

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Urban Affairs Committee

Date: August 8, 2018

Time: 5:30 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 AUG - 1 A 11: 34

Continued Review:

01-08-2018 – **Order No. 18-1007135 (X16-1006668)**: Modified Site Plan Application from Attorney Falk, on behalf of Vincenza Sambataro, Marlborough on Main Development LLC, for a mixed-use project at 163-175 Main St. in the Marlborough Village District.

-REFER TO URBAN AFFAIRS

04-23-2018 – **Order No. 18-1007244**: Application for Special Permit from Sandra Colligan, to demo existing house and build a new two-story home at 21 Patten Drive.

-REFER TO URBAN AFFAIRS

-PUBLIC HEARING: JUNE 18, 2018

New Business:

06-18-2018 – **Order No. 18-1007311**: Proposed Zoning Amendment, to Chapter 650 §5 & §17 as it pertains to Coffee Roasteries.

-REFER TO URBAN AFFAIRS

-PUBLIC HEARING: JULY 23, 2018

06-18-2018 – **Order No. 18-1007198D**: Proposed Zoning Amendment, to Chapter 650 §5, §22.A, C as it pertains to a Retirement Community Overlay District, 90 Crowley Drive.

-REFER TO URBAN AFFAIRS

-PUBLIC HEARING: JULY 23, 2018

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.

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.



IN CITY COUNCIL

Marlborough, Mass., JANUARY 8, 2018

ORDERED:

That the Communication from Attorney Falk on behalf of Vincenza Sambataro, re: Proposed Amendment to Site Plan Approval, Marlborough on Main, 163-175 Main Street, X16-1006668, attached, be and is herewith refer to **URBAN AFFAIRS COMMITTEE**.

ADOPTED

ORDER NO. 18-1007135
X17-1006668

From: City Council
Sent: Thursday, July 19, 2018 2:50 PM
To: Joe Delano; David Doucette; Christian Dumais; Robert Tunnera; John Irish; Ed Clancy; Don Landers; Peter Juaire; Mark Oram; Mike Ossing; Kathleen Robey; Michael Ossing; Ed Clancy; Donald Landers
Cc: Sara Corbin; Karen Boule
Subject: From Site Plan Review Committee To Urban Affairs Committee: Proposed E on Main Site Plan Approval Decision
Attachments: rev. 7.19.2018 CPG E on Main Site Plan Approval Decision.doc
Importance: High

To Councilors:

For review at the next meeting of the Urban Affairs Committee on July 25, 2018 at 5:30PM – In Chamber

KB

From: Priscilla Ryder
Sent: Thursday, July 19, 2018 2:03 PM
To: City Council <citycouncil@marlborough-ma.gov>
Cc: Nicholas Milano <nmilano@marlborough-ma.gov>; Jeffrey Cooke <jcooke@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; Cathleen Liberty <cliberty@marlborough-ma.gov>; Cynthia Panagore Griffin <cpanagoregriffin@marlborough-ma.gov>; Falk, Brian R. <bfalk@MirickOConnell.com>
Subject: FW: E on Main Site Plan Approval Decision
Importance: High

Dear Councilor Delano,

The site plan review committee has finished its review of the E on Main project. Attached please find the draft site plan review conditions for this project located at 163-175 Main St. The Site Plan Review committee working with Cynthia Panagore Griffin reviewed and edited these conditions and we submit them to you for your review and consideration.

Let me know if you have any questions,

Priscilla Ryder
Conservation Officer
140 Main St. City Hall; Marlborough, MA 01752
Ph: 508-460-3768 ; pryder@marlborough-ma.gov

Site Plan Permit # _____
Site Plan Approval with Conditions

Applicant: Vincenza Sambataro

Property Owner: Vincenza Sambataro

Location: 163-175 Main Street (the "Site") being shown as Parcels 77, 78 and 79 on Assessors Map 70, currently owned by the Property Owner, and portions of Parcels 33A, 34, and 77A on Assessors Map 70 and portions of the adjacent stair property currently owned by the City of Marlborough.

Zoning District: Marlborough Village District (MV)

Plans: The following Site Plan Approval Final Conditions are based on a set of plans entitled "E On Main, 165-175 Main Street, Marlborough, MA, Site Plan - Amended," by Bruce Saluk and Assoc. Inc., said plans being comprised of sheets EX, C1, C2, C3, C4, C5, C6, and C7, with the last revision date of 7-11-18 (said set of plans hereinafter, collectively, the "Site Plans"); and a set of fifteen (15) architectural drawings entitled "E on Main Retail and Residential" by JD LaGrasse & Associates, with the last revision date of 7-11-18.

SITE PLAN APPROVAL FINAL CONDITIONS:

A. Site Conformance:

1. Construction of the Site shall be in conformance with the approved Site Plans, the provisions of Chapter 270 of the Code of the City of Marlborough, and the conditions stated herein.
2. All construction on the Site shall conform to the appropriate National, State and City of Marlborough codes and regulations in force for each respective discipline and be in accordance with the approved plans and permits. Codes and regulations shall include but are not limited to State Building, Plumbing, Wiring, NFPA, Zoning, DPW utility and roads, Noise and Signs.

B. Prior to Issuance of a Building Permit:

1. Construction Staging and Safety Plan:
 - a. The Applicant shall complete the project in accordance with a Construction Staging and Safety Plan (the "Construction Plan") to be approved by the Building Commissioner, Fire Chief, Police Chief, and City Engineer. Given the proximity of the Site to Main Street and abutting buildings, said Construction Plan shall include, but not be limited to, the building demolition phase of the project, which may take place in advance of the construction phase and under a separate demolition permit.

- b. The Construction Plan shall provide detailed information concerning: (i.) areas of the Site and adjacent property that will be marked off for the staging of construction vehicles, etc.; (ii.) traffic management, detour routes if necessary, construction signage, pedestrian protection, blocked sidewalks, streets, etc.; (iii.) construction fencing to enclose material and equipment; (v.) fencing and/or barricades to provide limits within the construction site for the separation of construction, pedestrian and vehicular traffic; and (vi.) dedicated illuminated and covered pedestrian walkways adjacent to the structure at egress paths in accordance with 780 CMR Massachusetts State Building Code and related Mass. Amendments, including but not limited to Chapters 31, 32, 33, and 34, in effect at the time the building permit application is submitted.
 - c. As part of the Construction Plan, the Applicant shall minimize the use of Devens Street and McEnelly Street for construction vehicles and construction activity.
2. Green Building: The building plans shall show compliance with Section 650-34.D.2.(m), concerning sustainable building design, of the Zoning Code of the City of Marlborough. Prior to the issuance of Building Permits, the Building Commissioner shall review the building plans to ensure that the design incorporates green building techniques.
3. Rooftop Mechanicals: On the building plans, the elevation drawings shall show areas reserved for rooftop mechanicals and the elevator penthouse. Detail drawings illustrating the type, location, and dimensions of fencing/screening must be provided to the Building Commissioner. The Building Commissioner shall confirm that the building drawings conform to the requirements of Section 650-34.D.2.(b) regarding screening of rooftop mechanical equipment.
4. Footings: If the footings for the proposed building will be located within the City of Marlborough public way layout, the Applicant must request and receive from the City Council an easement prior to the issuance of any building permits.
5. Main Street Sidewalk, Street and Curb: Prior to the issuance of a building permit for the construction of the building, the Applicant shall acquire from the City of Marlborough a street opening permit authorizing access to those portions of Main Street on, to, or beneath which it intends to perform demolition and/or construction work as shown on the Site Plans (including, without limitation, drainage, the sidewalk, street, and curbs).
6. Performance Security Bond: Prior to the issuance of a building permit, the Applicant shall provide to the Building Commissioner a performance security bond, issued by a surety licensed for surety business in the Commonwealth of Massachusetts, in an amount equal to 100% of the cost of the work which

Applicant proposes for Main Street, including but not limited to construction or reconstruction of the public sidewalk, crosswalk, two (2) parking spaces, underground pipes, structures and appurtenances.

7. Insurance Certificate: Prior to the issuance of a building permit, the Applicant shall provide to the Chief Procurement Officer of the City of Marlborough a Certificate of Insurance, naming the City of Marlborough Department of Public Works, City Engineer, 135 Neil Street Marlborough, MA 01752 as an additional insured, in such amounts as are required by said Chief Procurement Officer for a liability policy concerning the Applicant's work on Main Street, including but not limited to demolition, construction and/or reconstruction of the public sidewalk, crosswalk, two (2) parking spaces, underground pipes, structures and appurtenances.

C. Construction:

1. Preconstruction Meeting: Prior to the commencement of construction, a preconstruction meeting shall be held on-site with the Building Commissioner, City Engineer, Conservation Officer, Fire Chief, Police Chief, and the site contractor responsible for doing the work. At this meeting said City officials will review the plans and conditions, exchange contact information including emergency contact numbers, and inspect erosion controls. A similar meeting shall be held prior to the commencement of demolition, which may take place under a separate demolition permit.
2. Use of Ways During Construction: Consistent with the Construction Plan, all areas for construction staging and offloading of building materials, as well as any excavations, long-term construction scaffolding, or other obstructions, shall be coordinated to maximize public safety and to minimize interference with the customary use of public ways by vehicles and pedestrians. Permits are required for any street or sidewalk excavations or obstructions. The Police Chief shall have the discretion and authority to require additional protection and/or details as needed. The Applicant shall pay to the City the cost for every police detail which is provided by the Marlborough Police Department for the project.
3. OSHA: All Contractors shall abide by OSHA regulations as appropriate, including but not limited to OSHA-29 CFR, Section 1926.
4. Safety Official: The Applicant/ site contractor shall have on the Site at all times during construction a qualified Construction Safety Official. Prior to the commencement of construction, Applicant shall provide to the Building Commissioner the name and contact information of said Construction Safety Official.
5. Hours of Operation: In accordance with Section 431-3B. of the Code of the City of Marlborough, excavation machinery may be operated only during the normal

workweek, from Monday through Saturday, except holidays, between the hours of 7:00 a.m. to 7:00 p.m., except Sunday when all use is prohibited except with variance by the Board of Health or as emergency work.

D. Storm Water:

1. Siltation Control: The Applicant, Property Owner, and site contractor shall be responsible for protecting the City drainage system with erosion controls at all times during construction, and for notifying the Conservation Officer and the City Engineer in an expeditious manner if there is any visible siltation to the existing drainage system. Immediate measures shall be taken to control the siltation source and to restore any impacted areas.

E. Landscaping:

1. Modifications: All modifications to the approved Landscape Plans related to changes to the kind, size and placement of plant material shall receive the prior written approval of the Conservation Officer and shall be considered a minor change.
2. Site Visit: Prior to the final signoff, the Landscape Architect shall provide an as-built planting plan and a letter of confirmation that the plan conforms to the approved plans. The Conservation Officer shall confirm by a site visit that the planting has been installed according to the approved Landscape Plans, or according to a revision thereto previously approved by the Conservation Officer.
3. Replacement of Plantings: Following 18 months of the date of the final signoff of the site work, any plant material that has died or is dying shall be replaced by the Property Owner with a species of the same kind and size.
4. Mulch Placement: Installation of mulch at the time of planting and thereafter shall be placed so that the mulch is not in contact with the trunk of newly planted trees and shrubs as shown on the details on the Landscaping Plan.
5. Maintenance: Landscaping will be properly maintained, replaced if necessary, and kept in good condition and in compliance with the Landscape Plans at all times. This shall be an ongoing condition.

