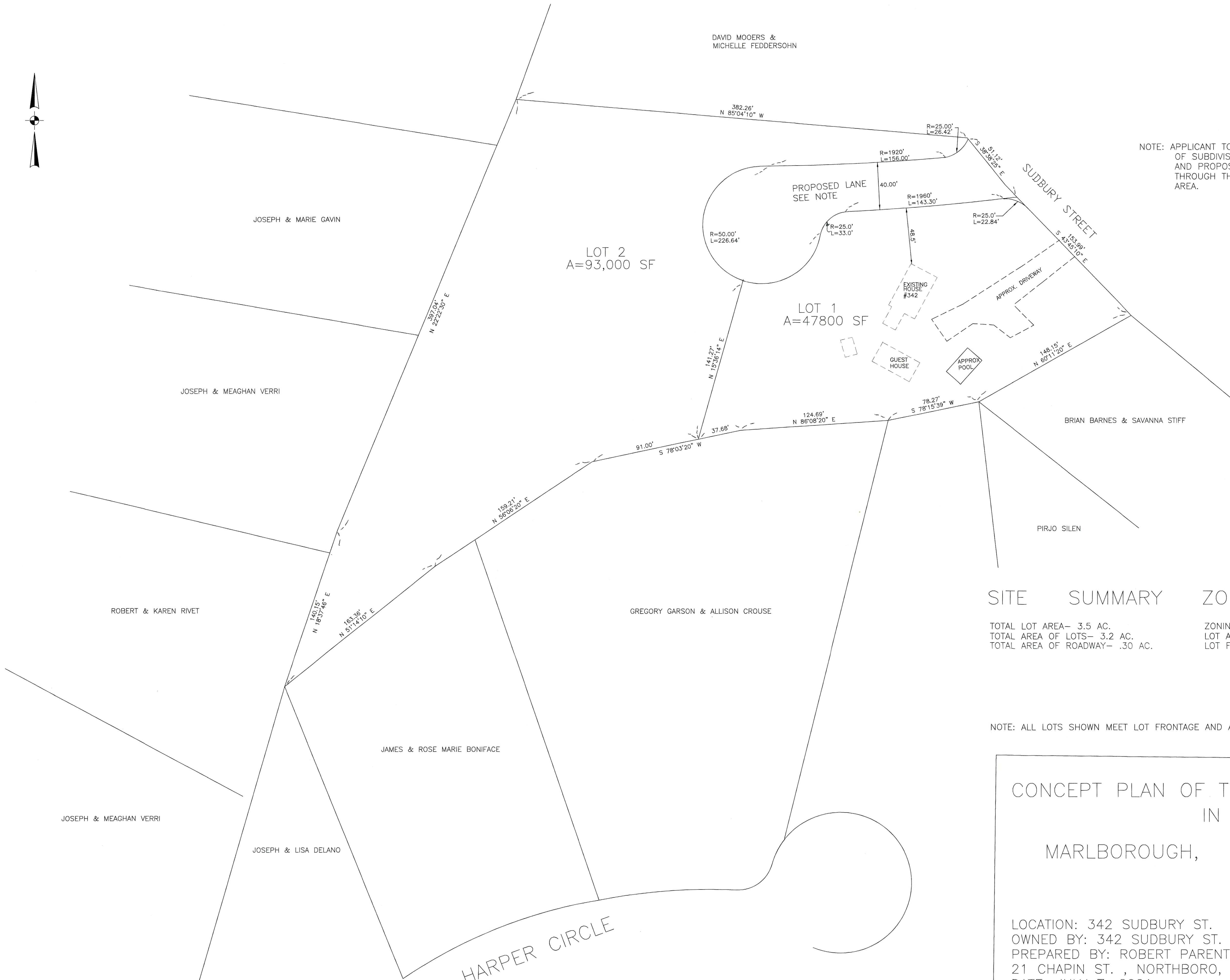
ZONING DISTRICT- RURAL RESIDENCE.
LOT AREA REQUIRED- 1 AC.
LOT FRONTAGE REQUIRED- 180.00'

NOTE: ALL LOTS SHOWN MEET LOT FRONTAGE AND AREA REQUIREMENTS.
LOT 3 WOULD REQUIRE A WAIVER FOR LOT SHAPE.



CONCEPT PLAN OF THREE LOT SUBDIVISION
IN
MARLBOROUGH, MASSACHUSETTS

LOCATION: 342 SUDBURY ST.
OWNED BY: 342 SUDBURY ST TRUST
PREPARED BY: ROBERT PARENTE, P.E.
21 CHAPIN ST., NORTHBORO, MA. 01532
DATE: JULY 7, 2021 SCALE: 1"=40'



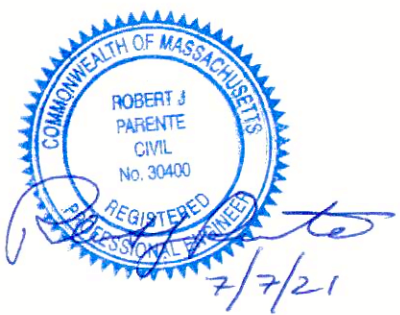
NOTE: APPLICANT TO REQUEST WAIVER OF SUBDIVISION ROAD CONSTRUCTION AND PROPOSES NEW DRIVEWAY THROUGH THE PROPOSED LANE AREA.

SITE SUMMARY ZONING REQUIREMENTS

TOTAL LOT AREA- 3.5 AC.
TOTAL AREA OF LOTS- 3.2 AC.
TOTAL AREA OF ROADWAY- .30 AC.

ZONING DISTRICT- RURAL RESIDENCE.
LOT AREA REQUIRED- 1 AC.
LOT FRONTAGE REQUIRED- 180.00'

NOTE: ALL LOTS SHOWN MEET LOT FRONTAGE AND AREA REQUIREMENTS.



CONCEPT PLAN OF TWO LOT SUBDIVISION
IN
MARLBOROUGH, MASSACHUSETTS

LOCATION: 342 SUDBURY ST.
OWNED BY: 342 SUDBURY ST. TRUST
PREPARED BY: ROBERT PARENTE, P.E.
21 CHAPIN ST. , NORTHBORO, MA. 01532
DATE: JULY 7, 2021 SCALE: 1"=40'



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 \$25.00 filing fee to the Planning Board administrative offices at 135 Neil St. 2nd Floor, Marlborough, MA 01752. The Planning Board Administrator will sign this form and schedule an appeal hearing date at a future scheduled meeting of the Planning Board.

1. Location of Proposed Sign: Street Address: 274 Maple Street
 What other signs exist on the property: (Type, Size, Location) existing 5' x 5' free standing sign

2. Name of business or activity applying for sign: Route Eighty-five Liquors

3. Applicant: Best Price Signs and Printing
 Applicant Address: 244 Liberty Street, Brockton, MA 02301
 Applicant Contact Info: (name, email and phone) Gilmar DaSilva
email: Signs@bpsignsandprinting.com

4. Building Owner: Route Eighty-five Liquors
 Owner Address: 274 Maple Street, Marlborough, MA 01752
 Owner Contact Info: (name, email and phone) _____

5. Applicant is ☐ Building Owner ☐ Tenant ☒ Other Sign Company

6. Date of Building Inspector's decision from which appeal is taken: 06/25/2021
 (Attach copy of denial of sign permit.)

7. Section of the Sign Ordinance from which appeal is requested: Chapter 650, Section(s) 526 - 7I
 Section heading(s): Prohibited Signs

8. Description of Sign: Roof mounted sign, fourteen feet in length and 2.5' height
 9. Give a brief outline why permit was refused and the purpose of the sign: Roof signs are prohibited in the City of Marlborough, but there is no space on this building for a wall mounted sign.

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: [Signature] Date: 7/13/21 Owner: P. M. Patel.
 Applicant

Received: \$25 application fee - Check payable to City of Marlborough Initials of Board agent KM
 Scheduled Hearing Date: 7/19/21 Date of payment 7/13/21

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

Variance Decision: ☐ Approved ☐ Denied
 (attached)



CITY OF MARLBOROUGH
APPLICATION FOR SIGN APPEAL TO PLANNING BOARD

PLANNING BOARD SIGN VARIANCE DECISION:

Applicant: _____

At its regular meeting of the Planning Board on _____, on a
motion by _____, seconded by _____, the
Board voted the following:

☐

Appeal Granted.

The Board determined that this specific case appeared not to have been contemplated by the ordinance, that enforcement would involve practical difficulties, and to grant relief would not substantially derogate from the intent and purpose of this ordinance.

Special Conditions of Variance (If any):

The applicant must apply to the Building Inspector for a new sign permit in accordance with the decision of the Planning Board. Attach this decision to the new application.

☐

Appeal Denied.

Appeal was denied. The Board determined that the circumstances of this specific case appeared to have been contemplated by the ordinance, that enforcement would not involve unusual practical difficulties, and that to grant relief would substantially derogate from the intent and purpose of this ordinance.

Motion Carried.

Barbara L. Fenby, Chair
Marlborough Planning Board

Date

Revision #	Date:
01	06-15-2021

Route Eighty Five Liquors



Address
274 Maple St, Marlborough, MA 01752

Project	
SIGNAGE	

Project SIGNAGE

Designer	GILMAR SILVA
Comments/Notes	

Approval _____



email: signs@bpsiandsprinting.com

www.bpsignsandprinting.com

City of Marlborough
Commonwealth of Massachusetts



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

6/25/2021

Best Price Signs and Painting
1034 N. Montello St.
Brockton, MA
02301

RE: Sign Permit Application BP-2021-000986, Roof Sign, 274 Maple Street

To whom it may concern,

On 6/16/2021 a sign permit was applied for regarding the installation of a roof mounted sign at 274 Maple Street. This sign permit is denied due to being in violation of the following Marlborough General Code Sections **§526-7I**, in that the sign will be a Roof Sign which is listed in **§526-7** as a prohibited sign. Based upon this application the sign permit has been denied.

The relevant code sections have been included in this letter for your convenience.

§ 526-7 Prohibited signs.

The following are prohibited:

I. A sign placed upon a roof, except that signs placed upon a mansard roof of buildings that are less than or equal to 1 1/2 stories are permitted, provided the sign is no higher than the top of said mansard roof.

The Planning Board Appeal has been included for your convenience

§ 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

CC File
 Planning Board Secretary
 City Council
 Commissioner Htway



Katlyn Miller

From: Kathleen Robey
Sent: Sunday, July 18, 2021 2:35 PM
To: Katlyn Miller
Cc: City Council
Subject: Planning Board 7.19.21 agenda item 8A
Attachments: Rt 85 Liquors.jpeg

Ms. Miller,

I apologize for the lateness of sending this, but I didn't see the agenda till late Friday. If you can forward this to Planning Board members, it is appreciated.

On my walk on Saturday, I did pass by the former Monti's Market, now known Route Eight-five Liquors. It was interesting to note that although the application for a variance states, "roof signs are prohibited in the City of Marlborough, but there is no space on this building for a wall mounted sign" that there is a sign on the building now. I have attached the photo I took on my walk.

I ask the Planning Board to not approve the variance for this roof sign. It is not needed as a sign, albeit maybe not as big and fancy as the one proposed, can be put on the building. There is also the free standing sign that is proposed to be changed that serves to advertise the business and is probably a better sign than one on building that can only be seen from vehicles heading south on Rt. 85.

Katie Robey
City Council



July 14, 2021

VIA EMAIL

Town of Marlborough Planning Board
c/o Katlyn Miller
140 Main Street
Marlborough, MA 01752
kmiller@marlborough-ma.gov

*Re: RK Associates-Marlboro, Inc.
Petition for Sign Variance
191-237 Boston Post Road West (Route 20), Marlborough, Massachusetts*

Dear Members of the Planning Board:

RK Associates-Marlboro, Inc. requests a continuance of its Petition for Sign Variance at 191-237 Boston Post Road West to the Planning Board's August 23, 2021 hearing. The Applicant is finalizing revised plans based on feedback from the Board and appreciates the Board's courtesies. The Applicant will be prepared to move forward at the August 23, 2021 hearing.

Thank you for your attention to this matter.

Very truly yours,



Michael E. Brangwynne
FLETCHERTILTON PC
12 Post Office Square, 6th Floor
Boston, MA 02109
P: 617-336-2281 | F: 617-336-4481
Email: mbrangwynne@fletchertilton.com

FletcherTilton

FletcherTilton.com

7/15/21

Marlborough City Council

Marlborough Planning Board

To Whom it may concern,

Karen and I are writing to you to once again voice our support for One Energy's new gas station project at 121 Bolton Street. We have been informed that there is now an issue or a change of opinion regarding the sign to be installed. If you are not familiar with our situation as abutters ask a colleague about us and why we are involved because quite frankly after nine years I am tired of telling the story. When One Energy first considered buying and developing the contaminated blight on the Cities landscape, they visited with Karen and I many times to get our opinions as they were well aware of the nightmare we lived through. Mark and One Energy have listened to and responded to all of our concerns including limiting hours, lighting, fencing and many other concerns/demands we may have had to be in favor of another gas station next door. We also attended in person special licensing meetings, City Council meetings etc. to show our support and monitor the process. I specifically recall the pylon sign being discussed and after some back and forth and a stipulation that the sign would not have scrolling it was approved as part of the overall permit. We have been shown the sign to be used in renderings and in person as it is the same one currently standing on their other property on Maple Street.

Karen and I have absolutely no problem with the sign as proposed (and approved). I don't know why the change of opinion stating that LED signs are not permitted in residential areas. traffic lights are LED and so are flashing stop signs. The Mobil station on Lakeside Ave is in a residential neighborhood and that sign is not only LED it is much bigger. This denial of permit on these grounds after apparent approval during the licensing and permitting process seems like bureaucratic bullying. One Energy has taken a disgusting contaminated property that sat vacant and overgrown with weeds for years and are trying to finish a state of the art facility that is a tremendous improvement to the neighborhood. We urge you to grant the sign permit or variance and let them finish the project.

Michael and Karen Buckley

Chapter A676

SUBDIVISION REGULATIONS

[HISTORY: Adopted by the Planning Board of the City of Marlborough 6-25-1970; as amended through **13 September 2021** (Ch. A203 of the 1986 Code). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Department of Public Works — See Ch. 7, Art. IV.

Planning Board — See Ch. 19, Art. I.

Building and site development — See Ch. 270.

Stormwater Management – See Ch. 271

Fire hydrants — See Ch. 333.

Poles, wires, and conduits — See Ch. 473.

Sewers — See Ch. 510.

Sewers; Storm – See Ch. 511.

Soil removal — See Ch. 534.

Solid waste — See Ch. 540.

Streets and sidewalks — See Ch. 551.

Water — See Ch. 608.

Wetlands — See Ch. 627.

Zoning — See Ch. 650.

- Limited Development Subdivisions – See Ch. 650-30.
- Open Space Development – See Ch. 650-28.

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Form A-1	Application for a Special Permit for a Limited Development Subdivision.
Form A-2	Application for Endorsement of a Plan Believed not to Require Approval with a Special Permit having been granted by the Planning Board for a Limited Development Subdivision.

APPENDIX B

Form B	Application for Approval of a Preliminary Subdivision Plan.
Form B-1	Application for Approval of a Preliminary Open Space Concept Plan.

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Form C	Application for Approval of a Definitive Subdivision Plan.
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Form C-1 Application for Approval of an Open Space Development Plan.

APPENDIX D

Form D Petition for Approval of a Final Plan.

APPENDIX E

Form E Certification of Delineation of Plan.

APPENDIX F

Typical Cross Section 1 – Secondary Residential Street, 50’ Layout – 28’ Pavement Width

Typical Cross Section 2 – Major Residential Street, 50’ Layout – 38’ Pavement Width

Typical Cross Section 3 – Secondary Residential Street, 40’ Layout – 28’ Pavement Width

Typical Cross Section 4 – Industrial/Commercial Street, 60’ Layout – 44’ Pavement Width

Typical Cross Section 5 – “Lane Status” Street, 50’ Layout – 26’ Pavement Width

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Form G Conveyance of Easements and Utilities

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Article I

General Provisions

§ A676-1 Authority.

Under the authority vested in the Planning Board of the City of Marlborough by MGL c. 41, § 81O, said Board hereby adopts these rules and regulations governing the subdivision of land in the City of

Marlborough. These regulations shall be effective after approved and certified by the Register of Deeds and Recorder of Land Court.

The current version of the Planning Board Rules and Regulations were adopted by the Marlborough Planning Board on _____ and have been recorded at the South Middlesex Registry of Deeds, Book _____ Pages _____. A copy of the current version of the Planning Board Rules and Regulations are available at the Marlborough City Clerk's Office and the City Engineer's Office or may be obtained on the City of Marlborough's website: www.marlbrough-ma.gov.

Article II

Definitions; Applicability

§ A676-2 Definitions.

As used in these Rules and Regulations, the following terms shall have the meanings indicated, the word "shall" is intended to be mandatory, the word "may" is merely permissive, the singular includes the plural, the plural includes the singular, and the present tense includes the future and other words and phrases have the following meanings:

AGENT

A person other than the owner who is authorized to speak and act on behalf of the owner.

APPLICANT

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

BOARD

The Planning Board of the City of Marlborough.

CALIPER

The diameter of a tree purchased at a nursery measured 12 inches above the root ball.

DIAMETER BREAST HEIGHT (DBH)

The diameter of an existing tree measured 4 ½ feet above the highest existing grade at the base of the tree.

DEVELOPER

The person who oversees the installation of utilities and the construction of the roadway and the person who is ultimately responsible for all obligations under the subdivision rules and regulations for completing the proposed subdivision and proposed utilities and roadway

GENERAL LAWS

(Abbreviated MGL.) The General Laws of Massachusetts. In case of rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections of the new codification.

LANE

A secondary street which serves as access to no more than eight potential dwelling units, has lot frontages averaging 150 feet or more, and is incapable of extension.

LOT

An area of land in one ownership, with definite boundaries ascertainable or to be ascertainable of record and used or set aside and available for use as the site of one or more buildings and buildings accessory.

MUNICIPAL SERVICES

Sewers, surface water drains, water pipes, and their respective appurtenances.

OWNER

As applied to real estate, the person or persons holding the ultimate fee-simple title to a parcel, tract, or lot of land, as shown by the record in the appropriate Land Registration Office. Registry of Deeds or Registry of Probate. [All legal actions and dealing must be made with the owner\(s\).](#)

PLAN or DEFINITIVE PLAN

The plan of a subdivision as submitted (with appropriate application) to the Board for approval, to be recorded in the Registry of Deeds and/or Land Court when approved by the Board, and such plan when approved and recorded, all as distinguished from a preliminary plan.

PRELIMINARY PLAN

A plan of a proposed subdivision or a resubdivision of land prepared in accord with Article III to facilitate proper preparation of a definitive plan.

PRESENTER

The person who formally appears before the Planning Board with an item for consideration.

ROADWAY

That portion of a way which is designed and prepared for vehicular travel.

STREET, SECONDARY

A street which in the opinion of the Board is being used or will be used primarily to provide access to abutting lots.

STREET, MAJOR

A street which in the opinion of the Board is being used or will be used as a thoroughfare between different portions of the City of Marlborough or which will otherwise carry a heavy volume of traffic.

SUBDIVISION

- A. Subdivision shall mean the division of a tract of land into two or more lots and shall include resubdivision and, when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if at the time when it is made every lot within the tract so divided has frontage on: a)

a public way or a way which the Clerk of the City certifies is maintained and used as a public way; or b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or c) a way in existence when the Subdivision Control Law became effective in the city in which the land lies, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance, if any, of said city for erection of a building on such lot.

- B. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the city in which the land lies into separate lots on each of which one of such building remains standing, shall not constitute a subdivision.

TREE, SHADE

Any tree which casts a shadow large enough for an individual to enjoy passive recreation while being protected from the effects of the sun or, in the opinion of the Tree Warden, will cast such a shadow when mature.

TREE, STREET

Any existing tree located within 15 feet from the edge of the roadway layout that casts a shadow upon the sidewalk area or a tree planted in the required landscape easement that will, in the opinion of the Tree Warden, casts a shadow on the sidewalk area when mature.

WAY

The entire width of the layout.

Article III

Submission and Approval of Plans

§ A676-3 Plan believed not to require approval (ANR Plan).

- A. Submission of plan.
- (1) Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan and who believes that their plan does not require approval under the Subdivision Control Law may submit **two single matte three mil mylar copies of the plan and nine copies thereof**, dark line on white background. with application Form A (see Appendix A) and all applicable fees (see Appendix K), to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. **An electronic copy of their plan shall also be submitted to the City Engineer's Office, in a format acceptable to the City Engineer.** For the purpose of establishing the official submission date, said submission **date shall be the date the plan was presented** to the Planning Board at a regularly scheduled meeting of the Planning Board. The Planning Board **suggests** the applicant **meet with** the Engineering Department to review the

plans and forms for format and completeness prior to said submission to the Planning Board as outlined above. Said person shall also file, by delivery or registered mail, a notice with the City Clerk stating the date of submission for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the City Clerk shall, if required, give a written receipt therefor.

- (2) Said plan shall contain the following information:
 - (a) Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan.
 - (b) In the case of the creation of a new lot, remaining frontage shall be shown.
 - (c) Plan shall contain statement "Approval under the Subdivision Control Law Not Required" and provide space for date and signature by the Board.
 - (d) Notice of any decisions by the Zoning Board of Appeals.
 - (e) Location of all buildings.
- B. Endorsement of plan not requiring approval. If the Planning Board determines that the plan does not require approval, it shall, without a public hearing and without unnecessary delay, endorse the plan under the words "Approval under the Subdivision Control Law Not Required." One endorsed copy of the plan or plan set will be returned to the applicant. The other mylar copy of the plan or plan set will be retained by the Department of Public Works – Engineering Division, and the Planning Board shall notify the City Clerk in writing of its action.
- C. Determination that plan requires approval. If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it will so inform, in writing, the applicant and return the plan. The Planning Board will also notify the City Clerk, in writing, of its action.
- D. Failure of Board to act. If the Planning Board fails to act upon a plan submitted under this section or fails to notify the Clerk of the City and the person submitting the plan of its action within 21 days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the City Clerk shall issue a certificate to the same effect.

§ A676-4 Definitive plan required.

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the City, or proceed with the improvement for sale of lots in a subdivision or the construction of ways or preparation therefor or the installation of utilities and municipal services therein, unless and until a definitive plan of such subdivision has been submitted and approved by the Planning Board as hereinafter provided.

§ A676-5 Reserved.

§ A676-6 Reserved.

§ A676-7 Adequate access.

A. General.

- (1) No plan shall be endorsed as not requiring approval under the Subdivision Control Law and no subdivision plan shall be approved unless each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, MGL c. 41, §§ 81K through 81GG.
- (2) In circumstances where adequate access does not exist, in the opinion of the Planning Board, to a proposed building lot(s) said not to require approval, the Board shall require the filing of a subdivision plan and may impose obligations on the developer to ensure that said access is made sufficient to serve the potential needs of said lot.
- (3) **Easement vs fee interest.** All land required for access to a subdivision and all proposed lots depicted on the Definitive Subdivision Plan, must be held in fee by the Owner(s).

B. Standards of adequacy.

- (1) Streets within a subdivision. Streets within a subdivision shall be considered to provide adequate access if and only if complying with the standards established in this section.
- (2) Ways abutting, serving, or leading to a subdivision. Ways outside a subdivision and providing access to the streets within a subdivision, or providing access to lots said not to be within a subdivision, shall normally be considered adequate only if there is assurance that, prior to construction on any lots, access will be in substantial compliance with the following for a length along the existing roadway to be determined by the Planning Board:

Development Potentially Served

<u>Existing Roadway Conditions</u>	<i><= 8 Dwelling Units</i>	<i>9 to 49 Dwelling Units</i>	<i>>= 50 Dwelling Units or Business & Industry</i>
Minimum Right-of Way width	N/A	N/A	N/A
Surface Type	3 inches bituminous concrete	3 inches bituminous concrete	3 inches bituminous concrete
Minimum travelled width	22 feet	26 feet	32 feet
Minimum sight distance	200 feet	200 feet	400 feet
Maximum grade	12%	11%	9%

C. Obligations.

- (1) The Board may require, as a condition of its approval of a subdivision plan, that the developer dedicate or acquire and dedicate a strip of land for the purpose of widening accessways to a width as required in Subsection B above, and that the applicant either make physical improvements within such way or compensate the City for the cost of such improvements in order to meet the standards specified in Subsection B above.
 - (2) In circumstances where a way is not considered sufficient to serve the potential needs of a lot shown on a plan said not to require approval, the Planning Board shall not endorse said plan and shall instead require the filing of a subdivision plan and shall impose appropriate obligations as noted above.
- D. Waivers. The Board may waive strict compliance with these requirements only upon its determination following consultation with the City Engineer, City Planner, Police Chief, Fire Chief and Mayor that the way in fact will be sufficient to serve the needs for access and utilities to serve potential needs of land abutting on or served by the way in question.

§ A676-8 Fees and expenses. To reimburse the City for the cost of plan processing, review, and other costs, fees as specified in Appendix K shall be tendered to the City by the applicant. Said fees shall be tendered at the time of application together with the application (Form A, B or C) and shall constitute a part thereof, and at other times as specified in Appendix K.

§ A676-9 Preliminary plan.

A. General.

- (1) A preliminary plan of a subdivision may be submitted by the subdivider to the Planning Board and to the Board of Health for discussion and approval, modification, or disapproval, by each board. The submission of such a preliminary plan, which is not a binding commitment, will enable the subdivider, the Planning Board, the Board of Health, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in each case. [An electronic copy of the plan shall also be submitted to the City Engineer's Office in a format acceptable to the City Engineer.](#) For the purpose of establishing the official submission date, said submission [date shall be the date the plan was presented](#) to the Planning Board at a regularly scheduled meeting of the Planning Board.
- (2) A properly executed application Form B (see Appendix B) shall be filed with the preliminary plan submitted to the Planning Board [along with all applicable fees \(see Appendix K\).](#) The applicant shall also file by delivery or registered mail a notice with the City Clerk stating the date of submission for such approval of a preliminary plan and accompanied by a copy of the completed application Form B.

