

CITY OF MARLBOROUGH
PLANNING BOARD
MARLBOROUGH, MASSACHUSETTS 01752

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LEGAL NOTICE

Public Hearing –Proposed Zoning Amendment to Chapter 650, to add a new Section 39A to create the Sasseville Way Residential Overlay District (SWROD).

Notice is hereby given that the Planning Board of the City of Marlborough will hold a **PUBLIC HEARING** on **Monday, September 18, 2023, at 7:00 PM** in Memorial Hall, 3rd floor, City Hall, 140 Main Street, Marlborough, Massachusetts to amend Chapter 650, to add a new Section 39A to add the Sasseville Way Residential Overlay District (SWROD).

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING RECEIVED 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 BY AMENDING AND ADDING THERETO AS FOLLOWS:

1. Article VI, entitled “Special Districts, Overlays and Special Requirements” is hereby amended to add a new Section 650-39A, or such other numbering as deemed appropriate and adopted by the City of Marlborough, entitled “Sasseville Way Residential Overlay District” which shall read as follows:

A. Purpose and objectives.

- (1) The purpose of the Sasseville Way Residential Overlay District (herein, also SWR Overlay District) shall be to encourage and enhance land development and desired growth patterns for the advancement of the public health, safety and welfare by providing for the development of mixed use multi-family housing developments on sites which are otherwise zoned for other purposes but which, because of the size of the parcel being developed and its proximity to other residential neighborhoods and/or residential amenities, will provide an appropriate environment for a mixed use multi-family housing development consistent with the stated economic development objectives of the City.
- (2) For purposes of this zoning district, a mixed-use development shall include a mix of multi-family residential uses and any eligible use set forth in Subsection D, which may be commingled into a single structure or multiple structures with other eligible uses on the same property. Accordingly, mixed-use developments shall benefit the public health, safety and welfare, through the sharing of parking lots and driveway curb cuts, to minimize the amount of impervious paved parking area and driveway curb cuts, reduce automobile trips and traffic congestion, improve walkability within the property, and thereby improve air quality.
- (3) For purposes of this section, the SWR Overlay District shall be superimposed on the other districts existing at the time that any land in said underlying district is also included in the SWR Overlay District. The SWR Overlay District is located adjacent to Sasseville Way as indicated on the City Zoning Map.

B. Authority of permit granting authority.

- (1) The City Council shall be the permit granting authority for special permit and site plan approval in the SWR Overlay District. In all instances, a development which proceeds under the SWR Overlay District is subject to site plan approval in accordance with § 270-2 of the Marlborough City Code, with the exception that the City Council shall be the permit granting authority for special permit and site plan approval in the SWR Overlay District and the voting threshold shall be a simple majority.

- (2) The City Council may elect to waive or modify any of the dimensional and parking requirements set forth in this section during Site Plan Review if, it makes a finding that to do so will enhance the overall design of the SWR Overlay District. This authority continues subsequent to occupancy of any structure within the SWR Overlay District.
- C. Exclusivity/control. This section (§ 650-39A) of the Zoning Ordinance exclusively controls any mixed-use development in the SWR Overlay District and supersedes any other provision of the Zoning Ordinance with respect to all matters described in this section. In the event of any conflict between the provisions of this section (§ 650-39A *et seq.*) and any other provision of the Zoning Ordinance, the provisions of this section shall govern and control.
- D. Eligible uses. Except as specifically set forth to the contrary below, all uses permitted in the Residential A-2 and Limited Industrial Districts, either as of right or by special permit in accordance with § 650-17 of the Zoning Ordinance, are permitted to the same extent in the SWR Overlay District.
- (1) The following uses are permitted by right in the SWR Overlay District:
- (a) Multifamily dwelling, up to 300 dwelling units.
 - (b) Car parking lots, garages accessory to any principal uses at the property: a structure or a group of structures that facilitate the parking of vehicles at ground level, above or below grade and shall include area for the parking of vehicles at, above and/or below grade under a building or otherwise integrated into another structure.
 - (c) Consumer service establishments complementary to the other principal uses at the property, provided that said facilities are less than 10,000 square feet of floor area.
 - (d) Restaurant, restaurants serving food outdoors, cafe with or without table service (including outside seating and service), brew pub provided that said facilities are less than 10,000 square feet of floor area.
 - (e) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities accessory to a multifamily dwelling use, provided that said facilities if enclosed in a building(s) are less than 10,000 square feet of floor area. For the avoidance of doubt, any outdoor areas shall not be subject to said floor area restriction.
- (2) The following uses are permitted by special permit in the SWR Overlay District:
- (a) Consumer service establishments complementary to the other principal uses at the property and said facilities are 10,000 square feet of floor area or greater.
 - (b) Restaurant, restaurants serving food outdoors, cafe with or without table service (including outside seating and service), brew pub and said facilities if enclosed in a building(s) are 10,000 square feet of floor area or greater.
 - (c) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities accessory to a multifamily dwelling use and said facilities if enclosed in a building(s) are 10,000 square feet of floor area or greater. For the avoidance of doubt, any outdoor areas shall not be subject to said floor area restriction.
 - (d) Accessory solar energy installations, including but not limited to rooftop systems and solar parking canopies, and accessory telecommunications facilities and wireless communications facilities.

