

CITY OF MARLBOROUGH MEETING POSTING

Meeting: Planning Board
Date: April 26, 2021
Time: 7:00 PM
Location: REMOTE MEETING NOTICE

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 APR 22 A 8:38

In accordance with the March 12, 2020 Executive Order issued by Governor Baker modifying certain requirements of the Open Meeting Law, the City of Marlborough Planning Board will hold a remote meeting on Monday, April 26, 2021 at 7:00 pm. The public may access the meeting by clicking on the link provided in the Planning Board calendar on the Planning Board Website <https://www.marlbrough-ma.gov/planning-board> or by dialing in (audio only) using the following phone number and conference ID : [+1 617-433-9462](tel:+16174339462) United States, Boston (Toll) Conference ID: 393 223 917#

Agenda Items to be Addressed:

1. **Draft Meeting Minutes**
 - A. April 5, 2021 – Meeting minutes will be available at next meeting (May 10, 2021)
2. **Chair's Business (None)**
3. **Approval Not Required (None)**
 - A. Map 111 Parcel 1 – Applicant: BH GRP TCAM Owner, LLC Deed Reference: Book 70600, Page 451
Map 112 Parcel 10A – Applicant: IPG Photonics Corporation Deed Reference: Book 74877, Page 455
Surveyor: Bruce Saluk & Associates, Inc.
4. **Public Hearings**
5. **Subdivision Progress Reports (None)**
6. **Preliminary/Open Space /Limited Development Subdivision (None)**
7. **Definitive Subdivision Submissions (None)**
8. **Signs**
 - A. Sign Variance Application, 191-237 Boston Post Road West Marlborough, MA 01752
Representative: Michael Brangwynne, Fletcher Tilton PC – **continued from April 5, 2021**
 - B. Correspondence from Councilor ay Large - Katie Robie, Information on Apex Monument signs
9. **Correspondence (None)**
10. **Unfinished Business**
 - A. Proposed Zoning Amendment to Chapter 650 to amend Section 33 the Results Way Mixed-Use Overlay District (RWMUOD). Correspondence from Peter Tamm, Goulston & Storrs.
 - B. Working Group Discussion – Planning Board Rules and Regulations Continued
 - i. Rules and Regulations – Continued Recommendations
 - ii. Assignment of Next Tasks
11. **Calendar Updates**
12. **Public Notices of other Cities & Towns (See Attached)**

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.

BRUCE SALUK & ASSOCIATES, INC

CIVIL ENGINEERING & LAND SURVEYING

April 15, 2021

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

ATTN: Timothy Collins

RE: ANR PLAN
Cedar Hill ST & Simarano Drive
Marlborough, MA
BSA file#2679.01

Dear Ms. Fenby:

Please find \$150 application and the following:

11 copies 11x17 plans for members/clerk's office
2 full-size plans for Engineering
2 original applications (one for Planning Board, one for Clerk)
1 electronic copy

Please call, if you have any comments or questions.

Thank you



Sincerely

Bruce Saluk P.E., P.L.S.

cc: Joel Greene, Esq.
Richard Senecal, AIA

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 APR 20 A 9:28

APPENDIX A

APPLICATION FOR ENDORSEMENT OF
PLAN BELIEVED NOT TO REQUIRE
APPROVAL

File one completed form with the Planning Board and one copy with the
City Clerk in accordance with the requirements of Section 11-B.

Marlborough, Massachusetts

March 17, 2021

(Date)

To the Planning Board:

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

1. Name of Applicant IPG Photonics Corporation

Address 50 Old Webster Road, Oxford, MA 01540

2. Name of Engineer Bruce Saluk & Associates, Inc.

Address 576 Boston Pot Road E, Marlborough, MA 01752

3. Deed of Property recorded in South Middlesex Registry of

Deeds Book 74877 Page(s) 455 - Parcel "A" & Remaining Land (Map 111/1)

Deeds Book 70600 Page(s) 451 - Parcel "B" & Remaining Land (Map 112/10A)

4. Location and description of property:

Parcel "A" (2.813 Acres) and remaining land is listed as Assessor Map 111 / Lot 1, and is located at 100 Campus Drive in Marlborough, MA.

