

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

1A

**Call to Order**

**February 08, 2021**

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

**1. Meeting Minutes**

**A. January 25, 2021**

On a motion by Mr. Fay, seconded by Mr. Hodge, the Board voted to accept and file the January 25, 2021 meeting minutes. Yea: Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

**2. Chair's Business**

A. Chair Fenby informed the Board that she had reached out to Code Enforcement Officer Wilderman to see whether she had interest in reworking aspects of the sign ordinance. The search for an interested party will continue.

**3. Approval Not Required (None)**

**4. Public Hearings (None)**

**5. Subdivision Progress Reports (None)**

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

**7. Definitive Subdivision Submissions (None)**

**8. Signs (None)**

**9. Correspondence (None)**

**10. Unfinished Business**

**A. Definitive Subdivision Application - 76 Broad St. 4-Lot Subdivision**

Applicant: W.R.E., LLC, 319 Stow Road, Marlborough, MA 01752

Engineer: Hancock Associates, 315 Elm St., Marlborough, MA 01752. Robert DiBenedetto, Representative.

Attorney Sandra Austin, Counsel.

Mr. LaVenture read the 02-04-21 letter from Hancock engineer, Robert DiBenedetto, into the record. All comments from the City's Engineering Division have been incorporated into the presented plan. He additionally states that letters from the Broad Street abutters agreeing to the proposed development plans are included for the Board's review.

Mr. LaVenture then read the two referenced letters into the record. The first letter dated 1-26-21 was from Mr. George Harpin, manager of 84 Broad Street, LLC. The second letter dated 1-26-21 from Charles and Connie Estes, trustees of the 70-72 Broad St. Realty Trust. Both groups of abutters acknowledged their understanding of the project and provided their explicit permission to have their properties included in the proposed project. On a motion by Mr. Russ, seconded by Mr. Hodge, the Board voted to accept and file the three letters. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

Ms. Fenby asked if there were any additional comments on the latest plan revision. Mr. Russ asked about the proposed plan's 32-foot pavement width.

City Engineer DiPersio explained that this project uses the a 32-foot pavement width vs. a 28-foot width for a secondary street. The wider width will allow for additional street parking in the denser 2-family neighborhood.

Mr. Fay asked about a reference in the Assistant City Engineer's review letter, which recommends that the plan's endorsement be conditioned upon presentment of easements shown on the plan. Mr. Fay questioned whether the City required the easements in recorded form prior to endorsement. Attorney Austin requested permission to speak. She explained that easements typically allow access or permission to cross a property. In this case, the developer is improving the abutters' properties as part of the plan. The driveway access off the subdivision road will improve the abutters' properties and parking. The drainage easement is a normal aspect of the street acceptance process. She believes it is premature to request the easement now.

Mr. DiPersio explained that the abutters have already consented to the use of their properties as shown on the plan. These are not easements that will ultimately be owned by the City. The plan does show a utility easement whose rights will be transferred to the City. Mr. DiPersio stated that the drainage easement, while also owned by Mr. White, is in a different entity name. He just wanted the Board to be cognizant of this prior to endorsing the plan. There might be a slight chance that if any of the properties changed hands, that the plan may require a modification.

Mr. Fay suggested adding the following condition to the Certificate of Vote: Developer shall deliver all required easements prior to any release of lots. Attorney Austin is agreeable to this condition. Mr. LaVenture asked whether there would be benefit in referring the matter to Legal. Assistant City Solicitor Piques said that the additional condition should suffice. He didn't think that he would come to any different conclusion should the matter be referred to Legal.

Mr. LaVenture read the 2-4-21 review letter from Assistant City Engineer Collins into the record. The submission is substantially complete and has adequately met the technical requirements set forth in the Planning Board Rules and Regulations. The development does not entail unwarranted hazard to the safety, health and convenience of future residents or of others. The plan is in conformity with the requirements of the Design Standards (Article IV) except those provisions for which waivers have been requested. The subdivision will not cause substantial and irreversible damage to the environment. The subdivision has adequate access, and the lots are in conformity with all applicable zoning requirements. On a motion by Mr. Russ, seconded by Mr. Fay, the Board voted to accept and file the letter. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay:0. Motion carried.

