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2023 APR 20 PM 1:00

CITY OF MARLBOROUGH

City Council Agenda

Monday, April 24, 2023

8:00 PM

This meeting of the City Council will be held in City Council Chambers, City Hall, 140 Main Street. **PUBLIC ATTENDANCE IS PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34), or you can view the meeting using the link under the Meeting Videos tab on the city website (www.marlborough-ma.gov).

1. Minutes, City Council Meeting, April 10, 2023.
2. Communication from President Ossing, re: Proposed Ordinance Amendment to Chapter 510 "Sewers", §2 "Use of Public Sewers" relative to Sewer Stub Location.
3. Communication from President Ossing, re: Proposed Zoning Ordinance Amendment to Chapter 650 "Zoning" to create the new Donald Lynch Boulevard Overlay District.
4. Communication from the Mayor, re: Reappointment of Stefanie Ferrecchia to the Community Development Authority for a 3-year term to expire on March 9, 2026.
5. Communication from the Mayor, re: Reappointment of Dr. Joseph Tennyson to the Board of Health for a 3-year term to expire on February 2, 2026.
6. Communication from the Mayor, re: Reappointment of Debra McManus to the Commission on Disabilities for a 3-year term to expire on October 21, 2025.
7. Communication from the Mayor, re: Reappointment of Linda Clark to the Board of Registrars for a 3-year term to expire on April 1, 2026.
8. Communication from the Mayor, re: Reappointments to the Conservation Commission for 3-year terms of John Skarin to expire on March 7, 2025, and Karen Paquin to expire on May 5, 2026.
9. Communication from the Mayor, re: Request to Rescind Bond in the amount of \$8,983,087.00 for the Goodnow Brothers Elementary School that is no longer available to be bonded for the intended project.
10. Communication from the Mayor, re: Proposed Tax Increment Financing (TIF) Agreement with ModernaTX, Inc. a biotech company with plans to purchase and operate a bio manufacturing facility and office space at 149 Hayes Memorial Drive (Map 99, Parcel 3).
11. Communication from City Solicitor Jason Grossfield, re: Proposed Deed conveying a certain parcel of land consisting of 9,387 square feet +/- known as the "Rail Spur Parcel" off Lincoln Street to the Marlborough Economic Development Corporation (MEDC).
12. Public Input regarding the Application for Site Plan Approval from Attorney Falk on behalf of JW Capital Partners, LLC, to build a mixed-use project at 57 Main Street in the Marlborough Village District, Order No. 22/23-1008649D.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.

13. Communication from Andrew Delli Carpini on behalf of Colbea Enterprises, LLC, re: Request pursuant to Chapter 342 "Gasoline Stations and Car Washes" §2 "Exceptions" of the Code to operate a gas station/convenience store (Shell Station) at 342 Boston Post Road East on a 24-hour basis.
14. Application for Renewal of Junk Dealer/Secondhand Dealer License, TVI, Inc, d/b/a Savers, 222A East Main Street.
15. Communication from Attorney Brian Falk on behalf of Marlborough Apartment Partners 2 LLC with a Proposed Zoning Amendment to Chapter 650 "Zoning" §36 "Executive Residential Overlay District" (EROD) to increase the cap on the number of multifamily dwelling units from 475 to 950.
16. Minutes of Boards, Commissions and Committees:
 - a) School Committee, March 28, 2023.
 - b) Conservation Commission, March 16, 2023.
 - c) Historical Commission, February 16, 2023.
 - d) Planning Board, February 27, 2023.
17. CLAIMS:
 - a) Deborah Domings, 13 Middle Street, #1, other property damage and/or personal injury.
 - b) Hasani Ewing, 59 Peltier Street, re, residential mailbox claim (2a).
 - c) Linda Furbush, 7 Richard Road, re, residential mailbox claim (2b).
 - d) Dominic Gould, 44 Greendale Avenue, other property damage and/or personal injury.
 - e) Michael Tyo, 108 Goodale Street, residential mailbox claim (2a).

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From City Council

18. **Order No. 22/23-1008721D: Mayoral Veto of City Council Order 22/23-1008721C, Ordinance Amendments to Chapter 650 "Zoning", relative to certain provisions concerning mixed-use and affordable housing.**

The Mayors communication regarding his veto was read into the record, and the matter was referred to the Urban Affairs Committee and postponed to the April 24, 2022, City Council meeting.

Councilors-at-Large

Mark A. Oram
Michael H. Ossing
Samantha Perlman
Kathleen D. Robey



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APR 14 AM 7:10

Ward Councilors

Ward 1 – Laura J. Wagner
Ward 2 – David Doucette
Ward 3 – J. Christian Dumais
Ward 4 – Teona C. Brown
Ward 5 – John J. Irish
Ward 6 – Sean A. Navin
Ward 7 – Donald R. Landers, Sr.

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
CITY COUNCIL
MEETING MINUTES
MONDAY, APRIL 10, 2023**

The regular meeting of the City Council was held on Monday, April 10, 2023, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 9:17 PM.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of the City Council meeting, MARCH 27, 2023, **FILE**; adopted.

That the PUBLIC HEARING on the Application for a Special Permit from Attorney Sem Aykanian, on behalf of SUCIU LLC, d/b/a Exela Storage, to add additional storage units to a nonconforming storage facility located at 846 Boston Post Road East within the Wayside District, Order No. 23-1008823A, all were heard who wish to be heard, hearing closed at 8:22 PM, adopted.

Councilors Present: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from the Mayor, re: Veto of City Council Order 22/23-1008721C, Ordinance Amendments to Chapter 650 "Zoning", relative to certain provisions concerning mixed-use and affordable housing, referred to **URBAN AFFAIRS COMMITTEE & TABLED UNTIL APRIL 24, 2023**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Requests totaling \$748,290.00 from Economic Development to MEDC Funding for the FY 2024 Operating Budget for MEDC (\$648,290.00), and the Economic Development Toolbox (\$100,000.00), referred to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		Mayor				FISCAL YEAR:		2023		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$1,291,812.60	\$648,290.00	27000099	42440	Economic Development	\$648,290.00	11740006	53950	MEDC Funding	\$0.00	
Reason:		To allow the MEDC to continue it's work in promoting the economic development of the City for FY24								
\$648,290.00	Total					\$648,290.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		Mayor				FISCAL YEAR:		2023		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$1,291,812.60	\$100,000.00	27000099	42440	Economic Development	\$100,000.00	11740006	53950	MEDC Funding	\$0.00	
Reason:		To replenish the Economic Development Toolbox for FY24								
\$100,000.00	Total					\$100,000.00	Total			

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$393,854.64 from PEG Funds to Marlboro Cable Trust to fund the operation of WMCT-TV for FY 2024, referred to **FINANCE COMMITTEE**; adopted.

Councilor Ossing read a Disclosure of Appearance of Conflict of Interest into the record.

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		Mayor				FISCAL YEAR:		2023		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$644,371.44	\$393,854.64	27000099	47750	Receipts Reserved-PEG Funds	\$393,854.64	89000	25581	Marlboro Cable Trust	\$0.00	
Reason:		To fund WMCTS FY24 Budget								
\$393,854.64	Total					\$393,854.64	Total			

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Appointment of Joseph Delgenio to the Fort Meadow Commission for a 3-year term to expire on September 27, 2025, replacing Lee Thomson, referred to **PERSONNEL COMMITTEE**; adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Reappointment of Paul Gould to the Fort Meadow Commission for a 3-year term to expire on February 24, 2026, referred to **PERSONNEL COMMITTEE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from City Solicitor Jason Grossfield, re: Application for Site Plan Approval from Attorney Brian Falk on behalf of JW Capital Partners, LLC to build a mixed-use project at 57 Main Street in the Marlborough Village District, in proper legal form, Order No. 22/23-1008694C, **MOVED TO ITEM 17 & FILE**; adopted.

Councilor Dumais Recused.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Assistant City Solicitor Jeremy McManus, re: Application for a Special Permit from Stephen Copper, on behalf of Alliance Health & Human Services to renovate 10,490 sf of an existing building to provide 12 additional rest home beds at 720 Boston Post Road East within the Wayside Zoning District, in proper legal form, Order No. 22/23-1008768B, **MOVED TO ITEM 16 & FILE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Request for Approval of two (2) Replacement Flat Wall Signs, Mobil, 656 Boston Post Road East, within the Wayside District, **APPROVED**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Request for Approval of two (2) Flat Wall Signs, Mosaka, 58 Apex Drive, Unit A, within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), **APPROVED**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Public Input regarding the Application for Site Plan Approval from Attorney Falk on behalf of JW Capital Partners, LLC, to build a mixed-use project at 57 Main Street in the Marlborough Village District, Order No. 22/23-1008694C, as amended, be and is herewith accepted and placed on **FILE**; adopted.

Councilor Dumais Recused.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) School Committee, February 28, 2023.
- b) Board of Assessors, April 8, 2022, April 20, 2022 & April 29, 2022.
- c) Board of Registrars, March 28, 2023.
- d) Conservation Commission, March 2, 2023.
- e) Council on Aging, February 7, 2023.
- f) Municipal Aggregation Committee, March 23, 2023.

Motion by Councilor Perlman, seconded by the Chair to adopt the following:

ORDERED: That the following CLAIMS, referred to the **LEGAL DEPARTMENT**; adopted.

- a) Matthew Marden, 22 Blaiswood Avenue, pothole or other road defect.
- b) Deanna Swan, 849 Boston Post Road East, #4G, other property damage and/or personal injury.
- c) Bernadette Syppko, 181 Beach Street, pothole or other road defect.

Reports of Committees:

THERE WERE NO REPORTS OF COMMITTEE.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the City Council Urban Affairs Committee review the Proposed Amendments to Chapter 650 “Zoning” relative to Section 17 “Table of Use Regulation” and Section 34 “Marlborough Village District” as submitted by Councilor Robey, referred to the **URBAN AFFAIRS COMMITTEE**; adopted.

Amend Zoning 650-17 Table of Use Regulations to strike Y in MV and insert SP

Business Use	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV	Wayside
Mixed-Use Developments (42)	N	N	N	N	N	N	N	SP	SP	N	N	N	Y SP	SP

650-34 Marlborough Village District (MV)

B. Site plan review.

Add in a new (4) to read:

(4) Site plan review by Site Plan Review Committee and City Council

For hotels and projects over 10,000 square feet, the plans shall be referred to Site Plan Review Committee for its initial comments to the City Council. Time limits for their review shall follow those specified in §270-2 Site plan review and approval E. (4) (c) & (d). Once Site Plan Review has completed its initial review, it shall forward comments to the City Council. Once the City Council begins review, it shall follow the time limits as specified in §270-2 Site plan review and approval E. (4) (c) & (d). Once a special permit has been issued by the City Council, the Site Plan Review Committee will complete its formal review before a building permit is issued.

E. Parking requirements for the Marlborough Village District. Strike E (a) (2) in its entirety; insert new language at end of (b) (1) to read: unless the use is part of a mixed-use development where off-street parking would be determined during the site plan review process; Strike E (2) in its entirety and renumber (3) to (2).

(1) General parking requirements. The following provisions are applicable within the Marlborough Village District.

(a) Residential projects.

[1] For residential and the residential component of mixed-use projects:

[a] Studio and one-bedroom units: 0.75 space per unit.

[b] Two-bedroom units: 1.25 spaces per unit.

~~**[2]** Spaces in City-owned garages and lots within 1,000 feet of the development can be counted to fulfill the required spaces, with payment in lieu required.~~

(b) Retail, restaurant, other business uses.

11 Eliminate parking minimums per the existing off-street parking (§ 650-48) **unless the use is part of a mixed-use development where off-street parking would be determined during the site plan review process.**

12 A maximum of three spaces per 1,000 square feet for these uses.

~~(2) Payment in lieu of parking. In the Marlborough Village District, any new commercial or mixed-use structure that is required to provide parking spaces may make payments to the City of Marlborough in lieu of providing for all or part of the on-site required parking.~~

~~(a) Payment made to the City of Marlborough in lieu of providing some or all of the required off-street parking spaces for a project in the Marlborough Village District (MV) shall be allowed by right, subject to site plan and design review.~~

~~(b) A one-time fee to be paid shall be \$10,000 per parking space, which shall be paid prior to the receipt of an occupancy permit.~~

~~(c) Fees in lieu of parking shall be deposited into the City of Marlborough Downtown Parking Reserve Account, or such account as the City Council shall deem appropriate, to be used solely for expenses related to maintenance and capital repairs to the existing parking garages, improving the utilization of existing parking spaces (e.g., signage, parking management activities), reducing the need for new parking to serve the Marlborough Village District (e.g., bicycle parking, improved transit), or expenses (e.g., land acquisition, design/engineering services and construction costs) related to adding parking spaces. Requests to appropriate funds out of this reserve account, or such account as the City Council shall deem appropriate, shall be filed with the City Council and referred to the appropriate committee of the City Council, which committee shall have 60 days to forward its comments and recommendations before a City Council vote of the appropriation is taken. Fees collected are not to be used for routine parking lot maintenance, such as sweeping or plowing snow, or for salaries of municipal staff.~~

F. Heights of structures. In F (1) Strike sentence as shown; in F (2) strike “as may be increased by special permit” at end of last sentence.

(1) To encourage redevelopment and reuse of parcels within the Marlborough Village District, minimum and maximum heights are established. Minimum heights shall be 35 feet; maximum height is six stories and up to 70 feet except for where a proposed structure is within 50 feet of a residential district boundary, where the height limit shall be 52 feet. ~~By grant of a special permit, maximum building height, including building areas within 50 feet of a residential district boundary, may be increased to seven stories and up to 85 feet.~~ Height limits do not include roof-mounted mechanical appurtenances; however, said appurtenances, and the screening required for them in §650-34D(2)(b), shall be subject to site plan review and design standards. Rooftop mechanical equipment, including wireless communications equipment, shall be located and screened to minimize impacts on abutters and the general public. No interior space shall be occupied for any purpose above these height limits. This shall not preclude the use of a flat roof for purposes allowed in this section.

- (2) Roof decks, providing recreation and amenity areas for residents and businesses on the roof above the top story of a building, shall be encouraged in the Marlborough Village District. Roof decks may include open space areas for sitting and gardens; open air areas covered by permanent roofs (flat or sloped); indoor areas for social gathering, meetings, common kitchens, restrooms, and storage; spaces for mechanical equipment; and enclosures for elevators and stairs. The portions of a building designed as a roof deck shall be subject to maximum height restrictions; ~~as may be increased by special permit.~~

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED

IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT MARIE ESTHER HEALTH CENTER, INC. ORDER NO. 22/23-1008768C

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Marie Esther Health Center, Inc. (the "Applicant") for expansion of the existing convalescent home/nursing home use at 720 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, Marie Esther Health Center, Inc., is a registered not-for-profit corporation formed under Chapter 180 of the General Laws and exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code, with an address of 144 Turnpike Road, Suite 220, Southborough, MA 01772.
2. The Applicant is the owner of the property located at 720 Boston Post Road E, Marlborough, Massachusetts, being shown as Parcel 7 on Assessors Map 61 (the "Site").
3. In accordance with Article IV, Section 650-12.B of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant proposes to renovate 10,490 square feet of the preexisting nonconforming convalescent home/nursing home use at the Site to create 12 additional rest home beds (the "Use"). As shown on the Plans referenced in paragraph 5 below, the Use consists of a commercial building containing the convalescent home/nursing home operation, loading areas, accessory parking, and landscaped areas.
4. The Applicant, by and through its Executive Director, filed with the City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use.
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and a site plan entitled "Title Commitment By: Fidelity National Title Insurance Company Commitment Number: 18T963-2022 Effective Date: 4/20/2022 Date of Field Survey: 4/5/2022" by Blew & Associates, P.A., dated May 16, 2022, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit (the "Plans"), attached hereto as "**ATTACHMENT A.**"
6. The Application was certified as complete by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

7. The Site is located in the Wayside Zoning District and has an area of 984,090 square feet +/-, as shown on the Plans.
8. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the 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.
9. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, January 23, 2023. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on January 23, 2023.
10. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, including describing its impact upon the neighborhood.
11. As part of the public hearing, no members of the public expressed support or opposition about the Use or its potential impacts.

**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 expansion of the convalescent home/nursing home use to include an additional 12 rest home beds would not be substantially more detrimental to the neighborhood than the existing convalescent home/nursing home use of the Site.
- C. The City Council finds that the preexisting nonconforming convalescent home/nursing home use of the Site has not been abandoned or not used for a period of two years or more.
- D. The City Council finds that the proposed Use is not enlarged to more than 25% of the floor and ground area of the preexisting nonconforming convalescent and nursing home use, as no changes are proposed to the exterior of the building on the Site.
- E. 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 expand the preexisting nonconforming convalescent home/nursing home use at the Site 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 at 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.
 2. Future Site Changes. Future changes to the exterior of the building or to the Site shall be subject to site plan review.

3. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of 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.
4. Operations. Operations will be continuous as the Use at the Site will be 24 hours a day each day of the year.
5. Staffing. As a skilled nursing facility licensed by the Massachusetts Department of Public Health, the Applicant will maintain the required staffing levels for all licensed beds, including the additional 12 rest home beds. The Applicant will maintain staffing levels as needed to care for the new rest home residents and maintain its DPH licensure.
6. Lighting. Exterior lighting at the Site shall remain unchanged by this renovation.
7. Signs. Signage at the Site shall comply with the City's Sign Ordinance.
8. Noise and Air Quality. The Applicant shall comply with the City's Noise Ordinance and shall comply with all state and federal requirements governing air quality and emissions.
9. 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: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

Motion by Councilor Robey, to move the recommendation of the Urban Affairs Committee, which was to approve the Site Plan for 57 Main Street:

ORDERED That the City Council of the City of Marlborough does hereby approve, pursuant to § 650-34.B(3) of the Marlborough Zoning Ordinance, the Site Plan Permit, which sets an approval with conditions of the site plans submitted by JW Capital Partners, LLC to construct a mixed use project at 57 Main Street.

Councilor Dumais Recused.

Motion by Councilor Robey, seconded by Councilor Doucette to AMEND the Site Plan Permit as follows:

In Section A, Insert new language as the new paragraph (1) and renumber 1 and 2 to 2 and 3

1. Final Plans: Prior to endorsement of the Site Plans, the Applicant must provide a final set of revised Site Plans to reflect the following conditions in this Site Plan Approval: B(3), G(1)(a), and G(2). The plans shall be reviewed for accuracy and conformance with this Site Plan Approval with Conditions by the Site Plan Review Committee and attached hereto as Exhibit A.

In section B. Prior to Issuance of a Building Permit, Insert new language as new paragraph 3 and renumber 3 & 4 as appropriate

3. Design standards The building plans shall show compliance with Section 650-34 “A. Purpose and vision” for development that is compatible with the character of downtown Marlborough and Section 650-34 “D. Design standards” noting the purpose of the design standards is to promote quality development emphasizing the City’s sense of history, with new buildings reflecting the preference for moderate scale structures that are in harmony with the existing historic brick structures while incorporating green building techniques.

In Section G Prior to Issuance of the Certificate of Occupancy Insert New paragraph 1 (a). after sentence beginning with Minor amendments

- 1(a). Notwithstanding any of the above, applicant shall provide at a minimum 60 parking spaces on site, payment in lieu to be adjusted accordingly.

G 2 Off-site Parking

Insert at end of current language the following sentence

“Applicant shall not seek to use the city owned Bolton Street lot for residential parking. “

Motion to Amend – **CARRIES**.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED That the City Council of the City of Marlborough does hereby approve as amended, pursuant to § 650-34.B(3) of the Marlborough Zoning Ordinance, the Site Plan Permit which sets an approval with conditions of the site plans submitted by JW Capital Partners, LLC to construct a mixed use project at 57 Main Street, **APPROVED**; adopted.

Yea: 7 – Nay: 3 – Abstain: 1

Yea: Wagner, Doucette, Brown, Irish, Landers, Oram & Robey.

Nay: Navin, Ossing & Perlman

Abstain: Dumais

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 9:17 PM; adopted.



City of Marlborough
Office of the City Council

RECEIVED
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2023 APR 20 AM 9:06

Michael H. Ossing
PRESIDENT

Kathleen D. Robey
VICE-PRESIDENT

Karen A. Boule
CITY COUNCIL SECRETARY

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3711 Fax (508) 460-3710 TDD (508) 460-3610
Email citycouncil@marlborough-ma.gov

April 19, 2023

Marlborough City Council
City Hall
Marlborough, MA 01752

RE: Proposed Change to Sewer Ordinance 510-2 "Use of Public Sewers" – Sewer Stub Location

Honorable City Councilors:

The recently revised Sewer Ordinance 510-2 Section D requiring the connection to the City Sewer system can be enhanced to assist homeowners when the DPW does not have the drawings for sewer stub connection points. Councilors may recall when the order was revised in 2021 (Order No. 21-1008230C) and 2022 (Order No. 22-1008537B), the Department of Public Works (DPW) indicated there was in the order of 425 parcels that have septic systems and have access to the city sewer system.

It has come to the attention of Councilor Wagner and I that in some instances the DPW is not in possession of the sewer drawings that show the location of sewer stubs to facilitate the connection to the city sewer system. This can cause homeowners an additional expense trying to find the sewer stub to complete the connection at the time of sale as required in the City Code.

To address this issue, Councilor Wagner and I recommend the attached draft ordinance change be referred to the Urban Affairs Committee for review with the DPW. The DPW has technology to use a video camera to send down the sewer line to find the location of the sewer stub, thereby saving homeowners money and time when trying to satisfy the requirements of the sewer ordinance. Thank you for your consideration and review of this matter.

Sincerely,

Michael H. Ossing
President

MO/kb
Enclosure

DRAFT ORDER:

Be it ordained by the City Council of the City of Marlborough that the City code of the City of Marlborough, as amended, be further amended by amending Chapter 510, Entitled "Sewers" as follows:

1. Chapter 510, entitled "Sewers", Section 510-2 entitled "Use of Public Sewers", subsection (D), is hereby amended as follows by adding the new subsection (D)(2):

(2) Where City drawings do not exist that show the location of the sewer stub connection, the City will use available technology (camera/videos) to locate the sewer stub in a timely fashion to not impact the connection activities.



City of Marlborough Office of the City Council

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 APR 20 AM 9:06
Michael H. Ossing
PRESIDENT
Kathleen D. Robey
VICE PRESIDENT

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3711 Fax (508) 460-3710 TDD (508) 460-3610
Email citycouncil@marlborough-ma.gov

Karen A. Boule
CITY COUNCIL SECRETARY

April 19, 2023

Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Proposed Donald Lynch Boulevard Overlay District

Honorable City Councilors:

The City initiated a study back in 2021 to create a shared vision for the future of Donald Lynch Boulevard (DLB) and the surrounding Limited Industrial area to define changes in zoning that will proactively guide the commercial corridor for future success.

The final product a "Vision for Donald Lynch Boulevard" was just completed and is attached for your review. The document was prepared by the Metropolitan Area Planning Council (MAPC) with support from the Marlborough Economic Development Corporation (MEDC), and City Councilors Ossing, Irish, Tunnera and Brown.

The next step in the process is to gain the insights of the City Council. To that end, it is recommended that the DLB Overlay District zoning change (Appendix B in the attached document) be referred to Urban Affairs. At that time, MAPC, MEDC and all members of the City Council can discuss the proposed zoning change.

Sincerely,

Michael H. Ossing
President

MO/kb
Enclosures

City of Marlborough

Vision for Donald Lynch Boulevard

Final Report

April 2023



MEDC



Acknowledgments



Prepared for
City of Marlborough



With support from
**Marlborough Economic Development Corporation
(MEDC)**
Meredith Harris, Executive Director



Prepared by
Metropolitan Area Planning Council (MAPC)

With funding from
**Marlborough Economic Development Corporation
(MEDC)**
District Local Technical Assistance (DLTA)
**Planning for MetroFuture Technical Assistance
(PMTA)**

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1 Overview

Study Purpose

The City of Marlborough initiated this study to create a shared vision for the future of Donald Lynch Boulevard and the surrounding Limited Industrial area to define changes in zoning or other investments that will proactively guide the commercial corridor toward that vision and future success. The City’s overarching objectives for the Donald Lynch Boulevard (DLB) area are to strengthen the area as a destination in the City, enhance the area as a vibrant and walkable district that attracts a new generation of investment and activity, and to retain a continued source of tax revenue for the City.

For at least the last few years, the City of Marlborough has been responding to requests to modify the zoning and sign ordinance regulating the Donald Lynch Boulevard area. Some progress has been accomplished with previous assistance provided by MAPC in 2017. MAPC provided technical assistance to review the existing Limited Industrial zone in the northwest portion of the City to determine changes needed to address issues raised by recent development proposals and other recommendations to enhance future development within the district. This previous work provided a foundation for this more comprehensive assessment of the future of the Donald Lynch Boulevard district.

Questions about the future of the northwest portion of the City remain relevant and a renewed sense of urgency for re-imagining the area may result as post pandemic real estate adaptations occur. Imagining a new future for the district is in the interest of the City, property owners, and patrons of the district to help it remain a strong contributor to the future of the City.

The results of this study process are based on research, analysis and community involvement needed to strengthen the approach to future investment in the DLB District. The Vision for Donald Lynch Boulevard generates guidance to:

- Provide a work plan for coordinated and immediate actions that can be undertaken by the City to improve physical conditions for the public realm, publicly controlled properties, and other assets that could be leveraged for area improvements;
- Provide strategies for future development investments and identify zoning changes to facilitate transformative redevelopment;
- Provide recommendations for multi-modal circulation and parking improvements to enhance district access and walkability;
- Provide an economic revitalization strategy that is consensus driven and actionable.

Study Outcomes

The City of Marlborough is establishing a strong track record of proactive planning to set a vision for a district and then adopting zoning changes that are consistent with that vision. This model has recently been undertaken in Downtown, Route 20 East, Lincoln Street, and other areas. In this study and its resulting recommendations emphasis is focused in the following areas:

Economic Development and Vitality

Evaluating and recommending an appropriate strategy for the retail and commercial positioning of the district; identifying priority development sites in the district and redevelopment strategies; evaluating and recommending economic development tools, programs, and partnerships to implement the goals and strategies to guide outcomes toward the shared vision articulated through this process.

Land Use and a Sense of Place

Identifying appropriate strategies and uses for district redevelopment; identifying zoning changes consistent with the shared vision for the district.

Transportation and Connectivity

Identifying immediate actions that can be taken to improve the public realm through improvements to roadways, sidewalks, lighting, and signage to promote walkability and safety; identifying parking and circulation improvements that focus on enhanced access and district walkability. Exploring shared improvements for connectivity to recent mixed-use development in Berlin just north of the district.

Open Space and Quality of Life

Enhancing the potential contribution natural amenities and open spaces can make to public health and the attractiveness of the district by leveraging surrounding natural assets such as the Assabet River, and conservation lands near the district.

Study Process

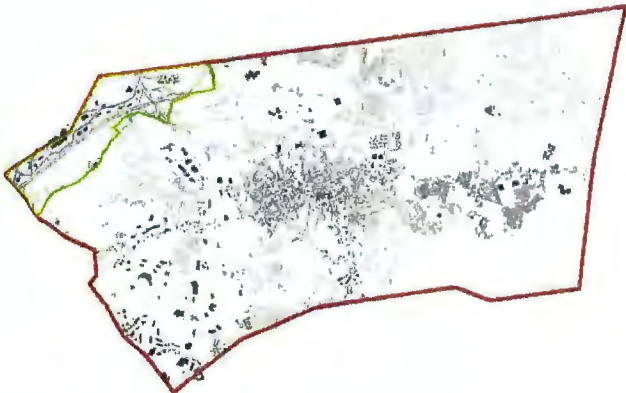
In 2021 MAPC facilitated a planning process with the City of Marlborough and Marlborough Economic Development Corporation (MEDC) to develop a Vision for the Donald Lynch Boulevard area. The study process was about 10 months in length and involved a process of data gathering, analysis, and community engagement facilitated by MAPC. Stakeholder input was gathered with property owners, business owners, and residents at two public meetings, at a MEDC Board meeting, and Town of Berlin Economic Development Committee meeting. The process was closely coordinated with MEDC and City Councilors of the area. The process resulted in a draft Donald Lynch Boulevard Overlay District which has not yet been submitted for adoption.

In 2023, the City of Marlborough sought to revisit some of the characteristics of the proposed overlay district based on feedback received on the draft report and overlay district. MAPC evaluated the additional feedback and integrated changes into this updated Vision for Donald Lynch Boulevard Report and proposed Donald Lynch Boulevard Overlay District.

Study Area

The subject of this study is an area referred to as Donald Lynch Boulevard, but that includes an area larger than this single roadway. The specific area studied was defined by the current zoning boundary of the Limited Industrial (LI) zone. The area encompasses land to the north and south of Interstate 290 and land mostly to the west of Interstate 495 with a small portion to the east of Interstate 495. The City boundary forms the study limits to the north and west with the western boundary near Solomon Pond Road/River Road West. The southern limit of the study area follows Robin Hill Street.

The study area is the most northwestern area of the City and is somewhat isolated from the remainder of the City by the major divided highways and the interchange that connects them. At the center of the district is the east-west connector, Donald Lynch Boulevard. Several smaller access roads branch off of Donald Lynch Boulevard and include North Bigelow Street, and Bigelow Street. A diagram of the extent of the study area is shown on the following page outlined in yellow.



City of Marlborough Locus Map



Donald Lynch Boulevard Study Area

Study Area Subareas

The study area divides into two subareas, a Core Area and an Outer Area. The Core Area is focused on Donald Lynch Boulevard and includes all parcels north of I-290 and west of I-495. This subarea is more intensely developed than the Outer Area. The Core Area has less total land area than the Outer Area. It also has more buildings and more total assessed value. The Outer Area is east of I-495 and south of I-290. It is larger in total land area. It is less densely developed with less buildings and less total assessed value.

Based on City of Marlborough Assessor's data:

Core Area

Parcels: 56

This subarea has a total of 56 parcels that vary in size and ownership. Most of the parcels in this subarea have frontage on Donald Lynch Boulevard.

Total area: 257 acres

All of the land area within the parcels combines to a total of 257 acres. This total area does not include roadways and rights-of-way.

Average parcel size: 4.6 acres

Owner occupied: 9 (16%)

Based on the owner address in the assessor's data, 9 buildings are occupied by the owner of the property.

Buildings: 24

Most parcels that have a building have a single building on the parcel. Less than half of the parcels have buildings.

Total assessed value: \$203.6M

The total assessed value of all the buildings and land in the subarea.

Largest owner: Larue Renfroe

The largest owner by land area.

Outer Area

Parcels: 35

This subarea has a total of 35 parcels that vary in size and ownership.

Total area: 408 acres

All of the land area within the parcels combines to a total of 408 acres. This total area does not include roadways and rights-of-way.

Average size: 11.7 acres

Owner occupied: 14

Based on the owner address in the assessor's data, 14 buildings are occupied by the owner of the property.

Buildings: 15 (43%)

Most parcels that have a building have a single building on the parcel. Less than half of the parcels have buildings.

Total assessed value: \$84M

The total assessed value of all the buildings and land in the subarea.

Largest owner: Hillside School

The largest owner by land area.

Donald Lynch Boulevard Study Area subareas



2 Study Area Context and Analysis

Context

The following illustrations show the current context of the Donald Lynch Boulevard Study Area. Each of the analyses examine the current context of the district through a specific characteristic. The specific characteristics include analyses of the scale, land use, zoning, circulation, parking, natural assets, and market context of the study area. It is important to examine the current conditions of the district to provide a baseline understanding of the study area. It is also important to help define what may need to change relative to the vision that has been articulated through this process.

The general context of the district is typical of many highway-oriented regional destinations. The highway access and orientation of the district is biased to travel by car. This bias is evident in the roadways with the ease of vehicular access along Donald Lynch Boulevard prioritized with a roadway designed for high traffic volume with divided median and turn lanes. It is also evident by the abundant surface parking areas intended to support the convenience of the district when arriving by vehicle.

Some auto-oriented suburban settings have begun to evolve to support the importance of vehicular access while providing for access and experiences outside of the car. For example, regional malls have been transforming to increase the density

and variety of uses and offering more vibrant pedestrian environments and dynamic exterior spaces to complement the more traditional enclosed mall spaces.

The aerial photograph on the following page shows the context of the district and the prominent feature of the highway access of Interstate 495 and Interstate 290. The surrounding area is less developed and includes undeveloped wooded areas and single family homes as predominant land uses. The district today is a mix of office, retail, hotel and recreation uses that are anchored by the Solomon Pond Mall and the New England Sports Center as regional destinations served by the excellent highway access. A portion of the Solomon Pond Mall is located in the neighboring town of Berlin. Most of this activity is centered along and accessed by Donald Lynch Boulevard. Access to the district is from an interchange on Interstate 290. The district does not have direct access to Interstate 495.

On the following pages a series of more detailed oblique aerial views show the character of the district and some of its assets. In the first oblique aerial Donald Lynch Boulevard is at the center of the image. Interstate 290 is in the bottom right corner of the aerial.

Donald Lynch Boulevard Study Area aerial



Donald Lynch Boulevard Study Area oblique aeri



Several of the retail and office buildings typical to the district are shown in the first image, including Target. These buildings are served by large surface parking lots. The next oblique aerial shows the New England Sports Center a regional destination for ice sports including hockey, figure skating, and public skating. Directly across Donald Lynch Boulevard is the study area's only hotel.

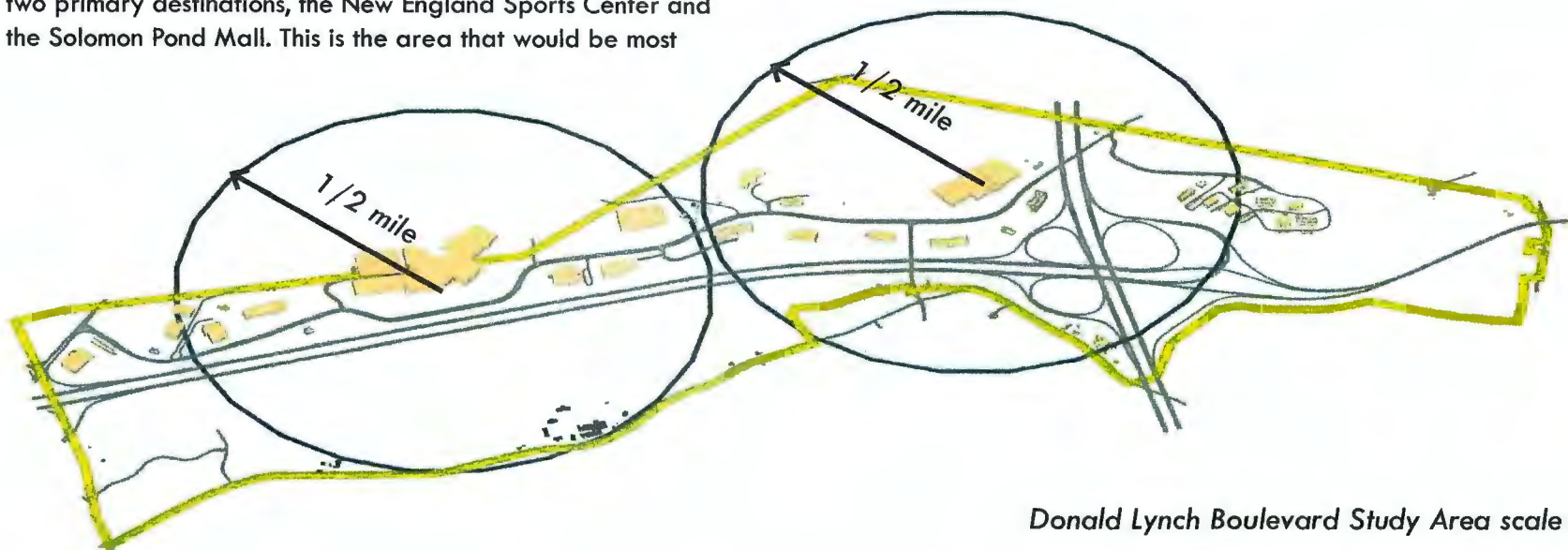
The final oblique aerial shows a corner of the Solomon Pond Mall and the Assabet River that circulates through and along the northern edge of the district. The mall is another important regional destination and the river is an important and underutilized natural asset of the district.



Study Area Scale

The first analysis and characteristic is focused on the scale of the district. As mentioned, this is an auto-oriented district and its scale is more suited to vehicular circulation. The study area is 3 miles long by 3/4 of a mile wide. The circles on the diagram represent a 1 mile diameter. A 1/2 mile is the distance that can be covered in a comfortable 10 minute walk by an able bodied patron of the district. The circles are centered on the two primary destinations, the New England Sports Center and the Solomon Pond Mall. This is the area that would be most

likely for a patron to visit on foot if there was an attractive destination and safe and comfortable walking path to get there. It would take about 1 hour to walk the length of the study area, or about 12 minutes by bike. In this context with long distances and an incomplete sidewalk network, it is most likely that a patron will get back in the car and drive even a short distance to the next destination. The district will need to evolve to encourage more walking and biking.



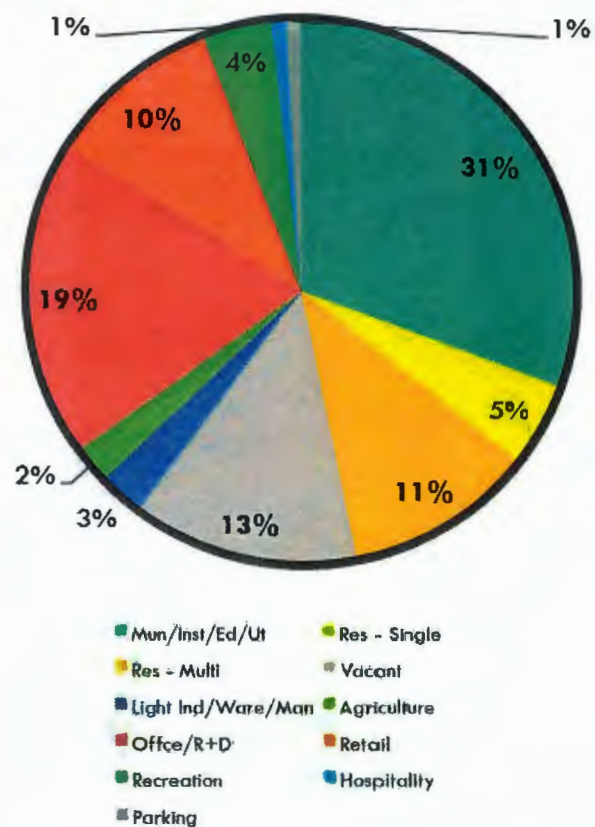
Donald Lynch Boulevard Study Area scale

Study Area Land Use

The land use in the study area is an eclectic mix of uses. The largest category of use by land area is municipal, institutional, educational and utility uses with 31% of the study area's land area defined by parcels with this use. The next largest use category is office and research and development uses at 19% of the land area. The next largest land areas belong to the uses of vacant land at 13%, multifamily residential at 11%, and retail uses at 10%. The remainder of the uses each occupy less than 5% of the total land area of the district and include single family residential at 5%, recreation at 4%, light industrial, warehousing, and manufacturing at 3%, agriculture at 2%, hospitality at 1%, and parking at 1%.