F. Parking Garage:

1. The design of the parking garage access shall be such that entering and exiting from the garage is controlled by the Site's residents, the Property Owner, the Property Owner's agents, and those providing maintenance and other services to the Site. The building design shall provide for adequate sight distances for vehicles exiting the garage to provide for pedestrian safety. The Applicant shall use a combination of doors, gates, speed bumps and audio/visual alerts at the

garage entrance and exit to ensure pedestrian safety.

2. The parking garage is to be for the sole use of the residents of the Site. The parking garage is not intended for public use.
3. The final design of the garage has not been completed and is therefore not included in the Site Plans reviewed. Once complete, details such as the locations of columns, dumpster(s), drains, grease trap, lighting and ventilation, final parking layout, and other items shall be reviewed and approved by the Building Commissioner and other City officials as appropriate.

G. Main Street Parking Spaces:

1. The Site Plans indicate that two (2) existing parking spaces on the north side of Main Street will be eliminated (see Section H.2 below). Prior to the issuance of a Building Permit, the Applicant shall appear before the Traffic Commission to request a vote to change the existing parking plan accordingly.

H. Private Open Space:

1. Through this decision and in accordance with Section 650-34.H(4) of the Zoning Ordinance, the City Council acknowledges that the Site will provide the required "private open space" and hereby waves strict adherence to the private open space requirement that the exterior ground level portion of the open space must be usable for sitting or recreation, based on the unique slope conditions found at the Site and the fact that the building will have a roof deck to provide the requisite outdoor sitting and recreation space. Said waiver from the City Council is conditioned upon approval by the Building Commissioner of calculations provided by the Applicant, which calculations are incorporated by reference and shall be a part of this Site Plan Permit.

I. Prior to Issuance of a Certificate of Occupancy:

1. Payment in Lieu of Parking: The project contains 47 residential units, and therefore must either (i.) comply with parking space requirements, or (ii.) make a "payment in lieu of parking" for each space not provided, per Section 650-34E. of the Zoning Ordinance. Required parking for the project is as follows:

1 bedroom units:	15 @ .75 spaces per unit=	11.25 spaces
2 bedroom units:	32 @ 1.25 spaces per unit =	40 spaces
Total Spaces Required =		52 spaces

The difference between the parking spaces provided on the Site Plans (35) and the parking spaces required (52), which is 17 spaces, will be addressed in strict accordance with Section 650-34.E.(2)(b) of the Zoning Ordinance of the City of

Marlborough. Per the Ordinance, a payment-in-lieu-of-parking equal to \$170,000 (\$10,000 for each of the 17 spaces required but not provided on the Site) shall be paid to the City of Marlborough prior to the issuance of the first Certificate of Occupancy for the project. In addition, prior to the issuance of the first Certificate of Occupancy for the project, the Applicant shall pay to the City of Marlborough \$20,000 for the two (2) parking spaces (\$10,000 per space) eliminated on Main Street as part of the project.

2. Work Within Public Way: All work within the public way layout, including but not limited to the street landscaped islands, planting, repaving, catch basin replacement, pavement milling and overlay, pavement markings, etc., as shown on the approved plans, shall be completed prior to the issuance of the first Certificate of Occupancy.
3. As-Built Plan: An as-built plan(s) must be submitted to the City Engineer for review prior to the issuance of the first Certificate of Occupancy or any Temporary Certificate of Occupancy. The as-built plan(s) shall be prepared in accordance with the As-Built Plan Standards established by the City Engineer, which standards may be found on the website for the City of Marlborough.
4. Time for Completion: Work as provided for on the Site Plans shall be carried into effect and completed within three (3) years following the date of issuance of the Building Permit, unless the City Council has, in writing, granted an extension of time for completion of the work.
5. Signage. Pursuant to Section 650-34.I. of the Code of the City of Marlborough, the City Council hereby retains jurisdiction over all signage of the project to the extent such signage requires a sign permit under the Sign Ordinance. The final design, material, dimensions, content, and location of all such signage, including any freestanding entry signs and the project's internal signage, shall be subject to further review and sign permit approval from the City Council which must meet the requirements of Section 650-34.I. of the Code of the City of Marlborough.

J. Stair Case Property:

1. Prior to the issuance of a building permit for the construction of the building, the Applicant shall acquire rights to the portions of the property owned by the City of Marlborough as shown on the Site Plans.
2. Performance Security Bond: Prior to the issuance of a building permit, the Applicant shall provide to the City Engineer a performance security bond, issued by a surety licensed for surety business in the Commonwealth of Massachusetts, in an amount equal to 100% of the cost to construct or reconstruct the existing City stairs in their entirety from Main Street to Devens Street, and for the construction or reconstruction and relocation of drain and sewer lines located below said existing stairs.

3. Certificate of Insurance: Prior to the issuance of a building permit, the Applicant shall provide to the Chief Procurement Officer of the City of Marlborough a Certificate of Insurance, naming the City of Marlborough as an additional insured, naming the City of Marlborough Department of Public Works, City Engineer, 135 Neil Street Marlborough, MA 01752 as an additional insured, in such amounts as are required by said Chief Procurement Officer for a liability policy concerning the Applicant's demolition and reconstruction of the subject stairs in their entirety from Main Street to Devens Street, and for the reconstruction and relocation of drain and sewer lines located below said existing stairs.
4. Prior to the issuance of a building permit for the construction of the building, the Applicant shall submit plans, deemed acceptable to the City Engineer, for the reconstruction of the City stairs in their entirety from Main Street to Devens Street and the reconstruction and relocation of drain and sewer lines located below the existing stairs. The stairs shall be designed to accommodate snow and ice removal.
5. Prior to the issuance of a Certificate of Occupancy for the project, the Applicant shall construct, at the Applicant's expense new City stairs providing a connection between Main Street and Devens Street and shall reconstruct and relocate drain and sewer lines located below the existing stairs.

K. General Provisions:

1. Minor Changes: The City Council delegates to the Building Commissioner the authority to approve minor changes to the approved Site Plans. The City Council delegates to the Building Commissioner the authority to approve changes to the approved Site Plans consistent with future amendments to the Zoning Ordinance enacted by the City Council.
2. Enforcement: The City Council designates the Building Commissioner as the enforcing authority to bring enforcement actions for violations of this permit.
3. Deliveries: In order to mitigate the impact on traffic flow on Main Street and the impact of noise to the residents of and abutters to the Site, deliveries to the business on the Site by semi-trailers shall occur between 8:00 a.m. and 8:30 p.m. Daily deliveries to business on the Site by a small box truck, van or similar sized vehicle may occur between the hours of 7:00 a.m. and 9:00 p.m. On-site trash collection shall occur twice a week, or as required by management or the Board of Health to facilitate disposal demand, between the hours of 7:00 a.m. and 9:30 a.m. All possible measures shall be taken to avoid noise and disturbances to residents and neighboring businesses.
4. Snow Removal: To ensure safe access for fire and emergency services, the Applicant shall keep clear of snow and ice the second floor patio area, the stairs

from Devens Street to Main Street, the public sidewalk on Main Street which abuts the Site, and the driveway to the parking garage.



IN CITY COUNCIL

Marlborough, Mass., APRIL 23, 2018

ORDERED:

That there being no objection thereto set **MONDAY, JUNE 18, 2018** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Sandra Colligan, to demo existing house and build a new two story home at 21 Patten Drive, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE.**

Ninety days after public hearing is 09/16/18 which falls on a Sunday, therefore 09/17/18 would be considered the 90th day.

ADOPTED

ORDER NO. 18-1007244



IN CITY COUNCIL

Marlborough, Mass., JUNE 18, 2018

PAGE 1

ORDERED:

That the PUBLIC HEARING On the Application for Special Permit from Sandra Colligan, to demo existing house and build a new two story home at 21 Patten Drive, Order No. 18-1007244, all were heard who wish to be heard, hearing closed at 8:17 PM.

Councilors Present: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Oram, Ossing & Robey.

PUBLIC SPEAKING IN FAVOR

Sandra Colligan, the property owner of 21 Patten Drive, plans to remove the existing structure and build a new house on the lot.

There is no one else speaking in favor. That part of the Public Hearing is closed.

QUESTIONS FROM THE PUBLIC

Barbara Allen has lived at 124 Second Road since 1989, and the property on Patten Drive is behind her house. She thought a new home being developed was nice since the current home is in bad shape. Her concern is the nature of the neighborhood and the spacing between the homes so the room between the houses remain. The houses are all shapes and sizes, but a house being built should fit the size of the existing lot. If it cannot fit the existing lot, the owner should purchase surrounding land to make it big enough to fit or just build a smaller home to fit in the existing zoning. Her concern is once the exception is made for a house being built so big, it encroaches on the boundaries of the other homes. Eventually a precedent would be set and the neighborhood would be overcrowded with larger houses that are oversized for the nature of the neighborhood. Her question is if this exception is made for this house to not fit the lot and be too big, will there be other exceptions made in the neighborhood for houses to be torn down and upsized and how often could that continue to happen.

Paul Goldman of 137 Second Road has been a Marlborough resident for the past thirty-five years. They live in a wonderful community and agreed that having a new house on that lot would be a plus to the neighborhood in a general sense. In his thirty-five years in the City, he has never received a letter like this asking for a variance in the zoning. His concern was regarding space and the tendency to modify the existing cottages. He is concerned if a permit is given this time that some years in the future someone could do the same to him and want to build within a few feet of his house. He suggested the owners figure a way to build within the existing zoning and not open a Pandora's Box on zoning issues. His preference would be to keep the house within the current zoning regulations.



IN CITY COUNCIL

Marlborough, Mass.,

JUNE 18, 2018

PAGE 2

ORDERED:

Ms. Colligan responded to the concerns of the neighbors about elbow room. The existing structure is very old and appears to have had several additions over the years. The current home is twenty-nine feet wide. She stated they are asking for a twenty-six foot wide home be approved. If they were to build off the existing twenty-nine foot foundation, they would not have the need for a special permit however the current foundation is a very old unstable rock foundation and needs replacement. They have decreased the width of the house so there will be more space on the sides and they are within the required setbacks for the front and back and within required height limits. They are shrinking the footprint on the sides of the house and that may alleviate the concern of the neighbors.

There are no further questions from the public. That part of the Public Hearing is closed.

PUBLIC SPEAKING IN OPPOSITION

Andre Robichaud, 15 Patten Drive, is a direct abutter to the applicant. He asked petitioner if the twenty-nine foot measurement included the deck. Ms. Colligan stated the measurement did not include the deck— only the addition and the original home's foundation which totals twenty-nine feet.