- B. Contents. The preliminary plan shall be drawn at a suitable scale, preferably 40 feet to the inch, and five full size prints of it shall be filed with the Planning Board [along with eight half scale prints for Planning Board members](#) and one print shall be filed with the Board of Health. The plan shall be designated as a "preliminary plan," and to form a clear basis for discussion of the problems of the subdivision and for preparation of the definitive plan, the plan should contain the following:
- (1) Major features of the land such as existing walls, fences, buildings, large trees— [12 inches in diameter or greater @DBH](#), wooded areas, outcroppings, ditches, the subdivision name, boundaries, North point, date, scale, legend, and title "preliminary plan."
 - (2) The names of the record owner of the land and the applicant or subdivider and the name of the designer, engineer or surveyor who made the plan.
 - (3) The names of all [property owners within 100 feet of the subject property](#), as determined from the most recent local tax list.
 - (4) The existing and proposed lines of streets, ways, easements, and any public areas within the subdivision, in a general manner.
 - (5) The proposed system of drainage, including adjacent existing natural waterways, in a general manner.
 - (6) The approximate boundary lines of proposed lots, with approximate areas and dimensions.
 - (7) The names, approximate location, and widths of adjacent streets.
 - (8) The topography of the land with a [maximum contour interval of two feet](#) based on the U.S. Coast and Geodetic [NAVD88](#) Datum. The origin of said topography shall be noted on the plan.
 - (9) The profiles of existing grades and approximate proposed finished grades of the roadway drain and sewer utilities.
 - (10) The water distribution system.
 - (11) Comparative impact analysis. A comparative impact analysis shall be submitted for any subdivision creating frontage potentially allowing 10 or more dwelling units and in other cases where the Board determines it appropriate in light of special circumstances. If a preliminary plan is filed, the analysis shall be submitted during the preliminary plan process. If a preliminary plan is not filed, the analysis shall be filed during the definitive plan process.
 - (a) Alternatives. The analysis shall include a minimum of two layouts, which shall be considered as alternatives. The alternative layouts shall be substantially different, practical and conform to the requirements for a preliminary plan or a definitive plan, if applicable. If the Zoning Ordinance allows flexibility in lot area or dimensions, then one of the development alternatives shall attempt to optimize the intent of said flexibility as stated in the Zoning Ordinance.
 - (b) Scope. The scope of such analysis, including development alternatives to be compared and consequences to be studied, shall be proposed by the applicant for review and approval by the Planning Board. The applicant shall consult with the City Engineer, Conservation Officer, [and other city departments or agencies that the Planning Board deems necessary](#) regarding the scope and said officials shall submit their recommendations regarding the scope to the Planning Board.

After due consideration of said recommendations, the Planning Board may waive any or all the requirements for an analysis only when it is found that no useful purpose would be served thereby, as when the characteristics of the site preclude substantially different layouts, or when the applicant has provided assurance that the Planning Board's stated concerns will be met. The Planning Board may issue guidelines for the preparation of an analysis, including types of technical data that will be accepted.

- (c) Mitigation. Possible measures for mitigation shall be outlined with the preliminary plan if the analysis is submitted during the preliminary plan. However, specific measures for mitigation do not have to be proposed until the definitive plan.
- (d) Differences. The analysis shall indicate differences between the alternatives regarding the following, unless requested otherwise by the Planning Board:
 - [1] Groundwater and surface water. Impact upon groundwater and surface water quality and level, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer and other activities within the development,
 - [2] Wildlife and botanical features. Material effects upon important wildlife habitats, and outstanding botanical features, including wildlife corridors, and relationships to and through adjacent properties,
 - [3] Soil and vegetation. Capability of soils, vegetative cover and proposed erosion control efforts to support proposed development without danger of erosion, silting or other instability,
 - [4] Public water supply and sewerage. Impact upon City water supply and sewerage systems as existing or proposed to be improved by the developer,
 - [5] Streets and traffic. Ability of streets providing access to the subdivision to safely provide such access, including measurement of sight distance at each intersection with proposed streets, impact of development traffic on the traffic level of service, gap acceptance analysis, and analysis of hazards owing to the limited sight distances, alignment or other characteristics of access roads, and
 - [6] Recreation, open space and scenic values. Difference in potential recreation for residents of the site and general public. Impact upon open space preservation and values, including trail connections and scenic views from outside and inside the site and across the site.
- (e) Decision. The Planning Board shall determine and indicate to the applicant which layout is preferred during the preliminary plan process or, alternatively, the Board may defer its determination until the definitive plan process when further information may be submitted or required.
- C. Approval. The Planning Board, preferably with the advice of the Board of Health, may give such preliminary plan approval, with or without modification or suggestion. Such approval does not constitute approval of the subdivision but facilitates the procedures for preparing and securing final approval of the definitive plan. One copy of the preliminary plan will be returned to the subdivider.

§ A676-10 Definitive plan.

- A. General. Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:
- (1) An original drawing of the definitive plan, [and twelve copies thereof](#), dark line on white background. The original drawing will be returned after approval or disapproval.
 - (2) A properly executed application Form C (see Appendix C) and Petition for Approval of Final Plan, Form D (see Appendix D), [along with all applicable fees \(see Appendix K\)](#), including the name of the record owner of the land and the time within which the subdivider or applicant agrees to complete the ways and install the public utilities in the subdivision, and approval of all plans shall be upon the condition that all ways shown thereon and public utilities required by the Board shall be completed and installed within the time so specified. The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within two years of the date of approval of his definitive plan. If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the applicant or so required by the Board, no such way shall thereafter be laid out, constructed, completed or opened for public use unless and until [an extension request of the approval of the Definitive Subdivision Plan](#) is filed with and approved by the Board. [Any surety securing the completion of the subdivision must be extended to run concurrently with the extension of the Definitive Subdivision Plan approval.](#) Ways not completed or portions thereof [when the approval of the Definitive Subdivision Plan has expired](#) shall thereafter be completed in accordance with the then-in-force construction standards of the Planning Board and the Department of Public Works of the City of Marlborough.
 - (3) [For the purpose of establishing the official submission date, said submission date shall be the date the plan was presented to the Planning Board at a regularly scheduled meeting of the Planning Board.](#)
 - (4) Comparative impact analysis. Submit all information required under §A676-10B(11) if a preliminary plan has not been filed. The applicant is encouraged to prepare and submit a preliminary plan including the comparative impact analysis during the preliminary plan process instead of the definitive plan process. If the analysis was submitted at the preliminary plan stage, the Planning Board may require the applicant, or the applicant may submit on his own initiative, further information on said analysis which is necessary for purposes of reaching a determination as to the impact of the proposal and the selection of the preferred alternative layout by the Planning Board.

B. Contents.

- (1) The definitive plan shall be prepared by a professional engineer [and a professional](#) land surveyor registered in Massachusetts and shall be clearly and legibly drawn in black ink on single matte three mil mylar. The plan shall be at a scale of one inch equals 40 feet, or such other scale as the Planning Board may accept to show details clearly and adequately, and shall include plans and profiles of each individual street at a scale of one inch equals 40 feet horizontal and one inch equals four feet vertical. All elevations shall refer to the U.S. Coast and Geodetic [NAVD88](#) Datum. Sheet sizes shall be 24 inches by 36 inches including a one-inch border. There shall be an index sheet at a scale of one inch equals 100 feet, showing the entire subdivision and adjacent streets and dimensions of the lots and streets and lot numbers.

[At least one of the 24"x36" prints shall have the significant features illustrated according to the](#)

following color scheme, and shall be used for presentation purposes:

Feature	Identifying Color	Line type
Roads	Dark Gray`	Solid
Streams and water bodies	Blue	Solid
Wetlands	Green	Solid
100-year floodplains	Orange	Solid
Dedicated open space and recreation areas	Light Green	Dashed
Pedestrian and bicycle paths	Brown	Solid
Subdivision and lot boundaries	Black	Solid
Utility Easements	Dark Grey	Dashed
Landscape Easements	Brown	Dashed
Detention ponds – Flowage Easements	Green	Dashed

- (2) The definitive plan shall contain the following information:
- (a) A title stating the date, scale, benchmark, North point, name and address of the record owner of the land, name and address of petitioner and of surveyor, name of proposed subdivision of land, if any, names of proposed streets and zoning classification and zoning district lines, if any, within the locus of the plan.
 - (b) Location and ownership of abutting property as it appears in the most recent tax list.
 - (c) Land abutting any limited access or controlled access highways shall show the words, "No Access," wherever applicable.
 - (d) Major features of the land, such as existing waterways, natural drainage courses, walls, fences, buildings, large trees 12 inches in diameter or greater @DBH, wooded areas, outcroppings and ditches, that exist on or near the site at the time of survey, and the limits of any resource areas as defined under MGL c. 131, §§ 40 and 40A, as determined by a professional wetland consultant.
 - (e) Lines of existing and proposed streets, ways, lots, easements and public or common areas within the subdivision. The proposed names of proposed streets shall be shown in pencil until they have been approved by the City Engineer.
 - (f) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. This shall include the lengths and bearings of plan and boundary lines of all subdivision lot lines, including lot frontage on the streets, or the boundary lines of all streets and easements, and the length, radii, agents and control angles of all curves in lot lines and street lines. All angle points or intersections of tangents along the street lines shall be shown. Areas of lots with lot numbers and areas of adjoining land of applicant not included in the subdivision will be shown.
 - (g) Location of all permanent monuments properly identified as to whether existing or proposed.
 - (h) Location, names and present widths of streets or private ways bounding, approaching or within reasonable proximity of the subdivision, showing both roadway widths and rights-of-way widths.

- (i) Indication of all easements, covenants or restrictions applying to the land and their purposes, whether or not within the subdivision.
- (j) If the property that comprises the subdivision or any part or boundary thereof has been examined, approved and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references to Land Court Procedure, and the same requirement shall apply to any adjoining parcels of land.
- (k) Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board (or officially authorized person).
- (l) Existing profiles on the exterior lines drawn in fine black line, dotted for left and dashed for right side, and proposed profile of the center line drawn in fine black solid line of proposed streets at a horizontal scale of one inch equals 40 feet and vertical scale of one inch equals four feet or such scale acceptable to the Planning Board. At least two benchmarks are to be shown on plans and profiles, and grade elevations at every fifty-foot station, except in vertical curves, which shall be at every twenty-five-foot station. All existing and proposed intersections shall be shown with all proposed grade elevations calculated. Elevations shall refer to U.S. Coast and Geodetic NAVD 88 Datum only. Gradient shall be shown by figures expressed in percent.
- (m) Size and location of existing and proposed water supply (mains and their appurtenances); size and location of all underground conduit and appurtenances; hydrants, sewer pipes and their appurtenances and/or sewage disposal systems; streetlight locations; storm drains and their appurtenances, and easements pertinent thereto and dimensions of gutters, including data on springs and percolation tests made, and method of carrying water to nearest watercourse or easements for drainage as needed, whether or not within the subdivision. If surface water drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the petitioner or subdivider, the latter shall clearly indicate what course the discharge will take and shall present to the Board evidence from the Commissioner of Public Works or the owner of adjacent property that such discharge is permitted by public or private ownership of adjacent street or property.
- (n) Hydraulic and hydrologic calculations shall be prepared by a registered professional engineer in accordance with the requirements of the City Engineer.

[A Stormwater Management Design Report showing that measures to mitigate stormwater impacts of the proposed subdivision have been designed, and that such measures meet the requirements set forth in the Stormwater Management Standards promulgated by the DEP under the Clean Water Act, M.G.L. c. 21, Sections 26-53 and its accompanying regulations 314 CMR 9.0 Water Quality Certification for Discharge of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters within the Commonwealth; and 310 CMR 10.0 Wetlands Protection Act Regulations.](#)

[An approved Stormwater Management Design Report shall be used to create a Stormwater Management Plan.](#)

- (o) All trees over 12 inches DBH within the subdivision shall be evaluated for health and structural integrity by a Certified Arborist hired by the Applicant and approved by the Planning Board.

A report, prepared by the Certified Arborist, shall be utilized by the design engineer to minimize the number of such trees that would be removed in order to facilitate the design of the subdivision. The report shall be presented to the Planning Board when the Definitive Subdivision Plan is presented to the Planning Board.

This information shall be used to create a Tree Preservation and Protection Plan.

- (p) Cross sections typical of each street or roadway to be constructed.
- (q) Location of proposed sidewalks.
- (r) In tabular form, on the cover sheet of the subdivision plans, the following information in the format shown below: the area which is being subdivided, the total area of lots, the area dedicated for street purposes and municipal easements, and the areas reserved for parks, schools, etc.

SUBDIVISION NAME: _____

(1) Total area of original tract shown on this plan equals _____ square feet, _____ (acres).

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

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

(c) Area in easements equals _____ square feet.

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

Total area of subdivision equals _____ square feet, _____ (acres).

[Should equal (1) above.]

(2) Streets:

A Street Station ____ to station ____ equals _____ square feet.

B Street Station ____ to station ____ equals _____ square feet.

C Street Station ____ to station ____ equals _____ square feet.

Total area of streets equals _____ square feet.

[Should equal (1)(b) above.]

(3) Easements:

Water Station ____ to station ____ equals _____ square feet.

Sewer Station ____ to station ____ equals _____ square feet.

Drainage Station ____ to station ____ equals _____ square feet.

Flowage Station ____ to station ____ equals ____ square feet

Utility Station ____ to station ____ equals ____ square feet.

Landscape Station ____ to station ____ equals ____ square feet

Total area of easements equals ____ square feet.

[Should equal (1)(c) above.]

(4) Other Areas:

Park area (locate) ____ equals ____ square feet.

School area (locate) ____ equals ____ square feet.

Other (define and locate) ____ equals ____ square feet.

Total remaining area equals ____ square feet.

[Should equal (1)(d) above.]

- (s) An Erosion Control Plan showing that construction erosion and sediment controls have been designed to ensure that no off-site impacts to abutting properties or wetland resource areas will result during construction of the project, and that such controls have been designed to the satisfaction of the City Engineer and, if applicable, the NPDES General Permit for Storm Water Discharges from Construction Activities and/or the Wetlands Protection Act.
- (3) A grading plan with a maximum contour interval of two-feet depicting existing and proposed topographic conditions for the entire subdivision, including on- and off-site easements. Elevations on this plan shall refer to U.S. Coast and Geodetic NAVD 88 Datum. The City shall not accept any design or layouts unless based on an actual on-the-ground survey.
- (4) Written maintenance plan and monthly reports. A written maintenance plan for the subdivision rights-of-way, easements and roads for the time prior to acceptance by the City. The maintenance plan should include provision for the maintenance of road pavement, sidewalks, water and sanitary sewer, stormwater management, soil settling problems, street sweeping, snowplowing and clearing of snow from sidewalks and shared use paths, maintaining vegetative stabilization of all rights-of-way and easements, erosion controls, fall leaf clean up, catch basin cleaning and drainage system cleaning, watering and maintenance of street trees and other provisions as determined to be necessary by the Planning Board. A monthly maintenance report shall be provided the City Engineer five business days prior to the last scheduled Planning Board meeting in each month. The report shall comment on all elements of the written maintenance plan and address all remedial actions.

- C. Review by Board of Health as to suitability of the land. At the time of filing of the definitive plan, the subdivider shall also file with the Board of Health two [copies](#) of the definitive plan, dark line on white background. The Board of Health shall, within 45 days after filing of the plan, report to the Planning Board in writing approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health and include such specific findings and the reasons therefor in such report, and where possible shall make recommendations for the adjustment thereof. Every lot shall be provided with a sewerage system or sewer connection satisfactory to the Board of Health and/or the Commissioner of Public Works.
- D. Review by other City officials.
- (1) The Clerk of the Planning Board will transmit copies of the definitive plan to City officials other than the Board of Health as follows:
 - (2) One copy each to the City Solicitor for review of easement and agreements, the Commissioner of Public Works, the City Engineer, [the Fire-Chief, Conservation Officer, the Postmaster, Historical Commission, and other city departments or agencies that the Planning Board deems necessary.](#)
 - (3) Before the definitive plan is approved, the Planning Board will obtain written statements from the above officials that the proposed improvements are laid out to their satisfaction in the following respects (or, if 35 days have elapsed since transmittal of the definitive plan by the Clerk of the Planning Board to the officials without such written approval, approval will be assumed):
 - (a) The City Engineer as to street names and the City Solicitor as to the form of easements, covenants and performance guarantees.
 - (b) The Commissioner of Public Works as to the design of the street system, location of easements, monuments and drainage system.
 - (c) The Commissioner of Public Works as to the design of the water system and, if applicable, the sewage system.
 - (d) The Postmaster as to the location of the mailboxes.
 - (e) [The Historical Commission as to Historic Cultural Assets, Sites, and Structures.](#)
- E. Soil survey. Where appropriate, the Planning Board may require soil surveys to establish the suitability of the land for the proposed storm and sanitary drainage installations.
- F. Public hearing.
- (1) Before taking any action to approve, modify and approve, or disapprove a definitive plan, the Planning Board shall hold a hearing at which parties in interest shall have an opportunity to be heard, in person or by agent or attorney. Notice of the time and place of such hearing and the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the City once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing, or if there is no such newspaper in such City, then by

posting such notice in a conspicuous place in the City Hall for a period of not less than 14 days before the day of such hearing. Notice shall also be provided to property owners within 500 feet of the subdivision.

- (2) The procedure that the Planning Board will follow with regards to approval, disapproval or modification of the final plan submitted by the petitioner will be that as set forth in MGL c. 41, § 81U, as amended. In summary, the Board, after receiving the final plan and profiles, will review the same to determine whether they are in compliance with its adopted rules and regulations, zoning ordinances, general ordinances, departmental regulations of the Commissioner of Public Works and the Board of Health, and other laws pertaining thereto.
- (3) Before final approval of the plan, the subdivider or petitioner shall comply with all reasonable regulations and rules of the Commissioner of Public Works and the Board of Health. Specific reference is made to the specifications for septic tanks which shall conform with the rules and regulations of the Board of Health.
- (4) Before final approval of the plan, the subdivider or petitioner shall see to it that lots in a definitive or final plan be in conformity with the existing zoning ordinances, and failure of the lots to so comply will be adequate grounds for disapproval of the final or definitive plan. See MGL c. 41, §81Q, and amendments thereto. The Board may, as a condition of granting a permit under §81Y, impose reasonable requirements designed to promote the health, convenience, safety and general welfare of the community and to benefit the City. In such event, the Board shall endorse such conditions on the plan to which they relate or set forth a separate instrument attached thereto to which reference is made on such plan and which shall, for the purpose of the Subdivision Control Law, be deemed to be a part of the plan.
- (5) Before final approval of a definitive plan of subdivision, the subdivider shall submit a municipal lien certificate, indicating that all taxes, assessments, and charges have been paid in full.

G. Guarantees.

- (1) Performance guarantee. Before endorsement of the Board's approval of a definitive plan of subdivision, the subdivider shall agree to complete the required improvements specified in Article V for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods, which may from time to time be varied by the applicant with the written consent of the Planning Board.
 - (a) Approval with bonds or surety. The subdivider shall either file a proper bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Article V not covered by a covenant under Subsection G hereof. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the City Solicitor and as to sureties by the City Treasurer and shall be contingent on the completion of such improvements within two years of the date of the bond. Once the bond or surety is in place, the lots for which legal frontage has been provided for may be released from the Covenant by the Planning Board upon request of the subdivider and building permits may be issued by Inspectional Services.
 - (b) Approval with covenant.

1. The subdivider shall file a covenant, executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby such ways and services as specified in Article V, not covered by bond or deposit under Subsection G hereof, shall be provided to serve any lot before such lot may be built upon or conveyed other than by mortgage deed.
 2. The developer shall also note on his definitive plan that any and all lots within the subdivision are subject to the restrictions of the covenant.
 3. The developer may request a release of conditions for lots where the required improvements have been completed for that section of roadway beginning at any intersection with a City road and abutting lots up through the last lot to be released. Lots may only be released if they abut roadway the Planning Board deems functionally completed. In the absence of financial performance guarantees, adequate covenants will be held to ensure completion of the project, including record plans, street acceptance plans, site inspections, and legal work. In addition, a covenant on one lot which can be built on will be held until either a) the City has accepted all of the Definitive Plan's roadways as City streets, or b) said covenant has been exchanged in lieu of the cash value (as determined by the Planning Board) of the lot. Covenant shall be inscribed on the Definitive Plan or in a separate document referred to on the Plan and delivered to the Planning Board.
- (2) Street acceptance guarantee. Before endorsement of the Board's approval of a definitive plan of subdivision, the subdivider shall file a covenant, executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby one buildable lot of the subdivider's choosing shall be retained and may not be built upon or conveyed in any means until after the subdivider has met all requirements of the City to complete the street acceptance process. This covenant is separate and different from those used to guarantee performance.
- H. Establishment and Adjustment of bond or surety.
- (1) Deeding of developer's legal interests to City at establishment. Immediately upon providing a bond or other security to construct an approved definitive subdivision plan, the developer shall deed to the City the subdivision road(s) as well as all municipal utility easements, if any. If any modifications to the approved definitive subdivision plan result in a re-location of any municipal utility, the developer shall, immediately upon installation of the re-located municipal utility, deed to the City the easement corresponding to the re-located municipal utility. The developer is also required to provide the City with a certificate of liability insurance, naming the City as an additional insured relative to the subdivision road(s) as well as all municipal utility easements, if any, to be deeded to the City.
 - (2) Adjustment at subdivider's request. If the value of the work having been completed for construction of the subdivision is equal to or greater than 10% of the surety being held to complete the subdivision, the Developer may request that the penal sum of any such bond or the amount of any deposit held under Subsection G above may from time to time be reduced by the Planning Board and the obligations of the parties thereto released by said Board in whole or in part to a minimum of 10% of the total costs to complete the required improvements specified in Article V. This minimum remaining 10% of bond or deposit shall be held by the City for one year after completion of construction and installation of services or until the streets are accepted by the City, whichever comes first. See Appendix K and Form H for fee structure and application form.

Similarly, the penal sum of any such bond or the amount of any deposit held under Subsection G above may be increased by the Planning Board.

Any reduction or increase hereunder shall be authorized pursuant to a recalculation to be done by the DPW's Engineering Division, of the amount then remaining in the applicable bond or deposit, said recalculation to be done on an annual basis for the costs of the work within a subdivision remaining to be completed. Said costs shall be the costs necessary to complete the required improvements as determined by the DPW - Engineering Division at the time of each such recalculation.

Should the Planning Board determine that the surety amount being held to complete the subdivision should change, the Planning Board shall notify the City Treasurer and the Developer of their decision. The Planning Board shall notify the surety of the Planning Board's actions and request an acknowledgement of the change in the amount of surety, if applicable.

(3) Annual adjustment.

The costs of the remaining work necessary to complete the required improvements within a subdivision as determined by the DPW - Engineering Division shall be calculated annually by DPW's Engineering Division. They shall reflect the costs at the time of each recalculation.

Should the Planning Board determine that the surety amount being held to complete the subdivision should increase, the Planning Board shall notify the City Treasurer and the Developer of their decision. The Planning Board shall notify the surety of the Planning Board's actions and request an acknowledgement of the change in the amount of surety, if applicable.

(4). Adjustment for required remedial action after lapse of time. If more than two years has elapsed from the time that the developer has installed the base course of the subdivision road pavement to the time that the developer has scheduled to pave the top course., the planning Board may require that the developer take such remedial action as may be recommended to the Board by the DPW's Engineering Division, including but not limited to patching and crack sealing the pavement, or in more acute situations, reclaiming and reconstructing the subdivision road. The cost of any such remedial action would be added to the annual recalculation done by the DPW's Engineering Division. If a developer fails to take remedial action required by the Board, the Board is authorized to rescind or modify the definitive subdivision approval.

I. Release of performance guarantee upon completion of construction.

(1) Upon the completion of all improvements required under Article V, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the applicant may send by registered mail, two copies to the City Clerk and one copy each to the DPW Commissioner, the City Engineer, the Board of Health, and the City Solicitor, a written statement in duplicate that the said construction and installation of services in connection with which such bond, deposit or covenant has been given has been completed in accordance with the requirements contained under Article V. Such statement must contain the address of the applicant. The City Clerk shall forthwith furnish a copy of said statement to the Planning Board.

Within 15 days of receipt of such statement, the following shall respond regarding compliance with the Board's Subdivision Rules and Regulations in place at the time the Board approved the definitive subdivision plan and may also recommend the termination of the Maintenance Period:

- (a) The Commissioner of Public Works shall respond as to the construction of all ways, the installation of water, sewer, drainage utilities, and sidewalks, installation of monuments, street signs, lights, gutters, and curbs, required grading and lot drainage, and planting and whether the condition of the subdivision road(s) and subdivision infrastructure are acceptable.
- (b) The City Engineer shall respond as to the construction of the Stormwater Management facilities.
- (c) The Board of Health shall respond as to the installation of sewage disposal facilities, if applicable.
- (d) The City Solicitor shall respond as to receipt of executed deeds for the roadway layout and municipal easements and as to the Developer's Certificate of Title.

(2) After receiving favorable written statements of compliance from the DPW Commissioner, the City Engineer, the Board of Health and the City Solicitor, and, if the Planning Board determines that said construction and installation of services has been satisfactorily completed and the Maintenance Period may be terminated, it shall notify the:

- (a) Developer that they should petition the City Council for Acceptance of the streets and the associated municipal easements.
- (b) City Council, when requested, regarding its recommendation for Acceptance of the subdivision streets and the associated municipal easements including in such recommendation the expiration date of the developer's responsibility for maintenance of said way or portion thereof and that said way should be laid out as a public way with its maintenance the responsibility of the City.
- (c) City Treasurer, Surety, the Developer, and the City Clerk in writing that it releases the interest of the City in such bond or deposit and that such bond or deposit shall be returned to the person or persons who furnished the same, or in the case of covenant, it shall issue a written release of the covenant suitable for recording.

- (3) If the Planning Board determines that said construction and installation of services has not been completed or does not receive the above written statements of compliance recommending approval or does not receive [the deeds for all land and easements required have not been given to the City](#), it shall specify to the applicant, in writing, by registered mail, the details wherein said construction and installation fail to comply with requirements contained within these Rules and Regulations.

[The applicant shall have 30 days after receipt of such notice to correct all problems mentioned in the above or provide a detailed written plan of corrective action acceptable to the Planning Board. Failure of the applicant to finish all the necessary work within said 30 days shall cause the Planning Board to draw upon the bond or deposit of money to complete the work or make necessary repairs.](#)

- (4) In the event the Planning Board does not make a determination regarding the status of construction and installation of services within 45 days after the receipt of the application by the City Clerk of the applicant's written statement, all obligations under the bond shall cease and

terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty-five-day period expires without such specification or without the release and return of the deposit or release of the covenant as aforesaid, the City Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

- (5) Notwithstanding anything above, in no instance shall bonding or covenants be released for the final road course and sidewalks until said work has withstood one full winter season. Partial or final release for this work may be requested of the Planning Board no sooner than April 1st of the calendar year subsequent to completion of way and walks.
- J. Certificate of approval. The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the City Clerk and sent by delivery or registered mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action and shall rescind such disapproval when the plan has been amended to conform to the rules, regulations and recommendations of the Planning Board. Final approval, if granted, shall be subject to the construction specifications contained herein and shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board) but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the City Clerk and said Clerk has notified the Planning Board that no appeal has been filed. After the definitive plan has been approved and endorsed, the Planning Board shall return the original to the applicant.
- (1) The Planning Board may agree to an extension of the minimum time normally required for action following submission of a definitive plan and action thereon, upon the written request of the applicant.
 - (2) Approval of the definitive plan does not constitute the laying out or acceptance by the City of street(s) within a subdivision.
- K. Decision. After the public hearing, the Board in due course will approve, modify and approve, or disapprove the definitive subdivision plan submitted. Criteria for action by the Board shall be the following:
- (1) Completeness and technical adequacy of all submissions,
 - (2) Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others because of possible natural disasters, traffic hazard, or other environmental degradation,
 - (3) Conformity with the requirements of Article IV,
 - (4) Determination and selection of preferred plan, based upon alternatives presented in the comprehensive impact analysis (where submitted), that the subdivision will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan; that all adverse impacts upon water, sewer and street systems will be adequately mitigated; and that recreation, open space and scenic values are adequately provided for,
 - (5) Determination that access to the subdivision is adequate, as provided in §A676-8,

- (6) Conformity with all applicable zoning requirements, and
- (7) Consistency with the purposes of the Subdivision Control Law.
- L. Street Acceptance.
- 1. After the Board has determined that construction and services installation was successfully completed, it is the responsibility of the applicant to ensure the ways are accepted by the City as public ways.

