



City of Marlborough

Legal Department

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MARLBOROUGH, MASSACHUSETTS 01752
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LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
JASON D. GROSSFIELD
CITY SOLICITOR
2022 JUL 18 PM 4:15
JEREMY P. MCMANUS
ASSISTANT CITY SOLICITOR
SUSAN A. CORREIA
PARALEGAL

July 18, 2022

Michael H. Ossing, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

Re: WP Marlborough MA Owner, LLC v. Marlborough City Council (Land Court No. 21 MISC 000451): Revised Special Permit Application on Remand Order

Dear Honorable President Ossing and Councilors:

This letter is to advise regarding next steps with respect to the above-referenced matter, following the Land Court's Order on Joint Motion for Remand ("Remand Order"). The Remand Order returns the matter to the City Council for review of a revised special permit application consistent with the settlement agreement dated May 17, 2022 ("Settlement Agreement").

On July 1, 2022, WP Marlborough MA Owner, LLC submitted to the City Council a request to grant a revised special permit ("Revised Application") and a copy of the Remand Order. In my opinion, the Revised Application is consistent with the terms of the Settlement Agreement, and is ready for City Council consideration.


Recommended Next Action: At this time, the City Council may vote to set the public hearing date on the Revised Application and to advertise, in accordance with MGL c. 40A and the Remand Order. Consistent with the Remand Order, the City Council should open the hearing by August 30, 2022.

The Remand Order states the "public hearing shall be for the limited purpose of considering the changes to the previously contemplated draft decision to grant a special permit for the Project" and will incorporate by reference all prior submitted materials and testimony on the special permit application. Enclosed is a table listing those changes and where they appear in the proposed special permit decision in the Revised Application.

Following completion of the public hearing, within twenty-five (25) days of the close of the remand public hearing, the City Council shall file a written decision on remand with the Marlborough City Clerk's office. (i.e. If the public hearing is closed on Aug. 22, 2022, decision shall be filed by: Sept. 16, 2022. If the public hearing is closed on Sept. 12, 2022, decision shall be filed by: Oct. 7, 2022.)

Please contact me if you have any questions or concerns.

Respectfully,



Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor

REFERENCE TABLE:

SETTLEMENT AGREEMENT
AND
SPECIAL PERMIT DECISION IN REVISED APPLICATION

<u>Settlement Agreement – Summary of Special Permit Condition Changes</u>	<u>Location in Revised Application</u>
Section 1(a): \$20,000 payment to City for recreational trail remains as is.	See Condition #10(b)
Section 1(b): Project construction shall not begin until April 14, 2023	New Condition #11
Section 1(c): Applicant to make written request to MassDOT to reconsider traffic signal based upon traffic data reflecting full occupancy	New Condition #8(e)
Section 1(d): Applicant's traffic engineer shall update traffic analysis and make recommendations to City on use of \$200,000 in mitigation funds for traffic safety and improvements	New Condition #8(f)
Section 1(e): Affordable housing percentage of units increased from 15% to 20%	Revised Condition #7
Section 1(f): Increase in charging stations from 2 to 4	New Condition #12

**COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT**

MIDDLESEX, ss.

21 MISC 000451 (JSDR)

WP MARLBOROUGH MA OWNER,
LLC,

Plaintiff,

v.

MICHAEL H. OSSING, KATHLEEN D.
ROBEY, MARK A. ORAM, SAMANTHA
PERLMAN, LAURA J. WAGNER.
DAVID DOUCETTE, J. CHRISTIAN
DUMAIS, ROBERT J. TUNNERA, JOHN
J. IRISH, SEAN A. NAVIN and DONALD
R. LANDERS, SR., As They Are Members
Of The CITY COUNCIL OF THE CITY
OF MARLBOROUGH,

Defendants.

ORDER ON JOINT MOTION FOR REMAND

This action is an appeal pursuant to General Laws Chapter 40A, § 17, of an August 23, 2021 decision of the City Council of the city of Marlborough, as special permit granting authority, denying the Plaintiff's application for a special permit to construct a 140-unit multi-family dwelling residential project at 339 Boston Post Road East, Marlborough, Massachusetts (the "Project"). On May 26, 2022, the parties filed a Joint Motion To Remand And To Stay Proceedings. Having considered the motion, it is hereby ORDERED as follows:

1. This matter is remanded to the city of Marlborough City Council (the "SPGA") to conduct a public hearing for the purpose of considering the Plaintiff's revised special permit

application, taking public comments on the revisions, and deliberating on Plaintiff's revised special permit application.

2. Within twenty (20) days of issuance of this order, Plaintiff shall submit to the SPGA a request to grant a proposed decision on a special permit for the Project, including the form of the proposed decision, consistent with the settlement agreement between the parties, and the SPGA as then presently constituted may consider and determine whether to grant the proposed decision.

3. Remand of this matter requires re-opening of the prior public hearing in accordance with G. L. c. 40A. The hearing shall incorporate by reference all materials and testimony previously submitted to the SPGA during the SPGA's prior public hearing relating to Plaintiff's initial special permit application for the project.

4. The SPGA shall hold the public hearing on the revised special permit application by August 30, 2022. The remand public hearing shall be for the limited purpose of considering the changes to the previously contemplated draft decision to grant a special permit for the Project. The SPGA shall first publish and post notice of, and send notice to parties in interest, all in accordance with G. L. c. 40A, § 11. Plaintiff shall not be required to submit a filing fee, but Plaintiff shall reimburse the city for the cost of publication and mailing of notice of the re-opened remand public hearing.

5. The SPGA shall complete the public hearing, and file a written decision on remand with the Marlborough City Clerk's office within twenty-five (25) days of the close of the remand public hearing.

6. This Court hereby stays this action and retains jurisdiction of this matter. Within twenty (20) days after the filing of the SPGA's new decision with the City Clerk, the parties

shall either file a stipulation of dismissal with prejudice with the Court if the revised proposed decision is granted consistent with the settlement agreement, or if said decision is not granted, seek a lift of the stay in this matter.

SO ORDERED.

By the Court (Roberts, J.)

/s/ Jennifer S.D. Roberts

Attest:

/s/ Deborah J. Patterson

Deborah J. Patterson, Recorder

Dated: May 31, 2022.

_____, 2022

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. # 20-1007995B

Application of:
WP Marlborough MA Owner, LLC (Waypoint Residential)

Locus:
339 Boston Post Road East, Marlborough, MA
Parcel 35 of Assessor Map 72, and Parcels 24, 26, 26A, and 28 on Assessors Map 73

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of WP Marlborough MA Owner, LLC, with a mailing address of 9 West Broad Street, Suite 800, Stamford, CT, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: _____, 2022

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [] day of [], 2022.