Mr. LaVenture read the 2-3-21 letter from Assistant City Solicitor Piques into the record. The letter certifies that the attached Certificate of Vote, as amended, is in proper legal form. The letter also stipulates that a note be added to the plan, acknowledging that the plan is approved subject to the conditions set forth in the Covenant (a draft of which has been referred to the Legal Department.) On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to accept and file the letter. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. Prior to moving on to the waivers, Mr. Fay asked whether the Ward Councilor had provided any comment on the development. No comments were acknowledged.

Ms. Fenby asked for an introduction to the waivers.

Mr. Russ said he would like to make a general statement about the waivers. "The Board having received sufficient input from the applicant, the development team, the public, and upon favorable guidance from the City Engineer and favorable recommendation from the City's code enforcement officer, affirms that the approval of the requested waivers is in the best interest of the public, is consistent with the intent of the subdivision control laws and the Planning Board rules and regulations." With separate motions by Mr. Russ and seconded by Mr. Fay, the Board voted in the affirmative on each of the 7 waivers as shown in the plan waiver block. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motions carried.

WAIVER BLOCK:

WAIVER REQUEST LIST:	APPROVED	
	YES	NO
1. §A676-12.B.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." <u>PROPOSED: RIGHT-OF-WAY LINES AS SHOWN ON LOTTING PLAN.</u>	X	
2. §A676-12.C.1.a "THE MINIMUM WIDTH OF RIGHTS-OF-WAY SHALL BE AS FOLLOWS:" "SECONDARY STREETS: 50 FEET." <u>PROPOSED: RIGHT-OF-WAY WIDTH OF 49.2 FEET AT STA1+75. RIGHT-OF-WAY LINES AS SHOWN ON LOTTING PLAN.</u>	X	
3. §A676-12.D.3: "WHERE CHANGES IN GRADE EXCEED 1%, REASONABLE VERTICAL CURVES, AS REQUIRED BY THE COMMISSIONER OF PUBLIC WORKS, WILL BE PROVIDED..." <u>PROPOSED: GRADE BREAK AT PROPOSED CROSSWALK FROM 2% TO 4.8%.</u>	X	
4. §A676-20: "SEE CROSS SECTIONS IN APPENDIX F" "TYPICAL CROSS SECTION #1: SECONDARY RESIDENTIAL STREET". <u>PROPOSED: 3' LANDSCAPING STRIP BETWEEN CURB AND SIDEWALK. SIDEWALK WITH NO CURB REDUCED TO 5.5-FOOT WIDTH. VARIED TREE LOCATIONS.</u>	X	
5. §A676-23.A: "NO STREET OF 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)..." <u>PROPOSED: RIGHT-OF-WAY DEVIATES FROM STANDARD CROSS-SECTION. SEE ITEM 4 ABOVE.</u>	X	
6. §A676-24.B: "ROADWAYS SHALL BE CONSTRUCTED FOR THE FULL LENGTH OF ALL STREETS WITHIN THE SUBDIVISION AND SHALL HAVE THE SAME CURB RADIUS REQUIRED IN §A676-12B ABOVE." (30 FEET) <u>PROPOSED: CURB RADIUS AT WESTERN CORNER OF INTERSECTION = 25 FEET. CURB RADIUS AT EASTERN CORNER OF INTERSECTION = 22 FEET.</u>	X	
7. §A676-28.A: "STREET TREES OF A SPECIES APPROVED BY THE 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." <u>PROPOSED: STREET TREES AS SHOWN ON "LANDSCAPE PLAN".</u>	X	

In each instance, a yes vote indicates that, in the Board's opinion, the waiver was in the public's interest and was consistent with the intent and purpose of the subdivision control law and with the Planning Board's rules and regulations.

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to approve the 76 Broad St. definitive subdivision plan dated 2-4-21 and to execute the Certificate of Vote with the additional condition that any required easements shall be delivered by the developer prior to any release of lots. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. Ms. Holmi will add the referenced condition to the Certificate of Vote and remove Mr. Elder's name from the certificate, since he was unavailable for the vote. Each member must sign the Certificate of Vote and the certificate will be filed with the City Clerk's Office. Prior to endorsement of the plan, the clerk will certify that twenty (20) days have elapsed since the filing of the above-referenced Certificate of Vote in the Office of Marlborough City Clerk, and attest that no notice of an appeal of that decision has been timely filed with said Office.