The large share of the municipal, institutional, educational and utility uses is attributed to the large parcels associated with the Hillside School. These parcels increase the total land area that is categorized within this use. The office and research and development uses and the retail uses combine for a total of 29% of the land area of the district and would likely be the uses that most patrons would associate with the study area. They are the most prominent and visible uses of the district and are clustered along the Donald Lynch Boulevard frontage of the district. On this page a pie chart shows the distribution of the study area land use. On the following page, the same

Land use composition of the Study Area



uses are shown distributed spatially in the study area. Most of the residential uses are to the east of Interstate 495. Most of the municipal, institutional, educational, utility uses are to the south of Interstate 290. Most of the office and research and development uses and all of the retail uses are to the north of Interstate 290 and to the west of Interstate 495. The total land area calculations are based on assessor's parcel data and do not include the land area that is devoted to roadways and rights-of-way.



Study Area Zoning

The City-wide zoning map of Marlborough is shown on the following page. The study area boundaries for Donald Lynch Boulevard were defined based on the City's Zoning Map. The Limited Industrial (LI) Zoning District is found throughout the City and most predominantly in the western portion of the City. The northwest corner of the City is a Limited Industrial district that continues from a larger district to the south with a small connector along the I-495 corridor. The study area follows the Limited Industrial boundary in the northwest corner of the City and cuts across the small connector along the I-495 corridor. The Limited Industrial boundary is shared with a Rural Residence (RR) district to the south and a Residence A-2 (A-2) district to the southeast and east.

The current zoning for the study area is focused on the Limited Industrial (LI) zoning characteristics. In this district the minimum lot area is 2 acres and the minimum lot frontage is 200 feet. The setbacks include a minimum side yard that is 50 feet, the minimum front yard is 50 feet, and the minimum rear yard is 50 feet. The maximum building height varies depending on the distance measured in feet from a residential zone. For a building 0 to 150 feet from a residential zone the maximum height is 30 feet, for 151 to 250 feet the height is 36 feet, for 251 to 400 feet the height is 40 feet, for 401 to 500 feet the

height is 52 feet. The maximum lot coverage in the district is 60%.

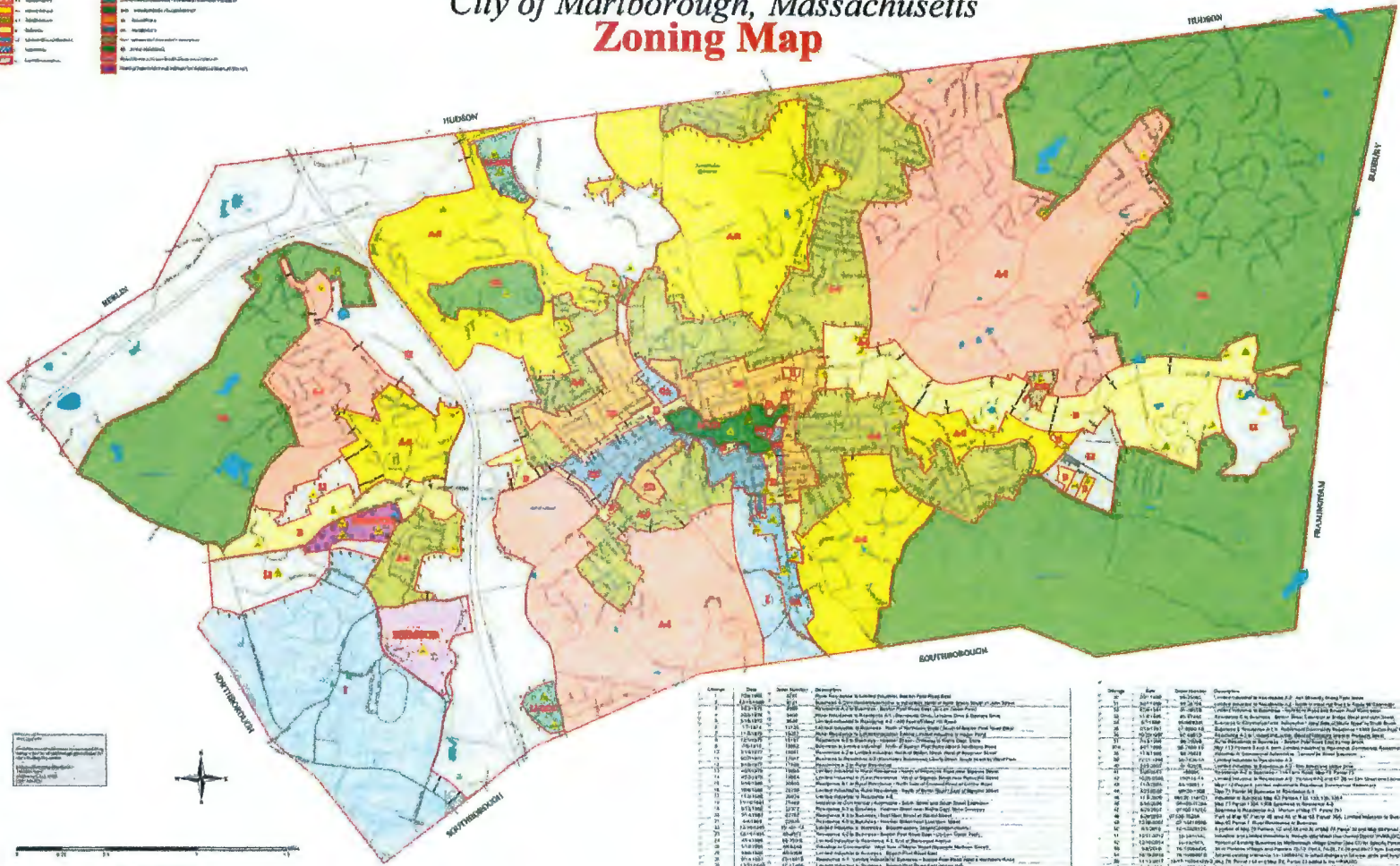
A total of 29 uses are allowed as of right under current zoning. A variety of uses are allowed as of right including offices, banks, insurance and financial institutions, commercial greenhouse, agriculture, horticulture, and floriculture, child-care centers, and light non-nuisance manufacturing among others. 24 additional uses are allowed by special permit and include retail sales and services, hotels, recreation center, shopping malls, restaurants, and coffee roastery among others. A total of 70 uses are not permitted in the district and include single-family residential, multifamily dwellings, artists studios, assisted living facilities, veterinary hospitals, schools, clubs, medical offices, and mixed use development.

The current zoning characteristics apply to all Limited Industrial (LI) Zoning Districts in the City. To modify zoning based on the vision for the study area defined by this process either a new underlying zoning district, or a new overlay zoning district would need to define and differentiate the study area from other Limited Industrial Districts.

City of Marlborough Zoning Map

City of Marlborough, Massachusetts Zoning Map

- 1. Residential Single-Family
- 2. Residential Medium-Density
- 3. Residential High-Density
- 4. Office
- 5. Business
- 6. Industrial
- 7. Community
- 8. Public Use
- 9. Agricultural
- 10. Conservation
- 11. Environmental
- 12. Historic
- 13. Special Use
- 14. Other
- 15. Unzoned
- 16. Other
- 17. Other
- 18. Other
- 19. Other
- 20. Other
- 21. Other
- 22. Other
- 23. Other
- 24. Other
- 25. Other
- 26. Other
- 27. Other
- 28. Other
- 29. Other
- 30. Other
- 31. Other
- 32. Other
- 33. Other
- 34. Other
- 35. Other
- 36. Other
- 37. Other
- 38. Other
- 39. Other
- 40. Other



Order	Date	Order Number	Description
1	07/28/88	0101	Adopted the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
2	08/12/88	0102	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
3	08/12/88	0103	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
4	08/12/88	0104	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
5	08/12/88	0105	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
6	08/12/88	0106	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
7	08/12/88	0107	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
8	08/12/88	0108	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
9	08/12/88	0109	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
10	08/12/88	0110	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
11	08/12/88	0111	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
12	08/12/88	0112	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
13	08/12/88	0113	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
14	08/12/88	0114	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
15	08/12/88	0115	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
16	08/12/88	0116	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
17	08/12/88	0117	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
18	08/12/88	0118	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
19	08/12/88	0119	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
20	08/12/88	0120	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
21	08/12/88	0121	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
22	08/12/88	0122	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
23	08/12/88	0123	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
24	08/12/88	0124	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
25	08/12/88	0125	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
26	08/12/88	0126	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
27	08/12/88	0127	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
28	08/12/88	0128	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
29	08/12/88	0129	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
30	08/12/88	0130	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
31	08/12/88	0131	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
32	08/12/88	0132	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
33	08/12/88	0133	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
34	08/12/88	0134	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
35	08/12/88	0135	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
36	08/12/88	0136	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
37	08/12/88	0137	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
38	08/12/88	0138	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
39	08/12/88	0139	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.
40	08/12/88	0140	Amended the Zoning Ordinance, as amended, for the City of Marlborough, Massachusetts.

City of Marlborough
 GIS
 100 Canal Street, 2nd Floor
 Marlborough, MA 01501
 508-253-3300
 www.marlbrough.gov

Map Scale: Graphic Scale
 Date: 03/18/2010
 Author: [Signature]
 1:50,000 (North, City Center)

Map Scale: Graphic Scale
 Date: 03/18/2010
 Author: [Signature]
 1:50,000 (North, City Center)

Study Area Circulation

As described previously the study area access and circulation is a critical and defining feature. The study area benefits from excellent highway access placed at the intersection of two interstate highways. The highway access directly connects Solomon Pond Road in the study area to Interstate 290. Beyond the highways, the roadway network in the study area is relatively limited. Each subarea is accessed by a single primary roadway. The Core Subarea is accessed by Donald Lynch Boulevard. The Outer Subarea south of Interstate 290 is accessed by Robin Hill Street and the Outer Subarea east of Interstate 495 is accessed by Brigham Street that transitions into Donald Lynch Boulevard.

The study area street network is completed by River Road West that extends Solomon Pond Road to the north into the Town of Berlin. Goddard Road and Waterford Drive connect Solomon Pond Road and Robin Hill Street. Bigelow Street provides the only other north south connection between Donald Lynch Boulevard and Robin Hill Street. It travels under Interstate 290. At this intersection with Bigelow Street, Robin Hill Street transitions into Berlin Road. North Bigelow Street transitions into Bridge Road that connects Donald Lynch Boulevard north to River Road West in the Town of Berlin. Wheeler Hill Boulevard connects to Brigham Street and provides access to The Point at

Marlborough, the multifamily residential development to the east of Interstate 495.

The streetview photographs that begin below and are shown on the following page, illustrate the character of the primary roadways in the study area. The primary street, Donald Lynch Boulevard, travels east-west across the study area. It has four lanes, providing two travel lanes in each direction. The boulevard has a center median landscaped island that is mostly lawn. The center island transitions into center turn lanes at most intersection and site access locations where major turning movements occur such as at intersecting streets, the entrances



Donald Lynch Boulevard Google Streetview

into Solomon Pond Mall, or other site entrances. A traffic signal occurs at the intersection with Solomon Pond Mall. Donald Lynch Boulevard has a nearly continuous pedestrian network that varies in configuration from a curbed sidewalk adjacent to the roadway to a shared path with a landscape buffer from the roadway. Marked pedestrian crossings are not present at most intersections or site access locations. Bicycle infrastructure is limited with a dedicated bike lane on the south side of Donald Lynch Boulevard from Bigelow to Brigham Street in Hudson.

The other primary roadway in the study area is Robin Hill Street. It has a very different character than Donald Lynch

Donald Lynch Boulevard Google Streetview



Donald Lynch Boulevard Google Streetview



Robin Hill Street Google Streetview

Boulevard. It is much more rural with a narrow paved surface including a single lane of travel in each direction. The roadway has a minimal shoulder and no pedestrian or bicycle infrastructure.

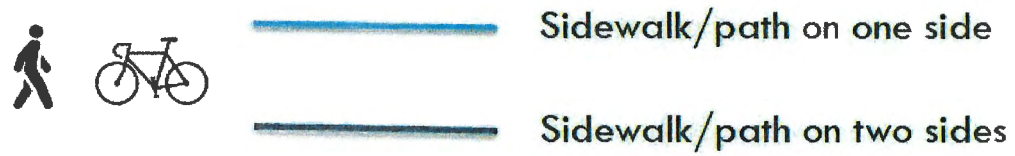
The pedestrian and bicycle circulation diagram on the following pages shows the extent of sidewalks and paths in the study area. For portions of Donald Lynch Boulevard a sidewalk or path exists on both sides of the street. For a few other portions, a sidewalk or path exists on only one side of the street, and for the segment of roadway nearest Solomon Pond Mall, no sidewalk exists on either side of the street.

A sidewalk exists on one side of the street on Brigham Street and Wheeler Hill Boulevard serving pedestrians at The Point. Other portions of the study area street network have minimal pedestrian infrastructure.

As mentioned previously the scale of the study area is best supported by vehicular access. However, the pedestrian and bicycle infrastructure is not to a level in the study area that communicates convenience and safety to those who may desire another form of circulation. If the network of sidewalks, paths, and crossings were more comprehensive and connected it would be more likely to encourage non-vehicular trips in the study area. A patron may arrive by vehicle, but then may go

for a walk in the district, walk to get lunch, or walk to a nearby outdoor amenity during a break. Additionally, the sidewalk and path network is limited to the roadway network today. Additional paths could be created independent of the roadway network to create more direct connections to the natural assets of the study area including the Assabet River and nearby conservation lands.

Study Area pedestrian and bicycle circulation



Study Area Parking

Parking in the study area is a critical component of the access and use of the properties. Parking is provided on each individual property with private parking lots. No public parking resources are provided in the study area. Parking is primarily provided as surface parking lots adjacent to the building. The one exception is a parking deck that has been constructed to the rear of the Solomon Pond Mall.

The study area is subject to Section 650-46 Off-street parking of the City of Marlborough Zoning. The following minimum parking requirements apply in the district. Stores and shops for retail require one parking space for each 100 square feet of public floor area. Offices and banks require one parking space for each 250 square feet of office area. Shopping malls require a minimum of one parking space for each 225 square feet of gross leasable area.

Most of the concentration of surface parking in the study area is found on the properties along Donald Lynch Boulevard. That concentration is evident in the diagram on the following page. The diagram highlights in gray the surface parking lots of the study area. In the Core Subarea along Donald Lynch Boulevard, the surface parking areas account for about 3.2 million square feet of impervious area. That is about 22% of the land

area in this subarea. The Outer Subarea has much less of a concentration of surface parking. The surface parking lots that exist in the subarea add about 1 million square feet and bring the total impervious surface parking area of the total study area to 4.1 million.

No on-street parking supply exists in the study area. The nature of the parking supply in the study area may result in an over supply of parking. Each property is providing enough parking for its own use on the property. Different uses may experience different periods of peak parking time. This presents an opportunity to share the same parking supply between different uses. There is likely potential within the study area to make the use of parking more efficient and to optimize the amount of parking that is needed to effectively serve the mix of district uses. Encouraging walking between nearby uses in the study area is also beneficial in optimizing the use of parking in the district.

Study Area parking supply

3,186,525 square feet of impervious area in core area
22% of the land area



4,136,173 square feet of total impervious area

Study Area Natural Assets

One of the underutilized aspects of the study area is the collection of natural assets. The primary natural feature of the district is the Assabet River. The Assabet enters the study area near the southwest corner. It flows across the district south to north to the west of the Solomon Pond Mall. It follows near the northern edge of the study area in the Town of Berlin and then reenters the study area near the New England Sports Center. This is a substantial asset that could be a highlight of the study area. The Assabet River is the feature of nearby districts including the Assabet River Rail Trail running through Marlborough, Hudson, Stow, Maynard and Acton.

In addition to the Assabet River, the study area has two other nearby water features including the Muddy Pond inside of the study area and the nearby Millham Reservoir just south of the study area. Just north of the study area in the Town of Berlin is a tributary that feeds into the Assabet River, the Gates Pond Brook. Other study area natural assets include nearby conservation lands. These include the Howe Pond Land just south of the study area. In the study area the Hillside School does have natural and recreational resources on the school's campus, but use would require coordination with the school. Also in the district on Donald Lynch Boulevard is the Robin Hill Cemetery. Additional resources are located just north of the study area in

the Town of Berlin. These resources include the Berlin Community Garden, the Dingley conservation land, and the Kelsey-McAllister conservation land.

Each of the natural assets and resources act relatively independently in and around the study area. No larger connections or trails are yet developed to link these assets.



Study area natural assets

Market Context

From the perspective of the broader real estate market, the Donald Lynch Boulevard Study Area is positioned interestingly. The study area's highway access has been discussed among other characteristics and analyses, but the highway access is critically important for the market context. That ease of access places the study area in both the Boston and Worcester submarkets. For different uses and destinations the study area can attract businesses, employees, patrons, and customers from both population centers.

The context for the study area is also suburban. The suburbs have continued to grow and dynamics of the COVID-19 pandemic appear to have shifted housing preferences, at least temporarily, to favor suburban locations. In July 2020, Cushman & Wakefield Research released a report entitled "Suburban Boom: How COVID-19 May Accelerate the Trend Already in the Making." The report highlights that the emphasis on suburban preferences has been occurring within the broader context of Millennials reaching home buying age. Nearly half of all Millennials are 30 years or older and the oldest are approaching their 40s. The median age to buy a home is 33 years old. Nationwide, Millennials have been the largest group of home buyers for the past three years. They are more likely than any other age group to buy homes in the suburbs. Half of

home purchases are in the suburbs, compared to only 13% of all home purchases in a central city.

However, regardless of demographic cohort, many residents and prospective residents of the suburbs find certain characteristics most attractive. Many of these characteristics point to suburban locations that can offer amenities similar to the city center including walkability and bikeability, access to multiple modes of transportation, amenities and entertainment venues, experiential retail, food options, and parking and charging stations.

The Donald Lynch Boulevard Study Area has the ability to evolve to capitalize on these desirable features. Walkability and bikeability can be improved in the district, amenities, entertainment venues, experiential retail, and food options can be leveraged and expanded in the district. The strength and growth of housing in the context of places like the Donald Lynch Boulevard Study Area contrasts with the trends underway in suburban retail. The over-retailing of the country is a widely discussed trend. Enclosed suburban malls have been seeing the combined results of changing patterns of consumption, the desire for compact and walkable places, and the still remaining impacts of the COVID-19 pandemic, particularly on retail.

Mall and retail vacancies have been trending upward for

the past five or more years, presenting challenges prior to the pandemic. Enclosed malls have been experiencing more pressure to evolve than outdoor centers. Examples of the transformation of suburban malls exist from across the country. The transformation is typically to reinvent the mall to retain its relevance as a destination. Often, these changes involve converting from an enclosed to an outdoor center, adding new uses such as healthcare, office, residential, or other mixed-uses, or evolving to more of a walkable mixed-use center. Retail is shifting from a standalone destination to an amenity in live, work, play communities. The retail, restaurants, and experiences help to define the sense of place.

The Donald Lynch Boulevard Study Area already has a cluster of office uses including biotech uses. The building assets and clustering of office uses could be leveraged in the future to attract additional office uses and to expand the offerings and amenities available to office workers and patrons in the Study Area. The impacts of COVID-19 on the office outlook are uncertain. The rapid shift to remote work caused disruption in daily patterns of work and commutes, but it is unclear what the long term impact of these disruptions may be. Some businesses may see the footprint of their office needs decrease as part-time work from home patterns become more permanent.

Although the Study Area is zoned Limited Industrial, industrial,

manufacturing, and warehousing uses represent a small portion of the current uses in the study area. The broader market context for these uses is favorable for a location with good highway access. Particularly, warehousing and fulfillment centers have been growing due to the increase in e-commerce. MAPC recently released a report entitled “Hidden and in Plain Sight: Impacts of E-Commerce in Massachusetts.” The report highlights that the \$600 billion e-commerce industry now makes up 14% of all retail sales in the country and has contributed to a 42% increase in warehouse rents in Greater Boston over the last two years. The impacts of the COVID-19 pandemic has only served to accelerate the trends toward e-commerce and the need for warehousing and distribution infrastructure. Recent economic concerns regarding inflation, rising interest rates, and questions about the future economic outlook have all paused the rapid expansion of e-commerce and warehousing space that was underway.

Case Studies

A part of the context for this study is the idea of “suburban retrofit”, meaning strengthening the development patterns of the suburbs to help them evolve in a more sustainable, walkable, and economically viable manner. Three broad strategies fall within this approach to the evolution of the suburbs - re-development, re-inhabitation, and re-greening. Re-development refers to the demolition and reconstruction of underperforming suburban assets to remake them as more mixed-use, walkable, and concentrated, more similar to a traditional town center. Re-inhabitation refers to repurposing existing spaces that have become vacant or underutilized and reinvesting in their reinvention as a home for a new purpose or use. Re-greening refers to adding ecological and flood control enhancements to suburban development patterns that are typically associated with large impervious parking lots and hard infrastructure to support stormwater, flood control, water, and wastewater needs.

A few examples of these approaches were identified that do offer some similarities with the Donald Lynch Boulevard area. Many examples of suburban transformation exist across the country with well known investments in places such as Tysons Corner Center in McLean Virginia and Belmar in Lakewood Colorado. These examples typically involve major investments by a developer in an older format suburban mall or retail



*Belmar transformed as a walkable center
(Photo June Williamson)*

center. Several local examples follow these same trends and include recent and planned investments at the Natick Mall, Woburn Mall, and Hanover Crossing. Each may offer a model relevant to the Donald Lynch Boulevard Study Area.

The Natick Mall underwent a transformative investment and rebranding in 2007 to become the Natick Collection. While the surrounding demographics, market conditions, and development scale may be different, the fundamental concepts may be applicable to the study area. General Growth Properties added over 500,000 square feet to the existing 1.1 million square foot retail center including anchors Nordstrom and Neiman Marcus and 98 specialty shops and restaurants. The investments included diversifying the uses on the property with the addition of Nouvelle Natick, a 215-unit luxury condominium building to add activity to the lifestyle center.



Nouvelle at Natick (Photo Boston City Properties)

Marlborough Vision for Donald Lynch Boulevard

In Woburn, Edens LLC owns and operates a smaller enclosed mall with close to 250,000 square feet on a 23 acre property. The owner has acquired approval to invest in the property to reconfigure it into more of a lifestyle center. The proposed development includes a 350 unit housing complex, a cinema, and new shopping destinations. The transformed mixed-use redevelopment includes about 700,000 square feet with a Market Basket supermarket, cinema, new restaurants, and new retailers. AvalonBay Communities will construct the housing complex that will include 20% of the units as affordable units developed under a 40R district.



The existing Woburn Mall (Photo Patch.com)

Planned redevelopment in Woburn (Photo Patch.com)



On the previous page the original configuration of the Woburn Mall was shown with the enclosed indoor mall circulation. In the redeveloped site plan shown above the circulation occurs outside between buildings that are arranged in a structure more similar to a grid structure with streets and blocks.

In Hanover, the Hanover Mall is perhaps the closest comparable in terms of scale and surrounding demographics. The mall was originally built in the 1980s and was a more traditional enclosed mall. The vacancies at the mall steadily grew and peaked in 2016 when revitalization plans were pursued by a new property owner, PREP. The owner sought to bring back

vibrancy to the area and proposed an open air lifestyle center mixed with luxury residential units. This transformation is now under construction and will be rebranded as Hanover Crossing. The residential portion of the redevelopment is being completed by the Hanover Company. The ownership team and the Town secured a Tax Increment Financing (TIF) plan for the redevelopment. The public financing method provides a subsidy for redevelopment through a property tax exemption that incrementally decreases over a period of time. The exemption only applies to the increase in the property's value beyond the purchase price, delaying the increased burden of taxes on the



Proposed Hanover Crossing (Photo theHanovercrossing.com)

investments. The residential component of the redevelopment is not a part of the TIF agreement.

According to the property owners in Hanover, 40% of the top malls in country are adding residential space and 33% are building hotels as part of future investments. They state that the “live, work, play” strategy is a must for future retail success. This is a similar approach to that taken in other locations throughout the region including Market Street in Lynnfield, the Third Avenue complex in Burlington, Legacy Place in Dedham, and University Station in Westwood. In this context, the addition

of a residential component to a development program has also helped to increase the financial viability of the redevelopment investments.



Previous Hanover Mall (Photo theHanovercrossing.com)



Proposed Hanover Crossing (Photo theHanovercrossing.com)

3 Study Area Vision

In addition to a concrete understanding of the characteristics of the Donald Lynch Boulevard Study Area today, it is equally important to articulate a vision for the future of the study area. This vision will guide the recommendations that follow in this report and can also be used to guide future public and private investments in the study area.

In order to define the vision, district stakeholders were invited to provide input on their insights into the study area. The stakeholders included district property owners and their representatives, district businesses and tenants, Marlborough residents, City Councilors, and the Marlborough Economic Development Corporation. These stakeholders were engaged in the series of meetings that were part of this study process. Much of the information presented in the previous section of this report was presented to the stakeholders in order to inform and frame the conversation around a vision and the types of recommendations that may be appropriate to achieve the vision. In addition, a coordination meeting occurred with the Town of Berlin Economic Development Committee to better understand the concerns of the neighboring municipality. Several district properties include land located within both municipalities.

The next page shows several quotes from the stakeholders that participated in two community meetings as part of this process, or that submitted comments via email during the process. Each quote and comment grounds the analysis in the previous section through the experiences of stakeholders in the district. Several themes identified through the analyses of the current conditions are reflected back through this feedback.

In addition to a wealth of information gathered through open comments, the following pages show the results of a strength, weakness, opportunity, threat (SWOT) evaluation of the district that was completed by the stakeholders. These observations offer additional context and direction for the study area vision. A vision for how the study area should transform to remain relevant and attractive is important for the property owners, tenants, patrons, and City. Such a vision should be used to inform a deliberate and targeted approach to economic development.

Donald Lynch Boulevard Stakeholder Quotes

"Lack of walkable or drive-thru amenities for office uses"

"New England Sports Center (NESC) works and is the one unique feature. Any changes should be based on that asset."

"The area is lacking a vibe and identity – the Solomon Pond Mall and New England Sports Center are magnet destinations, but the entire area needs to be reimagined and reidentified."

"It's nice to have the current retail amenities – hopefully we can keep those"

"Lack of quick food options for lunch for business"

"Existing zoning is archaic – limiting property owners' flexibility"

"Need to improve cohesiveness of the district. Currently there is no drive-thru, no bank. The key is to have visitors accomplish more than one task with a visit to the district. If getting there requires a 10-15 minute drive, then patrons need to be able to do more with that visit."

"Bike paths and walking paths connecting the various properties along Donald Lynch"

"Enhance the experience for current tenants"

Strengths, Weaknesses, Opportunities, and Threats (SWOT) Evaluation

Stakeholders contributed to the following evaluation of the strengths, weaknesses, opportunities, and threats of the Donald Lynch Boulevard Study Area.

Strengths

- New England Sports Center is an important/unique destination
- Solomon Pond Mall is a destination for the district
- Strong existing office uses contributing to base of weekday patrons
- Regional positioning and access to draw from both Boston metropolitan and Worcester metropolitan areas
- Good vehicular accessibility
- MetroWest Regional Transit Authority (MWRTA) offers service to Solomon Pond Mall and destinations along Route 20 in Marlborough on Route 7C
- Existing businesses and tenants providing a base of activity and amenity
- Cluster of biotech/life science uses is already an asset

Weaknesses

- More direct access from the highway does not appear possible
- Visibility of district from the highway
- Area lacking amenities that patrons of the district desire (restaurants, other attractions)
- Everyone that works or visits has to drive to their destination
- Lack of convenient amenities that are walkable or offer drive-thru convenience
- Retail vacancies in the mall and other retail buildings
- Area is lacking a vibe or identity, improve cohesiveness of district
- Visitors and patrons need to be able to combine more trips/reasons to visit if they are driving 15-minutes to get there
- Lack of flexibility in current zoning for opportunities/uses/parking
- High speed traffic and issues with pedestrian and bike safety

Opportunities

- Potential connection to existing Assabet River Rail Trail that is nearby and connects Downtown Marlborough to Downtown Hudson and potentially an unimproved path as part of a utility corridor to the west of the study area that runs from Northborough to West Berlin
- Repositioning retail from stand-alone destination to amenity in a live/work/play community
- Potential coordination and collaboration with Riverbridge in the Town of Berlin and nearby light industrial areas in Northborough
- Underutilized parking areas could be used to add density of uses and development
- Expansion of live/work/play uses in the district
- Pop up establishments
- Enhanced visibility and signage for the district destinations

Threats

- Future of retail market is unknown and presents a challenge in that historic data to guide decision making is not available
- Context of changing suburban enclosed malls being hit harder by trends in retail and lasting shifts from COVID-19 impacts
- Potential lasting disruptions to traditional office uses among extended remote work practices

Donald Lynch Boulevard Vision Statement

In the near term, strengthen the vitality of the district by encouraging uses, activities, and improvements that will complement the existing assets. This may include support for new restaurants, food trucks, and outdoor spaces that can be safely accessed by walking with a fully connected network of sidewalks.

In the long term, each new investment should be viewed as an opportunity to complement existing uses, add new destinations and attractions, and strengthen a district that provides a variety of compelling reasons to visit, whether it be to work, shop, play, or live. The composition of each new investment will look to enhance the sense of place, identity, and walkability of the district and define distinct nodes which feel more like compact centers of activity. Monitor progress and provide flexibility for property owners to invest in new uses and redevelopment that will respond to the real estate market and needs of the community.

Responding to the Vision

The recommendations that flow from the Vision Statement should provide opportunities for the viable and flexible evolution of properties in the study area that is consistent with the vision. These opportunities would be consistent with the broader patterns of suburban evolution that are being observed throughout the region and country. These opportunities include:

- **Re-development** – encouraging more uses that are consistent with the district vision to reinvest in underperforming assets and add to the density of activities in the study area.
- **Re-inhabitation** – encouraging more opportunities for viable uses and flexibility in the study area that could be used to repurpose or optimize existing spaces.
- **Re-greening** – encouraging future investments that will enhance the sustainability and resilience of the study area while contributing to the attractiveness of the environment. These may include private or public investments to support a network of non-vehicular connections, to optimize and reduce the amount of impervious surfaces, to make additional landscape investments, and to explore the benefits of complete streets in the study area.

One example for how the Vision Statement could be reflected in near term outcomes would be to focus improvements

on an enhanced office park setting that features retail and recreation destinations and improved connections to nearby natural resources. Specific improvements may involve enhanced pedestrian amenities, additional landscaping, and complementary activities that may even include temporary or short term approaches, such as hosting a food truck in strategic locations.

One example for how the Vision Statement could be reflected in longer term outcomes would be to focus on investments which help to define a renewed sense of place through the addition of new buildings, repositioning of existing buildings, and investment in a pedestrian network of sidewalks and trails that connect district destinations. The district destinations would expand from those that exist today to include natural resources which are made more accessible through investments in trails, modest outdoor open spaces, and outdoor seating areas. All of this would be combined with additional and enhanced landscaping, district branding, signage, and wayfinding.

The Vision Statement and these potential opportunities and outcomes would better align the study area with the broader context and trends that have been highlighted in this report.

First, the vision looks to enhance land use development and encourage desired growth patterns to support economic

development in the study area to strengthen the vitality of the district. This will occur by encouraging uses, activities, and improvements that will complement the existing assets. It is important to build on the success of the district for office and research and development and to build on the cluster of businesses that have already been established in the Donald Lynch Boulevard Study Area.

Second, the recommendations that align with the vision will expand opportunities for success that are consistent with the district vision. Viable and complementary uses that make it more likely a building or property can be reused or redeveloped is critical for the future health of the study area. This is particularly true for the retail spaces in the study area to provide as many viable options for optimizing the use of those spaces.

Third, the vision is intended to enhance the sense of place and experience of place in the study area. This is only likely to continue to grow in importance for retail, restaurants, hospitality, and office uses. This also is a way to complement and build on the study area destinations and attractions. The New England Sports Center draws visitors to the study area. If the study area is attractive and has a clear sense of place it can leverage these visitors to become more active patrons for other uses in the study area. Another important aspect of the vision is

enhancing the sense of place and identity through the natural amenities, outdoor spaces, and landscaping. This is critically important to bring a sense of cohesion and connectedness to the study area and adds another layer of destinations and activity that can be enjoyed by patrons and visitors.

Fourth, the vision looks to enhance land use development and encourage desired growth patterns to support a healthy community. This occurs primarily through the prioritization of walkability of the study area. Future investments can create a more compact and walkable development pattern and support the creation of smaller nodes that provide a well connected network of sidewalks and paths. The importance of an active and healthy lifestyle supported by a safe and convenient pedestrian and bicycle network will only increase in the future. Public health data supports these important infrastructure needs.

Fifth, the vision looks to expand the relevance, visibility, and functionality of the natural assets in the district. The projected impacts of climate change include more intense storm events, greater likelihood of riverine flooding, prolonged heat and drought events, and higher temperatures. Investments in the natural assets of the district will enhance the sustainability of the study area today while increasing the resilience of the study area to these future impacts. The site design, building design, infrastructure, and natural assets should all be elevated in the

study area to become an integral part of the sense of place. This includes leveraging the unique natural assets of the district and surrounding context, including the Assabet River.

Finally, expanding the study area's range of uses to include complementary multifamily housing would strengthen the study area. The introduction of housing in the study area must be carefully considered and occur under specific conditions. It is not the intention to open the study area to a complete residential transformation. Residential uses are very likely to remain a strong component that can contribute to the financial feasibility of redevelopment efforts. In this way, housing should be leveraged in the district to help increase the viability and success of desired transformations or evolution of properties that may need reinvestment in the future. A measured amount of housing in the study area would also complement the other uses and strengthen the levels of activity there. This would add to the number of compelling reasons to visit and help the study area evolve toward a place to work, shop, play, or live.

4 Land Use and Zoning Recommendations

The vision statement has set the foundation for land use and zoning recommendations in the Donald Lynch Boulevard Study Area. Because most of the properties in the study area are privately owned, zoning is the most effective tool to encourage changes that are consistent with the vision statement. A comparison between the existing zoning characteristics for the study area's Limited Industrial (LI) zone, as described earlier in this report, and the vision that was articulated for the study area point to the need for zoning changes.

In order to limit the applicability of the needed zoning changes, a new zoning district or overlay will need to be created for at least a portion of the study area. This will avoid the changes applying to all other Limited Industrial (LI) zoned areas of the City. Based on the analyses of the study area and the differences between the subareas, it is recommended that the boundary of this new zoning district or overlay define an area that is smaller than the study area. The recommendation is to have the new zoning district or overlay apply to all parcels that are to the north of Interstate 290 and to the west of Interstate 495, as shown on the map on the following page. This is the Core Subarea that was described previously in this report. This area could be considered as a pilot for the zoning changes. Additional portions of the study area could be added at a later date, if desired.

The recommended zoning changes include changes to eligible uses, dimensional requirements, parking, curb cut and landscaping requirements, design standards, signage, and

standards for roadways and drainage.

The recommended zoning changes and the boundary of those changes can either be implemented as a new zoning district or a new zoning overlay. Recent zoning modifications in the City of Marlborough have employed both approaches. The Wayside Zoning District was a newly created zoning district established recently to differentiate a portion of the Business District on Route 20 East. The Hospitality and Recreation Mixed Use Overlay District (HRMUOD) was a newly created overlay district to define new characteristics for a portion of Route 20 West.

Both approaches have advantages and disadvantages. A new underlying zone avoids confusion and conflicts as it clearly defines one set of regulations that apply to an area. The change may require more modifications to the Zoning Ordinance to establish the new district and generally adds to the number of districts that are referenced in the zoning tables.

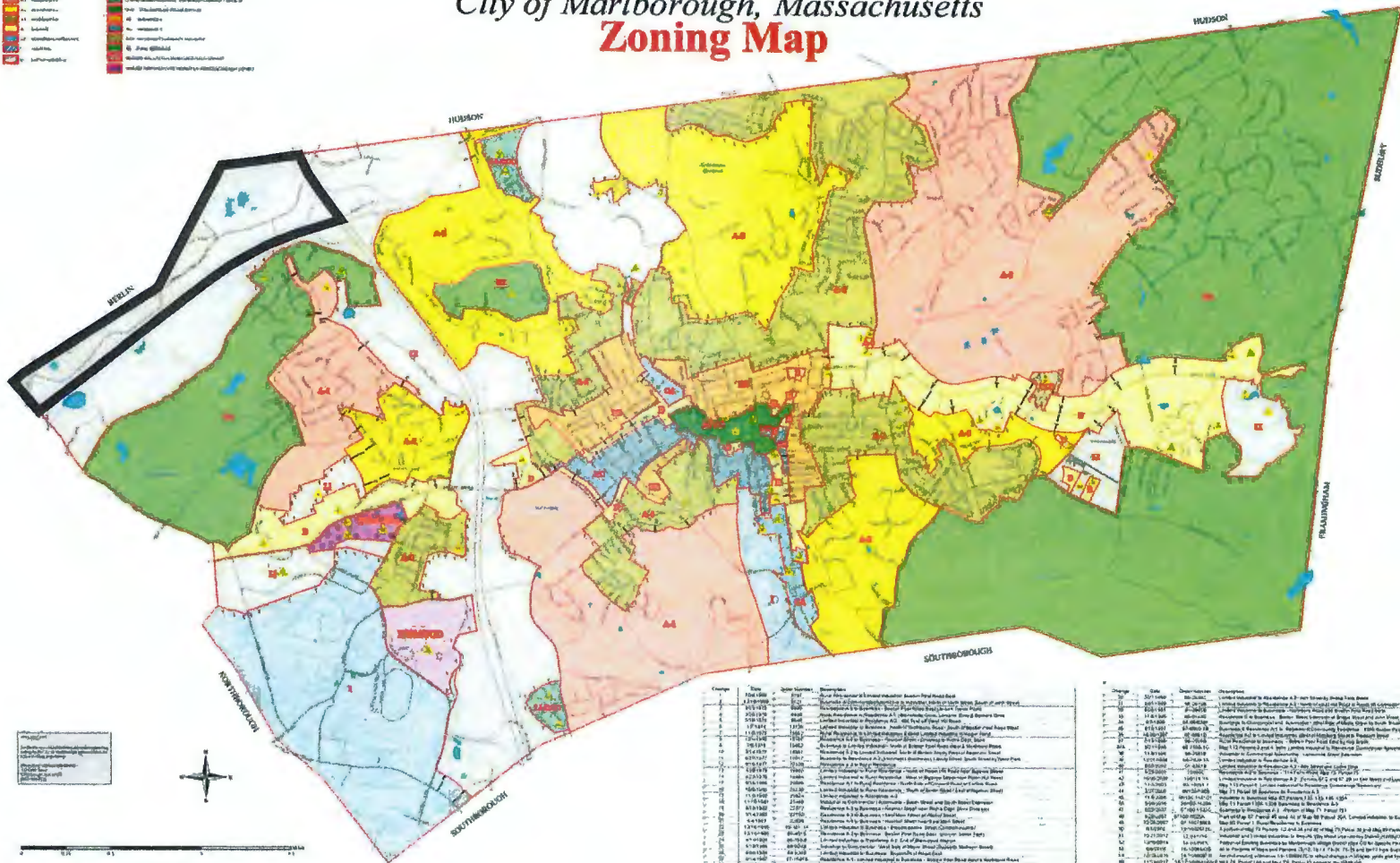
The overlay provides a simple way to add additional regulations for a specific area. In this case the overlay would modify the underlying Limited Industrial (LI) district and define the special conditions of Donald Lynch Boulevard. The overlay may sometimes cause confusion where conflicts occur between it and the underlying zoning.

