

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

April 5, 2021

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

1. Draft Meeting Minutes

A. March 8, 2021

On a motion by Mr. LaVenture, the Board voted to accept and file the March 8, 2021 meeting minutes.

Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

2. Chair's Business (None)

3. Approval Not Required (None)

4. Public Hearings

A. **Proposed Zoning Amendment to Chapter 650 to amend Section 33 the Results Way Mixed Use Overlay District (RMUOD). – Chapter 650-33 – Results Way Mixed Use Overlay District**

Greatland Realty Partners – The Campus at Marlborough

Chairperson Fenby opened the hearing. Mr. LaVenture read the public hearing legal notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from Board members.

Presentation:

Ms. Teri Ford, representing Greatland Realty Partners (One Federal Street, Suite 1810, Boston, MA 02110) presented the amendment. Ms. Ford indicated that Greatland acquired the Campus in Marlborough in June 2020. The site is 121 acres, composed of 2 parcels, zoned under Industrial (I). Currently it consists of 4 buildings totaling 530,000 sqft and 1,500 parking spaces, accessible by Campus Drive. It was originally divided into two phases. The existing buildings were completed under Phase 1, Phase 2 was never completed. The existing approved Phase 2 would allow for an additional 650,00 sqft of office space and 2,500 parking spaces. The applicant is proposing to change the zoning for development of Phase 2.

The proposed zoning change to expand the use on site would result in the following:

- Corporate HQ
- Town Square/Central Square: Amenity area/center, restaurants.
- Residential: 100 (MAX) residential townhomes David Goleski, Avalon Bay
- "Bio-ring" – Bio manufacturing, RND life science lab
- Parking

Mr. Peter Tamm, Attorney at Goulston & Storrs Law Firm. (400 Atlantic Ave, Boston, MA 02110) summarized the proposed zoning change is to expand the adjoining results way mixed used overlay district.

- Part 1: Expand across Simarano Drive to encompass these two parcels. Extend the overlay, the existing industrial zoning, resulting in no change.
- Part 2: Subtle text changes to the overlay district, allowing for two master plans and two development agreements.

Notes: No impact on existing investments/development.

Ms. Fenby declared that portion of the public hearing closed.

Speaking in Favor of the Amendment:

- Mr. LaVenture read the April 5, 2021 Letter from Mayor Vigeant to Planning Board into the record. In his letter, Mayor Vigeant expressed his support to the proposed amendment.
- City Councilor Mr. Michael Ossing (43 Varley Road, Marlborough, MA 01752) presenting four key points supporting the proposed amendment. 1) Zoning change takes advantage of a successful results way mixed use overlay districted zoning change which was adopted by Marlborough in 2012. 2) Creative Expansion 3) The 2012 MEDC (Marlborough Economic Development Corporation) Master Plan states to create mixed use zone in the Simarano Drive Corridor. 4) Bio-Ring development is an exciting opportunity for Marlborough to be a life science leader in the Commonwealth.
- Ms. Meredith Harris, Executive Director of MEDC (70 Bigelow Street Marlborough, MA 01752) stated her support for the proposed amendment.

Ms. Fenby declared that portion of the public hearing closed.

Speaking in Opposition to the Amendment:

- City Councilor Ms. Kathleen Robey (97 Hudson Street, Marlborough, MA 01752) notified the board she wants them to be aware that this is an unnecessary expansion because they can do almost everything under the current zoning, except for the housing. Ms. Robey mentioned wanting to update a master plan for the City of Marlborough, and to not rely on MEDC for zoning changes.

Ms. Fenby declared that portion of the public hearing closed.

Questions and Comments from the Planning Board:

- Mr. Elder discussed how the market changes over time. He stated that he is in favor of much of the project, but agrees with Councilor Robey, stating that his concern is the housing.
- Mr. Fay reminded the board of the standards for their review of proposed zoning changes, four factors: 1) Are the proposed changes keeping with the character of the neighborhood? 2) What would the impact be on the neighbors? 3) Will the proposed change benefit the city? 4) Is it consistent with the city zoning ordinances? He stated that he supports this change for parcel 1 but wanted more information on why this change is essential for parcel 2 (the proposed residential parcel).
 - o Mr. Kevin Sheehan of Greatland expressed the essential need of the residential area for the Town Square/Central Square to work with the marketing plan. He continued to express how all three, the Bio-ring, the Town Square and the Residential area will work with each other. Key point, this proposed plan would generate less traffic. He explained that there are two separate parcels, one is commercial, and one is the proposed residential housing parcel. He continued to explain that the proposed residential housing parcel is not optimal for commercial use/development, due to its topography.