Arthur and Laurie Zouharis of 140 Second Road submitted a letter of opposition to the City Council dated June 6, 2018 noting that their house directly abuts the rear yard of 21 Patten Drive. They oppose the disproportionate size of the proposed new home on this sub-par lot and support the construction of a single story or even a Cape style home as it would be proportional to the lot and preserve the quaintness and unique setting of this property in their lake-front neighborhood.

There is no one else speaking in opposition. That part of the Public Hearing is closed.

QUESTIONS FROM THE CITY COUNCIL

There are no questions from members of City Council. That part of the Public Hearing is closed.

That ends the entire Public Hearing. This is currently in the Urban Affairs Committee.

ADOPTED

ORDER NO. 18-1007244A



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 AUG -1 P 4: 27

CITY OF MARLBOROUGH
Office of the City Council
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610

**AGREEMENT TO EXTEND
TIME LIMITATIONS**

Order No.18-1007244: Application for Special Permit from Sandra Colligan to demolish existing house and build a new two-story home at 21 Patten Drive, Marlborough, MA
-REFER TO URBAN AFFAIRS COMMITTEE
PUBLIC HEARING: JUNE 18, 2018

The decision of the special permit granting authority shall be made within ninety days following the date of such public hearing. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the City Clerk.

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 10:00 p.m. on **October 30, 2018**.

By: _____
Edward J. Clancy, City Council President,
acting on behalf of, and at the direction of,
the special permit granting authority:
Marlborough City Council

By: 
Sandra Colligan, Petitioner

LETTER TO CITY COUNCIL FOR SPECIAL PERMIT

Sandra L Colligan
21 Patten Drive, Marlborough, MA

To whom it may concern; I would like to take this as an opportunity to explain the positive impact that the proposed new dwelling will have on the property and the surrounding community at 21 Patten Drive.

I attended the public meeting and the only objections that were raised were by neighbors that were concerned with the house reducing the "elbow room" side to side on the property as was their exact words that they used in the public meeting and in the hall after the meeting when I showed them our proposed dwelling plans.

The neighbors told us that they did not realize that the actual footprint of the home was reducing the side to side "elbow room" considering that the existing dwelling currently is 29' wide with the deck off the side actually sitting on the property line of the neighboring home. The neighbors were pleased with the appearance of the home and agreed that it will be beneficial to have a new dwelling on the property and get rid of the current dwelling which is an eye sore and is in disrepair.

The neighbors however also told us that it would not matter to them what the home looked like and what the actual impact of this particular property was and that they were not opposed to our project as they are opposed overall period to any Special Permits being allowed in the Town of Marlborough. Their reasoning had more to do with their displeasure of large homes built up along Lakeside Drive which they told us they cannot control since they are too far away but they can complain about what is within their control which our property happens to fall into that category.

For this reason we feel that the neighbors are being very unreasonable and unfair with their objections since they have no merit based on the dwelling we are proposing and they seemed genuinely happy that a new dwelling would add appeal and appreciation to the neighborhood, their concern is more of an overall concern with the Town in General and told us they would object regardless.

The home is going to be built 2 stories which is within the Zoning regulations of the City of Marlborough, and without a Special Permit we would be able to build a 2 story home that is 20' wide which will be unsightly in our opinion and look like you have built a Trailer on the property which is why we are requesting a 26' wide home reducing the footprint from 29' currently, this allows for a proper garage and entrance door and the ability to build an attractive home that is appropriate for the neighborhood rather than something that appears to be a trailer located sideways on a narrow lot.

The neighbor behind my property at 21 Patten Drive has been complaining to us for years about his "view" from his property and tried to "blackmail" us so to speak, that if we agreed to remove the trees in the back of the property he would not "object" to the construction

of our new dwelling. This neighbor has written an objection letter to the City Council's Office complaining about the dwelling and suggesting that we build a dwelling of his liking such as a Cape Style home, this is not his call and he is being extremely abusive and unreasonable toward me and our construction project simply based on his desire to have an unimpeded view of the lake and force the removal of trees in the back of the property.

It is our intentions to be a good and courteous neighbor, since Tom my life partner is a builder "General Contractor" we have always improved our properties we have lived in to the happiness of our neighbors and provided an increased property value since the home would be beautiful rather than in disrepair.

The neighbor in opposition in the rear of 21 Patten will have to deal with a 2 story home on the property regardless of width and the height of the home is a mere 5' difference which does not impeded his view, his other complaint was windows in the home facing his home which is an extremely unreasonable complaint, I am of the assumption nothing will make this neighbor happy about this project as we have done all we can to address his concerns.

Prior to the Town Meeting we sent a letter to all 40+ abutters inviting them to our home on 21 Patten to view the proposed project and provide us with any input that they might have and all but 1 neighbor who came to our coffee and donut invite welcomed us to the neighborhood and stated that they were very happy to get the eye sore on the property demolished, a new attractive dwelling build and form a new relationship with a new neighbor and we are excited to become a part of the community on Patten Drive.

We want to emphasize that we are working with a very tight lot, only 50' wide and we are reducing the side to side footprint by 3', however due to the new ordinance a special permit will be required to build a 26' home vs. 20' home if we do not use the existing foundation which is falling down and unable to be built up on.

We have also spoken in length with the Marlborough Fire Department and when it is time for the home to be demolished we will work with the Fire Department to allow them to use the dwelling for training purposes prior to demo for added benefit to the community of Marlborough.

We are looking forward to living in the City of Marlborough and the Community on Patten Drive and I am sure once the home is built that anyone with reservations will understand that they were not warranted and that the new dwelling will be the most positive result of development for this property.

Thank you very much for taking the time to read my letter.

Sandra L Colligan and Thomas P. Coder "Applicant's"

From: City Council
Sent: Wednesday, July 18, 2018 5:54 PM
To: Sara Corbin; Karen Boule
Subject: Comment from Building Commissioner: 21 Patten Drive - Residential Special Permit

From: Jeffrey Cooke
Sent: Monday, July 16, 2018 5:44 PM
To: Karen Boule <kboule@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>; Cathleen Liberty <cliberty@marlborough-ma.gov>; John Ghiloni <jghiloni@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>
Subject: 21 Patten RE: Reminder: Comments for Urban Affairs - Residential Special Permits, Jefferson Street and Patten Drive

To:Urban Affairs Committee

RE: Special Permit for 21 Patten Drive, Marlborough, MA

Building Commissioner has no additional comments on the Decision being written by The Legal Department.

However, I do Have comments on the "Letter to City Council for Special Permit" submitted by applicant Sandra Colligan.

Paragraph 11

Ms. Colligan writes "We want to emphasize that we are working with a very tight lot, only 50' wide and we are reducing the side to side footprint by 3', however due to the new ordinance a special permit will be required to build a 26' home vs. 20' home if we do not use the existing foundation which is falling down and unable to be built up on." End of quote.

The Special Permit that is required for this structure has nothing to do with the existing foundation. The issue is that the addition of a second story to the dwelling, that is located within the required setbacks increases or intensifies the non-conformity of the dwelling. This is the reason that zoning relief needs to be obtained.

Jeffrey Cooke, C.B.O.
Building Commissioner
City of Marlborough, MA
508-460-3776

Mission Statement

To promote the safe and compatible development of the community through fair and consistent enforcement of building codes and zoning ordinances

**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

2018 APR 11 P 3:57

1. Name and address of Petitioner or Applicant:

Sandra Colligan

2. Specific Location of property including Assessor's Plate and Parcel Number.

21 Rafter Drive Marlborough

3. Name and address of owner of land if other than Petitioner or Applicant:

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)

5. Specific Zoning Ordinance under which the Special Permit is sought:

Article 650 Section 12 Paragraph B Sub-paragraph _____

6. Zoning District in which property in question is located:

A-3

7. Specific reason(s) for seeking Special Permit

Demo Existing house Build New Two Story Home
26x48 RE: Pre Existing nonconforming Lot.

8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HERewith AND MADE PART OF SAID PETITION.

Sandra J. Colligan

Signature of Petitioner or Applicant

Address: 3 Atwood St.

Marlborough Mass 01772

Telephone No. 508-380-3307

Date: 3/27/18

LIST OF NAMES AND ADDRESS OF ABUTTERS
AS REQUESTED ON THE APPLICATION FOR SPECIAL PERMIT OF:

Sandra Golligan

(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting Authorities**

**ABUTTERS LISTING for 21 Patten Dr Special Permit 400 ft
MARLBOROUGH, MA**

Map	Block	Lot	Unit	Owner's Name	Co_Owner's Name	Address	City	ST Zip	Parcel Location
5	25			LAGE FERNANDA G		16 MARLBORO ST	HUDSON	MA 01749	47 LAKESHORE DR
5	26			DAIGLE ROBERT C		42 COATES FARM RD	AMSONT	CT 06231	51 LAKESHORE DR
5	27			WILLIAMS NANCY M		55 LAKESHORE DR	MARLBOROUGH	MA 01752	55 LAKESHORE DR
5	28			STOCK SUSAN I		57 LAKESHORE DR	MARLBOROUGH	MA 01752	57 LAKESHORE DR
5	29			KELLEY RICHARD H	JUDITH H KELLEY	65 LAKESHORE DR	MARLBOROUGH	MA 01752	65 LAKESHORE DR
5	31			CROCKETT G BETH TR	CROCKETT REALTY TRUST	2 HILL RD	MARLBOROUGH	MA 01752	2 HILL RD
5	33			TRUDEAU DENNIS G TR	MARY LINDA TRUDEAU TR	76 LAKESHORE DR	MARLBOROUGH	MA 01752	76 LAKESHORE DR
5	36			GARCEAU DAVID A	ROSITA A GARCEAU	64 LAKESHORE DR	MARLBOROUGH	MA 01752	64 LAKESHORE DR
5	38			PALMER BRIAN D	PAMELA J PALMER	294 PLEASANT ST	MARLBOROUGH	MA 01752	56 LAKESHORE DR
5	39			URIAEV ELINA	LEONID ZISLIN	50 LAKESHORE DR	MARLBOROUGH	MA 01752	50 LAKESHORE DR
5	40			SEGARRA LISA		44 LAKESHORE DR	MARLBOROUGH	MA 01752	44 LAKESHORE DR
5	41			GOLGATA-SYCHANATHA COLLETTE M LI EST		14 HILL RD	MARLBOROUGH	MA 01752	38 LAKESHORE DR
5	62			ROBINSON TYRELLE		54 PATTEN DR	MARLBOROUGH	MA 01752	54 PATTEN DR
5	63			HILL RYAN J	ANNEMARIE HILL	48 PATTEN DR	MARLBOROUGH	MA 01752	48 PATTEN DR
5	64			PENA MARC A	MARY C BERMUDEZ	42 PATTEN DR	MARLBOROUGH	MA 01752	42 PATTEN DR
5	67			CEDRONE CAROL A		36 PATTEN DR	MARLBOROUGH	MA 01752	36 PATTEN DR
5	68			FEDERAL NATIONAL MORTGAGE ASSOC	N/O ABIUD & NATALIA CHACON	22 PATTEN DR	MARLBOROUGH	MA 01752	22 PATTEN DR
5	70			ROSEN MARCIA		321 CABOT ST	NEWTON	MA 02460	14 HILL RD
5	72			CARROLL MICHAEL P	JOANNE M CARROLL	11 HILL RD	MARLBOROUGH	MA 01752	11 HILL RD
5	73			OLIVEIRA MARCELLO F	SIMONE F OLIVIERA	17 HILL RD	MARLBOROUGH	MA 01752	17 HILL RD
5	75			REGIS MARK L TR	THE REGIS FAMILY IRREVOCABLE TR	1 BUSH RD	HUDSON	MA 01749	25 HILL RD
5	77			MCAVOY ANDREW		5 PATTEN DR	MARLBOROUGH	MA 01752	5 PATTEN DR
5	79			ROBICHAUD ANDRE J		15 PATTEN DR	MARLBOROUGH	MA 01752	15 PATTEN DR
5	80			MCGOWAN PATRICK N	N/O SANDRA COLLIGAN	3 ATWOOD ST	SOUTHBOROUGH	MA 01772	21 PATTEN DR
5	81			SILKA FRANK W		27 PATTEN DR	MARLBOROUGH	MA 01752	27 PATTEN DR
5	83			PARK CHARLES L JR		150 SECOND RD	MARLBOROUGH	MA 01752	39 PATTEN DR
5	84			SUTER DAVID R	SHARON E SUTER	43 PATTEN DR	MARLBOROUGH	MA 01752	43 PATTEN DR
5	86			BUONOMO ERIN	MATTHEW STACK	53 PATTEN DR	MARLBOROUGH	MA 01752	53 PATTEN DR
5	88			BANK OF AMERICA N A	N/O GUSTAVO SILVA	61 PATTEN DR	MARLBOROUGH	MA 01752	61 PATTEN DR
5	92			BERGSTROM JANIS A		132 SECOND RD	MARLBOROUGH	MA 01752	132 SECOND RD
5	93			THEBADO KRIS	TINA THEBADO	36 HILL RD	MARLBOROUGH	MA 01752	36 HILL RD
5	94			RENAUD MAURICE P	BARBARA L RENAUD	111 SECOND RD	MARLBOROUGH	MA 01752	111 SECOND RD
5	95			VINCENTELLI FRANCISCO	MONIQUE SOLANILLA	117 SECOND RD	MARLBOROUGH	MA 01752	117 SECOND RD

