

# CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Urban Affairs Committee

Date: December 4, 2018

Time: 5:30 PM

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 NOV 27 P 12:56

## New Business:

1. 09-24-2018 – **Order No. 18-1007404B:** Proposed Zoning Change, amending Chapter 650 §34 and §41 in the Marlborough Village District.  
-Refer to Urban Affairs Committee & Planning Board  
Public Hearing: November 19, 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., SEPTEMBER 24, 2018

PAGE 1

**ORDERED:**

At a regular meeting of the Marlborough City Council held on Monday, SEPTEMBER 24, 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:

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 certain provisions of Section 650-34, Marlborough Village District, and Section 650-41, Table of Lot Areas, Yards and Height of Structures, as follows:

1. By amending Section 650-34.F, Heights of Structures, as follows (deleted text in ~~strikethrough~~; new text underlined):

F. Heights of structures.

- (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 6 stories and up to 70 feet except for where a proposed structure is within 50 feet of a residential ~~lot~~ 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 ~~80~~ 7 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.



# IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 24, 2018

PAGE 2

ORDERED:

(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 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 roofdeck shall be subject to maximum height restrictions, as may be extended by special permit.

2. By amending Section 650-41, Table of Lot Area, Yards, and Height of Structures, as follows (new text underlined, deleted text in strikethrough):

District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height	Minimum Lot Coverage
Marlborough Village District MV	5,000 square feet	25	10 <sup>3</sup>	10 <sup>14</sup>	10 <sup>15</sup>	Minimum: 35 feet; <u>Maximum:</u> 6 stories; not to exceed a maximum of 70 feet <sup>12</sup>	80% <sup>13</sup>

### NOTES:

<sup>1</sup> Note deleted.

<sup>2</sup> Applies to all buildings erected on or after January 27, 1969; all others, 10 feet.

<sup>3</sup> Where abutting a residence district or within the Marlborough Village District where abutting an existing structure that has side-facing windows at the structure's lot line; otherwise 0 feet.

<sup>4</sup> Except where abutting a residence district, shall be 50 feet.

<sup>5</sup> Except for buildings extending through a block or to a railroad siding.



## IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 24, 2018

PAGE 3

ORDERED:

<sup>6</sup> For the purpose of measuring setback distances for the corresponding height restrictions, an owner of LI or I zoned land may count abutting residentially zoned land toward the setback requirement if such land is owned by the same owner. Ownership of the residential land and the LI or I land must continue to be held by the same entity.

<sup>7</sup> However, this frontage need not be contiguous.

<sup>8</sup> No part of any principal building shall be within 25 feet of any exterior lot line nor shall any part of any building be closer to any exterior lot line than the minimum side yard requirement which would have been applicable in the zoning district in which the land in question was located before it was rezoned into a Retirement Community Residence District. A building may be as close as 25 feet to the front yard line of the exterior lot; provided, however, that no said building shall be less than 50 feet from the side line of a public way.

<sup>9</sup> Excluding from lot size any land which prior to development of the site as a Retirement Community would be defined as a resource area as that term is defined in MGL c. 131, § 40.

<sup>10</sup> Buildings on a Large Tract Development Lot, which are more than 1,200 feet from a Residential Zone, may be built to a maximum height of 85 feet.

<sup>11</sup> Maximum lot coverage for a Large Tract Development Lot shall be 50%.

<sup>12</sup> Within the Marlborough Village District, special permits may allow for an increase in height to ~~80~~ 7 stories and up to 85 feet; also, provided that the height of any development adjacent to any within 50 feet of a residential district boundary shall be stepped down and shall not exceed 52 feet except where allowed by special permit. (See § 650-34F(1).)

<sup>13</sup> Within the Marlborough Village District, special permits may allow for an increase in lot coverage.

<sup>14</sup> Except along the following streets in the Marlborough Village District where zero-foot setback is allowed by right: Main Street, the eastern side of South Bolton Street between Main Street and Granger Boulevard, and the northern side of Granger Boulevard between South Bolton Street and Main Street.