The zoning recommendations written up in the appendix have been drafted as an overlay district.

City of Marlborough Zoning Map with recommended overlay boundary (outlined in black)

City of Marlborough, Massachusetts Zoning Map

- 1. Residential Single-Family
- 2. Residential Medium-Density
- 3. Residential High-Density
- 4. Commercial
- 5. Industrial
- 6. Office
- 7. Public Use
- 8. Institutional
- 9. Agricultural
- 10. Forest
- 11. Conservation
- 12. Environmental
- 13. Historic District
- 14. Overlay



Order	Date	Order Number	Description
1	1964-1966	101	Original Zoning Ordinance
2	1967-1968	102	Amendment to Ordinance 101
3	1969-1970	103	Amendment to Ordinance 101
4	1971-1972	104	Amendment to Ordinance 101
5	1973-1974	105	Amendment to Ordinance 101
6	1975-1976	106	Amendment to Ordinance 101
7	1977-1978	107	Amendment to Ordinance 101
8	1979-1980	108	Amendment to Ordinance 101
9	1981-1982	109	Amendment to Ordinance 101
10	1983-1984	110	Amendment to Ordinance 101
11	1985-1986	111	Amendment to Ordinance 101
12	1987-1988	112	Amendment to Ordinance 101
13	1989-1990	113	Amendment to Ordinance 101
14	1991-1992	114	Amendment to Ordinance 101
15	1993-1994	115	Amendment to Ordinance 101
16	1995-1996	116	Amendment to Ordinance 101
17	1997-1998	117	Amendment to Ordinance 101
18	1999-2000	118	Amendment to Ordinance 101
19	2001-2002	119	Amendment to Ordinance 101
20	2003-2004	120	Amendment to Ordinance 101
21	2005-2006	121	Amendment to Ordinance 101
22	2007-2008	122	Amendment to Ordinance 101
23	2009-2010	123	Amendment to Ordinance 101
24	2011-2012	124	Amendment to Ordinance 101
25	2013-2014	125	Amendment to Ordinance 101
26	2015-2016	126	Amendment to Ordinance 101
27	2017-2018	127	Amendment to Ordinance 101
28	2019-2020	128	Amendment to Ordinance 101
29	2021-2022	129	Amendment to Ordinance 101
30	2023-2024	130	Amendment to Ordinance 101

Order	Date	Order Number	Description
31	2025-2026	131	Amendment to Ordinance 101
32	2027-2028	132	Amendment to Ordinance 101
33	2029-2030	133	Amendment to Ordinance 101
34	2031-2032	134	Amendment to Ordinance 101
35	2033-2034	135	Amendment to Ordinance 101
36	2035-2036	136	Amendment to Ordinance 101
37	2037-2038	137	Amendment to Ordinance 101
38	2039-2040	138	Amendment to Ordinance 101
39	2041-2042	139	Amendment to Ordinance 101
40	2043-2044	140	Amendment to Ordinance 101
41	2045-2046	141	Amendment to Ordinance 101
42	2047-2048	142	Amendment to Ordinance 101
43	2049-2050	143	Amendment to Ordinance 101
44	2051-2052	144	Amendment to Ordinance 101
45	2053-2054	145	Amendment to Ordinance 101
46	2055-2056	146	Amendment to Ordinance 101
47	2057-2058	147	Amendment to Ordinance 101
48	2059-2060	148	Amendment to Ordinance 101
49	2061-2062	149	Amendment to Ordinance 101
50	2063-2064	150	Amendment to Ordinance 101

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 Mayor

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Potential Zoning Use Modifications

The following zoning use modifications are recommended to bring potential future investments in alignment with the Vision Statement. All of the uses defined by the City of Marlborough Table of Use Regulations are not listed below. The listing focuses on the uses that would change from the current underlying Limited Industrial (LI) zone to the recommended Donald Lynch Boulevard Overlay District.

The first set of changes are for those uses that are currently listed as “Y” allowed as of right and are recommended to change to “SP” allowed by special permit. The additional review of these uses is recommended to ensure that they are consistent with the Vision as proposed. These recommended use changes include: residential accessory uses; customary home occupations; yard sales, charitable sales bazaars; soil removal; agriculture, horticulture or floriculture >5 acres; airports and heliports; manufacturing and/or warehousing; and data storage/telecommunications facilities.

The second set of changes are for those uses that are currently listed as “SP” allowed by special permit and are recommended to change to “N” not permitted. These uses are considered inconsistent with the vision for the study area and future investment in these uses would move the area further from

the vision, not closer to it. Any of these uses that exist in the district today would be allowed to remain and function as they do today, but depending on the circumstances, these existing uses may not be allowed to expand. These recommended use changes include: outdoor storage; contractor’s yard; and landscape contractor’s yard.

The third set of changes are for those uses that are currently listed as “SP” allowed by special permit and are recommended to change to “Y” allowed as of right. The uses are seen as desirable to align with the vision and approval should be streamlined. These recommended use changes include: restaurant, cafe.

The fourth set of changes are for those uses that are currently listed as “N” not permitted and are recommended to change to “SP” allowed by special permit. These uses are considered consistent with the vision for the study area, but additional review is recommended to ensure they are appropriately contributing to the desired outcomes. These recommended use changes include: multifamily dwelling; artists studio/live/work gallery space; recording studio/live/work space; convert buildings to office, bank, insurance use; schools for business, trade, music, dance, and television/or radio broadcasting studios (but not including towers); recreation and entertainment, indoor; private clubs, nonprofit; clubs; recreation

and entertainment, indoor; self-service laundry; dental clinics; consumer service establishments; mixed use development; copy shops, newspaper offices; open air markets; restaurant with drive-in or drive-thru facilities; drive-thru facilities; manufacturing where the majority of items are sold on premises to the consumer; light manufacturing, using portable electric machinery; retail sales accessory to manufacturing; and dry cleaning.

The final set of changes are for those uses that are currently listed as “N” not permitted and are recommended to change to “Y” allowed as of right. These uses are considered consistent with the vision for the study area and should be added to increase the number of potentially viable uses for the district. These recommended use changes include: medical office/clinic; and public recreation and conservation.

All other uses not listed above, would remain as they are defined by the current Limited Industrial (LI) zoning district.

Refer to the Appendix for a summary Table of Use Regulations that compares the existing Limited Industrial (LI) zone uses with the proposed Donald Lynch Boulevard overlay uses.

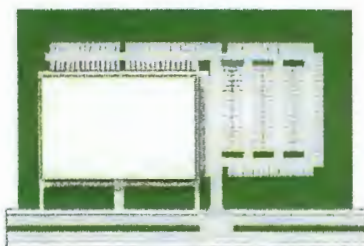
Potential Zoning Dimensional Modifications

In addition to the use modifications, the following modifications are recommended to the Table of Lot Area, Yards, and Height of Structures to bring potential investment in alignment with the Vision Statement. The purpose of these changes is to encourage a more dense and compact development pattern in the recommended overlay district.

The requirements for a typical lot would not change, except that the maximum height scale that currently defines building height in the Limited Industrial (LI) district relative to its distance from a residential district. It is recommended that this height scale be removed for the overlay district and that the maximum building height shall not exceed 60 feet which is the taller than the 52 feet maximum currently allowed in the Limited Industrial (LI) district. The Donald Lynch Boulevard Overlay District is isolated and separated from surrounding zoning districts by the two interstate highways, therefore the height constraints relative to adjacent zones are not necessary and the additional maximum height will increase the flexibility for redevelopment.

The other recommended change to encourage a more dense and compact development pattern is to allow a smaller lot to be subdivided and developed within a larger existing property following specific requirements for that smaller lot.

Generalized diagram of a typical study area property

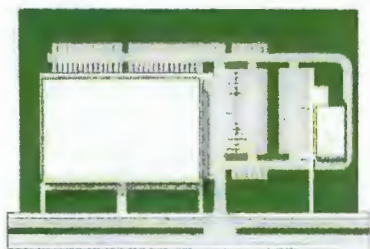


- 60,000 SF Footprint
- 1-story
- 1 space per 250 SF
- 240 parking spaces shown

On this page is a generalized diagram of a typical property in the district. The small lot development would define a new parcel subdivided from an existing parcel with the subdivision located at the street frontage of the property. The small lot development would require no minimum lot area and a reduced minimum lot frontage of 50 feet. The setbacks would also be

reduced to 30 feet for the front yard, 10 feet for the side yard, and 15 feet for the rear yard. The maximum lot coverage on this smaller lot would be increased to 80%. The existing property subject to subdivision shall retain the minimum lot area of 2 acres and the minimum lot frontage of at least 200 feet with the removal of the subdivided lot. The subdivided lot

Recommended changes to add smaller buildings and new uses



ADDED:

- 5,000 SF Footprint
- 1-story
- 34 parking spaces shown
- Additional shade trees

will not impact the setbacks or lot coverage of the property subject to subdivision. On this page, the illustration shows the intended outcome of this type of additional zoning language to add a new smaller scale building to the property that can densify and diversify the uses and activities in the district. The subdivided property integrates with the vehicular circulation

already present on the property, adds pedestrian connectivity, and has a building that is oriented to the frontage of Donald Lynch Boulevard with parking located to the side or rear of the building. The diagram also shows additional shade trees planted as part of the improvements.

Potential Zoning Standard Modifications

Additional zoning recommendations define complementary parking, curb cut, landscaping, design standard, signage, roadway and drainage requirement recommendations. Parking in the study area should be optimized as much as possible such that large areas of impervious surface parking lots are not left unused. This also allows more of the land in the study area to be occupied by buildings, outdoor spaces, or other amenities that contribute more positively to the study area. Several zoning recommendations are intended to encourage this outcome. The first is permitting reductions in parking requirements for complementary or shared use of parking that can serve multiple activities that have different peak demand times. This makes better use of the parking that is provided.

In addition to the reductions in required parking that may occur through shared parking, it is recommended that minimum parking requirements in the overlay district be reduced. A reduction of parking minimums is in alignment with broader regulatory trends. In some contexts, parking minimums have been removed altogether and sometimes replaced with parking maximums. The specific amount of parking should be closely analyzed by the development team and aligned with projected needs. By lowering the parking minimums it is less likely that parking that is not needed would still be required. For retail

and restaurant uses the minimum requirement could be reduced to 1 parking space per 250 square feet of net floor area. For other commercial uses the minimum parking requirement could be reduced to 1 parking space per 350 square feet of net floor area. Parking for residential units could be provided at a minimum requirement of 1 parking space per unit.

The zoning should also define that parking should occur to the side or rear of buildings to minimize the visual impact of the parking areas. Additionally, the visual and environmental impact of large parking areas should be reduced by integrating the parking into the overall site design and landscape plan through the use of multiple smaller parking areas that are integrated with low impact development techniques, green infrastructure, and additional landscaping.

Design standards are recommended within the new overlay district to better align future investments with the vision. The design standards don't need to focus as much on the building and architecture in this context, but are more concerned with the site and building layout. The most important aspect of future investments is that they are thoughtfully located to enhance the sense of place and strengthen the walkability of the district. In part this should be achieved by defining shared outdoor spaces. Outdoor areas that are framed by buildings or landscape and that offer an amenity or activity to visitors or patrons of

the district. This could vary and include anything from a simple seating area, to an outdoor dining area, to a water feature, outdoor sculpture or public art, or outdoor activity such as a large chess set.

The shared outdoor spaces should be set within the context of enhanced landscape features that are occurring throughout overlay district on private properties and public rights-of-way. Sustainability and green infrastructure features should be integrated into the site layout and be featured alongside the other types of amenities discussed.

Additional guidance and flexibility for signage in the overlay district was also desired by study area stakeholders and would benefit the district identity and branding. A signage plan should be created as part of future improvements and approvals processes. The signage plan is an effective way to ensure a thoughtful and coordinated approach to this component of the visual identity of a place. A signage plan will also help to identify opportunities for coordination across the district for cohesive branding features and wayfinding elements. Stakeholders expressed a desire to increase visibility from Interstate 290. This could be accomplished through a modification to the sign regulations for this overlay district. Additional sign locations could be allowed by special permit for the purpose of increasing visibility from Interstate 290. Such

sign types may include a sign that projects above the highest line of the roof, a sign mounted on the roof of the building, a freestanding pole, monument, or pylon sign, or an off-premise sign in a visible location.

Potential Development Context

In order to consider the potential outcomes that may result from the recommended zoning modifications, a susceptibility to change analysis was performed for the study area. This analysis examines the assessor's data for each parcel in the study area. The features that were examined included the relationship between the value of buildings on the property and the value of the land, the size of the parcel, the ownership of the parcel, assessor's notes on the current use of the parcel, the presence of wetlands, streams or other natural encumbrances on the parcel, the potential to combine the parcel with another abutting parcel, and the ability to provide access to the parcel. Each of these characteristics were evaluated and then based upon the combination of these characteristics placed into one of the four classifications defined below and illustrated on the following page.

Based on the consistent set of characteristics and features that were examined, each parcel was classified as having new investment potential where development was more likely in the near term (green). Or, a parcel was determined to have less investment potential where development may be more likely in the longer term (yellow). Or, a parcel was determined to have the least development potential where it is not likely in the future (red) due to a recent investment or property constraint.

Or, a parcel was determined to have redevelopment/ additional development potential where the parcel may have a valuable structure and the land area for potential additional investments (pink).

The majority of properties that would be located in the recommended Donald Lynch Boulevard Overlay District fall into the redevelopment/additional development potential category. It is less likely that these properties will find enough value in a new development to completely demolish a structure and develop something new. The approach to the zoning recommendations accounts for this circumstance and therefore is focused more on the optimization of these properties to both add new smaller scale buildings and complementary uses, optimize the use of parking and land, add shared open spaces and landscape enhancements, and strengthen the sense of place and pedestrian environment.

Study area susceptibility to change diagram



 **New investment potential**

 **Redevelopment/additional development potential**

 **Less investment potential**

 **Least investment potential**

5 Public Realm and Open Space Recommendations

The vision statement has defined the importance of a high quality public realm and open space network in the Donald Lynch Boulevard Study Area. The following public realm and open space recommendations are intended to strengthen the public realm and open space to be consistent with the vision statement. The public realm includes all components of circulation and public space that occur within the public rights-of-way that are typically owned and maintained by the City. These rights-of-way support circulation for all modes of travel including vehicular, pedestrian, and bicyclist. A comparison between the existing public realm and open space conditions, as described earlier in this report, and the vision that was articulated for the study area point to the need for improvements.

The current conditions reflect a prioritization of vehicular travel. Safe and convenient vehicular travel is a priority for the study area and is a critical component of access and economic development. However, supporting vehicular travel should not come at the expense of other forms of travel. Currently, the pedestrian network of sidewalks and paths is not continuous and lacks safety features that would reinforce the safety and convenience of walking. Bicycle infrastructure is limited in the district and should continue to be improved to help bicycle travel feel safe and convenient. A Complete Streets approach

is a useful framework in this context. Complete Streets are streets designed and operated to enable safe use and support mobility for all users. Those include people of all ages and abilities, regardless of whether they are traveling as drivers, pedestrians, bicyclists, or public transportation riders. That definition is provided by the U.S. Department of Transportation. It is also important to note that MassDOT has a Complete Streets Funding Program that may align well with the public realm and open space recommendations. Marlborough has been awarded Complete Streets funding for past roadway improvement projects.

In terms of the pedestrian infrastructure, the first priority should be completing a continuous pedestrian network of sidewalks and paths along Donald Lynch Boulevard. This should include sidewalks or paths along both sides of the boulevard with marked crosswalks at all cross streets and access drives and new crosswalks across the boulevard at streets and access drives at intervals of about 400 to 500 feet. Crosswalks should be a typical ladder marking pattern with white stripes to increase visibility more than two parallel stripes. These investments would bring the pedestrian infrastructure up to a baseline condition so that walking feels safe and supported by the configuration of the infrastructure. The recommended connections are highlighted in the diagram on the following page.

Study area circulation recommendation concept



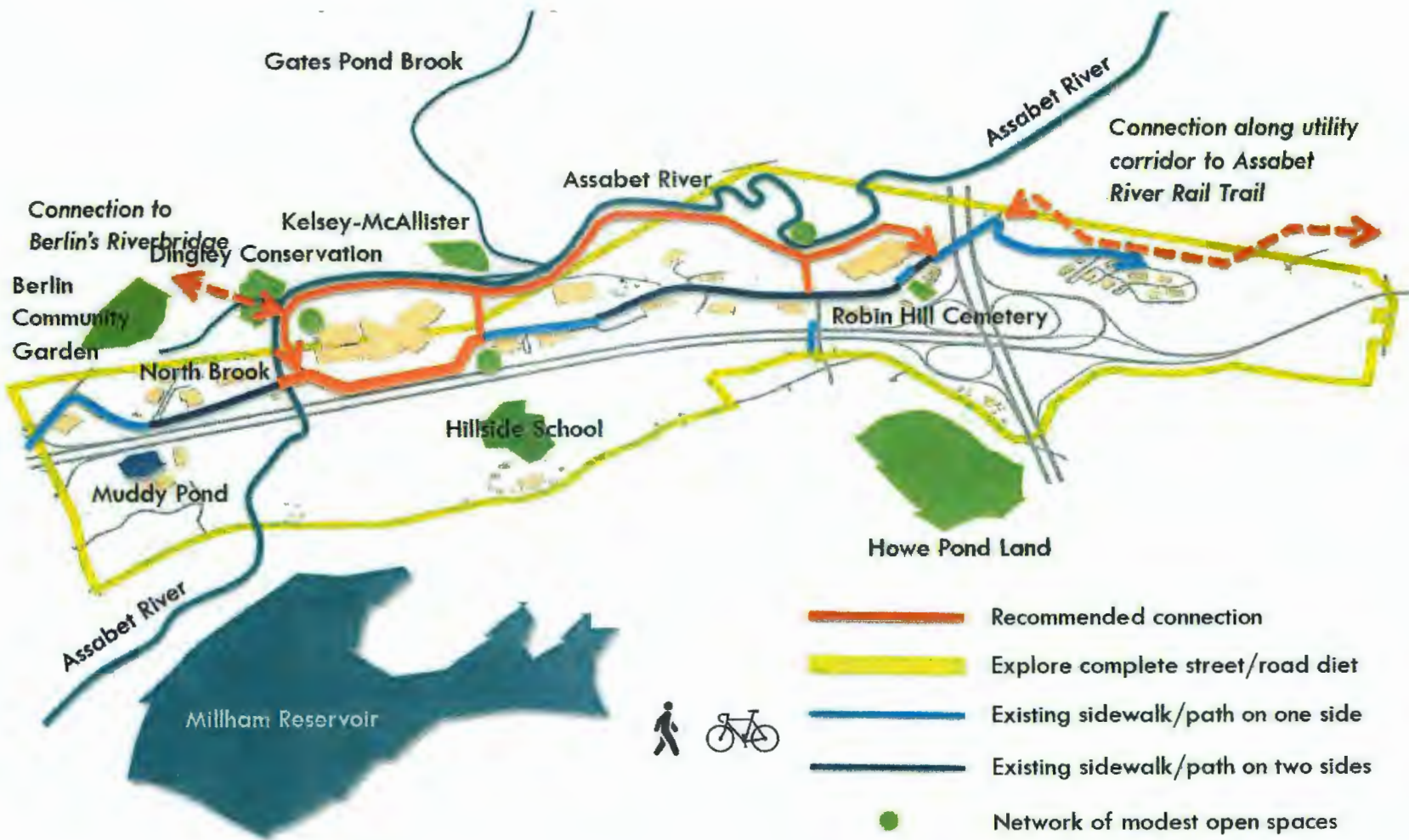
The ease of access from the highway and convenience for vehicles has been highlighted as one of the strengths of the district. Stakeholders also raised concerns about the speed of travel for vehicular traffic on Donald Lynch Boulevard. The convenience of access should be rebalanced with the safety and comfort of pedestrians and bicyclists. This rebalancing could take the form of a Complete Streets approach to Donald Lynch Boulevard. The generous two-lane divided boulevard encourages faster speeds for vehicles. The design of the roadway itself could help to reduce travel speeds on Donald Lynch Boulevard. The lanes could be narrowed adding more space for sidewalks, shared use paths, and landscaping. The travel lane widths could be reduced at pedestrian crossings. This is called a neckdown and is an effective tool to draw attention to pedestrians at crossings and tends to slow travel speeds. Other features that tend to slow travel speeds would be a rapid flashing beacon that could be installed at pedestrian crossings. The rapid flashing beacon is pedestrian activated and enhances the visibility of pedestrians at crossings for vehicles.

Another effective tool would be to install radar speed signs along Donald Lynch Boulevard in locations where travel speed tends to increase. A radar speed sign displays the speed of a passing vehicle under "Your Speed." These devices have been effective in reducing travel speed. Lastly, the travel speed of

vehicles could be measured on the roadway. This data would help to inform how best to regulate vehicle speed. If many vehicles are traveling over the 35 mile per hour speed limit, additional signs could be posted with some new signs being the radar speed sign type. It may also be desirable to consider a reduced speed limit on Donald Lynch Boulevard. The risk of serious injury or death is much higher for pedestrians when a vehicle is traveling 35 miles per hour or more. The risk is reduced significantly at 25 miles per hour.

All of the aforementioned recommendations occur in the public right-of-way and would be more directly under the control of the City. Additional improvements to the pedestrian environment are recommended to be encouraged on private property in the study area. This next level of complementary private investments in pedestrian infrastructure would define a connected network of shared paths throughout the study area that can be used by both pedestrians and bicyclists. These paths would form loops around or through properties with a focus on the north side of Donald Lynch Boulevard to increase access to the Assabet River. It is important to note that critical segments of this type of network of paths would occur in the Town of Berlin and require coordination with the neighboring municipality and those additional property owners. The concept of these potential paths are shown on the following page with the surrounding natural resources.

Study area circulation recommendation concept with surrounding natural resources



This expanded pedestrian network of sidewalks and paths would connect to the existing network of natural resources and conservation areas and could also connect a network of modest outdoor open spaces. These shared outdoor open spaces would also occur on private property and would be designed as part of a property's overall site and landscape plan. These spaces may offer outdoor areas that are connected to the circulation network and framed by buildings or landscape. The intention is that the shared outdoor spaces could offer an amenity or activity to visitors or patrons of the district. This could vary and include anything from a simple seating area, to an outdoor dining area, to a water feature, outdoor sculpture or public art, or outdoor activity such as a large chess set.

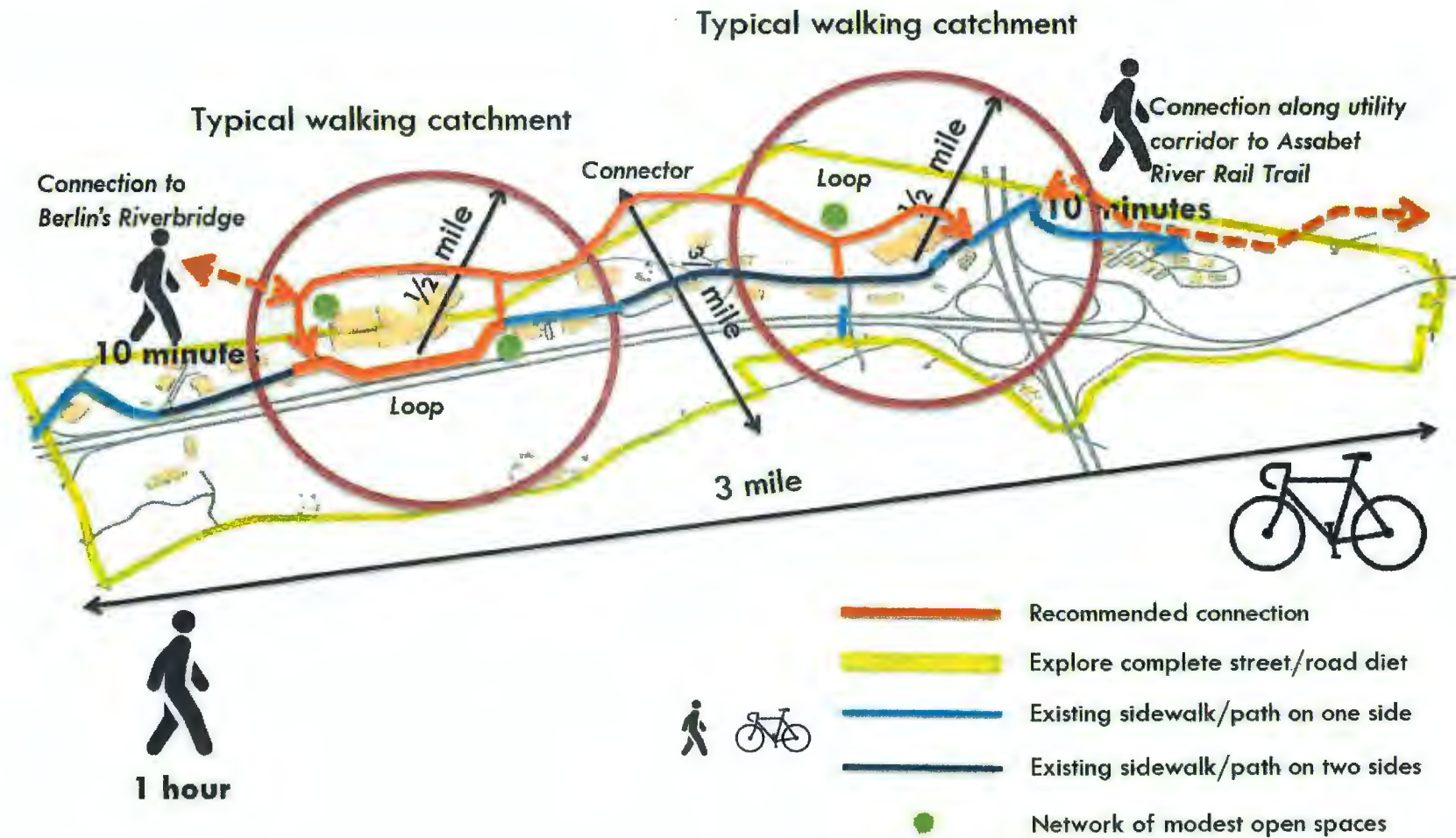
These improvements are critical to elevating the sense of place and identity of the district. This approach moves the study area from a place where each property is acting independently to a place where each property is contributing to a larger shared vision and set of amenities. Due to the scale of the district, one important concept in the diagram on the following page is creating loops and subareas with these paths. The loops would offer a visitor, patron, or office worker the option of scaling the walk to the moment. A pedestrian could walk a shorter loop or longer loop depending on the purpose of the trip and the amount of time at hand. These loops would respond

to the typical walking catchment area of about a mile for a 20 minute walk. The diagram on the following page shows the recommended circulation concept with these loops and the walking catchment areas around the Solomon Pond Mall and New England Sports Center. These smaller loops would connect to larger loops and be suitable for travel by bicycle as well.

Most of the pedestrian and bicycle improvements previously outlined enhance the options and experience within the study area. Several improvements could expand the pedestrian and bicycle connections to and from the study area as well. First, if additional uses are added to the south of Interstate 290 in the future, an additional north-south pedestrian connection between Donald Lynch Boulevard and Robin Hill Street may be desirable. Currently only Bigelow Street and Solomon Pond Road are available for the connection. Robin Hill Street is such a narrow right-of-way that it may be desirable to connect pedestrians and bicyclists more directly to the extended connections along Donald Lynch Boulevard. Additional study could be explored for how best to achieve the connection, but a pedestrian bridge or tunnel at the highway could present one of the safest and most efficient approaches.

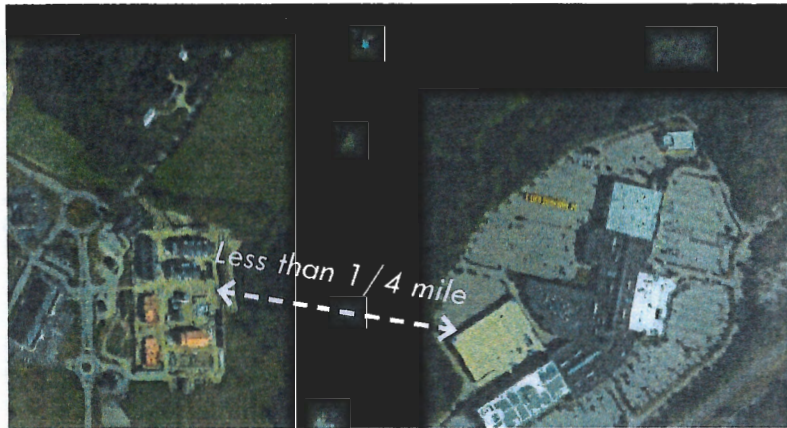
Similarly, a new pedestrian and bicycle connection could be considered to more directly connect to the Riverbridge development in the Town of Berlin. The Riverbridge is only

Study area circulation recommendation concept with typical walking catchment areas



about a quarter mile away from the northwest corner of the Solomon Pond Mall. This would be a connection that occurs within the Town of Berlin and would require crossing the Assabet River, but could have benefits for the residents at Riverbridge and the study area. This potential connection is shown on the aerial below. Increasing multimodal connections and decreasing vehicular trips will be important for the desirability and sustainability of the study area. The same connecting path could enhance the multimodal accessibility and use of the Dingley Conservation area and Berlin Community Garden.

Connection consideration to Riverbridge in Berlin



Lastly, there appears to be potential for a more ambitious bicycle connection that could benefit the regional bicycle network. The Assabet River Rail Trail is a partially completed multi-use trail connecting Marlborough, Hudson, Maynard, and Acton. When fully completed the rail trail will be 12.5 miles in length from end to end. As of June 2020, the southwest 5.1 mile portion of the trail from Marlborough to Hudson and the 3.4 mile northeast portion of the trail from the South Acton MBTA station to the Maynard-Stow border are now complete. No current plan exists for paving the 4.0 mile gap in Stow and Hudson between the two trail ends.

A connection to this asset would open new possibilities for bicycle trips and commuting. It appears that a connection along an existing utility corridor could warrant further exploration. The corridor is about 1.5 miles in length and runs roughly east-west between the Donald Lynch Boulevard corridor and the Assabet River Rail Trail. The potential connection is highlighted diagrammatically on the following page.

Connection consideration to the Assabet River Rail Trail



6 Action Plan

The following action plan provides an outline of next steps to advance the Vision for Donald Lynch Boulevard. The Action Plan organization follows the recommendations of the Final Report and divides actions into implementation for the Study Area Vision, Land Use and Zoning, and Public Realm and Open Space. All implementation actions are also compiled and summarized in the Implementation Summary Table.

The action plan is organized in two phases. The first phase is to advance the zoning recommendations. This phase is within the control of the City of Marlborough to proactively align the zoning with the vision that has been articulated for the district. This first phase of zoning modifications would set the stage for future investment by private property owners consistent with the district vision.

Following implementation of the zoning recommendations, several other actions and activities could be supported or pursued by the City to advance the vision for the district. These actions fall under Phase 2 of the action plan and would follow the completion of Phase 1 and may take place over the course of years to offer continued support for Donald Lynch Boulevard.

The implementation actions of both phases are focused on the initial purpose and intended outcomes of this study to provide a work plan for coordinated and immediate actions that can be

undertaken by the City to improve physical conditions for the public realm, publicly controlled properties, and other assets that could be leveraged for area improvements. The actions are focused on economic development and vitality, land use and a sense of place, transportation and connectivity, and open space and quality of life.

Action Plan Phase 1: Land Use and Zoning Implementation

The implementation of land use and zoning recommendations focus on advancing the recommended Donald Lynch Boulevard Overlay District. The changes articulated in Chapter 4 Land Use and Zoning Recommendations and written as draft zoning language in Appendix B should be presented and discussed with the Urban Affairs Committee, Planning Board, and City Council. Input and feedback from these discussions should be integrated into a zoning package for the district that is better aligned with the district vision than the current zoning.

One aspect of the recommended zoning that is important to highlight relative to implementation is the suggested boundary. The recommended boundary is an area that is smaller than the study area for this process. Other areas, particularly the western portion of Robin Hill Street may benefit from a similar overlay zoning district. If the recommended overlay is adopted

after discussion and refinement, and is successful in aligning the district with the vision, then the overlay could be considered for expansion in the future.

Another aspect of the recommended zoning that may be worthy of discussion is the minimum lot size. Currently, the minimum lot size is 2 acres. In order to provide an option for adding density to the district and properties, a secondary lot was introduced with no minimum lot size requirement along with several other dimensional regulations. An alternative to consider would be to eliminate the minimum lot size for all lots, primary or secondary. This elimination would also provide an option for adding density to the district and may be less restrictive and would have less potential for confusion. Or, as an option between those two alternatives, lot size could be waived by special permit for circumstances where a development proposal is seeking to add density to the district.

The other aspect of dimensional regulations that was adjusted with the secondary lot was an increase in lot coverage. The current lot coverage is 60% and the smaller secondary lot is recommended to allow 80% maximum lot coverage. Similarly, another option would be to allow a lot coverage higher than the current maximum of 60% by special permit.

It will also be important to continue discussion of the district with the Town of Berlin. In initial discussion with the Berlin Economic Development Committee during this process, interest was expressed to learn more about future zoning for the district. It would be beneficial to the district to have similar zoning regulations on the properties that are in both municipalities. The

Solomon Pond Mall is the largest and highest profile property that is located in both municipalities. As an example of the coordination that is needed, this property may benefit from allowing multifamily development as a secondary property use under certain conditions. The most viable locations for adding housing on the property may be the rear parking areas near the Assabet River that are located within the Town of Berlin.

Housing would be an important aspect of coordination between the two municipalities. Adding housing to a potential redevelopment program benefits both the property and the district. Housing is likely to remain in high demand and would be a strong contributor to a financially viable redevelopment program. Housing is also beneficial to add activity and spending power to the district to help support retail and restaurant uses. The addition of residents would complement the office population and expand the hours of activity for the district beyond the work day.

A valuable implementation action could be the exploration of inter-municipal agreements to support redevelopment. In particular, the agreement could include discussion of housing in the district that may, in some cases, be proposed on properties that are located in both Marlborough and Berlin. An inter-municipal agreement would give both municipalities a clear understanding for the provision of public services to the residential uses including fire and public safety services, school bus routes, and infrastructure for the provision of water and wastewater. A joint agreement could define each municipality's expectations and set the conditions for a successful redevelopment with benefits and impacts to both municipalities.

Action Plan Phase 2: Study Area Vision Implementation

In order to build a coalition that supports and contributes to the vision for the Donald Lynch Boulevard district it is important to share and communicate the vision to property and business owners present in the district. While some of the stakeholders were involved in the planning process to define the recommendations of this study, others were not involved. This study should be shared widely with all property owners and business owners in the district. Every owner should be invited to relate the vision and recommendations of this study to their plans for the future of their property or business. Synergies should be identified between individual, collective, and City investments.

The district may benefit from additional stewardship that could collaborate closely with the City, Marlborough Economic Development Corporation (MEDC), and individual properties. One such stewardship entity could be the creation of a Business Improvement District (BID). A Business Improvement District could provide an entity that will closely coordinate efforts that occur across properties in the district and could provide an additional funding mechanism to make desired investments in the district.

A Business Improvement District (BID) can provide additional services to supplement City services within the district. These may include district management and administrative services, marketing and promotional efforts, economic development initiatives, event support, and maintenance, capital, and physical improvement activities. A BID is a special assessment district with

financial support built into the establishment of the district. A BID is established under Massachusetts General Law (MGL) Chapter 40O by a petition signed by owners of at least 60% of the real property and at least 51% of the assessed valuation of the real property in the proposed district.

The amount of the assessment is decided by participants in the district and is a common area fee levied on property in the district. As part of district establishment, a Memorandum of Understanding (MOU) would be defined with the City to outline the relationship, involvement and support of the City as a member and partner in the district. The process to explore, create, and authorize a BID takes anywhere from 18 to 24 months. A BID would be well-positioned to build on the foundation of this study and advance the detailed implementation actions defined here. Business Improvement Districts have been employed throughout the Commonwealth to support business districts. The nearest example is Downtown Hudson, which is supported by a Business Improvement District.

Action Plan Phase 2: Public Realm and Open Space Implementation

A few important implementation actions should be pursued based on the public realm and open space recommendations. The first would be to pursue pedestrian and bicycle roadway improvements on Donald Lynch Boulevard through the City's Complete Streets program. The design of the roadway improvements could close any gaps in the sidewalk network, add pedestrian crossings, add bicycle lanes, and explore roadway lane reductions. This infrastructure investment should

also include traffic calming features such as the radar speed signs, flashing beacons at crossings, and a reduction in the speed limit.

Another set of actions would be to promote and coordinate additional shared use paths that may occur on City-owned land, conservation land, or private properties. Advancing this network of paths is an important part of the vision for the district and should be shared and communicated with property owners and encouraged through pilot and demonstration projects, and could potentially be supported by a funding source such as a revolving loan fund, or funding from a business improvement district.

Additional shared use path connections outside of the district should be explored as possibilities. This would involve communication and coordination with the Town of Berlin to explore a connection to the nearby Riverbridge and communication and coordination with the utility corridor to explore a potential connection to the Assabet River Rail Trail.

The final actions that could be taken relative to the vision and recommendations for public realm and open space improvements relate to the enhanced landscape of the district. Specifically, the City should pursue actions to add shade trees to the district and encourage additional landscape plantings on private properties in the district, whether or not redevelopment is occurring. While street trees are present on Donald Lynch Boulevard, locations exist where an additional street trees could be added. These locations should be identified and prioritized when the City plans street tree planting. In addition to planting

trees in the public realm, the City could support a private tree planting program in the district. Often with this type of program a municipality will provide the tree and planting of the tree with permission and agreement from the property owner. As part of the agreement, the property owner then cares for and maintains the tree. Models of this type of program exist across the Commonwealth as part of “Greening the Gateway Cities” with the MA Urban Canopy Project.

Implementation Summary Table

The following implementation summary table compiles these implementation actions in summary form and adds potential funding sources that may be available and potential leads or partners that may be associated with the actions.