## 10. Unfinished Business

### B. Working group discussion – Planning Board Rules and Regulations

#### i. Rules and Regulations – Initial Recommendations

Mr. LaVenture provided an update to the Board of the working group's most recent meeting on February 3, 2021. He thanked the Engineering Division and Legal Dept. for their work and participation. Mr. LaVenture walked through each of the recommendations as shown in the summaries provided as follows:

#### Changes/corrections to the Planning Board Rules & Regulations adopted in 2015

**Current Regulation:** §A676-10.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 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.

**Proposed change:**

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 ~~(REMOVE) installed~~ ~~(ADD) scheduled to pave the top course~~, the planning Board may require that the developer take such remedial action as may be recommended to the Board by the DPW's Engineering Division.

**Reason for change:**

Remedial action needs to take place on the binder course, before the top course is installed (paved).

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**Current Regulation:** §A676-24.A(4½) Layer of geotextile fabric placed beneath gravel base.

"A layer of geotextile fabric shall be installed beneath the gravel base specified in §A676-24.A(5)."

**Proposed change/addition:**

~~(ADD)~~ The required fabric shall be TenCate Mirafi® 500X woven polypropylene geotextile material or approved equal.

**Reason for change:**

A description of the geotextile fabric was not specified in the regulation.

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**Current Regulation:** §A676-26. Sidewalks, curbs and gutters. B.

Bituminous concrete sidewalks having **a minimum thickness of two inches after compression** shall be constructed on a six-inch gravel foundation to the required lines and grades in accordance with these specifications.

**Proposed change:**

Bituminous concrete sidewalks having a minimum thickness of ~~(REMOVE) two~~ ~~(ADD) three~~ inches after compression shall be constructed on a six-inch gravel foundation to the required lines and grades in accordance with these specifications.

**Reason for change:**

The increased pavement thickness for sidewalks was changed on the cross sections but was not changed in the language contained in §A676-26. Sidewalks, curbs and gutters. B.

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**Current Regulation:** §A676-24. Streets and roadway B.(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 centerline radius for **a paved width less than 32 feet shall be 350 feet.**

**Proposed change:**

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 centerline radius for a paved width less than 32 feet shall be ~~(REMOVE)350~~ ~~(ADD) 150~~ feet.

**Reason for change:**

City Engineer felt that the 350-foot minimum centerline radius was too restrictive for streets with Lane Status and secondary residential streets (having a paved width less than 32 feet.).

**Current Regulation:** §A676-12 Streets. B. Alignment

(2) The minimum center-line radii of curved streets shall be as follows:

(a) Lanes: 125 feet

(b) Other secondary streets: 150 feet

(c) Major streets: 350 feet

**Proposed change:**

(2) The minimum center-line radii of curved streets shall be as follows:

~~(REMOVE) (a) Lanes: 125 feet~~

~~(REMOVE) (b)~~ ~~(ADD)(a)~~ Other secondary streets ~~(ADD)~~ and Lanes: 150 feet

~~(REMOVE) (c)~~ ~~(ADD)(b)~~ Major streets ~~(ADD)~~ and Commercial/Industrial streets: 350 feet

**Reason for change:**

Legal review in 2015 did not consider that centerline radius language was contained in §A676-24. Streets and roadway B.(1) and also in §A676-12 Streets. B. Alignment

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**Current Regulation:** §A676-9. Preliminary Plan B. Contents

The preliminary plan shall be drawn on with pencil at a suitable scale, preferably 40 feet to the inch, and five prints shall be filed with the Planning Board and one print shall be filed with the Board of Health at City Hall.

**Proposed change:**

The preliminary plan shall be drawn ~~(REMOVE) on with pencil~~ at a suitable scale, preferably 40 feet to the inch, and five prints shall be filed with the Planning Board and one print shall be filed with the Board of Health ~~(REMOVE) at City Hall.~~

**Reason for change.**

In 2015, there was no Legal opinion (drafted in legal form) when “tracing paper” was removed from this section. Pencils were used to draw on the tracing paper – this reference should also have been removed. Board of Health has not always been located at City Hall.