<sup>15</sup> Except that a special permit may be granted to reduce this to zero where public safety will not be impacted and the reduction will yield a better design.

Be and is herewith **SET A PUBLIC HEARING FOR OCTOBER 29, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD.**

ADOPTED

ORDER NO. 18-1007404



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**MIRICK O'CONNELL**

ATTORNEYS AT LAW

**RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH****2018 SEP 20 A 11: 21****Brian R. Falk**  
Mirick O'Connell  
100 Front Street  
Worcester, MA 01608-1477  
bfalk@mirickoconnell.com  
t 508.929.1678  
f 508.983.6256

September 20, 2018

Councilor Edward Clancy, President  
Marlborough City Council  
City Hall  
Marlborough, MA 01752Re: E on Main;  
Proposed Village District Zoning Amendments

Dear Councilor Clancy:

On behalf of my client, Enza Sambataro, I respectfully request that the City Council consider amending the Zoning Ordinance of the City of Marlborough as specified in the attached Proposed Order.

As discussed previously with the Council, certain provisions in the Zoning Ordinance make it challenging for applicants to provide roof decks with full amenities while also complying with the height restrictions applicable to the Village District. We believe these amendments would encourage the development of roofdeck amenity areas, beneficial to residents and businesses in the Village District, without sacrificing dwelling units and commercial space. Further, these amendments would provide greater flexibility with respect to the heights and setbacks of buildings in the Village District on atypical parcels.

In accordance with M.G.L. c. 40A, § 5, Ms. Sambataro is the owner of land to be affected by this proposed amendment (161-175 Main Street). Please refer this matter to the Planning Board and take the appropriate steps for review by the City Council.

Thank you for your time and attention to this matter.

Sincerely,



Brian R. Falk

BRF/ljk

cc: Client  
Arthur P. Bergeron

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**MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP**

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

**PROPOSED CITY COUNCIL ORDER**

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- (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 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 roofdeck shall be subject to maximum height restrictions, as may be extended by special permit.

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**NOTES:**

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<sup>7</sup> However, this frontage need not be contiguous.

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- <sup>15</sup> Except that a special permit may be granted to reduce this to zero where public safety will not be impacted and the reduction will yield a better design.

ADOPTED  
In City Council  
Order No. 18-

Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



## IN CITY COUNCIL

Marlborough, Mass., OCTOBER 29, 2018

**ORDERED:**

### **Suspension of the Rules requested - granted**

That the Communication from Attorney Bergeron re: Proposed Zoning Ordinance as it pertains to the Marlborough Village District, be and is herewith **RECHEDULE the PUBLIC HEARING for NOVEMBER 19, 2018 and READVERTISE.**

ADOPTED

ORDER NO. 18-1007404B



# *E on Main*

163 - 175 Main Street



# *E on Main*

163 - 175 Main Street

## Proposed Elevation With Enhanced Roof Deck



18091810 © 2018 by [unreadable] All rights reserved. No part of this drawing may be reproduced without the written permission of [unreadable].

**E on MAIN**

**South Elevation - Scheme B**

Scale: 1/16" = 1'-0"