- Mr. Russ asked, Is the Town Square concept a use that will survive with only a small number of residents on site?
 - o Mr. Sheehan explained the steps they have and will be taking to ensure the viability of the use from the community.
- Mr. Russ asked, Does the zoning changes affect the developer's abilities of the existing Results Way parcels in any way?
 - o Mr. Tamm explained that the extension in overlay would have no impact on the existing site uses.
- Ms. Fenby asked about information on bike/walking paths and connections to other areas within the city.
 - o Ms. Ford stated they have ideas and plans for this to be accomplished but nothing solid enough to be shared now. The proposed trails would be accessible to the public.
- Mr. LaVenture asked if the cap on Housing units and public bike/walking paths would be included in the development agreement.
 - o Mr. Tamm responded by saying yes.
- Mr. LaVenture asked what is the current demand for the Bio-ring portion of this proposal? He asked who plans on doing the build out?
 - o Ms. Ford stated that these buildings with these capabilities, specifically the square footage, are in high demand and it is growing. She stated that Greatland would be creating the core and shell. The companies would be creating a commercial product regulated by the FDA.
- Mr. LaVenture stated his concern for limitations on types of hazardous materials and facilities allowed.
 - o Ms. Ford explained that their expectation is that their facilities would be a bio safety level 2 or below, and level 3's are rare. (Presumably will be included in the development agreement.)
 - o Mr. Tamm stated the existing overlay currently allows level 3 facilities, and as far as the bio safety level 4 prohibition there is no proposal to change that.

Ms. Fenby closed the public hearing with the intention of further internal discussion prior to recommendation to the City Council.

5. Subdivision Progress Reports

a. City Engineer's Report

City Engineer Mr. DiPersio provided brief project updates. Shaughnesy Estates is working with legal to make sure they're comfortable with the developer's status regarding his rights and the remaining easements that they need to work out. Goodale Estates applied for their last building permit putting them on track to finish by their deadline. No update on Commonwealth Heights or on the Broad Street Subdivision.

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

7. Definitive Subdivision Submission (None)

8. Signs

A. 191-237 Boston Bost Road West, Marlborough, MA 01752 Fletcher Tilton PC – Application for Sign Variance

Mr. LaVenture read the March 26, 2021 Letter from Fletcher Tilton PC to Planning Board into the record. The letter included: Sign Variance Application; Memorandum in Support; Denial letter; Building Permit Applications; Sign Permit Applications; Site Plan; Easement Plan; Proposed Pylon Plans; Check payable to the City of Marlborough.

Ms. Fenby displayed the letter from the Building Dept. explaining why they need a sign variance.

Attorney Mr. Michael Brangwynne, on behalf of RK Associates-Marlboro, Inc. stated that the application is related to two parcels, A & B. He explained there are three existing signs at the entrances, and the proposal is to remove the smallest middle sign, and to replace the two large signs with more modern and appropriately sized signs. He stated that specifically they are seeking relief for the maximum height of the signs (526.9 (C)) and (526.9 (D)) the sign's total square footage. He explained that due to the set back of buildings on the parcel, they need larger signs for adequate advertising. He explained the relief requested is for the safety of drivers/consumers, to give them enough time to read the signs and safely enter the center.

Mr. LaVenture read the March 16, 2021 from the Pamela A. Wilderman, Code Enforcement Officer into the record. This letter is regarding the sign permit application, and states "This is to advise that the sign applications for the new freestanding signs at the above location (Boston Post Road West, Marlborough, MA 01752) is denied for the following reasons: Chapter 526.9 (C) Height, and Chapter 526.9 (D) Sign Area for Commercial Centers, and Chapter 526.9 (D) Secondary Signs.

Mr. Fay stated that he is content and that the current proposal content meets the board's standards for variance approval.

Mr. Russ asked what would a compliant sign look like? He expressed his concerns that unlevel ground will result in one side of the sign to be higher than 39 feet.