This will be secured by one, or in part by one and in part by the other, of the following methods, which may from time to time be varied by the applicant with the written consent of the Planning Board. This shall be submitted to the Board at the time of submission of the Detailed Plan and is in addition to any [applicable fees \(see Appendix K\)](#).

- (a) Cash deposit or bond. The subdivider shall either file a proper bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be equal to the value of one buildable lot in the subdivision. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the City Solicitor and as to sureties by the City Treasurer and shall be contingent on the subdivider meeting all requirements of the City to complete the street acceptance process. This cash deposit, bond or securities deposit is separate and different from those used to guarantee performance as required in paragraph G.
- (b) Covenant. The subdivider shall file a covenant, executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby one buildable lot of the subdivider's choosing shall be retained and may not be built upon or conveyed in any means until after the subdivider has met all requirements of the City to complete the street acceptance process. This covenant is separate and different from those used to guarantee performance as required in paragraph G.
- 2. After the City determines the applicant has met all City requirements for street acceptance, it is the responsibility of the applicant to petition the City for release of any cash deposit, bond, security, and/or buildable lot retained.

Article IV

Design Standards

§ A676-11 Design guidelines.

- A. All subdivisions shall be designed, and improvements made by the developer consistent with the requirements of Article IV.
- B. In addition, design and construction shall accomplish the following:
 - (1) Reduce, to the extent reasonably possible:
 - (a) Volume of cut and fill,
 - (b) Area over which existing vegetation will be disturbed, especially if within 200 feet of a river, pond or stream or having a slope of more than 15%,

- (c) Number of mature trees [12 inches in diameter or greater @ DBH](#) removed. The retention of mature trees shall be considered in the design of the subdivision and lot layout,
- (d) Extent of waterways altered or relocated,
- (e) Erosion and siltation [on the subdivision site shall be minimized and compliant with the City of Marlborough's Stormwater Management Ordinance \(§271\) and Storm Sewer Ordinance \(§511\). Illicit discharges onto the neighboring properties and streets is prohibited,](#)
- (f) Flood damage [on the subdivision site shall be minimized and compliant with the City of Marlborough's Stormwater Management Ordinance \(§271\) and Storm Sewer Ordinance \(§511\). Illicit discharges onto the neighboring properties and streets is prohibited,](#)
- (g) Number of driveways exiting onto existing streets or ways rather than onto newly built or proposed subdivision roadways,
- (h) Disturbance of important wildlife habitats, outstanding botanical features, and scenic or historic environs, and
- (i) Impact on water and sewer facility's ability to service other development in the City.
- (2) Increase, to the extent reasonably possible:
 - (a) Vehicular use of collector streets to void traffic on streets providing house frontages,
 - (b) Legal and physical protection of views from public ways,
 - (c) Street layout facilitating south orientation of houses, and
 - (d) Use of curvilinear street patterns.

§ A676-12 Streets.

A. Location.

- (1) All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel and an attractive street layout to obtain the maximum safety and amenity for future residents of the subdivision, and they shall be in accord with the Rules and Regulations of the Commissioner of Public Works.
- (2) The proposed streets shall conform, so far as practicable, to any existing plans of the Planning Board and, when adopted by the Planning Board, to the Master or Study Plan or parts thereof adopted.
- (3) Provision satisfactory to the Planning Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided.
- (4) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where in the opinion of the Planning Board, such strips shall be in the public interest.

B. Alignment.

- (1) Street jogs with center-line offsets of less than 150 feet shall be avoided whenever practicable.

- (2) The minimum center-line radii of curved streets shall be as follows:
 - (a) Other secondary streets and Lanes: 150 feet.
 - (b) Major Streets and Commercial/Industrial streets: 350 feet.
- (3) A center-line tangent section at least 150 feet in length shall separate all reverse curves on major streets and any reverse curves on secondary streets where the sum of their center-line radii is less than 500 feet.
- (4) Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60°.
- (5) Property lines at street intersections shall have a radius adequate to accommodate a commercial vehicle with a 40-foot wheelbase (defined by AASHTO as WB-40) without being in conflict with the granite curbing or the centerline of the subdivision street and the adjoining street.
- (6) Streets shall be laid out so as to intersect at intervals which will permit block size to be in a range of 600 feet to 1,200 feet in length, unless otherwise specified by the Planning Board. In lieu of actual construction of a cross street, in special instances the Planning Board may approve an easement for a future street.

C. Width.

- (1) The minimum width of rights-of-way shall be as follows:
 - (a) Residential streets: 50 feet.
 - (b) Streets in an Industrial/Commercial subdivision development: 60 feet.

D. Grade.

- (1) The center-line gradient for any street shall not be less than 1%.
- (2) The maximum center-line grade for streets shall be as follows:
 - (a) Lane: 10%.
 - (b) Other secondary street: 8%.
 - (c) Major street: 5%.
- (3) Where changes in grade exceed 1%, reasonable vertical curves, as required by the Commissioner of Public Works, will be provided, and where a grade is 5% or greater within 150 feet of the intersection of street right-of-way lines, there shall be provided a levelling area of at least 75 feet with a maximum grade of 3%. The horizontal tangent distance between any two reverse vertical curves shall be a minimum of 100 feet.
- (4) Vertical curves shall be a minimum of 100 feet in horizontal length and provide for a minimum sight distance of 200 feet.

E. Dead-end streets.

- (1) Dead-end streets shall not be longer than 500 feet unless, in the opinion of the Planning Board, such a greater length is necessitated by topography or other local conditions.

- (2) Dead-end streets shall be provided at the closed end with a turnaround having a property line diameter of 120 feet for a major street and 100 feet for a secondary street, unless otherwise specified by the Planning Board.
- (3) The slope of the road shall not exceed 3% beyond a point 75 feet before the radius point of the turnaround area.

§ A676-13 Curb cuts.

- A. Driveways shall be minimum of 10 feet and a maximum of 24 feet in width for the required front yard setback and may have an additional three feet of width on each side at the edge of travel way for a turning radius.
- B. Driveways to service the individual building lots shall comply with the applicable provisions of the City Code.
- C. Wheelchair ramps shall be provided as shown in Appendix I of this chapter.

§ A676-14 Easements.

- A. Easements for utilities carrying underground wires, where required, or for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 30 feet wide.
- B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, the Planning Board may require that there be provided a stormwater easement or drainage right-of-way of adequate width and proper side slope.
- C. Access to park and conservation land owned by the City shall be provided, if required by the Planning Board, and shall be at least 40 feet wide.
- D. Any and all easements to be accepted by the City shall be bounded at all Points of Curvature, Points of Tangency and angle points prior to acceptance by the City of Marlborough.
- E. Whenever an easement line intersects a lot line or street layout line, distances shall be shown relative to lot corners or Points of Curvature and Points of Tangency.

§ A676-15 Open space.

- A. Before approval of a plan, the Planning Board may also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. Each area reserved for such purpose shall be of suitable area, dimensions, topography and natural character for the purposes of a park and/or playground. Each such area shall be so located as to serve adequately all parts of the subdivision as approved by the Planning Board. The Planning Board may require that the area or areas reserved shall be located and laid out to be used in conjunction with similar areas of adjoining subdivisions or of probable subdivisions. All areas to be reserved for park and/or playground purposes shall contain not less than one acre or shall be part of a similar area in an adjoining subdivision so that the total area is not less than one acre. Unless otherwise specifically approved by the Planning Board, the total amount of area to be reserved for park and/or playground purposes shall be no less than 10% of the gross area of this subdivision. Any land so reserved shall be graded to dispose properly of

surface water and shall be left in condition for the purpose intended, as required by the Planning Board.

- B. The Planning Board may, unless the applicant has not previously agreed to dedicate the park or parks to the City or other entity such as a homeowners' association, require by appropriate endorsement on the plan that no building shall be erected upon such park or parks without its approval until the expiration of a period of two years following the completion of the subdivision roadways and utilities, or until the occupancy of the subdivision shall have occurred in dwellings on at least 2/3 of the lots in the subdivision, whichever date occurs last. The applicant shall then promptly notify by mail the Planning Board, Conservation Commission, Recreation Commission, Mayor and the occupants of all homes in the subdivision as follows: "You are hereby notified that the site required to be set aside by the Planning Board as a park or recreation area in this subdivision is available for purchase by the City or others and, if not purchased within six months, must be released by the Planning Board for the developer's use for a new building on the site. You may contact the Planning Board on this matter for more information."
- C. A plan of the entire subdivision showing the proposed location of the park shall be sent by the applicant with each notification.

§ A676-16 Protection of natural features.

Due regard shall be shown for all-natural features, such as large trees, wooded areas, watercourses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision. Whenever feasible, shade trees 12 inches in diameter or larger shall not be removed. [The Applicant may be required to hire a certified consulting arborist to identify those trees which can be saved and thrive upon the completion of the subdivision, show those trees on the Definitive Subdivision Plans and certify as to such.](#)

["I hereby certify that the trees shown on this plan as to be retained \(RET.\), if preserved, will add attractiveness and value to the subdivision. Those trees not designated as to be retained \(RET.\) have no significant value where they would need to be retained."](#)

§ A676-17 Lot drainage.

Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another; if provision is necessary to carry drainage to or across a lot, an easement or drainage right-of-way of adequate width and proper side slope shall be provided. Storm drainage shall be designed in accord with specifications of the Commissioner of Public Works.

§ A676-18 Fire alarms. (Reserved)

§ A676-19 Fire hydrants.

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

§ A676-20 Sidewalks, grass plots, trees.

See cross sections in Appendix F.

§ A676-21 Streetlights.

Streetlighting shall be provided for each subdivision street and shall be such as to give the equivalent of not less than 4,000 lumens of light installed at intervals of 350 feet unless otherwise specified by the Planning Board.

§676-22 Tree Preservation and Protection Plan.

- A. The intent of the Tree Preservation and Protection Plan is to encourage the preservation and protection of trees during land clearing and subdivision layout. Locations of mature trees as noted in the required report submitted by a Certified Arborist shall be taken into consideration when designing the subdivision layout. Trees are recognized for their abilities to mitigate heat island effects; provide shade cover; reduce energy consumption; improve air quality; reduce noise pollution; reduce topsoil erosion and storm water runoff; provide wildlife habitat; sequester carbon; enhance the quality of life and the environment of the city; increase property values; and enhance the overall appearance of the community. The Planning Board strongly encourages the preservation of existing significant vegetation and as such strongly discourages the total “clear cutting” of subdivision property. No part of this tree preservation requirement shall discourage the removal of Hazardous Trees, an act which may be important to public health and safety. Significant mature trees over 24” in diameter @ DBH, should be strongly considered when laying out the proposed subdivision roadway and lot layouts, these trees should be retained if the location is deemed feasible.
- B. The Tree Preservation and Protection Plan shall show the existing conditions of the subdivision property, noting the size and type of all trees 12 inches in diameter or greater @ DBH along with the roadway right-of-way layout, all easement layout lines and zoning setbacks (rear, sides and front) and the limits of proposed grading within the lots that could adversely affect the health and viability of existing trees.
- C. After reviewing and taking into account the Certified Arborist’s report the Tree Preservation and Protection plan shall be prepared to show the extent of tree removal and tree preservation for the proposed subdivision design. If feasible, shade trees 12 inches in diameter or greater @ DBH, located in the side and rear yard building setbacks for each individual lot depicted on the Definitive Plan, shall be retained. All trees that would be removed as part of the subdivision design would be noted as (REM.) for to be removed or as (RET.) for to be retained.

Article V

Required Improvements for an Approved Subdivision

§ A676-23 General.

- A. No street or way through private property shall be accepted by the City unless the same be previously constructed and completed in accordance with the standard cross section (see Appendix F), street layout plan, profile and the following: (amended 5-1-15)

- B. Unless otherwise specified, all the work and the materials used in the work to be done shall conform to the requirements of the most recent editions of the following: Commonwealth of Massachusetts Department of Public Works' Standard Specifications for Highways and Bridges, hereinafter referred to as the "Standard Specifications," as amended; the Commonwealth of Massachusetts Construction Manual, Construction Standards and the special provisions included hereinafter.
- C. Supplementing the aforesaid Standard Specifications, certain specifications or special provisions shall apply particularly to the work to be done hereunder. References in the following specifications, unless otherwise stated, are to the aforesaid Standard Specifications. In case of conflict between these specifications or special provisions and the aforesaid Standard Specifications, amendments or addenda, these specifications and special provisions shall take precedence and shall govern.
- D. To facilitate reference, each paragraph in these specifications is noted with the paragraph number of the particular section as contained in the Standard Specifications.
- E. Wherever in the Standard Specifications or other contractual documents the following terms, or pronouns in place of them, are used, the intent and meaning shall be interpreted by substitution as follows:

COMMONWEALTH

City of Marlborough.

DEPARTMENT

Department of Public Works, City of Marlborough.

ENGINEER

The Commissioner of Public Works of the City of Marlborough, acting directly or through an authorized representative acting within the scope of the particular duties entrusted to him.

- F. The extent of work required is as shown approximately upon approved plans and, in compliance with the standard cross section plans, stakes shall be set which will indicate the exact amount of cut or fill.
- G. As each construction operation is completed; it shall be approved by the Engineer previous to starting work in the succeeding operation.
- H. At the time the street or way or portion thereof is ready for acceptance and to facilitate acceptance by the City of Marlborough, The developer shall have prepared and certified by a registered land surveyor a "plan of acceptance" drawn with black ink on single matte, three-mil Mylar (size: 18 inches by 24 inches or 24 inches by 36 inches), showing widths, areas, lengths, bearings of all boundary lines of streets and easements and radii, tangents and central angles of all curves in street lines. It shall show that all stone bounds have been set.
- (1) A blank space four inches by eight inches shall be provided on the lower right-hand corner on the plan for a title block to be filled in by the City Engineer. The surveyor shall place a certification on the plan stating: "The street (or way or portion thereof) is laid out and the bounds have been set as shown on this plan," and it shall be dated, signed and the surveyor's stamp affixed thereon. The plan shall be submitted to the City Engineer.

- I. The developer will have the original plans and profiles that were submitted to the Planning Board and that are on file in the City Engineer's office corrected and certified by his Engineer to show the actual as-built locations and grades of all utilities and roadway profile and any changes authorized by the Planning Board. This will be done in a manner approved by the City Engineer.

§ A676-24 Street and roadway.

- A. The roadway shall be graded and prepared for pavement as follows:
- (1) Clearing and grubbing shall be performed to remove stumps, brush, roots, boulders and like from the area of the travelled way, shoulders, sidewalks and utility trenches, but elsewhere existing vegetation shall be preserved wherever feasible.
 - (2) Roadway earth excavation shall remove all unsuitable materials encountered down to the true surface of the subgrade in preparation for foundation of roadway, sidewalks, driveways and berms. Approved materials such as gravel and loam obtained in the excavation may be used in fills, as required, if in the opinion of the Engineer they are suitable.
 - (3) When, in the opinion of the Engineer, suitable material is not available within the limits of the highway location to form the subgrade or subbase, the contractor shall obtain such additional material from other sources in accordance with this section and as may be approved by the Engineer.
 - (4) The subgrade surface (16 inches below the finished surface grade) shall be prepared true to the lines, grades and cross sections given and properly rolled. All [unsuitable material and organic materials](#) below the subgrade surface shall be removed to a depth determined by the Engineer, and the space thus made shall be filled with special gravel borrow, containing no stones over six inches in their largest diameter.
 - (4-1/2) A layer of geotextile fabric shall be installed beneath the gravel base specified in [§A676- 24.A\(5\)](#). [The required fabric shall be TenCate Mirafi® 500X woven polypropylene geotextile material or approved equal.](#)
 - (5) Gravel base course shall consist of approved gravel placed upon the subgrade or subbase as directed and in accordance with these specifications and in reasonably close conformity with the lines and grades shown on the plans or established by the Engineer.
 - (6) The gravel shall be spread in layers upon the prepared subgrade from self-spreading vehicles or with power graders of approved types or by hand methods. Gravel shall be spread in layers not more than four inches thick, compacted measure.
 - (a) The gravel shall be compacted and placed to the tolerance as stipulated in [Mass DOT Standard Specifications for Highways and Bridges \(Current Edition\)](#) – Section 401, [Gravel Sub-base and Section 402 Dense Grade Crushed Stone for Sub-base](#).
 - (b) At the conclusion of this step, the roadway shall be staked in all locations where permanent monuments are to be installed as provided in [§A676-29](#).
- B. Roadways shall be constructed for the full length of all streets within the subdivision and shall have the same curb radius required in §A676-13B above.

- (1) The center line of all roadways shall coincide with the center line of the street right-of-way unless a deviation is approved by the Planning Board. Provided however, that the minimum center line radius for a paved width less than 32 feet shall be 150 feet.
- (2) The minimum width of roadways shall be as follows:
 - (a) Lanes: 26 feet.
 - (b) Other secondary streets: 28 feet.
 - (c) Major streets, residential: 38 feet; industrial and commercial: 44 feet.
- C. The wearing surface of roadways shall be of Class 1 bituminous concrete pavement, Type I-1. This type of pavement shall be composed of mineral aggregate, mineral filler and bituminous material, plant mixed and laid hot. The pavement shall be constructed in two courses [for residential streets: 1 ½ inch top course laid upon a 2 ½ inch binder course, with a final pavement depth after rolling of 4 inches and for Industrial/Commercial streets: 1 ½ inch top course laid upon a 2 ½ inch binder course, and a 3 inch base course on which the binder course is laid, with a final pavement depth after rolling of 7 inches.](#) Pavement shall be placed upon the prepared surface and in conformity with lines, grades and typical cross section shown on plans. Material and construction methods shall conform to all other requirements of Section 460 of the Standard Specifications, except that no such construction shall be undertaken before March 30 of any year nor after November 1 of any year without written permission of the City Engineer.
- D. Embankments outside the right-of-way shall be evenly graded and pitched at a slope of not greater than two horizontal to one vertical in fill. Where cuts are made in ledge, other slopes may be determined with the approval of the City Engineer. Where terrain necessitates greater slopes, retaining wall, terracing, fencing or riprap may be used either alone or in combination to provide safety and freedom from maintenance, but must be done in accordance with plans filed with the Planning Board and approved by the City Engineer. The subdivider must furnish to the City duly recorded access easements for maintenance of the slopes, terraces or retaining walls. All such slopes shall be grassed in accordance with the specifications for the area between the roadway and sidewalk or roadway and boundary of the right-of-way.
- E. Dust control shall be provided throughout the entire project. Sprinklers, watering trucks, calcium chloride, fencing, etc. shall be employed as directed by the [DPW – Engineering Division or the Code Enforcement Office](#).

§ A676-25 Utilities.

- A. Excavation for structures including foundations for drains, sewers and water pipes, walls and other structures shall be made to the depth as indicated on plans or established by the Engineer. Rock excavation designated as Class B encountered in trench excavation shall be removed as directed by the City Engineer.
- B. All drain, sewer, gas and water pipes and other structures shall be installed upon the completion of roadway subgrade and before the placing of the subbase, gravel base course, sidewalks or pavement.
 - (1) Sewer and water mains shall be installed in accordance with the ordinances of the City of Marlborough. Gravity sewer and drain lines shall be designed with a minimum slope of 1% and a maximum slope of 9%.

- (2) Gas mains shall be installed if gas connection is available unless said installation is specifically waived by the Planning Board.
- C. Adequate disposal of surface and subsurface water shall be provided and pipes, manholes and catch basins shall be provided according to the sizes and depths as indicated on the plans and in conformity with the requirements of the Massachusetts Department of Public Works Standard Specifications for Highway and Bridges (current Edition) and shall be built on both sides of the roadway at intervals not to exceed 300 feet, unless otherwise provided by the Planning Board, and at such other places as deemed necessary by the Commissioner of Public Works and the Planning Board to assure the unimpeded flow of all natural watercourses, to assure adequate drainage of all low points and to provide proper runoff of stormwater. In no instances shall catch basins be located along a driveway cut.
 - (1) The standard depth of catch basins shall be four feet below invert of lowest drain. Manholes shall be constructed to the required depth at each junction point and as shown on the plan. Pipe culvert and pipe drains shall be in conformity with the requirements of the Massachusetts Department of Public Works Standard Specifications for Highway and Bridges (current Edition) for installation of pipes. The outlet pipe for all catch basins shall be equipped with the "Eliminator" hood by Ground Water Rescue or approved equal.
 - (2) Class IV reinforced concrete pipe shall be used for all drain lines and installed according to the size and grade shown on the approved definitive plan.
- D. On-site sewage disposal facilities shall be installed and constructed in conformity with the rules, regulations and requirements of the Board of Health.
- E. Where adjacent property is not subdivided or where all the property of the applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision, at such grade and size which will, in the opinion of the Planning Board, permit their proper extension.

§ A676-26 Sidewalks, curbs and gutters.

- A. Unless otherwise specified by the Planning Board, the sidewalks shall extend the full length of each side of the street and shall be of the following minimum widths:
 - (1) Along secondary streets: where placed adjacent to curbing: six feet including curb. Where a grass strip has been placed between the sidewalk and curbing: five feet six inches
 - (2) Along major streets: where placed adjacent to curbing: six feet including curb. Where a grass strip has been placed between the sidewalk and curbing: five feet six inches
- B. Bituminous concrete sidewalks having a minimum thickness of **three** inches after compression shall be constructed on a six-inch gravel foundation to the required lines and grades in accordance with these specifications. The sidewalk shall be constructed with a vertical granite curbing as approved by the Commissioner of Public Works.
- C. If desired, granolithic sidewalks shall be constructed as directed by the Engineer in conformity with this section of the Standard Specifications.

§ A676-27 Grass plots.

- A. Grass plots on secondary road layouts may be permitted.
- B. Grass plots on major roads or secondary roads (based on sixty-foot layout) may be permitted if desired by the Planning Board.

§ A676-28 Trees.

- A. Street trees of a species approved by the [Tree Warden](#) shall be planted on each side of each street in a subdivision, except where the definitive plan showed trees to be retained which are healthy and adequate. Such trees shall be located outside of the right-of-way as shown in the profile and standard cross section plans, Appendix F, approximately at forty-foot intervals, and shall be at least 12 feet in height and a minimum of three-inch caliper. [Existing trees designated to remain shall be protected in a manner deemed acceptable to the Tree Warden.](#)
- B. The subdivider shall plant [shade](#) trees as needed to provide at least two areas of shade to each lot.
- C. [If allowed by the Tree Warden, Shade Trees located within 15 feet of the roadway layout may also be designated as Street Trees and be designated as both a Shade Tree and a Street Tree.](#)
- D. [Street Tree compensation. For those street trees required, that cannot be planted within the required landscape strip adjacent to the roadway right-of-way and there are not any trees adjacent to the roadway that can be considered as street trees, compensation for those street trees may be given in one of the following ways: \(1\) monetary value given to the City of Marlborough for the purpose of planting trees, \(2\) as trees planted elsewhere in the subdivision, or \(3\) trees planted within the City of Marlborough. Option chosen is at the discretion of the Planning Board with approval from the Tree Warden. All tree locations will be selected by the Tree Warden.](#)

§ A676-29 Monuments.

- A. Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets along all easements as described in § A676-14D, and at all other points where, in the opinion of the Planning Board, permanent monuments are necessary.
- B. Monuments shall be standard permanent granite, six inches by six inches by four feet, with a polished top and drill hole in the center. Monuments shall be installed at the time of final grading with the top of the monument set flush with the final grade surface. The City engineer shall have the discretion to modify the type of monumentation and method of setting monumentation based on actual field conditions

§ A676-30 Street signs and names.

- A. Street signs shall be installed at each intersection to conform to the standard established by the Commissioner of Public Works.
- B. Street names shall be approved by the City Engineer to prevent duplication and to provide names in keeping with the character of the City.
- C. All streets not Accepted as Public Ways shall have a designation sign - PRIVATE WAY placed on top of the Street sign.

§ A676-31 Streetlights.

- A. Streetlights shall be installed in all subdivisions by the utility for the developer in each section as developed prior to the reduction or moving or release of bond or release from covenant thereon. §

A676-32 Fire alarm system.

(Reserved)

§ A676-33 Underground lines.

Telephone and electric lines and service connections shall be installed underground in accord with the procedure required by the Commissioner of Public Works.

§ A676-34 Cable television.

Cable television shall be installed in accordance with the requirements of the Commissioner of Public Works to serve all lots within the proposed subdivision.

§ A676-35 Signage.

Regulatory and warning signs shall be approved by the Marlborough Traffic Commission and installed in accordance with the requirements of the City Engineer.

§ A676-36 Guardrails.

Guardrails shall be provided at the locations designated by the City Engineer. §

A676-37 Mailboxes.

- A. Mailboxes shall be installed in accordance with Appendix J.
- B. On subdivision roads oriented east-west or close, mail boxes should be positioned on the sunny (Northerly) side of the street, adjacent to driveways or across the street from driveways for individual lots. Clustering of up to four mailboxes should be allowed whenever the driveways for four lots are close to contiguous corners of the four lots, two lots being on each side of the street.

Article VI

Administration

§ A676-38 Variation.

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgement of the Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

§ A676-39 Reference.

For matters not covered by these rules and regulations, reference is made to MGL c. 41, §§ 81K to 81GG, inclusive.

§ A676-40 Building permit.

- A. No building shall be erected within a subdivision without written release from the Planning Board.
- B. The Building Inspector shall not issue any permit for the erection of a building until he is first satisfied that the lot on which the building is to be erected is not within a subdivision or that a way furnishing the access to such lot as required by the Subdivision Control Law is shown on a plan recorded or entitled to be recorded under MGL c. 41, § 81X, as amended, and that any condition endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied or waived by the Board, and in the event that the Board has by rule or regulation required that not more than one building for dwelling purposes be erected or placed or converted to use as such on any lot without its consent, that the Building Inspector is satisfied that such consent has been obtained; MGL c. 41, § 81Y, and amendments thereto.