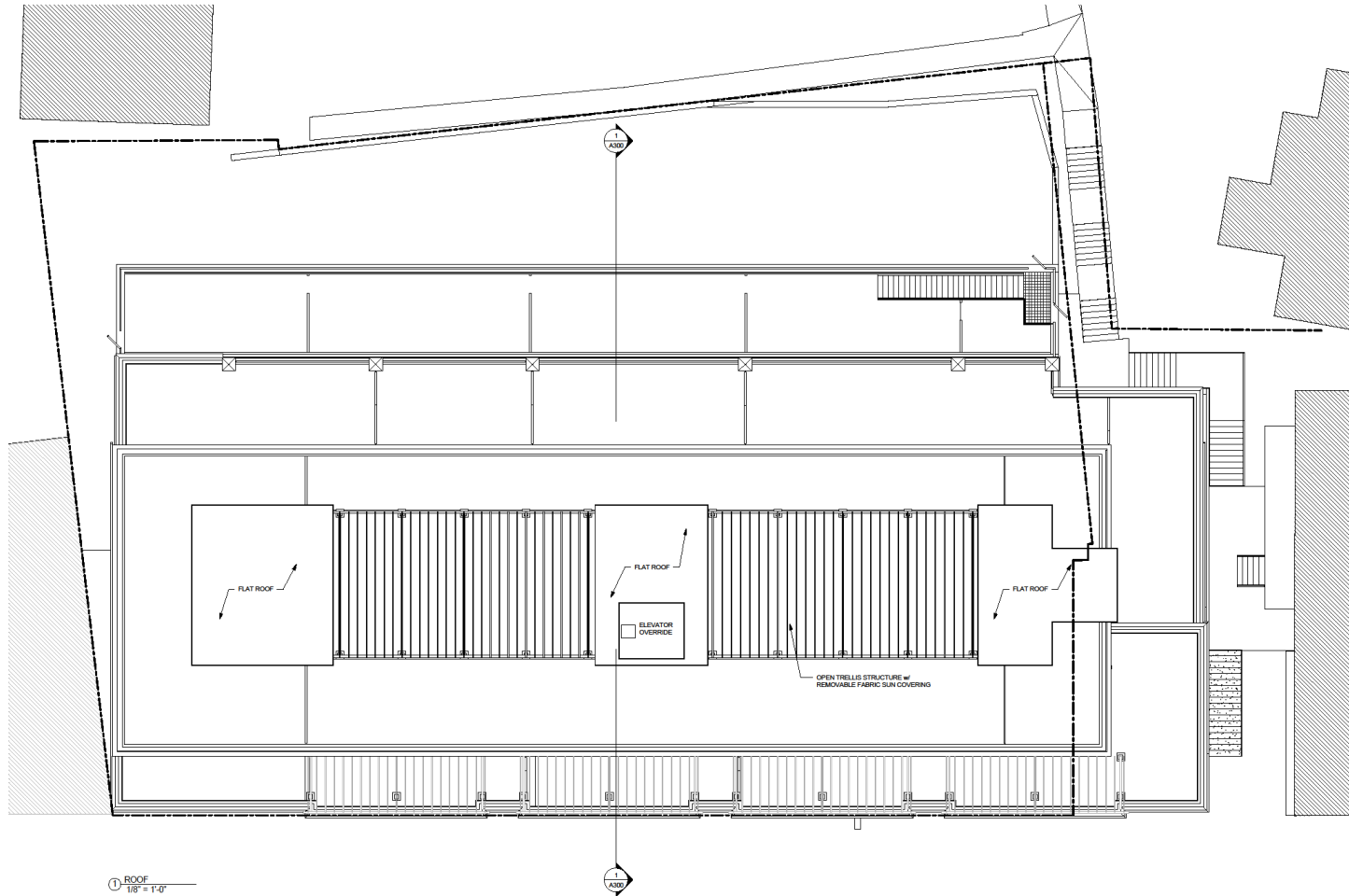
18 Sept 2018



# E on Main

163 - 175 Main Street

## Roof Deck Under Current Zoning



1 ROOF  
1/8" = 1'-0"

**JD LaGrasse**  
& ASSOCIATES, INC.  
Architectural & Planning  
One Elm Street, Andover, MA 01810  
T: 978.683.0073 F: 978.683.0070  
www.jdla.com

ERIC J. MANAN, D.A.S.  
ARCHITECT  
1000 STATE STREET  
ANDOVER, MA 01810  
T: 978.683.0073 F: 978.683.0070

**E on MAIN**  
163-175 Main Street, Northborough, MA

**ROOF PLAN**

Prepared for: **Albion**  
Date: **11/11/2018**

**JD LAI 2018 ©**  
ALL PLANS, SPECIFICATIONS AND  
NOTES ARE THE PROPERTY OF  
JD LAI. NO PART OF THIS  
DOCUMENT IS TO BE REPRODUCED  
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OR MECHANICAL, INCLUDING  
PHOTOCOPYING, RECORDING, OR  
BY ANY INFORMATION STORAGE  
AND RETRIEVAL SYSTEM, WITHOUT  
THE WRITTEN PERMISSION OF  
JD LAI.