Mr. Hodge wanted to consider lowering the height while keeping all the benefits of the new sign.

Mr. Kevin explained that the first sign should be off the ground for safety to drivers and pedestrians.

Mr. Fay also mentioned the higher the sign starts the less likely it is to be vandalized.

Mr. Elder stated he is content with current proposal.

Mr. LaVenture asked how do the size of these signs compare to the existing signs? What could be done to design something closer to our regulations? He questioned any competitive disadvantage to their tenants.

Ms. Fenby asked are two signs necessary?

Mr. Jeff Tuttle, The Sign Gallery Manchester, NH: Explained the existing three signs are 20-30 feet in height, totaling 1090sqft. The new signs will be 39 feet at the highest point, totaling 1000sqft of signage space only, or 1200sqft with poles.

Mr. Kevin explained that each sign will have different display of tenants, only lease requirement tenants will be on both signs.

Mr. Kenneth Fries, Executive V.P. for RK Associates discussed the economic impact due to Covid-19 and the competitive culture due to new developments in the surrounding areas. He expressed his concerns regarding the adequate advertisement for RK's tenants.

The board took an informal poll, and Mr. Fay, Mr. Russ, Mr. Elder are in favor. Ms. Fenby, Mr. LaVenture, Mr. Hodge are not in favor.

Ms. Fenby asked to continue this discussion to the next meeting, so that the members can view the site and give it more consideration.

Mr. Fay asked for a comparison to the APEX signs.

Mr. Fay made a motion to accept and place on file all correspondence, Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

Ms. Fenby closed the public hearing with the intention of further internal discussion.

9. Correspondence (None)

10. Unfinished Business

B. Working Group Discussion – Planning Board Rules and Regulations

1. Rules and Regulations – Continued Recommendations

Mr. LaVenture provided an update to the Board on the Working Group's most recent meeting on March 31, 2021. He thanked the Engineering Division and Legal Dept. for their work and participation. He also thanked Ms. Holmi for her continued support even though she has transitioned to a new position.

Mr. LaVenture walked through each of the recommendations as shown in the summaries below:

Current regulation: ORANGE IS NEW (In the video Mr. LaVenture states green is new)

§ A676-2 Definitions.

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

(ADD)

AGENT

A person other than the owner who has permission to speak on behalf of the owner.

(REVISED)

AGENT

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

(ADD)

DEVELOPER

The person who oversees the installation of utilities and the construction of the roadway.

(REVISED)

DEVELOPER

The person who oversees the installation of utilities and the construction of the roadway (ADD) 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.

(ADD) NEW

HISTORIC CULTURAL ASSET – to be determined by Historic Commission

(ADD) NEW

HISTORIC STRUCTURE – to be determined by Historic Commission

Mr. LaVenture noted, for clarity since we were not defining these items, we should also add:

HISTORIC SITE – to be determined by Historic Commission

Mr. DiPersio noted, the current regulations states the applicant must provide their proposals to list of departments/officials and in addition to the current list want to add the historical commission.

Current regulation:

§ A676-7 Adequate access.

B. Standards of adequacy

Proposed change:

(ADD)

- (3) Easement and fee interest. All land required for access to a subdivision must be held in fee by the Owner.

(REVISED)

- (3) Easement and fee interest. All land required for access to a subdivision (ADD)"and all proposed lots depicted on the Definitive Subdivision Plan" must be held in fee by the Owner.

Current Regulation:

§ A676-10 Definitive plan.

D. Review by other City officials.

(2) One copy each to the City Solicitor for review of easement and agreements, the Commissioner of Public Works, the City Engineer, 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)

Proposed change:

§ A676-10 Definitive plan.

D. Review by other City officials.

(2) One copy each to the City Solicitor for review of easement 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, the Postmaster, (REVISED) Historical Commission and other city departments or agencies that the Planning Board deems necessary.