§ A676-41 Inspections.

- A. Inspections shall be arranged for by the subdivider with the proper City [Department](#) for the purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at each significant construction stage.
- B. Inspection shall be requested in writing at least 48 hours in advance of each inspection to the proper City [Department](#).
- C. Inspection shall be for the following:
 - (1) Satisfactory excavating [of unsuitable material and excess material](#),
 - (2) Satisfactory filling [of sub-base material and base material](#),
 - (3) Satisfactory compacting [of sub-base and base material](#),
 - (4) Satisfactory completion of the pavement [courses](#),
 - (5) Satisfactory finish grading of grass plots [and structural soils](#),
 - (6) Satisfactory placing of curbs and gutters,
 - (7) Satisfactory construction of sidewalks,
 - (8) Satisfactory installation of sanitary sewers and related equipment or on-site disposal systems,
 - (9) Satisfactory installation of water mains and appurtenances,
 - (10) Satisfactory installation of surface and subsurface drainage system and related equipment, and
 - (11) Satisfactory installation of monuments.
- D. The Planning Board may establish the order of the required inspection and may require satisfactory completion of one step before the subdivider proceeds to the next. It may require tests to be done by the subdivider as a condition for approval when in the opinion of the Planning Board it is advisable.

- E. The proper City official shall indicate on Form G, (Appendix G) provided by the Planning Board the date of inspection and the approval and shall file such form with the Planning Board.

§ A676-42 Validity.

The invalidity of any section or provision of this regulation shall not invalidate any other section or provision thereof.

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

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

Marlborough, Massachusetts

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

(Date)

To the Marlborough Planning Board:

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

1. Name of Applicant: _____

Address: _____

Email: _____ Telephone: _____

2. Name of Surveyor: _____

Address: _____

Email: _____ Telephone: _____

3. Deed of Property in the South Middlesex Registry of Deeds: _____

4. Property address, description of property and plan reference: _____ Map: _____ Parcel: _____

5. Number of lots altered: _____ Number of lots created: _____

Signature of Owner

Print

Address: _____



RESERVED FOR OFFICIAL USE



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

FORM A-1

APPLICATION FOR SPECIAL PERMIT FOR A LIMITED DEVELOPMENT SUBDIVISION 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)

To the Marlborough Planning Board:

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

1. Name of Applicant: _____

Address: _____

Email: _____ Telephone: _____

2. Name of Owner (if different): _____

Address: _____

Email: _____ Telephone: _____

3. Name of Surveyor: _____

Address: _____

Email: _____ Telephone: _____

4. Deed of Property in the South Middlesex Registry of Deeds: _____

5. Property address, description of property and plan reference: _____ Map: _____ Parcel: _____

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

Signature of Owner

Print

Address: _____



RESERVED FOR OFFICIAL USE



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

FORM A-2

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL
WITH A SPECIAL PERMIT HAVING BEEN GRANTED BY THE PLANNING BOARD FOR A LIMITED DEVELOPMENT SUBDIVISION

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

Marlborough, Massachusetts

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

(Date)

To the Marlborough Planning Board:

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

1. Name of Applicant: _____

Address: _____

Email: _____ Telephone: _____

2. Name of Surveyor: _____

Address: _____

Email: _____ Telephone: _____

3. Deed of Property in the South Middlesex Registry of Deeds: _____

4. Property address, description of property and plan reference: _____ Map: _____ Parcel: _____

5. Special permit approved by Planning Board approved on: _____ (attach special permit to application).

Signature of Owner

Print

Address: _____



RESERVED FOR OFFICIAL USE



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

FORM B

APPLICATION FOR APPROVAL OF A PRELIMINARY SUBDIVISION 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)

To the Marlborough Planning Board:

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

1. Name of Applicant: _____

Address: _____

Email: _____ Telephone: _____

2. Name of Owner (if different): _____

Address: _____

Email: _____ Telephone: _____

3. Name of Engineer: _____

Address: _____

Email: _____ Telephone: _____

4. Deed of Property in the South Middlesex Registry of Deeds: _____

5. Property address, description of property and plan reference: _____ Map: _____ Parcel: _____

6. Length of proposed roadway: _____ feet.

Signature of Owner

Print

Address: _____



RESERVED FOR OFFICIAL USE



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

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)

To the Marlborough Planning Board:

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

1. Name of Applicant: _____

Address: _____

Email: _____ Telephone: _____

2. Name of Owner (if different): _____

Address: _____

Email: _____ Telephone: _____

3. Name of Engineer: _____

Address: _____

Email: _____ Telephone: _____

4. Deed of Property in the South Middlesex Registry of Deeds: _____

5. Property address, description of property and plan reference: _____ Map: _____ Parcel: _____

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

Signature of Owner

Print

Address: _____



RESERVED FOR OFFICIAL USE



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

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE SUBDIVISION PLAN

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

Marlborough, Massachusetts

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

(Date)

☐ Preliminary plan approved on: _____

To the Marlborough Planning Board:

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

1. Name of Applicant: _____

Address: _____

Email: _____ Telephone: _____

2. Name of Owner (if different): _____

Address: _____

Email: _____ Telephone: _____

3. Name of Engineer: _____

Address: _____

Email: _____ Telephone: _____

4. Deed of Property in the South Middlesex Registry of Deeds: _____

5. Property address, description of property and plan reference: Map: _____ Parcel: _____

6. Length of proposed roadway: _____ feet

Signature of Owner

Print

Address: _____



RESERVED FOR OFFICIAL USE



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

FORM C-1

APPLICATION FOR APPROVAL OF OPEN SPACE DEVELOPMENT PLAN

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

Marlborough, Massachusetts

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

(Date)

To the Marlborough Planning Board:

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

1. Name of Applicant: _____

Address: _____

Email: _____ Telephone: _____

2. Name of Owner (if different): _____

Address: _____

Email: _____ Telephone: _____

3. Name of Engineer: _____

Address: _____

Email: _____ Telephone: _____

4. Deed of Property in the South Middlesex Registry of Deeds: _____

5. Property address, description of property and plan reference: Map: _____ Parcel: _____

6. Length of proposed roadway: _____ feet

Signature of Owner

Print

Address: _____



RESERVED FOR OFFICIAL USE



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

FORM D

PETITION FOR APPROVAL OF FINAL PLAN

Page 1

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

Date: _____.

Subdivision Name: _____.

Applicant(s): _____.

To the Planning Board:

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

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

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

- a. to complete the ways as finally approved by the Board within **2 years** from the date hereof;
- b. to install utilities in accordance with the Rules and Regulations of the Planning Board, the Commissioner of Public Works, Board of Health, and all general as well as Zoning Ordinances of said City, as are applicable to the installation of utilities within the limits of ways or streets;
- c. to complete and construct the said streets or ways in accordance with Section II (General Requirements) and the approved plan, profile, and cross-sections of same. All to be in accordance with the specifications provided for in said Rules and Regulations of the Board. Said plans, profiles, cross-sections, and construction specifications are specifically, by reference, incorporated herein and made a part of this petition. This petition shall be binding upon all heirs, executors, administrators, successor, grantees of the whole or part, and assigns of the undersigned.

Signature of Applicant(s):

_____ Print: _____

_____ Print: _____

_____ Print: _____

_____ Print: _____

FORM D

PETITION FOR APPROVAL OF FINAL PLAN

Page 2

SUBDIVISION NAME: _____

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

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

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

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

(c) Area in easements equals _____.

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

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

(2) Streets:

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

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

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

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

(3) Easements:

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

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

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

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

(4) Other Areas:

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

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

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

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

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



RESERVED FOR OFFICIAL USE



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

FORM E

CERTIFICATE OF DELINEATION OF PLAN

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

Date: _____

Subdivision Name: _____

Applicant(s): _____

To the Planning Board:

In preparing the plan entitled _____

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

1. Deed from _____ to _____

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

Book _____ Page _____

2. Other plans as follows: _____

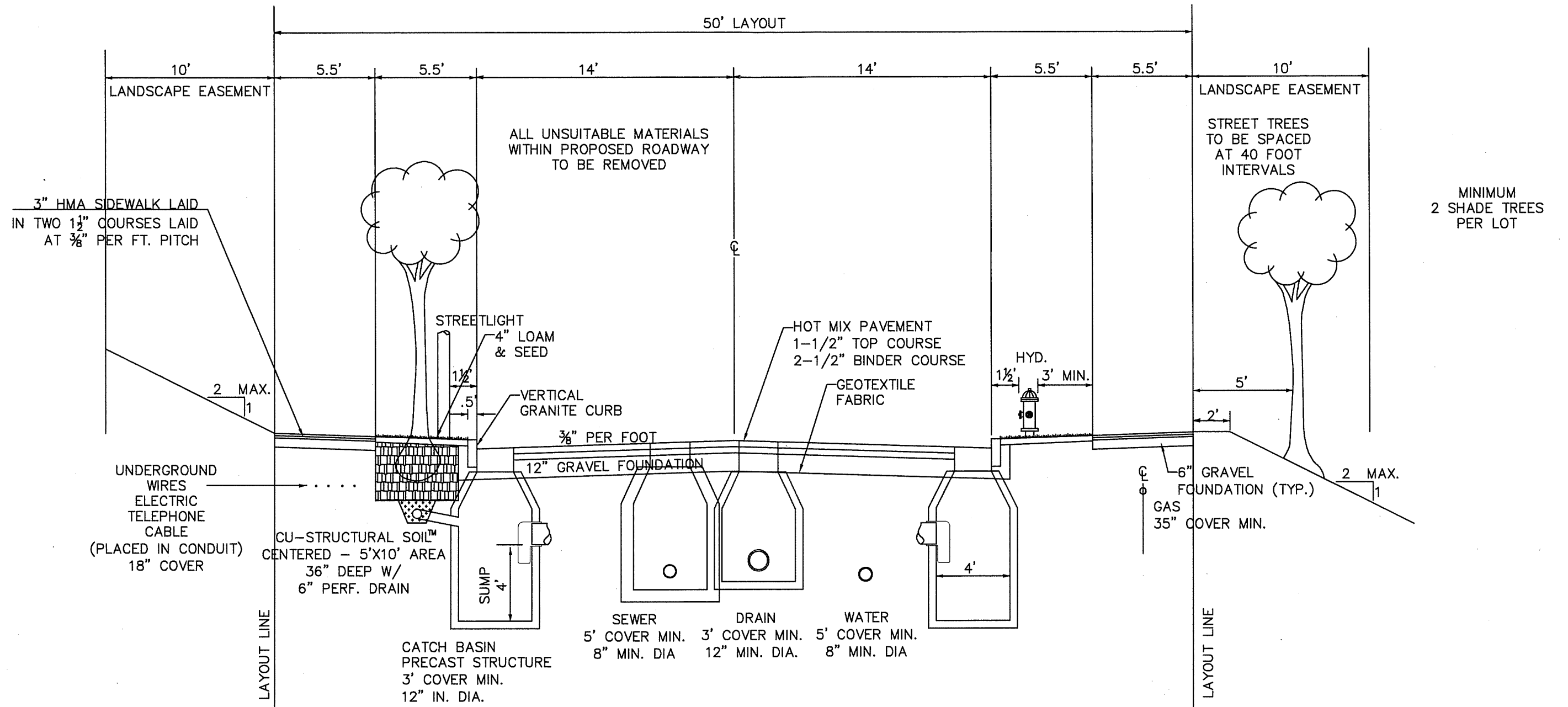
3. Oral information furnished by: _____

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

5. Other sources: _____

Signature of Engineer or Surveyor

—TYPICAL CROSS SECTION—



MAINTAIN 10' MIN. HORIZONTAL SEPARATION BETWEEN SEWER & WATER
 MAINTAIN 5' MIN. HORIZONTAL SEPARATION BETWEEN ALL OTHER UTILITY PIPES
 MAINTAIN 5' MIN. HORIZONTAL SEPARATION BETWEEN ALL UTILITY STRUCTURES
 MAINTAIN 1' MIN. VERTICAL SEPARATION BETWEEN ALL UTILITIES

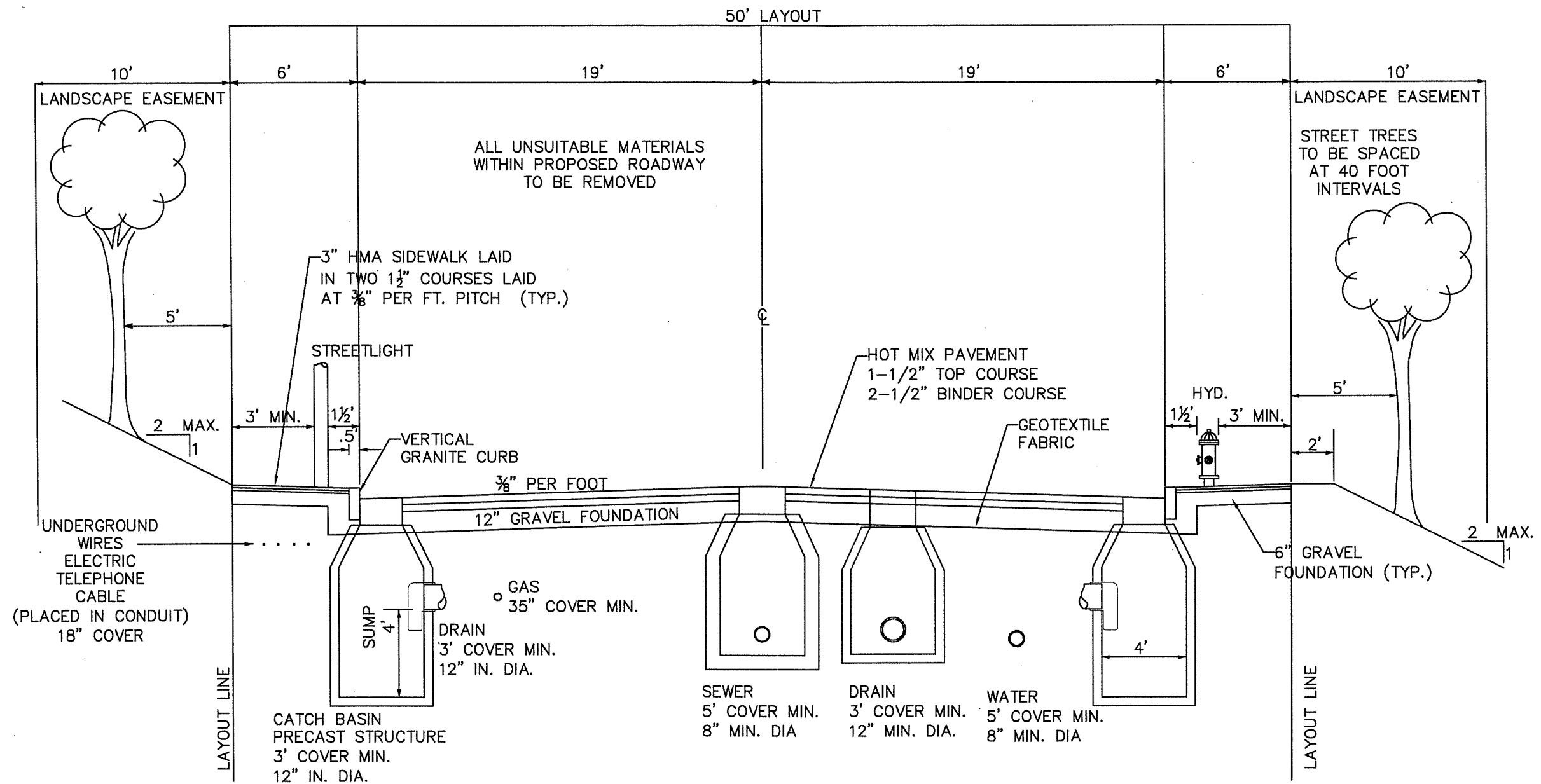
#1

SECONDARY RESIDENTIAL STREET — 50' R.O.W. — 28' PAVEMENT WIDTH

USED PRIMARILY TO PROVIDE ACCESS TO ABUTTING LOTS

PREFERRED STANDARD
 N.T.S.

—TYPICAL CROSS SECTION—



MAINTAIN 10' MIN. HORIZONTAL SEPARATION BETWEEN SEWER & WATER
 MAINTAIN 5' MIN. HORIZONTAL SEPARATION BETWEEN ALL OTHER UTILITY PIPES
 MAINTAIN 5' MIN. HORIZONTAL SEPARATION BETWEEN ALL UTILITY STRUCTURES
 MAINTAIN 1' MIN. VERTICALL SEPARATION BETWEEN ALL UTILITIES

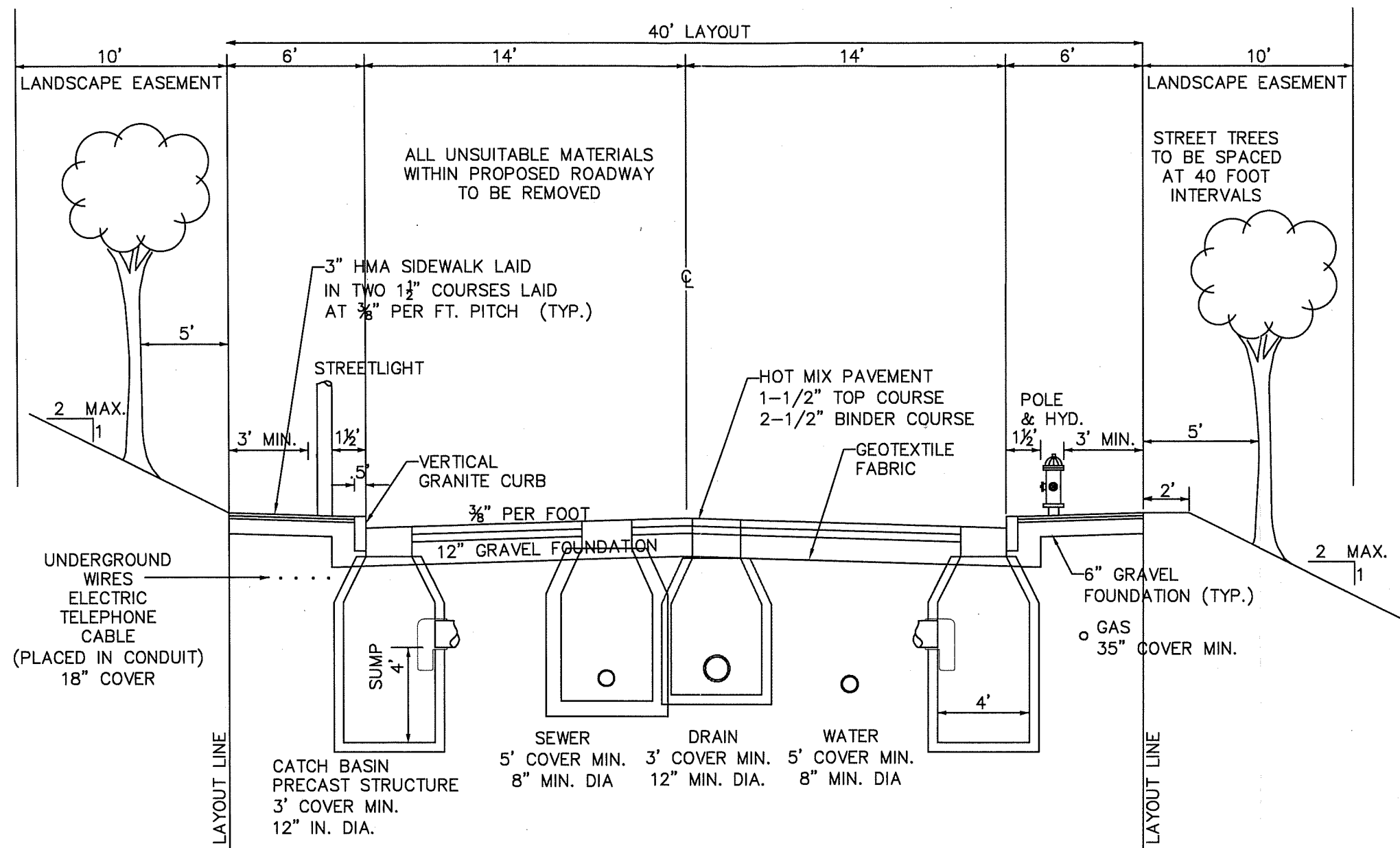
#2

MAJOR RESIDENTIAL STREET — 50' R.O.W. — 38' PAVEMENT WIDTH

STREET TO BE USED AS A THOROUGHFARE BETWEEN DIFFERENT PORTIONS OF THE CITY OR WHICH WILL A HEAVY VOLUME OF TRAFFIC

AS DETERMINED BY THE PLANNING BOARD
 N.T.S

—TYPICAL CROSS SECTION—



MAINTAIN 10' MIN. HORIZONTAL SEPARATION BETWEEN SEWER & WATER
 MAINTAIN 5' MIN. HORIZONTAL SEPARATION BETWEEN ALL OTHER UTILITY PIPES
 MAINTAIN 5' MIN. HORIZONTAL SEPARATION BETWEEN ALL UTILITY STRUCTURES
 MAINTAIN 1' MIN. VERTICAL SEPARATION BETWEEN ALL UTILITIES

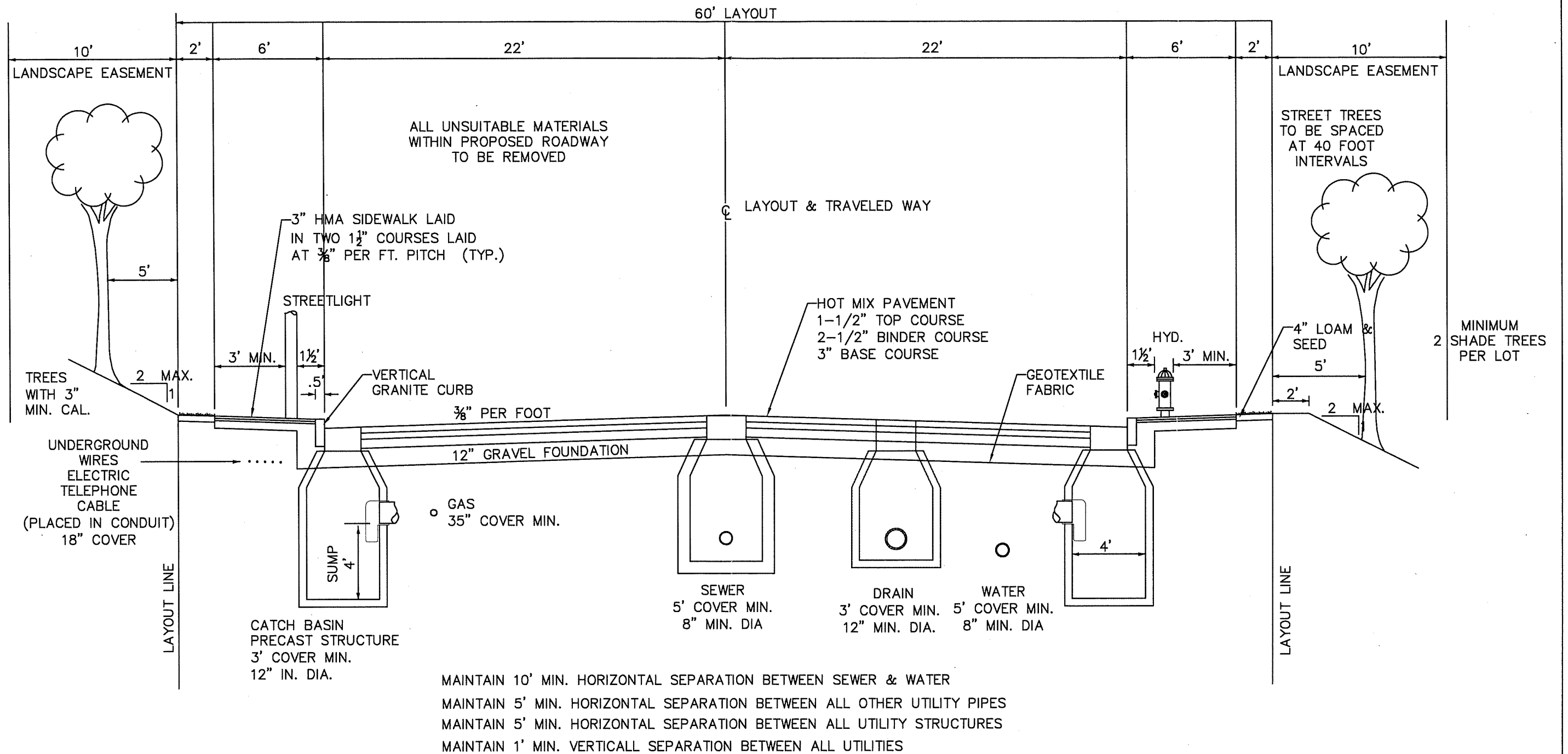
#3

SECONDARY RESIDENTIAL STREET — 40' ROW — 28' PAVEMENT WIDTH

USED PRIMARILY TO PROVIDE ACCESS TO ABUTTING LOTS

REQUIRES PLANNING BOARD WAIVER
 N.T.S

—TYPICAL CROSS SECTION—

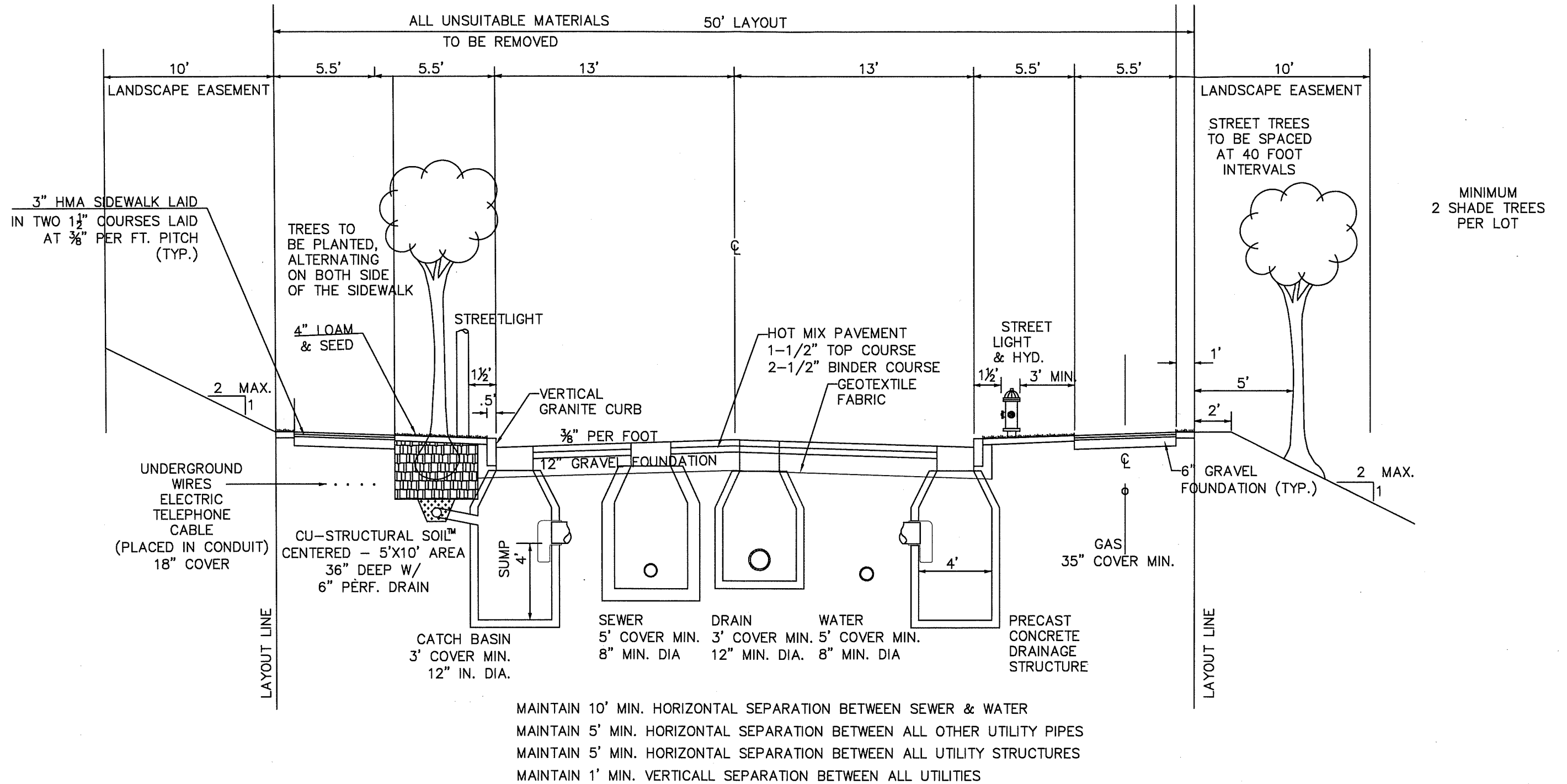


#4

INDUSTRIAL/COMMERCIAL STREET — 60' R.O.W. — 44' PAVEMENT WIDTH

N.T.S

—TYPICAL CROSS SECTION—



#5

"LANE" STATUS 50' ROW - 26' PAVEMENT WIDTH

SECONDARY STREET SERVING NO MORE THAN 8 POTENTIAL DWELLING UNITS, HAS LOT FRONTAGES AVERAGING 150 FEET OR MORE AND IS INCAPABLE OF EXPANSION

N.T.S.