MARLBOROUGH ASSESSORS

Anthony C. [Signature]
[Signature]
[Signature]

**ABUTTERS LISTING for 21 Patten Dr Special Permit 400 ft
MARLBOROUGH, MA**

Map	Block	Lot	Unit	Owner's Name	Co_Owner's Name	Address	City	ST Zip	Parcel Location
5	96			GIANCOLA FRANCIS W		125 SECOND RD	MARLBOROUGH	MA 01752	125 SECOND RD
5	97			GOLDMAN PAUL D	MARSHA GOLDMAN	137 SECOND RD	MARLBOROUGH	MA 01752	137 SECOND RD
5	98			PARK CHARLES L	MARJORIE A PARK	157 SECOND RD	MARLBOROUGH	MA 01752	157 SECOND RD
5	101			ZOUHARIS ARTHUR	LAURIE ZOUHARIS	140 SECOND RD	MARLBOROUGH	MA 01752	140 SECOND RD
5	102			ALLEN DAVID L	BARBARA P ALLEN	124 SECOND RD	MARLBOROUGH	MA 01752	124 SECOND RD
5	92A			PARK CHARLES L JR	KATHLEEN A KOHLAND-PARK	150 SECOND RD	MARLBOROUGH	MA 01752	150 SECOND RD
6	22			ASTLE SARAH		37 HILL RD	MARLBOROUGH	MA 01752	37 HILL RD
6	23			BELLIDO MARCELO	MARIA PAZ	105 SECOND RD	MARLBOROUGH	MA 01752	105 SECOND RD
17	19			GAUCHER NANCY B		ATTN VICTORIA GAUCHER	MARLBOROUGH	MA 01752	73 LAKESHORE DR
17	20			SHARON HEATHER		75 LAKESHORE DR	MARLBOROUGH	MA 01752	75 LAKESHORE DR
17	21			MATTA LALITA TR	LALITA MATTA 2015 REVOCABLE TRUST	79 LAKESHORE DR	MARLBOROUGH	MA 01752	79 LAKESHORE DR
17	22			FORT MEADOW ASSOCIATION		C/O DAVID OLOUGHLIN	MARLBOROUGH	MA 01752	LAKESHORE DR
17	23			SHARON PETER L	KATHLEEN F SHARON	95 LAKESHORE DR	MARLBOROUGH	MA 01752	95 LAKESHORE DR
17	24			ALLEN HEATHER A	MARK S ALLEN	97 LAKESHORE DR	MARLBOROUGH	MA 01752	97 LAKESHORE DR
17	34			HAMILTON SCOTT C	SUSAN H HAMILTON	98 LAKESHORE DR	MARLBOROUGH	MA 01752	98 LAKESHORE DR
17	35			MONAGHAN SEAN T	N/O JASON PAVAO	96 LAKESHORE DR	MARLBOROUGH	MA 01752	96 LAKESHORE DR

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Sandra Colligan Address: 3 Atwood St

Project Name: 21 Patten Address: 21 Patten Drive

1. PROPOSED USE: (describe) Single family Home

2. EXPANSION OR NEW: New

3. SIZE: floor area sq. ft. 1248 1st floor 1248 all floors 2496

buildings ONE # stories Two lot area (s.f.) _____

4. LOT COVERAGE: 5000 %Landscaped area: _____ %

5. POPULATION ON SITE: Number of people expected on site at anytime:

Normal: 5 Peak period: 8

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 2 Peak period: 3

(B) How many service vehicles will service the development and on what schedule?

Three

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Flood Lighting, Leaving Property

None

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. All During Regular Business Hours

9. AIR: What sources of potential air pollution will exist at the development? None

10. WATER AND SEWER: Describe any unusual generation of waste. None

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? None

*Attach additional sheets if necessary



CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752

City Hall

140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: _____

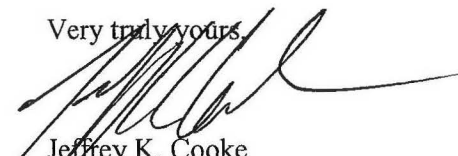
SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: 21 Patten
 Project Use Summary: Single Family Home
 Project Street Address: 21 Patten drive
 Plate: 5 Parcel: 80
 Applicant/Developer Name: Sandra Colligan
 Plan Date: 8/2/17 Revision Date: _____

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,


 Jeffrey K. Cooke
 Building Commissioner

**Application Fee to submit to
 City Clerk's office**

300-

City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT








Lisa M. Thomas
City Clerk



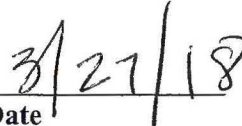
Dear Applicant,

To ensure that each department listed below receives a copy of your completed Special Permit application, please hand-deliver to each department as instructions indicate below.

PLACE A CHECK-MARK AFTER HAND-DELIVERING THE APPLICATION TO THE FOLLOWING DEPARTMENTS AND SIGN YOUR NAME & DATE IT ACCORDINGLY. MAKE SURE THIS PAGE IS SIGNED AND RETURNED TO THE CITY CLERK'S OFFICE WITH THE COMPLETED APPLICATION. THE CITY CLERK'S OFFICE WILL NOT ACCEPT THE APPLICATION WITHOUT THE SIGNATURE OF THE APPLICANT OR PETITIONER AS INDICATED BELOW.

1 SET	POLICE CHIEF	
1 SET	FIRE CHIEF	
1 SET	CITY ENGINEER	
1 SET	DIRECTOR OF PLANNING	<u>N/A</u> 
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED)	
1 SET	BUILDING COMMISSIONER	
12 SETS	OFFICE OF THE CITY COUNCIL	
3 SETS	OFFICE OF THE CITY CLERK	_____ (MUST be Original & 2 Complete Sets)


 Signature


 Date

Thank you for your cooperation in this matter.

Sincerely,

Lisa M. Thomas
 City Clerk

City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT

Lisa M. Thomas
City Clerk



I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal tax returns and paid all Municipal taxes required under law.

Company Name

Owner Name/Officer Name of LLC or Corporation

Sandra Collican

Owner/Officer Complete Address and Telephone Number

Signature of Applicant

Sandra Collican

Attorney on behalf of Applicant, if applicable

The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.

Eileen Bristol

Tax Collector



City of Marlborough
BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3776 Facsimile (508) 460-3736
building_dept@marlborough-ma.gov

9-9
JEFFREY COOKE, C.B.O.
BUILDING COMMISSIONER

PATRICK DAHLGREN
ASSISTANT BUILDING
COMMISSIONER

WILLIAM PAYNTON
LOCAL BUILDING INSPECTOR

RICHARD DESIMONE
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

ZONING DENIAL

April 5, 2018

To: Sandra Colligan
3 Atwood Street
Southborough, MA 01772

RE: 21 Patten Drive, Marlborough, MA

Ms. Colligan:

Your application to Demolish the existing single story SFD and construct a two story SFD at 21 Patten Drive, Marlborough, MA Parcel ID # 5-80, located in the Residence A-3 zoning district (A-3) is denied as it does not comply with Chapter 650-41 of City Code of Marlborough. The "Table of Lot Area, Yards, and Height of Structures" states that your use requires 100' of frontage and 12,500 SF of area, your existing lot contains 50' frontage and 5,000 SF of area. As a pre-existing, non-conforming lot the construction of a new SFD that is more non-conforming requires a "Special Permit" (SP) issued by the Marlborough City Council.

I have determined that the proposed structure is increasing the non-conformity:

- The existing structure is approximately 733 square feet (SF) in area, the proposed is 1225 SF.
- In the required yard setback area, the building increases in height from 1 story to 2 stories.

Your use requested requires a Zoning relief issued by the Marlborough City Council.