(3) Before the definitive plan is approved, the Planning Board will obtain written statements from the above officials that the proposed improvements are laid out to their satisfaction in the following respects (or, if 35 days have elapsed since transmittal of the definitive plan by the Clerk of the Planning Board to the officials without such written approval, approval will be assumed):

- (a) The City Engineer as to street names and the City Solicitor as to the form of easements, covenants and performance guarantees.
- (b) The Commissioner of Public Works as to the design of the street system, location of easements, monuments and drainage system.
- (c) The Commissioner of Public Works as to the design of the water system and, if applicable, the sewage system.
- (d) (Reserved) [\(ADD\) The Postmaster as to the locations of the mailboxes.](#)
- [\(e\) \(ADD\) The Historical Commission as to Historic Cultural Assets.](#)

For consistency, Mr. LaVenture recommended changing this last item to:

[\(e\) \(ADD\) The Historical Commission as to Historic Cultural Assets, Structures, and Sites.](#)

Current regulation:

§ A676-10 Definitive plan.

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

Proposed change:

- (4) Prior to releasing the City's interest in a performance bond or deposit or covenant, the Planning Board shall receive from the applicant the following written statements of approval ~~(ADD): (REMOVE) or (ADD) 15 if days shall elapse (REMOVE) after the request (ADD) without having received the required letters for said approval (ADD) the Planning Board will take no action on the request: (REMOVE) without action:-~~
- (4) Prior to releasing the City's interest in a performance bond or deposit or covenant, the Planning Board shall receive from the applicant the following written statements of approval ~~(REMOVE) or days shall elapse after the request for said approval without action: (REVISED) and will not act upon any such requests without having received a favorable response on the required letters.-~~

Mr. LaVenture explained that after further consideration by Mr. Russ and himself, the Working Group decided to recommend additional changes to **§A676-10 I-4**. He noted that the required letters were actually letters affirming compliance with requirements rather than letters of approval. As he read it, Mr. LaVenture said, paragraph 1 contains the procedure for an applicant to, after completion of all required improvements, request release of bond or deposit and gain Planning Board approval. It also requires the withholding of 10% of the total completion costs for one year to until street acceptance, whichever is first. Paragraph 2, he continued, concerns pre-maintenance period expiration street inspection and whether acceptance should be recommended to the City Council. Paragraph 3 regards the post maintenance expiration period and when, if the developer has complied with all requirements and the Planning Board has recommended the City Council accept the street as a public way, maintenance monies should be returned. In addition to these, he concluded, the Engineering Department conducts annual construction cost calculations to verify the appropriateness of any existing bond.

As such, paragraph 4 could apply to any and all situations from bond reduction to complete release. The following wording was suggested for forwarding to legal without dissent:

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 compliance indicating that City Department's recommendation for approval or denial by the Board of the applicant's request. Any recommendation of denial shall be accompanied by remedial actions the applicant must take to come into compliance. The Board will not act upon any such request without having received recommendations for approval from the:

- (a) *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) *Board of Health as to the installation of sewage disposal facilities, if applicable, and adequate lot drainage.*
- (c) *Commissioner of Public Works as to construction and installation of water and sewer facilities.*

Current regulation:

§ A676-12 Streets.

B. Alignment.

- (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.

Proposed change:

- (5) Property lines at street intersections shall have a radius (ADD) (rounding) equal to (ADD) that noted on the Typical Roadway Cross-Sections – See Appendix F. (REMOVE) 30 feet at intersections involving a major street and 25 feet at other intersections.

(REVISED)

- (5) Property lines at street intersections shall have a radius (ADD) (rounding) (REMOVE) equal to (ADD) that noted on the Typical Roadway Cross-Sections – See Appendix F. (REMOVE) 30 feet at intersections involving a major street and 25 feet at other intersections. (REVISED) 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 adjoining street.

Current Regulation:

§676-22 (Reserved) formerly Alternative Design Standards

Proposed change:

§676-22 (NEW/REVISED) 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 will not allow the total “clear cutting” of subdivision property (REVISED) (REMOVE) as a convenience to the developer. 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. (REVISED) 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.

Mr. LaVenture noted that after discussions with Mr. Russ, the Working Group recommends that the fourth sentence of paragraph A be changed to:

The Planning Board strongly encourages the preservation of existing significant vegetation and as such (REMOVE) ~~will not allow the total~~ (ADD) strongly discourages "clear cutting" of subdivision property (REVISED) (REMOVE) ~~as a convenience to the developer.~~

Current regulation:

§ A676-37 Mailboxes. Mailboxes shall be installed in accordance with Appendix J.

Proposed change:

(ADD) 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.

Mr. LaVenture added this language was suggested by Mr. Hodge.