FORM G

CONVEYANCE OF EASEMENTS AND UTILITIES

Page1

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

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

Middlesex County, Massachusetts; for the consideration of _____.

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

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

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

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

bounded and described as follows: _____

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

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

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

This is not a homestead property.

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

_____ the present holder of a
(name and address)

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

FORM G

CONVEYANCE OF EASEMENTS AND UTILITIES

Page2

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

Authorized Signature of Mortgagee

Owner

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

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

_____, 20____

Then personally appeared the above named

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

Notary Public

My commission expires on: _____.

seal

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

FORM H

STREET BOND/ LOT RELEASE REQUEST FORM

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

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

SECTION A:

SUBDIVISION: _____ **DATE** _____.

DEVELOPER: _____.

DATE OF EXPIRATION FOR SUBDIVISION APPROVAL: _____.

NATURE OF REQUEST:

BOND ESTABLISHMENT ☐

LOT RELEASE ☐ **COVENANT RECORDING INFORMATION** **BOOK** _____ **PAGE** _____

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

BOND EXPIRATION DATE: _____

FORM OF BOND: _____

DESCRIPTION OF WORK PERFORMED: _____

Provide the following:

- Updated Construction Schedule
- Certificate from the Tax Collector stating that all taxes are current and that there are no municipal liens on the property
- Certificate from the Code Enforcement Officer stating that the property is free from blight and other enforcement actions
- Continuation Certificate to verify bond status (current expiration date and bond amount)

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

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

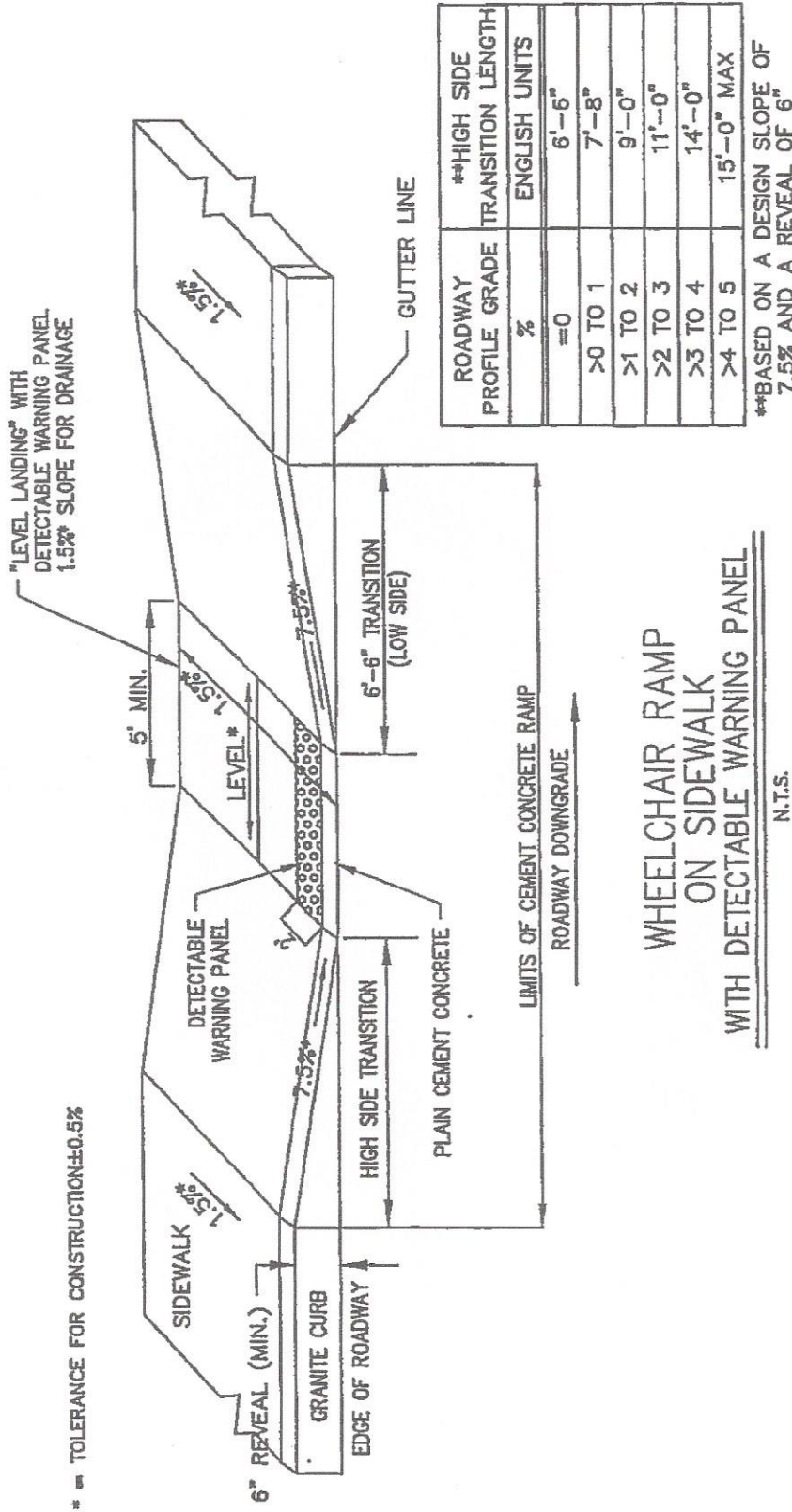
SECTION B – (FOR OFFICE USE ONLY)

PROJECT REVIEW SUMMARY: _____

DATE SCHEDULED FOR PLANNING BOARD REVIEW: _____.

APPENDIX I

(PAGE 1 OF 3)



WHEELCHAIR RAMP ON SIDEWALK WITH DETECTABLE WARNING PANEL

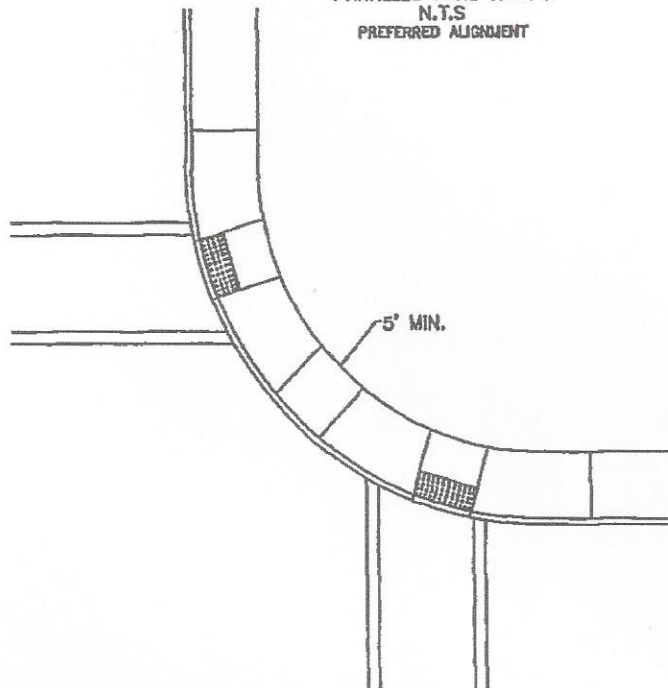
N.T.S.

TYPICAL SECTION FOR WHEELCHAIR RAMPS AT SIDEWALKS

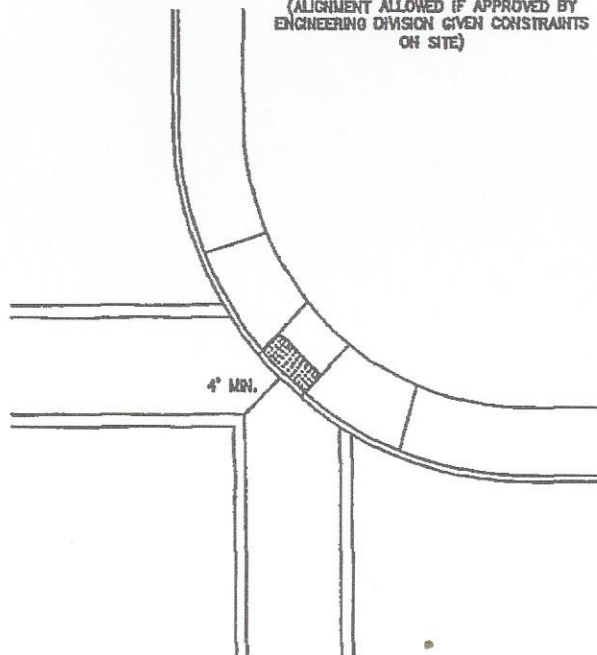
APPENDIX I

(PAGE 2 OF 3)

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



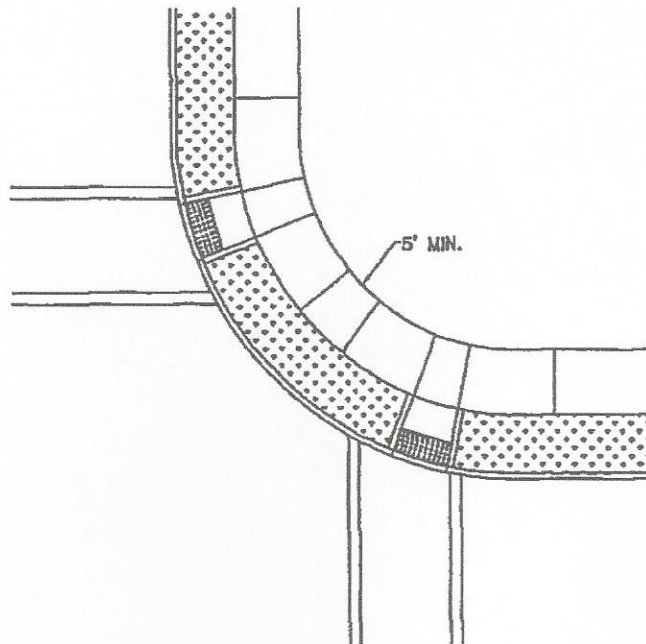
25 OR 30-FOOT RADIUS
PARALLEL RAMPS, ONE SHARED LANDING
N.T.S
(ALIGNMENT ALLOWED IF APPROVED BY
ENGINEERING DIVISION GIVEN CONSTRAINTS
ON SITE)



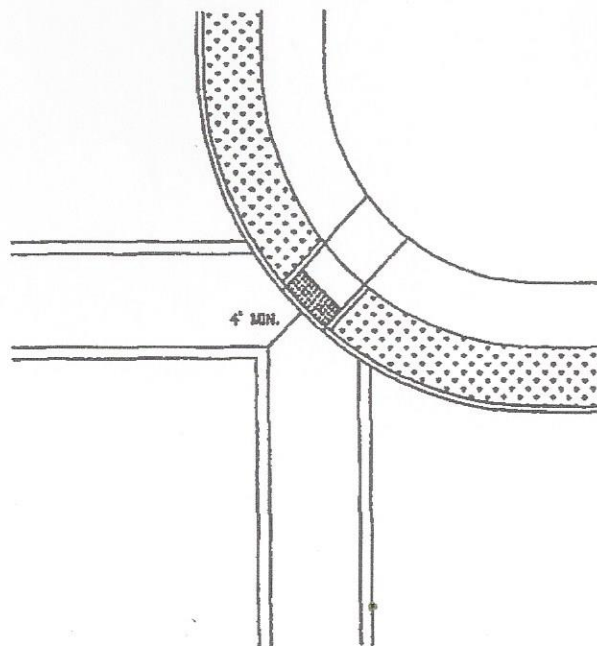
APPENDIX I

(PAGE 3 OF 3)

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

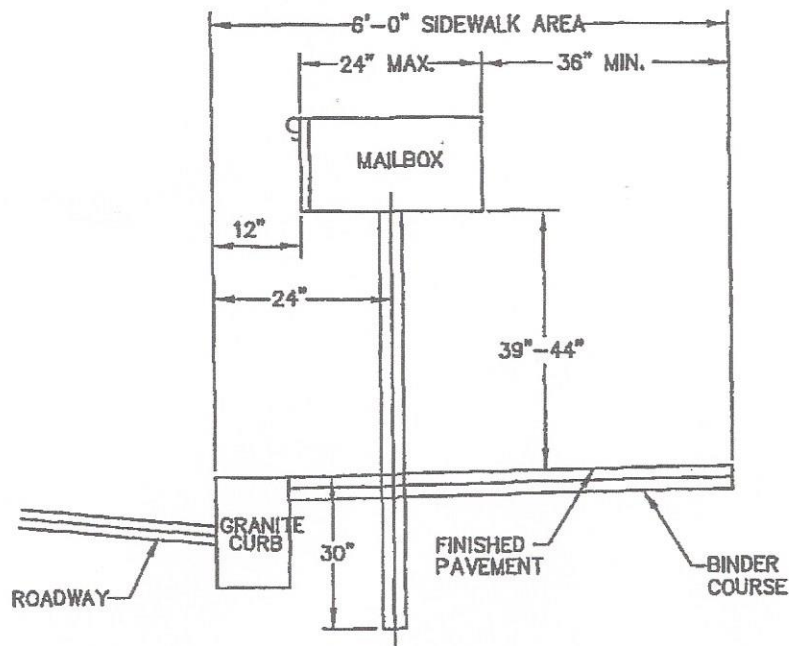


25 OR 30-FOOT RADIUS
ONE PERPENDICULAR CURB RAMP
N.T.S.
(ALIGNMENT ALLOWED IF APPROVED
BY ENGINEERING DIVISION GIVEN
CONSTRAINTS ON SITE)



APPENDIX J

NOTE: MAILBOX POST TO BE SET PRIOR TO
PLACEMENT OF HMA



Note:

1) All details are subject to change without notice.
Check with the City of Marlborough's Department of
Public Works prior to using these details for the most
up to date revisions.

PROPOSED MAILBOX

N.T.S.

MAILBOX INSTALLATION
TYPICAL SECTION

APPENDIX K

SUBDIVISION REGULATIONS FEE SCHEDULE

The Planning Board shall require fees for all submissions, reviews, approvals, changes, and requests as listed below. Said fees shall be as adopted by the Board and according to the Schedule of Fees posted in [DPW – Engineering Division](#) 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.

[Filing fee shall consist of a fixed application fee plus any supplemental fee listed below.](#)

INFORMAL DISCUSSIONS

No fee required.

APPROVAL NOT REQUIRED (ANR PLAN)

Application Fee:	\$100.00
Supplemental Fee:	\$ 50.00 for each lot altered \$ 50.00 for each lot created
Mailing Deposit Fee:	Equal to the then in force rate for first class mail, for each property owner, for properties in whole or in part, within 100 feet of the lots shown on the proposed ANR Plan.

To be paid at the time of plan submission.

PRELIMINARY SUBDIVISION PLAN

Application Fee:	\$400.00
Supplemental Fee:	\$ 2.00 per linear foot of proposed roadway
Mailing Deposit Fee:	Equal to the then in force rate for first class mail, for each property owner, for properties in whole or in part, within 100 feet of the lots shown on the proposed Preliminary Plan.

To be paid at the time of plan submission.

DEFINITIVE SUBDIVISION PLAN

Application Fee:	\$1,000.00
Supplemental Fee:	\$ 3.00 per linear foot of proposed roadway
Preliminary Plan Credit:	less 80% of Application Fee and Supplemental Fee
Public Hearing Deposit Fee:	The cost of advertising will be billed directly to the applicant.
Mailing Deposit Fee:	Equal to the then in force rate for first class mail, for each property owner, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

To be paid at the time of plan submission.

CHANGES TO A SUBDIVISION PLAN SUBSEQUENT TO APPROVAL

Application Fee:	\$400.00
Public Hearing Deposit Fee:	The cost of advertising will be billed directly to the applicant.
Mailing Deposit Fee:	Equal to the then in force rate for first class mail, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

To be paid at the time of plan submission.

LIMITED DEVELOPMENT SUBDIVISION

Application Fee:	\$500.00
Supplemental Fee:	\$ 50.00 for each lot proposed
Mailing Deposit Fee:	Equal to the then in force rate for first class mail, for properties in whole or in part, within 100 feet of the lots shown on the proposed Preliminary Plan.

To be paid at the time of plan submission.

OPEN SPACE DEVELOPMENT

Step 1 - Concept Plan

Application Fee:	\$400.00
Public Hearing Deposit Fee:	The cost of advertising will be billed directly to the applicant.
Mailing Deposit Fee:	Equal to the then in force rate for first class mail, for properties in whole or in part, within 100 feet of the lots shown on the proposed Open Space Development.

To be paid at the time of plan submission.

Step 2 – Open Space Development Plan

Application Fee:	\$1,000.00
Supplemental Fee:	\$3.00 per linear foot of proposed roadway
Public Hearing Deposit Fee:	The cost of advertising will be billed directly to the applicant.
Mailing Deposit Fee:	Equal to the then in force rate for first class mail, for properties in whole or in part, within 500 feet of the lots shown on the proposed Open Space Development.

To be paid at the time of plan submission.

COMPLETION DATE EXTENSION

Application Fee: \$200.00

To be paid at the time of plan submission.

SCENIC ROAD REQUEST

Application Fee: \$ 50.00

Public Hearing Deposit Fee: The cost of advertising will be billed directly to the applicant.

Mailing Deposit Fee: Equal to the then in force rate for first class mail, for properties in whole or in part, within 100 feet of the proposed work.

To be paid at the time of plan submission.

SIGN VARIANCE REQUEST

Application Fee: \$50.00

To be paid at the time of plan submission.

SPECIAL STUDIES BY CONSULTANTS

All expenses in connection with any special consultant's studies, (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 paid in the form of a check payable to the City of Marlborough.

Signed: _____

Barbara L. Fenby, Chairperson

MARLBOROUGH CITY PLANNING BOARD

FORM L

PLANNING BOARD APPLICATION – PRESENTATION PERMISSION FORM

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

Marlborough, Massachusetts

(Date)

To the Marlborough Planning Board:

I the undersigned, Applicant/Presenter have been given permission by the following property owners to present to the Marlborough Planning Board, the following submittal(s) for their consideration:

For a special permit:

☐ Preliminary Open Space Development Plan

☐ Preliminary Limited Development Subdivision Plan (LDS)

For endorsement/approval:

☐ Approval Not Required (ANR) ☐ (LDS)

☐ Preliminary Subdivision Plan

☐ Open Space Development Plan

☐ Definitive Subdivision Plan

1. Name of Applicant/Presenter: _____

Address _____

Email _____ Telephone _____

Signature: _____

2. Plan Description: _____

3. Property Description:

Map: _____ Parcel: _____

Owner: _____

PRINT

Deed Reference: _____

Signature: _____

Date: _____

Map: _____ Parcel: _____

Owner: _____

PRINT

Deed Reference: _____

Signature: _____

Date: _____

FORM L

PLANNING BOARD APPLICATION – PRESENTATION PERMISSION FORM

Map: _____ Parcel: _____

Owner: _____
PRINT

Deed Reference: _____

Signature: _____

Date: _____

Map: _____ Parcel: _____

Owner: _____
PRINT

Deed Reference: _____

Signature: _____

Date: _____



RESERVED FOR OFFICIAL USE



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

Chapter A676

SUBDIVISION REGULATIONS

[HISTORY: Adopted by the Planning Board of the City of Marlborough 6-25-1970; as amended through ~~June 1, 2015~~ September 2021 (Ch. A203 of the 1986 Code). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Department of Public Works — See Ch. 7, Art. IV.

Planning Board — See Ch. 19, Art. I.

Building and site development — See Ch. 270.

Stormwater Management – See Ch. 271~~71~~

Fire hydrants — See Ch. 333.

~~Limited Development Subdivisions – See Ch. 650-30.~~

~~Open Space Development – See Ch. 650-28.~~

Poles, wires, and conduits — See Ch. 473.

Sewers — See Ch. 510.

Sewers; Storm – See Ch. 511.

Soil removal — See Ch. 534.

Solid waste — See Ch. 540.

Streets and sidewalks — See Ch. 551.

~~Stormwater Management – See Ch. 271.~~

Water — See Ch. 608.

Wetlands — See Ch. 627.

Zoning — See Ch. 650.

- Limited Development Subdivisions – See Ch. 650-30.
 - Open Space Development – See Ch. 650-28.
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Article I

General Provisions

§ A676-1 Authority.

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

The current version of the Planning Board Rules and Regulations were adopted by the Marlborough Planning Board on _____ and have been recorded at the South Middlesex Registry of Deeds, Book _____ Pages _____. A copy of the current version of the Planning Board Rules and Regulations are available at the Marlborough City Clerk's Office and the City Engineer's Office or may be obtained on the City of Marlborough's website: www.marlborough-ma.gov.

Article II

Definitions; Applicability

§ A676-2 Definitions.

As used in these Rules and Regulations~~this chapter~~, the following terms shall have the meanings indicated, the word "shall" is intended to be mandatory, the word "may" is merely permissive, the singular includes the plural, the plural includes the singular, and the present tense includes the future and other words and phrases have the following meanings:

AGENT

A person other than the owner who is authorized to speak and act on behalf of the owner.

APPLICANT

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

BOARD

The Planning Board of the City of Marlborough.

CALIPER

The diameter of a tree purchased at a nursery measured 12 inches above the root ball.

DIAMETER BREAST HEIGHT (DBH)

The diameter of an existing tree measured 4 ½ feet above the highest existing grade at the base of the tree.

DEVELOPER

The person who oversees the installation of utilities and the construction of the roadway and the person who is ultimately responsible for all obligations under the subdivision rules and regulations for completing the proposed subdivision and proposed utilities and roadway.

GENERAL LAWS

(Abbreviated MGL.) The General Laws of Massachusetts. In case of rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections of the new codification.

LANE

A secondary street which serves as access to no more than eight potential dwelling units, has lot frontages averaging 150 feet or more, and is incapable of extension.

LOT

An area of land in one ownership, with definite boundaries ascertainable or to be ascertainable of record and used or set aside and available for use as the site of one or more buildings and buildings accessory.

MUNICIPAL SERVICES

Sewers, surface water drains, water pipes, and their respective appurtenances.

OWNER

As applied to real estate, the person or persons holding the ultimate fee-simple title to a parcel, tract, or lot of land, as shown by the record in the appropriate Land Registration Office. Registry of Deeds or Registry of Probate. All legal actions and dealing must be made with the owner(s).

PLAN or DEFINITIVE PLAN

The plan of a subdivision as submitted (with appropriate application) to the Board for approval, to be recorded in the Registry of Deeds and/or Land Court when approved by the Board, and such plan when approved and recorded, all as distinguished from a preliminary plan.

PRELIMINARY PLAN

A plan of a proposed subdivision or a resubdivision of land prepared in accord with Article III to facilitate proper preparation of a definitive plan.

PRESENTER

The person who formally appears before the Planning Board with an item for consideration.

ROADWAY

That portion of a way which is designed and prepared for vehicular travel.

STREET, SECONDARY

A street which in the opinion of the Board is being used or will be used primarily to provide access to abutting lots.

STREET, MAJOR

A street which in the opinion of the Board is being used or will be used as a thoroughfare between different portions of the City of Marlborough or which will otherwise carry a heavy volume of traffic.

SUBDIVISION

- A. Subdivision shall mean the division of a tract of land into two or more lots and shall include resubdivision and, when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if at the time when it is made every lot within the tract so divided has frontage on: a) a public way or a way which the Clerk of the City certifies is maintained and used as a public way; or b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or c) a way in existence when the Subdivision Control Law became effective in the city in which the land lies, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance, if any, of said city for erection of a building on such lot.
- B. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the city in which the land lies into separate lots on each of which one of such building remains standing, shall not constitute a subdivision.

TREE, SHADE

Any tree which casts a shadow large enough for an individual to enjoy passive recreation while being protected from the effects of the sun or, in the opinion of the Tree Warden, will cast such a shadow when mature.

TREE, STREET

Any existing tree located within 15 feet from the edge of the roadway layout that casts a shadow upon the sidewalk area or a tree planted in the required landscape easement that will, in the opinion of the Tree Warden, casts a shadow on the sidewalk area when mature.

WAY

The entire width of the layout.