Parcel "B" (2.816 Acres) and remaining land is listed as Assessor Map 112 / Lot 10A, and is located at Simarano Drive in Marlborough, MA.

IPG PHOTONICS CORPORATION

BH GRP TCAM Owner, LLC

By: _____
Signature of Owner

By: Kevin T. Sheehan
Signature of Owner
Kevin T. Sheehan, Authorized Signatory

Address: IPG Photonics Corporation
50 Old Webster Road
Oxford, MA 01540

Address: BH GRP TCAM Owner, LLC
c/o Greatland Realty Partners, LLC
1 Federal Street, 18th Floor
Boston, MA 02110

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BH GRP TCAM Owner, LLC

By: 
Signature of Owner

By: _____
Signature of Owner

Address: IPG Photonics Corporation
50 Old Webster Road
Oxford, MA 01540

Address: BH GRP TCAM Owner, LLC
c/o Greatland Realty Partners, LLC
101 Federal Street, 16th Floor
Boston, MA 02110

6104

MAIN STREET BANK
MARLBOROUGH, MA 01752

53-70752113

03
CHECK AMOUNT

BRUCE SALUK & ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
576 BOSTON POST RD. EAST
MARLBOROUGH, MA 01752
(508) 485-1662

4-15-21

PAY TO THE
ORDER OF

City of Marlborough

\$ 150-

one hundred & fifty

DOLLARS

MEMO

ANR Plan - 1P6 # 2679.01

AUTHORIZED SIGNATURE



⑆006104⑆ ⑆211370752⑆ 88 903168 8⑆

Photo Safe Deposit

Details on Back

PLAN OF LAND
CEDAR HILL ST & SIMARANO DRIVE
MARLBOROUGH, MA

BRUCE SALUK & ASSOC., INC.
CIVIL ENGINEERING & LAND SURVEYING
576 BOSTON POST ROAD EAST
MARLBOROUGH, MA 01752
TEL: 508-485-1652
FAX: 508-481-9929

[illegible]

FOR REGISTRY USE

APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED.

MARLBOROUGH PLANNING
BOARD

MEMBER:

DATE: _____

NOTES:

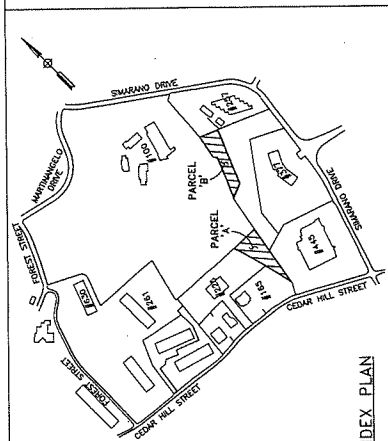
- [illegible]

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE _____ REG. LAND SURVEYOR _____



INDEX PLAN



Thomas DiPersio

From: Barbara Fenby <blbfen@gmail.com>
Sent: Tuesday, April 13, 2021 7:32 PM
To: George LaVenture; Sean Nicholas Fay; Christopher Russ; phil; ultimatemobilegamingtruck; Thomas DiPersio
Cc: Pamela Wilderman
Subject: Fwd: Information on Apex Monument signs. To be included in the packet for the next meeting
Attachments: Apex-MCP-5-Entrance_Sign.pdf

FYI re signs; this letter will be in our next packet under signs, but I wanted to give you all a chance to read it as you pondered.

B

Begin forwarded message:

From: Kathleen Robey <atlarge_4@marlborough-ma.gov>
Subject: Information on Apex Monument signs
Date: April 13, 2021 at 7:12:58 PM EDT
To: Barbara Fenby <blbfen@gmail.com>
Cc: City Council <citycouncil@marlborough-ma.gov>

Dr. Fenby,

As I needed to attend the City Council's April 5th meeting, I had to leave the Planning Board meeting of that same evening. Today I was able to make time to review the tape of the meeting to watch the rest of the discussion on the Public Hearing to amend C 650 Section 33, Results Way Mixed Use overlay district as well as the request for a sign variance at RK Plaza.

It is the sign variance I write about today, specifically the question asked about the height of the Monument Signs at Apex. When the council approved the amendment to c 650 to add a new Section 35, creating a Hospitality and Recreational Mixed Use Overlay District we included the following in the language:

H.

Signage.