APPEALS

Appeals, if any shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17 and shall be filed within twenty (20) days after the date of the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough, MA.

A TRUE COPY
ATTEST:

City Clerk

ORDERED:

IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT

Application of:
WP Marlborough MA Owner, LLC (Waypoint Residential)

Locus:
339 Boston Post Road East, Marlborough, MA
Parcel 35 of Assessor Map 72, and Parcels 24, 26, 26A, and 28 on Assessors Map 73

**DECISION ON A SPECIAL PERMIT
ORDER NO. 20-1007995B**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to WP Marlborough MA Owner, LLC (the “Applicant”) to build and operate a 140-unit multifamily dwelling residential project at 339 Boston Post Road East, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, WP Marlborough MA Owner, LLC, is a Connecticut limited liability company with an address of 9 West Broad Street, Suite 800, Stamford, CT 06902.
2. The Applicant is the prospective owner of the property located at 339 Boston Post Road East, Marlborough, Massachusetts, being shown as Parcel 35 of Assessor Map 72, and Parcels 24, 26, 26A, and 28 on Assessors Map 73 (the “Site”).
3. In accordance with Article V, Section 650-17 and Section 650-18(4), of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), the Applicant proposes to build and operate a 140-unit multifamily dwelling residential project at the Site, in three buildings, with 280 on-site parking spaces, open areas, walking paths, and residential amenities (the “Use” or “Project”).
4. The Site is located in the Business and Residence A-2 Zoning Districts.
5. The Site has an area of 25.7 acres +/- as shown on the Plans referenced in paragraph 7 below.

6. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit (“Application”) for the Use.

7. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a Fiscal Impact Analysis dated January 3, 2019 by Fougere Planning & Development, Inc., a Transportation Impact Assessment dated January 12, 2019 by Vanasse & Associates, Inc., and the following plans: a detailed site plan entitled “Preliminary Site Development Plans for Walcott Heritage Farms” by Allen & Major Associates, Inc., comprised of Sheets 1 through 6 with the last revision date of December 16, 2020 (the “Plans”), attached hereto as “Attachment A.”

8. By Notice of Decision dated August 23, 2021, and filed in the Office of the City Clerk of Marlborough on August 24, 2021, the Marlborough City Council denied the Applicant’s Application.

9. On September 10, 2021, the Applicant filed an appeal of the Decision of the Marlborough City Council denying the Application in the action entitled *WP Marlborough MA Owner, LLC v. Marlborough City Council, et al.* (Land Court No. 21 MISC 000451) (the “Appeal”). During the Appeal, a settlement was reached between the Applicant and the Marlborough City Council which agreed upon a remand for the purposes of considering the Application subject to certain changes agreed upon between the Applicant and the Marlborough City Council, and pursuant to that Settlement Agreement, the Applicant and the Marlborough City Council filed a Joint Motion to Remand in the Appeal on or about May 26, 2022.

10. In the Appeal, the Massachusetts Land Court entered a certain Order on Joint Motion for Remand dated May 31, 2022 which remanded to the Marlborough City Council the matter which ordered the Marlborough City Council to conduct a public hearing for the purpose of considering the Applicant’s revised special permit application (the “Remand Order”).

11. Pursuant to the Remand Order, the Applicant submitted to the Marlborough City Council a request on July 1, 2022 that the Marlborough City Council grant the Application, as amended, consistent with the Settlement Agreement reached between the Applicant and the Marlborough City Council (collectively, the “Revised Application”).

12. The Remand Order required the Marlborough City Council to hold the public hearing on the revised special permit application by August 30, 2022. The Remand Order required that the remanded public hearing process be for the limited purposes of considering the changes to the previously contemplated draft decision to grant a special permit for the Project.

13. During the remanded public hearing process, the Appeal has been stayed by the Remand Order.

14. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 7 of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

15. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, and pursuant to the Remand Order, the City Council established a date for a public hearing on the Revised Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

16. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Revised Application on August 22, 2022. The public hearing was held at the Marlborough City Hall, 140 Main Street. In accordance with the Remand Order, the public hearing incorporated by reference all materials and testimony previously submitted to the Marlborough City Council during the prior July 20, 2020 public hearing relating to the Application. The hearing was closed on August 22, 2022.

17. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic, pursuant to the Remand Order.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING
FINDINGS AND TAKES THE FOLLOWING ACTIONS**

A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.

B. The City Council finds that the proposed Use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.

C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to build and operate a 140-unit multifamily dwelling residential project as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.

2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.

3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the Site Plan Review Committee in accordance with the City of Marlborough Site Plan Review Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant, its successors and/or assigns, has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed, and approved by the City Council as the Special Permit Granting Authority.

4. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs, and other documentation provided by the Applicant as part of the Revised Application, the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council. The final architectural design of the Site shall be reasonably consistent with the Plans submitted by the Applicant. The final exterior features of the Site, including landscaping, shall be maintained in good condition and shall be reasonably consistent with the Plans submitted and representations made to the City Council.

5. Storm Water and Erosion Control Management. The Applicant, its successors and/or assigns, shall ensure that its site superintendent during construction of the project is competent in stormwater and erosion control management. The Applicant shall also hire an independent Erosion Control Expert, with credentials acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan and the approved erosion control plan. The Applicant, its successors and/or assigns, shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.

6. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties, with a lighting plan for the Site to be reviewed and further conditioned during the Site Plan Review process.

7. Affordable Units. Twenty percent (20%) of the dwelling units at the Site shall be made available as rental units at affordable prices to renters (whose annual income does not exceed eighty percent (80%) of the Area median income adjusted for family size as determined by the U.S. Department of Housing and Urban Development) in perpetuity or the longest period allowed by law (the "Affordable Housing Units"), in accordance with the provisions of Section 650-26 of the Zoning Ordinance and this condition. The Affordable Housing Units shall comply with all requirements for inclusion in the Subsidized Housing Inventory ("SHI") of the Commonwealth of Mass. Department of Housing and Community Development ("DHCD"). Prior to obtaining a certificate of occupancy for any unit within the Use, the Applicant, its

successors and/or assigns, in coordination with the City and its Community Development Authority, shall file all required submissions to DHCD for inclusion of the Affordable Housing Units on the SHI and shall diligently take all actions necessary to include the Affordable Housing Units on the SHI, including without limitation, preparing and executing a regulatory agreement and declaration of restrictive covenants and/or any other restrictive instrument necessary to ensure compliance with said Zoning Ordinance and this condition, a marketing plan, and all other required documentation. All costs associated with complying with this condition, including but not limited to, the DHCD process, recording of all documents with the registry of deeds, and the marketing plan for the Affordable Units shall be borne by the Applicant, its successors and/or assigns.