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**Current Regulation:** §A676-10. Definitive Plan A. (1).

An original drawing of the definitive plan, dark line on white background. The original drawing will be returned after approval of disapproval.

**Proposed change:**

An original drawing of the definitive plan, ~~(ADD) and eight copies thereof,~~ dark line on white background. The original drawing will be returned after approval of disapproval.

**Reason for change:**

In 2015, there was no Legal opinion (drafted in legal form) when “contact prints” was removed from this section. “Contact Prints” was a reference to copies of the plan submission – 8 copies of the plan submission should be required.

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**Current Regulation: §A676-10. Definitive Plan B. Contents. (1).**

The definitive plan be prepared by a professional engineer and/or land surveyor registered in Massachusetts and shall be clearly and legibly **drawn in black India ink upon tracing cloth or single matte three-mil mylar.**

**Proposed change:**

The definitive plan be prepared by a professional engineer and/or land surveyor registered in Massachusetts and shall be clearly and legibly drawn ~~(REMOVE) in black India~~ ~~(ADD) with black ink on (REMOVE) upon tracing cloth or single~~ matte three-mil mylar.

**Reason for change:**

In 2015, there was no Legal opinion (drafted in legal form) when “tracing cloth” was removed from this section. India ink is reference to re-fillable technical pens that were used to draw on tracing cloths and mylars.– this specific reference to the type of ink should also have been removed.

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**Current Regulation: §A676-23.H.**

The developer shall have prepared and certified by a registered land surveyor a **“plan of acceptance” drawn with India 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.

**Proposed change:**

The developer shall have prepared and certified by a registered land surveyor a “plan of acceptance” drawn with ~~(REMOVE) India~~ ~~(ADD) 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.

**Reason for change:**

In 2015, there was no Legal opinion (drafted in legal form) when “tracing cloth” was removed from this section. India ink is reference to re-fillable technical pens that were used to draw on tracing cloths and mylars.– this specific reference to the type of ink should also have been removed.

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**Current Regulation: §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.**

**Proposed changes:**

- A. Grass plots on secondary road layouts may ~~(REMOVE)-not~~ be permitted.
- B. Grass plots on ~~(REMOVE) major roads or secondary roads (based on sixty-foot layout)~~ ~~(ADD)~~ Commercial/industrial streets may be permitted if desired by the Planning Board.
- C. ~~(REMOVE)-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.~~

**Reason for change:**



The intent of the 2015 change in the Planning Board Rules & Regulations was to allow for the cross section that was used in the Mauro Farm Subdivision, which had a grass plot. At the time of the vote on the 2015 changes in the Planning Board Rules & Regulations, it was believed that change “will not be permitted” to “may be permitted” was a Scribner’s error and should have been proposed as “may not be permitted”. The “Mauro Farm” cross section was adopted as Cross section #6 which allows for grass plots. The Scribner’s error did not exist. Residential roadways (major and secondary) do not have a 60-foot Right-of-Way (anymore). PUD Developments were never adopted by the City Council (per Karen Boule – City Council Secretary/Steve Kerrigan – City Clerk.

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Mr. LaVenture introduced additional proposed changes as follows:

**Proposed changes to Planning Board Rules and Regulation (2015) – Part 2 (a)**

Cover Sheet

- General References - add the following:
  - Stormwater Management – See Ch. 271.
  - Storm Sewer – See Ch. 511.
  - Under Zoning – See Ch. 650
    - §650-28 – Open Space Development
    - §650-30 – Limited Development Subdivisions

>>> Insert a Table of Contents – to be produced once the regulation have been updated.

>>> *The following section should be moved from Article II – Definitions to Article III Submission and Approval of Plans:*

- §A676-3 Plan believed not to require approval. – *add (ANR)*
- §A676-4 Definitive plan required.
- §A676-5 One single-family dwelling on a lot.
- §A676-6 Planned unit development application. – *remove this section*
- §A676- 7 Adequate access.
- §A676-8 Fees and expenses.

Article III – Submission and Approval of Plans

**Current Regulation:** §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 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.