Sheet No.	101
Date	11/11/2018
Revision	1
Scale	1/8" = 1'-0"
Sheet No.	2794

**A108**

# ***E on Main***

163 - 175 Main Street

## **Roof Deck Under Amended Zoning**





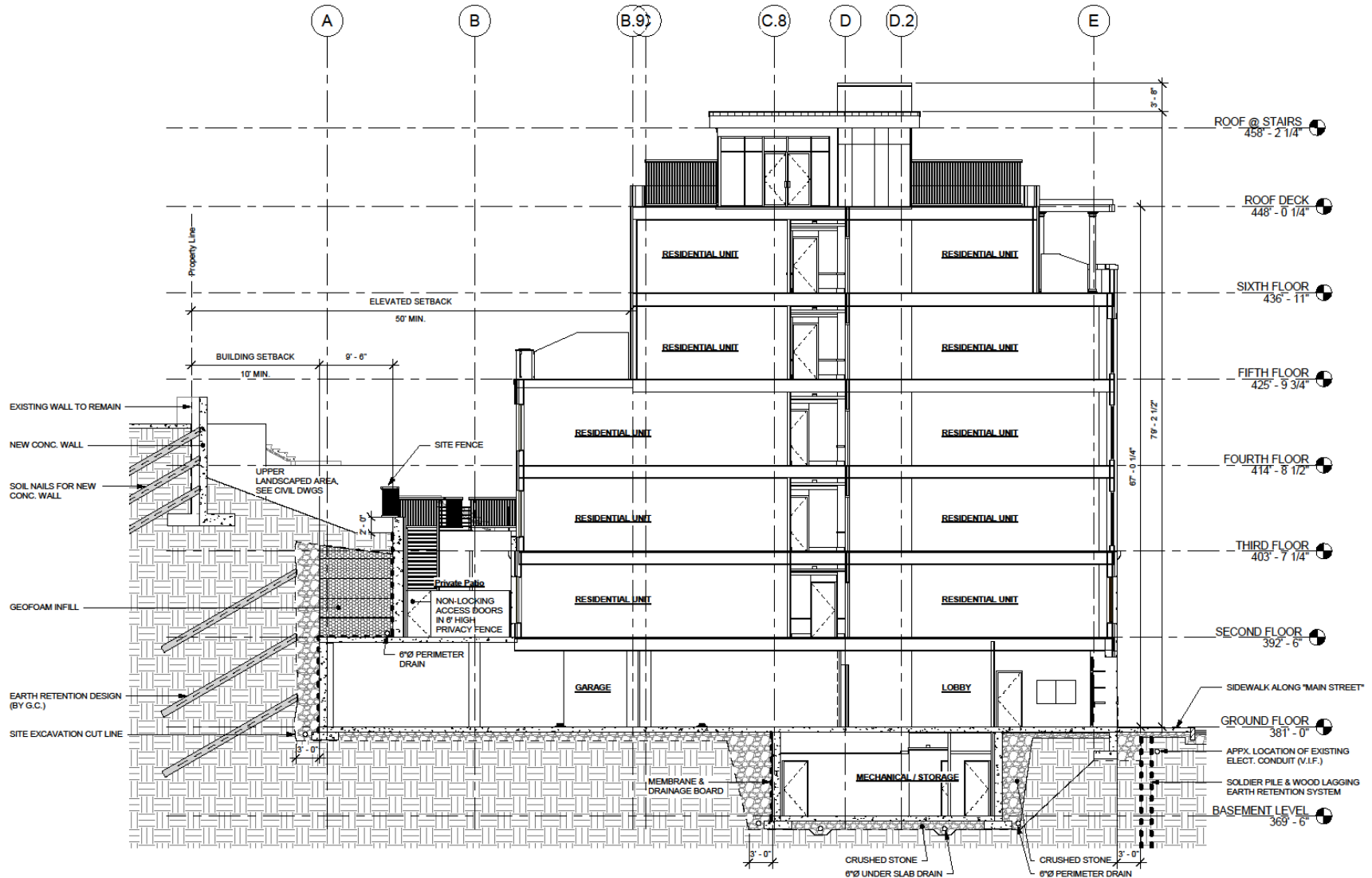