8. Site Access and Roadway Improvements.

- a. The Use shall access Route 20 with a single driveway entrance located directly opposite Village Drive. The Applicant shall provide an emergency access driveway off of Route 20 on the western side of the Site, with an access or gating system approved during Site Plan Review.
- b. The Applicant, its successors and/or assigns, shall coordinate with the City and the Massachusetts Department of Transportation to ensure that development of the Use does not conflict with planned improvements to Route 20 in the vicinity of the Site. The final design and configuration of the Site's access driveways shall incorporate the latest design of the planned MassDOT improvements to Route 20 and shall be approved by both MassDOT and the Engineering Division of the Department of Public Works.
- c. In addition to the planned improvements to Route 20, the Applicant shall, in coordination with MassDOT and the Engineering Division of the Department of Public Works, make the following traffic calming improvements in the vicinity of the Site:
 - (i) A radar speed sign on the southern side of Route 20 to the west of Victoria Lane;
 - (ii) A radar speed sign on the northern side of Route 20 to the east of Village Drive; and
 - (iii) Rectangular rapid flashing beacons at the proposed crosswalks over Route 20 in the vicinity of the Site.
- d. Prior to the issuance of a building permit, the Applicant, its successors and/or assigns, shall provide a payment to the City in the amount of \$200,000 to be used by the City Council or its designee towards the study, design, and construction of a traffic signal at the intersection Route 20, Village Drive, and the Site's main entrance; provided however, that if the Massachusetts Department of Transportation does not authorize said traffic signal within three (3) years

following the issuance of a final certificate of occupancy for the Use, then the funds may be used by the City Council or its designee for the study, design, and construction of comparable transportation safety improvements in the vicinity of the Site, for beautification improvements along Route 20 in the vicinity of the Site, or another project designed to improve transportation and aesthetics along Route 20 in the vicinity of the Site.

- e. Within six (6) months after the issuance of the final certificate of occupancy for the Project, the Applicant shall make a written request to MassDOT asking MassDOT to reconsider the traffic signal at the intersection of Route 20, Village Drive, and the Site's main entrance based upon traffic data reflecting the actual full occupancy of the Project.
- f. Within six (6) months after the issuance of the final certificate of occupancy for the Project, the Applicant agrees to have its traffic engineer update its traffic analysis, and make and provide written recommendations to the Marlborough City Council as to the best use of the \$200,000 paid pursuant to Condition 8D above for traffic safety and improvements in the area of the Site and Village Drive, taking into consideration the full occupancy of the Project and ongoing improvements in the area made by MassDOT.

9. Transportation Alternatives.

- a. Prior to the issuance of a building permit, the Applicant, its successors and/or assigns, shall provide a payment to the City in the amount of \$20,000 to be used by the City Council or its designee to study and/or fund shared transportation options, including but not limited to a shuttle service, to provide access between the Site and its neighboring residential properties and Downtown Marlborough.
- b. Prior to applying for a building permit for the Use, the Applicant, its successors and/or assigns, shall submit a request to the MetroWest Regional Transit Authority to add a bus stop in the vicinity of the Site and its neighboring residential properties.
- c. Prior to the issuance of a building permit, the Applicant, its successors and/or assigns, shall provide a written summary of a program sponsored for the Site's residents to encourage shared trips and carpooling to reduce vehicle trips to and from the Site, and shall submit an annual report on this program to the Building Commissioner on or before January 30th during each year that the Use remains in operation.

10. Open Space.

- a. The Applicant, its successors and/or assigns, shall grant a conservation restriction to the City's Conservation Commission or its designee over areas of the Site identified as "CR Area 1", "CR Area 2", and "CR Area 3" (including any area

outlined in red) shown on the plan attached as “**Attachment B**” (the “Restricted Land”). The form of the conservation restriction over the Restricted Land shall be approved by the City Solicitor and the City Conservation Officer prior to the issuance of a building permit. The Conservation Restriction must be approved by the Conservation Commission, the City Council, and finally signed by the Mayor before being approved by the State Secretary of Energy and Environmental Affairs. The conservation restriction must be granted and recorded prior to the issuance of a certificate of occupancy for any unit within the Use, or at a later time agreed to in writing by the City Conservation Officer. The Conservation Restriction will allow for the mowing and management of portions of CR Area 1 to enhance wildlife habitat and meadows as approved by the Conservation Commission, and shall allow for the passive recreational use of CR Area 1 by the Site’s residents.

- b. Prior to the issuance of a building permit, the Applicant, its successors and/or assigns, shall provide a payment to the City in the amount of \$20,000 to be used by the City Council or its designee to study and/or fund a recreational trail for pedestrians along the City-owned sewer land adjacent to the Site, to provide public access and connections between Route 20 and the Site’s neighboring residential properties and Kane School.

11. **Issuance of Building Permit.** Construction of the project shall not begin until April 14, 2023. Issuance of a building permit shall be conditioned such that construction of the project may not begin until April 14, 2023.

12. **Charging Station.** The Applicant agrees to increase the number of charging stations at the Project from the original two (2) to four (4) charging stations.

13. **Sewer Pump Station Improvements.** Prior to the issuance of a building permit, the Applicant, its successors and/or assigns, shall provide a payment to the City for its Department of Public Works or its designee, not to exceed \$35,000, to be used by the City for the installation of an in-line sewage grinder at the Boston Post Road pump station in the vicinity of the Site.

14. **Snow Removal.** Snow removed from driveways, parking areas, and walkways at the Site may not be stored in a manner that creates a shortage of on-site parking for residents. If on-site snow storage creates a shortage of on-site parking for residents, the Applicant, its successors and/or assigns, shall have stockpiled snow removed from the Site.

15. **Other Approvals.** The Applicant, its successors and/or assigns, shall comply with an order of conditions from the City’s Conservation Commission and a floodplain special permit from the City’s Zoning Board of Appeals.