~~§ A676-3 Plan believed not to require approval.~~

~~A. — Submission of plan.~~

- ~~(1) — Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and application Form A (see Appendix A) to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval.~~

~~For the purpose of establishing the official submission date, said submission shall be made to the Planning Board at a regularly scheduled meeting of the Planning Board. The Planning Board requests the applicant to arrange for the Engineering Department to review the plans prior to said submission to the Planning Board as outlined above. Said person shall also file, by delivery or registered mail, a notice with the City Clerk stating the date of submission for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the City Clerk shall, if required, give a written receipt therefor.~~

~~(2) — Said plan shall contain the following information:~~

~~(a) Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan.~~

~~(b) In the case of the creation of a new lot, remaining frontage shall be shown.~~

~~(c) Plan shall contain statement "Approval under the Subdivision Control Law Not Required" and provide space for date and signature by the Board.~~

~~(d) Notice of any decisions by the Zoning Board of Appeals.~~

~~(e) Location of all buildings.~~

~~B. — Endorsement of plan not requiring approval. If the Planning Board determines that the plan does not require approval, it shall, without a public hearing and without unnecessary delay, endorse the plan under the words "Approval under the Subdivision Control Law Not Required." The plan will be returned to the applicant, and the Planning Board shall notify the City Clerk in writing of its action.~~

~~C. — Determination that plan requires approval. If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it will so inform, in writing, the applicant and return the plan. The Planning Board will also notify the City Clerk, in writing, of its action.~~

~~D. — Failure of Board to act. If the Planning Board fails to act upon a plan submitted under this section or fails to notify the Clerk of the City and the person submitting the plan of its action within 14 days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the City Clerk shall issue a certificate to the same effect.~~

~~§ A676-4 Definitive plan required.~~

~~No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the City, or proceed with the improvement for sale of lots in a subdivision or the construction of ways or preparation therefor or the installation of utilities and municipal services therein, unless and until a definitive plan of such subdivision has been submitted and approved by the Planning Board as hereinafter provided.~~

~~§ A676-5 One single-family dwelling on a lot.~~

~~Not more than one single-family dwelling designed or available for use as such shall be erected or placed or converted to use as such on any lots in a subdivision without the consent of the Planning Board. Such~~

consent may be conditional upon the providing of adequate ways furnishing access to each such building and adequate improvements in the same manner as otherwise required for lots within a subdivision.

~~§ A676-6 Planned unit development application.~~

~~A plan submitted under the planned unit development provisions of the Marlborough Zoning Ordinance shall comply with all procedures contained herein for the submission of a definitive plan, and all design and construction specifications shall apply to all interior streets (considered secondary streets unless otherwise designated by the Planning Board), public walkways (sidewalks) and parking areas, the latter to be constructed to the same construction specifications as a street.~~

~~§ A676-7 Adequate access.~~

~~A. General.~~

- ~~(1) — No plan shall be endorsed as not requiring approval under the Subdivision Control Law and no subdivision plan shall be approved unless each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, MGL c. 41, §§ 81K through 81GG.~~
- ~~(2) — In circumstances where adequate access does not exist, in the opinion of the Planning Board, to a proposed building lot(s) said not to require approval, the Board shall require the filing of a subdivision plan and may impose obligations on the developer to ensure that said access is made sufficient to serve the potential needs of said lot.~~

~~B. Standards of adequacy.~~

- ~~(1) — Streets within a subdivision. Streets within a subdivision shall be considered to provide adequate access if and only if complying with the standards established in this section.~~
- ~~(2) — Ways abutting, serving, or leading to a subdivision. Ways outside a subdivision and providing access to the streets within a subdivision, or providing access to lots said not to be within a subdivision, shall normally be considered adequate only if there is assurance that, prior to construction on any lots, access will be in compliance with the following:~~

Development Potentially Served			
Minimum Right-of-Way width	Minimum travelled width	Units	200 feet
	Minimum Site distance	N/A	12%
	Maximum grade	3 inches bituminous concrete	9 to 49 Dwelling Units
Surface Type	8 or Fewer Dwelling	22 feet	

N/A	200 feet	Industry	32 feet
	11%	N/A	400 feet
3 inches bituminous concrete			9%
26 feet	50 or More Dwelling Units or Business	3 inches bituminous concrete	

C. Obligations.

(1) ~~The Board may require, as a condition of its approval of a subdivision plan, that the developer dedicate or acquire and dedicate a strip of land for the purpose of widening accessways to a width as required in Subsection B above, and that the applicant either make physical improvements within such way or compensate the City for the cost of such improvements in order to meet the standards specified in Subsection B above.~~

(2) ~~In circumstances where a way is not considered sufficient to serve the potential needs of a lot shown on a plan said not to require approval, the Planning Board shall not endorse said plan and shall instead require the filing of a subdivision plan and shall impose appropriate obligations as noted above.~~

D. ~~Waivers. The Board may waive strict compliance with these requirements only upon its determination following consultation with the City Engineer, City Planner, Police Chief, Fire Chief and Mayor that the way in fact will be sufficient to serve the needs for access and utilities to serve potential needs of land abutting on or served by the way in question.~~

~~§ A676-8 Fees and expenses. To reimburse the City for the cost of plan processing and review, legal advertising, inspection and other costs, fees as specified in Appendix K shall be tendered to the City by the applicant. Said fees shall be tendered at the time of application together with the application (Form A, B or C) and shall constitute a part thereof, and at other times as specified in Appendix K.~~

Article III

Submission and Approval of Plans

§ A676-3 Plan believed not to require approval (ANR Plan).

A. Submission of plan.

- (1) Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan and who believes that ~~his~~their plan does not require approval under the Subdivision Control Law may submit two single matte three mil mylar copies of the~~their~~his plan and nine copies thereof, dark line on white background. ~~and with~~ application Form A (see Appendix A) and all applicable fees (see Appendix K), to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. An electronic copy of their plan shall also be submitted to the City Engineer's Office, in a format acceptable to the City Engineer. For the purpose of establishing the official submission date, said submission date shall

~~be the date the plan was presented shall be made~~ to the Planning Board at a regularly scheduled meeting of the Planning Board. The Planning Board ~~suggests requests~~ the applicant ~~meet with to~~ ~~arrange for~~ the Engineering Department to review the plans ~~and forms for format and~~ ~~completeness~~ prior to said submission to the Planning Board as outlined above. Said person shall also file, by delivery or registered mail, a notice with the City Clerk stating the date of submission for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the City Clerk shall, if required, give a written receipt therefor.

(2) Said plan shall contain the following information:

(a) Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan.

(b) In the case of the creation of a new lot, remaining frontage shall be shown.

(c) Plan shall contain statement "Approval under the Subdivision Control Law Not Required" and provide space for date and signature by the Board.

(d) Notice of any decisions by the Zoning Board of Appeals.

(e) Location of all buildings.

B. Endorsement of plan not requiring approval. If the Planning Board determines that the plan does not require approval, it shall, without a public hearing and without unnecessary delay, endorse the plan under the words "Approval under the Subdivision Control Law Not Required." ~~One endorsed copy of the plan or plan set will be returned to the applicant. The other mylar copy of the plan or plan set will be retained by the Department of Public Works – Engineering Division. The plan will be returned to the applicant,~~ and the Planning Board shall notify the City Clerk in writing of its action.

C. Determination that plan requires approval. If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it will so inform, in writing, the applicant and return the plan. The Planning Board will also notify the City Clerk, in writing, of its action.

D. Failure of Board to act. If the Planning Board fails to act upon a plan submitted under this section or fails to notify the Clerk of the City and the person submitting the plan of its action within ~~14~~21 days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the City Clerk shall issue a certificate to the same effect.

§ A676-4 Definitive plan required.

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the City, or proceed with the improvement for sale of lots in a subdivision or the construction of ways or preparation therefor or the installation of utilities and municipal services therein, unless and until a definitive plan of such subdivision has been submitted and approved by the Planning Board as hereinafter provided.

§ A676-5 ~~One single-family dwelling on a lot~~Reserved.

~~Not more than one single family dwelling designed or available for use as such shall be erected or placed or converted to use as such on any lots in a subdivision without the consent of the Planning Board. Such consent may be conditional upon the providing of adequate ways furnishing access to each such building and adequate improvements in the same manner as otherwise required for lots within a subdivision.~~

§ A676-6 ~~Planned unit development application~~Reserved.

~~A plan submitted under the planned unit development provisions of the Marlborough Zoning Ordinance shall comply with all procedures contained herein for the submission of a definitive plan, and all design and construction specifications shall apply to all interior streets (considered secondary streets unless otherwise designated by the Planning Board), public walkways (sidewalks) and parking areas, the latter to be constructed to the same construction specifications as a street.~~

§ A676-7 Adequate access.

A. General.

- (1) No plan shall be endorsed as not requiring approval under the Subdivision Control Law and no subdivision plan shall be approved unless each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, MGL c. 41, §§ 81K through 81GG.
- (2) In circumstances where adequate access does not exist, in the opinion of the Planning Board, to a proposed building lot(s) said not to require approval, the Board shall require the filing of a subdivision plan and may impose obligations on the developer to ensure that said access is made sufficient to serve the potential needs of said lot.
- (3) Easement vs fee interest. All land required for access to a subdivision and all proposed lots depicted on the Definitive Subdivision Plan, must be held in fee by the Owner(s) ~~Applicant~~.

B. Standards of adequacy.

- (1) Streets within a subdivision. Streets within a subdivision shall be considered to provide adequate access if and only if complying with the standards established in this section.
- (2) Ways abutting, serving, or leading to a subdivision. Ways outside a subdivision and providing access to the streets within a subdivision, or providing access to lots said not to be within a subdivision, shall normally be considered adequate only if there is assurance that, prior to construction on any lots, access will be in substantial compliance with the following for a length along the existing roadway to be determined by the Planning Board:

Development Potentially Served

Existing Roadway
Conditions

<= 8 Dwelling Units

9 to 49 Dwelling Units

>= 50 Dwelling Units

or

Business & Industry

<u>Minimum Right-of Way width</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Surface Type</u>	<u>3 inches bituminous concrete</u>	<u>3 inches bituminous concrete</u>	<u>3 inches bituminous concrete</u>
<u>Minimum travelled width</u>	<u>22 feet</u>	<u>26 feet</u>	<u>32 feet</u>
<u>Minimum sight distance</u>	<u>200 feet</u>	<u>200 feet</u>	<u>400 feet</u>
<u>Maximum grade</u>	<u>12%</u>	<u>11%</u>	<u>9%</u>

~~Development Potentially Served~~

	8 or Fewer Dwelling Units	9 to 49 Dwelling Units	50 or More Dwelling Units or Business Industry
Minimum Right-of Way width	N/A	N/A	N/A
Surface Type	3 inches bituminous concrete	3 inches bituminous concrete	3 inches bituminous concrete
Minimum travelled width	22 feet	26 feet	32 feet
Minimum Site distance	200 feet	200 feet	400 feet
Maximum grade	12%	11%	9%

C. Obligations.

- (1) The Board may require, as a condition of its approval of a subdivision plan, that the developer dedicate or acquire and dedicate a strip of land for the purpose of widening accessways to a width as required in Subsection B above, and that the applicant either make physical improvements within such way or compensate the City for the cost of such improvements in order to meet the standards specified in Subsection B above.
- (2) In circumstances where a way is not considered sufficient to serve the potential needs of a lot shown on a plan said not to require approval, the Planning Board shall not endorse said plan and shall instead require the filing of a subdivision plan and shall impose appropriate obligations as noted above.

- D. Waivers. The Board may waive strict compliance with these requirements only upon its determination following consultation with the City Engineer, City Planner, Police Chief, Fire Chief and Mayor that the way in fact will be sufficient to serve the needs for access and utilities to serve potential needs of land abutting on or served by the way in question.

§ A676-8 Fees and expenses. To reimburse the City for the cost of plan processing, ~~and~~ review, ~~legal advertising, inspection~~ and other costs, fees as specified in Appendix K shall be tendered to the City by the applicant. Said fees shall be tendered at the time of application together with the application (Form A, B or C) and shall constitute a part thereof, and at other times as specified in Appendix K.

§ A676-9 Preliminary plan.

A. General.

- (1) A preliminary plan of a subdivision may be submitted by the subdivider to the Planning Board and to the Board of Health for discussion and approval, modification, or disapproval, by each board. The submission of such a preliminary plan, which is not a binding commitment, will enable the subdivider, the Planning Board, the Board of Health, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in each case. An electronic copy of the plan shall also be submitted to the City Engineer's Office in a format acceptable to the City Engineer. For the purpose of establishing the official submission date, said submission date shall be the date the plan was presented~~shall be made~~ to the Planning Board at a regularly scheduled meeting of the Planning Board.
- (2) A properly executed application Form B (see Appendix B) shall be filed with the preliminary plan submitted to the Planning Board along with all applicable fees (see Appendix K). The applicant shall also file by delivery or registered mail a notice with the City Clerk stating the date of submission for such approval of a preliminary plan and accompanied by a copy of the completed application Form B.

- B. Contents. The preliminary plan shall be drawn ~~on with pencil~~ at a suitable scale, preferably 40 feet to the inch, and five full size prints of it shall be filed with the Planning Board along with eight half scale prints for Planning Board members and one print shall be filed with the Board of Health ~~at City Hall~~. The plan shall be designated as a "preliminary plan," and to form a clear basis for discussion of the problems of the subdivision and for preparation of the definitive plan, the plan should contain the following:

- (1) Major features of the land such as existing walls, fences, buildings, large trees ~~12 inches in diameter or greater @DBH~~, wooded areas, outcroppings, ditches, the subdivision name, boundaries, North point, date, scale, legend, and title "preliminary plan."
- (2) The names of the record owner of the land and the applicant or subdivider and the name of the designer, engineer or surveyor who made the plan.

- (3) The names of all property owners within 100 feet of the subject property~~abutters~~, as determined from the most recent local tax list.
- (4) The existing and proposed lines of streets, ways, easements, and any public areas within the subdivision, in a general manner.
- (5) The proposed system of drainage, including adjacent existing natural waterways, in a general manner.
- (6) The approximate boundary lines of proposed lots, with approximate areas and dimensions.
- (7) The names, approximate location, and widths of adjacent streets.
- (8) The topography of the land with a maximum contour interval of two feet~~two-foot contour interval~~ based on the U.S. Coast and Geodetic NAVD-4988+929 Datum. The origin of said topography shall be noted on the plan.
- (9) The profiles of existing grades and approximate proposed finished grades of the roadway drain and sewer utilities.
- (10) The water distribution system.
- (11) Comparative impact analysis. A comparative impact analysis shall be submitted for any subdivision creating frontage potentially allowing 10 or more dwelling units and in other cases where the Board determines it appropriate in light of special circumstances. If a preliminary plan is filed, the analysis shall be submitted during the preliminary plan process. If a preliminary plan is not filed, the analysis shall be filed during the definitive plan process.
 - (a) Alternatives. The analysis shall include a minimum of two layouts, which shall be considered as alternatives. The alternative layouts shall be substantially different, practical and conform to the requirements for a preliminary plan or a definitive plan, if applicable. If the Zoning Ordinance allows flexibility in lot area or dimensions, then one of the development alternatives shall attempt to optimize the intent of said flexibility as stated in the Zoning Ordinance.
 - (b) Scope. The scope of such analysis, including development alternatives to be compared and consequences to be studied, shall be proposed by the applicant for review and approval by the Planning Board. The applicant shall consult with the City Engineer, City Planner and Conservation Officer, and other city departments or agencies that the Planning Board deems necessary regarding the scope, and said officials shall submit their recommendations regarding the scope to the Planning Board. After due consideration of said recommendations, the Planning Board may waive any or all the requirements for an analysis only when it is found that no useful purpose would be served thereby, as when the characteristics of the site preclude substantially different layouts, or when the applicant has provided assurance that the Planning Board's stated concerns will be met. The Planning Board may issue guidelines for the preparation of an analysis, including types of technical data that will be accepted.
 - (c) Mitigation. Possible measures for mitigation shall be outlined with the preliminary plan if the analysis is submitted during the preliminary plan. However, specific measures for mitigation do not have to be proposed until the definitive plan.
 - (d) Differences. The analysis shall indicate differences between the alternatives regarding the following, unless requested otherwise by the Planning Board:

- [1] Groundwater and surface water. Impact upon groundwater and surface water quality and level, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer and other activities within the development^{2.5}
 - [2] Wildlife and botanical features. Material effects upon important wildlife habitats, and outstanding botanical features, including wildlife corridors, and relationships to and through adjacent properties^{2.5}
 - [3] Soil and vegetation. Capability of soils, vegetative cover and proposed erosion control efforts to support proposed development without danger of erosion, silting or other instability^{2.5}
 - [4] Public water supply and sewerage. Impact upon City water supply and sewerage systems as existing or proposed to be improved by the developer^{2.5}
 - [5] Streets and traffic. Ability of streets providing access to the subdivision to safely provide such access, including measurement of sight distance at each intersection with proposed streets, impact of development traffic on the traffic level of service, gap acceptance analysis, and analysis of hazards owing to the limited sight distances, alignment or other characteristics of access roads^{2.5} and
 - [6] Recreation, open space and scenic values. Difference in potential recreation for residents of the site and general public. Impact upon open space preservation and values, including trail connections and scenic views from outside and inside the site and across the site.
- (e) Decision. The Planning Board shall determine and indicate to the applicant which layout is preferred during the preliminary plan process or, alternatively, the Board may defer its determination until the definitive plan process when further information may be submitted or required.
- C. Approval. The Planning Board, preferably with the advice of the Board of Health, may give such preliminary plan approval, with or without modification or suggestion. Such approval does not constitute approval of the subdivision but facilitates the procedures for preparing and securing final approval of the definitive plan. One copy of the preliminary plan will be returned to the subdivider.

§ A676-10 Definitive plan.

- A. General. Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:
- (1) An original drawing of the definitive plan, and twelve ~~eight~~ copies thereof, dark line on white background. The original drawing will be returned after approval or disapproval.
 - (2) A properly executed application Form C (see Appendix C) and Petition for Approval of Final Plan, Form D (see Appendix D), along with all applicable fees (see Appendix K), including the name of the record owner of the land and the time within which the subdivider or applicant agrees to complete the ways and install the public utilities in the subdivision, and approval of all plans shall be upon the condition that all ways shown thereon and public utilities required by the Board shall be completed and installed within the time so specified. The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within two years of the date of approval of his definitive plan. If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so

agreed to by the applicant or so required by the Board, no such way shall thereafter be laid out, constructed, completed or opened for public use unless and until an extension request of the approval of the Definitive Subdivision Plan ~~a new application~~ is filed with and approved by the Board. Any surety securing the completion of the subdivision must be extended to run concurrently with the extension of the Definitive Subdivision Plan approval. Ways not completed or portions thereof when the approval of the Definitive Subdivision Plan has expired ~~within two years from the date of approval by the Board~~ shall thereafter be completed in accordance with the then-in-force construction standards of the Planning Board and the Department of Public Works of the City of Marlborough.

- (3) For the purpose of establishing the official submission date, said submission date shall be the date the plan was presented to the Planning Board at a regularly scheduled meeting of the Planning Board. ~~(Reserved)~~
- (4) Comparative impact analysis. Submit all information required under §-A676-10B(11) if a preliminary plan has not been filed. The applicant is encouraged to prepare and submit a preliminary plan including the comparative impact analysis during the preliminary plan process instead of the definitive plan process. If the analysis was submitted at the preliminary plan stage, the Planning Board may require the applicant, or the applicant may submit on his own initiative, further information on said analysis which is necessary for purposes of reaching a determination as to the impact of the proposal and the selection of the preferred alternative layout by the Planning Board.

B. Contents.

- (1) The definitive plan shall be prepared by a professional engineer and a professional ~~and/or~~ land surveyor registered in Massachusetts and shall be clearly and legibly drawn in black ~~India~~ ~~ink~~ ~~upon tracing cloth or~~ single matte three mil- mylar. The plan shall be at a scale of one inch equals 40 feet, or such other scale as the Planning Board may accept to show details clearly and adequately, and shall include plans and profiles of each individual street at a scale of one inch equals 40 feet horizontal and one inch equals four feet vertical. All elevations shall refer to the U.S. Coast and Geodetic ~~USGS~~ NAVD-1988 ~~1929~~ Datum. Sheet sizes shall be 24 inches by 36 inches including a one-inch border. There shall be an index sheet at a scale of one ~~-~~ inch equals 100 feet, showing the entire subdivision and adjacent streets and dimensions of the lots and streets and lot numbers.

At least one of the 24"x36" prints shall have the significant features illustrated according to the following color scheme, and shall be used for presentation purposes:

Feature	Identifying Color	Line type
Roads	Dark Gray	Solid
Streams and water bodies	Blue	Solid
Wetlands	Green	Solid
100-year floodplains	Orange	Solid
Dedicated open space and recreation areas	Light Green	Dashed
Pedestrian and bicycle paths	Brown	Solid
Subdivision and lot boundaries	Black	Solid
Utility Easements	Dark Grey	Dashed
Landscape Easements	Brown	Dashed

- (2) The definitive plan shall contain the following information:
- (a) A title stating the date, scale, bench-mark, North point, name and address of the record owner of the land, name and address of petitioner and of surveyor, name of proposed subdivision of land, if any, names of proposed streets and zoning classification and zoning district lines, if any, within the locus of the plan.
 - (b) Location and ownership of abutting property as it appears in the most recent tax list.
 - (c) Land abutting any limited access or controlled access highways shall show the words, "No Access," wherever applicable.
 - (d) Major features of the land, such as existing waterways, natural drainage courses, walls, fences, buildings, large trees – 12 inches in diameter or greater @DBH, wooded areas, outcroppings and ditches, that exist on or near the site at the time of survey, and the limits of any resource areas as defined under MGL c. 131, §§ 40 and 40A, as determined by a professional wetland consultant~~botanist~~.
 - (e) Lines of existing and proposed streets, ways, lots, easements and public or common areas within the subdivision. The proposed names of proposed streets shall be shown in pencil until they have been approved by the City Engineer.
 - (f) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. This shall include the lengths and bearings of plan and boundary lines of all subdivision lot lines, including lot frontage on the streets, or the boundary lines of all streets and easements, and the length, radii, agents and control angles of all curves in lot lines and street lines. All angle points or intersections of tangents along the street lines shall be shown. Areas of lots with lot numbers and areas of adjoining land of applicant not included in the subdivision will be shown.
 - (g) Location of all permanent monuments properly identified as to whether existing or proposed.
 - (h) Location, names and present widths of streets or private ways bounding, approaching or within reasonable proximity of the subdivision, showing both roadway widths and rights-of-way widths.
 - (i) Indication of all easements, covenants or restrictions applying to the land and their purposes, whether or not within the subdivision.
 - (j) If the property that comprises the subdivision or any part or boundary thereof has been examined, approved and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references to Land Court Procedure, and the same requirement shall apply to any adjoining parcels of land.
 - (k) Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board (or officially authorized person).
 - (l) Existing profiles on the exterior lines drawn in fine black line, dotted for left and dashed for right side, and proposed profile of the center line drawn in fine black solid line of proposed streets at a horizontal scale of one inch equals 40 feet and vertical scale of one inch equals four feet or such

scale acceptable to the Planning Board. At least two benchmarks are to be shown on plans and profiles, and grade elevations at every fifty-foot station, except in vertical curves, which shall be at every twenty-five-foot station. All existing and proposed intersections shall be shown with all proposed grade elevations calculated. Elevations shall refer to U.S. Coast and Geodetic NGVD NAVD 1988 datum-Datum only. Gradient shall be shown by figures expressed in percent.

- (m) Size and location of existing and proposed water supply (mains and their appurtenances); size and location of all underground conduit and appurtenances; hydrants, sewer pipes and their appurtenances and/or sewage disposal systems; streetlight locations; storm drains and their appurtenances, and easements pertinent thereto and dimensions of gutters, including data on springs and percolation tests made, and method of carrying water to nearest watercourse or easements for drainage as needed, whether or not within the subdivision. If surface water drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the petitioner or subdivider, the latter shall clearly indicate what course the discharge will take and shall present to the Board evidence from the Commissioner of Public Works or the owner of adjacent property that such discharge is permitted by public or private ownership of adjacent street or property.

- (n) Hydraulic and hydrologic calculations shall be prepared by a registered professional engineer in accordance with the requirements of the City Engineer.

A Stormwater Management Design Report showing that measures to mitigate stormwater impacts of the proposed subdivision have been designed, and that such measures meet the requirements set forth in the Stormwater Management Standards promulgated by the DEP under the Clean Water Act, M.G.L. c. 21, Sections 26-53 and its accompanying regulations 314 CMR 9.0 Water Quality Certification for Discharge of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters within the Commonwealth; and 310 CMR 10.0 Wetlands Protection Act Regulations.

An approved Stormwater Management Design Report shall be used to create a Stormwater Management Plan.

- (o) ~~Location and species of proposed trees and trees to be retained with trunks over four inches in diameter, measured 12 inches above the finished ground level, located within 20 feet of the street right of way line of existing or proposed streets~~All trees over 12 inches DBH within the subdivision shall be evaluated for health and structural integrity by a Certified Arborist hired by the Applicant and approved by the Planning Board.

A report, prepared by the Certified Arborist, shall be utilized by the design engineer to minimize the number of such trees that would be removed in order to facilitate the design of the subdivision. The report shall be presented to the Planning Board when the Definitive Subdivision Plan is presented to the Planning Board.

This information shall be used to create a Tree Preservation and Protection Plan.

- (p) Cross sections typical of each street or roadway to be constructed.
- (q) Location of proposed sidewalks.

(r) In tabular form, ~~as follows, for each~~ on the cover sheet of the subdivision plans, ~~as submitted~~ the following information in the format shown below:

~~{1} — The area which is being subdivided~~ on each sheet.

~~{2} — The total area of lots,~~ included on each sheet.

~~{3} — The area dedicated for street purposes,~~ drainage, sewer or utility and municipal easements, and on each sheet.

~~{4} — The areas reserved for parks, schools, etc.~~ on each sheet.

SUBDIVISION NAME: _____

~~SHEET NO.~~ _____

(1) Total area of original tract shown on this plan equals _____ square feet, _____ (acres).

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

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

(c) Area in easements equals _____ square feet.

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

Total area of subdivision equals _____ square feet, _____ (acres).

[Should equal (1) above.]

(2) Streets:

A Street Station ____ to station ____ equals _____ square feet.

B Street Station ____ to station ____ equals _____ square feet.

C Street Station ____ to station ____ equals _____ square feet.

Total area of streets equals _____ square feet.

[Should equal (1)(b) above.]

(3) Easements:

Water Station ____ to station ____ equals _____ square feet.

Sewer Station ____ to station ____ equals _____ square feet.

Drainage Station ____ to station ____ equals ____ square feet.

Flowage Station ____ to station ____ equals ____ square feet

Utility Station ____ to station ____ equals ____ square feet.

Landscape Station ____ to station ____ equals ____ square feet

Total area of easements equals ____ square feet.

[Should equal (1)(c) above.]

(4) Other Areas:

Park area (locate) ____ equals ____ square feet.

School area (locate) ____ equals ____ square feet.

Other (define and locate) ____ equals ____ square feet.

Total remaining area equals ____ square feet.