(5) A lot in an HRMUOD Zoning District shall be allowed one freestanding pole, monument, ground or pylon sign for every 933 linear feet of cumulative frontage on a street or way, provided that each freestanding sign shall be subject to the following dimensional and lighting requirements:

(b) The height of any freestanding sign shall not exceed 30 feet from the ground measured directly at the sign base.

We also added this language:

(8)

The City Council may elect to vary the requirements of this section by site plan approval if, in its opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.

When the Monument signs were proposed to the council, they were 30 feet high; we then received a modification to the design of the sign but it still kept the sign at 30 feet. I have attached the communication received by the council back in 2017 showing the original and modified signs.

I will also comment that the current council members feel the frustration expressed by Planning Board members regarding Apex's disregard for our sign ordinance. The council voted unanimously to not approve a request to allow the painted signs on Vivva Trattoria and many of us have expressed our anger that the signs remain on the building. We also expressed to the management team that they have been put on notice regarding all future sign changes at the complex and they need to come before the council for approval before they are installed.

Mostly I wanted you to know that we didn't vary the height of the monument signs and they were installed meeting the code. I would ask your members to consider carefully why RK Plaza needs to have signs that require a variance. The question asked by a member for what a sign would look like that met the code wasn't answered. Rental agreements aside, they should be able to design a sign that includes all the current occupants with space for those that are vacant within the 30 foot limit.

Katie Robey
Councilor at-Large
City of Marlborough

14 FT

APEX

C E N T E R

RAISED LIT
LETTERS



HYATT
PLACE

110 Grill

FAIRFIELD
by Marriott INN

EVVIVA CUCINA

COLORLED
LIT LOGOS

Qdoba

goldfish
swim school

Chick-fil-A

Bowling

Trampoline

Coffee

Breakfast

FITNESS

Retail

Retail

Carwash

Services

180
BOSTON POST RD.

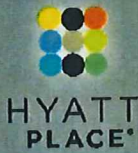
6 FT



14 FT

WELCOME TO APEX

EMB SIGN



110 Grill



EVVIVA CUCINA

COLORED
LIT LOGOS

Qdoba

goldfish
swim school

Chick-fil-A

Bowling

Trampoline

Coffee

Breakfast

FITNESS

Retail

Retail

Carwash

Services

180
BOSTON POST RD.

6 FT



Thomas DiPersio

From: Tamm, Peter <PTAMM@GOULSTONSTORRS.com>
Sent: Monday, April 5, 2021 8:35 PM
To: Krista Holmi
Cc: John Burke; Thomas DiPersio; Timothy Collins; Momnie, Paul D.
Subject: RE: Remote Planning Board Meeting- 4-5-21 Public Hearing

Hi Krista,

Thank you for your coordination on the public hearing presentation. Understanding that the public hearing on the Campus zoning proposal is closed, the following clarification/point of order may be helpful for the Planning Board's deliberations. You may wish to share this summary of items discussed with the Planning Board chair and the Board, if appropriate.

To summarize, Greatland Realty Partners is willing to accept the following stipulations in support of any recommendation to extend the RWMUOD, as proposed, to The Campus property:

1. **No more than 100 townhomes.**
 - a. Exhibit A to the zoning text establishes that no more than 100 units are permitted.
 - b. Greatland is further willing to "belt and suspender" this limit, by ensuring this limitation is also reflected in the development agreement and shown on the master plan to be approved by City Council.
 - c. Greatland can further commit in the development agreement and master plan that no residential use shall be permitted on the principal parcel (PID 111-1).
2. **Recreational opportunities and walking trails.**
 - Greatland is prepared to commit in the development agreement and master plan to be approved by City Council to implementing recreational opportunities and pedestrian amenities throughout the site.
 - these pedestrian facilities shall include walking trails in locations around the site and Greatland shall explore providing pedestrian connections to adjoining facilities in the course of approval of the master plan and in site plan review.
3. **Bio safety levels 3 labs.**
 - The existing RWMUOD zoning allows for facilities that may provide biosafety level 3 labs as-of-right.
 - To the extent the Board is interested in limiting any such use within The Campus, Greatland is prepared to consider an adjustment in Exhibit A to the RWMUOD text to apply only to Subdistrict 2 (applicable to The Campus), that provides that "biosafety level 3 labs shall only be allowed special permit of the City Council".