16. **Recording of Decision.** In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with

no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

Yea:_____ - Nay:_____ - Absent:_____

ADOPTED
In City Council
Order No. 20-1007995B

Adopted:_____ 2022

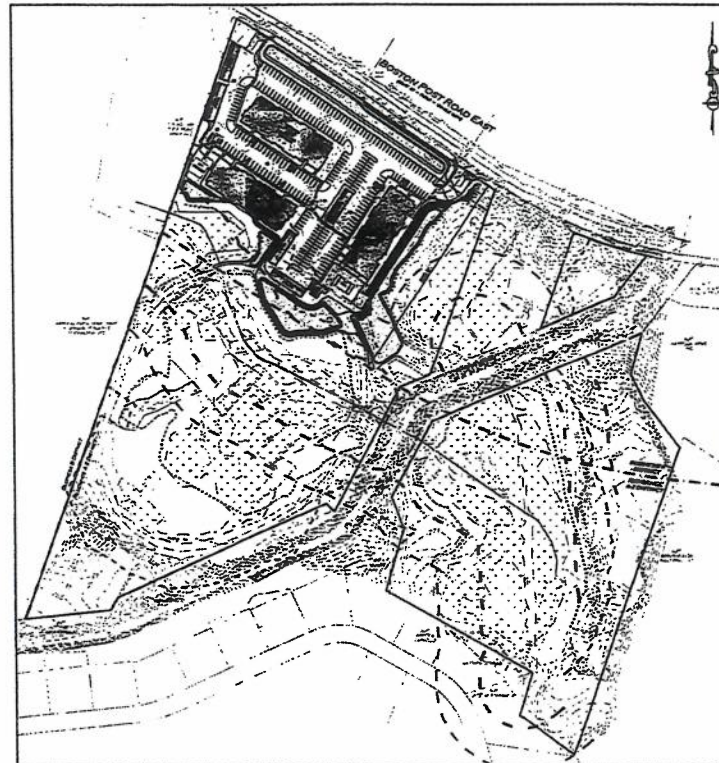
A TRUE COPY
ATTEST:_____ City Clerk
3253704.3

ATTACHMENT "A"



LOCUS MAP
NOT TO SCALE

PRELIMINARY SITE DEVELOPMENT PLANS FOR **WALCOTT HERITAGE FARMS** 339 BOSTON POST ROAD EAST MARLBOROUGH, MA



LIST OF DRAWINGS			
DRAWING TITLE	SHEET NO.	ISSUED	REVISED
CIVIL DRAWINGS			
EXISTING CONDITIONS PLAN	V-101	01-16-2020	07-08-2020
LOCUS PLAN	C-001	12-16-2020	---
PRELIMINARY SITE PLAN	C-101	12-16-2020	---
PRELIMINARY UTILITY PLAN	C-102	12-16-2020	---
PRELIMINARY LANDSCAPE PLAN	L-101	12-16-2020	---
LANDSCAPE DETAILS	L-101	12-16-2020	---

APPLICANT:
WP MARLBOROUGH MA OWNER, LLC
9 WEST BROAD STREET, SUITE 800
STAMFORD, CT 06902
203.210.2700

**LAND SURVEYOR, SITE ENGINEER
LANDSCAPE ARCHITECT:**
ALLEN & MAJOR ASSOCIATES, INC.
100 COMMERCE WAY, SUITE 5
WOBURN, MA 01801
781.935.6889

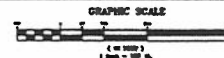
ARCHITECT:
PHILLIPS ARCHITECTURE
5901 PEACHTREE DUNWOODY ROAD, SUITE A450
ATLANTA, GA 30328
770.394.1616

**MECHANICAL, ELECTRICAL AND PLUMBING
CONSULTANT:**
ENGR3 CONSULTING ENGINEERS
100 NORTH POINT CENTER EAST, SUITE 200
ALPHARETTA, GA 30022

ENVIRONMENTAL CONSULTANT:
GODDARD CONSULTING, LLC
291 MAIN STREET SUITE #8
NORTHBOROUGH, MA 01532
508.393.3784

PREPARED BY:

**ALLEN & MAJOR
ASSOCIATES, INC.**
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environmental consulting • landscape architecture
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ISSUED FOR LOCAL APPROVAL: DECEMBER 20, 2019
RESUBMISSION FOR LOCAL APPROVAL: JANUARY 31, 2020
VARIOUS REVISIONS: FEBRUARY 3, 2020
VARIOUS REVISIONS: FEBRUARY 20, 2020
REVISED PER CITY COMMENTS: MAY 18, 2020
REVISED PER CITY COMMENTS: JULY 8, 2020
ISSUED TO CONSERVATION: AUGUST 12, 2020
REVISED PER CONSERVATION: AUGUST 26, 2020
REVISED FOR SITE PLAN REVIEW COMMITTEE: SEPTEMBER 11, 2020

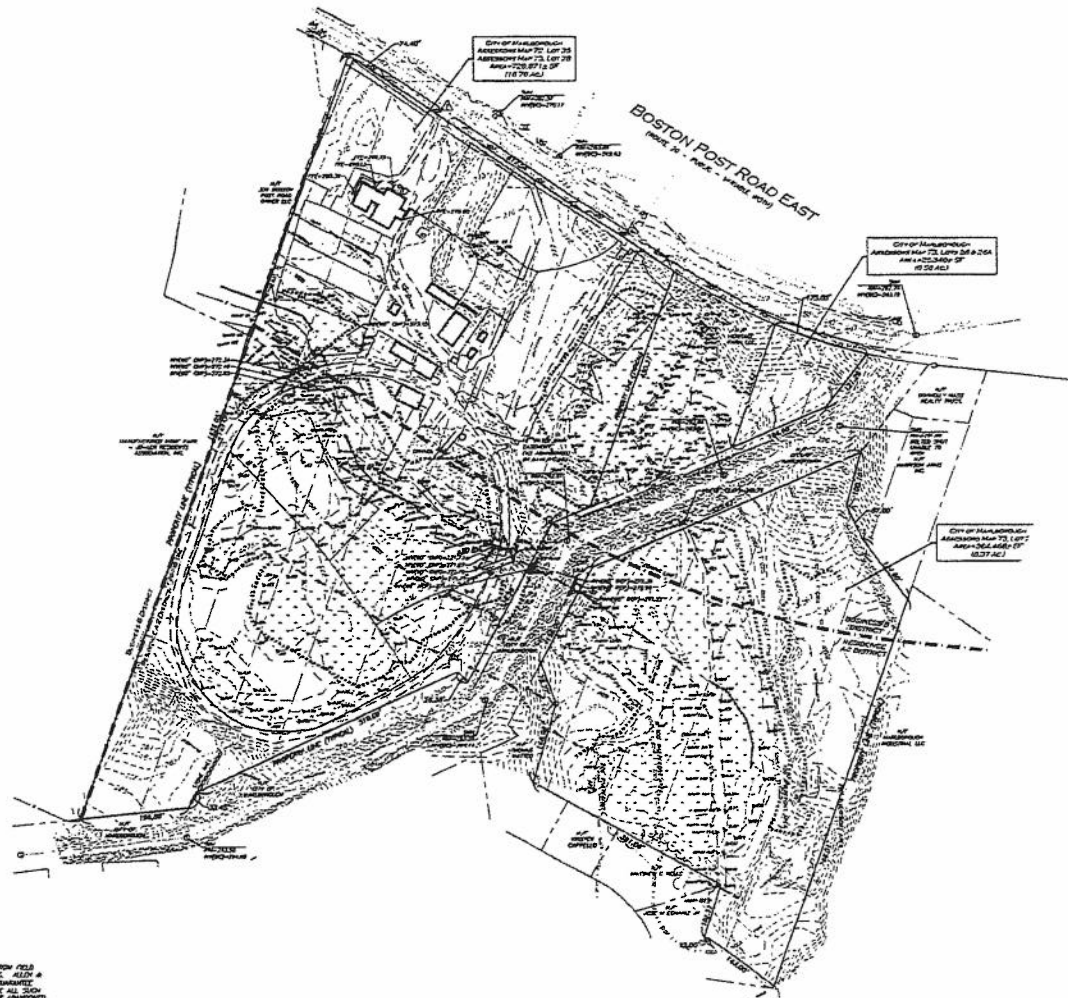
REVISED FOR URBAN AFFAIRS SUBMISSION: DECEMBER 16, 2020