**Proposed change:**

§A676-3 Plan believed not to require approval **(ADD) (ANR).** 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 who believes that **(REMOVE) his (ADD) their plan** does not require approval under the Subdivision Control Law may submit **(REMOVE) his (ADD) two single matte three mil mylar copies of their** 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. **(ADD) An electronic copy of their plan shall also be submitted to the City Engineer’s Office, in a format acceptable to the City Engineer.**

**Reason for change:**

Update the regulation to current practices.

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**Current Regulation:** §A676-3 Plan believed not to require approval. 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 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.

**Proposed change:**

- 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 Subdivision Control Law Not Required". ~~(REMOVE) The plan will be returned to the applicant~~ (ADD) One endorsed copy of the plan(s) will be returned to the applicant. The other mylar copy of the plan(s) will be retained by the Department of Public Works – Engineering Division, and the Planning Board shall notify the City Clerk in writing of its action.

**Reason for change:**

Update the regulation to current practices.

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**Current Regulation:** §A676-3 Plan believed not to require approval. 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 been 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.

**Proposed change:**

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 (REMOVE) 14~~ (ADD) 21 days after its submission, it shall be deemed to have been 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.

**Reason for change:** This is in keeping with MGL. c.41, §81P.

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**Current Regulation:** §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 street 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.

**Proposed change:**



~~(REMOVE) 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 street 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.~~

**Reason for change:**

The City Clerk's Office and the City Council Office have determined that the "Planned Unit Developments" were never adopted by the Marlborough City Council.

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**Current Regulations: §A676-7 Adequate access B. Standards of adequacy:**

Section skipped for further discussion.

- (1) Ways abutting, serving or leading to a subdivision. Ways outside a subdivision and providing access to the street 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:

	8 or fewer Dwelling units	9 to 49 Dwelling Units	50 or more Dwelling units or Business or Industry
Min. R.O.W. width	N/A	N/A	40 feet
Surface type	3 inches Bit. Concrete	3 inches Bit. Concrete	3 inches Bit. Concrete
Min. travelled width	22 feet	26 feet	32 feet
Min. sight distance	200 feet	200 feet	400 feet
Max. grade	12%	11%	9%

**Proposed change:** No change is offered at this time. Further discussion is required. Reasoning - There is no mention as to minimum length of roadway that has to meet the criteria set forth for adequate access leading to a subdivision roadway:

- Doubled minimum sight distance (for each direction)
- Along the roadway abutting the subject property.
- Entire section of roadway – between intersecting street

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**Current regulation: §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.

**Proposed change:**

To reimburse the City for the cost of plan processing and review ~~(REMOVE) 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.

**Reason for change:**

In keeping with changes made to Appendix K.

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**Current Regulation:** §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 preliminary plan, which is not a binding commitment, will enable the subdivider, the Planning Board, 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.

**Proposed change:**

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 preliminary plan, which is not a binding commitment, will enable the subdivider, the Planning Board, 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. ~~(ADD)~~ An electronic copy of the plan shall also be submitted to the City Engineer's Office, in a format acceptable to the City Engineer.

**Reason for change:**

Update the regulation to current practices.

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**Current regulation:** §A676-9 Preliminary Plan B. Contents

(8) The topography of the land with two-foot contours interval based on the U.S. Coast and Geodetic 1929 Datum.

**Proposed change:**

(8) The topography of the land with ~~(REMOVE) two-foot contours interval~~ (ADD) with a maximum contour interval of two feet based on the U.S. Coast and Geodetic ~~(REMOVE)1929~~ (ADD) NAVD 1988 Datum.

**Reason for change:**

Current DPW – Engineering Division GIS mapping has contours shown at a one-foot interval and the datum currently being used is the NAVD 1988 Datum.

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**Current Regulation:** §A676-9 Preliminary Plan B. Contents (11) Comparative impact analysis.

(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** regarding the scope, and said officials shall submit their recommendations regarding the scope to the Planning Board.

**Proposed change:**

(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, ~~(REMOVE) City Planner and Conservation Officer~~ (ADD) 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.

**Reason for change:**

City Planner's position is been removed from City government and the duties of that office ~~has~~ **have** been absorbed into other departments and agencies.

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**Current regulation:** §A676-10 Definitive Plan A. General

(2) A properly executed application Form C (See Appendix C) and Petition for Approval of Final Plan, Form D (See Appendix D), 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 the 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 a new application is filed with and approved by the Board. Ways not completed or portions thereof within tow 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.