Implementation Summary Table

	Topic	Action
Action Plan Phase 1:	Land Use and Zoning	1 Adopt Zoning Recommendations
		2 Coordinate with Town of Berlin
Action Plan Phase 2:	District Vision	3 Share Vision and Study Widely
		4 Consider Business Improvement District

LEGEND:

- CC** = Marlborough City Council
- DPW** = Marlborough Department of Public Works
- MEDC** = Marlborough Economic Development Corporation
- MO** = Office of the Mayor
- PB** = Marlborough Planning Board
- UAC** = Marlborough City Council Urban Affairs Committee

<i>Next Steps</i>	<i>Potential Funding</i>	<i>Potential Lead/Partner</i>
1 Adopt Zoning Recommendations		
1 Facilitate UAC meetings discussing zoning changes	Staff time	UAC/MEDC
2 Facilitate PB meeting discussing zoning changes	Staff time	PB/MEDC
3 Refine zoning per discussion and adopt changes	Staff time	CC/UAC/PB/MEDC
2 Coordinate with Town of Berlin		
1 Facilitate informational meeting regarding zoning	Staff time	MEDC
2 Discuss potential for inter-municipal agreement	Staff time	MEDC/MO/CC
3 Coordinate on future redevelopment proposals	Staff time	MEDC/CC/PB
3 Share Vision and Study Widely		
1 Distribute vision statement to all district stakeholders	Staff time	MEDC
2 Share study with City Council, Boards, and Committees	Staff time	MEDC
3 Share study with the Town of Berlin	Staff time	MEDC
4 Consider Business Improvement District		
1 Facilitate informational meeting with property owners	Staff time	MEDC
2 Poll property owners' interest in forming a BID	Staff time	MEDC
3 If interest is present, pursue forming a BID	Massachusetts Downtown Initiative	MEDC

Implementation Summary Table (continued)

	<i>Topic</i>	<i>Action</i>
Action Plan Phase 2:	Public realm and open space	5 Pedestrian and bicycle roadway improvements
		6 Network of shared use paths
		7 Plant additional shade trees

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<i>Next Steps</i>	<i>Potential Funding</i>	<i>Potential Lead/Partner</i>
5 Pedestrian and bicycle roadway improvements		
1 Donald Lynch Boulevard Completed Streets improvements	MassDOT Complete Streets funds	DPW
2 Install traffic calming features on Donald Lynch Boulevard	MassDOT Complete Streets funds	DPW
3 Explore lowering speed limit on Donald Lynch Boulevard	Staff time	MO/CC/DPW
6 Network of shared use paths		
1 Expansion of city-owned shared use paths	City budget, staff time	PB/DPW
2 Encourage expansion of private property shared use paths	Staff time	CC/PB
3 Explore additional multimodal connections outside of district	City budget, MassTrails grants	MEDC/PB/DPW
7 Plant additional shade trees		
1 Plant additional shade trees in the public realm	Urban Forestry Challenge Grant	DPW
2 Develop tree planting program for private properties	Urban Forestry Challenge Grant	DPW

City of Marlborough
Vision for Donald Lynch Boulevard

Final Report
April 2023



Final Report

Marlborough Vision for Donald Lynch Boulevard

City of Marlborough
Vision for Donald Lynch Boulevard

Appendices
April 2023



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Vision for Donald Lynch Boulevard Update
April 10, 2023

Introduction

In 2021 MAPC facilitated a planning process with the City of Marlborough and Marlborough Economic Development Corporation (MEDC) to develop a Vision for the Donald Lynch Boulevard area in the northwest corner of the City. The process resulted in a draft Donald Lynch Boulevard Overlay District which has not yet been submitted for adoption. The City of Marlborough seeks to revisit some of the characteristics of the proposed overlay district based on feedback received on the draft document and overlay district. MAPC has evaluated the comments received and provides the following commentary and suggested approach to integrating changes into an updated Vision for Donald Lynch Boulevard Report and proposed Donald Lynch Boulevard Overlay District. For each potential update, the specific change under consideration is written followed by a commentary about the potential change and a recommendation for how to proceed with updating the proposed zoning.

Evaluating Potential Updates

- **Changes to the boundary considered for the overlay to potentially expand to include light industrial area south of I-290 (north of Robin Hill Street). Previously the district boundary was proposed to be bound by I-290 to the south and I-495 to the east.**
 - **Commentary:** The character of the underlying Limited Industrial (LI) zoning district includes a unique and diverse context. Specifically, the area to the north of I-290 and west of I-495 is mostly developed today and is occupied by larger scale nonresidential uses including offices, a shopping mall, and indoor sports complex among other uses. This area is relatively isolated from abutting residential uses by the highway infrastructure and the Assabet River. At its center is Donald Lynch Boulevard, a primary roadway designed to accommodate the traffic generated by these larger non-residential uses including the Solomon Pond Mall and the New England Sports Center. The roadway is striped with a median, turn lanes and other traffic safety improvements. The area south of I-290 and west of I-495 is only partially developed today with larger scale non-residential uses on its western edge. The Hillside School is at the center of this area. Undeveloped land is at the eastern end of this subarea. Single family residential uses abut the LI district to the south and are located across Robin Hill Street. The street providing access to this portion of the district is Robin Hill Street. Robin Hill Street is a narrow paved two-lane road with utilities and trees very near to the roadway shoulder. The roadway is unstriped for much of its length. Robin Hill Street was designated as a Scenic Road by the City Council on June 22, 1992, under Marlborough's Scenic Roads Bylaw (Chapter 497). Bigelow Street which provides a connection between Robin Hill Street and Donald Lynch Boulevard is also designated as a Scenic Road.

The area south of I-290 is currently zoned with the same underlying Limited Industrial district. However, it is not as well-suited to larger scale real estate development because of its access and roadway conditions on Robin Hill Street. Additionally, the LI properties south of I-290 are in closer proximity to existing residential abutters. The zoning modifications proposed with the Donald Lynch Boulevard Overlay District introduce potential additional uses beyond what is allowed by the underlying LI zoning district. These potential additional uses are not likely to be compatible with Robin Hill Street in its current configuration and under its current Scenic Road regulation. For example, the new uses allowed by right or special permit by the proposed overlay (multifamily dwelling; artist studio/live/work gallery; recording studio/live/work space; schools for business, trade, music or dance; self-service laundry; medical office/clinic; dental clinics; consumer service establishments; mixed use development; copy shops; newspaper offices; restaurant; cafe, and restaurant with drive-in or drive-thru facilities; and drive-thru facilities; public recreation and conservation; and dry cleaning) may generate more traffic than the underlying allowed uses.

The portion of the LI properties south of I-290 and west of the Hillside School could potentially be included in the proposed Donald Lynch Boulevard Overlay as they are previously developed and improved access to them has already been created.

These new uses may provide additional economic justification for improvements to Robin Hill Street. Any new project proposed in this area will face the additional review and potentially mitigation required to comply with the Scenic Roads Bylaw and the additional costs of investing in roadway improvements to accommodate the new uses.

- **Recommendation:** The recommendation is to not incorporate the area south of I-290 into the Donald Lynch Boulevard Overlay at this time. If there is interest in supporting development on these Limited Industrial properties, the first step could be exploring either removing the Scenic Road designation on this segment of Robin Hill Street and Bigelow Street or exploring a roadway improvement design that would safely support additional traffic generation. The exploration of a roadway improvement design could include undertaking the process required of Scenic Roads modifications, namely prior written consent of the Planning Board, after a public hearing duly advertised. Following the process of removing the Scenic Road designation or exploring roadway improvements and their approval, the Donald Lynch Boulevard Overlay could be expanded to include the LI district properties south of I-290. Additionally, engaging more of the community south of I-290 would be appropriate to gather additional feedback from the neighboring properties and surrounding residential uses.

- **Consider potential subdistricts for the proposed overlay district that could allow for expanding the boundary of the overlay and account for the different contexts of the expanded area.**

- **Commentary:** For the new uses allowed by the proposed overlay outlined above, it is not clear which of those uses could be added that would offer new opportunities with the same level of potential impacts on the roadway infrastructure. The uses added by the proposed overlay include multifamily dwelling; artist studio/live/work gallery; recording studio/live/work space; schools for business, trade, music or dance; self-service laundry; medical office/clinic; dental clinics; consumer service establishments; mixed use development; copy shops; newspaper offices; restaurant; cafe, and restaurant with drive-in or drive-thru facilities; and drive-thru facilities; public recreation and conservation; and dry cleaning. Perhaps the only use listed in the category of a new opportunity with similar or lesser impact than what is currently allowed by the underlying zone would be public recreation and conservation. There does not appear to be a rational division of new uses that would justify the creation of a subdistrict. It would appear that the best approach would be to add all the potential new uses or retain the uses allowed in the underlying zone.

The concept of Transfer of Development Rights (TDR) is discussed below. If TDR is desirable in this area, a subdistrict approach may be warranted. In this case subdistricts could be used to distinguish between “sending” and “receiving” areas as part of the transfer of development rights. For example, “public recreation” could be appropriate for the eastern portion of the LI area south of I-290 under transfer of development rights as a “sending” area.

- **Recommendation:** The recommendation would be to not define a new subdistrict to incorporate the area south of I-290 in the Donald Lynch Boulevard Overlay at this time. If there is interest in supporting development on these Limited Industrial properties, the first step should be exploring removing the Scenic Road designation on this segment of Robin Hill Street and Bigelow Street or exploring a roadway improvement design that would safely support additional traffic generation while adhering to the Scenic Road regulations. Following the process of removing the Scenic Road designation or improving the roadway, the Donald Lynch Boulevard Overlay could be expanded to include the LI district properties south of I-290 with the same characteristics as proposed north of I-290. This would most likely be an expansion of the overlay district not the creation of a subdistrict with different characteristics. Additionally, engaging more of the community south of I-290 would be appropriate to gather additional feedback from the neighboring properties and surrounding residential uses.

- **Changes to off-site sign requirements to review specific characteristics to allow for a proper entrance into the DLB business district.**

- **Commentary:** Signs are regulated by Chapter 526 Signs of the City of Marlborough Code. An “Off-premises Sign” is defined in Section § 526-2 “Definitions” as “Any sign which advertises or announces a use conducted or goods available elsewhere other than on the lot where the sign is located.”

Section § 526-6 “Signs permitted in all zoning districts” defines “Permanent off-premises directional signs (other than official traffic or street signs).” The purpose is defined as “Off-premises directional signs allowed herein are intended solely to assist pedestrians or motorists in finding their way to specific destinations. They are not for advertising purposes or for temporary events. The intent of the Sign Ordinance is that off-premises directional signs shall be approved only when there is a demonstrated need, taking into account the intent of this chapter to minimize the number of separate freestanding signs near the public way.”

Directional signs located within the public way are limited to “Major uses.” “These uses shall include public or quasi-public services or institutions or other major destinations.” Directional signs located on other lots are limited to major uses that do not have signs within the public way and minor uses which are situated behind and obstructed from public view by other buildings. The language below provides additional requirements for directional signs from the Sign Ordinance.

“The sign area for major uses, where the sign is placed on another lot, shall not exceed six square feet per business establishment identified on the sign. The sign area for minor uses shall not exceed two square feet per business establishment identified on the sign. The sign shape shall generally be a narrow rectangle, with an arrow at one end pointing in the required direction.”

“There shall be no more than the necessary number of locations at which any particular business may be identified by an off-premises sign as provided hereunder. It is the intention of this Sign Ordinance that, in circumstances where several businesses are similarly situated, their off-premises sign panels shall all be attached to one freestanding pole or be combined into one integrated flat wall sign, with each business having its own replaceable panel.”

Currently off-premises directional signs are located on Solomon Pond Road for the Solomon Pond Mall (two locations) and Solomon Pond Park, and on Donald Lynch Boulevard for Regal Cinemas.

Additional language could be added to the proposed overlay to supplement the language quoted above from the Sign Ordinance. The language could be specific to the proposed Donald Lynch Boulevard Overlay and would focus on the concept of a coordinated district-wide

gateway and wayfinding signage system. The gateway signage would provide for additional off-premises signs to be provided at the entry points to the district. The language could introduce "freestanding pole, monument, ground or pylon sign" types that could be part of an off-premises gateway and wayfinding signage system. The signs should be coordinated in design and material and feature a reasonable number of individual tenants in a hierarchy that reinforces an identity for the district. The signs should be designed in such a way that individual tenants can be changed to keep signs relevant and up to date with uses in the district.

Section § 650-35 "Hospitality and Recreation Mixed Use Overlay District" (HRMUOD) defines this type of signage and characteristics for it. This sign addition for the Donald Lynch Boulevard District could parallel the HRMUOD's requirements. The total allowed illuminated cabinet square feet of signage shall not exceed 200 square feet per side, per freestanding sign. The height of any freestanding sign shall not exceed 30 feet from the ground measured directly at the sign base. No freestanding sign shall be located closer than five feet to any property line. Sign, logos, or cabinets may be either externally illuminated or internally illuminated with translucent or transparent faces. Additional requirements could include a signage profile that is tall and narrow. A structural frame that is engineered to site specifications and sign materials that may include stone, brick, aluminum, or other metal materials. As defined in Section § 650-35.H. for the HRMUOD, signage should be "subject to approval by the City Council."

Interest has also been expressed in an electronic message center (EMC) or digital display sign that would be visible from I-290. Electronic message center signs and digital display signs are defined by § 526-13. Much of the same rationale described above could apply to this type of sign. This would also likely be an "off-premises sign." This off-premises sign should be viewed as a district wide opportunity to enhance visibility and direction to major destinations. A single shared digital display sign on the north side of I-290 could be allowed by Special Permit that is coordinated for the entire district at a location that is visible without requiring clearance of trees or that may pose a risk to roadway safety. Such a sign would be subject to approval by the City Council.

Recommendation: In the proposed Donald Lynch Boulevard Overlay allow (1) freestanding pole, monument, ground, or pylon sign that is coordinated for the entire district at the principal points of entry to the district with a total number not to exceed (3) and (1) digital display sign located on the north side of I-290 in the City of Marlborough that would be visible from I-290 that is coordinated for the entire district. Subject to approval by the City Council. Additional secondary directional signs may also be approved by the City Council. The signs should be coordinated in design and material and feature a reasonable number of individual tenants in a hierarchy that reinforces an identity for the district. The signs should be designed in such a way that individual tenants can be changed to keep signs relevant and up

to date with uses in the district. The total allowed illuminated cabinet square feet of signage shall not exceed 200 square feet per side, per freestanding sign. The height of any freestanding sign shall not exceed 30 feet from the ground measured directly at the sign base. No freestanding sign shall be located closer than five feet to any property line. Sign, logos, or cabinets may be either externally illuminated or internally illuminated with translucent or transparent faces. Signs should not require clearance of trees or pose a risk to roadway safety. Additional requirements could include a signage profile that is tall and narrow. A structural frame that is engineered to site specifications and sign materials that may include stone, brick, aluminum, or other metal materials.

- **Changes to the height limit on multifamily dwellings to be not less than 60 feet. Currently, the maximum building height shall not exceed 52 feet.**
 - **Commentary:** The intention of introducing multifamily dwellings into the proposed overlay is to provide new opportunities for reinvestment and redevelopment in properties which may be facing future vacancies. Increasing the maximum building height by 8 feet may increase the likelihood that this intention is a practical and useful addition to the zoning. The proposed overlay district is isolated from nearby abutters by both the highway infrastructure and the Assabet River. This increase in height is not likely to have a substantial impact on surrounding uses.
 - **Recommendation:** Increase the height limit on multifamily dwellings to be 60 feet.
- **Clarifying the definition of how building height is measured, for example does it include the roof top, top of the bulkhead, or mechanical spaces?**
 - **Commentary:** In Section § 650-5 “Definitions; word usage” of the Marlborough Zoning Ordinance “Height” is defined as “The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deck of a mansard roof; and to the average height between plate and ridge of a gable, hip or gambrel roof.” A new definition of height should not be added to the proposed overlay district. If additional clarification is needed it should be added to the definition in Section § 650-5. A clarification could be added that states “Mechanical and elevator equipment, chimneys, or other utilities are not limited to maximum building height.”
 - **Recommendation:** Add clarification to Section § 650-5 that “Mechanical and elevator equipment, chimneys, or other utilities are not limited to maximum building height. Mechanicals shall be screened to maximum extent feasible from view from street level and integrated with the architectural style and materials of the building. Screening of mechanicals are not limited to maximum building height.”

- **Changes to minimum lot size to eliminate minimum lot size entirely.**
 - **Commentary:** The intention of reducing the minimum lot size for an existing parcel that is subdivided was to increase flexibility for reinvestment and redevelopment. Eliminating the minimum lot size entirely would extend this same rationale and intention.
 - **Recommendation:** Modify the proposed overlay dimensional requirements to state that when subdividing an existing property for an additional building, no minimum lot size shall be required. The other proposed requirements for the subdivided parcel would remain, such as reduced minimum lot frontage of 50 feet, reduced minimum side yard of 10 feet, reduced minimum front yard of 30 feet, reduced minimum rear yard of 15 feet and increased maximum lot coverage of 80% shall be allowed and applicable to a new parcel subdivided from an existing parcel with the subdivision occurring at the street frontage of the property. Additional language may need to be added regarding access requirements to subdivided properties to limit the number of curb cuts to the main roadway and establish shared secondary access roads.
- **Changes to prohibited uses to consider allowing private clubs, or clubs, specifically if this includes health and wellness retail that requires a membership (not currently allowed in underlying zone or proposed overlay).**

- **Commentary:** In the current Zoning Ordinance Section § 650-5 “Definitions; word usage” the use “Private Club, Nonprofit” is defined as “Buildings or facilities owned or operated by a corporation, association or persons for a social, educational or recreational purpose not for profit; excludes synagogues, churches, mosques or other houses of worship.”

Most health and wellness retail would likely fall under the definition of “Retail Sales and Services.” In Section § 650-5 “Definitions; word usage” the use is defined as “Establishments offering goods and services, not specifically listed in the Table of Uses, to the public. Sales of a wide variety of goods and services include, but are not limited to: antiques, apparel, books, food, drugstore, sporting goods, and similar; custom services such as tailoring, photography, framing and similar; and services such as insurance, optometry, banks; dry-cleaning and laundry dropoff stations; hairdressers and barbers; **health clubs, gyms, dance or yoga studios**; repair services for appliances, shoes, etc.; catering and similar. Retail sales and services do not include adult entertainment, check-cashing services, pawn shops, gold exchange shops, medical marijuana facilities or drug treatment facilities.” Bold highlight has been added. Retail sales and services are currently allowed by special permit granted by the City Council in the proposed Donald Lynch Boulevard Overlay district.

The other collection of uses that may be relevant are “Private Indoor Recreation,” “Private Outdoor Recreation,” “Public Indoor Recreation,” and “Public Outdoor Recreation.” These are defined in Section § 650-5

"Definitions; word usage" as "Sports or leisure time activities or facilities which are operated by a private entity/public agency and which occur principally outside/within a building." A "Recreation Center, indoor and outdoor" is currently allowed by special permit granted by the City Council in the proposed Donald Lynch Boulevard Overlay district.

In Section 650-35 The Hospitality and Recreation Mixed Use Overlay District adds a use permitted by right in the HRMUOD the "Health, sports and fitness clubs (indoor and/or outdoor) and related facilities."

All these uses would fall into the general category of uses that may be complementary to the mix of uses in the Donald Lynch Boulevard district. Each may present a future opportunity for new investment and additional vitality in the district and should therefore be allowed.

Recommendation: In the proposed Donald Lynch Boulevard Overlay change Private clubs, nonprofit from not permitted "N" to allowed by special permit "SP" granted by the City Council. Change Clubs from not permitted "N" to allowed by special permit "SP" granted by the City Council in the proposed Donald Lynch Boulevard Overlay district. Add a new permitted use "Health, sports and fitness clubs (indoor and/or outdoor) and related facilities" to match the HRMUOD language.

- **Changes to clarify what entertainment uses are allowed or prohibited; recreation center, indoor and outdoor is a broad term, it is desired by a property owner for this to be as flexible as possible (currently allowed by special permit granted by the City Council in overlay and underlying zone).**
 - **Commentary:** "Recreation Center" is defined further through a footnote to the use under Section § 650-18 "Conditions for uses." The note states that it is a "Recreational center for the purpose of providing ice-skating rinks, swimming pools, tennis courts and any other indoor or outdoor recreational facility and use.

As a comparison, "entertainment" is not defined more specifically in the Zoning Ordinance aside from references to "adult entertainment" which should remain as not permitted in the district. Since the use is not narrowed by any additional defining language, entertainment uses could be interpreted as flexible.

A definition of "Recreation and Entertainment, Indoor" could be added and that use could be allowed by special permit granted by the City Council in the proposed Donald Lynch Boulevard Overlay District. The definition could be "Participatory and spectator-oriented recreation and entertainment uses conducted within an enclosed building, excluding any sexually oriented businesses."

- **Recommendation:** Add a new use to the proposed Donald Lynch Boulevard Overlay District as "Recreation and Entertainment, Indoor" that is allowed

by special permit granted by the City Council. Add a new definition to Section § 650-5 of the Zoning Ordinance that states “Recreation and Entertainment, Indoor - Participatory and spectator-oriented recreation and entertainment uses conducted within an enclosed building, excluding any sexually oriented businesses.”

- **Changes to prohibited uses to consider allowing “Manufacturing where the majority of items are sold on premises to the consumer” (not currently allowed in underlying zone or proposed overlay).**

- **Commentary:** “Manufacturing” is currently defined in Section § 650-5 “Definitions; word usage” of the Zoning Ordinance. The use is defined as “The use of land or buildings for fabrication or assembly requiring chemical reduction, metal stamping and similar activities as primary uses.”

As a comparison, currently in the underlying Limited Industrial (LI) zone “manufacturing and/or warehousing” related to footwear, precision instruments, tool and die, dental, medical, and optical equipment, electrical or electronic instruments, hobby vehicle storage, biomedical or biotechnology products is permitted. The proposed overlay would allow this use by special permit granted by the City Council.

Manufacturing and warehouse more generally defined for Limited Industrial districts is currently not permitted in either the underlying zone or proposed overlay.

“Manufacturing where the majority of items are sold on premises to the consumer” may be appropriate as a future use in the Donald Lynch Boulevard area but would depend on the nature of the specific use. The use could add a complementary use for the district. This use could be adjusted to be allowed by special permit granted by the City Council in the proposed Donald Lynch Boulevard Overlay district.

- **Recommendation:** Change “Manufacturing where the majority of items are sold on premises to the consumer” from “not permitted” to “allowed by special permit granted by the City Council” for the proposed Donald Lynch Boulevard Overlay.

- **Changes to prohibited uses to consider allowing “Light manufacturing, using portable electric machinery” (not currently allowed in underlying zone or proposed overlay).**

- **Commentary:** “Light manufacturing” is currently defined in Section § 650-5 “Definitions; word usage” of the Zoning Ordinance. The use is defined as the “Fabrication, assembly, processing, finishing work or packaging in such a manner that noise, dust, vibration or similar objectionable features are confined to the premises.”

Currently in the underlying Limited Industrial (LI) zone “Light manufacturing, using portable electric machinery” is not permitted. The proposed overlay retains this use as not permitted.

“Light manufacturing using portable electric machinery” may be appropriate as a future use in the Donald Lynch Boulevard area but would depend on the nature of the specific use. The use could add a complementary use for the district. This use could be adjusted to be allowed by special permit granted by the City Council in the proposed Donald Lynch Boulevard Overlay district.

- **Recommendation:** Change “Light manufacturing, using portable electric machinery” from “not permitted” to “allowed by special permit granted by the City Council” for the proposed Donald Lynch Boulevard Overlay.
- **Changes to prohibited uses to consider allowing “Retail sales accessory to manufacturing,” experiential retail where customers can see their products being made (not currently allowed in underlying zone or proposed overlay).**
 - **Commentary:** “Retail Sales and Services” is currently defined in Section § 650-5 “Definitions; word usage” of the Zoning Ordinance. The use is defined as “Establishments offering goods and services, not specifically listed in the Table of Uses, to the public. Sales of a wide variety of goods and services include, but are not limited to: antiques, apparel, books, food, drugstore, sporting goods, and similar; custom services such as tailoring, photography, framing and similar; and services such as insurance, optometry, banks; dry-cleaning and laundry dropoff stations; hairdressers and barbers; health clubs, gyms, dance or yoga studios; repair services for appliances, shoes, etc.; catering and similar. Retail sales and services do not include adult entertainment, check-cashing services, pawn shops, gold exchange shops, medical marijuana facilities or drug treatment facilities.” The use is defined further through a footnote to the use under Section § 650-18 “Conditions for uses.” The note states that “Retail sales accessory to manufacturing. Retail outlets accessory to manufacturing firms are permitted, provided that they use less than 1/3 of the floor and/or ground area.”

Currently in the underlying Limited Industrial (LI) zone “Retail sales accessory to manufacturing” is not permitted. The proposed overlay retains this use as not permitted.

“Retail sales accessory to manufacturing” may be appropriate as a future use in the Donald Lynch Boulevard area but would depend on the nature of the specific use. The use could add a different type of experiential retail or complementary destination for the district. Accordingly, this use could be adjusted to be allowed by special permit granted by the City Council in the proposed Donald Lynch Boulevard Overlay.

- **Recommendation:** Change “Retail sales accessory to manufacturing” from “not permitted” to “allowed by special permit granted by the City Council” for the proposed Donald Lynch Boulevard Overlay.
- **Changes to prohibited uses to consider allowing “Open air markets,” hosting and helping small local businesses (not currently allowed in underlying zone or proposed overlay).**

- **Commentary:** “Open air markets” is not currently defined in Section § 650-5 “Definitions; word usage” of the Zoning Ordinance. However, the use is defined further through a footnote to the use under Section § 650-18 “Conditions for uses.” The note states that “Open air markets, including flea markets, conducted by one or more sellers in the open air or under tents or other temporary structures, where the primary purpose of the markets is business related, provided the market operator responsible for the entire market receives a license from the City Council as specified in Chapter 444 of the Code of the City of Marlborough.”

Currently, in the underlying Limited Industrial (LI) zone, “Open air markets” is not permitted. The proposed overlay retains this use as not permitted.

“Open air markets” may be appropriate as a future use in the Donald Lynch Boulevard area but would depend on the nature of the specific use. The use could create new opportunities for strengthening the vitality, density of activity, and walkability in the district. This use could potentially activate an empty or vacant lot, or underused parking lot. Accordingly, this use could be adjusted to be allowed by special permit granted by the City Council in the proposed Donald Lynch Boulevard Overlay.

- **Recommendation:** Change “Open air markets” from “not permitted” to “allowed by special permit granted by the City Council” for the proposed Donald Lynch Boulevard Overlay.
- **Consider other zoning and development approaches that may be appropriate for the area south of I-290 on Robin Hill Street, such as transfer of development rights (TDR).**

- **Commentary:** Transfer of Development Rights (TDR) is a regulatory strategy that harnesses private real estate market forces to protect undeveloped land while adding development opportunity to land that has been or is proposed to be developed. Development rights are transferred from one area (the “sending district”) to another (the “receiving district”). If this concept were applied to the Donald Lynch Boulevard area, a TDR regulation could be established where portions of the Limited Industrial district that are not currently developed could transfer their development rights (through a sale and deed restriction) to other properties in the proposed overlay district to increase the scale of development that could otherwise occur. This transfer of development rights may be a successful model of unlocking real estate value for undeveloped properties on Robin

Hill Street while providing additional redevelopment opportunities on Donald Lynch Boulevard. This would be one approach to offering options to properties currently limited due to Robin Hill Street's configuration and restrictions as a designated Scenic Road.

If TDR is desirable in this area, a subdistrict approach may be warranted. In this case subdistricts could be used to distinguish between "sending" and "receiving" areas as part of the transfer of development rights. For example, "public recreation" could be appropriate for the eastern portion of the LI area south of I-290 under transfer of development rights as a "sending" area.

- **Recommendation:** TDR does introduce additional complexities and requires additional support, discussion, and drafting of language to clarify the intent and detail of the regulations. The idea of TDR should be introduced into the conversation about the proposed Donald Lynch Boulevard Overlay, but TDR should not be integrated into the proposed overlay until the degree of potential support for the concept can be assessed.



City of Marlborough
Donald Lynch Boulevard Vision Study

May 12th, 2021

The following memorandum compiles all notes to date for Marlborough's Donald Lynch Boulevard Vision Study. The discussions reflected in these notes are the foundation for the Strength, Weakness, Opportunity, and Threat (SWOT) evaluation and the draft vision statement for the district. Both of products guide the recommendations of this study for land use, zoning, economic development, and public realm improvements in the district.

DRAFT District Vision Statement

In the near term, strengthen the vitality of the district by supporting uses, activities and improvements that will complement the existing uses. This may include support for new restaurants, food trucks, and outdoor spaces that can be safely accessed by walking with a fully connected network of sidewalks.

In the long term, provide flexibility for property owners to invest in new uses and redevelopment that will respond to the real estate market and needs of the community. Each new investment should be viewed as an opportunity to complement existing uses, add new destinations and attractions, and strengthen a district that provides a few reasons to visit, whether it be to work, shop, play, or live. The composition of each new investment will look to enhance the sense of place, identify and walkability of the district and define distinct nodes which feel more like compact village centers.

DRAFT Strengths, Weaknesses, Opportunities, and Threats (SWOT) Evaluation

Strengths

- New England Sports Center is a unique and important destination
- Solomon Pond Mall is a destination for the district
- Strong existing office uses contributing to base of weekday patrons
- Regional positioning and access to draw from both Boston metropolitan and Worcester metropolitan areas
- Good vehicular accessibility
- MetroWest Regional Transit Authority (MWRTA) offers service to Solomon Pond Mall and destinations along Route 20 in Marlborough on Route 7C
- Enhancing the existing businesses and tenants and providing more amenity for them
- Cluster of biotech/life science uses is already an asset

Weaknesses

- More direct access from the highway does not appear possible
- Visibility of district from the highway
- Area lacking amenities that patrons of the district desire (restaurants, other attractions)

- Everyone that works or visits has to drive to their destination
- Lack of convenient amenities that are walkable or offer a drive-thru
- Retail vacancies in the mall and other retail buildings, such as the Sports Authority and Old Navy building
- Area is lacking a vibe or identity, improve cohesiveness of the district
- Visitors patrons need to be able to combine more trips/reasons to visit if they are driving 15-minutes to get there
- Lack of flexibility in current zoning for new opportunities, uses, and parking
- High speed traffic and issues with pedestrian and bike safety

Opportunities

- Potential connection to existing Assabet River Rail Trail that is nearby and connects Downtown Marlborough to Downtown Hudson with a paved path to the east and potentially an unimproved path as part of a utility corridor to the west of the study area that runs from Northborough to West Berlin
- Repositioning retail from stand-alone destination to amenity in live/work/play communities
- Potential coordination and collaboration with Riverbridge in the Town of Berlin and other nearby light industrial areas in Northborough
- Underutilized parking areas could be used to add density of uses and development
- Expansion of live/work/play uses in the district
- Pop up establishments
- Enhanced visibility and signage for the district destinations

Threats

- Future of retail market is unknown and presents a challenge in that historic data to guide decision making is not available
- Context of changing suburban enclosed malls being hit harder by trends in retail and COVID-19 impacts

Compiled Meeting Notes

Community Stakeholder Meeting #2

On March 10th, 2021 MAPC and MEDC hosted a community stakeholder meeting to share feedback received from stakeholder at the first stakeholder meeting, a draft vision statement, and initial recommendations for the Donald Lynch Boulevard Area. MAPC gave a brief presentation to the attendees that offered a study introduction including the purpose and objectives of the study, the study scope and work plan, stakeholders and outreach. The presentation then provided a recap of the stakeholder input and feedback received to date, an outline of the vision and recommendations, and invited stakeholders to offer feedback and input. Stakeholders included business and property owners in the district, prospective developers, nearby residents, and City Councilors. The stakeholders expressed the following during the discussion:

- One stakeholder mentioned that he's very pleased with what he's hearing.
- It would be great to convert Donald Lynch Boulevard to a single lane. It is scary with drag racing that occurs down the boulevard. Slow cars down on Donald Lynch Boulevard.
- Would love to see a grocery store or Trader Joe's down by the bank.
- A stakeholder that lives in Berlin is very interested and would like to make Berlin and the surrounding area more walkable.
- One stakeholder asked if public investment would occur based on the planning?
- Another stakeholder said that the discussion was spot on and that for the zoning it should be all about easing restrictions and adding flexibility. One part of the discussion caught my attention, the parking. The ratio to public space is somewhat unconventional, parking requirements are archaic for large shopping malls. Maybe a stepped approach would be better to scale it to different users. As a general rule, mall properties are about 4 parking spaces per 1,000 square feet of leasable area. It is a pretty typical rule of thumb.
- Larger retail properties are often times over parked. Through the dimensional requirements in the zoning offer more densification to incorporate new uses where retail uses are.
- Sports Authority, Old Navy, Sears – how do we help businesses survive? – do we think the changes will go a long way in helping?
- Make the changes to neighborhood district zoning, and then move on to improvements with a Massworks Grant. This is the model that was followed for Route 20. The fruits of this work are 5 to 10 years away helping Donald Lynch Boulevard to thrive. If we start with a core area, then it can be expanded if it is needed.
- We are really trying to listen to the owners – what would you see to enhance your property.
- Shrink down parking, add restaurants and drive-thru's, and get additional activity down toward the mall.
- Is a traffic study going to be performed, the speeding traffic occurs on Bigelow, cars are traveling 45 miles per hour.
- Fill commercial building with office and research and development users connect it as much as possible directly to I-495, do leverage the visibility from the highway with signage.

- Do like the direction of the study and think it is all right. Increasingly seeing a cohabitation of uses in the businesses increasingly developing, manufacturing, all together. Specifically with the zoning change, rethink manufacturing and industrial use to special permit. Need to think about 21st and 22nd century industrial and manufacturing uses and make sure they are also welcome and that they can invest here.

Additional comments were received from stakeholders by email after the meeting:

- Live, work, play is not just a trendy phrase. It is an important mantra to develop a well-balanced and successful neighborhood, where there are residents activating the area in the evenings and weekends, office workers activating it by day, and goods and services to cater to both of those groups. To that end, I would recommend allowing a mix of uses in the corridor, which would include office, retail, housing and hotel. Industrial is an outlier in these mixed-use neighborhoods because it can be a turn off to those other aforementioned uses.
- Since many of the parcels in this corridor are large, density and height (probably no more than 5 stories) would make sense here. View corridors and access to light won't be a problem given the distance between the various land holdings, and so I think allowing for density on the parcels will help accelerate the activity. If this were more of an urban setting, where this was more of an adjustment of a currently dense area, like what was done in Somerville, then measuring that growth might be important otherwise one might get "too much too soon". Here, I don't see that as a problem. In addition, a critical mass needs to occur to ensure the success of these various uses, because the area is currently lacking the energy needed to create a vibrant, safe and fun neighborhood. Moreover, in order to attract real investment in the area, a certain amount of density needs to be allowed otherwise only local groups will be interested, and growth will occur very slowly, which becomes a vicious cycle of survival.
- It would be great to create better connectivity to other parts of Marlborough, such as bike and nature paths, and nearby communities so the area does not feel like an island. Part of its charm is its isolated and bucolic setting but I don't think that would be lost with some more connection points.
- I would certainly love to have as much flexibility as possible. Also, I did notice that not a mention of Hotels? Any reason why?
- The part of the presentation I saw looked great, I really enjoyed how you optimized the potential of the businesses with the areas abundance of natural resources.
- I asked the question about a traffic study for Bigelow as it is an old country road with a speed limit of 25 and 30 mph. Aside from Bigelow's traffic issue, the part of the presentation I did see looked like a great addition to this already convenient and bustling area. I also missed any talks about how this new development will grow the business clusters that are already in the region.

Town of Berlin Economic Development Committee

On December 10th, 2020 MAPC and MEDC presented to the Town of Berlin Economic Development Committee to introduce this planning process and to learn more about the Town of Berlin's perspectives on the Donald Lynch Boulevard Area. MAPC gave a brief presentation to the Committee that offered a study introduction and initial district analysis including the purpose and objectives of the study, the study scope and work plan,

stakeholders and outreach, and description of the characteristics of the study area. The Town of Berlin Economic Development Committee expressed the following during the conversation:

- Concern about the health and viability of the Solomon Pond Mall, a portion of the mall property is in the Town of Berlin. All you have to do is walk through the mall to know that it is not doing great.
- Excitement to begin to generate a dialogue with Solomon Pond Mall owners, Simon Properties, to enhance viability and make modifications to zoning that may be needed. The Committee expressed that they are available and willing to work.
- Excitement to be on the same page with the City of Marlborough in thinking proactively about the success of this district.
- Shared that the Town is considering a host agreement for a marijuana dispensary at the former Milano Marble Solutions property at the end of Banner Road.
- The Berlin Planning Board keeps getting a number of proposals for the 50-acre site at the Worcester Sand and Gravel Pit on River Road
- Discussion about the Burlington Mall working with Sears, who owned their site at that location as well, created a partnership for redevelopment in that location.
- Suggested coordinating with Central Massachusetts Regional Planning Commission (CMRPC) and Northborough.
- Area lacks amenities when trying to attract workers.
- Riverbridge is trying to get a restaurant and having difficulty.
- A lot in front of Sears is available for a restaurant.

Marlborough Economic Development Corporation Board

On December 9th, 2020 MAPC presented to the Marlborough Economic Development Corporation (MEDC) Board to introduce this planning process and to learn more about the Board's perspectives on the Donald Lynch Boulevard Area. MAPC gave a brief presentation to the Committee that offered a study introduction and initial district analysis including the purpose and objectives of the study, the study scope and work plan, stakeholders and outreach, and description of the characteristics of the study area. The Board expressed the following during the conversation:

- Great to hear about the natural assets of the area
- The mall has 22 vacancies in the building, so this is a good undertaking, excited to see this happen.
- The goal is to think about what this area is going to look like 10 years from now. Malls across the country are struggling. What does that new model look like? Constant talk about the need for restaurants and drive-thru's in the district. It won't change tomorrow, but will lay the groundwork for the future of the district.
- It is good to see engagement with the owner of the mall. Getting the mall to the table is important to work collaboratively and to continue working with decision makers of the ownership team, working with the Director of Development for Simon Properties from Indianapolis.
- Concern for the district becoming host to an Amazon distribution center, not the direction the City wants to see things go.
- The three big box stores at the mall are owned by Macy's, Sears, and JCPenny potentially complicating the future redevelopment options.
- About half of the mall is in the Town of Berlin.

- Need more complementary activity around the New England Sports Center
- The example from the nearby Auburn Mall was discussed where a medical/healthcare use was brought into the mall to provide a new type of anchor tenant. Potential interest and openness to the medical/healthcare use.
- Look at demographic studies. What do people want for the future? What are the 3 or 4 demographic trends that are going to point to where the opportunities lie?
- Not thinking about this as a major housing area. City has done their share and is going to back off the housing here. Although housing has been a part of some of the successful mall redevelopment models.
- At 200 Donald Lynch Boulevard there are about 200 employees. They enjoy walking the paths of the area and getting outside during the workday. On the wish list for these employees are restaurants you can walk to during the day to grab some food and lunch.
- This area is either going big box or adding residential with smaller retail users. It is not currently zoned for big box and we don't want it to be. Therefore, it has to be a mix of retail, medical uses, and housing. Light industrial uses are being done in a tight space and need to think about how we integrate it all. On the periphery of the City with I-290 and I-495 it attracts people from other areas. It is not just feeding off of Marlborough, but feeding off of the region. The rest of the city or other communities around us won't sustain it. It will compete with the downtown and the impact to downtown will need to be considered.
- The future direction must also consider the burden on the highway. If it becomes more of a draw, assuming the traffic impacts on I-290 and I-495 will have to be reviewed with MassDOT. It is not likely that we are talking about the scale of change to have dramatic impacts on highway traffic volumes, for example, potential housing units would likely be measured in hundreds, not thousands.
- Connection of Donald Lynch Boulevard to other nearby assets or commercial/light industrial clusters – for example to the west is the Northborough Industrial Park on Whitney Street.