ALLEN & MAJOR ASSOCIATES, INC. 100 COMMERCE WAY WOBURN MA 01801 TEL: (781) 935-6889 FAX: (781) 935-6896



LOCUS MAP
(NOT TO SCALE)

BENCHMARK SUMMARY		
ITEM #	DESCRIPTION	ELEV.
1	CORNER OF SPUR 1 BY UPR 10-1	794.10
2	CORNER OF SPUR 2 BY UPR 10-2	297.10

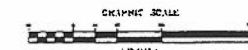


LEGEND	
STONE BOUND (DB)	DB
IRON ROD (DB)	DB
SEWER MANHOLE (DB)	DB
CATCH BASIN (DB)	DB
UTILITY POLE	DB
UTILITY POLE, BRANCH	DB
UTILITY POLE, W/OUT	DB
DAY WIRE	DB
TRIP WIRE	DB
WATER GATE	DB
PIPE GATE	DB
WATER (DB)	DB
LAND	DB
SOIL	DB
WETLAND FLAG	DB
ELECTRIC WIRE	DB
CONCRETE	DB
WETLAND AREA	DB
WETLAND	DB
FLOODPLAIN	DB
20' WETLAND BUFFER	DB
10' WETLAND BUFFER	DB
5' WETLAND BUFFER	DB
EXISTING LINE	DB
1' CORNER	DB
1' CORNER	DB
PROPERTY LINE	DB
ADJUTING LINE	DB
STONE WALL	DB
PAVE LINE	DB
EDGE OF PAVEMENT	DB
EDGE OF DRIVE	DB
CURB	DB
CHAIN LINK FENCE	DB
STOCKADE FENCE	DB
WIRE FENCE	DB
GUARDRAIL	DB
WATER LINE	DB
SEWER LINE	DB
DRINK LINE	DB
OVERHEAD WIRE	DB
FINISHED FLOOR ELEVATION	DB
BRICKWORK	DB
CONCRETE	DB
BRICKWORK	DB
ASPH/CONC	DB
MECHANICAL CHLORINE PIPE	DB
CONCRETE METAL PIPE	DB
DUCT IRON PIPE	DB
DUCTILE IRON PIPE	DB
STONE BOUND W/DRILL HOLE	DB
STONE BOUND W/DRILL HOLE	DB
FOUND	DB
HOW OR FORMERLY	DB
IRON	DB
PAVE	DB

LOCAL REFERENCES
 -CITY OF MARLBOROUGH RECORDS MAP 72, LOT 35
 -CITY OF MARLBOROUGH RECORDS MAP 72, LOT 36
 -BOOK 4134, PAGE 231
 -BOOK 4134, PAGE 241
 -PLAN 470 OF 1332
 -OWNER OF RECORD: HERMAN FARM LLC

PLAN REFERENCES
 -PLAN 179 OF 1991
 -PLAN 1204 OF 1992
 -PLAN 438 OF 1990
 -PLAN 1400 OF 1999

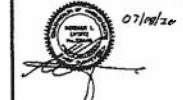
- NOTES**
1. NORTH ARROW IS SHOWN ON MASSACHUSETTS AND GEODESIC SURVEY (MARLBOROUGH) MAP 72, LOT 35.
 2. PROPERTY LINE IS SHOWN ON THE PROPERTY SURVEY MAP 72, LOT 35, AND IS THE 20' BUFFER FROM A PLAT ENTITLED "MARLBOROUGH LAND TRUST SURVEY" IN THE RECORDS OF THE CITY OF MARLBOROUGH, MASSACHUSETTS, DATED MAY 28, 2014, PREPARED BY JAMES W. HARRIS.
 3. WETLANDS ARE SHOWN ON THE PROPERTY SURVEY MAP 72, LOT 35, AND ARE THE 20' BUFFER FROM A PLAT ENTITLED "MARLBOROUGH LAND TRUST SURVEY" IN THE RECORDS OF THE CITY OF MARLBOROUGH, MASSACHUSETTS, DATED MAY 28, 2014, PREPARED BY JAMES W. HARRIS.
 4. CONCRETE FOUNDATION IS SHOWN ON THE PROPERTY SURVEY MAP 72, LOT 35, AND IS THE 20' BUFFER FROM A PLAT ENTITLED "MARLBOROUGH LAND TRUST SURVEY" IN THE RECORDS OF THE CITY OF MARLBOROUGH, MASSACHUSETTS, DATED MAY 28, 2014, PREPARED BY JAMES W. HARRIS.
 5. CONCRETE FOUNDATION IS SHOWN ON THE PROPERTY SURVEY MAP 72, LOT 35, AND IS THE 20' BUFFER FROM A PLAT ENTITLED "MARLBOROUGH LAND TRUST SURVEY" IN THE RECORDS OF THE CITY OF MARLBOROUGH, MASSACHUSETTS, DATED MAY 28, 2014, PREPARED BY JAMES W. HARRIS.