**Proposed change:** No change is offered at this time.  
**Skipped for further discussion**

**Reason for change:**

Discussion is required on limiting the developer to a two-year time frame to complete construction of the roadway. A Two-year time frame may be unrealistic, requiring multiple approval extensions and fabricated construction schedules to show completion of the subdivision in a two-year time frame.

- Would a five-lot subdivision take the same time frame to complete as a twenty-lot subdivision?
- Is the intent to have the developer come before the Planning Board at a more frequent interval to ensure that constant progress is being made to complete the subdivision.

**Proposed Change:**

For the purpose of establishing the official submission date, the submission shall be made to the Planning Board at a regularly scheduled meeting of the Planning Board.

**Proposed change:** No change is offered at this time. Further discussion is required.

**Reason for change:**

To be consistent with the filing date established in the Rules and Regulations for Plans Believed Not to Require Approval (ANR) and Preliminary Plans.

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**Current regulation:** §A676-10 Definitive Plan B. Content

(1) All elevations shall refer to the **USGS 1929 Datum.**

**Proposed change:**

(1) All elevations shall refer to the USGS ~~(REMOVE)1929~~(ADD) NAVD 1988 Datum.

**Reason for change:**

The datum currently being used by USGS is the NAVD 1988 Datum. **Proposed**

**change:**

(ADD) An electronic copy of the plan shall also be submitted, in a format acceptable to the City Engineer. An additional single matte, three mil mylar copies of the Definitive Subdivision Plan submission, to be recorded at the South Middlesex Registry of Deeds shall also be submitted to the Planning Board for signatures. A complete mylar set of the Definitive Plan submission shall be retained by the Department of Public Works – Engineering Division.

**Reason for change:**

Update the regulation to current practices.

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**Current regulation:** §A676-10 Definitive Plan B. Content (2) The definitive plan shall contain the following information:

(d) Major features of the land, such as existing waterways, natural drainage courses, walls , fences, buildings, large trees, 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 botanist.**

**Proposed change:**

(d) Major features of the land, such as existing waterways, natural drainage courses, walls , fences, buildings, large trees, 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 ~~(REMOVE) botanist~~ (ADD) professional wetland consultant.

**Reason for change:**

Update the regulation to current practices. The term “Professional wetland consultant” was determined by the Conservation Officer as being the most commonly used term for a person determining the limits of a wetland area.

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**Current regulation:** §A676-10 Definitive Plan B. Content

(3) A grading plan **with 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 NGVD.** The City shall not accept any design or layouts unless based on an actual on-the-ground survey.

**Proposed change**

(3) A grading plan with ~~(REMOVE) two-foot contour intervals~~ (ADD) with a maximum contour interval of two-feet depicting existing and proposed topographic conditions for the entire subdivision, including on- and off-site easements. Elevations on this plan shall refer to NGVD (ADD) 1988 Datum.

**Reason for change:**

Update the regulation to current practices.

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**Current regulation:** §A676-10 Definitive Plan D. Review by other City officials.

(2) One copy each to the City Solicitor for review of easements and agreements, the Commissioner of Public Works, the City Engineer, **The City Planner, the Fire Chief and the Conservation officer.**

**Proposed change:**

(2) One copy each to the City Solicitor for review of easements and agreements, the Commissioner of Public Works, the City Engineer, ~~(REMOVE) The City Planner, the Fire Chief and the Conservation Officer.~~ (ADD) the Fire Chief, Conservation Officer and other city departments or agencies that the Planning Board deems necessary.

**Reason for change:**

City Planner's position is been removed from City government and the duties of that office ~~has~~ have been absorbed into other departments and agencies.

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ii. Assignment of Next Tasks

Mr. LaVenture proposed another working group meeting on February 17, 2021, to continue discussion of several items requiring additional review and discussion.

Mr. LaVenture reminded members to submit their input to Ms. Holmi by Feb. 12.

Mr. DiPersio acknowledged the efforts of Assistant City Engineer Collins in the review process. His thorough reviews, research and assistance compiling each of the proposed changes has been extremely helpful.

**11. Calendar Updates (None)**

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

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

Respectfully submitted,



George LaVenture/Clerk

/kih