[Should equal (1)(d) above.]

(s) An Erosion Control Plan showing that construction erosion and sediment controls have been designed to ensure that no off-site impacts to abutting properties or wetland resource areas will result during construction of the project, and that such controls have been designed to the satisfaction of the City Engineer and, if applicable, the NPDES General Permit for Storm Water Discharges from Construction Activities and/or the Wetlands Protection Act.

(3) A grading plan with a maximum contour interval of two-feet~~two-foot contour intervals~~ depicting existing and proposed topographic conditions for the entire subdivision, including on- and off-site easements. Elevations on this plan shall refer to U.S. Coast and Geodetic NGVD~~NAVD 4988~~ Datum. The City shall not accept any design or layouts unless based on an actual on-the-ground survey.

(4) Written maintenance plan and monthly reports. A written maintenance plan for the subdivision rights-of-way, easements and roads for the time prior to acceptance by the City. The maintenance plan should include provision for the maintenance of road pavement, sidewalks, water and sanitary sewer, stormwater management, soil settling problems, street sweeping, snowplowing and clearing of snow from sidewalks and shared use paths, maintaining vegetative stabilization of all rights-of-way and easements, erosion controls, fall leaf clean up, catch basin cleaning and drainage system cleaning, watering and maintenance of street trees and other provisions as determined to be necessary by the Planning Board. A monthly maintenance report shall be

provided the City Engineer five business days prior to the last scheduled Planning Board meeting in each month. The report shall comment on all elements of the written maintenance plan and address all remedial actions.

- C. Review by Board of Health as to suitability of the land. At the time of filing of the definitive plan, the subdivider shall also file with the Board of Health two ~~copies~~~~contact prints~~ of the definitive plan, dark line on white background. The Board of Health shall, within 45 days after filing of the plan, report to the Planning Board in writing approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and where possible shall make recommendations for the adjustment thereof. Every lot shall be provided with a sewerage system or sewer connection satisfactory to the Board of Health and/or the Commissioner of Public Works.
- D. Review by other City officials.
- (1) The Clerk of the Planning Board will transmit copies of the definitive plan to City officials other than the Board of Health as follows:
 - (2) One copy each to the City Solicitor for review of easement and agreements, the Commissioner of Public Works, the City Engineer, the Fire-Chief, Conservation Officer, the Postmaster, Historical Commission-Chair, and other city departments or agencies that the Planning Board deems necessary~~the City Planner, the Fire Chief and the Conservation Officer.~~
 - (3) Before the definitive plan is approved, the Planning Board will obtain written statements from the above officials that the proposed improvements are laid out to their satisfaction in the following respects (or, if 35 days have elapsed since transmittal of the definitive plan by the Clerk of the Planning Board to the officials without such written approval, approval will be assumed):
 - (a) The City Engineer as to street names and the City Solicitor as to the form of easements, covenants and performance guarantees.
 - (b) The Commissioner of Public Works as to the design of the street system, location of easements, monuments and drainage system.
 - (c) The Commissioner of Public Works as to the design of the water system and, if applicable, the sewage system.
 - (d) ~~(Reserved)~~The Postmaster as to the location of the mailboxes.
 - (e) The Historical Commission as to Historic Cultural Assets, Sites, and Structures.
- E. Soil survey. Where appropriate, the Planning Board may require soil surveys to establish the suitability of the land for the proposed storm and sanitary drainage installations.
- F. Public hearing.

- (1) Before taking any action to approve, modify and approve, or disapprove a definitive plan, the Planning Board shall hold a hearing at which parties in interest shall have an opportunity to be heard, in person or by agent or attorney. Notice of the time and place of such hearing and the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the City once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing, or if there is no such newspaper in such City, then by posting such notice in a conspicuous place in the City Hall for a period of not less than 14 days before the day of such hearing. Notice shall also be provided to property owners within 500 feet of the subdivision.
- (2) The procedure that the Planning Board will follow with regards to approval, disapproval or modification of the final plan submitted by the petitioner will be that as set forth in MGL c. 41, § 81U, as amended. In summary, the Board, after receiving the final plan and profiles, will review the same to determine whether they are in compliance with its adopted rules and regulations, zoning ordinances, general ordinances, departmental regulations of the Commissioner of Public Works and the Board of Health, and other laws pertaining thereto.
- (3) Before final approval of the plan, the subdivider or petitioner shall comply with all reasonable regulations and rules of the Commissioner of Public Works and the Board of Health. Specific reference is made to the specifications for septic tanks which shall conform with the rules and regulations of the Board of Health.
- (4) Before final approval of the plan, the subdivider or petitioner shall see to it that lots in a definitive or final plan be in conformity with the existing zoning ordinances, and failure of the lots to so comply will be adequate grounds for disapproval of the final or definitive plan. See MGL c. 41, § 81Q, and amendments thereto. The Board may, as a condition of granting a permit under §-81Y, impose reasonable requirements designed to promote the health, convenience, safety and general welfare of the community and to benefit the City. In such event, the Board shall endorse such conditions on the plan to which they relate, or set forth a separate instrument attached thereto to which reference is made on such plan and which shall, for the purpose of the Subdivision Control Law, be deemed to be a part of the plan.
- (5) Before final approval of a definitive plan of subdivision, the subdivider shall submit a municipal lien certificate, indicating that all taxes, assessments, and charges have been paid in full.

G. Guarantees.

- (1) Performance guarantee. Before endorsement of the Board's approval of a definitive plan of subdivision, the subdivider shall agree to complete the required improvements specified in Article V for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods, which may from time to time be varied by the applicant with the written consent of the Planning Board.
- (+a) Approval with bonds or surety. The subdivider shall either file a proper bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Article V not covered by a covenant under Subsection G~~(2)~~ hereof. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the City Solicitor and as to sureties by the City Treasurer and shall be contingent on the completion of such improvements within two years of

the date of the bond. Once the bond or surety is in place, the lots for which legal frontage has been provided for may be released from the Covenant by the Planning Board upon request of the subdivider and building permits may be issued by Inspectional Services.

(2b) Approval with covenant.

~~(a1)~~ The subdivider shall file a covenant, executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby such ways and services as specified in Article V, not covered by bond or deposit under Subsection G~~(4)~~ hereof, shall be provided to serve any lot before such lot may be built upon or conveyed other than by mortgage deed.

~~(b2)~~ The developer shall also note on his definitive plan that any and all lots within the subdivision are subject to the restrictions of the covenant.

3. The developer may request a release of conditions for lots where the required improvements have been completed for that section of roadway beginning at any intersection with a City road and abutting lots up through the last lot to be released. Lots may only be released if they abut roadway the Planning Board deems functionally completed. In the absence of financial performance guarantees, adequate covenants will be held to ensure completion of the project, including record plans, street acceptance plans, site inspections, and legal work. In addition, a covenant on one lot which can be built on will be held until either a) the City has accepted all of the Definitive Plan's roadways as City streets, or b) said covenant has been exchanged in lieu of the cash value (as determined by the Planning Board) of the lot. Covenant shall be inscribed on the Definitive Plan or in a separate document referred to on the Plan and delivered to the Planning Board.

(2) Street acceptance guarantee. Before endorsement of the Board's approval of a definitive plan of subdivision, the subdivider shall file a covenant, executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby one buildable lot of the subdivider's choosing shall be retained and may not be built upon or conveyed in any means until after the subdivider has met all requirements of the City to complete the street acceptance process. This covenant is separate and different from those used to guarantee performance.

H. Establishment and Adjustment of bond or surety.

(1) Deeding of developer's legal interests to City at establishment. Immediately upon providing a bond or other security to construct an approved definitive subdivision plan, the developer shall deed to the City the subdivision road(s) as well as all municipal utility easements, if any. If any modifications to the approved definitive subdivision plan result in a re-location of any municipal utility, the developer shall, immediately upon installation of the re-located municipal utility, deed to the City the easement corresponding to the re-located municipal utility. The developer is also required to provide the City with a certificate of liability insurance, naming the City as an additional insured relative to the subdivision road(s) as well as all municipal utility easements, if any, to be deeded to the City.

(2) Adjustment at subdivider's request. -If the value of the work having been completed for construction of the subdivision is equal to or greater than 10% of the surety being held to complete the subdivision, the Developer may request that the~~The~~ penal sum of any such bond or the amount of any deposit held under Subsection G~~(4)~~ above may from time to time be reduced by the Planning Board and the obligations of the parties thereto released by said Board in whole or in part to a minimum of 10% of the total costs to complete the required improvements

specified in Article V. This minimum remaining 10% of bond or deposit shall be held by the City for one year after completion of construction and installation of services or until the streets are accepted by the City, whichever comes first. See Appendix K and Form H for fee structure and application form.

Similarly, the penal sum of any such bond or the amount of any deposit held under Subsection G(~~H~~) above may be increased by the Planning Board.

Any reduction ~~of or~~ increase hereunder shall be authorized pursuant to a recalculation to be done by the DPW's Engineering Division, of the amount then remaining in the applicable bond or deposit, said recalculation to be done on an annual basis for the costs of the work within a subdivision remaining to be completed. Said costs shall be the costs necessary to complete the required improvements as determined by the ~~DPE's~~ DPW - Engineering Division at the time of each such recalculation.

Should the Planning Board determine that the surety amount being held to complete the subdivision should change, the Planning Board shall notify the City Treasurer and the Developer of their decision. The Planning Board shall notify the surety of the Planning Board's actions and request an acknowledgement of the change in the amount of surety, if applicable.

(amended 5-1-15)

~~H¹/₄ — Deeding of developer's legal interests to City. Immediately upon providing a bond or other security to construct an approved definitive subdivision plan, the developer shall deed to the City the subdivision road(s) as well as all municipal utility easements, if any. If any modifications to the approved definitive subdivision plan result in a re-location of any municipal utility, the developer shall, immediately upon installation of the re-located municipal utility, deed to the City the easement corresponding to the re-located municipal utility. The developer is also required to provide the City with a certificate of liability insurance, naming the City as an additional insured relative to the subdivision road(s) as well as all municipal utility easements, if any, to be deeded to the City. (amended 5-1-15)~~

(3) Annual adjustment.

The costs of the remaining work necessary to complete the required improvements within a subdivision as determined by the DPW - Engineering Division shall be calculated annually by DPW's Engineering Division. They shall reflect the costs at the time of each recalculation.

Should the Planning Board determine that the surety amount being held to complete the subdivision should increase, the Planning Board shall notify the City Treasurer and the Developer of their decision. The Planning Board shall notify the surety of the Planning Board's actions and request an acknowledgement of the change in the amount of surety, if applicable.

~~H¹/₂~~(4). Adjustment for rRequired remedial action after lapse of time. If more than two years has elapsed from the time that the developer has installed the base course of the subdivision road pavement to the time that the developer has scheduled to pave~~installed~~ the top course., the planning Board may require that the developer take such remedial action as may be recommended to the Board by the DPW's Engineering Division, including but not limited to patching and crack sealing the pavement, or in more acute situations, reclaiming and~~the~~ reconstructing the subdivision road. The cost of any such remedial action would be added to the annual recalculation, ~~to be~~ done by the DPW's Engineering Division ~~pursuant to A676-10.0~~. If a developer fails to take remedial action

required by the Board, the Board is authorized to rescind or modify the definitive subdivision approval. ~~(amended 5-1-15)~~

- I. Release of performance guarantee upon completion of construction.
- (1) Upon the completion of all improvements required under Article V, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the applicant may send by registered mail, two copies to the City Clerk and one copy each to the DPW Commissioner, the City Engineer, the Board of Health, and the City Solicitor, a written statement in duplicate that the said construction ~~or~~ and installation of services in connection with which such bond, deposit or covenant has been given has been completed in accordance with the requirements contained under Article V. ~~such~~ Such statement ~~to~~ must contain the address of the applicant, ~~and~~ + The City Clerk shall forthwith furnish a copy of said statement to the Planning Board.

Within 15 days of receipt of such statement, the following shall respond regarding compliance with the Board's Subdivision Rules and Regulations in place at the time the Board approved the definitive subdivision plan and may also recommend the termination of the Maintenance Period:

- (a) The Commissioner of Public Works shall respond as to the construction of all ways, the installation of water, sewer, drainage utilities, and sidewalks, installation of monuments, street signs, lights, gutters, and curbs, required grading and lot drainage, and planting and whether the condition of the subdivision road(s) and subdivision infrastructure are acceptable.
- (b) The City Engineer shall respond as to the construction of the Stormwater Management facilities.
- (c) The Board of Health shall respond as to the installation of sewage disposal facilities, if applicable.
- (d) The City Solicitor shall respond as to receipt of executed deeds for the roadway layout and municipal easements and as to the Developer's Certificate of Title.

(2) After receiving favorable written statements of compliance from the DPW Commissioner, the City Engineer, the Board of Health and the City Solicitor, and, if the Planning Board determines that said construction and installation of services has been satisfactorily completed and the Maintenance Period may be terminated, it shall notify the:

- (a) Developer that they should petition the City Council for Acceptance of the streets and the associated municipal easements.
- (b) City Council, when requested, regarding its recommendation for Acceptance of the subdivision streets and the associated municipal easements including in such recommendation the expiration date of the developer's responsibility for maintenance of said way or portion thereof and that said way should be laid out as a public way with its maintenance the responsibility of the City.
- (c) City Treasurer, Surety, the Developer, and the City Clerk~~If the Planning Board determines that said construction or installation has been completed, it shall notify the City Treasurer in writing that it releases the interest of the City in such bond or deposit and that such bond or~~

deposit shall be returned to the person or persons who furnished the same, or in the case of covenant, it shall issue a written release of the covenant suitable for recording.

~~However, 10% of the total costs to complete the required improvements specified in Article V shall be held by the City for one year after completion of construction or until the streets are accepted by the City, whichever comes first. The total costs shall be those costs necessary to complete the required improvements at the time release is applied for.~~

~~(2) Release of performance guarantee. The Planning Board shall request the Commissioner of Public Works, approximately 60 days before the expiration of the year, to make an inspection of said street or way or portion thereof to determine whether or not defects have developed therein, and to make his recommendation to the Board as to whether or not it should recommend same to the City Council for the laying out of said street or way or portion thereof as a public way. Such recommendation may be in the affirmative if the Commissioner has determined that:~~

~~a) the subdivision road(s) and subdivision infrastructure were built in full compliance with the Board's Subdivision Rules and Regulations in place at the time the Board approved the definitive subdivision plan; and~~

~~b) the condition of the subdivision road(s) and subdivision infrastructure was acceptable at the end of the one-year maintenance period.~~

~~If the recommendation is in the affirmative, the Board shall so recommend to the City Council forthwith, including in such recommendation, notification that the year for which the developer is responsible for the maintenance of said way or portion thereof will expire on a certain date and said way should be laid out as a public way and the maintenance of same to become the responsibility of the City. (amended 5-1-15)~~

~~(3) Upon the expiration of the year for which the developer is responsible for maintenance of said way, and said developer has complied with all the requirements of the Planning Board Rules and Regulations in accordance with an inspection report of said way from the Commissioner of Public Works, and the Board has recommended to the City Council that said way should be laid out as a public way, any monies held by said Board for the maintenance of said way shall be returned forthwith to the developer.~~

~~(4) Prior to releasing the City's interest in a performance bond or deposit or covenant, the Planning Board shall receive from the applicant the following written statements of approval or 15 days shall elapse after the request for said approval without action:~~

~~(a) From the Commissioner of Public Works as to construction of all ways and sidewalks, installation of monuments, street signs, lights, gutters, and curbs, required grading and drainage, and planting and seeding.~~

~~(b) From the Board of Health as to the installation of sewage disposal facilities, if applicable, and adequate lot drainage.~~

~~(c) From the Commissioner of Public Works as to construction and installation of water and sewer facilities.~~

~~(53) If the Planning Board determines that said construction or and installation of services has not been completed or does not receive the above written statements of approval compliance recommending approval; or does not receive the deeds for all land and easements required have~~

not been given to the City, it shall specify to the applicant, in writing, by registered mail, the details wherein said construction and installation fail to comply with requirements contained under Article V within these Rules and Regulations.

The applicant shall have 30 days after receipt of such notice to correct all problems mentioned in the above or provide a detailed written plan of corrective action acceptable to the Planning Board. Failure of the applicant to finish all the necessary work within said 30 days shall cause the Planning Board to draw upon the bond or deposit of money to complete the work or make necessary repairs.

(4) In the event ~~Upon failure of~~ the Planning Board ~~does not make a determination regarding the status of construction and installation of services to act on such application~~ within 45 days after the receipt of the application by the City Clerk of the applicant's written statement, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty-five-day period expires without such specification or without the release and return of the deposit or release of the covenant as aforesaid, the City Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

(5) Notwithstanding anything above, in no instance shall bonding or covenants be released for the final road course and sidewalks until said work has withstood one full winter season. Partial or final release for this work may be requested of the Planning Board no sooner than April 1st of the calendar year subsequent to completion of way and walks.

J. Certificate of approval. The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the City Clerk and sent by delivery or registered mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action and shall rescind such disapproval when the plan has been amended to conform to the rules, regulations and recommendations of the Planning Board. Final approval, if granted, shall be subject to the construction specifications contained herein and shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board) but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the City Clerk and said Clerk has notified the Planning Board that no appeal has been filed. After the definitive plan has been approved and endorsed, the Planning Board shall return the original to the applicant.

(1) The Planning Board may agree to an extension of the minimum time normally required for action following submission of a definitive plan and action thereon, upon the written request of the applicant.

(2) Approval of the definitive plan does not constitute the laying out or acceptance by the City of street(s) within a subdivision.

K. Decision. After the public hearing, the Board in due course will approve, modify and approve, or disapprove the definitive subdivision plan submitted. Criteria for action by the Board shall be the following:

- (1) Completeness and technical adequacy of all submissions.
- (2) Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others because of possible natural disasters, traffic hazard, or other environmental degradation.
- (3) Conformity with the requirements of Article IV.
- (4) Determination and selection of preferred plan, based upon alternatives presented in the comprehensive impact analysis (where submitted), that the subdivision will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan; that all adverse impacts upon water, sewer and street systems will be adequately mitigated; and that recreation, open space and scenic values are adequately provided for.
- (5) Determination that access to the subdivision is adequate, as provided in §-A676-8.
- (6) Conformity with all applicable zoning requirements, and
- (7) Consistency with the purposes of the Subdivision Control Law.

L. Street Acceptance.

1. After the Board has determined that construction and services installation was successfully completed, it is the responsibility of the applicant to ensure the ways are accepted by the City as public ways.

This will be secured by one, or in part by one and in part by the other, of the following methods, which may from time to time be varied by the applicant with the written consent of the Planning Board. This shall be submitted to the Board at the time of submission of the Detailed Plan and is in addition to any applicable fees (see Appendix K).

- (a) Cash deposit or bond. The subdivider shall either file a proper bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be equal to the value of one buildable lot in the subdivision. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the City Solicitor and as to sureties by the City Treasurer and shall be contingent on the subdivider meeting all requirements of the City to complete the street acceptance process. This cash deposit, bond or securities deposit is separate and different from those used to guarantee performance as required in paragraph G.
 - (b) Covenant. The subdivider shall file a covenant, executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby one buildable lot of the subdivider's choosing shall be retained and may not be built upon or conveyed in any means until after the subdivider has met all requirements of the City to complete the street acceptance process. This covenant is separate and different from those used to guarantee performance as required in paragraph G.
2. After the City determines the applicant has met all City requirements for street acceptance, it is the responsibility of the applicant to petition the City for release of any cash deposit, bond, security, and/or buildable lot retained.

Article IV

Design Standards

§ A676-11 Design guidelines.

- A. All subdivisions shall be designed, and improvements made by the developer consistent with the requirements of Article IV.
- B. In addition, design and construction shall accomplish the following:
 - (1) Reduce, to the extent reasonably possible:
 - (a) Volume of cut and fill.÷
 - (b) Area over which existing vegetation will be disturbed, especially if within 200 feet of a river, pond or stream or having a slope of more than 15%.÷
 - (c) Number of mature trees ~~having a caliper of 12 inches in diameter or greater @ DBH~~ removed. The retention of mature trees shall be considered in the design of the subdivision and lot layout.÷
 - (d) Extent of waterways altered or relocated.÷
 - (e) Erosion and siltation on the subdivision site shall be minimized and compliant with the City of Marlborough's Stormwater Management Ordinance (§271) and Storm Sewer Ordinance (§511). Illicit discharges onto the neighboring properties and streets is prohibited.÷
 - (f) Flood damage on the subdivision site shall be minimized and compliant with the City of Marlborough's Stormwater Management Ordinance (§271) and Storm Sewer Ordinance (§511). Illicit discharges onto the neighboring properties and streets is prohibited.÷
 - (g) Number of driveways exiting onto existing streets or ways rather than onto newly built or proposed subdivision roadways.÷
 - (h) Disturbance of important wildlife habitats, outstanding botanical features, and scenic or historic environs.÷ and
 - (i) Impact on water and sewer facility's ability to service other development in the City.
 - (2) Increase, to the extent reasonably possible:
 - (a) Vehicular use of collector streets to void traffic on streets providing house frontages.÷
 - (b) Legal and physical protection of views from public ways.÷
 - (c) Street layout facilitating south orientation of houses.÷ and
 - (d) Use of curvilinear street patterns.

§ A676-12 Streets.

- A. Location.

- (1) All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel and an attractive street layout ~~in order~~ to obtain the maximum safety and amenity for future residents of the subdivision, and they shall be in accord with the Rules and Regulations of the Commissioner of Public Works.
- (2) The proposed streets shall conform, so far as practicable, to any existing plans of the Planning Board and, when adopted by the Planning Board, to the Master or Study Plan or parts thereof adopted.
- (3) Provision satisfactory to the Planning Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided.
- (4) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.

B. Alignment.

- (1) Street jogs with center-line offsets of less than 150 feet shall be avoided whenever practicable.
- (2) The minimum center-line radii of curved streets shall be as follows:
 - (a) ~~Other secondary streets and Lanes: 150 feet~~ Lanes: 125 feet.
 - (b) Major Streets and Commercial/Industrial streets: 350 feet ~~Other secondary streets: 150 feet.~~
 - ~~(c) Major streets: 350 feet.~~
- (3) A center-line tangent section at least 150 feet in length shall separate all reverse curves on major streets and any reverse curves on secondary streets where the sum of their center-line radii is less than 500 feet.
- (4) Streets shall be laid out ~~so as~~ to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60°.
- (5) 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~~ adequate to accommodate a commercial vehicle with a 40-foot wheelbase (defined by AASHTO as WB-40) without being in conflict with the granite curbing or the centerline of the subdivision street and the adjoining street.
- (6) Streets shall be laid out so as to intersect at intervals which will permit block size to be in a range of 600 feet to 1,200 feet in length, unless otherwise specified by the Planning Board. In lieu of actual construction of a cross street, in special instances the Planning Board may approve an easement for a future street.

C. Width.

- (1) The minimum width of rights-of-way shall be as follows:
 - (a) Residential ~~Secondary~~ streets: 50 feet.
 - (b) Streets in an Industrial/Commercial subdivision development ~~Major streets and such secondary streets which in the judgement of the Planning Board may in the future be changed in character to become a major street:~~ 60 feet.

~~(2) When a secondary street will provide the only access for lots fronting on a length in excess of 500 feet or where on a major street potential volume is such to warrant it, the Planning Board may require a greater right-of-way than that specified above and may require construction of a divided roadway.~~

D. Grade.

- (1) The center-line gradient for any street shall not be less than 1%.
- (2) The maximum center-line grade for streets shall be as follows:
 - (a) Lane: 10%.
 - (b) Other secondary street: 8%.
 - (c) Major street: 5%.
- (3) Where changes in grade exceed 1%, reasonable vertical curves, as required by the Commissioner of Public Works, will be provided, and where a grade is 5% or greater within 150 feet of the intersection of street right-of-way lines, there shall be provided a levelling area of at least 75 feet with a maximum grade of 3%. The horizontal tangent distance between any two reverse vertical curves shall be a minimum of 100 feet.
- (4) Vertical curves shall be a minimum of 100 feet in horizontal length and provide for a minimum sight distance of 200 feet.

E. Dead-end streets.

- (1) Dead-end streets shall not be longer than 500 feet ~~unless provided with a divided roadway [see Subsection C(2) above] or~~ unless, in the opinion of the Planning Board, such a greater length is necessitated by topography or other local conditions.
- (2) Dead-end streets shall be provided at the closed end with a turnaround having a property line diameter of 120 feet for a major street and 100 feet for a secondary street, unless otherwise specified by the Planning Board.
- (3) The slope of the road shall not exceed 3% beyond a point 75 feet before the radius point of the turnaround area.

§ A676-13 Curb cuts.

- A. Driveways shall be minimum of 10 feet and a maximum of 24 feet in width for the required front yard setback and may have an additional three feet of width on each side at the edge of travel way for a turning~~and have a curb return at the edge of travelled way of three-foot~~ radius.
- B. Driveways to service the individual building lots shall comply with the applicable provisions of the City Code.
- C. Wheelchair ramps shall be provided as shown in Appendix I of this chapter. ~~(amended 5-1-15)~~

§ A676-14 Easements.

- A. Easements for utilities carrying underground wires, where required, or for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 30 feet wide.
- B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, the Planning Board may require that there be provided a stormwater easement or drainage right-of-way of adequate width and proper side slope.
- C. Access to park and conservation land owned by the City shall be provided, if required by the Planning Board, and shall be at least 40 feet wide.
- D. Any and all easements to be accepted by the City shall be bounded at all Points of Curvature-s, Points of Tangency-s and angle points prior to acceptance by the City of Marlborough.
- E. Whenever an easement line intersects a lot line or street layout line, distances shall be shown relative to lot corners or Points of Curvature-s and Points of Tangency-s.

§ A676-15 Open space.

- A. Before approval of a plan, the Planning Board may also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. Each area reserved for such purpose shall be of suitable area, dimensions, topography and natural character for the purposes of a park and/or playground. Each such area shall be so located as to serve adequately all parts of the subdivision as approved by the Planning Board. The Planning Board may require that the area or areas reserved shall be located and laid out ~~so as~~ to be used in conjunction with similar areas of adjoining subdivisions or of probable subdivisions. All areas to be reserved for park and/or playground purposes shall contain not less than one acre or shall be part of a similar area in an adjoining subdivision so that the total area is not less than one acre. Unless otherwise specifically approved by the Planning Board, the total amount of area to be reserved for park and/or playground purposes shall be no less than 10% of the gross area of this subdivision. Any land so reserved shall be graded to dispose properly of surface water and shall be left in condition for the purpose intended, as required by the Planning Board.
- B. The Planning Board may, unless the applicant has not previously agreed to dedicate the park or parks to the City or other entity such as a homeowners' association, require by appropriate endorsement on the plan that no building shall be erected upon such park or parks without its approval until the expiration of a period of two years following the completion of the subdivision roadways and utilities, or until the occupancy of the subdivision shall have occurred in dwellings on at least 2/3 of the lots in the subdivision, whichever date occurs last. The applicant shall then promptly notify by mail the Planning Board, Conservation Commission, Recreation Commission, Mayor and the occupants of all homes in the subdivision as follows: "You are hereby notified that the site required to be set aside by the Planning Board as a park or recreation area in this subdivision is available for purchase by the City or others and, if not purchased within six months, must be released by the Planning Board for the developer's use for a new building on the site. You may contact the Planning Board on this matter for more information."
- C. A plan of the entire subdivision showing the proposed location of the park shall be sent by the applicant with each notification.