Community Stakeholder Meeting #1

On November 18th, 2020 MAPC and MEDC hosted a community stakeholder meeting to introduce this planning process and to learn more about stakeholder's perspectives on the Donald Lynch Boulevard Area. MAPC gave a brief presentation to the attendees that offered a study introduction and initial district analysis including the purpose and objectives of the study, the study scope and work plan, stakeholders and outreach, and description of the characteristics of the study area. The stakeholders expressed the following during the discussion:

- The area needs more amenities, more flexible parking, and more mixed-uses.
- This study should be a vehicle for how owners can work together to create added value.
- The area is lacking a vibe and identity – the Solomon Pond Mall and New England Sports Center are magnet destinations, but the entire area needs to be reimagined and reidentified.
- Think about adding senior housing and medical uses.
- The area needs shuttle services to better connect it to other parts of the City. Many visitors and activity are going to Apex Center.

- What is the future of malls? Simon Properties Group expressed that their business is quite challenged and that they need flexibility. Existing zoning is limiting use of the property. For example, the Auburn Mall redevelopment included medical uses with Reliant Medical occupying a former anchor space at the mall. No silver bullet exists for mall redevelopment.
- At the Sports Authority/Old Navy property a potential self storage use is interested, but not currently allowed, the property has been vacant for some time.
- Everyone that works in the area has to drive there – need improved last mile circulation.
- Need to improve cohesiveness of the district. Currently there is no drive-thru, no bank. The key is to have visitors accomplish more than one task with a visit to the district. If getting there requires a 10-15 minute drive, then patrons need to be able to do more with that visit.
- Live/work/play is what the area needs
- Will the study be contemplating a new interchange? Another interchange can't be added within 1 mile of the existing interchange and exits/entrances.

In addition to the open discussion several in-meeting survey questions were asked and the responses for each are listed below.

- What is your name and connection to the Donald Lynch Boulevard area?
 - Bob McGuire, broker with JLL, representing tenants and landlords in Marlborough
 - Kenneth Fries, property owner
 - Samantha Perlman, City Councilor and Millennial
 - Kelly Johnson, Digital Federal Credit Union
 - Mario Minardi, ownership/management 200 Donald Lynch Boulevard
 - Kelley Borer-Miller, Crossroads School 295 Donald Lynch Boulevard
 - Sandra Rennie Austin, counsel for Ferris Development property owner at 325 Donald Lynch Boulevard
 - Paul Cincotta, New England Development, owner former Sports Authority/Old Navy
 - Michael Ossing, City Council
 - Kevin Kuros, Central MA Director for MA Office of Business Development
 - Sam Crossan, JLL, leasing agent for 325 Donald Lynch Boulevard and tenant advisor to commercial tenant on the street
 - Matthew Russell, Ferris Development Group, owner of 325 Donald Lynch Boulevard
 - Bill Bailey, JLL Commercial Broker representing landlords and tenants
 - Timothy Fox, Development Director, Simon Property Group
 - Chris Bastien, General Manager, Solomon Pond Mall
 - Arthur Bergeron
 - Meredith Harris, Economic Development for the City of Marlborough
- Do you have any questions or comments about the study introduction?
 - No questions
 - Intriguing
 - Is multi-family development being considered?
- What works in the Donald Lynch Boulevard area?
 - Good vehicular accessibility
 - Lack of walkable or drive-thru amenities for office uses

- New England Sports Center (NESC) works and is the one unique feature. Any changes should be based on that asset.
- It's nice to have the current retail amenities – hopefully we can keep those
- Existing zoning is archaic – limiting property owners' flexibility
- Would like to see joggers have a safe route
- What doesn't work in the Donald Lynch Boulevard area?
 - The lack of directional signage off of 495. The visibility from 290.
 - High speed drivers on Donald Lynch Boulevard makes using crosswalks dangerous.
 - Safe route to walk during lunch hour
 - Lack of flexibility of potential uses for zoning
 - Lack of quick food options for lunch for business
- What would you like this study to accomplish?
 - Has the City evaluated whether or not direct access off Route 495 is achievable?
 - I have heard walk/bike a number of times. I appreciate the discussion around bike lane but would like to have a place to walk more safely and not have to cross four lanes.
- What is your vision for this part of the City?
 - Live/work/play seems to be a popular idea. A vibrant destination where people want to “be”, not just go to work
 - Echo need to leave area after work or during lunch for entertainment
 - Pop-up establishments are good for small business as well
 - Better signage is very important
 - Reimagining mall structure is an interesting concept. I would like to see structures that enhance mom and pop usage
- What should be considered for zoning and land use improvements?
 - Pop-up shops, pop-up beer garden, encourage food trucks
 - Drive thru permitted by right
 - Flexibility on mixed use
 - Marijuana, 40B, dense housing on larger lots
 - Flex parking requirements with blended use of adjacent parking
- What should be considered for public realm and circulation improvements?
 - A shuttle service for Donald Lynch Boulevard would be nice, especially if more entertainment and destination options become available
 - Bike paths and walking paths connecting the various properties along Donald Lynch
 - Are four lanes necessary?
- What should be the top priority to keep in mind for this district?
 - Enhance the experience for current tenants

Previous Process Meetings and Notes

Donald Lynch Boulevard Business Owner Meeting

On June 6th, 2017 the Marlborough Economic Development Corporation (MEDC) hosted a meeting with business owners along Donald Lynch Boulevard with MAPC. The business owners expressed the following during the conversation:

- Discussion of zoning uses:
 - Strength of the retail along Donald Lynch Boulevard, including both Solomon Pond Mall and independent stores, are viewed as important to the health of the industrial/office park areas of Donald Lynch Boulevard
 - In order to facilitate the establishment of additional amenities along Donald Lynch Boulevard (e.g., some place where one could purchase a cup of coffee), it was suggested that allowing for smaller lots within this district be allowed (e.g., perhaps 1-acre sites instead of 2-acre sites).
 - Allow for more diversity of uses at Donald Lynch Boulevard to reduce vacancies and offer additional potential opportunities. Add to the list of allowable uses or allowed by special permit:
 - Medical offices and/or urgent care facilities
 - Brewery
 - Schools for music
 - Business trade
 - Test preparation
 - Need less restrictive rules that will allow for drive-thru's in order to support amenities along Donald Lynch Boulevard. It took 7 years to find an operator for the cafeteria at 325 Donald Lynch Boulevard – operators feel they need the drive-thru to break-even/make money. Drive thru's could be allowed by special permit for banks and restaurants to address any design issues.
 - Do not want small kiosk style drive-thru's, so maybe associate a minimum structure size (e.g. 5,000 square feet) for a facility with a drive-thru. Also, maybe allow these on smaller lots of 1-acre as previously mentioned, but make sure there is adequate space for vehicle queuing.
 - Consider requiring less parking for retail stores as there seems to be a large surplus of parking. If stores, such as Target, could put a pad restaurant site in the frontage of the parking lot, this would provide amenities for the Donald Lynch Boulevard while also providing additional income to property owners. In order to do this the zoning ordinance limit on the number of structures per lot would need to be changed. The mall has significant extra parking.
 - One business owner was concerned that he did not have enough parking and was interested to learn if there could be an increase in the number of spaces and how this may be limited by percent lot coverage or percent open space requirements. This particular property already has a parking deck.
- Discussion of public realm issues:
 - Sidewalks and the need for full connectivity of sidewalks along Donald Lynch Boulevard was noted as a need in order to make the area more

- walkable and desirable for visitors to explore (for example, patrons at hotels visiting for a hockey tournament)
 - Need for outdoor seating areas along Donald Lynch Boulevard connected to sidewalk network
- Discussion of sign issues:
 - Need to improve business visibility from highways including I-495 and I-290 to draw patrons to the Donald Lynch Boulevard area. This may include signage on the highways or signage in the district.
 - On the highway a blue board sign is needed along I-290 advertise the diversity of shops available. The signs offer 6 names per sign and could be used to illustrate the diversity of destinations. Coordination with MassDOT may be required as the standard is typically to advertise for businesses within one mile of the exit. MEDC suggested that blue board signs result in about a 30% increase in business.
 - For retail need sign height to be visible from I-290 or need to coordinate location of signs that can be visible from I-290
 - Need for sign exemptions to allow for signs on top of buildings or for additional height
 - Potential revisions to Pylon type signs
 - Need for process of approvals for "off-site" signs to advertise in those locations where signs can be placed and would be visible
 - Need for "secondary signs" on buildings at the mall to better advertise the diversity of vendors that are in the mall. Best to be located over the mall entrances closest to these stores.
 - It was noted that the Shops and Chestnut Hill in Newton are allowed to add 350 square feet of secondary signs on architectural panels near entrances in order to advertise interior stores.
 - Need for additional directional or directory type signage along Donald Lynch Boulevard to advertise for additional stores down the boulevard from particular locations. For example, visitors may not know that a Target is located further down the boulevard.
 - There is need for a more effective entrance sign at the beginning of Donald Lynch Boulevard at River Road to advertise the diversity of businesses and destinations in the district.
 - An alternative to increasing sign height would be to work with MassDOT to undertake selective clearing of trees along I-290 in order to increase visibility of Solomon Pond Mall area and other businesses along Donald Lynch Boulevard from the highway. This visibility would support existing businesses and help to prevent additional losses/closures. Significant mitigation would need to occur to offset the loss of vegetation and could consist of lower-growing wildlife habitat-enhancing plants (e.g., high bush blueberries) within the I-290 right-of-way. Mitigation may also consist of habitat enhances in other areas of Donald Lynch Boulevard such as along the Assabet River which may require coordination with the Town of Berlin.

City of Marlborough
Vision for Donald Lynch Boulevard

Appendix B
Draft Zoning
April 2023



MAPC - Vision for Donald Lynch Boulevard
Zoning Recommendations
DRAFT FOR DISCUSSION

DRAFT / VERSION 1 04/12/2023

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE MASSACHUSETTS GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. Chapter 650 Article VI, entitled “Special Districts, Overlays and Special Requirements” is hereby **amended** as follows:

- (1) By **inserting** a new § 650-**XX**, entitled “Donald Lynch Boulevard Overlay District”, as follows:

§ 650-XX**. Donald Lynch Boulevard Overlay District (DLB).**

Within the Donald Lynch Boulevard Overlay District (DLB), the following provisions govern. Where these provisions conflict with other sections of the Zoning Ordinance, the provisions of this section shall apply.

A. Purpose and objectives.

- (1) The Donald Lynch Boulevard Overlay District defines supplemental land use controls within the boundaries of the overlay district that amend and supersede the land use controls that exist in the underlying district, Limited Industrial (LI).
- (2) The goals of the overlay district are to **enhance land use development and encourage desired growth patterns** for the benefit of the public health, safety, and welfare and the **economic development objectives** of the City.
- (3) The vision for the Donald Lynch Boulevard Overlay District is to **strengthen the vitality of the district** by encouraging uses, activities, and improvements that will complement the existing assets. Each new investment should be viewed as an opportunity to complement existing uses, add new destinations and attractions, and strengthen a district that provides a variety of compelling reasons to visit, whether it be to work, shop, play, or live.
- (4) The vision shall be achieved through the mix of uses defined by the overlay district and the composition of each new investment, including the site design and building design, and the relationship of the investment to the surrounding context. Each new investment

shall enhance the sense of place that helps to define a recognizable district identity and create an attractive and comfortable environment where people feel invited to visit again.

- (5) The site design, building design, and design of the circulation system shall **strengthen the walkability** of the district by defining distinct nodes and compact centers of activity in the district. This may include using buildings to define shared outdoor spaces, creating safe and convenient pedestrian and bicycle paths that connect to abutting properties and amenities, creating new outdoor spaces and seating areas, and adding new investments in the landscape of the district.
- (6) The site design, building design, and design of site infrastructure shall **enhance the natural assets and sustainability** of the district through enhanced landscape with an emphasis on adding shade trees, an investment in green infrastructure and low impact development techniques, and strengthened connections to natural assets such as the Assabet River and a connected network of open spaces.

B. Site plan review. Projects within the Donald Lynch Boulevard Overlay District shall be subject to site plan review as provided in § 270-2, entitled "Site plan review and approval," of the City Code.

(1) Applicability.

- (a) Site plan review applies to both as of right and uses available by grant of a special permit within the Donald Lynch Boulevard Overlay District. Site plan review applicability includes, but is not limited to, new construction of any building or structure; addition to an existing building or structure; and increase in area of on-site parking or loading areas. [See § 270-2(3).]
- (b) Site plan review shall be conducted administratively, as provided in § 270-2, except for those projects over 10,000 square feet, which projects shall undergo administrative site plan review with final review and approval by the City Council.
- (c) The City Council may elect to vary the dimensional and parking requirements of this section by special permit or site plan approval if, in its opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.

C. Special permit granting authority. The City Council shall be the special permit granting authority within the Donald Lynch Boulevard Overlay District.

D. Exclusivity/control. This section of the Zoning Ordinance exclusively controls the establishment, development, and design of any development undertaken in the Donald Lynch Boulevard Overlay District and supersedes any other provision of the Zoning Ordinance. In the event of any conflict between the provisions of this section and any other provision of the Zoning Ordinance, the provisions of this section shall govern and control.

E. Eligible uses. Except as specifically provided herein, any uses, which are not permitted, whether as of right or by a special permit, within the Limited Industrial District under § 650-17, Table of Use Regulations, of the Zoning Ordinance, shall be prohibited.

(1) The following uses are permitted by right in the Donald Lynch Boulevard Overlay District:

- (a) Comprehensive developments
- (b) Offices, banks, insurance and financial institutions
- (c) Residential conference and training center with food and recreation services
- (d) Commercial greenhouse
- (e) Medical office/clinic
- (f) Brewpubs
- (g) Accessory uses
- (h) Restaurant, cafe
- (i) Restaurants for employee use
- (j) Winery, brewery, or distillery with tasting room
- (k) Churches and religious buildings
- (l) Public recreation and conservation
- (m) Public, private and religious schools, museums, libraries, parks, recreation facilities, buildings and playgrounds
- (n) Child-care centers
- (o) Public utilities, not including storage yards or repair shops
- (p) Public buildings
- (q) Water towers, reservoirs
- (r) Floodplain and Wetland Protection District
- (s) Water Supply Protection District
- (t) Newspaper printing and publishing, job printing
- (u) Research, experimental labs
- (v) Light non-nuisance manufacturing
- (w) Light manufacturing incidental to research
- (x) Accessory uses and service buildings

(2) The following additional uses are permitted by special permit in the Donald Lynch Boulevard Overlay District:

- (a) Multifamily dwelling
 - a. Multifamily dwellings allowed by special permit when added to a property with existing nonresidential uses that will remain or when part of a larger redevelopment that includes a majority of nonresidential uses.
 - b. Multifamily dwellings shall follow the City of Marlborough Multi-family Development Review Criteria and Design Review Guidelines.
 - c. Multifamily dwellings shall be located to the rear of the property and designed to be secondary and less visually prominent than the primary nonresidential uses.
 - d. Multifamily dwellings shall be oriented to natural assets at the rear or side of a property. For example, if the property abuts the Assabet River or has a

wooded edge. The site design shall use landscape to integrate the multifamily dwellings with the natural assets and transition between the multifamily dwellings and nonresidential uses.

- e. Multifamily dwellings shall be connected by a network of pedestrian paths and outdoor open spaces.
- (b) Trailer mobile homes
- (c) Retirement Community Overlay
- (d) Residential accessory uses
- (e) Customary home occupations
- (f) Yard sales, charitable sales bazaars
- (g) Artist studio/live/work gallery space
- (h) Recording studio/live/work space
- (i) Convert buildings to office, bank, insurance use
- (j) Retail sales and services <75,000 square feet gross floor area
- (k) Retail sales and services >75,000 square feet gross floor area
- (l) Schools, for business, trade, music, dance, and television or radio broadcasting studios (but not including towers)
- (m) Commercial radio and television towers and wireless communication facilities
- (n) Health, sports and fitness clubs (indoor and/or outdoor)
- (o) Hotels
- (p) Hotels <100 rooms
- (q) Hotels with conference facilities and commercial uses
- (r) Recreation center
- (s) Recreation and entertainment, indoor*
- (t) Private clubs, nonprofit
- (u) Clubs
- (v) Self-service laundry
- (w) Dental clinics
- (x) Consumer service establishments
- (y) Motels
- (z) Mixed use development
 - a. Refer to notes under "Multifamily dwelling" for mixed use development that includes residential uses.
- (aa) Copy shops, newspaper offices
- (bb) Outdoor recreation uses
- (cc) Open air markets
- (dd) Shopping malls
- (ee) Soil removal
- (ff) Public, private or commercial recreation establishments, recreation grounds or places of amusement
- (gg) Restaurant with drive-in or drive-thru facilities
 - a. Vehicular circulation for the drive-thru shall be optimized to efficiently integrate with a site plan that prioritizes pedestrian access and connections.
 - b. Integrate enhanced site landscaping, pedestrian paths, and outdoor seating areas and open spaces with the design of the vehicular circulation.
- (hh) Restaurants serving food outdoors

- (ii) Drive-thru facilities
 - a. Vehicular circulation for the drive-thru shall be optimized to efficiently integrate with a site plan that prioritizes pedestrian access and connections.
 - b. Integrate enhanced site landscaping, pedestrian paths, and outdoor seating areas and open spaces with the design of the vehicular circulation.
- (jj) Narcotic detoxification and/or maintenance facility
- (kk) Medical marijuana treatment center
- (ll) Adult use marijuana retail; marijuana accessories retail
- (mm) Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter
- (nn) Agriculture, horticulture or floriculture >5 acres
- (oo) Airports and heliports
- (pp) Manufacturing where the majority of items are sold on premises to the consumer
- (qq) Transportation terminal and freight depots
- (rr) Light manufacturing, using portable electric machinery
- (ss) Associated/accessory research uses
- (tt) Manufacturing and/or warehousing
- (uu) Retail sales accessory to manufacturing
- (vv) Recreation center, indoor and outdoor
- (ww) Dry cleaning
- (xx) Electric power substation for changing bulk power to distribution voltage
- (yy) Data storage/ telecommunications facilities
- (zz) Coffee roastery

*Recreation and Entertainment, Indoor is defined as participatory and spectator-oriented recreation and entertainment uses conducted within an enclosed building, excluding any sexually oriented businesses.

(3) All uses not noted in Subsection E(1) and Subsection E(2) above shall be deemed prohibited in the Donald Lynch Boulevard Overlay District, including but not limited to the uses listed below, except where so to deem would interfere with or annul any other City of Marlborough ordinance, rule, regulation, permit or license, or any state or federal law or regulation:

- (a) Single-family
- (b) Single-family, attached
- (c) Conversion of detached one-family to a two-family
- (d) Two-family homes
- (e) Conversion of a two-family dwelling to a three
- (f) Boarding and lodging homes
- (g) Tourist home\bed-and-breakfast
- (h) Open space development
- (i) Two residential structures on a lot less than 80,000 square feet
- (j) Assisted living facilities
- (k) Commercial kennels and animal hospitals
- (l) Veterinary hospital
- (m) Commercial kennels

- (n) Riding academy
- (o) Private clubs, nonprofit
- (p) Clubs
- (q) Salesroom
- (r) Wholesale office or showroom
- (s) Wholesale sale and warehousing
- (t) Place of repair for cars, boats, trucks and farm equipment
- (u) Places of assembly
- (v) Outdoor storage
- (w) Car parking lots, garages
- (x) Gasoline filling stations
- (y) Auto service facilities for minor repairs, changing tires and lubrication
- (z) Auto sales and service
- (aa) Car wash
- (bb) Open air markets
- (cc) Funeral homes, parlors and mortuaries
- (dd) Adult bookstore
- (ee) Adult video store
- (ff) Adult paraphernalia store
- (gg) Adult movie theatre
- (hh) Adult live entertainment establishment
- (ii) Tattoo and body piercing parlors and shops
- (jj) Contractor's yard
- (kk) Landscape contractor's yard
- (ll) Forest, woodlots, portable, woodworking mills
- (mm) Livestock farms > 10 acres
- (nn) Farms and poultry farms
- (oo) Cemeteries
- (pp) Hospitals and sanitarium
- (qq) Correctional institutions
- (rr) Golf courses, country clubs and beaches
- (ss) Charitable and philanthropic buildings
- (tt) Day camps
- (uu) Convalescent and nursing homes
- (vv) Chicken hens, personal use (6 or fewer)
- (ww) Chicken hens, personal use (between 7 and 12)
- (xx) Manufacturing where the majority of items are sold on premises to the consumer
- (yy) Food processing plants
- (zz) Bakery (nonretail)
- (aaa) Light manufacturing, using portable electric machinery
- (bbb) Manufacturing or warehouse
- (ccc) Retail sales accessory to manufacturing
- (ddd) Power laundries
- (eee) Dye works
- (fff) Packaging or bottling plants
- (ggg) Large tract development

(hhh) Self-service storage facility

F. Dimensional requirements. The Donald Lynch Boulevard Overlay District shall be subject to the dimensional standards in accordance with Article VII of the Zoning Ordinance as described for the underlying Limited Industrial (LI) district, with the following exceptions granted by special permit by the City Council:

- (1) No minimum lot area, reduced minimum lot frontage of 50 feet, reduced minimum side yard of 10 feet, reduced minimum front yard of 30 feet, reduced minimum rear yard of 15 feet and increased maximum lot coverage of 80% shall be allowed and applicable to a new parcel subdivided from an existing parcel with the subdivision located at the street frontage of the property. The property subject to subdivision shall retain the minimum lot area of 2 acres and the minimum lot frontage of at least 200 feet with the removal of the subdivided lot. The subdivided lot will not impact setbacks or lot coverage of the property subject to subdivision. Access to the subdivided lot shall be coordinated with other site circulation to limit the number of curb cuts to the main roadway and establish shared secondary access roads where feasible.
- (2) Maximum building height in the Donald Lynch Boulevard Overlay District shall not exceed 60 feet. The maximum height is allowed by right and is not subject to distance from a residential zone. Note: Mechanical and elevator equipment, chimneys, or other utilities are not limited to the maximum building height. Mechanicals shall be screened to the maximum extent feasible from view from street level and integrated with the architectural style and materials of the building. Screening of mechanicals are not limited to the maximum building height.

G. Parking, curb cut and landscaping requirements. Except as otherwise provided in this section, parking, circulation and landscape requirements shall conform with the provisions of § 650-47, § 650-48 and § 650-49 of the Zoning Ordinance.

- (1) **General.** In the Donald Lynch Boulevard Overlay District, adequate off-street parking shall be provided. The parking facilities provided should be used efficiently to minimize the area of land to be paved for this purpose. The City Council may consider, at its discretion, permitted reductions in the parking requirements for complementary or shared use of parking areas serving activities that have different peak demand times. It is the applicant's responsibility to determine and request a shared parking reduction for review by the City Council. The visual and environmental impact of large parking areas shall be reduced by breaking the total required parking into smaller parking areas that are integrated with the site design and landscape plan. Low impact development techniques and green infrastructure shall be integrated with the parking areas.
- (2) **Parking locations.** Parking shall be located to the side and/or rear of all building structures. Existing parking that is located between a building and Donald Lynch Boulevard shall integrate enhanced landscaping into the parking area to reduce the visual impact of the parking through the addition of landscape islands and shade trees. Parking may be provided at ground level, underground, or in a parking garage. Parking garages

can be freestanding or as part of a building that is dedicated to other permitted uses, but must be integrated with the surrounding site plan and oriented so as to minimize visual impact of the parking garage on surrounding uses.

- (3) Parking requirements. Parking in the Donald Lynch Boulevard Overlay District shall be provided at a minimum of 1 parking space per 250 square feet of net floor area for retail and restaurant uses. Parking for other commercial uses shall be provided at a minimum of 1 parking space per 350 square feet of net floor area. Parking for residential units shall be provided at a minimum of 1 parking space per unit.
- (4) Pedestrian and bicycle friendly. Vehicle, pedestrian and bicycle features shall be designed to promote connectivity. Curb cuts shall be minimized and shared between multiple parking areas and uses. Bicycle parking shall be provided for all new development and shall be located as close as possible to the building entrance(s).
- (5) Location of landscaped islands in parking areas. Landscaped islands with shade trees shall be contained within or project into a parking lot and be so located that some part of every parking space is not more than 90 feet from a landscaped area on the perimeter or interior of the parking lot.

H. Design standards. The following design standards apply to all developments within the Donald Lynch Boulevard Overlay District:

- (1) Site layout
 - (a) Site and building layout. Buildings shall be located to define shared outdoor spaces in coordination with adjacent buildings located on the same property or an abutting property and the design of the surrounding landscape.
 - (b) Site and parking layout. Parking shall not be the dominant feature of a site plan. Parking shall be one of the components integrated into a cohesive site and landscape design. Large parking lots shall be broken into smaller separated parking areas or through the use of islands and landscape. Landscape features such as plantings and berms shall be used to reduce the visual impact of parking and define shared outdoor spaces that are integrated with other features of the site. Pedestrian circulation shall be integrated into the design of the parking.
 - (c) Sustainability and green infrastructure. Sustainability and green infrastructure shall be integrated into the site layout and features in a meaningful way. Approaches may include protecting and retaining existing vegetation, supporting biodiversity, integrating low-impact stormwater management techniques, reducing impervious surfaces, and reducing water use for irrigation.

(2) Pedestrian and bicycle circulation

- (a) Pedestrian circulation. Safe, convenient, and attractive pedestrian circulation shall be incorporated into the site plan design. Where appropriate, new pedestrian and bicycle paths shall connect the site with abutting sidewalks, trails, amenities, or parks to contribute to a system of pedestrian and bicycle circulation. Where appropriate, pedestrian access should be expanded into a shared-use path to provide safe, convenient, and attractive bicycle access.
- (b) Pedestrian connections. Sidewalks shall provide access from internal site uses, building entries, shared outdoor spaces, parking areas, amenities adjacent to the property, connections along Donald Lynch Boulevard, and connections between adjacent properties.
- (c) Bicycle amenities. All developments shall include provisions for the parking of bicycles at locations that are safely separated from vehicular and pedestrian circulation and convenient to building entries. Bicycle racks shall be placed as to not obstruct pedestrian walkways or impede the parking area for automobiles.

(3) Shared Outdoor Spaces

- (a) Shared Outdoor Spaces. Buildings and site features shall be arranged to create functional shared outdoor spaces, including outdoor seating areas, outdoor gathering areas, outdoor areas for eating, and outdoor activities. Landscape features, topographic changes, art, or other features may accent these shared outdoor spaces. Shared outdoor spaces shall be provided and integrated with the site plan and building design. Multiple shared outdoor spaces should be integrated within a larger property. All shared outdoor spaces should be accessible through a network of connected sidewalks and paths. Shared outdoor spaces shall enhance visual connections between buildings, streets, open spaces, and pedestrian circulation.
- (b) Location of outdoor seating. Outdoor seating areas may be provided for restaurants, cafes, coffee shops, or other establishments with seating and may overlap with shared outdoor spaces. Outdoor seating areas shall be located adjacent to or near the use they are serving. Amenities and seating shall not reduce the required sidewalk widths of pedestrian circulation or negatively impact pedestrian or bicycle circulation.

I. Signage. Except as otherwise provided in this section, signage shall conform to the provisions of Chapter 526 of the City Code, the Sign Ordinance. In the event of any conflict between the provisions of this section and any provision of Chapter 526 of the City Code, the provisions of this section shall govern and control.

- (1) Signage plan. A master sign plan for the premises shall be provided for review and approval by the City Council, setting forth the types, locations and dimensions of proposed signs. A signage plan shall be required for any project that involves more than two signs. For a project that involves one or two signs, a master sign plan is not required.
- (2) Special permit sign locations. In order to enhance visibility for businesses from Interstate 290 on the north side of the interstate, a property owner may seek special permit approval for a sign that is coordinated for the entire district to project above the highest line of the roof, or sign to be mounted on the roof of the building, or one freestanding pole, monument, or pylon sign designed for visibility from Interstate 290, or one off-premise sign location within the district for one freestanding pole, monument, pylon, or digital display sign when such a location has been identified and is available for such for the purpose of improving business visibility from Interstate 290. The special permit sign shall be subject to the following requirements:
 - a. Sign design shall conform with § 526-9C unless waived by the City Council;
 - b. Message board signs are prohibited for special permit sign locations;
 - c. No freestanding sign shall be located closer than five feet to any property line;
 - d. Signs, logos or cabinets should be externally illuminated where possible, otherwise with translucent or transparent faces if no reasonable alternative is possible;
 - e. Sign location shall be integrated with landscaping into the overall site design, should not require clearance of trees or pose a risk to roadway safety.
- (3) Special permit sign locations. In order to enhance visibility and wayfinding for the district at district gateways in a coordinated manner, a property owner may seek special permit approval for signs coordinated for the entire district at the principal points of entry to the district. Allowing (1) freestanding pole, monument, ground, or pylon sign that is coordinated for the entire district at the principal points of entry to the district with a total number not to exceed (3). Subject to approval by the City Council.
 - a. Additional secondary directional signs may also be approved by the City Council.
 - b. The signs shall be coordinated in design and material and feature a reasonable number of individual tenants in a hierarchy that reinforces an identity for the district.
 - c. The signs shall be designed in such a way that individual tenants can be changed to keep signs relevant and up to date with uses in the district.

- d. The total allowed illuminated cabinet square feet of signage shall not exceed 200 square feet per side, per freestanding sign.
- e. The height of any freestanding sign shall not exceed 30 feet from the ground measured directly at the sign base.
- f. No freestanding sign shall be located closer than five feet to any property line.
- g. Sign, logos, or cabinets may be either externally illuminated or internally illuminated with translucent or transparent faces.
- h. Sign location shall be integrated with landscaping into the overall site design, should not require clearance of trees or pose a risk to roadway safety.
- i. Signage profile shall be tall and narrow. A structural frame that is engineered to site specifications and sign materials that may include stone, brick, aluminum, or other metal materials to match the district identity.

J. Application.

- (1) Special permits. An application for a special permit for a use in a development in the Donald Lynch Boulevard Overlay District shall comply with the requirements of § 650-59 of the Zoning Ordinance.
- (2) Site plan approval. An application for site plan approval in the Donald Lynch Boulevard Overlay District shall comply with the requirements of Chapter 270 of the City Code, Article II, Permits and Approvals, § 270-2.

K. Site plan; special permit approval review criteria. An application for site plan approval or special permit approval in the Donald Lynch Boulevard Overlay District under this section shall adhere to the following review criteria, in addition to those specified in § 270-2 of the Marlborough City Code:

- (1) Compliance of the design with the Design Standards in the above subsection H;
- (2) Compliance of sidewalks and paths with Americans with Disabilities Act (ADA) design standards;
- (3) The placement of utilities and wiring underground, to the extent practical;
- (4) The placement of HVAC equipment, fans, generators, and other site-related structures and items so that they are not visible on roofs or building frontage areas, or that such

features are suitably screened from view wherever reasonably practicable and where elevation permits;

- (5) Enhanced pedestrian amenities with sidewalks providing access from internal site uses to Donald Lynch Boulevard, property adjacent sidewalks or trails, between parking areas and uses, between abutting properties, to adjacent natural assets and amenities, and to outdoor open spaces on the property or abutting the property;
- (6) All lighting proposed shall be sensitive to the night sky, utilizing Illuminating Engineering Society of North America (IESNA) guidance for any lighting design.
- (7) Submission requirements, in addition to those specified in § 270-2 of the Marlborough City Code:
 - (a) Site plan depicting proposed development, buildings, parking, vehicular, pedestrian, and bicycle circulation, and outdoor open spaces;
 - (b) Building elevations;
 - (c) Landscape plan;
 - (d) Lighting plan with photometrics; and
 - (e) Site and building signage plan.

L. Standards for roadways and drainage.

- (1) **Roadways.** Internal Donald Lynch Boulevard Overlay District roadways and site circulation shall be private ways and shall be maintained by owners/developers. Private ways within the Donald Lynch Boulevard Overlay District, to the extent feasible, shall be constructed using the methods and materials prescribed in the City of Marlborough Subdivision Regulations, but shall not be required to conform to the dimensional requirements thereof, provided that those private ways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners. The design of private ways and parking circulation shall be as efficient as possible to reduce the overall development impact and area of impervious surfaces.
- (2) **Stormwater management system.** Developments proposed in the Donald Lynch Boulevard Overlay District shall have a stormwater management system designed in accordance with the City of Marlborough Subdivision Regulations, the Department of Environmental Protection's Storm Water Handbook, and the Standards and the City's Stormwater Ordinance (Chapter 271 of the City Code), as amended. The stormwater

design shall infiltrate all stormwater on site and avoid run-off onto adjacent properties and is encouraged to integrate low impact development techniques and green infrastructure such as bioswales, rain gardens, or other surface stormwater treatment features that are integral to the function of the site’s stormwater management and highlighted as a landscape feature.

M. Amendments.

- (1) After approval, the owner/developer may seek modifications to any approved special permits or site plan approvals.
- (2) Minor amendments to a special permit and major or minor amendments to a site plan approval may be made by a super majority (2/3) vote of the City Council or by the Building Commissioner administratively as to site plan amendments when approval was granted for a site plan approval administratively in accordance with §270-2. It shall be a finding of the Building Commissioner, not subject to dispute by the applicant, whether a requested amendment is deemed to be a major amendment or a minor one. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce more than a material increase in impact on City services, the environment or the surrounding neighborhood.
- (3) If it is determined that revisions to a special permit are not minor, per § 650-59 of the Zoning Ordinance, an application for a revised special permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Subsection C(3) of § 650-59.

II. The Zoning Map described in § 650-8 is amended as shown on the accompanying Map (Exhibit “A”). The newly established Donald Lynch Boulevard Overlay District shall include all properties as shown in highlighted format on the Map as existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors’ Map and Parcel Number):

Map and Parcel Number
13-2
13-4
13-4A
13-5
13-5A
13-6
13-7
13-8
25-1
25-4
25-4A
25-5

26-1
26-1A
26-7
26-8
26-9
26-20
26-21A
26-21B
26-22
26-23
26-24
26-25
26-26
26-29
26-30
26-31
26-32
38-1B
38-1C
38-2
38-3
38-4
38-5
38-6
38-7
39-29A
50-1
50-2
50-3A
50-3B
50-3C
50-3D
50-3E
50-4A
50-4B
50-4C
50-7
50-7B
50-8
50-9
51-5

DRAFT

TABLE EDITED FOR DLB VISION PROCESS - ALL ZONING DISTRICTS ARE NOT SHOWN. THE OVERLAY IS INCLUDED FOR COMPARISON BUT WOULD NOT BE ADDED TO THE TABLE OF USE REGULATIONS

ZONING

650 Attachment 1

City of Marlborough

Table of Use Regulations
 (§ 650-17)

[Amended 5-9-2005 by Ord. No. 05-100713C; 11-23-2009 by Ord. No. 09-1002277F; 3-11-2013 by Ord. No. 12/13-1005235B; 10-7-2013 by Ord. No. 13-1005481D; 2-10-2014 by Ord. No. 13/14-1005578C; 4-28-2014 by Ord. No. 14-1005693C; 8-14-2014 by Ord. No. 12/13/14 1005247I; 12-1-2014 by Ord. No. 14-1005947C; 11-28-2016 by Ord. No. 16-1006631D; 10-16-2017 by Ord. No. 17-1006980B; 11-27-2017 by Ord. No. 17-1007002C; 4-2-2018 by Ord. No. 18-1007163-1C; 5-21-2018 by Ord. No. 18-1007163-2D; 9-10-2018 by Ord. No. 18-1007311C; 11-19-2018 by Ord. No. 18-1007337E; 12-16-2019 by Ord. No. 19-1007716E; 5-18-2020 by Ord. No. 20-1007915D; 6-22-2020 by Ord. No. 20-1007947H]

KEY:

All uses noted with "Y" are allowed as of right, subject to any referenced conditions.

All uses noted with "SP" are allowed by special permit, subject to any referenced conditions.

All uses noted with "N" are not permitted.

	Zoning District Abbreviations	
	Existing Zones	Proposed Overlay
	LI	Donald Lynch Boulevard
Residential Use		
Single-family	N	N
Single-family, attached (1)*	N	N
Conversion of detached one-family to a two-family (2)	N	N
Two-family homes	N	N
Conversion of a two-family dwelling to a three (3)	N	N
Multifamily dwelling (4) (42)	N	SP
Comprehensive developments (§ 650-27)	Y	Y
Boarding and lodging homes	N	N
Tourist home\bed-and-breakfast	N	N
Open space development (§ 650-28)	N	N
Trailer mobile homes (5)	SP	SP
Retirement Community Overlay (§ 650-22)	SP	SP
Residential accessory uses (6)	Y	SP
Customary home occupations (7)	Y	SP

* (Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for use as noted in the Table of Uses.)