Thank you, Peter

Peter L. Tamm
 Direct (617) 574-7891
 Mobile (617) 838-2159
 Direct Fax (617) 574-7517

goulston&storrs

A Professional Corporation
 400 Atlantic Avenue * Boston, Massachusetts 02110-3333
 (617) 482-1776 * Fax (617) 574-4112 * www.goulstonstorrs.com

This communication may contain information which is privileged and/or confidential under applicable law. Any dissemination, copy or disclosure, other than by the intended recipient, is strictly prohibited. If you have received this communication in error, please immediately notify us via return e-mail to ptamm@goulstonstorrs.com and delete this communication without making any copies. Thank you for your cooperation.

Framingham Zoning Board of Appeals - Notice of Decision

12. Public Notices

Notice is hereby given, that at the meeting on March 10, 2021, the following petitions were decided and the decisions were filed on March 24, 2021.

21-01 | GRANTED

Petition of One Energy Inc. and 20-22 Waverley Street Framingham LLC for a Finding to allow construction of an addition with dimensions of 8 feet by 40 feet (320sq. feet) to replace a walk-in cooler with dimensions of 8 feet by 32 feet onto a pre-existing non-conforming commercial structure used as a retail convenience mart, pursuant to §1.D.8.b. of the Zoning By-Law, on the premises located at 22 Waverley Street, Parcel ID: 129-37-0038-000; 129-37-1110-000, Zoning District: Business (B).

Any appeal from this decision shall be made pursuant to M.G.L.c. 40A §17 and must be filed within twenty (20) days after the date of filing of this decision in the Office of the City Clerk.

The full decision is available at: www.FraminghamMA.gov/meetings. Legal notice can be found in the MetroWest Daily News or on MassPublicNotices.org.

Stephen E. Meltzer, Chair

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

FRAMINGHAM PLANNING BOARD - NOTICE OF DECISION 49 PARK STREET - APPLICATION OF IGLESIA RIOS DE FE INC. CHURCH

The Applicant filed an application for a Limited Site Plan Review under the Dover Amendment, notice of the public hearing was published in MetroWest Daily Newspaper on February 17, 2021 and February 24, 2021; and the legal ad was mailed to parties of interest pursuant to the Framingham Zoning By-Law and M.G.L. Chapter 40A. The Planning Board held a public hearing for the project on March 4, 2021. The project includes proposing to change the use of the existing building from a retail supply and distribution center to a church. The property is zoned Central Business (CB) and listed as Framingham Assessor's Parcel ID: 128/86/0499/000. On March 4, 2021, the Planning Board APPROVED the application with conditions. The DECISION was filed in the office of the City Clerk on March 31, 2021. For additional information, please see the Planning Board's webpage at www.framinghamma.gov.

Kristina Johnson, Chair FRAMINGHAM PLANNING BOARD

Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the City Clerk. The Notice of Decision can be found in the MetroWest Daily Newspaper and on the Massachusetts Newspaper Publishers Association's (MNPA) website.

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

FRAMINGHAM PLANNING BOARD - NOTICE OF DECISION 100 WORCESTER ROAD - APPLICATION OF BLINDS TO GO

The Applicant filed an application for a Minor Site Plan Review, a Special Permit for Reduction in Off-Street Parking and a Special Permit for Request of Dimensional Relief for Off-Street Parking. Notice of the public hearing was published in MetroWest Daily Newspaper on February 17, 2021 and February 24, 2021 and the legal ad was mailed to parties of interest pursuant to the Framingham Zoning By-Law and M.G.L. Chapter 40A. The Planning Board held a public hearing for the project on March 4, 2021. The project includes building and landscape improvements as well as parking modifications. The property is zoned Business (B) and listed as Framingham Assessor's Parcel ID: 103/33/8841/000. On March 4, 2021, the Planning Board APPROVED the application with conditions. The DECISION was filed in the office of the City Clerk on March 31, 2021. For additional information, please see the Planning Board's webpage at www.framinghamma.gov

Kristina Johnson, Chair FRAMINGHAM PLANNING BOARD

Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the City Clerk. The Notice of Decision can be found in the MetroWest Daily Newspaper and on the Massachusetts Newspaper Publishers Association's (MNPA) website.