# E on Main

163 - 175 Main Street

## Building Height Setback Under Current Zoning



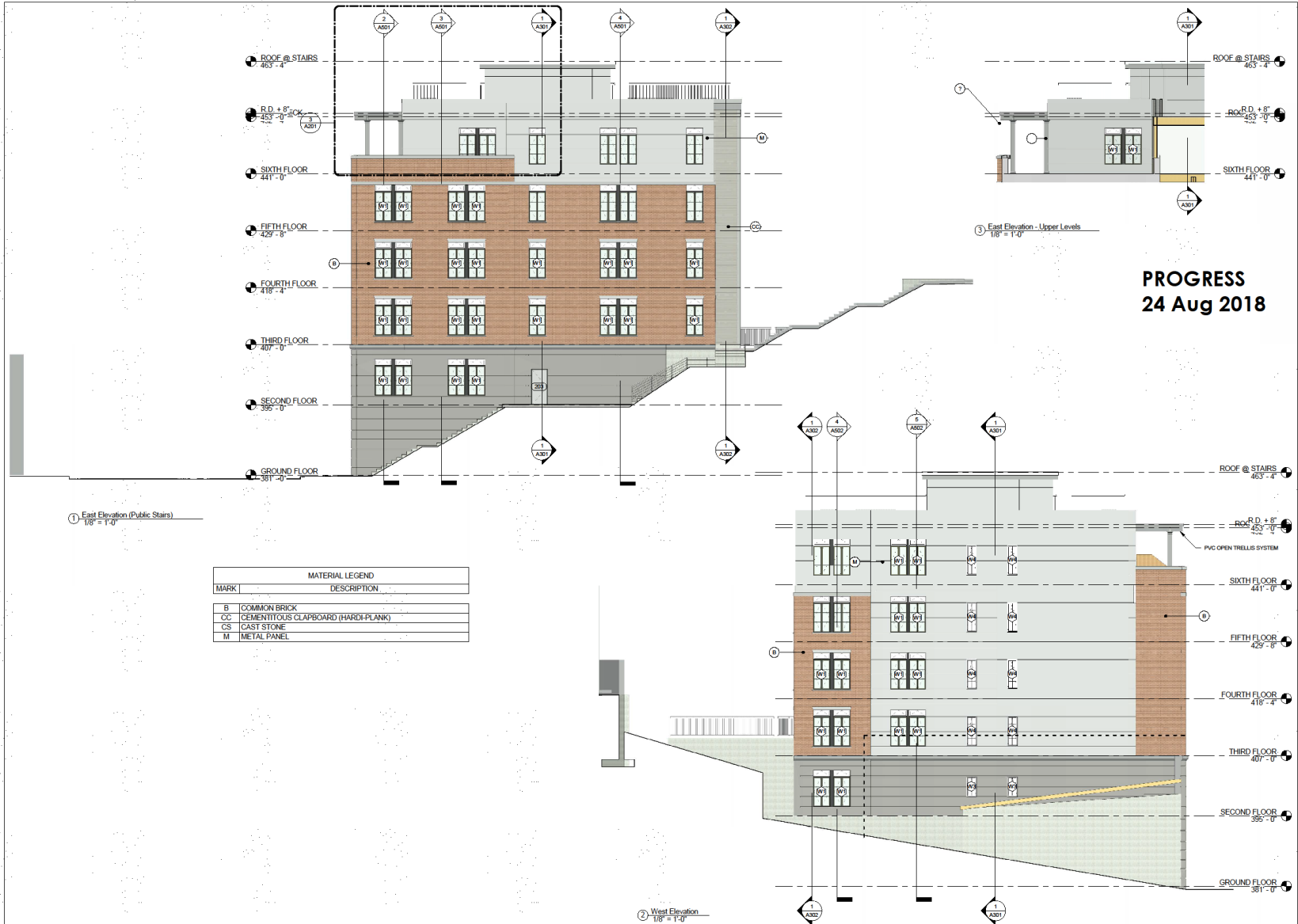
1 N-S Building Cross Section  
1/8" = 1'-0"