WE HEREBY CERTIFY THAT THIS PLAN IS THE RESULT OF AN ASSESSMENT OF THE SURVEY PERFORMED ON OR BETWEEN JAN. 21, 2019 AND JANUARY 12, 2020.

July 8, 2020

PROFESSIONAL LAND SURVEYOR FOR ALLEN & MAJOR ASSOCIATES, INC.



PROJECT: 339 BOSTON POST ROAD EAST
MARLBOROUGH, MA

CLIENT: WP MARLBOROUGH MA OWNERS, LLC
9 WEST BROAD STREET, SUITE 800
STAMFORD, CT 06302

DATE: 07/08/20

ALLEN & MAJOR ASSOCIATES, INC.

1000 WEST BROAD STREET, SUITE 800
STAMFORD, CT 06302

TEL: 203.340.1000 FAX: 203.340.1001

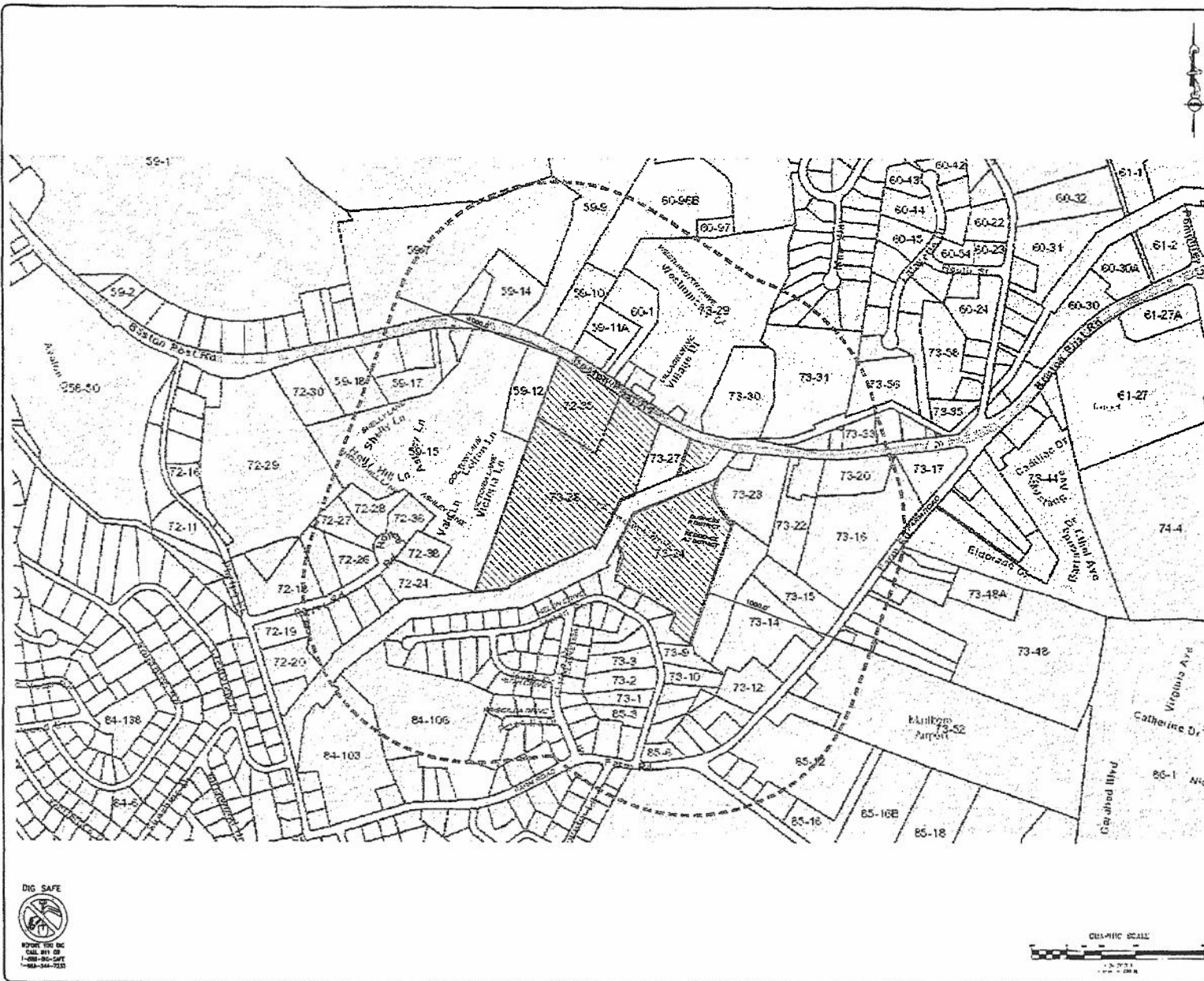
WWW.ALLEN-MAJOR.COM

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DATE: 07/08/20

BY: [Signature]

EXISTING CONDITIONS V-101



ALLEN & MAJOR ASSOCIATES, INC.
 100 WEST WINDY STREET, SUITE 200
 STAMFORD, CT 06902
 (203) 348-1111
 FAX (203) 348-1112
 WWW.ALLENMAJOR.COM