§ A676-16 Protection of natural features.

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

The Applicant may be required to hire a certified consulting arborist to identify those trees which can be saved and thrive upon the completion of the subdivision, show those trees on the Definitive Subdivision Plans and certify as to such.

“I hereby certify that the trees shown on this plan as to be retained (RET.), if preserved, will add attractiveness and value to the subdivision. Those trees not designated as to be retained (RET.) have no significant value where they would need to be retained.”

§ A676-17 Lot drainage.

Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another; if provision is necessary to carry drainage to or across a lot, an easement or drainage right-of-way of adequate width and proper side slope shall be provided. Storm drainage shall be designed in accord with specifications of the Commissioner of Public Works.

§ A676-18 Fire alarms. (Reserved)

§ A676-19 Fire hydrants.

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

§ A676-20 Sidewalks, grass plots, trees.

See cross sections in Appendix F.

§ A676-21 Streetlights.

Streetlighting shall be provided for each subdivision street and shall be such as to give the equivalent of not less than 4,000 lumens of light installed at intervals of 350 feet unless otherwise specified by the Planning Board.

~~§ A676-22 Alternative standards.~~

~~A. Applicants may request that their land be developed under alternative standards. To qualify, the subdivision must be limited to no more than 2/3 the number of lots which could be created on the same parcel under the then current zoning requirements to be assured through restrictions preventing subsequent redivision. The alternative standards may be as follows:~~

~~(1) Pavement width may be four feet narrower than otherwise required;~~

~~(2) Center line radii may be 25 feet shorter than otherwise required;~~

- ~~(3) Street grades may be 1% steeper than otherwise required;~~
- ~~(4) A sloping "Cape Cod berm" of four inches by 12 inches may be used in lieu of curbing; and~~
- ~~(5) Sidewalks may be required only if they can be connected with existing sidewalks on streets by which the subdivision is reached.~~
- ~~B. The Planning Board may approve development under alternative standards in cases where, in the opinion of the Planning Board, the density reduction provides substantial benefit to City objectives, and the use of alternative standards is consistent with sound planning and engineering practice.~~

§676-22 Tree Preservation and Protection Plan.

- A. The intent of the Tree Preservation and Protection Plan is to encourage the preservation and protection of trees during land clearing and subdivision layout. Locations of mature trees as noted in the required report submitted by a Certified Arborist shall be taken into consideration when designing the subdivision roadway layout. Trees are recognized for their abilities to mitigate heat island effects; provide shade cover; reduce energy consumption; improve air quality; reduce noise pollution; reduce topsoil erosion and storm water runoff; provide wildlife habitat; sequester carbon; enhance the quality of life and the environment of the city; increase property values; and enhance the overall appearance of the community. The Planning Board strongly encourages the preservation of existing significant vegetation and as such strongly discourages the total "clear cutting" of subdivision property. No part of this tree preservation requirement shall discourage the removal of Hazardous Trees, an act which may be important to public health and safety. Significant mature trees over 24" in diameter @ DBH, should be strongly considered when laying out the proposed subdivision roadway and lot layouts, these trees should be retained if the location is deemed feasible.
- B. The Tree Preservation and Protection Plan shall show the existing conditions of the subdivision property, noting the size and type of all trees 12 inches in diameter or greater @ DBH along with the roadway right-of-way layout, all easement layout lines and zoning setbacks (rear, sides and front) and the limits of proposed grading within the lots that could adversely affect the health and viability of existing trees.
- C. After reviewing and taking into account the Certified Arborist's report the Tree Preservation and Protection plan shall be prepared to show the extent of tree removal and tree preservation for the proposed subdivision design. If feasible, shade trees 12 inches in diameter or greater @ DBH, located in the side and rear yard building setbacks for each individual lot depicted on the Definitive Plan, shall be retained. All trees that would be removed as part of the subdivision design would be noted as (REM.) for to be removed or as (RET.) for to be retained.

Article V

Required Improvements for an Approved Subdivision

§ A676-23 General.

- A. No street or way through private property shall be accepted by the City unless the same be previously constructed and completed in accordance with the standard cross section (see Appendix F), street layout plan, profile and the following: (amended 5-1-15)
- B. Unless otherwise specified, all the work and the materials used in the work to be done shall conform to the requirements of the most recent editions of the following: Commonwealth of Massachusetts Department of Public Works' Standard Specifications for Highways and Bridges, hereinafter referred to as the "Standard Specifications," as amended; the Commonwealth of Massachusetts Construction Manual, Construction Standards and the special provisions included hereinafter.
- C. Supplementing the aforesaid Standard Specifications, certain specifications or special provisions shall apply particularly to the work to be done hereunder. References in the following specifications, unless otherwise stated, are to the aforesaid Standard Specifications. In case of conflict between these specifications or special provisions and the aforesaid Standard Specifications, amendments or addenda, these specifications and special provisions shall take precedence and shall govern.
- D. To facilitate reference, each paragraph in these specifications is noted with the paragraph number of the particular section as contained in the Standard Specifications.
- E. Wherever in the Standard Specifications or other contractual documents the following terms, or pronouns in place of them, are used, the intent and meaning shall be interpreted by substitution as follows:

COMMONWEALTH

City of Marlborough.

DEPARTMENT

Department of Public Works, City of Marlborough.

ENGINEER

The Commissioner of Public Works of the City of Marlborough, acting directly or through an authorized representative acting within the scope of the particular duties entrusted to him.

- F. The extent of work required is as shown approximately upon approved plans and, in compliance with the standard cross section plans, stakes shall be set which will indicate the exact amount of cut or fill.
 - G. As each construction operation is completed; it shall be approved by the Engineer previous to starting work in the succeeding operation.
 - H. At the time the street or way or portion thereof is ready for acceptance and to facilitate acceptance by the City of Marlborough, The developer shall have prepared and certified by a registered land surveyor a "plan of acceptance" drawn with India-black ink on single matte, three-mil Mylar (size: 18 inches by 24 inches or 24 inches by 36 inches), showing widths, areas, lengths, bearings of all boundary lines of streets and easements and radii, tangents and central angles of all curves in street lines. It shall show that all stone bounds have been set.
- (1) A blank space four inches by eight inches shall be provided on the lower right-hand corner on the plan for a title block to be filled in by the City Engineer. The surveyor shall place a certification on the plan stating: "The street (or way or portion thereof) is laid out and the bounds have been

set as shown on this plan," and it shall be dated, signed and the surveyor's stamp affixed thereon. The plan shall be submitted to the City Engineer.

- I. The developer will have the original plans and profiles that were submitted to the Planning Board and that are on file in the City Engineer's office corrected and certified by his Engineer to show the actual as-built locations and grades of all utilities and roadway profile and any changes authorized by the Planning Board. This will be done in a manner approved by the City Engineer.

§ A676-24 Street and roadway.

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

- (1) ~~101.~~ Clearing and grubbing shall be performed to remove stumps, brush, roots, boulders and like from the area of the travelled way, shoulders, sidewalks and utility trenches, but elsewhere existing vegetation shall be preserved wherever feasible.
- (2) ~~120.~~ Roadway earth excavation shall remove all unsuitable materials encountered down to the true surface of the subgrade in preparation for foundation of roadway, sidewalks, driveways and berms. Approved materials such as gravel and loam obtained in the excavation may be used in fills, as required, if in the opinion of the Engineer they are suitable.
- (3) ~~150.~~ When, in the opinion of the Engineer, suitable material is not available within the limits of the highway location to form the subgrade or subbase, the contractor shall obtain such additional material from other sources in accordance with this section and as may be approved by the Engineer.
- (4) ~~170.~~ The subgrade surface (16 inches below the finished surface grade) shall be prepared true to the lines, grades and cross sections given and properly rolled. All unsuitable material and organic materials~~soft or spongy material~~ below the subgrade surface shall be removed to a depth determined by the Engineer, and the space thus made shall be filled with special gravel borrow, containing no stones over six inches in their largest diameter.
- (4-1/2) A layer of geotextile fabric shall be installed beneath the gravel base specified in §A676-24.A(5).~~(amended 5-1-15).~~ The required fabric shall be TenCate Mirafi® 500X woven polypropylene geotextile material or approved equal.
- (5) ~~405.~~ Gravel base course shall consist of approved gravel placed upon the subgrade or subbase as directed and in accordance with these specifications and in reasonably close conformity with the lines and grades shown on the plans or established by the Engineer.
- (6) ~~405.60.~~ The gravel shall be spread in layers upon the prepared subgrade from self-spreading vehicles or with power graders of approved types or by hand methods. Gravel shall be spread in layers not more than four inches thick, compacted measure.
 - (a) The gravel shall be compacted and placed to the tolerance as stipulated in Mass DOT Standard Specifications for Highways and Bridges (Current Edition) – Section 401, Gravel Sub-base and Section 402 Dense Grade Crushed Stone for Sub-base~~Gravel or crushed stone subbase.~~
 - (b) At the conclusion of this step, the roadway shall be staked in all locations where permanent monuments are to be installed as provided in §A676-29~~Subsection 7.13.~~

- B. Roadways shall be constructed for the full length of all streets within the subdivision and shall have the same curb radius required in §-A676-13B above.
- (1) The center line of all roadways shall coincide with the center line of the street right-of-way unless a deviation is approved by the Planning Board. Provided however, that the minimum center line radius for a paved width less than 32 feet shall be ~~350-150~~ feet. ~~(amended 5-1-15)~~
- (2) The minimum width of roadways shall be as follows:
- (a) Lanes: 26 feet.
- (b) Other secondary streets: ~~32-28~~ feet.
- (c) Major streets, residential: 38 feet; industrial and commercial: 44 feet.
- C. The wearing surface of roadways shall be of Class 1 bituminous concrete pavement, Type I-1. This type of pavement shall be composed of mineral aggregate, mineral filler and bituminous material, plant mixed and laid hot. The pavement shall be constructed in two courses for residential streets: 1 ½ inch top course laid upon a 2 ½ inch binder course, with a final pavement depth after rolling of 4 inches and for Industrial/Commercial streets: 1 ½ inch top course laid upon a 2 ½ inch binder course, and a 3 inch base course on which the binder course is laid, with a final pavement depth after rolling of 7 inches. ~~with a final pavement depth after rolling of four inches~~ Pavement shall be placed upon the prepared surface and in conformity with lines, grades and typical cross section shown on plans. Material and construction methods shall conform to all other requirements of Section 460 of the Standard Specifications, except that no such construction shall be undertaken before March 30 of any year nor after November 1 of any year without written permission of the City Engineer.
- D. Embankments outside the right-of-way shall be evenly graded and pitched at a slope of not greater than two horizontal to one vertical in fill. Where cuts are made in ledge, other slopes may be determined with the approval of the City Engineer. Where terrain necessitates greater slopes, retaining wall, terracing, fencing or riprap may be used either alone or in combination to provide safety and freedom from maintenance, but must be done in accordance with plans filed with the Planning Board and approved by the City Engineer. The subdivider must furnish to the City duly recorded access easements for maintenance of the slopes, terraces or retaining walls. All such slopes shall be grassed in accordance with the specifications for the area between the roadway and sidewalk or roadway and boundary of the right-of-way.
- E. Dust control shall be provided throughout the entire project. Sprinklers, watering trucks, calcium chloride, fencing, etc. shall be employed as directed by the DPW – Engineering Division or the Code Enforcement Office ~~Planning Board~~.

§ A676-25 Utilities.

- A. ~~140-~~Excavation for structures including foundations for drains, sewers and water pipes, walls and other structures shall be made to the depth as indicated on plans or established by the Engineer. Rock excavation designated as Class B encountered in trench excavation shall be removed as directed by the City Engineer.
- B. ~~200-~~All drain, sewer, gas and water pipes and other structures shall be installed upon the completion of roadway subgrade and before the placing of the subbase, gravel base course, sidewalks or pavement.

- (1) Sewer and water mains shall be installed in accordance with the ordinances of the City of Marlborough. Gravity sewer and drain lines shall be designed with a minimum slope of 1% and a maximum slope of 9%.
 - (2) Gas mains shall be installed if gas connection is available unless said installation is specifically waived by the Planning Board.
- C. ~~200, 220, 230.~~ Adequate disposal of surface and subsurface water shall be provided and pipes, manholes and catch basins shall be provided according to the sizes and depths as indicated on the plans and in conformity with the requirements of the Massachusetts Department of Public Works Standard Specifications for Highway and Bridges (current Edition)~~Sections 200, 220, 230~~ and shall be built on both sides of the roadway at intervals not to exceed 300 feet, unless otherwise provided by the Planning Board, and at such other places as deemed necessary by the Commissioner of Public Works and the Planning Board to assure the unimpeded flow of all natural watercourses, to assure adequate drainage of all low points and to provide proper runoff of stormwater. In no instances shall catch basins be located along a driveway cut.
- (1) The standard depth of catch basins shall be ~~two feet six inches~~four feet below invert of lowest drain. Manholes shall be constructed to the required depth at each junction point and as shown on the plan. Pipe culvert and pipe drains shall be in conformity with the requirements of ~~Section 230 of the Massachusetts Department of Public Works Standard Specifications for Highway and Bridges (current Edition)~~ for installation of pipes. The outlet pipe for all catch basins shall be equipped with the "Eliminator" hood by Ground Water Rescue or approved equal.
 - (2) Class IV reinforced concrete pipe shall be used for all drain lines and installed according to the size and grade shown on the approved definitive plan.
- D. On-site sewage disposal facilities shall be installed and constructed in conformity with the rules, regulations and requirements of the Board of Health.
- E. Where adjacent property is not subdivided or where all the property of the applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision, at such grade and size which will, in the opinion of the Planning Board, permit their proper extension.

§ A676-26 Sidewalks, curbs and gutters.

- A. Unless otherwise specified by the Planning Board, the sidewalks shall extend the full length of each side of the street and shall be of the following minimum widths:
- (1) Along secondary streets: ~~six feet including curb, where placed adjacent to curbing; six feet including curb. Where a grass strip has been placed between the sidewalk and curbing; five feet six inches~~
 - (2) Along major streets: ~~six feet including curb, where placed adjacent to curbing; six feet including curb. Where a grass strip has been placed between the sidewalk and curbing; five feet six inches~~
- B. ~~700.~~ Bituminous concrete sidewalks having a minimum thickness of ~~three~~two inches after compression shall be constructed on a six-inch gravel foundation to the required lines and grades in accordance with these specifications. The sidewalk shall be constructed with a vertical granite curbing as approved by the Commissioner of Public Works. ~~(amended 5-1-15)~~

- C. ~~700.~~ If desired, granolithic sidewalks shall be constructed as directed by the Engineer in conformity with this section of the Standard Specifications.

§ A676-27 Grass plots.

- A. Grass plots on secondary road layouts may ~~not~~ be permitted.
- B. Grass plots on major roads or secondary roads (based on sixty-foot layout) may be permitted if desired by the Planning Board.
- ~~C. Grass plots on secondary roads, fifty foot layout, in PUD developments which are to be privately maintained may be permitted if desired by the Planning Board.~~

§ A676-28 Trees.

- A. Street trees of a species approved by the ~~Tree Warden~~City Forester shall be planted on each side of each street in a subdivision, except where the definitive plan showed trees to be retained which are healthy and adequate. Such trees shall be located outside of the right-of-way as shown in the profile and standard cross section plans, Appendix F, approximately at forty-foot intervals, and shall be at least 12 feet in height and a minimum of three-inch caliper. Existing trees designated to remain shall be protected in a manner deemed acceptable to the Tree Warden.
- B. The subdivider shall plant ~~shade~~other trees as needed to provide at least two areas of shade to each lot.
- C. If allowed by the Tree Warden, Shade Trees located within 15 feet of the roadway layout may also be designated as Street Trees and be designated as both a Shade Tree and a Street Tree.~~Removal and disposal of trees not intended for preservation shall be as designated by the City Forester.~~
- ~~D. Street Tree compensation. For those street trees required, that cannot be planted within the required landscape strip adjacent to the roadway right-of-way and there are not any trees adjacent to the roadway that can be considered as street trees, compensation for those street trees may be given in one of the following ways: (1) monetary value given to the City of Marlborough for the purpose of planting trees, (2) as trees planted elsewhere in the subdivision, or (3) trees planted within the City of Marlborough. Option chosen is at the discretion of the Planning Board with approval from the Tree Warden. All tree locations will be selected by the Tree Warden.~~

§ A676-29 Monuments.

- A. Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets along all easements as described in § A676-14D, and at all other points where, in the opinion of the Planning Board, permanent monuments are necessary.
- B. Monuments shall be standard permanent granite, six inches by six inches by four feet, with a polished top and drill hole in the center. Monuments shall be installed at the time of final grading with the top of the monument set flush with the final grade surface. The City engineer shall have the discretion to modify the type of monumentation and method of setting monumentation based on actual field conditions

§ A676-30 Street signs and names.

- A. Street signs shall be installed at each intersection to conform to the standard established by the Commissioner of Public Works.
- B. Street names shall be approved by the City Engineer to prevent duplication and to provide names in keeping with the character of the City.
- C. All streets, not Accepted as Public Ways shall have a designation sign - PRIVATE WAY placed on top of the Street sign.

§ A676-31 Streetlights.

- A. Streetlights shall be installed in all subdivisions by the utility for the developer in each section as developed prior to the reduction or moving or release of bond or release from covenant thereon. §

A676-32 Fire alarm system.

(Reserved)

§ A676-33 Underground lines.

Telephone and electric lines and service connections shall be installed underground in accord with the procedure required by the Commissioner of Public Works.

§ A676-34 Cable television.

Cable television shall be installed in accordance with the requirements of the Commissioner of Public Works to serve all lots within the proposed subdivision.

§ A676-35 Signage.

Regulatory and warning signs shall be approved by the Marlborough Traffic Commission and -installed in accordance with the requirements of the City Engineer.

§ A676-36 Guardrails.

Guardrails shall be provided at the locations designated by the City Engineer. §

A676-37 Mailboxes.

A. Mailboxes shall be installed in accordance with Appendix J.

B. On subdivision roads oriented east-west or close, mail boxes should be positioned on the sunny (Northerly) side of the street, adjacent to driveways or across the street from driveways for individual lots. Clustering of up to four mailboxes should be allowed whenever the driveways for four lots are close to contiguous corners of the four lots, two lots being on each side of the street.

Article VI

Administration

§ A676-38 Variation.

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgement of the Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

§ A676-39 Reference.

For matters not covered by these rules and regulations, reference is made to MGL c. 41, §§ 81K to 81GG, inclusive.

§ A676-40 Building permit.

- A. No building shall be erected within a subdivision without written release from the Planning Board.
- B. The Building Inspector shall not issue any permit for the erection of a building until he is first satisfied that the lot on which the building is to be erected is not within a subdivision or that a way furnishing the access to such lot as required by the Subdivision Control Law is shown on a plan recorded or entitled to be recorded under MGL c. 41, § 81X, as amended, and that any condition endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied or waived by the Board, and in the event that the Board has by rule or regulation required that not more than one building for dwelling purposes be erected or placed or converted to use as such on any lot without its consent, that the Building Inspector is satisfied that such consent has been obtained; MGL c. 41, § 81Y, and amendments thereto.

§ A676-41 Inspections.

- A. Inspections shall be arranged for by the subdivider with the proper City ~~Department official~~ for the purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at each significant construction stage.
- B. Inspection shall be requested in writing at least 48 hours in advance of each inspection to the proper City ~~Department official, and a copy of each request shall be sent to the Clerk of the Planning Board.~~
- C. Inspection shall be for the following:
 - (1) Satisfactory excavating ~~of unsuitable material and excess material~~;
 - (2) Satisfactory filling ~~of sub-base material and base material~~;
 - (3) Satisfactory compacting ~~of sub-base and base material~~;
 - (4) Satisfactory completion of the pavement ~~courses~~;
 - (5) Satisfactory finish grading of grass plots ~~and structural soils~~;

- (6) Satisfactory placing of curbs and gutters~~7.1~~
 - (7) Satisfactory construction of sidewalks~~7.1~~
 - (8) Satisfactory installation of sanitary sewers and related equipment or on-site disposal systems~~7.1~~
 - (9) Satisfactory installation of water mains and appurtenances~~7.1~~
 - (10) Satisfactory installation of surface and subsurface drainage system and related equipment~~7.1~~ and
 - (11) Satisfactory installation of monuments.
- D. The Planning Board may establish the order of the required inspection and may require satisfactory completion of one step before the subdivider proceeds to the next. It may require tests to be done by the subdivider as a condition for approval when in the opinion of the Planning Board it is advisable.
- E. The proper City official shall indicate on Form G, (Appendix G) provided by the Planning Board the date of inspection and the approval and shall file such form with the Planning Board.

§ A676-42 Validity.

The invalidity of any section or provision of this regulation shall not invalidate any other section or provision thereof.

APPENDIX K

SUBDIVISION REGULATIONS FEE SCHEDULE

The Planning Board shall require fees for all submissions, review, and approvals, changes, and requests as listed below 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 DPW – Engineering Division 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.~~

~~Filing fee shall consist of a fixed application fee plus any supplemental fee listed below. 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, and the issuance of street names and numbers.~~

INFORMAL DISCUSSIONS

No fee required.

APPROVAL NOT REQUIRED (ANR PLAN)

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

Application Fee: \$100.00

Supplemental Fee: \$ 50.00 for each lot altered

\$ 50.00 for each lot created

Mailing Deposit Fee: Equal to the then in force rate for first class mail, for each property owner, for properties in whole or in part, within 100 feet of the lots shown on the proposed ANR Plan.

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)~~

Application Fee: \$400.00

Supplemental Fee: \$ 2.00 per linear foot of proposed roadway

Mailing Deposit Fee: Equal to the then in force rate for first class mail, for each property owner, for properties in whole or in part, within 100 feet of the lots shown on the proposed Preliminary Plan.

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)~~

Application Fee: \$1,000.00

Supplemental Fee: \$ 3.00 per linear foot of proposed roadway

Preliminary Plan Credit: less 80% of Application Fee and Supplemental Fee

Public Hearing Deposit Fee: The cost of advertising will be billed directly to the applicant.

Mailing Deposit Fee: Equal to the then in force rate for first class mail, for each property owner, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

To be paid at the time of plan submission.

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

~~\$200.00 Filing Fee~~

~~\$100.00 advertising for public hearing, if any.~~

~~Plus mailing costs.~~

Application Fee: \$400.00

Public Hearing Deposit Fee: The cost of advertising will be billed directly to the applicant.

Mailing Deposit Fee: Equal to the then in force rate for first class mail, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

To be paid at the time of plan submission.

INSPECTION OF SUBDIVISION COONSTRUCTION

~~\$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.~~

LIMITED DEVELOPMENT SUBDIVISION

<u>Application Fee:</u>	<u>\$500.00</u>
<u>Supplemental Fee:</u>	<u>\$ 50.00 for each lot proposed</u>
<u>Mailing Deposit Fee:</u>	<u>Equal to the then in force rate for first class mail, for properties in whole or in part, within 100 feet of the lots shown on the proposed Preliminary Plan.</u>

To be paid at the time of plan submission.

OPEN SPACE DEVELOPMENT

Step 1 - Concept Plan

<u>Application Fee:</u>	<u>\$400.00</u>
<u>Public Hearing Deposit Fee:</u>	<u>The cost of advertising will be billed directly to the applicant.</u>
<u>Mailing Deposit Fee:</u>	<u>Equal to the then in force rate for first class mail, for properties in whole or in part, within 100 feet of the lots shown on the proposed Open Space Development.</u>

To be paid at the time of plan submission.

Step 2 – Open Space Development Plan

<u>Application Fee:</u>	<u>\$1,000.00</u>
<u>Supplemental Fee:</u>	<u>\$3.00 per linear foot of proposed roadway</u>
<u>Public Hearing Deposit Fee:</u>	<u>The cost of advertising will be billed directly to the applicant.</u>
<u>Mailing Deposit Fee:</u>	<u>Equal to the then in force rate for first class mail, for properties in whole or in part, within 500 feet of the lots shown on the proposed Open Space Development.</u>

To be paid at the time of plan submission.

COMPLETION DATE EXTENSION

<u>Application Fee:</u>	<u>\$200.00</u>
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To be paid at the time of plan submission.

SCENIC ROAD REQUEST

<u>Application Fee:</u>	<u>\$ 50.00</u>
<u>Public Hearing Deposit Fee:</u>	<u>The cost of advertising will be billed directly to the applicant.</u>
<u>Mailing Deposit Fee:</u>	<u>Equal to the then in force rate for first class mail, for properties in whole or in part, within 100 feet of the proposed work.</u>

To be paid at the time of plan submission.

SIGN VARIANCE REQUEST

Application Fee: _____ \$50.00

To be paid at the time of plan submission.

SPECIAL STUDIES BY CONSULTANTS

All expenses in connection with any special consultant's studies, (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 paid in the form of a check payable to the City of Marlborough.

Signed: _____

Barbara L. Fenby, Chairperson

MARLBOROUGH CITY PLANNING BOARD



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Town of Southborough
PLANNING BOARD
17 COMMON STREET
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
508-485-0710

June 30, 2021

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

PUBLIC HEARING NOTICE TOWN OF SOUTHBOROUGH

Pursuant to the provisions of Massachusetts General Laws, Chapter 40A section 5, the Southborough Planning Board will hold a public hearing on **Monday, July 19, 2021 at 7:15PM** via remote Zoom meeting to review a proposed Zoning Code amendment for a Special Town Meeting warrant article to create **§174-8.12 Downtown District (DD)** within §174-8 Use Regulations, to establish a new zone within the current Business Village district for the downtown area, and with associated amendments to and for §174-2 Definitions, §174-3 Districts Enumerated, §174-8.C.(2), §174-10.2 Downtown District plan approval, §174-12 Parking and loading regulations, and for respective Zoning Map changes.

In accordance with Senate Bill No. 2475, **this meeting will be held virtually, no in-person** attendance by the public. Persons wishing to participate in this meeting while in progress may do so by going online to <https://www.southboroughtown.com/remotemeetings>

A copy of the proposed language and documents may be viewed on the Planning Board's web page: <https://www.southboroughtown.com/planning-board> or in person at the Southborough Town House Board of Selectmen Office, 17 Common Street, Southborough, MA 01772 during normal business hours.

Donald C. Morris, Chair
Planning Board