# E on Main

## 163 - 175 Main Street

### Building Height Setback Under Amended Zoning



**PROGRESS**  
24 Aug 2018

**JD LaGrasse & ASSOCIATES, INC.**  
 Architects - Engineers - Planners - Land Planning  
 100 Main Street, Suite 200  
 Northampton, MA 01060  
 T: 413-253-3075 F: 413-253-3076  
 www.jdla.com

PROJECT NUMBER: 163-175 MAIN STREET  
 SHEET NUMBER: EAST & WEST EXTERIOR ELEVATIONS  
 DATE: 11 JULY 2018

**E on MAIN**  
 163-175 Main Street Northampton, MA

**EAST & WEST EXTERIOR ELEVATIONS**

Prepared for: **JD/LAL 2018**  
 Architect: **JD/LAL 2018**  
 Date: **11 July 2018**  
 Scale: **1/8" = 1'-0"**  
 Sheet: **2/24**  
**A201**

## Comment from Board of Health Director Cathleen Liberty

**From:** [Cathleen Liberty](#)  
**To:** [City Council](#)  
**Subject:** RE: TO MANAGERS: Urban Affairs Committee Posting - December 4, 2018 @ 5:30 PM - MVD Zoning Petition, E on Main  
**Date:** Tuesday, November 27, 2018 3:26:09 PM

---

The Board of Health has no comment on this zoning petition.

Thanks

---

**From:** City Council  
**Sent:** Tuesday, November 27, 2018 3:18 PM  
**To:** Priscilla Ryder <pryder@marlborough-ma.gov>; Jeffrey Cooke <jcooke@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; John Ghiloni <jghiloni@marlborough-ma.gov>; Cathleen Liberty <cliberty@marlborough-ma.gov>  
**Cc:** Donald Rider <drider@marlborough-ma.gov>; Cynthia Panagore Griffin <cpanagoregriffin@marlborough-ma.gov>; Joe Delano <ward\_1@marlborough-ma.gov>; Delano, Joe ; Ed Clancy <ward\_6@marlborough-ma.gov>; Ed Clancy

**Subject:** TO MANAGERS: Urban Affairs Committee Posting - December 4, 2018 @ 5:30 PM - MVD Zoning Petition, E on Main

Dear Managers:

I have attached the Urban Affairs Committee posting for the December 4, 2018 meeting.

I have also attached the notes from the Council's public hearing held on November 19<sup>th</sup> and the petitioner's power point presentation.

As per last week's email and follow up comments from Atty. Falk, your input will assist the councilors in their deliberations regarding this zoning petition. Your individual comments are greatly appreciated.

Thank you.