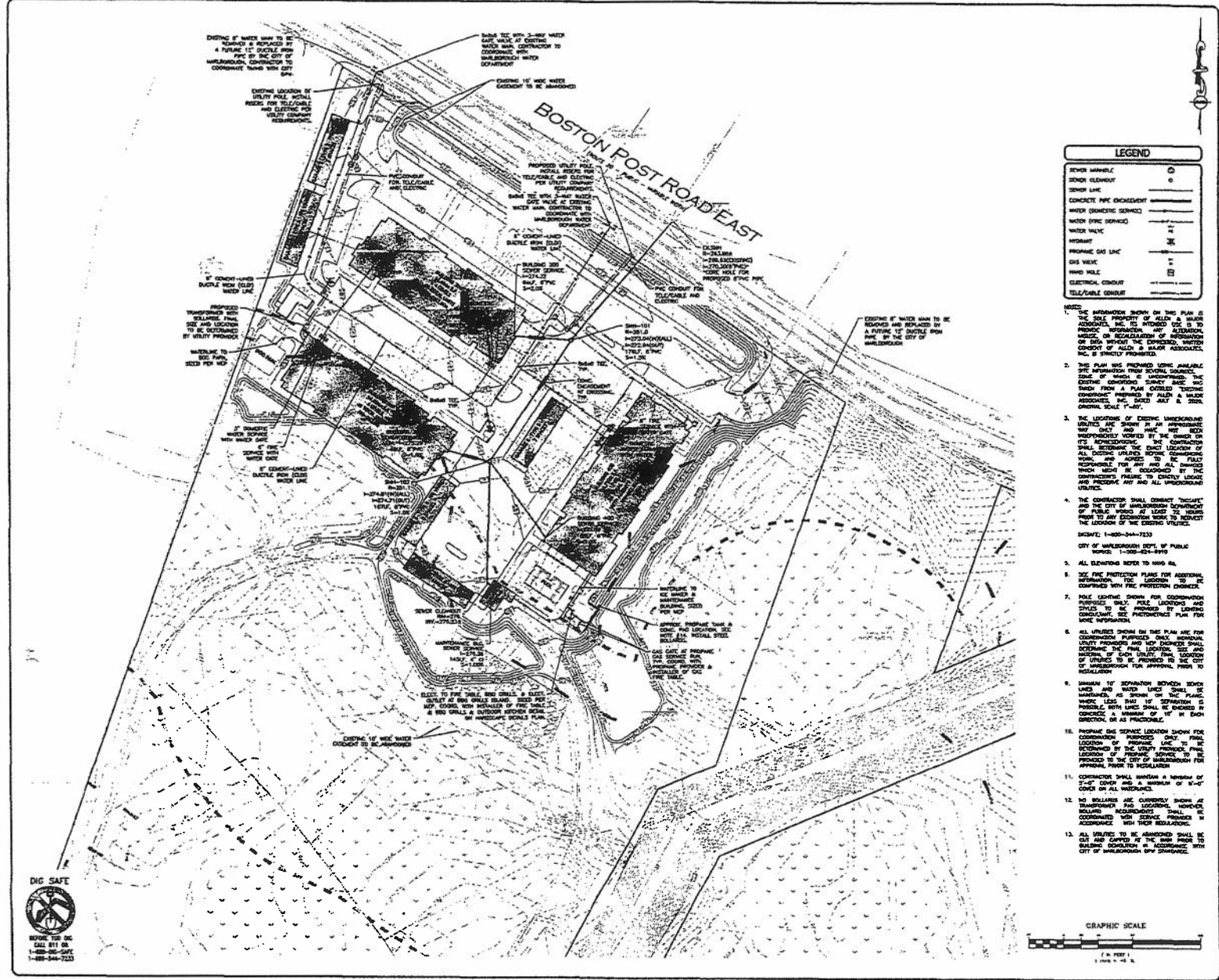
PROJECT NO. 2000-01 **DATE** 12/03/04
SCALE 1"=50' **INCHES** 1/4"=100' **CONTRACT** C0001
DESIGNED BY ALM/ALM **CHECKED BY** ALM

ALLEN & MAJOR ASSOCIATES, INC.
 100 WEST WINDY STREET, SUITE 200
 STAMFORD, CT 06902
 (203) 348-1111
 FAX (203) 348-1112
 WWW.ALLENMAJOR.COM

PROJECT NO. 2000-01 **DATE** 12/03/04
SCALE 1"=50' **INCHES** 1/4"=100' **CONTRACT** C0001
DESIGNED BY ALM/ALM **CHECKED BY** ALM

LOCUS PLAN **C001**

ALLEN & MAJOR ASSOCIATES, INC. 339 BOSTON POST ROAD EAST MARLBOROUGH, MA 01902



LEGEND	
SEWER MAINLINE	—
SEWER BRANCH	—
CONCRETE PIPE ENCLOSURE	—
WATER (DOMESTIC SERVICE)	—
WATER (FIRE SERVICE)	—
WATER VALVE	—
WASTEWATER	—
PROPANE GAS LINE	—
EXIST. VALVE	—
EXIST. HOLE	—
ELECTRICAL CONDUIT	—
TELEPHONE CONDUIT	—

- NOTES:
1. THE INFORMATION SHOWN ON THIS PLAN IS THE PROPERTY OF ALLEN & MAJOR ASSOCIATES, INC. ITS INTENDED USE IS TO PROVIDE INFORMATION FOR THE DESIGN, CONSTRUCTION, OR RECONSTRUCTION OF UTILITIES OR STRUCTURES. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF ALLEN & MAJOR ASSOCIATES, INC. IT IS STRICTLY PROHIBITED.
 2. THIS PLAN WAS PREPARED USING AVAILABLE SITE INFORMATION FROM SEVERAL SOURCES, INCLUDING: (a) RECORD DRAWINGS; (b) FIELD SURVEY; (c) AERIAL PHOTOGRAPHS; (d) OTHER SOURCES. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF ALLEN & MAJOR ASSOCIATES, INC. IT IS STRICTLY PROHIBITED.
 3. THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE MANNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. ANY AND ALL UTILITIES WHICH MAY BE ENCOUNTERED BY THE CONTRACTOR DURING THE CONSTRUCTION OF THE PROJECT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
 4. THE CONTRACTOR SHALL COMPLY WITH ALL CITY OF MARLBOROUGH DEPT. OF PUBLIC WORKS 1-100-100-1000. ALL ELEVATIONS REFER TO NGVD 83.
 5. THE FIRE PROTECTION PLANS FOR ADDITIONAL BUILDINGS IN THE AREA SHALL BE COMPLETED WITH THE FIRE PROTECTION ENGINEER.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MARLBOROUGH DEPT. OF PUBLIC WORKS 1-100-100-1000.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MARLBOROUGH DEPT. OF PUBLIC WORKS 1-100-100-1000.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MARLBOROUGH DEPT. OF PUBLIC WORKS 1-100-100-1000.
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 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MARLBOROUGH DEPT. OF PUBLIC WORKS 1-100-100-1000.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MARLBOROUGH DEPT. OF PUBLIC WORKS 1-100-100-1000.
 13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MARLBOROUGH DEPT. OF PUBLIC WORKS 1-100-100-1000.

PROFESSIONAL ENGINEER FOR
ALLEN & MAJOR ASSOCIATES, INC.