DRAFT FOR REVIEW
MARLBOROUGH CODE

	Zoning District Abbreviations	
	Existing Zones	Proposed Zone
	LI	Donald Lynch Boulevard
Yard sales, charitable sales bazaars (8)	Y	SP
Two residential structures on a lot less than 80,000 square feet (9)	N	N
Artist studio/live/work gallery space	N	SP
Recording studio/live/work space	N	SP
Assisted living facilities (44)	N	N
Business Uses		
Convert buildings to office, bank, insurance use (18)	N	SP
Commercial kennels and animal hospitals	N	N
Veterinary hospital	N	N
Commercial kennels	N	N
Riding academy	N	N
Retail sales and services <75,000 square feet gross floor area (19) (43)	SP	SP
Retail sales and services >75,000 square feet gross floor area (19) (43)	SP	SP
Offices, banks, insurance and financial institutions	Y	Y
Schools, for business, trade, music, dance, and television\or radio broadcasting studios (but not including towers)	N	SP
Commercial radio and television towers and wireless communications facilities (20)	SP	SP
Health, sports and fitness clubs (indoor and/or outdoor)	-	SP
Hotels (41)	SP	SP
Hotels <100 rooms	-	SP
Hotels with conference facilities and commercial uses (21)	SP	SP
Residential conference and training center with food and recreation services (22)	Y	Y
Recreation center (23)	SP	SP
Recreation and entertainment, indoor	-	SP
Private clubs, nonprofit	N	SP
Clubs (24)	N	SP
Self-service laundry	N	SP

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MARLBOROUGH CODE

	Zoning District Abbreviations	
	Existing Zones	Proposed Zone
	LI	Donald Lynch Boulevard
Medical office/clinic	N	Y
Dental clinics	N	SP
Consumer service establishments	N	SP
Salesroom	N	N
Wholesale office or showroom	N	N
Wholesale sale and warehousing	N	N
Commercial greenhouse	Y	Y
Motels	SP	SP
Mixed use development (42)	N	SP
Brew pubs	Y	Y
Copy shops, newspaper offices	N	SP
Place of repair for cars, boats, trucks and farm equipment (25)	N	N
Places of assembly	N	N
Outdoor recreation uses	SP	SP
Outdoor storage (26)	SP	N
Car parking lots, garages (27)	N	N
Gasoline filling stations (28)	N	N
Auto service facilities for minor repairs, changing tires and lubrication (28)	N	N
Auto sales and service (25)	N	N
Car wash (28)	N	N
Open air markets (29)	N	SP
Shopping malls	SP	SP
Soil removal (30)	Y	SP
Accessory uses	Y	Y
Funeral homes, parlors and mortuaries	N	N
Public, private or commercial recreation establishments, recreation grounds or places of amusement	SP	SP
Restaurant, cafe	SP	Y
Restaurant with drive-in or drive-thru facilities (31)	N	SP
Restaurants serving food outdoors (31)	SP	SP

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MARLBOROUGH CODE

	Zoning District Abbreviations	
	Existing Zones	Proposed Zone
	LI	Donald Lynch Boulevard
Restaurants for employee use	Y	Y
Drive-thru facilities	N	SP
Adult bookstore (32)	N	N
Adult video store (32)	N	N
Adult paraphernalia store (32)	N	N
Adult movie theatre (32)	N	N
Adult live entertainment establishment (32)	N	N
Tattoo and body piercing parlors and shops (32)	N	N
Narcotic detoxification and/or maintenance facility	SP	SP
Medical marijuana treatment center (45)	SP	SP
Adult use marijuana retail; marijuana accessories retail (46)	SP	SP
Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter (47)	SP	SP
Winery, brewery, or distillery with tasting room	Y	Y
Contractor's yard (48)	SP	N
Landscape contractor's yard (48)	SP	N
Agriculture, Public, and Institutional Use		
Agriculture, horticulture or floriculture >5 acres (10)	Y	SP
Forest, woodlots, portable, woodworking mills (11)	N	N
Livestock farms > 10 acres (12)	N	N
Farms and poultry farms (13)	N	N
Cemeteries	N	N
Hospitals and sanitarium	N	N
Correctional institutions	N	N
Golf courses, country clubs and beaches (14)	N	N
Charitable and philanthropic buildings	N	N
Churches and religious buildings (15)	Y	Y

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MARLBOROUGH CODE

	Zoning District Abbreviations	
	Existing Zones	Proposed Zone
	LI	Donald Lynch Boulevard
Public recreation and conservation	N	Y
Day camps	N	N
Public, private and religious schools, museums, libraries, parks, recreation facilities, buildings and playgrounds	Y	Y
Child-care centers (16)	Y	Y
Public utilities, not including storage yards or repair shops	Y	Y
Public buildings (17)	Y	Y
Water towers, reservoirs	Y	Y
Floodplain and Wetland Protection District (§ 650-23)	Y	Y
Water Supply Protection District (§ 650-24)	Y	Y
Convalescent and nursing homes	N	N
Chicken hens, personal use (6 or fewer) (49)	N	N
Chicken hens, personal use (between 7 and 12) (49)	N	N
Industrial Uses		
Airports and heliports	Y	SP
Newspaper printing and publishing, job printing	Y	Y
Manufacturing where the majority of items are sold on premises to the consumer	N	SP
Transportation terminal and freight depots	SP	SP
Food processing plants	N	N
Research, experimental labs (33)	Y	Y
Bakery (nonretail)	N	N
Light non-nuisance manufacturing	Y	Y
Light manufacturing, using portable electric machinery (34)	N	SP
Light manufacturing incidental to research	Y	Y
Associated/accessory research uses (35)	SP	SP
Manufacturing and/or warehousing (36)	Y	SP
Manufacturing or warehouse (37)	N	N

DRAFT FOR REVIEW
MARLBOROUGH CODE

	Zoning District Abbreviations	
	Existing Zones	Proposed Zone
	LI	Donald Lynch Boulevard
Retail sales accessory to manufacturing (38)	N	SP
Recreation center, indoor and outdoor	SP	SP
Power laundries	N	N
Dry cleaning	N	SP
Dye works	N	N
Packaging or bottling plants	N	N
Electric power substation for changing bulk power to distribution voltage	SP	SP
Accessory uses and service buildings (39)	Y	Y
Large tract development (40)	N	N
Data storage/ telecommunications facilities	Y	SP
Self-service storage facility	N	N
Coffee roastery	SP	SP

EXCERPTED CONDITIONS LISTED BELOW FOR USES WITH NOTES THAT ARE IMPACTED BY CHANGES (NO CHANGES TO THE CONDITIONS ARE RECOMMENDED)

§ 650-18 Conditions for uses.

A. Conditions for use as noted in the Table of Uses

(4) Multifamily dwelling. One structure or multiple structures consisting of a multifamily dwelling containing three or more dwelling units on a single lot, provided that the lot meets all the requirements of Article VII and, in addition, has a landscaped area meeting all the requirements of § 650-18A(9)(e). The above provision shall not apply to mixed use or multifamily developments within the Marlborough Village District. [Amended 12-1-2014 by Ord. No. 14-1005947C; 12-16-2019 by Ord. No. 19-1007716E]

(18) Buildings converted to offices, banks, insurance and financial institutions. Buildings converted to offices, banks, insurance and financial institutions, provided that the exterior character of the building shall not be altered.

(26) Outdoor storage. Outdoor storage, but not an auto junkyard, may be permitted in the Business, Commercial Automotive, and Industrial Districts if it is accessory to one of the permitted uses in the zoning district in which the main building and lot is located. Outdoor storage is allowed as an accessory use in a Limited Industrial District only for light non-nuisance manufacturing and assembly of specialized vehicles for use by municipal, state and other public agencies. Further, the outside storage must be adequately screened from the street and adjacent properties to obscure the materials stored therein. [Amended 5-9-2005 by Ord. No. 05-100713C]

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MARLBOROUGH CODE

(31) Restaurants and cafes.

(a) Restaurants and cafes serving food outdoors, including drive-in facilities.

[1] Outdoor dining areas shall not be located in parking or landscaped areas required by Article VII.

[2] Outdoor dining areas shall be screened from any abutting lot residentially zoned or used by a solid fence at least six feet high.

[3] Any raised structure (such as a deck) on which the outdoor dining occurs shall comply with the building setback requirements of this chapter.

[4] Any at-grade area on which the outdoor dining occurs shall be located no closer to the lot line than would otherwise be allowed of exterior parking areas.

[5] Service of alcoholic beverages out of doors shall require a separate license from the License Commission and any appropriate state approval.

[6] Within the Marlborough Village District, a special permit may be granted to allow for rooftop, sidewalk, or other outdoor restaurant seating that varies the provisions of this section.

[Added 12-1-2014 by Ord. No. 14-1005947C]

(b) Restaurants and cafes for employee use. Service buildings, built and maintained by one or more of the permitted uses, containing either or all of the following uses: restaurant, drugstore, bank or other similar services primarily for the use of employees of the permitted uses, are allowed in Limited Industrial and Industrial Districts.

(36) Manufacturing or warehousing. Manufacturing and/or warehousing of footwear, precision instruments, tool and die, dental, medical and optical equipment, electrical or electronic instruments, biomedical or biotechnology products, subject to the provisions governing biomedical research in Subsection A(33) above, provided truck loading and parking areas are effectively screened from abutting office and residential use. Oil or asphalt manufacturing is prohibited.

(42) Mixed-use development, including multifamily residential uses, shall not be subject to special permit provisions for multifamily uses. In the Wayside District, multifamily dwelling shall be allowed only as part of a mixed-use development. Mixed-use development may include vertically mixed uses in a single building or horizontally mixed uses in which multiple buildings create the mix of uses on a single parcel. Each individual building may include a single use with multiple uses occurring next to each other and within multiple buildings on the single parcel. [Added 12-1-2014 by Ord. No. 14-1005947C; amended 12-16-2019 by Ord. No. 19-1007716E]

51-6
51-7

III. The effective date of these amendments shall be the date of their passage.

ADOPTED

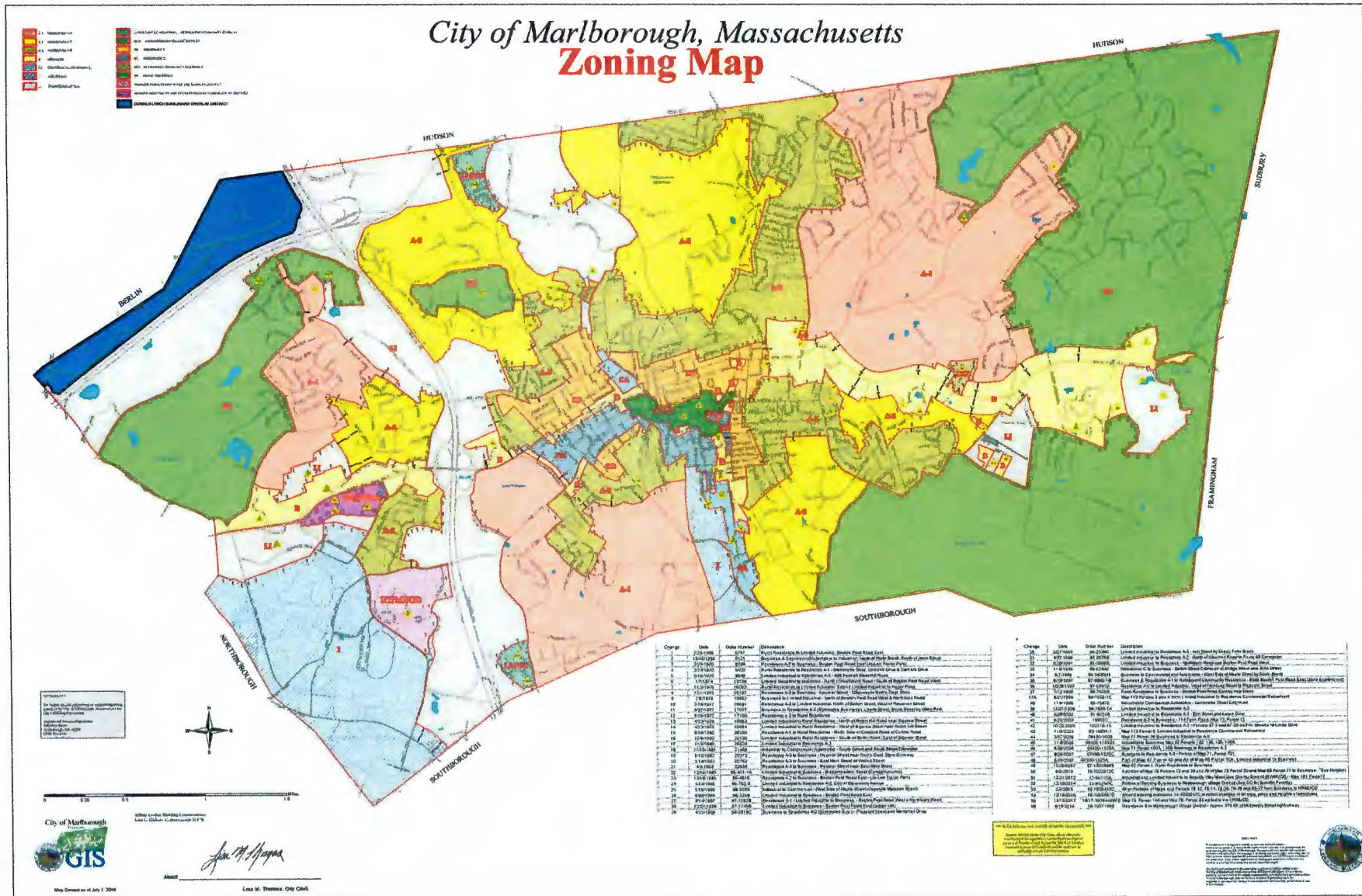
In City Council
Order No **XX**-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

DRAFT

Exhibit "A" - Amended Zoning Map





City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR
2023 APR 20 AM 11:25

Patricia M. Bernard
CHIEF OF STAFF

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Meredith Roberts
INTERIM
EXECUTIVE ADMINISTRATOR

April 20, 2023

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

Re: Reappointment to the Community Development Authority

Honorable President Ossing and Councilors:

I am pleased to submit the reappointment of Stephanie Ferrecchia for a three-year term to expire on March 9, 2026, subject to City Council confirmation.

I'd like to take this opportunity to thank Ms. Ferrecchia her continued dedication and service to the Marlborough Community Development Authority. Ms. Ferrecchia offers decades of local real estate and property experience and knowledge as the owner of Dora Naves Real Estate.

Please let me know if you have any questions.

Thank you in advance for your cooperation.

Sincerely,


Arthur G. Vigeant
Mayor



City of Marlborough
Office of the Mayor

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Meredith Roberts
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EXECUTIVE ADMINISTRATOR

April 20, 2023

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

Re: Re-appointment of Joseph Tennyson, MD to the Board of Health

Honorable President Ossing and Councilors:

I am pleased to submit the reappointment of Joseph Tennyson, MD for a three-year term to expire on February 2, 2026, subject to City Council confirmation.

I'd like to take this opportunity to thank Dr. Tennyson for his dedication and service the last six plus years especially during the pandemic. His support was instrumental, and he continues to provide his knowledge with the latest health advancements, regulations, and best practices. He is a tremendous asset to our Board of Health, and we are fortunate to have his time and expertise.

Please let me know if you have any questions.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Office of the Mayor

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April 20, 2023

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

Re: Reappointment of Debra McManus to the Commission on Disabilities

Honorable President Ossing and Councilors:

I am pleased to submit the reappointment of Debra McManus for a three-year term to expire on October 21, 2025, subject to City Council confirmation.

Ms. McManus has been serving on the Disabilities Commission for 33 years providing residents, employers and employees of the City timely information and referral services for those in need. She's a constant and helpful source for those who have concerns and/or are new to experiencing a disability for themselves or a family member.

I'd like to take this opportunity to thank Ms. McManus for her longstanding commitment.

Please let me know if you have any questions.

Thank you in advance for your cooperation.

Sincerely,


Arthur G. Vigeant
Mayor



City of Marlborough
Office of the Mayor

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www.marlborough-ma.gov

April 20, 2023

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

Re: Reappointment of Linda Clark to the Board of Registrars

Honorable President Ossing and Councilors:

I am pleased to submit the reappointment of Linda Clark for a three-year term to expire on April 1, 2026, subject to City Council confirmation.

I'd like to take this opportunity to thank Ms. Clark for her over 12 years of civic dedication and service to the Marlborough Board of Registrars. She is a registered and unaffiliated voter and a valuable contributor, providing balance and expertise to this important board.

Please let me know if you have any questions.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Office of the Mayor

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Arthur G. Vigeant
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www.marlborough-ma.gov

Meredith Roberts
INTERIM
EXECUTIVE ADMINISTRATOR

April 20, 2023

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

Re: Reappointments to Conservation Commission

Honorable President Ossing and Councilors:

I am pleased to submit the reappointments of John Skarin and Karin Paquin each for a three-year term to expire on March 7, and subsequently May 5, 2026, subject to City Council confirmation.

I'd like to take this opportunity to thank both John Skarin and Karin Paquin for their longstanding service and commitment to preserving open space in our community.

Please let me know if you have any questions.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Office of the Mayor

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CITY OF MARLBOROUGH
2023 APR 20 AM 11:25

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
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140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

April 20, 2023

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

Re: Rescinding of Bond – Goodnow Brothers Elementary School

Honorable President Ossing and Councilors:

Please find enclosed for your review an order to rescind \$8,983,087.00 million that is no longer available to be bonded, and the original appropriation detailing the use.

Rescinding this bond will help maintain our financial position by lowering the amount of debt authorized and outstanding. The City's outstanding debt level is one factor that rating agencies review when determining the City's rating on new issuances.

I would like to take this opportunity to thank the City's financial team and their dedication in securing advantageous interest rates which results in significant savings for our taxpayers.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



CITY OF MARLBOROUGH
Office of the City Auditor
140 Main St.
Marlborough, MA 01752

April 12, 2023

Mayor Arthur G. Vigeant
City Hall
140 Main Street
Marlborough, MA 01752

RE: Rescinding of Bond

I respectfully request that the City rescind the attached bond totaling \$8,983,087.00. This amount is no longer available to be bonded for the intended project. The project came in under budget so the City did not need to borrow as much as originally anticipated. The rescinding of the bonds will strengthen the City's position financially by lowering the amount of debt authorized and outstanding.

Please contact me if you should have any further questions regarding this information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Diane Smith", is written over the word "Sincerely,".

Diane Smith, CGA
City Auditor

ORDERED:

That the City Council of the City of Marlborough hereby rescind a previously authorized but unissued amount of the following described loan order which is henceforth of no further force or effect:

The \$8,983,087 balance of the \$56,418,338 authorized to be borrowed for the construction of a new K-5 elementary school, duly adopted by order of this Council and approved by the Mayor on May 1, 2018.

ADOPTED:

In City Council
Order No. 23-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



IN CITY COUNCIL

Marlborough, Mass., _____ APRIL 23, 2018

ORDERED:

K-5 ELEMENTARY SCHOOL BOND

That the City of Marlborough, Massachusetts (the "City") appropriate the amount of Fifty-Six Million, Four Hundred Eighteen Thousand, Three Hundred and Thirty-Eight Dollars (\$56,418,338) for the purpose of paying the cost of (i) the construction of a proposed new K-5 Elementary School, including parking lots for such facility, to be constructed in the City on the site of an existing athletic field located on a portion of land on Poirier Drive, which land is owned by the City and known and numbered on the Assessors Map of the City as Map 30, Parcel 12, (ii) the reconstruction of Poirier Drive, which is a public way that will provide access to the school, and (iii) the renovation of athletic fields located on Poirier Drive adjacent to the school, including the payment of all costs incidental or related thereto (collectively, the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee. To meet this appropriation, the Comptroller/Treasurer is authorized to borrow said amount under M.G.L. Chapter 44, as amended and supplemented, or pursuant to any other enabling authority and to issue bonds or notes of the City therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the proposed Project shall not exceed the lesser of (1) sixty-seven and seventy-one hundredths percent (67.71%) of eligible approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that, if invited to collaborate with the MSBA on said Project, the amount of borrowing which is authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA.

Be and is herewith **APPROVED**.

Yea: 8 – Nay: 2 – Absent: 1

Yea: Delano, Doucette, Dumais, Irish, Juair, Oram, Ossing & Robey.

Nay: Tunner & Landers.

Absent: Clancy.

ADOPTED
In City Council
Order No. 18-1007178C

Approved by Mayor
Arthur G. Vigeant
Date: May 1, 2018

A TRUE COPY
ATTEST:

John M. Spina
City Clerk



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 APR 20 AM 11:26

City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
CHIEF OF STAFF

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Meredith Roberts
INTERIM
EXECUTIVE ADMINISTRATOR

April 20, 2023

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

Re: Tax Increment Financing Agreement – ModernaTX, Inc.

Honorable President Ossing and Councilors:

Please find the enclosed for your review a tax-increment financing (TIF) agreement with ModernaTX, Inc. Moderna, a biotech company currently based in Cambridge, Massachusetts with plans to purchase 149 Hayes Memorial Drive, a 24-acre parcel of land combined with a new 140,000 square feet empty bio manufacturing facility to house manufacturing and office space.

Moderna will create and maintain a minimum of 200 permanent, full-time jobs available to qualified Marlborough residents at this facility. Moderna has plans to add 60,000 square feet to maximum build out with a total capital investment estimated at \$322,200,000 combined soft and real property costs. Additionally, they are applying for Certified Project status from the Economic Assistance Coordinating Council for a local only application.

Moderna, a leader in biotechnology and recognized for its COVID-19 vaccine, is creating a new generation of transformative medicines for patients and currently employs 3,900 across the globe. Moderna currently has 48 mRNA (*Messenger RNA is a type of single-stranded RNA involved in protein synthesis*) programs in their pipeline. In 2022, their platform technology delivered the world's first-ever mRNA cancer treatment to show efficacy in a randomized Phase 2 study and they continue to develop individualized treatment and therapy for disease.

In addition to its success in biotechnology, Moderna, a distinguished employer, has earned the following accolades:

- 2021 & 2022 TIME100 recognized as the Most Influential Companies
- 2022 Ranked #1 in large employer category in BioSpace's Best Places to Work
- 2021 Ranked #1 Fast Company's Best Workplaces for Innovators

- 2021 Ranked #1 among Fortune's Change the World Vaccine Makers
- 2021 PM360 Pharma Company of the Year (*premier magazine for marketing decision makers in the pharmaceutical, biotech, and medical device industries*)

Due to its commitment to the life sciences industry, Marlborough is rated a Platinum BioReady™ Community by the Massachusetts Biotechnology Council (MassBio). This puts the city among the most favorable biotech destinations in the state. This investment equates to new job opportunities in our community and additional tax revenue ensuring the tax burden does not fall solely on our residents.

All active TIF agreements are monitored and tracked by the MEDC on a continual basis to ensure job numbers and other commitments surrounding annual reporting and investment are being met.

Enclosed for your review are the following: 1) preliminary application from the Commonwealth of Mass; 2) intent to apply; 3) resolution; and 4) the TIF agreement.

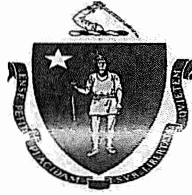
I look forward to discussing with you further. Please do not hesitate to contact me with any questions.

Sincerely,



Arthur G. Vigeant
Mayor

Enclosures



COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

**Economic Development Incentive Program (EDIP)
LOCAL INCENTIVE-ONLY APPLICATION**

A complete application with all required attachments must be submitted in electronic form to your MOBD Regional Director by 5:00 P.M. on the application deadline date. **Applications that are incomplete or submitted after the deadline will not be considered at the scheduled EACC meeting, without exception.**

For assistance with this application please work with your MOBD Regional Director and local municipal official. Refer to 402CMR 2.00

PART I. COMPANY OVERVIEW					
1. COMPANY INFORMATION					
Company Name:	ModernaTX, Inc. (Alternatively "Moderna" or the "Company")				
Project Location Address:	Street Address:	149 Hayes Memorial Drive			
	City:	Marlborough	Massachusetts	Zip Code:	01752
FEIN # (Federal Employer Identification Number)	#27-0226313				
DUA # (Dept. of Unemployment Assistance Number)	#10035825				

2. COMPANY CONTACT					
Executive Officer/ Company Designee:	Full Name:	Stephane Bancel		Title:	Chief Executive Officer
Contact (if different from above)	Full Name:	Jed Larkin		Title:	Senior Vice President of Tax
Contact Address:	Street Address:	1 Hampshire Street			
	City:	Cambridge	State:	Massachusetts	Zip Code: 02139
Telephone Number:	(671) 803-7627				
Email Address:	jed.larkin@modernatx.com				

3. COMPANY DESCRIPTION & HISTORY
Please provide a description of the proposed expansion project. Additionally, please explain why the local incentives are necessary for this project to move forward.
Founded in 2010 and headquartered in Cambridge, Massachusetts, ModernaTX, Inc. ("Moderna" or "we" or "the

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MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

Company") is a biotechnology company pioneering RNA (mRNA) therapeutics and vaccines. mRNA medicines are designed to direct the body's cells to produce intracellular, membrane, or secreted proteins that have a therapeutic or preventive benefit with the potential to address a broad spectrum of diseases. Our platform builds on continuous advances in basic and applied mRNA science, delivery technology, and manufacturing, providing us the capability to pursue in parallel a robust pipeline of new development candidates. We are developing therapeutics and vaccines for infectious diseases, immuno-oncology, rare diseases, autoimmune and cardiovascular diseases, independently and with strategic collaborators. As of January 2023, Moderna's pipeline is composed of 48 programs in development, including 36 in clinical trials across 7 modalities. We as a company care deeply about our patients, employees, the environment, and our communities. We recognize that we have an opportunity to change medicine for all and will continue to make corporate responsibility a critical part of who we are and what we do. While we want to build the most impactful drug company in the world, we want to do it with a sense of purpose. That means being a great company for employees, as exemplified by our eighth consecutive year ranked as a best company to work for by Science and our recognition as the #1 employer in BioSpace's Best Places to Work in Biopharma report for the second consecutive year. In April 2022, we launched the Moderna Charitable Foundation, which focuses on advancing scientific education and innovation, supporting local and global communities impacted by COVID-19, promoting public health and access to healthcare, and advocating for inclusion and diversity. This is another way we are extending Moderna's societal impact, particularly in underserved populations. During 2022, grants to organizations working within Massachusetts exceeded \$2.5 Million, including: Heading Home; Year Up; Boston Medical Center's Good Grief Program; Community Servings; Brigham and Women's Hospital; Boston Community Pediatrics; the UMass Medical School Foundation; the MassBIO Education Foundation; Family Services of the Merrimack Valley; Circle of Hope, and others. Moderna actively engages in the communities where we have operations. In Norwood, as an example, we are involved with STEM programs, internships, college co-op programs and local job fairs. Moderna also supports the Norwood 150th Anniversary and the Neponset River Chamber of Commerce. We are committed to a wide range of non-profits throughout the Commonwealth, including our partnership with Project Onramp to encourage underserved students to start careers in the life sciences. We encourage volunteerism among our employees by providing paid time off for volunteering. This is representative of our dedication and commitment to the local community, and we will look to build upon these types of endorsements to the City of Marlborough. As Moderna continues to grow, we are committed to doing the right thing in the right way for patients. One example is the company's global public health strategy which includes its patent pledge to never enforce COVID-19 patents in the Gavi COVAX AMC for 92 low- and middle-income countries as part of the Company's continued support for achieving global health equity. The Company also committed to address priority pathogens by expanding its global public health portfolio to 15 vaccine programs targeting emerging or neglected infectious diseases by 2025 which has a significant impact to low- and middle-income countries. We believe this is the right thing to do to continue to contribute to society for ultra-rare diseases where our mRNA platform can help. Moderna also invested significantly to ensure that we were able to meet demand from low- and middle-income countries for the supply of our COVID-19 vaccine, and we have committed to providing these countries with vaccines at our lowest price. We have also entered into a framework agreement to supply up to 100 million doses to Gavi/COVAX in 2023. Additionally, Moderna announced that we will build a state-of-the-art mRNA facility in Kenya, in part to ensure future access to mRNA vaccines in future pandemics. Finally, we announced the launch of the Moderna Fellowship Program to support the next generation of scientists and healthcare professionals as they innovate in the field of mRNA research towards improving patient care and population health. As the Company continues to scale, we will embed corporate responsibility into our DNA and culture. We will continue to be an active contributor to the communities where we live and work.

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 ECONOMIC ASSISTANCE COORDINATING COUNCIL
 MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

PART II. ECONOMIC DEVELOPMENT PROJECT

1. NATURE & PURPOSE OF PROPOSED PROJECT

Please provide a description of the proposed expansion project. Please be sure to include reason for expansion/relocation, scope of project overall (ex. capital improvements to property, project timeline, square footage, misc. enhancements, etc.)

The proposed project would look to build out the existing Core and Shell of 149 Hayes Memorial Drive. This facility is anticipated to be a mRNA manufacturing facility with Process Equipment including, but not limited to, a full Manufacturing Clean Room Environment, QC Laboratories, Just-in-Time Satellite Warehouse, Offices for Manufacturing and engineering personnel, and small food service area to support the facility. No additional expansion of the current building footprint is expected at this time.

2. PROJECT TIMELINE

(a) Please indicate the date a Letter of Intent was sent to the municipality and cc: MOBD Regional Director:	(b) Date the applicant expects to begin the project:	(c) Date the applicant expects to complete the project:	(d) Date the applicant expects to open the facility:
03/30/2023	04/27/2023	06/30/2024	09/01/2024

Additional Information (if necessary) on Project Timeline:

3. PRIVATE INVESTMENT

Total Projected Private Investment: \$250,000,000

Additional Information (if necessary) on Investment:

4. MASSACHUSETTS EMPLOYMENT

(a) Is the applicant new to Massachusetts? Yes No

(i) If no, where are the existing Massachusetts facilities? Cambridge, Norwood, Burlington

(b) Will the proposed economic development project require and/or trigger the closing or consolidation of any Massachusetts facilities or the elimination of any other jobs currently in Massachusetts? If yes, please give location of facility and explain. Yes No

If yes, please explain:

Additional Information (if necessary) on Investment:

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 MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

5. EMPLOYMENT & JOB CREATION

(A) MODERNATX, INC. (ALTERNATIVELY "MODERNA" OR THE "COMPANY") EXISTING EMPLOYMENT AT PROJECT LOCATION

Please indicate the number of Permanent Full-Time Jobs to be created in total and by year. If job creation timeline exceeds five years, please complete the "Extended Job Creation Schedule" and attach as an addendum.

(i) Permanent Full-Time Employment at Project Location at Date of Application:	(ii) Permanent Full-Time Employees to be Transferred from other Massachusetts Site to Project Location:	(iii) Total Permanent Full-Time Existing Jobs to be Retained at Project Location (sum of questions 5 (a) i. & ii.):
0	0	0

Notes (if necessary) on Current Project Location Employment

(B) MODERNATX, INC. (ALTERNATIVELY "MODERNA" OR THE "COMPANY") JOB CREATION SCHEDULE AT PROJECT LOCATION

Permanent Full-Time Jobs to be Created (net new to facility and Massachusetts):	
2024	200
2025	50
2026	100
2028	50
2029	0
2029	0

6. FACILITY

(a) Will the applicant own or lease/rent the facility where the business expansion/relocation will occur?	Lease <input type="checkbox"/> Own <input checked="" type="checkbox"/> Rent <input type="checkbox"/>
(i) If leasing/renting, identify the developer/landlord and state who will be the taxpayer of record for purpose of paying local real estate taxes?	
(c) Does the applicant intend to utilize the Commonwealth's Abandoned Building Deduction? Please note: To be eligible for the deduction the building the applicant plans to inhabit must have been at least 75% vacant or unused for 24 months or more.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, name vacancy percentage and duration: % Vacant for months

COMMONWEALTH OF MASSACHUSETTS
 ECONOMIC ASSISTANCE COORDINATING COUNCIL
 MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

PART III. LOCAL INCENTIVE AGREEMENT INFORMATION

Please work with the local municipality and your MOBD Regional Director in completing the below section.

1. MUNICIPAL CONTACT

Municipal Contact:	Full Name:	Meredith Harris	Title:	Executive Director		
Contact Address:	Street Address:	91 Main Street, Suite 204				
	City:	Marlborough	State:	Massachusetts	Zip Code:	01752
Telephone Number:	(508) 229-2010					
Email Address:	mharris@marlboroughedc.com					

2. LOCAL INCENTIVE AGREEMENT

(a) Type of Local Incentive:	<input checked="" type="checkbox"/> Tax Increment Financing (TIF) <input type="checkbox"/> Special Tax Assessment (STA) <input type="checkbox"/> Other
Value (if Other):	
Detail from where the amount is (if Other):	
i) Duration of Local Incentive:	20
ii) Exemption Schedule of Local Incentive:	100-100-100-100-90-90-80-80-70-70-60-60-50-40-30-30-20-20-10-5
iii) Start & Expiration Date of Local Incentive: If Agreement commences upon certificate of occupancy please check box:	Start Date: 07/01/2023 Expiration Date: 06/30/2043 <input type="checkbox"/> Local Incentive Agreement commences upon certificate of occupancy and the dates represent best projections of the start & expiration of the local incentive based on the project timeline.
iv) Date Municipality Approved Local Tax Incentive or Date of Scheduled Vote:	Date Municipality Approved Local Tax Incentive: Date of Scheduled Vote: <input checked="" type="checkbox"/> N/A

COMMONWEALTH OF MASSACHUSETTS
 ECONOMIC ASSISTANCE COORDINATING COUNCIL
 MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

(b) Attachment A: Local Incentive Agreement Please attach a signed copy of the TIF, STA, or other municipal incentive agreement.	Attached <input checked="" type="checkbox"/>
	Not Completed <input type="checkbox"/>
	N/A <input type="checkbox"/>
(c) Attachment B: Municipal Vote by Authoritative Body Approving Incentive Please attach a copy of the vote approving the local incentive.	Attached <input type="checkbox"/>
	Not Completed <input checked="" type="checkbox"/>
	N/A <input type="checkbox"/>
(d) Exhibit 1: Local Incentive Valuation Please complete the attached exhibit detailing the estimated property tax exemption over the life of the agreement. https://www.mass.gov/doc/exhibit-1-local-incentive-valuation-local-incentive-only/download	Attached <input checked="" type="checkbox"/>
	Not Completed <input type="checkbox"/>
	N/A <input type="checkbox"/>

PART IV. LABOR AFFIRMATION & DISCLOSURES

1. CERTIFICATION OF STATE & FEDERAL EMPLOYMENT LAWS

As an applicant requesting Certified Project approval, ModernaTX, Inc., affirms that this business will not unlawfully misclassify workers as self-employed or as independent contractors, and certifies compliance with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.

As an applicant requesting Certified Project approval, ModernaTX, Inc., affirms that this business will not knowingly employ developers, subcontractors, or other third parties that unlawfully misclassify workers as self-employed or as independent contractors, or that fail to comply with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.

2. COMPANY DISCLOSURE

Within the past five years, has the applicant or any of its officers, directors, employees, agents, or subcontractors of which the applicant has knowledge, been the subject of (if yes, please provide details):

(a) an indictment, judgment, conviction, or grant of immunity, including pending actions, for any business-related conduct constituting a crime under state or federal law;	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details:
(b) a government suspension or debarment, rejection of any bid or disapproval of any proposed contract subcontract, including pending actions, for lack of responsibility, denial or revocation of prequalification or a voluntary exclusion agreement; or	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details:
(c) any governmental determination of a violation of any public works law or regulation, or labor law or regulation or any OSHA violation deemed "serious or willful?"	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details:

COMMONWEALTH OF MASSACHUSETTS
 ECONOMIC ASSISTANCE COORDINATING COUNCIL
 MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

V. AUTHORIZATION & CERTIFICATIONS

1. CERTIFICATE OF GOOD STANDING

Provide proof of good tax standing in the Commonwealth of Massachusetts via a Massachusetts Department of Revenue Certificate of Good Standing for each of the businesses intending to take advantage of the state tax incentives.
 *Applications will not be reviewed by the Economic Assistance Coordinating Council until a Certificate of Good Standing has been received.
 To obtain a Certificate of Good Standing visit: <https://www.mass.gov/how-to/request-a-certificate-of-good-standing-tax-compliance-or-a-corporate-tax-lien-waiver>

Attached

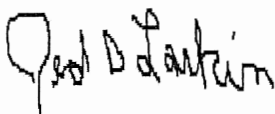
Date of DOR Application for Certificate of Good Standing:

2. APPLICATION AUTHORIZATION, CERTIFICATION & ACKNOWLEDGEMENT

I/We, Jed Larkin, SVP Tax, of the applicant business applying for "Certified Local Incentive Only Project" status from the Commonwealth of Massachusetts, Economic Assistance Coordinating Council hereby certify that I/we have been authorized to file this application and to provide the information within and accompanying this application and that the information provided herein is true and complete and that it reflects the applicant's intentions for investment, job creation and sales to the best of my/our knowledge after having conducted reasonable inquiry. I/We understand that the information provided with this application will be relied upon by the Commonwealth in deciding whether to approve "Certified Local Incentive Only Project" status and that the Commonwealth reserves the right to take action against the applicant or any other beneficiary of the Certified Local Incentive Only Project if the Commonwealth discovers that the applicant intentionally provided misleading, inaccurate, or false information I/We make this certification under the pains and penalties of perjury. I/we agree to submit a Calendar Year Annual Report to the Massachusetts Office of Business Development to give updates on the progress of the project.

The signatories also hereby acknowledge that, under the Public Records law of the Commonwealth of Massachusetts, this application and all documents submitted in support thereof are public records under the provisions of Massachusetts G. L., Ch. 4, sec. 7 (26).

Signed:



Jed Larkin

Senior Vice President of Tax

04/19/2023

Name

Title

Date

3. DEPARTMENT OF UNEMPLOYMENT ASSISTANCE CONSENT FOR DISCLOSURE OF WAGE REPORTING INFORMATION

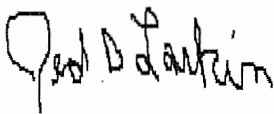
Consent for the Disclosure of Wage Reporting Information for Federal Employment Identification Number (FEIN): # 27-0226313

Division of Unemployment Assistance (DUA) Number: # 10035825

I/We, Jed D Larkin, a duly authorized representative of ModernaTX, Inc. and of all the other businesses listed in this Local Incentive Only Application (hereinafter "Employer"), hereby releases and gives authority to the Massachusetts Department of Unemployment Assistance, pursuant to G.L. c. 151A, §46(1), to provide the Economic Assistance Coordinating Council, upon its request, with the Employer's information, including but not limited to, wage reporting information, that is (a) necessary to verify the amount and tax year in which the Employer claims any of the Tax Incentives awarded in the Economic Development Incentive Program or Employer's fulfillment of job creation and job retention commitments as indicated in the supplemental application and job chart, or (b) otherwise necessary to ensure the proper operation or enforcement of this Agreement or the Program.

This authorization is effective upon date of signature and will be valid until superseded by a subsequent application or revoked in writing.

Signed:



Jed Larkin

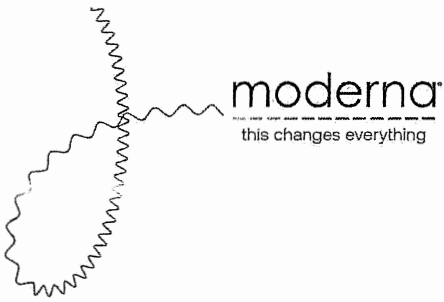
Senior Vice President of Tax

04/19/2023

Name

Title

Date



200 Tech Square, Cambridge, MA 02139

617-714-6500

617-583-1999

10-11

****CONFIDENTIAL / PROPRIETARY****

March 29, 2023

Mayor Arthur Vigean
City of Marlborough
140 Main Street, 4th Floor
Marlborough, MA 01752

RE: Intent to Apply for Massachusetts Economic Development Program (EDIP) in Marlborough

Dear Mayor Vigean,

This letter is ModernaTX, Inc.'s ("Moderna" or "the Company") letter of intent as required pursuant to the Economic Development Incentive Program (EDIP).

On March 24, 2023, representatives from the Company met with Mayor Vigean and Meredith Harris, Executive Director of the Marlborough Economic Development Corporation to discuss the EDIP Program and the various incentives available.

Founded in 2010 and headquartered in Cambridge, Massachusetts, Moderna is a leading global biotechnology company. The Company has pioneered a new class of medicines made of messenger RNA (mRNA). Moderna has advanced mRNA science to develop therapeutics and vaccines for diverse areas including infectious diseases, immune-oncology, rare diseases, cardiovascular diseases, and auto-immune diseases.