Karen

*Karen A. Boule  
City Council Office  
508-460-3711*



## Comment from Chief of Police Giorgi

**From:** [David Giorgi](#)  
**To:** [City Council](#); [Priscilla Ryder](#); [Jeffrey Cooke](#); [Kevin Breen](#); [Thomas DiPersio](#); [John Ghiloni](#); [Cathleen Liberty](#)  
**Cc:** [Donald Rider](#); [Cynthia Panagore Griffin](#); [Joe Delano](#); [Delano, Joe](#); [Ed Clancy](#); [Ed Clancy \(irishclanc@verizon.net\)](#)  
**Subject:** RE: TO MANAGERS: Urban Affairs Committee Posting - December 4, 2018 @ 5:30 PM - MVD Zoning Petition, E on Main  
**Date:** Thursday, November 29, 2018 11:35:23 AM

---

Good morning,

The Police Department has reviewed the documents pertaining to the Council's public hearing for the proposed property for E on Main and does not have any issues with the proposal. Concerns about pedestrian safety and vehicles entering/exiting the parking area were addressed at Site Plan review.

Thank you,  
D. Giorgi

---

**From:** City Council <citycouncil@marlborough-ma.gov>  
**Sent:** Tuesday, November 27, 2018 3:18 PM  
**To:** Priscilla Ryder <pryder@marlborough-ma.gov>; Jeffrey Cooke <jcooke@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; John Ghiloni <jghiloni@marlborough-ma.gov>; Cathleen Liberty <cliberty@marlborough-ma.gov>  
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As per last week's email and follow up comments from Atty. Falk, your input will assist the councilors in their deliberations regarding this zoning petition. Your individual comments are greatly appreciated.

Thank you.

Karen

*Karen A. Boule  
City Council Office  
508-460-3711*

**From:** [Priscilla Ryder](#)  
**To:** [City Council](#); [Jeffrey Cooke](#); [Kevin Breen](#); [David Giorgi](#); [Thomas DiPersio](#); [John Ghiloni](#); [Cathleen Liberty](#)  
**Cc:** [Donald Rider](#); [Cynthia Panagore Griffin](#); [Joe Delano](#); [Delano, Joe](#); [Ed Clancy](#)  
**Subject:** RE: TO MANAGERS: Urban Affairs Committee Posting - December 4, 2018 @ 5:30 PM - MVD Zoning Petition, E on Main  
**Date:** Thursday, November 29, 2018 1:14:20 PM

---

Hi,

I have reviewed the MVD zoning change amendments proposed and have no comments.

Thanks!

*Priscilla Ryder*

*Conservation Officer*

*140 Main St. City Hall; Marlborough, MA 01752*

Ph: 508-460-3768 ; [pryder@marlborough-ma.gov](mailto:pryder@marlborough-ma.gov)

---

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**Sent:** Tuesday, November 27, 2018 3:18 PM

**To:** Priscilla Ryder <[pryder@marlborough-ma.gov](mailto:pryder@marlborough-ma.gov)>; Jeffrey Cooke <[jcooke@marlborough-ma.gov](mailto:jcooke@marlborough-ma.gov)>; Kevin Breen <[kbreen@marlborough-ma.gov](mailto:kbreen@marlborough-ma.gov)>; David Giorgi <[dgiorgi@marlborough-ma.gov](mailto:dgiorgi@marlborough-ma.gov)>; Thomas DiPersio <[tdipersio@marlborough-ma.gov](mailto:tdipersio@marlborough-ma.gov)>; John Ghiloni <[jghiloni@marlborough-ma.gov](mailto:jghiloni@marlborough-ma.gov)>; Cathleen Liberty <[cliberty@marlborough-ma.gov](mailto:cliberty@marlborough-ma.gov)>

**Cc:** Donald Rider <[drider@marlborough-ma.gov](mailto:drider@marlborough-ma.gov)>; Cynthia Panagore Griffin <[cpanagoregriffin@marlborough-ma.gov](mailto:cpanagoregriffin@marlborough-ma.gov)>; Joe Delano <[ward\\_1@marlborough-ma.gov](mailto:ward_1@marlborough-ma.gov)>; Delano, Joe ; Ed Clancy <[ward\\_6@marlborough-ma.gov](mailto:ward_6@marlborough-ma.gov)>; Ed Clancy

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Thank you.