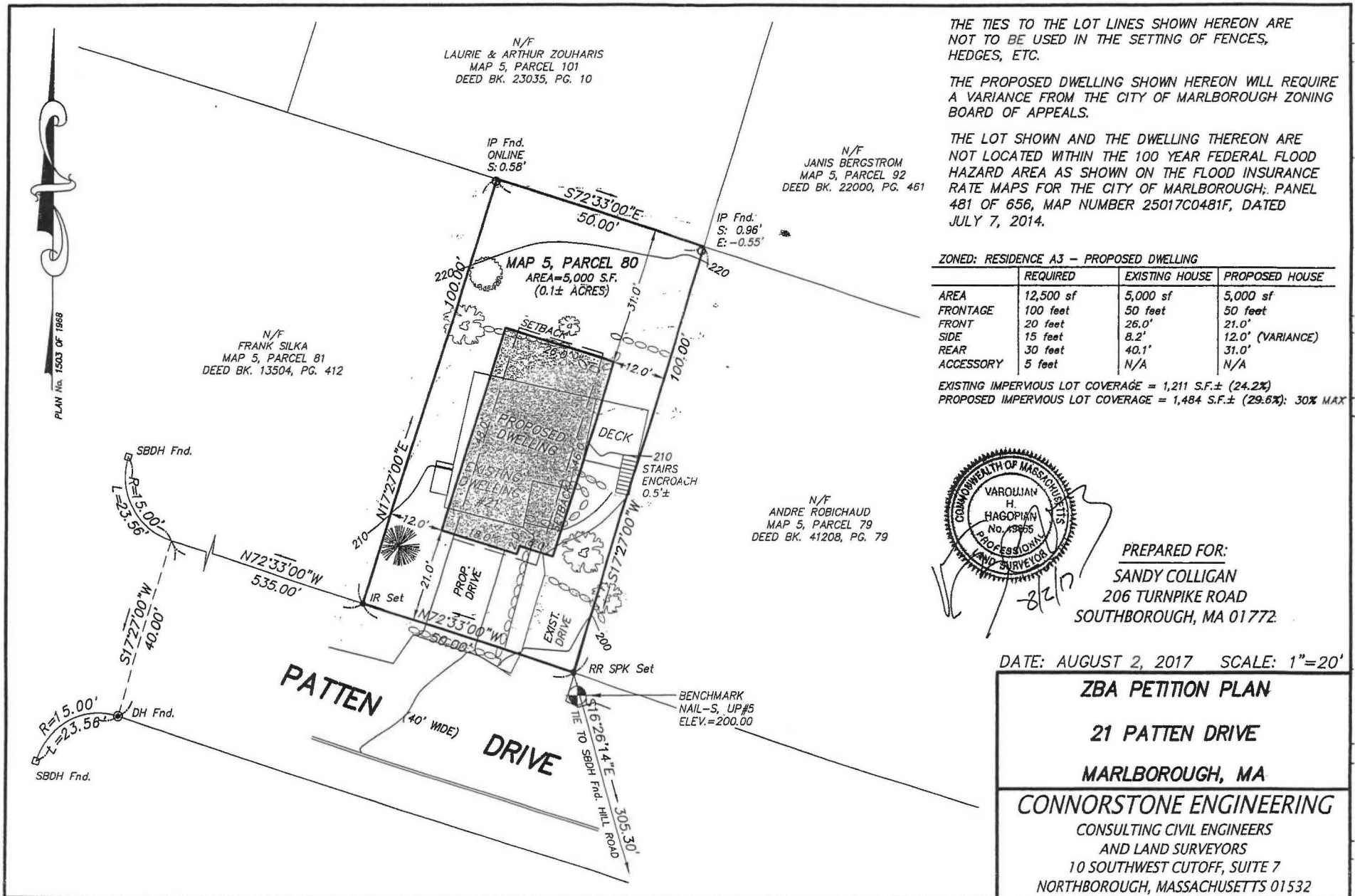
You have the right to continue to the Marlborough City Council (SPGA) for a Special Permit as stated in the City Code section 650-12B or you have the right to appeal this decision to the Zoning Board of Appeals as per section 650-58.

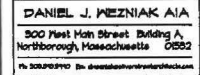
An appeal from this denial for a SP may be taken to the Marlborough City Council by filling a Notice of Appeal with the City Clerk within 30 days of the date of this denial letter. Further information should be obtained from the Marlborough City Council.

The code in its entirety may be found at www.ecode360.com/MA1056
In your appeal, you may request a Special Permit (SP).

Sincerely,

Jeffrey Cooke, C.B.O.
Building Commissioner
Zoning Enforcement Officer

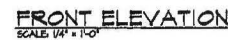


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Project Name and Address
YOUNG RESIDENCE

**21 FATTEN DRIVE
MARLBOROUGH, MA**

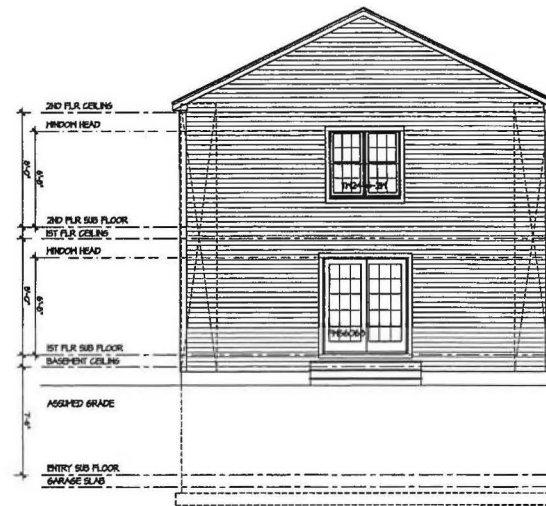
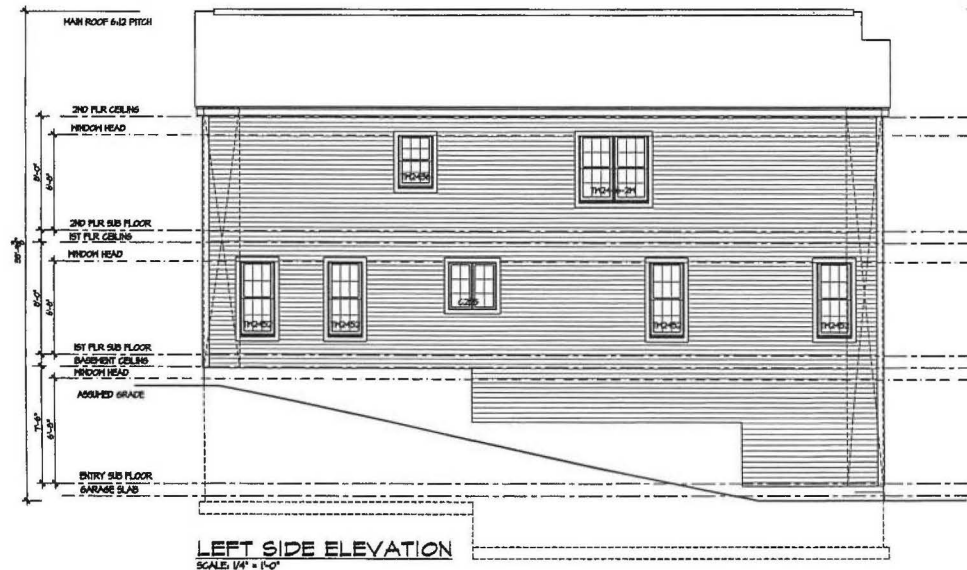
Orig. Reported PATTEN-PLH	Job Number F.PATTEN
Date 08.08.17	Sheet A1.2
Scale 1/4" = 1'-0"	



PITCHON HARE:	COUNT	HEAD HEIGHT	ROMAN OPENING
TQ456	2	8" 4" ABOVE FINISHED FLOOR	2'4" 10" X 4'0" 10"
TQ446	1	8" 4" ABOVE FINISHED FLOOR	2'4" 10" X 4'0" 10"
TQ453	3	8" 4" ABOVE FINISHED FLOOR	2'4" 10" X 4'0" 10"
TQ446-2H	2	8" 4" ABOVE FINISHED FLOOR	2'4" 10" X 4'0" 10"
TQ453-1H	1	8" 4" ABOVE FINISHED FLOOR	3'4" X 9'4" 10"
TQ445	2	8" 4" ABOVE FINISHED FLOOR	2'4" 10" X 2'0" 16"
TQ446-3H	1	8" 4" ABOVE FINISHED FLOOR	7'0" 10" X 4'0" 16"
C259	1	8" 4" ABOVE FINISHED FLOOR	4'0" 12" X 9'0" 50"

-

RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



CONSTRUCTION NOTES

- 1) DESIGN IS IN ACCORDANCE WITH MASSACHUSETTS BUILDING CODE 2009, 8TH EDITION AND THE INTERNATIONAL RESIDENTIAL CODE 2009 FOR ONE AND TWO FAMILY DWELLINGS.
- 2) CONTRACTOR SHALL ENSURE THAT ALL CONSTRUCTION IS PERFORMED IN ACCORDANCE WITH MASSACHUSETTS BUILDING CODE 2009, 8TH EDITION, IRC 2009 AND ALL OTHER REGULATIONS AND ORDINANCES ISSUED BY ANY AND ALL AGENCIES HAVING JURISDICTION.
- 3) CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS AND LOCATIONS PRIOR TO THE PURCHASE, FABRICATION, AND INSTALLATION OF ALL PRODUCTS, EQUIPMENT, AND MATERIALS.
- 4) ALL FOOTINGS SHALL BE PLACED IN THE DRY OR UNDISTURBED SOIL, FREE FROM ORGANIC MATERIALS.
- 5) ALL MATERIALS AND EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S REQUIREMENTS OF ALL APPLICABLE CODES, MANUFACTURER'S RECOMMENDATIONS, AND THE BEST PRACTICES OF THE TRADE INVOLVED.
- 6) BEAM BEARING SHALL BE IN THE FULL WIDTH OF BEAM AND PROVIDE FULL TRANSFER OF LOAD AT ALL LOCATIONS.
- 7) PROVIDE SOLID BLOCKING UNDER ALL COLUMNS AND BEARING WALLS AS NECESSARY TO PROVIDE CONTIGUOUS LONGITUDINAL TIES TO FOOTINGS.
- 8) PROVIDE CAP AND BASE CONNECTORS AT ALL COLUMNS, BEAM AND JOIST HANGERS AT ALL FLUSH FRAME LOCATIONS, AND HANGERS TIES AS REQUIRED BY APPLICABLE CODES.
- 9) PROVIDE DOUBLE JACK STUDS AT BOTH ENDS OF ALL HEADERS OVER FOUR FEET IN LENGTH.
- 10) PROVIDE DOUBLE JOISTS OR SOLID BLOCKING BELOW ALL WALLS AND PARTITIONS.
- 11) UNLESS GREATER CAPACITY FRAMING IS SPECIFICALLY INDICATED ON DRAWINGS, PROVIDE DOUBLE JOISTS AND RAFTERS AT ALL FLOOR AND ROOF OVERLAYS.
- 12) PROVIDE BLOCKING AND BRIDGING IN ACCORDANCE WITH BUILDING CODE AND MANUFACTURER RECOMMENDATIONS AT ALL FLOOR JOISTS.
- 13) PRIOR TO PURCHASE, CONTRACTOR TO VERIFY THAT ALL FRAMING MEMBERS PROVIDE SUFFICIENT BEARING CAPACITY FOR ALL REQUIRED LOADS.
- 14) UNLESS OTHERWISE SPECIFIED IN THE CONSTRUCTION DOCUMENTS, ALL STRUCTURAL MATERIALS USED SHALL MEET OR EXCEED THE PRESCRIPTIVE REQUIREMENTS OF 2009 IRC AND THE FOLLOWING DESIGN CRITERIA.