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Chapter A676

SUBDIVISION REGULATIONS

[HISTORY: Adopted by the Planning Board of the City of Marlborough 6-25-1970; as amended through **June 1, 2015** (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.

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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Appendixes

APPENDIX A

Form A Application for Endorsement of a Plan Believed not to Require Approval (ANR Plan.).

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.

APPENDIX C

Form C Application for Approval of a Definitive Subdivision Plan.

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

APPENDIX G

Form G Conveyance of Easements and Utilities

APPENDIX H

Form H Street Bond/Lot Release Request Form

APPENDIX I

Typical Section for Wheelchair Ramps at Sidewalks – 3 Details

APPENDIX J

Typical Section for Mailbox Installation

APPENDIX K

Fee Schedule

APPENDIX L

Form L Presentation Permission Form

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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~~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.

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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.

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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.

Historic Cultural Asset—to be determined by the Historical Commission

Historic Structure—to be determined by the Historical Commission

Historical Site—to be determined by the Historical Commission

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).

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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.

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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

	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.

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 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.~~

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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:

<u>Existing Roadway Conditions</u>	<u>Development Potentially Served</u>		
	<u>Units</u>	<u>9 to 49 Dwelling Units</u>	<u>50 or More Dwelling Units or Business Industry</u>
<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>
<u>8 or Fewer Dwelling</u>			

	<u>Development Potentially Served</u>		
	<u>8 or Fewer Dwelling Units</u>	<u>9 to 49 Dwelling Units</u>	<u>50 or More Dwelling Units or Business Industry</u>
<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 Site 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>

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-1988~~1929~~ 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] 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 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 land ~~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~~ USGS NAVD-1988 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.
- (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.

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- (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.
- (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.
- (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 sheet of the subdivision plans, as submitted:
- [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 easements 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 _____.
(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 equals _____.
[Should equal (1) above.]

(2) Streets:

A Street Station ____ to station ____ equals ____.

B Street Station ____ to station ____ equals ____.

C Street Station ____ to station ____ equals ____.

Total area of streets equals ____.

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

(3) Easements:

Sewer Station ____ to station ____ equals ____.

Drainage Station ____ to station ____ equals ____.

Utility Station ____ to station ____ equals ____.

Total area of easements equals ____.

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

(4) Other Areas:

Park area (locate) ____ equals ____.

School area (locate) ____ equals ____.

Other (define and locate) ____ equals ____.

Total remaining area equals ____.

[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 NGVDNAVD 4988 Datum. The City shall not accept any design or layouts unless based on an actual on-the-ground survey.

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.
- G. 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.
 - (1) 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.
 - (2) Approval with covenant.
 - (a) 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(1) hereof, shall be provided to serve any lot before such lot may be built upon or conveyed other than by mortgage deed.
 - (b) 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.
- H. Adjustment of bond surety. The penal sum of any such bond or the amount of any deposit held under Subsection G(1) 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. Similarly, the penal sum of any such bond or the amount of any deposit held under Subsection G(1) above may be increased by the Planning Board. Any reduction of 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 Engineering Division at the time of each such recalculation. (~~amended 5-1-15~~)

H¼ 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~~ 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~~)

H½. 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~~ 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.

- (1) Upon the completion of 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 to the City Clerk a written statement in duplicate that the said construction or installation 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 to contain the address of the applicant, and the City Clerk shall forthwith furnish a copy of said statement to the Planning Board. 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, in whole or in part, 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-compliance indicating that City Department's recommendation for approval or denial by the Planning Board of the applicant's request. Any recommendation of denial shall be accompanied by remedial action the applicant must take to come into compliance. The Planning Board will not act upon any such request without having received recommendations for approval from the or 15 days shall elapse after the request for said approval without action:

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- (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.
- (d) City Engineer as to approval or disapproval of a Stormwater Management Plan.

- (5) If the Planning Board determines that said construction or installation has not been completed or does not receive the above written statements of approval, 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. Upon failure of the Planning Board to act on such application within 45 days after the receipt of the application by the City Clerk, 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.

- 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.

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.

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§ 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.

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- 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.
- (I) 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 MassDOT 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 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.

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§ 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.

§ 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.

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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) 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.