APPENDIX K – SUBDIVISION REGULATION FEE SCHEDULE

Current regulation:

The Planning Board shall require fees for *all submissions, reviews, approvals, changes and requests as listed below.* ~~submission, review and approval of Approval Not Required Plans, Preliminary Subdivision Plans, and Inspections.~~ Said fees shall be as adopted by the Board and according to the Schedule of Fees posted in (REMOVE) ~~City Hall~~ (ADD) DPW – Engineering Division and available from the City Clerk's Office. Said fees shall be tendered at the times specified in the Schedule of Fees.

The Planning Board fees are established to cover all administrative costs borne by the City (REMOVE) ~~whether by City employees or by consultants.~~

(REMOVE) ~~The fees cover application filing, public notices, and advertising for hearings, data collection, analysis, Department of Public Works review, Planning Department review, zoning and subdivision regulation compliance, legal review of covenants, establishing bonding amounts, review and filing of bonding instruments, issuing lot releases, field testing, and inspections of roadways and utilities under construction, administration of acceptance of streets, issuance of street names and numbers.~~

(ADD) Filing fee shall consist of a fixed application fee plus any ~~variable proposed roadway fee~~ supplemental fee listed below.

(ADD) ~~Costs of public notices and advertising for hearings, including any processing and mailing costs, will be paid directly by applicant.~~ Public Hearing Deposit Fees and Mailing Deposits Fees shall be collected and a copy of the paid invoices for advertising and mailing shall be delivered to the applicant along with a check from the City of Marlborough for the unused portion of the Deposit Fees.

Proposed change:

(ADD) ~~Costs of public notices and advertising for hearings, including any processing and mailing costs, will be paid directly by applicant.~~ (REMOVE) ~~Public Hearing Deposit Fees and Mailing Deposits Fees shall be collected~~

~~and a copy of the paid invoices for advertising and mailing shall be delivered to the applicant along with a check from the City of Marlborough for the unused portion of the Deposit Fees.~~

Current regulation:

DEFINITIVE SUBDIVISION SUBMISSION

(REMOVE) \$500.00 (ADD) \$1,000.00 filing fee plus (REMOVE) \$2.00 (ADD) \$3.00 per linear foot of proposed roadway less 80 percent (80%) of (REMOVE) all (ADD) the application and proposed roadway fees paid for preliminary subdivision plan if filed within seven (7) months of filing of preliminary plan.

(REMOVE) Plus \$100.00 for advertising for public hearing.

(REMOVE) Plus mailing costs.

To be paid at the time of (REMOVE) plan (ADD) complete application submission.

Application Fee: \$1,000.00
Supplemental Fee: \$3.00 per linear foot of proposed roadway
Public Hearing Deposit Fee: \$200.00
Mailing Deposit Fee: Equal to ~~twice the current rate~~ the then in force mailing rate for first class mail*, for each property owner, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

Proposed change:

Application Fee: \$1,000.00
Supplemental Fee: \$3.00 per linear foot of proposed roadway
(MISSING)
Preliminary Plan Credit: less 80% of Application Fee and Supplemental Fee

Public Hearing Deposit Fee: (REMOVE) \$200.00 (ADD) The cost of advertising will be billed directly to the applicant.

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

Current regulation:

CHANGES TO SUBDIVISION PLAN SUBSEQUENT TO APPROVAL

(REMOVE) \$200.00 (ADD) \$400.00 filing fee

(REMOVE) Plus \$100.00 for advertising for public hearing, if held.

(REMOVE) Plus mailing costs.

To be paid at the time of (REMOVE) plan (ADD) complete application submission.

Application Fee: \$400.00
Public Hearing Deposit Fee: \$200.00
Mailing Deposit Fee: Equal to ~~twice the current rate~~ the then in force mailing rate for first class mail*, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

Proposed change:

Application Fee: \$400.00
Public Hearing Deposit Fee: (REMOVE) \$200.00 (ADD) The cost of advertising will be billed directly to the applicant.
Mailing Deposit Fee: Equal to ~~twice the current rate~~ the then in force mailing rate for first class mail*, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

Current regulation:

LIMITED DEVELOPMENT SUBDIVISION

Application Fee: \$400.00
Supplemental Fee: \$50.00 for each lot proposed
Mailing Deposit Fee: Equal to ~~twice the current rate~~ the then in force mailing rate for first class mail*, for properties in whole or in part, within 100 feet of the lots shown on the proposed Preliminary Plan.