Moderna's corporate headquarters and Research and Development functions are based in Cambridge. The Company maintains its Clinical Manufacturing and Process Development operations in Norwood, MA. The Company also occupies clean room space in Burlington, MA.

To prepare for the Company's anticipated growth, Moderna has a need to expand its internal manufacturing of mRNA vaccines. As such, the Company is evaluating sites in the Marlborough area. The proposed project has an estimated investment of \$350M to \$450M (including machinery, equipment, building core and shell). The facility is estimated to employ between 200 to 250 people, including engineering, process management, maintenance, and manufacturing

technicians, and would be a 24/7 shift rotation. These would be additional jobs and not a relocation of existing roles.

Moderna is therefore requesting that you accept this letter as the formal letter of intent required under the Economic Development Incentive Program (EDIP).

Sincerely yours,

Scott C Nickerson

Scott C Nickerson (Mar 29, 2023 21:41 EDT)

Scott Nickerson
SVP Manufacturing
ModernaTX, Inc.

cc: EDIP Director
Regional Director

RESOLUTION:

WHEREAS, the City Council of the City of Marlborough desires a beneficial economic use creating jobs for local residents, expanding business within the City, and developing a healthy robust economy and stronger tax base for Map 99, Parcel 3 (including portions thereof) on the Marlborough Assessor's Map; and

WHEREAS, the City Council of the City of Marlborough intends to use tax increment financing as an economic development tool created by the Massachusetts Economic Development Incentive Program based on the ability of the City of Marlborough, in accordance with needs and community benefits of a specific project, that are reasonably proportional to the economic development incentives from State and local government and the resulting economic development benefits;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marlborough that the following activities which are necessary to pursue a Certified Project designation be authorized:

1. The City Council of the City of Marlborough hereby requests that the Massachusetts Economic Assistance Coordinating Council approve the ModernaTX, Inc. application for an EDIP Local Incentive-Only Certified Project; and further, that:
 - a. The project is consistent with the City of Marlborough's economic development objectives and is likely to increase employment opportunities for Marlborough residents;
 - b. The project will not overburden the City of Marlborough's infrastructure and utilities;
 - c. The project as described in the proposal has a strong likelihood that it will cause a significant influx or growth in business activity, will create a significant number of jobs, and will contribute significantly to the resiliency of the Marlborough economy; and
 - d. The City Council approves ModernaTX, Inc.'s request that the project be designated by the Massachusetts Economic Assistance Coordinating Council as an EDIP Local Incentive-Only Certified Project for twenty (20) years.

2. The City Council of the City of Marlborough agrees to authorize the use of tax increment financing, authorizes the Mayor to enter into a tax increment financing agreement with ModernaTX, Inc. and authorizes submission of the tax increment financing agreement (attached hereto) to the Massachusetts Economic Assistance Coordinating Council.

ADOPTED
In City Council
Order No 23-
Adopted

Approved by Mayor
Arthur G. Vigeant

Date:

A TRUE COPY
ATTEST:

**TAX INCREMENT FINANCING AGREEMENT BETWEEN
THE CITY OF MARLBOROUGH
AND
MODERNATX, INC.**

This **TAX INCREMENT FINANCING AGREEMENT** (the "**TIF Agreement**" or the "**Agreement**") is made by and between the City of Marlborough (the "**City**") and ModernaTX, Inc. (the "**Company**").

WHEREAS, the City is a Massachusetts municipal corporation acting through its City Council and Mayor, having its principal office located at City Hall, 140 Main Street, Marlborough, MA 01752; and

WHEREAS, the Company is a Delaware corporation having its principal office and its U.S. headquarters located at 200 Technology Square, Cambridge, Massachusetts 02139, is authorized to do business in Massachusetts; and

WHEREAS, the Company intends to purchase a +/- 24 acre parcel of land with building(s) at 149 Hayes Memorial Drive, Marlborough, MA 01752 as further depicted on Marlborough City Assessor's Map 99, Parcel 3 (the "**Property**") and which is shown on the map attached to this Agreement;

WHEREAS, the Company intends to invest approximately \$350 million in combined soft, real property and personal property costs (the "**Project**") in the Property, including adding an additional 60,000 square feet to the existing 140,000 square foot building (hereinafter, the Property including the building and all associated improvements, is defined as the "**Project Area**"); and

WHEREAS, beginning on the effective date of this Agreement, the Company plans to create, according to the schedule set forth herein, and maintain, over the term of the TIF Agreement, 200 permanent, full-time jobs at the Project Area open to qualified residents of Marlborough; and

WHEREAS, the parties to the Agreement are desirous of entering into a TIF Agreement which shall pertain solely to the Project Area, and which shall be in accordance with the Massachusetts Economic Development Incentive Program (EDIP) under Chapter 23A and Chapter 40 Section 59 of the Massachusetts General Laws; and

WHEREAS, the City strongly supports increased economic development to provide additional jobs for residents of Marlborough, to expand business within the City, and to develop a healthy robust economy and stronger tax base; and

WHEREAS, the Project and its related job creation will further the economic development goals of the City; and

WHEREAS, by letter dated _____ 2023, the Mayor recommended the TIF Agreement to the Marlborough City Council; and

WHEREAS, on _____ 2023, the Marlborough City Council voted to approve the TIF Agreement.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and contingent upon receipt of authorization from the City Council and in accordance with applicable law, the parties hereby agree as follows:

A. THE CITY'S OBLIGATIONS.

1. The City Council approved the provisions of this TIF Agreement on _____, 2023 pursuant to the Resolution attached hereto. The City Council hereby authorizes the Mayor to execute this TIF Agreement on the City's behalf, and to monitor and enforce compliance by the Company with this TIF Agreement's terms. The Mayor is authorized to act for and on behalf of the City in proceedings relating to the approval of this Agreement by the Massachusetts Economic Assistance Coordinating Council (the "EACC").
2. A Tax Increment Financing exemption (the "Exemption") for the Project Area is hereby granted to the Company by the City in accordance with Chapter 23A, Section 3E, as amended; Chapter 40, Section 59, as amended; and Chapter 59, Section 5, Cl. Fifty-first, of the Massachusetts General Laws and the applicable regulations thereunder. The Exemption shall be for a period of twenty (20) years (the "Exemption Term"), commencing on July 1, 2023 (the beginning of fiscal year 2024) and ending on June 30, 2043 (the end of fiscal year 2043). The Exemption shall pertain only to real property taxes for the Project Area, and shall provide an exemption from taxation of the new incremental value of the Project Area resulting from the Project, as determined by the City of Marlborough Assessor, according to the following schedule:

**PROJECT AREA'S REAL PROPERTY
TAX EXEMPTION SCHEDULE**

Fiscal Year	Real Property Exemption Percentage
2024	100%
2025	100%
2026	100%
2027	100%
2028	90%
2029	90%
2030	80%
2031	80%

2032	70%
2033	70%
2034	60%
2035	60%
2036	50%
2037	40%
2038	30%
2039	30%
2040	20%
2041	20%
2042	10%
2043	5%

3. The base valuation for the Project Area shall be the Project Area's assessed valuation in the base year. The base year is the most recent fiscal year immediately preceding the fiscal year in which the property becomes eligible for the TIF exemption. The Project shall become eligible for the Exemption on the July 1st following the date on which the EACC approves the TIF Agreement which is expected to be June 15, 2023. Therefore, the exemption is expected to commence on July 1, 2023, which is the beginning of fiscal year 2024. Accordingly, the base year for this TIF Agreement will be fiscal year 2023.
4. The base valuation shall be adjusted annually by an inflation factor, which is based on a portion of the increased commercial and industrial property values within the community, as provided in Chapter 40, Section 59(iii) of the Massachusetts General Laws. This adjusted base valuation will remain fully taxable (i.e., the Tax Increment Financing Exemption shall not apply to or be calculated with respect to the adjusted base valuation and no portion of the adjusted base valuation shall be eligible for exemption from Chapter 59 property taxation) throughout the term of this TIF Agreement. Only the increased value or "increment" created by improvements will be the amount eligible for exemption from taxation.
5. The Exemption shall not apply to personal property taxes.

B. THE COMPANY'S OBLIGATIONS

1. The City is granting the Tax Increment Financing Exemption for the Project Area in consideration of the following commitments:
 - (a) In anticipation of the receipt of the TIF benefits described in this Agreement, the Company agrees that it will develop the Project Area into a state-of-the-art internal manufacturing site; and
 - (b) As part of owning the Project Area, the Company agrees to make capital improvements which are currently estimated to be approximately \$350 million in combined soft, real property and personal property costs, and that it will timely pay all municipal permit fees required in connection with such improvements and investment;

- (c) The Company agrees to timely pay all of the taxes owed to the City by the Company, respectively, over the term of this TIF Agreement; and
- (d) The Company agrees to create and maintain at least 200 new permanent full-time jobs at the Project Area for permanent full-time employees (as "permanent full-time employee" is defined in Chapter 23A Section 3A of the Massachusetts General Laws), to begin employment at the Project Area as set forth in the schedule below, and whose employment by the Company commences on or after the effective date of this Agreement ("New Permanent Full-Time Employees"). The new jobs shall be performed, and maintained, in said building at the Project Area until the termination of this TIF Agreement. The new jobs shall not be performed remotely. The following schedule details the Company's schedule of job creation:

SCHEDULE OF JOB CREATION	
End of Fiscal Year(s)	Minimum Cumulative New Permanent
2024	50
2025	150
2026	200
2027	200
2028	200
2029	200
2030	200
2031	200
2032	200
2033	200
2034	200
2035	200
2036	200
2037	200
2038	200
2039	200
2040	200
2041	200
2042	200
2043	200

The Company shall maintain said employment job creation, in accordance with the Schedule of Job Creation referenced above, during the life of the Agreement.

- (e) In meeting its cumulative New Permanent Full-Time Employee commitment above, and consistent with all federal, state and local laws and regulations, the Company may use commercially reasonable efforts to make available application opportunities for the New Permanent Full-Time Employee positions to qualified residents of Marlborough. Determination of whether any individual is qualified for any specific

job or position shall be in the Company's sole discretion, and nothing herein shall be deemed to create any obligation of the Company to hire any of said residents. The Company will meet its obligation to make such application opportunities available to such residents if, in conjunction with the Mayor's office and the Marlborough Economic Development Corporation, the Company conducts a job fair in Marlborough for staffing its Project Area.

2. The Company shall submit annual written reports on job creation and maintenance at, job relocation to, and new investments at the Project Area to the City of Marlborough Board of Assessors, MEDC, and Mayor and to EACC by the end of December of each calendar year with respect to the immediately preceding fiscal year during which this TIF Agreement is in effect. Reports shall be submitted for fiscal year 2024 and for every fiscal year thereafter falling within the term of this TIF Agreement; thus report for fiscal year 2024, ending on June 30, 2024, shall be submitted by the end of December 2024. In addition to information that may be required by the EACC pursuant to G.L. c. 40 § 59(viii), the annual report shall be comprised of the following information:
 - (a) Employment levels at the Project Area at the beginning and end of the reporting period, with a designation of the number of employees that are net new employees as of the effective date of this Agreement and the number of employees that were employed by the Company in Massachusetts prior to the effective date of this Agreement;
 - (b) The specific number of Marlborough residents respectively employed at the Project Area at the beginning and at the end of the reporting period;
 - (c) An accounting of the commercially reasonable efforts made by the Company to make New Permanent Full-Time Employee positions available to qualified residents of Marlborough;
 - (d) A narrative of the reasonable efforts made by the Company to solicit Marlborough businesses, vendors and suppliers to participate in requests for quotations for goods and services to be purchased by the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project (collectively, "Engage Local Businesses");
 - (e) The Company's financial contribution to the City (including property taxes, motor vehicle excise taxes, and water and sewer fees) for the fiscal year; and
 - (f) A description of any private investment, including but not limited to donations and/or perpetual maintenance of land for recreational purposes, made by the Company for the benefit of the community during the reporting period.

During the term of this TIF Agreement, the Company shall provide the City with any and all information reasonably related to the Project Area including the Company's improvements to the Project Area as the City may deem necessary to monitor the Company's compliance with this TIF Agreement.

The Company shall also submit any reports required by law, including annual reports required through the Commonwealth's on-line portal, with a written copy to the City.

3. The Tax Increment Financing Exemption percentage applicable to the tax exemption schedule above will automatically be adjusted downward in any particular fiscal year that the Company does not meet its minimum cumulative New Permanent Full-Time Employee requirements described in the Schedule of Job Creation above. Under this Paragraph 3, the exemption percentage applicable to the exemption schedule above will be adjusted for the fiscal year beginning after the job requirement date, utilizing the following formula:

$$\left(\frac{\text{Actual Cumulative New Permanent Full-Time Employee Level}}{\text{Minimum Cumulative New Permanent Full-Time Employee Requirement}} \right) \times \text{Scheduled Exemption Percentage} = \text{Actual Exemption Percentage.}$$

For example, if the actual cumulative New Permanent Full-Time Employee level at the end of FY 2026 is 100 instead of 200, then the real property tax exemption percentage otherwise applicable for FY 2026 would be $(100/200) \times 100\% = 50\%$. Therefore, the Exemption for FY 2026 would be reduced to 50% rather than 100% as set forth in the schedule.

The Exemption percentages applicable to the tax Exemption schedule above will, for later fiscal years, revert back to the original exemption schedule if the Company restores the job level based on the minimum cumulative New Permanent Full-Time Employee requirement for that later year. If the Company meets or exceeds its minimum cumulative New Permanent Full-Time Employee requirements, the exemption schedule will not be adjusted.

4. The Company will be in default of its respective obligations under this TIF Agreement if the City determines that the Company fails to meet or comply with any of the requirements specified in Section B of this TIF Agreement, and the City further determines that such failure continues or remains uncured for one hundred eighty (180) days (or such longer time as the City may deem appropriate under the circumstances) after the date of written notice, provided by the City to the Company, explaining in reasonable detail the grounds for or nature of such failure. Upon the City's determination that any default by the Company has continued or remained uncured for such period after the date of such written notice, the City may take such action as it deems appropriate to enforce the Company's obligations under this TIF Agreement, including but not limited to a request that EACC revoke its certification of the Project for eligibility for a Tax Increment Financing Exemption; any such request would be in addition to the automatic downward adjustment of the exemption schedules, as described in Section B.3 above. Upon any such revocation, the City shall have the right, upon written notice to the Company, to terminate the Tax Increment Financing Exemption benefits described in Paragraph 2 of Section A, commencing as of the fiscal year in which the City has determined the Company to be in default or, if such benefits have already been received by the Company, for the fiscal year in which the City has determined the Company to be in default, commencing as of the fiscal year

immediately following that fiscal year. Any notice required hereunder shall be effective upon receipt.

5. In addition to discontinuance of benefits as set forth in Paragraph B(4) above, if the Agreement is revoked because the Company has failed to satisfy any of the requirements in Section B, then, pursuant to Massachusetts General Laws Chapter 23A, Section 3F(e), the City may recapture the value of any taxes not paid due to the Exemption provided herein. Said recapture shall be made through a special assessment on the Company in the municipal fiscal year that follows the EACC's decision to revoke project certification. The assessment, payment, and collection of said special assessment shall be governed by procedures provided for the taxation of omitted property pursuant to Massachusetts General Laws Chapter 59, Section 75, notwithstanding the time period set forth in said Chapter 59 for which omitted property assessments may be imposed for each of the fiscal years included in the special assessment.
6. The City shall be given sixty (60) days' written notice prior to any Company announcement to the general public of a proposed move from, vacation of, abandonment of, or other failure to maintain operations at, the Project Area during the term of this Agreement, unless such notice would be in violation of any law, regulation or contractual obligation of the Company. Said notice shall identify the prospective new tenant, if any; may include information about such prospective new tenant which is not otherwise subject to a confidentiality agreement; and shall be given to: Mayor's Office and to the Board of Assessor's Office, City Hall, 140 Main Street, Marlborough, MA 01752. Said notice will be the confidential information of Company, and the City shall not, except as required by law, disclose any information provided by the Company regarding any proposed disposition of the Project Area or any portion thereof by the Company.
7. The Company shall use reasonable efforts to Engage Local Businesses to participate in requests for quotations for goods and services to be purchased by the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project. So long as the Company contacts the Marlborough Economic Development Corporation at the later of: (i) the beginning of the Project, or (ii) within a reasonable amount of time after the Agreement has been executed by all parties, with a description of the qualifications of the local businesses, vendors and suppliers from whom, at that time, the Company is seeking requests for quotations, the Company shall be deemed to have made reasonable efforts to Engage Local Businesses under this Section 7. However, the extent to which the Company shall hire or purchase from local businesses, vendors and suppliers under this Section 7 shall be in the Company's sole discretion, and nothing herein shall be deemed to require the Company to hire or purchase from local businesses, vendors and suppliers.

C. OTHER CONSIDERATIONS.

1. Pursuant to G.L. c. 40 § 59(v)(d), this Agreement shall be binding upon the Company and its successors and assigns, and upon any subsequent owner of the Property and its successors and assigns, and upon the City and its successors and assigns.

2. This Agreement is subject to M.G.L. Chapter 23A, Sections 3A-3F inclusive; M.G.L. Chapter 40, Section 59; and M.G.L. Chapter 59, Section 5, Cl. Fifty-first and the applicable regulations thereunder.
3. No other building or structure (or portion thereof) at the Property shall be eligible for a Tax Increment Financing Exemption, unless specifically authorized by a separate tax increment financing agreement. The parties acknowledge and agree that there is no public construction contemplated by this Agreement and, therefore, no betterment schedule referred to in Massachusetts General Laws Chapter 40, Section 59 is required.
4. Should any part, term or provision of this Agreement be determined by any court of competent jurisdiction to be illegal or invalid, the validity of the remaining parts, terms, and provisions shall not be affected thereby and said illegal or invalid part, term or provision shall be deemed not to be a part of this Agreement.
5. The effective date of this Agreement shall be June 15, 2023, the (presumptive) date of the Economic Assistance Coordinating Council's approval of the EDIP Local Incentive-Only Application and TIF Agreement.
6. All notices, reports or other communications required or permitted under this TIF Agreement must be in writing signed by a duly authorized representative of the City and Company, as the case may be, and shall be (i) hand delivered, (ii) delivered by a nationally recognized overnight delivery service, or (iii) mailed by certified or registered mail, return receipt requested, postage prepaid, to the parties at the following addresses or such other addresses as each may have specified to the other by such a notice:

CITY: City of Marlborough
 City Hall, 4th Floor
 Attention: Mayor's Office
 140 Main Street
 Marlborough, MA 01752

With a copy to: Legal Department at same address

With a copy to: Marlborough Economic Development Corporation
 91 Main Street, Suite 204
 Marlborough, MA 01752

COMPANY: ModernaTX, Inc.
 Attention: Jed Larkin
 200 Technology Square
 Cambridge, MA 02139

With a copy to: Legal Department at same address

- 7. This TIF Agreement may be executed in counterparts by the parties, and each such counterpart shall be considered an original and all such counterparts shall constitute one and the same instrument.
- 8. This TIF Agreement may be amended, changed, modified, or altered only by a written instrument signed by the parties to this TIF Agreement. This Agreement and the terms contained herein shall not be altered or modified unless approved by the EACC.
- 9. This TIF Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts. The rights and obligations of the parties hereto shall be construed and enforced in accordance with, and governed by, the laws of the Commonwealth of Massachusetts.

WITNESSETH, the execution and delivery of this Agreement by the Company and the City as an instrument under seal as of the date last written below by the signatories hereto.

AGREED TO:

COMPANY
MODERNATX, INC.

By: _____

Dated: _____, 2023

Name: Jed Larkin

Title: Senior Vice President of Tax

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2023, before me, the undersigned notary public, personally appeared _____ of ModernaTX, Inc., and proved to me through satisfactory evidence of identification, which was _____, that s/he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

CERTIFICATE OF AUTHORITY

The undersigned, _____, hereby certifies as follows:

1. The undersigned is the _____ of the Company.
2. The undersigned hereby certifies that _____, _____ of the Company, is authorized to execute binding agreements on the Company's behalf, including without limitation this Agreement.

The undersigned has executed this certificate as of this date.

Name:

Title:

Dated: _____

CITY OF MARLBOROUGH

By: _____
Arthur G. Vigeant
Mayor
City of Marlborough

Dated: _____, 2023

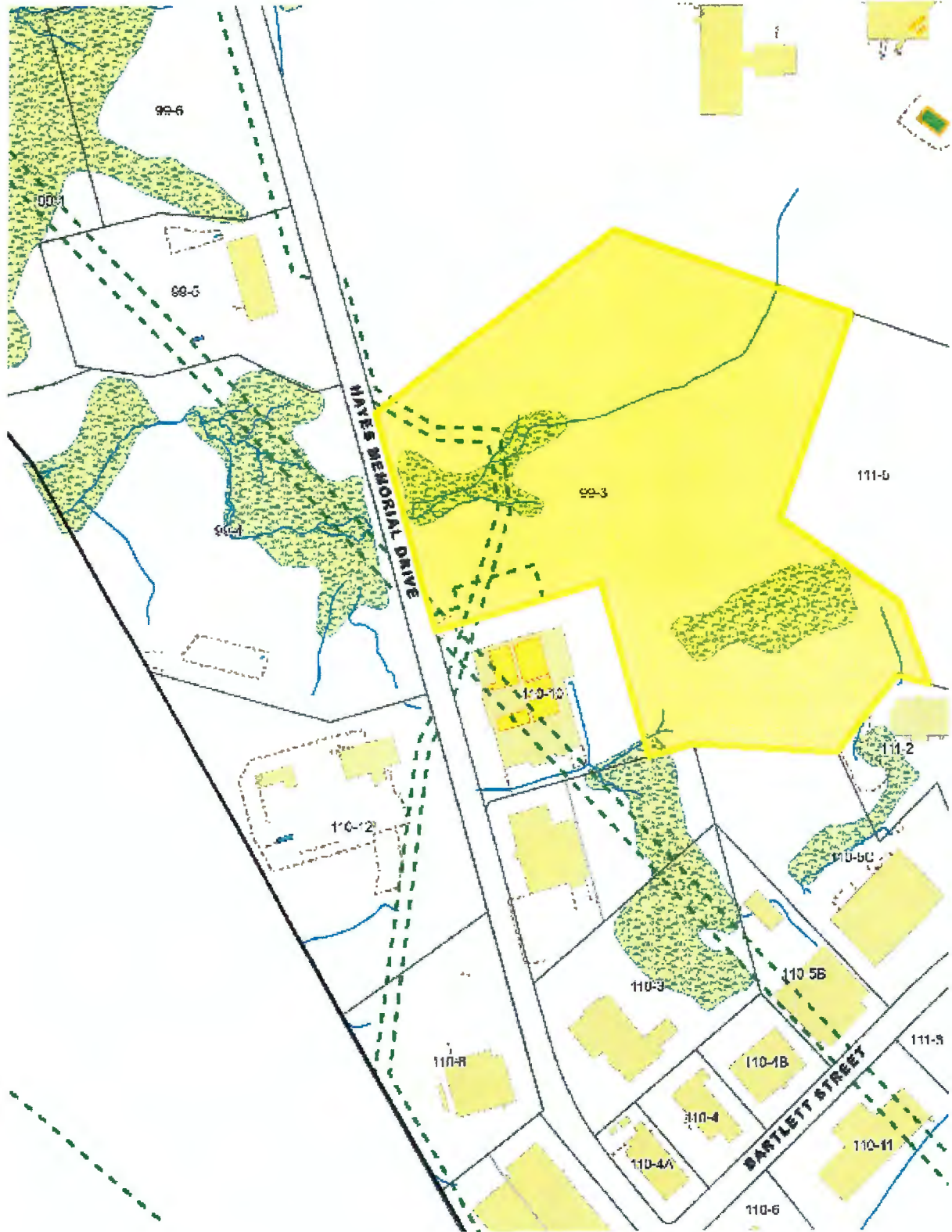
COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2023, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, as Mayor of the City of Marlborough, and proved to me through satisfactory evidence of identification, which was _____, that he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

ATTACHMENT
Property Map





City of Marlborough
Legal Department

140 MAIN STREET
 MARLBOROUGH, MASSACHUSETTS 01752
 TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610
 LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2023 APR 19 PM 1:37
 JASON D. GROSSFIELD
 CITY SOLICITOR
 JEREMY P. MCMANUS
 ASSISTANT CITY SOLICITOR
 BEATRIZ R. ALVES
 PARALEGAL

April 19, 2023

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

Re: Proposed Deed – “Rail Spur Parcel” – Marlborough Economic Development Corporation

Dear Honorable President Ossing and Councilors:

Enclosed please find a proposed order authorizing a deed conveying a certain parcel of land consisting of 9,387 square feet +/- off Lincoln Street in Marlborough to the Marlborough Economic Development Corporation (MEDC), for the purposes of assembling land for economic development along with parcels previously acquired by MEDC, in connection with the proposed Lincoln and Mechanic Street mixed-use development. A draft deed is also enclosed.

The City acquired the “rail spur parcel” as part of the premises now comprising portions of the Assabet River Rail Trail in Marlborough by deed from the Massachusetts Bay Transportation Authority (MBTA) to the City in 1997, subject to certain deed restrictions regarding use and ownership. The deed restrictions have now been released by the MBTA as to the “rail spur parcel”, and a copy of the Partial Release and Termination of Certain Deed Restrictions by MBTA is enclosed.

The enclosed order is in proper legal form. Please contact me if you have any questions or concerns.

Respectfully,

Jason D. Grossfield
 City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor

ORDERED:

WHEREAS, the City of Marlborough has care, custody, management, and control of a certain parcel of land, known as the “rail spur”, located off Lincoln Street, Marlborough, MA, shown as “Proposed Rail Spur Parcel” on the attached plan of land, said parcel containing 9,387 square feet, more or less (the “Property”), and the assessed value of the rear/landlocked Property is approximately \$1,300;

NOW THEREFORE, BE IT VOTED BY A 2/3RDS VOTE:

(1) That the Property is declared surplus and available for disposition by conveyance for nominal consideration to the Marlborough Economic Development Corporation for economic development purposes in accordance with MGL c. 30B, Ch. 40 of the Acts of 2007, and any applicable general or special law, and the Mayor is authorized to execute a deed to the MEDC, subject to the terms and conditions of a letter agreement dated September 13, 2022 by and between the MBTA and the City relative to open space and access, and a Partial Release and Termination of Certain Deed Restrictions by MBTA recorded in said Registry at Book 80744, Page 87.

ADOPTED

In City Council

Order No. 23-

Adopted

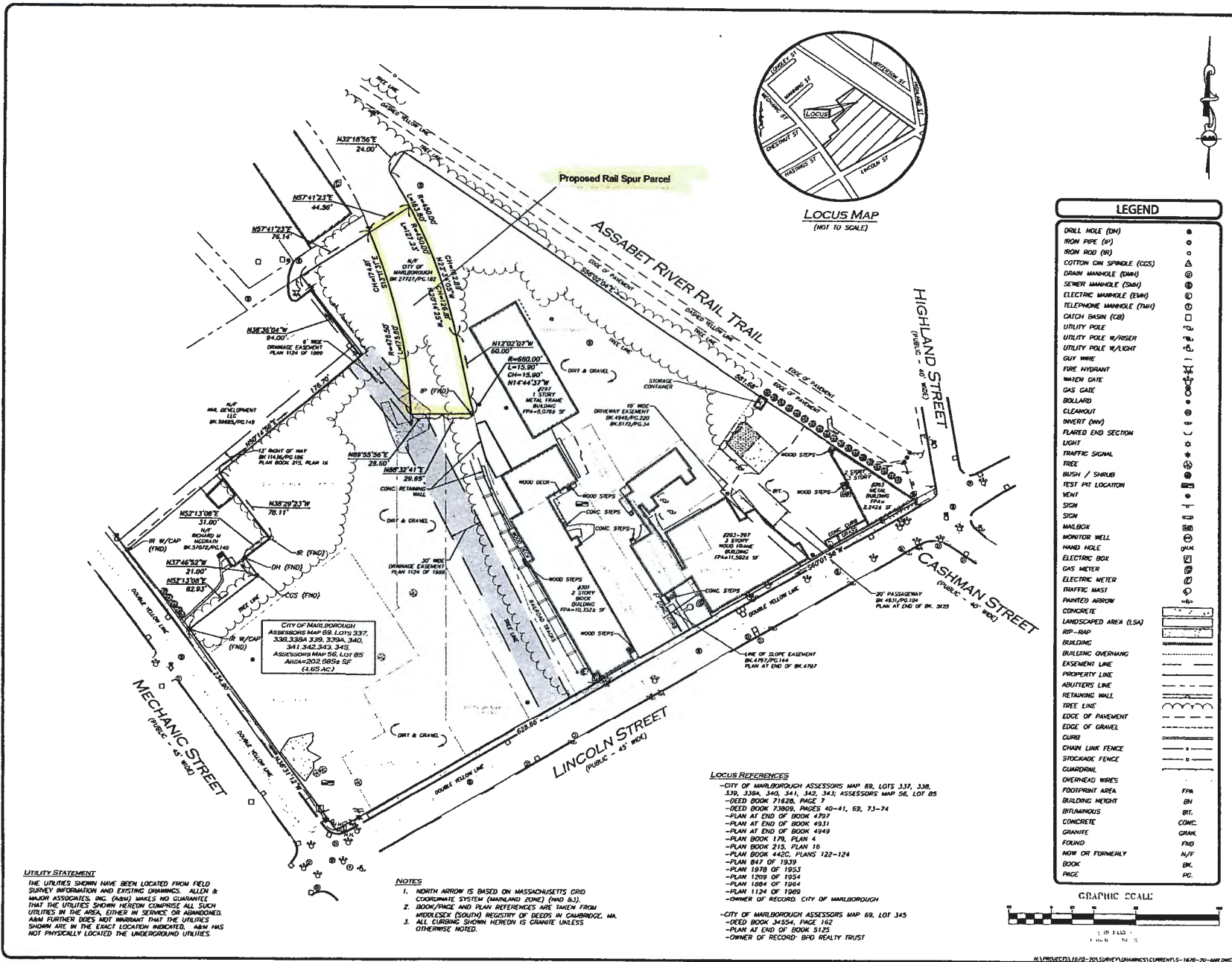
Approved by Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST:



REV	DATE	DESCRIPTION

APPLICANT/OWNER:
WP EAST ACQUISITIONS, LLC
91 HARTWELL AVENUE - 3RD FLOOR
LEXINGTON, MA 02421

PROJECT:
283-325 LINCOLN STREET
MARLBOROUGH, MA

PROJECT NO. 1670-28 DATE: 01/14/2023
SCALE: 1"=40' DWG. NUMBER: S1670-28-6C
DRAFTED BY: KAC CHECKED BY: ML
PURCHASED BY:

ALLEN & MAJOR ASSOCIATES, INC.
civil engineering • land surveying
environmental consulting • landscape architecture
www.aandmajor.com

150 COMMERCIAL WAY
WOBURN, MA 01890-0401
TEL: (781) 942-6489
FAX: (781) 942-6496

WORKS: MA • MASSACHUSETTS, MA • BATHURST, NH
THIS DRAWING HAS BEEN PREPARED IN DIGITAL FORMAT. CLIENTS REPRESENTATIVE OR CONSULTANTS MAY BE PROVIDED COPIES OF DRAWINGS AND SPECIFICATIONS FOR THEIR INFORMATION. ANY USE OF THIS PROJECT, IN WHOLE OR IN PART, WITHOUT THE WRITTEN PERMISSION OF ALLEN & MAJOR ASSOCIATES, INC. MAY CONSTITUTE A VIOLATION OF THE PROFESSIONAL ETHICS OF THE REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT. ANY REVISIONS TO THIS DRAWING OR SPECIFICATIONS SHALL BE THE SOLE RESPONSIBILITY OF THE CLIENT AND SHALL BE INDICATED BY A REVISION TABLE.

DRAWING TITLE: **PROPERTY EXHIBIT** SHEET NO. **1**

MASSACHUSETTS QUITCLAIM DEED

CITY OF MARLBOROUGH, a municipal corporation (hereinafter referred to as “Grantor”), with a principal place of business at 140 Main Street, Marlborough, Massachusetts 01752, for consideration paid of ONE DOLLAR (\$1.00) receipt of which is hereby acknowledged, hereby grants to the **MARLBOROUGH ECONOMIC DEVELOPMENT CORPORATION**, a Massachusetts public instrumentality pursuant to Chapter 40 of the Acts of 2007 or other enabling law, as amended, and nonprofit corporation (hereinafter referred to as “Grantee”), with a principal place of business at 91 Main Street, Suite 204, Marlborough, Middlesex County, Massachusetts, with quitclaim covenants the following described property:

See **Exhibit A** attached hereto and incorporated herein by reference.

Being a portion of the same property conveyed to Grantor by that certain deed from the Massachusetts Bay Transportation Authority (“MBTA”) recorded in 1997 in the Middlesex South Registry of Deeds (the “Registry”) at **Book 27727, Page 183**.

For reference, also see Partial Release and Termination of Certain Deed Restrictions by MBTA recorded in the Registry at Book **80744, Page 87**, and that certain unrecorded letter agreement entitled “City of Marlborough – Open Space and Access” by and between MBTA and Grantor dated September 13, 2022, attached hereto as **Exhibit B**.

No title examination requested or performed at request of Grantor and Grantee.

As authorized by Order# _____ dated _____, 2023 of the City Council of the City of Marlborough attached hereto as **Exhibit C**.

IN WITNESS WHEREOF, the undersigned Grantor hereby sets its hand and seal upon this instrument as of the _____ day of _____, 2023.

GRANTOR:

CITY OF MARLBOROUGH

By: _____

Name: Arthur G. Vigeant

Title: Mayor

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF MIDDLESEX

On this ___ day of _____, 2023, before me, the undersigned notary, personally appeared Arthur G. Vigeant, showing sufficient identification, which was MA driver's license, to be the person described in and who executed the foregoing instrument, and acknowledged to me that he signed it voluntarily for its stated purpose in my presence as Mayor of the City of Marlborough, Commonwealth of Massachusetts as the voluntary act of the City of Marlborough, Commonwealth of Massachusetts.

Notary Public

My commission expires:

Notary Public:

My Commission Expires:

**EXHIBIT A
LEGAL DESCRIPTION**

A certain parcel of land situated off the Northerly side of Lincoln Street in the City of Marlborough, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

The Point of Beginning being the Southwesterly most corner of the parcel to be described hereafter; thence

- N89°55'56"E Twenty-eight and sixty hundredths feet (28.60') to a point; thence
- N88°32'41"E Twenty-nine and sixty-five hundredths feet (29.65') to a point of non-tangent curvature; thence
- Northwesterly Along an arc to the right having a radius of six hundred sixty and no hundredths feet (660.00'), an arc length of fifteen and ninety hundredths feet (15.90'), a chord length of fifteen and ninety hundredths feet (15.90') and a chord bearing of N14°44'37"W to a point of non-tangency; thence
- N12°02'07"W Sixty and no hundredths feet (60.00') to a point of curvature; thence
- Northwesterly Along an arc to the left having a radius of four hundred fifty and no hundredths feet (450.00'), an arc length of one hundred twenty-seven and twenty-three hundredths feet (127.23'), a chord length of one hundred twenty-six and eighty-one hundredths feet (126.81') and a chord bearing of N20°14'25"W to a point of non-tangency; thence
- S57°41'23"W Forty-four and fifty-six hundredths feet (44.56') to a point of non-tangent curvature; thence
- Southeasterly Along an arc to the right having a radius of four hundred seventy-six and fifty hundredths feet (476.50'), an arc length of one hundred seventy-five and sixty hundredths feet (175.60'), a chord length of one hundred seventy-four and sixty-one hundredths feet (174.61') and a chord bearing of S13°11'31"E to the point of beginning.

The above-described parcel contains an area of 9,387 square feet (0.22 Acres), more or less.

**EXHIBIT B
UNRECORDED LETTER AGREEMENT**



Charles D. Baker, Governor
 Karyn E. Polito, Lieutenant Governor
 Jamey Tesler, Acting MassDOT Secretary & CEO
 Steve Poflak, General Manager

massDOT
 Massachusetts Department of Transportation

September 13, 2022

City of Marlborough
 City Hall
 140 Main Street
 Marlborough, MA 01752

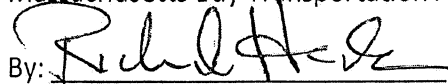
Re: City of Marlborough – Open Space and Access

The Massachusetts Bay Transportation Authority (the “MBTA”) is the holder of certain rights, restrictions, and conditions over the property (the “Premises”) as set forth in paragraphs 13 and 14 of that certain deed (the “Restrictive Covenants”) from the MBTA to the City of Marlborough (the “City”) recorded in 1997 with the Middlesex South Registry of Deeds as Book 27727, Page 183 (the “Deed”). The City has requested the MBTA release the Restrictive Covenants from a portion of the Premises described in said deed, said portion more specifically defined in Exhibit A attached hereto (the “Released Premises”) in order to allow a private developer to construct a large-scale mixed-use development over certain property, more specifically defined in Exhibit B (the “Development Parcel”), which will include the Released Premises.

The MBTA has agreed to release the Restrictive Covenants over the Released Premises via a Partial Release and Termination of Certain Deed Restrictions, which is to be executed in conjunction with this document; provided the City hereby agrees and affirms that any development of the Development Parcel shall include open space (meaning any portion of the Development Parcel used (or conveyed for use) for rail trail parking, public restroom, or other land accessible to the public) and continue to provide for access to the Assabet River Rail Trail located adjacent to the Development Parcel including connection via the public sidewalk or similar path.

Please acknowledge and certify the City’s agreement by countersigning below.

Massachusetts Bay Transportation Authority

By: 

Name: Richard Henderson
 Office: Chief Real Estate Officer

Open Space and Access

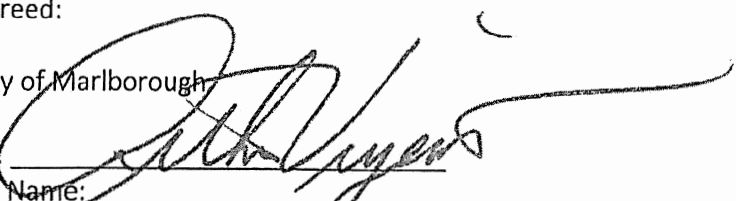
, 2022

Page 2

Agreed:

City of Marlborough

By



Name:

Office:

Arthur Vigoda, Mayor

Open Space and Access
 September 13, 2022
 Page 3

Exhibit A
Released Premises

A certain parcel of land situated off the Northerly side of Lincoln Street in the City of Marlborough, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

The Point of Beginning being the Southwesterly most corner of the parcel to be described hereafter; thence

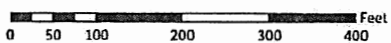
- | | |
|---------------|--|
| N89°55'56"E | Twenty-eight and sixty hundredths feet (28.60') to a point; thence |
| N88°32'41"E | Twenty-nine and sixty-five hundredths feet (29.65') to a point of non-tangent curvature; thence |
| Northwesterly | Along an arc to the right having a radius of six hundred sixty and no hundredths feet (660.00'), an arc length of fifteen and ninety hundredths feet (15.90'), a chord length of fifteen and ninety hundredths feet (15.90') and a chord bearing of N14°44'37"W to a point of non-tangency; thence |
| N12°02'07"W | Sixty and no hundredths feet (60.00') to a point of curvature; thence |
| Northwesterly | Along an arc to the left having a radius of four hundred fifty and no hundredths feet (450.00'), an arc length of one hundred twenty-seven and twenty-three hundredths feet (127.23'), a chord length of one hundred twenty-six and eighty-one hundredths feet (126.81') and a chord bearing of N20°14'25"W to a point of non-tangency; thence |
| S57°41'23"W | Forty-four and fifty-six hundredths feet (44.56') to a point of non-tangent curvature; thence |
| Southeasterly | Along an arc to the right having a radius of four hundred seventy-six and fifty hundredths feet (476.50'), an arc length of one hundred seventy-five and sixty hundredths feet (175.60'), a chord length of one hundred seventy-four and sixty-one hundredths feet (174.61') and a chord bearing of S13°11'31"E to the point of beginning. |

The above-described parcel contains an area of 9,387 square feet (0.22 Acres), more or less.