CONCRETE - PER TABLE 402.3
REINFORCEMENT - #4 @ 12" O.C.
STRUCTURAL STEEL - A36
LVL BEAMS - 2400 PS
JOISTS AND RAFTERS - 1000 PS
BASIC WIND SPEED - 100 MPH
SEISMIC DESIGN - B
TERMINATE - MODERATE TO HEAVY
WIND EXPOSURE - B
SIZE & WATER SHIELD UNDERLAYMENT - 1/2" AT EAVES, VALLEYS AND UP
FOOTINGS SEISMIC REINFORCEMENT - PER TABLE 1805.2.2 NOT REQUIRED FOR EXCEPTED
WALL HORIZONTAL REINFORCEMENT FOR CONCRETE BASEMENT WALLS 8 FEET TO BE ONE NO. 4 BAR WITHIN 12 INCHES OF THE TOP OF THE WALL STORY AND ONE NO. 4 BAR WITHIN THREE POINTS OF WALL STORY
COMPONENT AND GLAZING LOAD - TO COMPLY WITH TABLE 1805.2.2 ZONE 3 WITH BASIC WIND SPEED OF 90
PROVIDE WATER PROOFING OR DAMP PROOFING ON FOUNDATION WALLS AS REQUIRED BY CODE

LIVE LOAD - LIVING AREAS-40 PS PER SQ FT
SLEEPING AREAS-30 PS PER SQ FT
ATTIC-30 PS PER SQ FT
DEAD LOAD 10 PS PER SQ FT NO STORAGE
30 PS PER SQ FT PORTFOLIO
GROUND SNOW LOAD - 30 PS PER SQ FT
WEATHERING FOR CONCRETE - SEVERE
DECAY - SLIGHT TO MODERATE
MEAN ROOF HEIGHT OF HOUSE - 35'-10"
1/2" AT EAVES, VALLEYS AND UP



DANIEL J. NEZNIAK AIA
300 West Main Street Building A
Northborough, Massachusetts 01552
Ph 508.249.9197 E-mail daniel@silverstreetarchitects.com

GENERAL NOTES:



INDemnIFICATION

THE INFORMATION CONTAINED IN THESE CONSTRUCTION DOCUMENTS IS FOR THE EXCLUSIVE USE OF THE CLIENT. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SILVER STREET ARCHITECTS. THE CLIENT AGREES TO HOLD SILVER STREET ARCHITECTS HARMLESS FROM ALL SUCH REPRODUCTION, COPIING, OR TRANSMISSION. THE CLIENT AGREES TO HOLD SILVER STREET ARCHITECTS HARMLESS FROM ALL SUCH REPRODUCTION, COPIING, OR TRANSMISSION. THE CLIENT AGREES TO HOLD SILVER STREET ARCHITECTS HARMLESS FROM ALL SUCH REPRODUCTION, COPIING, OR TRANSMISSION.

4		
3		
2		
1		
No.	Revision/Name	Date

REAR & LEFT SIDE ELEVATIONS

Project Name and Address
YOUNG RESIDENCE

31 PATTEN DRIVE
HARTFORD, CT 06105

Architect	Architect
PATTEN-PLN	PATTEN
Date	Date
08.08.17	
Scale	Scale
1/4" = 1'-0"	A1.3



DANIEL J. WEZNIAK AIA
300 West Main Street Building A
Northborough, Massachusetts 01552
Ph 508.595.9440 E- daniel@thefirstinsiderchitects.com

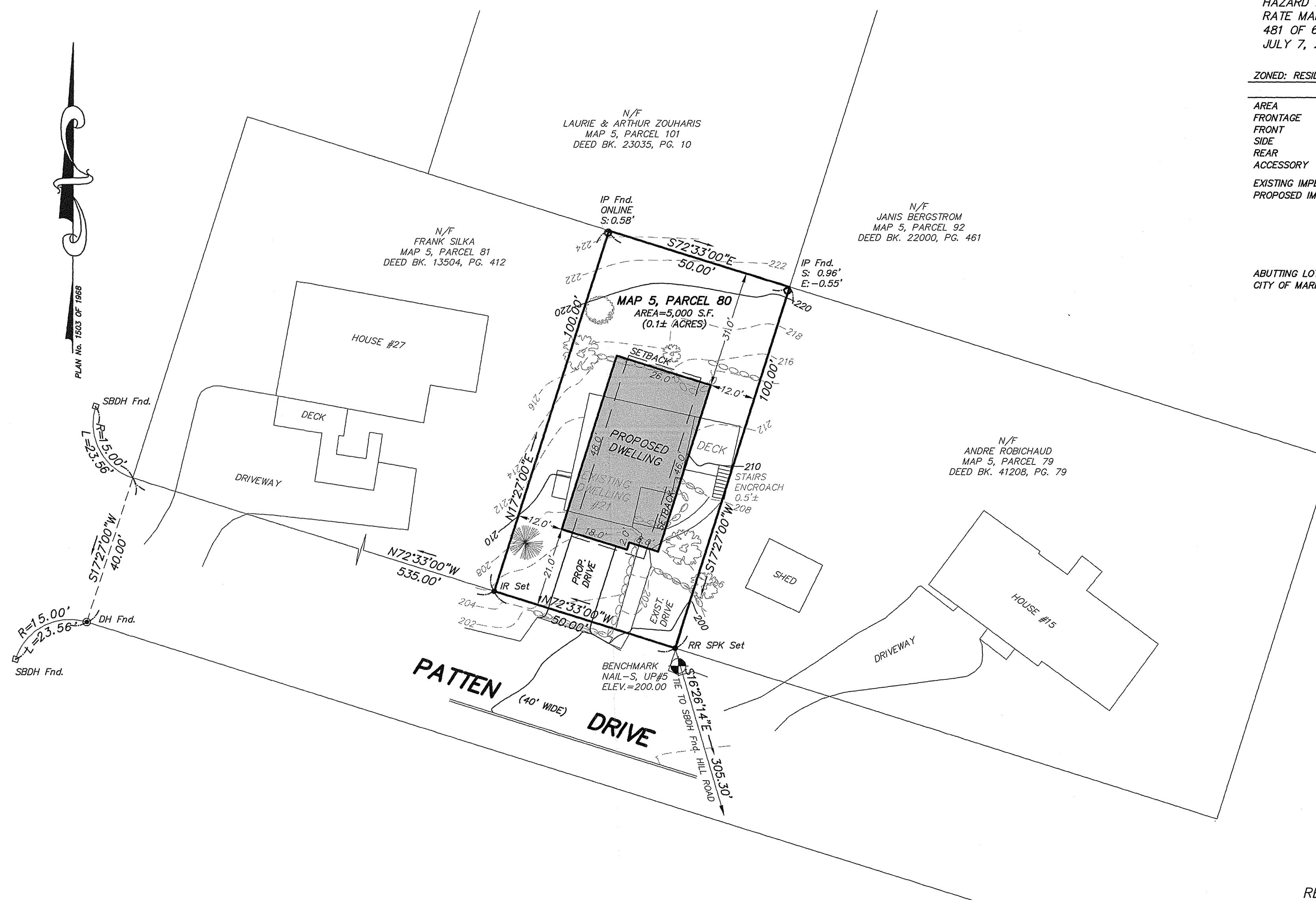
[illegible]

Comp. Number PATTEN-PLN	Job Number F.PATTEN
Date 08.08.17	Sheet A1.50
Scale 1/4" = 1'-0"	

THE LOT SHOWN AND THE DWELLING THEREON ARE NOT LOCATED WITHIN THE 100 YEAR FEDERAL FLOOD HAZARD AREA AS SHOWN ON THE FLOOD INSURANCE RATE MAPS FOR THE CITY OF MARLBOROUGH, PANEL 481 OF 656, MAP NUMBER 25017C0481F, DATED JULY 7, 2014.

EXISTING IMPERVIOUS LOT COVERAGE = 1,211 S.F.± (24.2%)
PROPOSED IMPERVIOUS LOT COVERAGE = 1,484 S.F.± (29.6%): 30% MAX

ABUTTING LOT INFORMATION; HOUSES, DRIVEWAYS, ETC. TAKEN FROM
CITY OF MARLBOROUGH GIS DATA.



PREPARED FOR:
SANDY COLLIGAN
206 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772

REVISED: JULY 19, 2018
DATE: AUGUST 2, 2017 SCALE: 1"=20'

ZBA PETITION PLAN

21 PATTEN DRIVE

MARLBOROUGH, MA

CONNORSTONE ENGINEERING

CONSULTING CIVIL ENGINEERS
AND LAND SURVEYORS

10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532



From: City Council
Sent: Monday, July 23, 2018 3:46 PM
To: Joe Delano; David Doucette; Christian Dumais; Robert Tunnera; John Irish; Ed Clancy; Don Landers; Peter Juare; Mark Oram; Mike Ossing; Kathleen Robey; Clancy; Ossing
Cc: Sara Corbin; Karen Boule
Subject: From City Engineer: To Urban Affairs - 21 Patten Drive

From: Thomas DiPersio <tdipersio@marlborough-ma.gov>
Date: July 23, 2018 at 2:32:47 PM EDT
To: City Council <citycouncil@marlborough-ma.gov>
Subject: To Urban Affairs - 21 Patten Drive

City Council Urban Affairs Committee members:

In reference to Order No. 18-1007244, application for Special Permit to demo existing house and build a new two-story home at 21 Patten Drive, I offer the following comments:

I am in receipt of a revised plan showing the location of the homes and driveways on the abutting properties. The plan indicates that the proposed home would be approximately 32 feet from the home at 27 Patten Drive and 70 feet from the home at 15 Patten Drive. Further investigation by this office indicates that the proposed home would be approximately 75 feet from the home at 140 Second Road. I note that these distances are fairly consistent with the neighborhood.

The proposed home would be two stories, with a garage-under on the street side. This would be taller than the existing one-story home on the property, and taller than most of the surrounding homes which are primarily ranch-style or split-entry. I note that the topography of the lot is such that the proposed home would sit lower in the landscape relative to the surrounding area, which may tend to lessen the appearance of the added height.

If the Special Permit is granted, a more detailed engineering site plan (showing driveway grades, utility connection details, etc.) will be required prior to issuance of a building permit.
I have no other comments or issues with the granting of a Special Permit for this project.

Please contact me with any questions.
Thank you,

Thomas DiPersio, Jr., PE, PLS

City Engineer
Department of Public Works
135 Neil Street
Marlborough, MA 01752
Phone:(508)624-6910x33200
tdipersio@marlborough-ma.gov



From: City Council
Sent: Wednesday, July 18, 2018 3:37 PM
To: Joe Delano; David Doucette; Christian Dumais; Robert Tunnera; John Irish; Ed Clancy; Don Landers; Peter Juaire; Mark Oram; Mike Ossing; Kathleen Robey; Ed Clancy; Michael Ossing; Donald Landers
Cc: Sara Corbin; Karen Boule
Subject: TO COUNCILORS FROM SOLICITOR PANAGORE GRIFFIN: REV. DRAFT 7.13.2018 21 Patten Dr. Special Permit Decision
Attachments: REV. DRAFT 7.13.2018 21 Patten Dr. Special Permit Decision.docx

From: Cynthia Panagore Griffin
Sent: Wednesday, July 18, 2018 3:18 PM
To: City Council <citycouncil@marlborough-ma.gov>
Cc: Sara Corbin <scorbin@marlborough-ma.gov>; Jeffrey Cooke <jcooke@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>
Subject: REV. DRAFT 7.13.2018 21 Patten Dr. Special Permit Decision

KB:

As mentioned, please see the attached revised draft Special Permit for 21 Patten Drive. I worked off of the draft submitted by the Applicant, and consulted with Jeff Cooke.