Proposed change:

Application Fee: (REMOVE) \$400.00 (ADD) \$500.00
Supplemental Fee: \$50.00 for each lot proposed
Mailing Deposit Fee: Equal to ~~twice the current rate~~ the then in force mailing rate for first class mail*, for properties in whole or in part, within 100 feet of the lots shown on the proposed Preliminary Plan.

Current regulation:

OPEN SPACE DEVELOPMENT

Application Fee: \$1,400.00****
Supplemental Fee: \$3.00 per linear foot of proposed roadway in final plan submission
Public Hearing Deposit Fee: \$200.00
Mailing Deposit Fee: \$1.00 for each property owner, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

Proposed change:

OPEN SPACE DEVELOPMENT

(ADD) Step 1 - Concept Plan

Application Fee: (REMOVE) \$1,400.00 (ADD) \$400.00
Public Hearing Deposit Fee: (REMOVE) \$200.00 (ADD) The cost of advertising will be billed directly to the applicant.
Mailing Deposit Fee: Equal to ~~twice the current rate~~ the then in force mailing rate for first class mail*, for properties in whole or in part, within 100 feet of the lots shown on the proposed Open Space Development.

(ADD) Step 2 – Open Space Development Plan

Application Fee: (REMOVE) \$1,400.00 (ADD) \$1,000.00
Supplemental Fee: \$3.00 per linear foot of proposed roadway in final plan submission
Public Hearing Deposit Fee: (REMOVE) \$200.00 (ADD) The cost of advertising will be billed directly to the applicant.
Mailing Deposit Fee: Equal to ~~twice the current rate~~ the then in force mailing rate for first class mail*, for properties in whole or in part, within 500 feet of the lots shown on the proposed Open Space Development.

Mr. LaVenture noted that, where they appear, the asterisks would be removed as the note they addressed was no longer needed.

REQUEST FOR MODIFICATION OF ACTION BY THE PLANNING BOARD

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

Marlborough, Massachusetts

(Date)

To the Marlborough Planning Board:

I the undersigned, herewith submits a request for the modification to the Approval of a Definitive Subdivision Plan, as allowed under the Subdivision Control Law and the Rules and Regulations governing the Subdivision of Land of the Planning Board in the City of Marlborough.

The modification request(s) is for the following:

- ☐ Modification of time to complete subdivision
- ☐ Modification of the Performance Guarantee
 - ☐ Covenant to Surety amount to complete subdivision
 - ☐ Surety amount to complete subdivision
- ☐ Start of One-year Maintenance Period

Subdivision: _____

Approval Date: _____

Expiration of Approval Date: _____

Performance Guarantee: ☐ Covenant
☐ Surety

☐ Expiration Date: _____
Amount: _____

List any previous modifications to approval, time extensions and Performance Guarantee:

_____ modification to:	_____ description of action taken
_____ modification to:	_____ description of action taken
_____ modification to:	_____ description of action taken
_____ modification to:	_____ description of action taken

Attach the following items to the Request for Modification:

- Letter from Code Enforcement – property is free from blight.
- Letter from Tax Collector – property **(REMOVE) is free from tax liens (ADD) taxes are paid to date.**
- Letter from Auditor – owner/developer/contractors are free of outstanding warrants.
- Construction Schedule, showing a completed item timeline and a proposed timeline.

Name of Developer/Owner: _____
Signature

Mr. LaVenture then invited the City Engineer, Mr. Dipersio, to demonstrate the Planning Board Fee Schedule Calculator developed by Assistant City Engineer Collins.

All items presented were referred to Legal for review.

Mr. DiPersio displayed and went over the new the Planning Board Fee Schedule Calculator excel document.

Mr. LaVenture thanked Assistant City Engineer Mr. Collins for his help on the new calculator document. He summarized the plan to roll the proposed changes into one document which will be provided to MAPC and legal for review. He explained what is outstanding, are the street acceptance process and several documents from Assistant City Solicitor Mr. Piques.

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

11. Calendar Updates (None)

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'G. LaVenture', written over the printed name.

George LaVenture/Clerk

/kmm