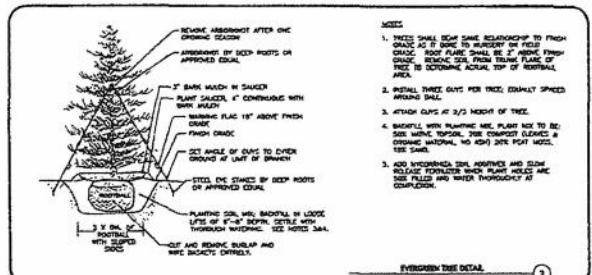
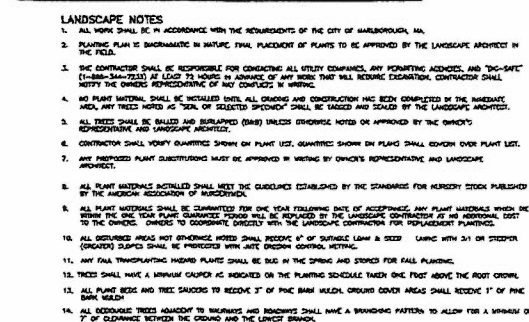
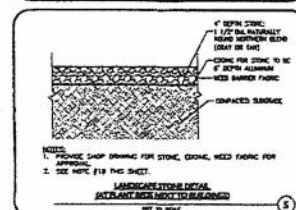
NO.	DATE	DESCRIPTION
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100	01-23-2011	REVISED PER CITY COMMENTS

ALLEN & MAJOR ASSOCIATES, INC.
339 BOSTON POST ROAD EAST
MARLBOROUGH, MA 01902

PROJECT NO. 339-01 DATE 12-20-10
SCALE 1"=40' DWG. NO. C-102
DESIGNED BY: SLM/ML CHECKED BY: CML

PRELIMINARY UTILITIES PLAN

SHEET NO. C-102



THE NEW ENGLAND REGION CONTAINS A VAST NUMBER OF SPECIES OF NATIVE PLANTS AND MOSS SPECIES. SELECTION OF NATIVE SPECIES AND MOSS SPECIES IS ESSENTIAL FOR A SUCCESSFUL RESTORATION PROJECT. THE NEW ENGLAND REGION CONTAINS A VAST NUMBER OF SPECIES OF NATIVE PLANTS AND MOSS SPECIES. SELECTION OF NATIVE SPECIES AND MOSS SPECIES IS ESSENTIAL FOR A SUCCESSFUL RESTORATION PROJECT. THE NEW ENGLAND REGION CONTAINS A VAST NUMBER OF SPECIES OF NATIVE PLANTS AND MOSS SPECIES. SELECTION OF NATIVE SPECIES AND MOSS SPECIES IS ESSENTIAL FOR A SUCCESSFUL RESTORATION PROJECT.

CONCRETE FERTILIZER SHALL BE APPLIED AT THE RATE OF 20 POUNDS PER 1000 SQ. FT. OR AS RECOMMENDED BY THE TESTING AGENCY. LIME TO SPREAD AT THE RATE OF 100 POUNDS PER 1000 SQ. FT. OR AS RECOMMENDED BY THE TESTING AGENCY. COMMERICAL FERTILIZER SHALL BE A COMPLETE FERTILIZER CONTAINING AT LEAST 20% OF THE NITROGEN WHICH WHEN DISPERSED FROM MANUAL ORGRNELL SOURCE(S) OF UREAFORM, IT SHALL CONTAIN NUTRIENT PERFORMANCE OF MINIMUM 80% FOR PERIOD UP TO ONE YEAR. LIME SHALL BE AN APPROVED AGRICULTURAL GRADE. LIME SHALL BE UNFLOCCULATED AND FREE FROM CLUMPS. LIME SHALL BE GRINDED TO SUCH FINENESS THAT 90% WILL PASS THROUGH A NO. 60 MESH SIEVE AND 95% WILL PASS THROUGH A NO. 20 MESH SIEVE.

CONSTRUCTION REQUIREMENTS FOR MATERIALS, WORKMANSHIP AND RECORDING OF LAWN CARE SPOTS UNTIL A UNIFORM, HEALTHY STAGE OF GROUND IS ESTABLISHED AND ACCEPTED. IF PROPOSED IRRIGATION SYSTEM IS NOT OPERATIONAL, LANDSCAPE CONTRACTOR RESPONSIBLE TO WATER WITH TEMPORARY IRRIGATION WATER TRUCKS UNTIL IRRIGATION SYSTEM IS OPERATIONAL AT NO ADDITIONAL COST.

SECURITY NAME	COMMON NAME	PROPORTION BELIEVED	PERCENT CHASE	PERCENT MISINTERPRET
FEDERAL RESERVE "FALCON"	CHIPPING NOY FISCAL	37%	90%	30%
NO PRISONERS "BARON"	BONN KENTWORTH BLUEGRASS	40%	83%	80%
LEAHN FORDNE "FALCON"	PAULNE FORDMAN INTERGRASS	10%	83%	80%
FEDERAL RESERVE	WELSH CHOWING	8%	83%	80%

[illegible][illegible]

ALPHANUMERIC ORDERED FOR ALUMINUM MAJOR ASSOCIATES, INC.		
10	12-16-2010	REVISED PER LITMINE APPROVED FOR
9	08-23-2010	REVISED PER LITMINE APPROVED FOR
8	08-24-10	REVISED FOR CONSTRUCTION
7	06-13-10	REVISED PER CITY COMMENTS
6	03-08-10	REVISED PER CITY COMMENTS
5	05-18-10	REVISED PER CITY COMMENTS
4	05-28-10	WHOLESALE APPROVAL
3	03-02-10	WHOLESALE APPROVAL
2	05-17-10	RESUBMITTED FOR LOCAL APPROVAL
1	03-09-10	REVISED FOR LOCAL APPROVAL

PROJECT:
MULTI-FAMILY DEVELOPMENT
339 BOSTON POST ROAD EAST

0000000000	0000000000	0000000000	0000000000
0000000000	0000000000	0000000000	0000000000



**ALLEN & MAJOR
ASSOCIATES, INC.**

ASSOCIATES, INC.
civil & structural engineering • land surveying
environmental consulting • landscape architecture
www.citracorp.com
100 Connecticut Avenue, Suite 200

W08000 MA 01881
TEL: (781) 861-0000
FAX: (781) 861-0000

THE FOLLOWING HAS BEEN RECEIVED FROM JACQUES ROBERT,
CHIEF OF THE 7th RESEARCH GROUP OF THE CANADIAN ARMY RESEARCH
AND DEVELOPMENT ESTABLISHMENT, CANADA: THE INFORMATION ON AERONAUTICAL
RESEARCH FOR THE YEAR 1964-1965.

[illegible]

SPECIAL ADVERTISING SECTION OF THE ONLY BUSINESS DIRECTORY ALLEN & UNCLE, INCORPORATED, NEW YORK, N.Y.	
COMPANY TITLE:	SHEET NO.
NAME OF FIRM & ADDRESS	

LANDSCAPE DETAILS L-501

ATTACHMENT “B”