Cynthia

IN CITY COUNCIL

Marlborough, MA September __, 2018

DECISION FOR SPECIAL PERMIT

IN CITY COUNCIL

Special Permit
Sandra L. Colligan
3 Atwood Road
Southborough, MA 01772

Order No. 18-1007244

DECISION ON AN APPLICATION FOR SPECIAL PERMIT

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Sandra L. Colligan of 3 Atwood Road, Southborough, MA 01772, as provided in this Decision and subject to the following Findings of Fact and Conditions:

PROCEDURAL FINDINGS

1. Sandra L Colligan, with an address of 3 Atwood Road, Southborough, MA 01772, is the owner of real property located at 21 Patten Drive, Marlborough, MA 01752 (the “Applicant”).
2. The Applicant is the owner of said real property which is described in a deed recorded with the Middlesex South District Registry of Deeds at Book 69052, Page 435, and identified on the City of Marlborough Assessor’s Maps as Map 5, Parcel 80 (the “Site”).
3. The Applicant, on or about April 17, 2018 filed with the City Clerk of the City of Marlborough an Application to City Council for Issuance of Special Permit (the “Application”) under Section 12, Paragraph B. of Chapter 650 (Zoning) of the Code of the City of Marlborough to demolish the existing single-family dwelling located on the Site and to construct a new single-family dwelling (the “Project”).
4. The Application consisted of an original and two copies of the following: (a) Application to the City Council for Issuance of Special Permit, (b) Special Permit-Summary Impact Statement, (c) Filing Fee check in the amount of \$300.00, (d) Plan Delivery Certification, (e) Tax Payment Certification, (f) Abutters List, (g) Preliminary Site Plan, (h) Architectural Drawings, (i) Certificate of Completeness of Application, and (j) Zoning Denial Letter (dated April 5, 2018), (collectively the “Documents”), which Documents are incorporated

herein and become a part of this Decision. Eleven sets of documents were delivered to the City Council and one set each to the Police Chief, the Fire Chief, the City Planner (Building Commissioner), the City Engineer, and the Conservation Officer, all in accordance with Section 59 of Chapter 650 of the Zoning Code of the City of Marlborough.

5. In accordance with the Rules and Regulations of the City Council and Massachusetts General Laws Chapter 40A, Sections 9 and 11, the City Council established a date for a public hearing on the Application, caused to be advertised notice of said hearing and the date thereof in the Main Street Journal. All necessary abutters, as certified by the Office of the Marlborough Assessors, were provided notice as required by law.
6. The Marlborough City Council held a public hearing on the Application on June 18, 2018 in accordance with the published notice (the "Public Hearing"). The time for the City Council to take final action on the Application is September 16, 2018.
7. The Applicant presented testimony at the Public Hearing detailing the Project, its impact upon the neighborhood, and such issues as the City Council and members of the public deemed appropriate. Members of the public had the opportunity to testify at the Public Hearing. Subjects of concern were the condition of the existing single-family dwelling, and the potential of the Project to establish a precedent for future construction which would diminish the spacing between the neighborhood dwellings and allow for oversized homes. A direct abutter to the side of the Site spoke in opposition in order to question the width of the proposed dwelling. The Applicant explained that the existing dwelling is 29' wide, while the proposed dwelling would be 26' wide. Direct abutters to the rear of the Site could not be present at the Public Hearing but provided a letter to the City which outlined their appreciation for a new home to replace the existing derelict structure, but also their concern that the proposed two-story height would be overwhelming and obtrusive.
8. The Applicant also submitted to the City Council an undated letter which addresses some of the concerns of abutters to the Site concerning the proposed Project, including the rear abutters' concern regarding the proposed two-story height which, in the opinion of the Applicant, is unreasonable.
9. The Applicant also provided written and oral documentation and testimony to the City Council's Urban Affairs Committee regarding the condition of the existing single-family dwelling and regarding the Project.
10. The Site, located in the A-3 zoning district, has approximately 50' of frontage on Patten Drive and is comprised of approximately 5,000 SF of land. Chapter 650-41 of the Zoning Code of the City of Marlborough requires 100' frontage and a lot size of 12,500 SF.
11. The Building Commissioner has determined that the existing single-family dwelling is a legal pre-existing nonconforming structure with respect to lot size and setbacks, and that the proposed single-family dwelling would increase or intensify the nonconformities of said structure. The proposed single-family dwelling would conform to requirements of the City of Marlborough Zoning Code in all respects except for the side yard setback requirements, which would improve from the existing conditions, frontage and lot size.

Thus, the proposed increase or intensification of the legally nonconforming structure requires a special permit from the City Council. The Zoning Denial Letter of the Building Commissioner, dated April 5, 2018, is attached hereto as "Attachment A."

12. The preliminary site plan submitted with the Application is entitled, "ZBA Petition Plan, 21 Patten Drive, Marlborough, Massachusetts; Prepared for Sandy Colligan, 206 Turnpike Road, Southborough, MA;" Connorstone Engineering, 10 Southwest Cutoff, Suite 7, Northborough, MA 01532, scale 1" = 20', dated August 2, 2017 (the "Site Plan"), attached hereto as "Attachment B."
13. The architectural drawings submitted with the Application are entitled "Young Residence, 21 Patten Drive, Marlborough, MA," by Daniel J. Wezniak, AIA, dated August 8, 2017 (the "Architectural Drawings") and are attached hereto as "Attachment C."

BASED ON THE ABOVE, THE MARLBOROUGH CITY COUNCIL MAKES THE FOLLOWING FINDING OF FACT AND TAKES THE FOLLOWING ACTIONS:

- A. The City Council finds that it may grant a Special Permit subject to such terms and conditions as it deems necessary and reasonable to protect the citizens of the City of Marlborough (also referenced herein as the "City").
- B. The City Council finds the Application for the Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough.
- C. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- D. The City Council makes these findings subject to the completion and adherence by the Applicant, her successors and/or assigns to the conditions more fully set forth herein.
- E. The City Council finds that the expansion or alteration of the existing legally nonconforming single-family structure, by demolition thereof and construction of the proposed new single-family dwelling, is not substantially more detrimental to the neighborhood than the existing non-conforming structure, that it is an appropriate use, and that is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein.
- F. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to build a single-family dwelling as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, her successors and/or assigns:
 1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Site Plan and Architectural

Drawings as may be subject to minor modifications with approval of the Building Commissioner.

2. Recording of Special Permit. In accordance with the provisions of Massachusetts General Laws c. 40A, Section 11, the Applicant at her expense shall record this Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing the Special Permit has elapsed with no appeal having been filed, and before the Applicant shall apply to the Building Commissioner for a building permit concerning the proposed expansion. Applicant shall provide a copy of the recorded Special Permit to the City Council's office, to the Building Department and to the City Solicitor's office.

Yea: Nay: Absent:

ADOPTED
In City Council
Order No. 18-1007244

Edward Clancy
City Council President

A TRUE COPY
ATTEST:



IN CITY COUNCIL

Marlborough, Mass., JUNE 18, 2018

ORDERED:

At a regular meeting of the Marlborough City Council held on Monday, June 18, 2018 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, was **ORDERED ADVERTISED** as follows:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE 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. Section 650-5, entitled "Definitions; word usage," is hereby amended as follows:

By inserting in subsection B thereof the following definition:

COFFEE ROASTERY

A facility in which green coffee beans are roasted into roasted coffee products; provided, however, that emissions from coffee roasting operations, if vented to the outdoor air, are to be i) vented at least 10 feet above any outdoor area, including but not limited to a sidewalk, street, alley or parking lot, which is adjacent to the building where the facility is located, and ii) directed away to the extent possible from uses within 50 feet of the vent; and provided further that, in all cases, the Building Commissioner shall determine, upon plans submitted to the Building Department, the appropriate measures required to be taken and maintained by the facility in order to significantly reduce potential odor emissions and airborne pollutants, and such measures may be required as conditions for the issuance of any permit. Nothing contained herein shall prohibit the facility from having a bring-your-own-food policy.

II. Section 650-17, entitled "Table of Uses," is hereby amended as follows:

By regulating manufacturing uses so as to allow coffee roasteries as of right in the Business (B), Commercial Automotive (CA), Industrial (I) and Marlborough Village (MV) zoning districts, and by special permit in the Limited Industrial (LI) zoning district, as follows:

	RR	A1	A2	A3	RB	RC	RCR	B	CA	LI	I	MV
Coffee Roastery	N	N	N	N	N	N	N	Y	Y	SP	Y	Y

Be and is herewith **SET A PUBLIC HEARING FOR JULY 23, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD.**

ADOPTED

ORDER NO. 18-1007311



IN CITY COUNCIL

Marlborough, Mass., _____ JULY 23, 2018

ORDERED:

That the PUBLIC HEARING On the Proposed Zoning Amendment, to Chapter 650 §5 & §17 as it pertains to Coffee Roasteries, Order No. 18-1007311, all were heard who wish to be heard, hearing closed at 8:06 PM.

Councilors Present: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juaire, Oram, Ossing & Robey.

PUBLIC SPEAKING IN FAVOR

Edward Clancy, President of Marlborough City Council and City Councilor for Ward 6, spoke in favor of the proposed zoning amendment with regards to Coffee Roasteries. The proposed language was available on Page 1-3 of the July 23, 2018 City Council Agenda. In the process of attracting businesses to the downtown area of the City, there was one business that wanted to open a coffee roastery and brewery but through the permitting process with the Building Commissioner it was discovered coffee roasteries were not allowed due to their being a production business (green coffee beans are roasted into coffee products). To allow these businesses, the proposed zoning amendment provided language for a definition of "Coffee Roastery" in Section 650-5, "Definitions; word usage," and updated Section 650-17, "Table of Uses," to allow coffee roasteries as of right in the Business (B), Commercial Automotive (CA), Industrial (I), and Marlborough Village (MV) zoning districts, and by special permit in the Limited Industrial (LI) zoning district.

There is no one else speaking in favor. That part of the Public Hearing is closed.

QUESTIONS FROM THE PUBLIC

There are no questions from the public. That part of the Public Hearing is closed.

PUBLIC SPEAKING IN OPPOSITION

There is no one speaking in opposition. That part of the Public Hearing is closed.

QUESTIONS FROM THE CITY COUNCIL

✓ Councilor Ossing questioned the inclusion of the sentence, "Nothing contained herein shall prohibit the facility from having a bring-your-own-food policy," in the definition for the Coffee Roastery. He did not require an answer that evening but requested it be discussed during the Urban Affairs Committee review.