- E. Affordable Housing. All site plan review approvals granted to applicants to construct multi-family dwellings shall be subject to the provisions of § 650-26 of the Zoning Ordinance; provided, however, the percentage of dwelling units to be constructed for homeownership or rental purposes to be made available at affordable prices to home buyers or renters shall be 10% with respect to developments of 20 or more units.
- F. Dimensional requirements. The SWR Overlay District shall be subject to the dimensional standards in accordance with Article VII of the Zoning Ordinance with the following exceptions:
- (1) The SWR Overlay District shall consist of one or more lots. The minimum acreage requirement for contiguous parcels/lots to be developed as a SWR Overlay District is twenty (20) acres.
 - (2) Minimum lot frontage measurement shall be no less than 200 feet for any lot wholly located within the boundaries of the SWR Overlay District.
 - (3) Minimum side yard measurement shall be no less than 50 feet and minimum front yard measurement shall be no less than 50 feet for any lot wholly located within boundaries of a SWR Overlay District.
 - (4) Maximum building height in SWR Overlay District shall not exceed 70 feet, provided that:
 - (a) For the purposes of measuring height in SWR Overlay District, the "front" of each building shall be measured on the side facing Sasseville Way;
 - (b) No non-residential structure or building shall be more than 2 stories or 45 feet in height: and
 - (c) For the avoidance of doubt, roof structures that are not occupiable shall not be included in the overall height measurement.
 - (5) Maximum combined lot coverage, including any permitted accessory structures, shall not exceed 50% of the tract or contiguous parcels.
 - (6) The total number of dwelling units within the SWR Overlay District shall be limited to 15 units per acre of gross land area.
 - (7) The SWR Overlay District may contain studio, one (1), two (2) and three (3) bedroom units.
- G. Parking and curb cut requirements. Except as otherwise provided in this section, parking and circulation requirements shall conform to the provisions of §§ 650-48 and 650- 49 of the Zoning Ordinance.
- (1) General. In the SWR Overlay District, adequate off-street parking shall be provided. The City Council and the applicant shall have as a goal, for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal, the City Council shall consider complementary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in permitted reductions in the parking requirements.
 - (2) Parking locations. Parking may be provided at ground level, underground or in a parking garage. Parking garages can be freestanding or as part of buildings dedicated to other permitted uses.
 - (3) Parking spaces for each dwelling unit. There shall be a minimum parking ratio of 1.5 parking spaces for each dwelling unit.
 - (4) Granting of relief from parking regulations. The City Council may waive any of the foregoing requirements or the requirements of § 650-48 during Site Plan Review if it makes a finding that to do so will enhance the overall design of the SWR Overlay District.

H. Landscaping and screening requirements. The SWR Overlay District shall be subject to the landscaping and screening standards in accordance with Article VII of the Zoning Ordinance with the following exceptions:

- (1) In the SWR Overlay District, there shall be provided with each multifamily building a landscaped area equal to the greatest single floor area of the building, provided that such landscaped area may include undisturbed natural areas such as vegetated areas, woodlands, wetlands and floodplain areas.
- (2) The City Council may waive any of the requirements of § 650-47 during Site Plan Review during Site Plan Review if it makes a finding that to do so will enhance the overall design of the SWR Overlay District.

I. Signage.

- (1) Except as otherwise provided in this section, signage shall conform to the provisions of Chapter 526 of the Marlborough City Code, the Sign Ordinance.
- (2) The City Council may waive any of the requirements of the Sign Ordinance during Site Plan Review if it makes a finding that to do so will enhance the overall design of the SWR Overlay District.

J. Application.

- (1) An application for a special permit for a use in the SWR Overlay District shall comply with the requirements of § 650-57 *et seq.* of the Zoning Ordinance. In the matter of a site plan approval, the application shall comply with the requirements of the City Code, Chapter 270, Article II, Permits and Approvals, § 270-2 *et seq.*
- (2) The City Council in connection with a special permit and/or site plan application shall review such applications with respect to the following design criteria:
 - (a) Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;
 - (b) Street facade and exterior walls visible from public ways;
 - (c) Public space;
 - (d) Scale of buildings; and
 - (e) External lighting.
- (3) Concurrent with any public hearing/meeting associated with a special permit and/or site plan filing, the applicant shall make a presentation to the City Council to present the proposed architectural design and shall consider the comments and input from the City Council. A final building elevation shall be submitted prior to the close of the public hearing/meeting.

K. Amendments. After approval, an owner/developer may seek amendments to the approved permits. Minor amendments to a special permit and major or minor amendments to a site plan approval may be made by a majority vote of the City Council. It shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested amendment is deemed to be a major amendment or a minor one. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce more than a material increase in impact on City services, the environment or the neighborhood. If it is determined that revisions to a special permit are not minor, per § 650- 59 of the Zoning Ordinance, an application for a revised special permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Subsection C(3)(f) of § 650-59.

2. The Zoning Map described in § 650-8 is amended as shown on the accompanying Map (Exhibit "A"). The newly established "Sasseville Way Residential Overlay District" shall include all or portions of the properties shown on the Map existing at the passage of this Ordinance, which properties include the following parcel of land (herein identified by the Assessors' Map and Parcel Number): 29-23.

Per Order of the City Council

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