Exhibit B



Lincoln Street Development Parcel
Marlborough, MA



Basemap: MassGIS Orthophoto;
4/2019, Navteq Streets Layer.

PARTIAL RELEASE AND TERMINATION OF CERTAIN DEED RESTRICTIONS

This Release is made this 13th day of September, 2022 by the **MASSACHUSETTS BAY TRANSPORTATION AUTHORITY**, a body politic and corporate and political subdivision of the Commonwealth of Massachusetts (the "MBTA") to the **CITY OF MARLBOROUGH**, a municipal corporation, with an address of 140 Main Street, City Hall, Marlborough, Massachusetts, 01752 (the "Grantee"), its successors or assigns.

WHEREAS, the MBTA is the holder of certain rights, restrictions, and conditions as set forth in paragraphs 13 and 14 of that certain deed ("Restrictive Covenants") from the MBTA to the City of Marlborough recorded in 1997 with the Middlesex South Registry of Deeds as **Book 27727, Page 183** (the "Deed").

WHEREAS, the City of Marlborough has requested the MBTA release the Restrictive Covenants from a portion of the Premises described in the Deed, said portion more specifically defined at **Exhibit A** hereto ("Released Premises").

NOW THEREFORE, for consideration paid in full of One (\$1.00) Dollar receipt of which is hereby acknowledged, to the extent permitted by law, the MBTA does hereby release the Restrictive Covenants as it pertains only to the Released Premises. The Restrictive Covenants which are hereby released and of no further force or effect are as follows:

A. "By acceptance of this deed and as part consideration therefor, the Grantee hereby covenants and agrees to: (1) use the Premises solely for public purposes; (2) not to transfer title to the Premises or portion(s) thereof to any entity that is not the Commonwealth of Massachusetts or a political subdivision thereof or an agency, or instrumentality of either of them, and (3) prohibit the building, construction, erection, installation and attachment of any and all buildings, bridges, structures, crossings, fixtures or improvements of any nature and description on the Premises."

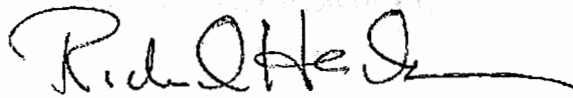
B. "Any changes to or uses of the Premises in violation of the above described covenants of use and ownership are prohibited without receiving the prior written consent of the Grantor and if Grantee violates either the covenant of ownership or the covenant of public use, then title to the Premises shall revert to the Grantor."

All other rights, interests, reservations, terms, and conditions of the Deed not specifically released hereby remain in full force and effect.

The provisions of this Release shall be binding upon the MBTA, its successors and assigns, and shall inure to the benefit of the Grantee, its successors and assigns, and those claiming title by, through and under them.

EXECUTED as a sealed instrument this 13th day of September 2022.

MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY



By: RICHARD HENDERSON, CHIEF REAL ESTATE
Duly Authorized OFFICER

THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

On this 13th day of September, 2022, before me, the undersigned notary public, personally appeared, RICHARD HENDERSON, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that they signed it voluntarily for its stated purpose as Chief real estate officer of the Massachusetts Bay Transportation Authority.



Notary Public: Alma Quijada
My Commission Expires: 10/26/2023



EXHIBIT A (RELEASED PREMISES DESCRIPTION)

A certain parcel of land situated off the Northerly side of Lincoln Street in the City of Marlborough, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

The Point of Beginning being the Southwesterly most corner of the parcel to be described hereafter; thence

- | | |
|---------------|--|
| N89°55'56"E | Twenty-eight and sixty hundredths feet (28.60') to a point; thence |
| N88°32'41"E | Twenty-nine and sixty-five hundredths feet (29.65') to a point of non-tangent curvature; thence |
| Northwesterly | Along an arc to the right having a radius of six hundred sixty and no hundredths feet (660.00'), an arc length of fifteen and ninety hundredths feet (15.90'), a chord length of fifteen and ninety hundredths feet (15.90') and a chord bearing of N14°44'37"W to a point of non-tangency; thence |
| N12°02'07"W | Sixty and no hundredths feet (60.00') to a point of curvature; thence |
| Northwesterly | Along an arc to the left having a radius of four hundred fifty and no hundredths feet (450.00'), an arc length of one hundred twenty-seven and twenty-three hundredths feet (127.23'), a chord length of one hundred twenty-six and eighty-one hundredths feet (126.81') and a chord bearing of N20°14'25"W to a point of non-tangency; thence |
| S57°41'23"W | Forty-four and fifty-six hundredths feet (44.56') to a point of non-tangent curvature; thence |
| Southeasterly | Along an arc to the right having a radius of four hundred seventy-six and fifty hundredths feet (476.50'), an arc length of one hundred seventy-five and sixty hundredths feet (175.60'), a chord length of one hundred seventy-four and sixty-one hundredths feet (174.61') and a chord bearing of S13°11'31"E to the point of beginning. |

The above-described parcel contains an area of 9,387 square feet (0.22 Acres), more or less.

EXHIBIT C
CITY COUNCIL ORDER

[to be attached]

Steven Kerrigan

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

From: City Council
Sent: Sunday, April 9, 2023 3:22 PM
To: Mike Ossing; Kathleen Robey; Samantha Perlman; Mark Oram; Karen Boule; Christian Dumais; Laura Wagner; Don Landers; John Irish; Teona Brown; David Doucette; Sean Navin; Donald Landers
Cc: Steven Kerrigan; Wilson Chu
Subject: From Catherine Bisol, 212 Hudson Street—57 Main Street

2023 APR 10 AM 8:23

From: Catherine Bisol

Date: April 9, 2023 at 3:14:18 PM EDT
To: "citycouncil@marlborough-ma.gov"
Subject: 57 Main Street
Reply-To: Catherine Bisol <cdbisol@aol.com>

April 9, 2023

Dear City Council Members:

I am opposed to allowing the developer of 57 Main Street to proceed relying on public parking to support his project. We have waited a long time to have adequate parking in downtown Marlborough. Even with these added spaces, it can still be a challenge to find parking.

In the past, developers were required to provide adequate parking spaces for the customers or residents. Are these past requirements now being changed for ALL NEW development in Marlborough or just THIS developer?

Is the City Council now shifting the burden of providing parking for new developments to the TAXPAYERS? Will new parking be provided for any new development in the City wherever it is located?

Are you going to allow overnight parking in the parking garages? There was a reason why overnight parking was banned. Now parking overnight will be, ok?

What about additional liability for the City since it will be a primary provider of parking for these residents? Will these areas be plowed first? What happens if someone gets injured?

What impact will it have on other residents and businesses? One reason we needed more downtown parking was because people could not find a place to park if they worked or did business in downtown Marlborough. The parking on Bolton Street was created because the Early Childhood Center employees were parking in the neighborhood creating a parking issue for those residents. With residents from 57 Main Street using available parking overnight and during the day, it seems we will be back to where we were before.

I have concerns about a developer who would not adequately plan for parking for its residents and customers for a project and rely on the Taxpayers of Marlborough to make up the difference. Even with the small offer of payment for parking, somehow, I feel it will be the **Taxpayers who will be coming up SHORT IN THIS DEAL.**

Sincerely,

Catherine D. Bisol

212 Hudson Street
Marlborough, MA 01752

Steven Kerrigan

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

From: City Council
Sent: Saturday, April 8, 2023 2:40 PM
To: Mike Ossing; Kathleen Robey; Samantha Perlman; Mark Oram; Karen Boule; Christian Dumais; Laura Wagner; Don Landers; John Irish; Teona Brown; David Doucette; Sean Navin; Donald Landers
Cc: Steven Kerrigan; Wilson Chu
Subject: From Carol Ndegwa—Rowe Lot Construction

2023 APR 10 AM 8:23

From: Carol Ndegwa
Date: April 7, 2023 at 1:34:14 PM EDT
To: citycouncil@marlborough-ma.gov
Subject: Rowe Lot Construction

Hello,

My name is Carol Ndegwa and I am a resident of the city of Marlborough and own a home on Washington Street. It has come to my attention that the Rowe lot will be used to build 99 units, with only 28 parking spaces available for the residents. This will cause a major issue in my neighborhood due to residents having to then park in adjacent streets to access their units due to inadequate parking available. I am wondering why the building of this is going forward knowing the traffic and parking issues this will definitely cause as well as bring down neighboring property values of the homes surrounding - including mine.

I am writing to request that the City of Marlborough purchase the Rowe lot for the expansion of Union Common Park, which would be a great addition to the city attracting families and providing a centralized gathering space for various community events. We can even plan for winter by transforming a portion of the space into an ice skating area for all. Expanding this space would also increase the amount of trees in the area, which is greatly needed as this area is designated a hot zone due to the lack of trees and the abundance of buildings and pavement.

Thinking about the future of Marlborough, adding more buildings to a known hot zone doesn't seem like a thoughtful action to take. There are several other buildings in Marlborough, outside of the city center hot zone, that can be repurposed, remodeled and updated for housing with surrounding land, and sometimes open lots, adequate for providing parking needs for said residents.

Thank you for your time.

Best,

Carol

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 APR 14 PM 3:53

Colbea Enterprises. LLC
695 George Washington Highway
Lincoln, RI 02865

4/13/23

To Whom It May Concern at the City Council,

We request the City Council in Marlborough, MA to grant us an exemption for our gas station/convenience store located at 342 Boston Post Road East to be open 24 hours daily. We provide a safe, brightly lit haven for the residents of the surrounding area, first responders, emergency workers, and travelers. We would like to offer vital services such as fuel, drinks, snacks, public restrooms, etc. on a 24 hour basis.

Yours truly,



Andrew Delli Carpini
Chief Executive Officer



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**

2023 APR 18 AM 11:27

**Steven W. Kerrigan
City Clerk**

MARLBOROUGH, MA

DATE: 3/30/23

To the City Council:

Owner Name: TVI, Inc.

Residential Address: 11400 SE 6th St., Suite 125, Bellevue WA 98004

Telephone Number: 425-462-1515

Business Name: Savers

Business Address: 222A E. Main Street

Business Telephone Number: 508-485-5191

Email Address: jkennedy@savers.com

Cell Number: 425-450-7509

Owner Signature: 

The above-signed Richard McWay for TVI INC respectfully requests that he/she be granted a Junk Dealer/Second Hand Dealer License.

In City Council

MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 APR 20 AM 11:31

Brian R. Falk
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
bfalk@mirickoconnell.com
t 508.929.1678
f 508.983.6256

April 20, 2023

BY HAND DELIVERY

Councilor Michael Ossing, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Proposed Zoning Amendment:
Green District Multifamily Unit Cap and Mixed-Use Development

Dear Councilor Ossing:

I represent Marlborough Apartment Partners 2 LLC, the owner of land located off of Simarano Drive, Assessors Map 116, Parcels 11 and 13, which is in the Executive Residential Overlay District (EROD). These parcels are adjacent to the land under development by Post Road Residential as the Green District residential community.

On behalf of Marlborough Apartment Partners 2 LLC and Post Road Residential, and in accordance with M.G.L. c. 40A, Sec. 5, I respectfully request that the City Council consider amending the Zoning Ordinance of the City of Marlborough by increasing the cap on multifamily dwelling units in the EROD from 475 to 950 and by clarifying the requirements for mixed-use developments, to accommodate Phase 3 and Phase 4 of the Green District.

When Post Road sought enactment of the EROD in 2019, the proposed ordinance did not have a cap on multifamily dwelling units. The City Council added the 475-unit cap to the EROD so that the City could see how Post Road developed Phases 1 and 2 and consider an expansion of the Green District at a later date.

Those who have visited the Green District, and its Phase 1 community known as The Burrow, have seen what has become the gold standard for multifamilies in Marlborough and the region. The Green District provides beautiful, modern homes for its residents with unrivaled indoor and outdoor amenities. Construction has been underway at the Green District since early 2021 with little to no impact on neighboring properties.

Phases 1 and 2 will take up all of the 475 units currently allowed in the EROD. With this zoning amendment, Post Road would be able to pursue Phases 3 and 4 and bring two additional residential communities to the Green District. This zoning amendment would also clarify the

{Client Matter 29231/00001/A8267268.DOCX[Ver:2]}

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

MIRICK O'CONNELL

Marlborough City Council
April 20, 2023
Page 2

option to pursue mixed-use developments in the EROD. All other aspects of the EROD (permitting, dimensional controls, parking requirements, open space, etc.) would remain the same and guide the development of Phases 3 and 4. Enclosed with this letter is a draft City Council order with proposed changes to the EROD Ordinance.

Based upon recent changes to M.G.L. c. 40A, Sec. 5, we believe this zoning amendment may be approved by simple majority vote of the City Council rather than a two-thirds vote. Under M.G.L. c. 40A, Sec. 5, the following zoning amendments may be approved by simple majority vote:

“an amendment to a zoning ordinance ... to allow by special permit: (a) multi-family housing or mixed-use development in an eligible location; (b) an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed use development pursuant to section 9;”

The term “eligible location” is defined in M.G.L. c. 40A, Sec. 1A as:

“areas that by virtue of their infrastructure, transportation access, existing underutilized facilities or location make highly suitable locations for residential or mixed use smart growth zoning districts or starter home zoning districts, including without limitation: (i) areas near transit stations, including rapid transit, commuter rail and bus and ferry terminals; or (ii) areas of concentrated development, including town and city centers, other existing commercial districts in cities and towns and existing rural village districts.”

The proposed zoning amendment would allow, by special permit, additional multifamily housing and mixed-use development off of Simarano Drive, which is an area of concentrated development of commercial and residential uses located in close proximity to Exit 62 of Interstate 495. Further, the proposed zoning amendment would allow, by special permit, an increase in the permissible density of population or intensity of multifamily uses in the EROD. Therefore, we believe the zoning amendment qualifies for a reduced quantum of vote under M.G.L. c. 40A, Sec. 5.

Post Road Residential is excited to bring the next phases of the Green District to Marlborough, providing needed workforce housing and tax revenue for the City.

Please refer this matter to the Planning Board and take the appropriate steps for review by the City Council.

MIRICK O'CONNELL

Marlborough City Council
April 20, 2023
Page 3

Thank you for your time and attention to this matter.

Sincerely,



Brian R. Falk

BRF/

Encl.

cc: Client
Arthur P. Bergeron, Esq.

PROPOSED CITY COUNCIL ORDER

ORDERED:

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended by amending the Zoning Ordinance of the City of Marlborough, Massachusetts, Section 650-36, as follows:

- 1. Amend Section 650-36.C(1) as follows (new text underlined):

The City Council shall be the permit granting authority for special permits and site plan approvals in the EROD. Special permits shall require a two-thirds-vote of the City Council, except as modified by M.G.L. c. 40A; site plan approvals shall require a simple majority vote.

- 2. Amend Section 650-36.D(2) as follows (deleted text in ~~striketrough~~, new text underlined):

- (a) Multifamily dwellings, provided that the total number of units within the entire EROD shall not exceed ~~475~~ 950.

...

- (j) Mixed-use development, consisting of a combination of by right or special permit residential/business uses as listed in this section (§ 650-36, et seq.)

ADOPTED
In City Council
Order No. 23-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 APR 20 AM 10:21

Marlborough Public Schools

School Committee
District Education Center
25 Union Street, Marlborough, MA 01752
(508) 460-3509

Call to Order

March 28, 2023

1. Michelle Bodin-Hettinger called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at 17 Washington Street, Marlborough, MA. Members present included Daniel Caruso, Earl Geary, Katherine Hennessy, Heidi Matthews, and Denise Ryan. Also present were Superintendent Mary Murphy, Assistant Superintendent of Teaching and Learning, Robert Skaza, Assistant Superintendent of Student Services and Equity, Jody O'Brien, and Director of Finance and Operations, Douglas Dias. Additionally, MEA Representative Brendan St. George and Student Advisory Representative Jessica Rosenzweig were present.

This meeting is being recorded by local cable, WMCT-TV, and is available for review.

2. **Pledge of Allegiance:** Michelle Bodin-Hettinger led the Pledge of Allegiance.
3. **Presentation:**
 - A. **MEF Grant Awards Presentation**
Seven grants totaling \$10,654.35 were awarded to various MPS staff and faculty by the Marlborough Education Foundation.
4. **Committee Discussion/Directives:** None.
5. **Communications:** None.
6. **Superintendent's Report:**
Dr. Riley recognized Alexandre Banos, the MHS 2023 National Merit Scholarship Finalist.
Superintendent Murphy included her entry findings in her report. The findings are organized into four sections: FY20 goals that have been met or have made significant progress, FY20 goals that need continued or renewed focus, FY23 highlights, and FY23 new areas of focus and improvement.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

School Committee
 District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

Superintendent Murphy included the draft 2023-2024 school calendar in this packet for the committee to review. The committee will vote on the calendar at the next School Committee meeting.

The Superintendent shared that Principal House is extending her leave. Ms. Heather Roach has been appointed as the Interim Assistant Principal for the remainder of the school year.

Superintendent Murphy shared that she will be asking the committee to approve the substitute rate changes to make MPS more competitive in the market.

Superintendent Murphy recommended Thomas Lafleur for the open Director of Finance and Operations position; he holds this exact position in the Wayland Public Schools district.

Mrs. Matthews shared that this recommendation was approved in Executive Session, but the committee will vote again for public record.

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to approve this recommendation.

Motion passed 6-0-0.

Mr. Lafleur introduced himself to the public.

A. Assistant Superintendent of Teaching & Learning

Dr. Skaza, the Assistant Superintendent of Teaching and Learning, shared that the Joint Evaluation, Joint PD, and ABAR committees met recently to discuss next steps in these respective areas. Recommendations will be made to the Superintendent and other stakeholders moving forward.

Dr. Skaza explained that afterschool intervention at each of the elementary schools has begun in grades 3-5. Students are able to take the late bus home from these programs. Afterschool interventions are still offered at Whitcomb and MHS in the subjects of ELA and Mathematics.

Dr. Skaza mentioned that Social and Emotional Learning (SEL) presentations for parents/guardians will be held on Wednesday, March 29th and Wednesday, April 12th at 6:00pm at Whitcomb. A brief outline of the areas of focus are included in his report.

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 District Education Center
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 (508) 460-3509

B. Assistant Superintendent of Student Services and Equity

Mrs. O'Brien, the Assistant Superintendent of Student Services and Equity, updated the committee on the McKinney-Vento enrollment. Currently, 81 homeless students are enrolled in the district. There are housing opportunities and grants that will assist the district in supporting these students/families. Official data is broken down into various charts that Mrs. O'Brien included in her report.

C. Director of Finance & Operations Report

Mr. Dias, the Director of Finance and Operations, explained that the public hearing for the FY24 budget will be held tonight. The School Committee will be asked to vote on the budget following this hearing. Mr. Dias outlined the potential next steps of this process.

Mr. Dias shared that the Office of Finance and Operations are looking to procure a Food Service Management Company (FSMC) and a Transportation Services Provider. He wants to establish a five-person team to evaluate RFP responses and have one School Committee member volunteer for this committee.

7. Acceptance of Minutes:

A. Minutes of the February 28, 2023 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to approve these minutes.

Motion passed 6-0-0.

8. Public Participation:

A. FY2024 Budget Public Hearing

No one spoke in favor of or against or had questions regarding the proposed FY24 Budget.

It should be noted that members of the public may provide comment via email before the meeting to superintendent@mps-edu.org. Public participation is a time for your comments to be heard by the committee; it is not a question-and-answer session.

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Marlborough Public Schools

School Committee
 District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

9. Action Items/Reports

A. MHS Business Professionals of America Out of State Trip

Mrs. Haley requested permission for three of the MHS BPA students to attend the National Leadership Conference in Anaheim, California this year from April 26th to April 30th. She attached the itinerary and the 2023 State Leadership Conference results.

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to approve this request.

Motion passed 6-0-0.

B. New MHS Scholarship

Dr. Riley shared that the Eleanor & James Brophy Scholarship will be transferred to the MHS Scholarship Program; this award is valued at \$15,000.00 and is awarded to one graduating senior. This scholarship was brought forward by MHS ELA teacher James Haranas whose parents created it.

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to accept this scholarship with gratitude.

Motion passed 6-0-0.

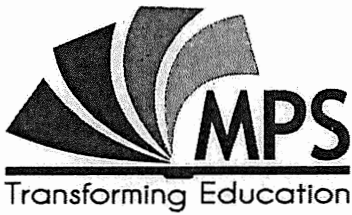
C. MHS Program of Studies

Dr. Riley presented the MHS program of studies for the 2023-2024 academic year. He attached his edits to this agenda item. He provided the committee with an addendum as well.

Motion made by Mrs. Hennessy, seconded by Mrs. Bodin-Hettinger to approve the updated program of studies.

Motion passed 6-0-0.

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School Committee
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D. Request to Deem Certain Curriculum Materials Obsolete

Mr. Dias requested that certain DRA kits and Journeys materials be deemed obsolete. These items will be either be given to MPS students, donated, or disposed of.

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to deem these items obsolete.

Motion passed 6-0-0.

E. FY23 Operating Budget Transfers

Mr. Dias outlined various budget transfers in the attached document.

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to approve these transfers.

Motion passed 6-0-0.

F. MPS Substitute Pay Rates

Superintendent Murphy requested that the MPS Substitute pay rate be increased. Her proposed increased pay rates are attached to this agenda item.

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to accept these updated pay rates with the amendment that the long-term substitute (91+ days) rate increases to \$275/day.

Motion passed 6-0-0.

G. FY24 School Choice

Motion made by Mr. Caruso, seconded by Mrs. Bodin-Hettinger to decline to enter the school choice program.

Motion passed 6-0-0.

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Marlborough Public Schools

School Committee
 District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

H. School Committee Vote on the FY24 Budget

Mr. Dias requested that the School Committee votes to approve the FY24 Budget.

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to approve the FY24 Budget.

Motion passed 6-0-0.

I. Acceptance of Donations and Gifts

Kathy Taylor. The MHS Arts Department received \$500.00 from Kathy Taylor.

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to approve this donation with gratitude.

Motion passed 6-0-0.

Special Olympics. The MHS Unified Program received \$500.00 from Special Olympics.

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to approve this donation.

Motion passed 6-0-0.

MA DESE FY23 FC335 Safe & Supportive Schools. MPS received \$10,000.00 through the MA DESE FY23 FC335 Safe & Supportive Schools grant.

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to approve this grant.

Motion passed 6-0-0.

MA DESE FY23 GLEAM Grant. MPS received \$55,000.00 from the MA DESE FY23 GLEAM Grant.

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to approve this grant.

Motion passed 6-0-0.

www.mps-edu.org



Marlborough Public Schools

School Committee
 District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

MA DESE FC344 Homeless Emergency Support Grant. MPS received \$13,000.00 from the MA DESE FC344 Homeless Emergency Support Grant. Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to approve this grant.
 Motion passed 6-0-0.

10. Reports of School Committee Sub-Committees: None.

11. Members' Forum:

Mrs. Hennessy congratulated the Whitcomb middle school students on their production of Freaky Friday. She also commended the MHS students on their production of Matilda. Mrs. Ryan gave a shoutout to the MHS Music Department heading to their MICCA competition this week.
 Mrs. Matthews has reviewed and signed the warrant.

12. Adjournment:

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to adjourn at 9:15 p.m.
 Motion passed 6-0-0.

Respectfully submitted,

Heidi Matthews
 Secretary, Marlborough School Committee

HM/jm
 Approved April 11, 2023

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RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 APR 10 PM 12: 24

Minutes Approved
on April 6, 2023

16-8

Conservation Commission
Minutes

March 16, 2023 - 7:00 PM

140 Main St. – Marlborough City Hall – 3rd Floor (Memorial Hall)

Present: Edward Clancy- Chairman, John Skarin, Allan White, David Williams, Dennis Demers, William Dunbar, Priscilla Ryder-Conservation officer was also present.

Absent: Karin Paquin

The hearing was recorded using Microsoft Teams

Approval of Minutes: The minutes of March 2, 2023, were reviewed and on a motion by Mr. White second by Mr. Skarin, the Commission voted unanimously to approved 6-0.

Public hearings:

Abbreviated Notice of Intent (continued from March 2, 2023)

21 Blaiswood Ave.- Helvecio Carvalho

A site walk was rescheduled for April 4, 2023, at 5:00pm, as the snow cover was still substantial. Continued to Public hearing on April 6, 2023.

Review Order of Conditions

DEP 212-1260 - 31 Red Spring Rd. - Arthur Vigeant

The Commission reviewed the draft Order and determined that findings of fact should be added as well as amend the item regarding landscaping to add a date for completion. Mr. White made a motion, with a second by Mr. Skarin, to approve the Order of Conditions as drafted and amended, the Commission voted unanimously to approve,6-0.

Discussion:

- Floodplain and Wetland Protection District – Chapter 650-23 Zoning – Article VI. Special Districts, Overlays and Special Requirements – The Commission reviewed the maps and the ordinance and noted that many of the items in the document were still valid and good, changes to reflect the most current FEMA maps is good, changes to the drainage design standards for the newest standards to reflect predicted higher rain volumes; the section about mobile homes should be updated- Ms. Ryder will convey these comments.
- Buffer Zone policy will be provided for the next meeting.
- 541 Pleasant St. -Ms. Ryder will follow up with Lawyer as nothing has been submitted to resolve this violation.
- Conservation Commission Facebook Page has been launched and Ms. Ryder shared the page with the Commission she asked members to give her content, she will post trail committee workdays and walks, and also nature sightings and other notable projects as they come up. The Commission will provide.
- Project Clean Sweep to take place on Earth Day, Saturday April 22, 2023
- Solar Panels – A resident recently asked if Stand-alone solar panels could be placed so the panel extends into the 30' buffer, even if the post does not. The Commission discussed this and

determined that intrusion into the 30' buffer zone air space as well as the ground would not be permitted. Ms. Ryder will convey.

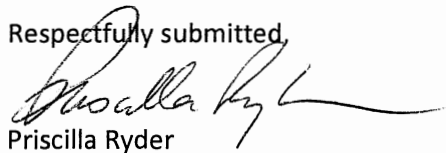
- Turtle Survey – The Eversource turtle survey will continue one more year as indicated by an e-mail Ms. Ryder received. Permission to continue this on The Desert Natural area property has been requested. On a Motion by Mr. White, with a second by Mr. Clancy, to approve this survey work for this calendar year, the Commission voted unanimously 6-0 to approve.

Next Conservation Commission meetings: April 6 and 20, 2023

Adjournment -

There being no further discussion on a motion by Mr. White, second by Mr. Skarin, the meeting was adjourned at 8:02 PM

Respectfully submitted,



Priscilla Ryder
Conservation Officer

MARLBOROUGH HISTORICAL COMMISSION

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 APR 18 AM 6:16

MEETING MINUTES
FEBRUARY 16, 2023
CITY HALL, 140 MAIN STREET
COUNCIL COMMITTEE MEETING ROOM, 7:00PM

Board Members:

Brendan Downey, Chair – PRESENT

Sarah Hough – PRESENT

Stephanie Ferrecchia – ABSENT

Kathleen Newton – PRESENT

Adrian Gilbert - PRESENT

1. *Meeting called to order at 7:00 PM EST.*

2. *Motion put forth and seconded to approve January 2023 minutes. Motion passes 4 -0*

Brendan Downey, Chair - AYE

Sarah Hough - AYE

Stephanie Ferrecchia - ABSENT

Kathleen Newton - AYE

Adrian Gilbert – AYE

3. *Current Business*

A. *House Signage Program*

Brendan is reviewing past committee minutes to gather complete list of homes requesting signs.

B. *Suggestion to have one demonstration sign created prior to generating entire list of requests agreed upon to verify families wishes to continue with program. No vote required.*

C. *Web Site Edits*

“About Us”, discussion in reference to edits by Kathleen Newton. Edits agreed upon and motion passes 4 – 0

Brendan Downey, Chair - AYE

Sarah Hough - AYE

Stephanie Ferrecchia - ABSENT

Kathleen Newton - AYE

Adrian Gilbert – AYE

D. *Brendan expresses desire to continue with Web Edits, “Interior & Exterior Paint Palette” next to be reviewed.*

E. *Update of Historical Preservation of 475 Elm St. Brendan informed commission that family’s desire is to preserve the current conditions and has no desire to impact construction of new Fire House to be located at 1010 Locke Drive*

4. *New Business*

A. *Election of Board Officers*

Chair, Brendan Downey, requested volunteers to place their names for consideration of vacant positions, Vice Chair and Secretary. Brendan volunteered to step down as Chair.

Chair: members present refused offer to step down, no vote required. Brendan Downey – Chair

Vice Chair: Sarah Hough

Brendan Downey, Chair - AYE

Sarah Hough - AYE

Stephanie Ferrecchia - ABSENT

Kathleen Newton - AYE

Adrian Gilbert – AYE

Sarah Hough voted Vice Chair 4 – 0

Secretary; Adrian Gilbert

Brendan Downey, Chair - AYE

Sarah Hough - AYE

Stephanie Ferrecchia - ABSENT

Kathleen Newton - AYE

Adrian Gilbert - AYE

Adrian Gilbert voted Secretary 4 – 0

- B. Expected Marlborough resident, friend of resident William Dunbar, no show to meeting, Intention was to discuss on yet unknown structure built in 1803.*
- C. General discussions of MACRIS File (Downey), Mayor's Mural Project (Newton), and an author of Historical New England Homes traveling through New England and lecturing about his book(s) and if anyone has heard of this person or is aware of their schedule or lecture locations (Newton).*

5. Motion to Adjourn meeting, 7:49PM. Motion passes 4 – 0

Brendan Downey, Chair - AYE

Sarah Hough - AYE

Stephanie Ferrecchia - ABSENT

Kathleen Newton - AYE

Adrian Gilbert - AYE

Respectfully submitted,

Adrian Gilbert, Secretary

Marlborough Historical Commission



MARLBOROUGH HISTORICAL COMMISSION

"About Us"

The Marlborough Historical Commission was established by the City Council on April 12, 1971 under Chapter 40, Section 8D of the General Laws of the Commonwealth of Massachusetts. We are volunteer members, who understand the importance of City-wide historic preservation, appointed by the Mayor and approved by the City Council.

The Historical Commission is a municipal advisory board helping the City to inventory/catalog and preserve historical assets. We cooperate with the State Archeologist, Massachusetts Historical Commission, Marlborough Conservation Commission, and Massachusetts Historical Commission, Marlborough Conservation Commission, and Marlborough Historical Society in conducting research and other surveys as needed

We believe in educating our citizenry on the importance of protecting and preserving homes, structures, scenic roads, stone walls, monuments and other natural venues that make Marlborough unique in New England's long history.

Our primary responsibility is to advise the Mayor's office, the City Council, the Building Commissioner, and other economic development constituents on the nature of and preservation of Marlborough's varied historic assets.

Our approach is to support preservation through education using programs/preservations and social media. We advise the public directly on preservation ordinances, techniques, and resources to help maintain their personal stewardship/property, both large and small, of Marlborough's history.

The Commission meets every third Thursday of the month in City Hall at 7PM. All meetings are open to the public.

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

1A

2023 APR -7 AM 9:47

Call to Order

February 27, 2023

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Sean Fay, Phil Hodge, George LaVenture, Chris Russ, and William Fowler. Meeting support provided by City Engineer, Thomas DiPersio.

1. Draft Meeting Minutes

A. February 13, 2023

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the February 13, 2023, meeting minutes with minor typo edits. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

2. Chair's Business

A. Street Acceptance

i. Council Order No. 22/23-1008767A – Jenks Lane be accepted as a public way

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

Mr. DiPersio notified the Board he would provide the bond amount to the Board at the next meeting.

The Board tabled item 2B. 215 Simarano Drive.

B. 215 Simarano Drive

i. Statutory Covenant

ii. Definitive Subdivision Plan

Dated: May 25, 2018

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports (None)

6. Preliminary/Open Space/Limited Development Subdivision

A. Stow Road, Open Space Development Special Permit Application

Map 20, Parcel 4A, Stow Road, Marlborough, MA 01752

Name of Applicant: Kendall Homes, Inc. (P.O. Box 766, Southborough, MA 01772)

Name of Owner: McCabe Family Irrevocable Trust and Judith McCabe (6 Erie Drive, Hudson, MA 01749)

Name of Engineer: Connorstone Engineering, Inc. (10 Southwest Cutoff, Northborough, MA 01532)

Deed Reference: Book: 66136 Page: 582, Book: 78814 Page: 590

i. Correspondence from City Engineer, Thomas DiPersio, Jr.

Mr. LaVenture read the February 21, 2023, correspondence into the record.

On a motion Dr. Fenby, second by Mr. Russ, the Board voted to accept and file the correspondence. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

ii. Plan Set

Dated: December 2, 2022

Revised: February 9, 2023

**MINUTES
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Mr. Russ asked for clarification on a dash line labeled "permanent buffer area" in front of abutters Gunter and Susan Baburins' property. He argued buffer zone means "no disturb" but that the vegetation in this area would be cleared for the detention basin. Mr. Russ suggested planting something back since this abutter would be most affected by this subdivision/detention basin.

Mr. Vito Colonna suggested a condition that included one or a combination of the following:

- Replanting
- Screening
- Preserving the trees in the area

Mr. Russ suggested preserving as many trees as possible within Lot S3 specifically between Lot S2.

Mr. Russ and Mr. Colonna discussed the scenic road public hearing that would be required to open the stone wall for the proposed roadway. Mr. Russ suggested repairing the stone wall and turning the stone wall in with the new roadway. Mr. Colonna confirmed this public hearing could be done in conjunction with public hearing for their future definitive submission. Mr. Russ also reminded the Board a scenic road public hearing would also be required for the two ANR lots if they were to gain access from Stow Road.

Mr. Fay explained to Mr. Colonna that it's the developer's responsibility to provide draft findings and a draft special permit, which the Board will refer to the Legal Department for review once completed. With the 90-day clock set to expire on March 19, 2023, Mr. Fay requested an extension request for the next meeting.

Mr. DiPersio reminded the Board that they need to compile any conditions they want to include within the special permit. Mr. Fay explained they plan to incorporate Conservation Commissions comments.

The Board discussed tabled item 2B. Simarano Drive.

B. 215 Simarano Drive

i. Statutory Covenant

ii. Definitive Subdivision Plan

Dated: May 25, 2018

Mark Bobrowski of Blatman, Bobrowski Haverty & Silverstein, LLC spoke on behalf of 215 Simarano Drive.

Mr. LaVenture asked for clarification regarding language within the statutory covenant. He asked if the covenant is saying, that even if any lot is transferred by mortgage or transferred in any other way, it is still restricted? Mr. Bobrowski said yes. He explained the only exception is the sale of the entire property.

Mr. Russ asked if the property was sold, would the approval and zoning freeze go with the property? Mr. Bobrowski said, yes and explained it lasts eight years from the date of endorsement of the plan.

Mr. Fay stated the covenant says the eight-year zoning freeze is back dated to September 10, 2018, which the developers had agree upon with the Legal Department.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to endorse the plan and sign the statutory covenant. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

The Board discussed who was at the public hearing on September 10, 2018, and who should endorse the plan and statutory covenant.

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

7. Definitive Subdivision

- A. 689 Pleasant Street, Marlborough, MA 01752 – **No Discussion Required – Public Hearing Set for March 27, 2023**
Open Space Development Definitive Subdivision Plan
- Owner of Land: Joyce Beauchemin Realty Trust, Timothy L. Beauchemin, Trustee
(P.O. Box 1067, Townsend, MA 01469)
- Name of Engineer: Daniel Korvos, P.E., (59 Granite Lane, Chester, NH 03036)
- Name of Surveyor: Hugo Findeisen, (P.O. Box 612 Sandown, NH 03873)
- Deed Reference: Book: 45210 Page: 560

8. Signs

- A. 230-266 East Main Street – Harbor Freight Tools
- i. Application for Sign Appeal
 - ii. Denial letter from Chief Code Enforcement Officer, Pam Wilderman
Mr. LaVenture read the February 21, 2023, correspondence into the record.
On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file the correspondence. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

iii. Proposed Sign and Existing Conditions

Mike Cohen of Signs by J, spoke on behalf of the application and explained they are seeking a variance for a larger sign because the building is set back on the property.

Dr. Fenby asked if Harbor Freight is going to be the same size as Marshalls? Mr. Cohen said he wasn't sure. The administrator explained it was her understanding it would be smaller and that the neighbor store Ocean State Job Lot plans to expand.

Mr. Russ ask if there is a Harbor Freight sign on the pylon? Mr. Cohen said yes.

Mr. LaVenture asked what is the distance from the roadway to the proposed sign? The administrator used the measuring tool on GIS and provided a rough estimate of 625 feet.

Mr. Russ argued if they were to remove "Quality Tools Lowest Prices" from the proposed sign, simply leaving Harbor Freight, the proposed sign would be in compliance with the size regulations.

The Board determined they wanted a representative for the company at the meeting to present and to provide their reasoning on why they believe they should be granted a variance.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to table the 230-266 East Main Street – Harbor Freight Tools Sign Variance Application to the March 27, 2023, meeting. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

9. Correspondence (None)

10. Unfinished Business

- A. Working Group – no updates

MINUTES
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11. Calendar Updates

- A. Stow Road, Open Space Development Special Permit Application – 90 days expires Sunday April 23, 2023 – Vote on or before April 10, 2023, meeting.
The Administrator explained these dates were incorrect. It should read 90 days expired Sunday March 19, 2023 – Vote on or before March 13, 2023, meeting.

12. Public Notices of other Cities & Towns

- A. Town of Hudson – Legal Notice
On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file 12A. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

Mr. Fay explained the new Planning Board members were being sworn in at the February 27, 2023 City Council meeting and that this would be Mr. Hodge's last meeting. He thanked Mr. Hodge for 30 plus years of service on the Planning Board and explained there would be a future gathering to celebrate.

On a motion by Mr. Fowler, seconded by Mr. Russ, the Board voted to adjourn the meeting. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

Respectfully submitted,



George LaVenture/Clerk

/kmm