There are no further questions from members of City Council. That part of the Public Hearing is closed.

That ends the entire Public Hearing. This is currently in the Urban Affairs Committee.

ADOPTED

ORDER NO. 18-1007311A



IN CITY COUNCIL

Marlborough, Mass., JUNE 18, 2018

ORDERED:

PAGE 1

At a regular meeting of the Marlborough City Council held on Monday, JUNE 18, 2018 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, was **ORDERED ADVERTISED** as follows:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING RECEIVED FOR ITS 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 BY AMENDING AND ADDING THERETO AS FOLLOWS:

1. Section 650-5, entitled Definitions; word usage is hereby amended to read:

RETIREMENT COMMUNITY – DETACHED AND TOWNHOMES

A community consisting of detached or attached (only alongside walls in so-called “townhouse” style) structures, constructed expressly for use as housing for persons aged 55 or over, on one parcel or on contiguous parcels of land, subject to the provisions of MGL c. 151B, § 4, as amended.

RETIREMENT COMMUNITY – MULTIFAMILY

A community consisting of a single multiple unit structure constructed expressly for use as housing for persons aged 55 or over, on one parcel or on contiguous parcels of land, subject to the provisions of MGL c. 151B, § 4, as amended.

1. Section 650-22.A, entitled “Purpose” is hereby amended to read: Purpose. The purpose of the Retirement Community Overlay District shall be to advance the public health, safety and welfare by providing for the development of retirement communities that provide housing choices for persons aged 55 or over on sites which are otherwise zoned for other purposes but which, because of the size of the parcel being developed and its proximity to other residential neighborhoods and/or residential amenities and supportive services, will provide an appropriate environment for a retirement community.



IN CITY COUNCIL

Marlborough, Mass., JUNE 18, 2018

PAGE 2

ORDERED:

2. Section 650-22.C, entitled "Permitted uses" is hereby amended to read: Permitted uses. All permitted uses must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein. In addition to those uses which are allowed, either as of right or by special permit, in the underlying district of any land which has been included in the Retirement Community Overlay District, the City Council may, by special permit in accordance with § 650-59, permit a Retirement Community - Detached and Townhomes, or a Retirement Community - Multifamily, as defined in § 650-5, consistent with the following provisions:

- (i) Retirement Community – Detached and Townhomes (RCO-D/T)
 - 1) No building in a RCO-D/T community shall be more than 2 1/2 stories in height.
 - 2) Each building in a RCO-D/T community shall face either upon an existing street or upon a public or private way constructed within said RCO-D/T community and shall have a minimum front yard of no less than 20 feet from the edge of the paved way to the closest point of the structure and a side yard of not less than 10 feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least 10 feet distant from any other building by air line distance between the nearest points of the buildings.
 - 3) No dwelling in a RCO-D/T community shall contain less than 1,000 square feet of living area or more than 2,400 square feet of living area.
 - 4) All dwelling units in a RCO-D/T community shall be detached from the others or attached only alongside walls in the so-called "townhouse" style.
 - 5) The lot or lots on which a RCO-D/T community and any approved ancillary residential community are located shall contain, on a consolidated basis, at least 7,000 square feet per housing unit.



IN CITY COUNCIL

Marlborough, Mass., JUNE 18, 2018

PAGE 3

ORDERED:

- 6) No part of any principal building in a RCO-D/T community shall be less than 25 feet from any exterior lot line or less than 50 feet from the side of any public way.
- 7) Each dwelling unit in a RCO-D/T community shall have its own attached yard area.
- 8) Required off-street parking for each dwelling unit in a RCO-D/T community shall be adjacent thereto. Each unit shall be required to provide at least one parking space inside a garage and an additional space in front of a garage, said garage to be attached to said unit. The City Council may, as a condition of its special permit, require additional off-street parking areas to be used in common by dwelling unit owners and their invitees. In addition, the City Council may, as a condition of the special permit, require the adoption of legally enforceable condominium bylaws or other similar regulations to limit or prohibit the presence in a RCO-D/T community, either entirely or except in designated locations, of boats, boat trailers, campers, or other recreational vehicles.
- 9) Maximum combined lot coverage in a RCO-D/T community and in any permitted ancillary residential community shall not exceed 40% of the total lot size.
- 10) Each lot or contiguous lots upon which a RCO-D/T community is located shall have total frontage on an existing public way of at least 250 feet. Each lot or combination of lots shall have a total size of not less than 10 acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial.



IN CITY COUNCIL

ORDERED:

Marlborough, Mass., JUNE 18, 2018

PAGE 4

- 11) The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding RCO-D/T community regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in a RCO-D/T community and limiting or prohibiting the presence in a RCO-D/T community of boats, boat trailers, or recreational vehicles, be made a part of the special permit and that any change to or failure to enforce said provisions shall be a violation of said special permit.
 - 12) The City Council may, as a permit condition, require that a proposed RCO-D/T community be constructed entirely on one lot, and that, from and after the date of the issuance of the building permit for said community or any portion thereof, no subdivision of said lot shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.
 - 13) No unit in a RCO-D/T community shall have more than three bedrooms.
- (ii) Retirement Community – Multifamily (RCO-MF)
- 1) The total area of the tract or contiguous parcels to be developed as a RCO-MF shall not be less than ten (10) acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial, and located east of Route 495, south of the Route 290/Route 85 Connector, and north of Lakeside Avenue (Route 20), and within a two-mile radius of UMass Memorial - Marlborough Hospital.



IN CITY COUNCIL

Marlborough, Mass., JUNE 18, 2018

PAGE 5

ORDERED:

- 2) A RCO-MF may contain one (1) and two (2) bedroom units and studio units for independent living persons, and may include services and amenities for its residents, including but not limited to, dining facilities, in-unit kitchens, common rooms, activity rooms, exercise rooms, theater, chapel, library, pharmacy/gift shop/convenience store, beauty salon, barber shop, personal banking services, offices and accessory uses or structures, concierge and valet services, third-party vendor services, and recreation facilities.
- 3) No building in a RCO-MF shall be more than 3 stories in height.
- 4) The total number of dwelling units in a RCO-MF shall be limited to 12 units per acre.
- 5) No part of any principal building in a RCO-MF shall be less than 50 feet from any exterior lot line or less than 100 feet from any public way.
- 6) Maximum combined lot coverage in a RCO-MF, including any permitted accessory structures shall not exceed 40% of the tract or contiguous parcels.
- 7) The tract or contiguous parcels upon which a RCO-MF is located shall have a minimum total frontage on an existing public or private way of at least 200 feet.



IN CITY COUNCIL

ORDERED:

Marlborough, Mass., JUNE 18, 2018

PAGE 6

- 8) The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding RCO-MF regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in a retirement community and limiting or prohibiting the presence in a retirement community of boats, boat trailers, or recreational vehicles, be made a part of the special permit and that any change to or failure to enforce said provisions shall be a violation of said special permit.
- 9) The City Council may, as a permit condition, require that a proposed RCO-MF be constructed entirely on one tract and that, from and after the date of the issuance of the building permit for said community no subdivision of said tract shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.
- 10) A minimum of 1.0 parking space per dwelling unit shall be provided in a RCO-MF. Attached and detached garages shall count toward this parking requirement.
- 11) No dwelling unit in a RCO-MF shall contain less than 500 square feet of living area or more than 1300 square feet of living area.



IN CITY COUNCIL

Marlborough, Mass., JUNE 18, 2018
PAGE 7

ORDERED:

- 12) No building in a RCO-MF need be located or placed further from the exterior line of any street or public way than the average distance from such street or way line of the dwellings or other principal buildings located on the lots adjacent thereto on either side. In determining such average, a vacant side lot having a frontage of 50 feet or more shall be considered as though occupied by a building having the required setback, and a lot separated from the lot in question only by a vacant lot having a frontage of less than 50 feet shall be deemed an adjacent lot. The point of measurement of the average distance shall be from the closest point of the principal building to the street or public way regardless of parcel ownership.
- 13) In a RCO-MF, there shall be provided with each multifamily building a landscaped area equal to the greatest single floor area of the building, provided that such landscaped area may include undisturbed natural areas such as vegetated areas, woodlands, wetlands and floodplain areas.

Be and is herewith **SET A PUBLIC HEARING FOR JULY 23, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD.**

ADOPTED

ORDER NO. 18-1007198D



City of Marlborough
Commonwealth of Massachusetts

PLANNING BOARD

Barbara L. Fenby, Chair
Colleen Hughes
Philip Hodge
Sean N. Fay
George LaVenture
Greg Gallagher
Christopher Russ

Krista Holmi, Administrator

Phone: (508) 624-6910 x33200

Email: planning_board@marlborough-ma.gov

kholmi@marlborough-ma.gov

July 27, 2018

Edward Clancy, President
Marlborough City Council
140 Main St.
Marlborough, MA 01752

RE: Council Order#18-1007198D Proposed Zoning Amendment, Article VI Section 650-22, Retirement Community Overlay District.

Honorable President Clancy and Councilors:

At its regularly scheduled Planning Board meeting on July 23, 2018, the Board took the following action regarding the above-referenced Council order:

On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to make a favorable recommendation to the City Council on the proposed zoning amendment. The Board requested that the City Council provide further evaluation of parking needs to determine the adequacy of one (1) parking space per dwelling unit. Motion carried.

The Board provided the following reasons in reaching its recommendation:

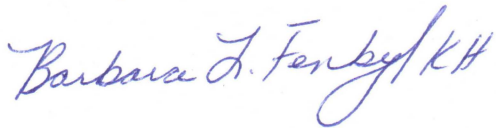
- The developer established that the proposed overlay district would result in a development meeting a demonstrated need for a diversified housing stock in the City of Marlborough;
- The developer established that the proposed overlay district would benefit the City by providing an age-restricted (Age 55+) housing option with a positive fiscal impact to the City of Marlborough;
- The developer established to the Board's satisfaction that the proposed overlay district fits into the neighborhood, and in the Board's opinion, approval of the overlay district for this area would not unduly burden abutters.

The Planning Board favorably viewed the developer's revisions, as they address the Board's reservations as follows:

- In Section 2. ii. (2) The revised amendment specifies a *RCO-MF (Retirement Community-Multifamily)* may contain one (1) bedroom units, two (2) bedroom units, and studio units... (This revised amendment eliminates three (3) bedroom units in RCO-MF).

- In Section 2. ii. (5) *No part of any principal building in a multifamily retirement community shall be less than 50 feet from any exterior lot line or less than 100 feet from a public way.* This revised amendment doubles the previous setbacks of 25 feet from any exterior lot line or 50 feet from a public way. The new larger setbacks in RCO-MF provide additional protection for abutters.
- In Section 2. ii (10) *A minimum of 1.0 parking space per dwelling unit shall be provided in a RCO-MF.* As reflected in its vote, the Board would like the City Council to review the adequacy of one (1) parking spot per dwelling unit.

Sincerely,



Barbara L. Fenby
Chairperson

cc: City Clerk
File