Karen

*Karen A. Boule*

*City Council Office*

*508-460-3711*

# Comment from Building Commissioner Cooke

**From:** [Jeffrey Cooke](#)  
**To:** [City Council](#); [Priscilla Ryder](#); [Kevin Breen](#); [David Giorgi](#); [Thomas DiPersio](#); [John Ghiloni](#); [Cathleen Liberty](#)  
**Cc:** [Donald Rider](#); [Cynthia Panagore Griffin](#); [Joe Delano](#); [Delano, Joe](#); [Ed Clancy](#); [Ed Clancy](#)  
**Subject:** RE: TO MANAGERS: Urban Affairs Committee Posting - December 4, 2018 @ 5:30 PM - MVD Zoning Petition, E on Main  
**Date:** Friday, November 30, 2018 9:36:10 AM

---

I have review the proposed zoning changes and I have no further comments

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

---

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**Sent:** Tuesday, November 27, 2018 3:18 PM  
**To:** Priscilla Ryder <pryder@marlborough-ma.gov>; Jeffrey Cooke <jcooke@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; John Ghiloni <jghiloni@marlborough-ma.gov>; Cathleen Liberty <cliberty@marlborough-ma.gov>  
**Cc:** Donald Rider <drider@marlborough-ma.gov>; Cynthia Panagore Griffin <cpanagoregriffin@marlborough-ma.gov>; Joe Delano <ward\_1@marlborough-ma.gov>; Delano, Joe ; Ed Clancy <ward\_6@marlborough-ma.gov>; Ed Clancy

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Thank you.

Karen

*Karen A. Boule  
City Council Office  
508-460-3711*

## Comment from City Engineer DiPersio

**From:** City Council  
**Sent:** Monday, December 3, 2018 12:16 PM  
**To:** Joe Delano; David Doucette; Christian Dumais; Robert Tunnera; John Irish; Ed Clancy; Don Landers; Peter Juairé; Mark Oram; Mike Ossing; Kathleen Robey; Ossing; Clancy  
**Cc:** Sara Corbin; Karen Boule  
**Subject:** From City Engineer to Councilors—Urban Affairs Committee Posting - December 4, 2018 @ 5:30 PM - MVD Zoning Petition, E on Main

**From:** Thomas DiPersio <[tdipersio@marlborough-ma.gov](mailto:tdipersio@marlborough-ma.gov)>  
**Date:** December 1, 2018 at 5:28:16 PM EST  
**To:** City Council <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>, Priscilla Ryder <[pryder@marlborough-ma.gov](mailto:pryder@marlborough-ma.gov)>, Jeffrey Cooke <[jcooke@marlborough-ma.gov](mailto:jcooke@marlborough-ma.gov)>, Kevin Breen <[kbreen@marlborough-ma.gov](mailto:kbreen@marlborough-ma.gov)>, David Giorgi <[dgiorgi@marlborough-ma.gov](mailto:dgiorgi@marlborough-ma.gov)>, John Ghiloni <[jghiloni@marlborough-ma.gov](mailto:jghiloni@marlborough-ma.gov)>, Cathleen Liberty <[cliberty@marlborough-ma.gov](mailto:cliberty@marlborough-ma.gov)>  
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**Subject: RE: TO MANAGERS: Urban Affairs Committee Posting - December 4, 2018 @ 5:30 PM - MVD Zoning Petition, E on Main**

I do not object to the proposed changes to the MVD Zoning, allowing increased heights and roof deck amenities by special permit.

However I am not in favor of the proposed increase in height at the rear of the building in this project, in the area that is within 50 feet of the residential district. I feel that the “squaring off of the building” in the rear would have a noticeable effect on the abutters. Further, the proponent has not indicated how many additional units this change would allow for, but there are already fewer parking spaces on the site than there are residential units. In my opinion allowing additional units would exacerbate what may be a difficult parking situation.

Thank you,

**Thomas DiPersio, Jr., PE, PLS**

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