

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Urban Affairs Committee

Date: March 26, 2019

Time: 5:30 PM

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 MAR 20 P 12:55

Continued Review:

1. 12-17-2018 – **Order No. 18/19-1007500**: Proposed Zoning Ordinance Amendment, Chapter 650, §15, §17, & §18 – Home Office & Contractor Yards.
-REFER TO URBAN AFFAIRS & PLANNING BOARD
-PUBLIC HEARING: FEBRUARY 11, 2019

New Business:

2. 01-28-2019 – **Order No. 19-1007533**: Proposed Zoning Amendment, to add to Chapter 650 a new section §36, which will create an Executive Residential Overlay District in the Simarano Drive and Cedar Hill Road Area.
-REFER TO URBAN AFFAIRS & PLANNING BOARD
-PUBLIC HEARING: MARCH 11, 2019
3. 11-19-2018 – **Order No. 18/19-1007461 (X18/19-1007423)**: Application for Special Permit from Attorney Sem Aykanian to modify existing Special Permit issued to Main Street Bank, 81 Granger Boulevard on June 22, 2009, Order No. 09-1002152C, to modify permit to allow for an electronic digital display (electronic message board) sign.
-REFER TO URBAN AFFAIRS
-PUBLIC HEARING: FEBRUARY 25, 2019
4. 11-19-2018 – **Order No. 18/19-1007423 (X18/19-1007461)**: Application for LED Sign Special Permit, Main Street Bank, 81 Granger Boulevard.
-REFER TO URBAN AFFAIRS
-PUBLIC HEARING: FEBRUARY 25, 2019

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 28, 2019

PAGE 1

ORDERED:

At a regular meeting of the Marlborough City Council held on Monday, JANUARY 28, 2019 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 amended, be further amended by adding a new §650-36, Executive Residential Overlay District, as follows:

§650-36 – EXECUTIVE RESIDENTIAL OVERLAY DISTRICT

A. Purpose and Objectives

The Executive Residential Overlay District (“EROD”) allows the application of supplemental land use controls within the boundaries of a certain overlay district, subject to City Council approval, as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the EROD are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety, and welfare by promoting integrated, pedestrian-friendly, residential and mixed-use development with convenient access to employment options in Marlborough’s southwest quadrant and along Interstate 495.

B. Location of EROD; Development Phasing

1. For the purposes of this Section (§650-36 et. seq.), the EROD is located on the easterly side of Simarano Drive between the Interstate 495 Interchange and Cedar Hill Road containing approximately 43 acres as indicated on the City Zoning Map and more particularly described in Exhibit “A” annexed hereto and incorporated by reference herein.
2. Within the EROD, there may be one or more phases of development (“ERO Phase”). Each ERO Phase may consist of one or more parcels of land and may include any eligible use set forth in Subsection D below, which may be commingled within a single structure or located in separate structures on one or more parcels. Parcels within the EROD may be combined or subdivided and held under separate ownership or leaseholds. Each ERO Phase shall be subject to Site Plan Approval.
3. Upon the issuance of Site Plan Approval for an ERO Phase on a parcel or parcels in the EROD, this Section (§650-36 et. seq.) shall govern said parcel as developed in accordance with the Site Plan Approval.



IN CITY COUNCIL

Marlborough, Mass., _____ JANUARY 28, 2019

PAGE 2

ORDERED:

4. Except as specifically provided herein, the provisions of the Zoning Ordinance relating to the underlying zoning districts not otherwise impacted by this Section (§650-36 et. seq.) shall continue to remain in full force and effect. In the event of any conflict between the provisions of this Section (§650-36 et. seq.) and any other provision of the Zoning Ordinance, the provisions of this Section (§650-36 et. seq.) shall govern and control.

C. Authority of Permit Granting Authority

1. The City Council shall be the Permit Granting Authority for Special Permits and Site Plan Approvals in the EROD. Special Permits shall require a two-thirds vote of the City Council; Site Plan Approvals shall require a simple majority vote.
2. At the request of an applicant as part of an initial application or as part of a modification pursuant to Subsection H, the City Council may elect to vary the dimensional, parking, design, and landscaping requirements applicable to an ERO Phase by Site Plan Approval upon finding that such change shall result in an improved design and will not nullify or substantially derogate from the intent or purpose of this Section (§650-36 et. seq.).
3. An application for Site Plan Approval for an ERO Phase shall comply with the City Council's Rules for Site Plan Approval. An application for a Special Permit for a use in the EROD shall comply with the requirements of §650-59 of the Zoning Ordinance.

D. Eligible Uses

1. The following uses are permitted BY-RIGHT in the EROD:
 - a. Multifamily Dwellings, up to 450 dwelling units.
 - b. Restaurant, café with or without table service (including outside seating and service) with or without drive-thru, provided that said facilities have no dedicated driveway with a curb cut on a public way.
 - c. Co-working or shared working spaces.
 - d. Health, sports and fitness clubs (indoor and/or outdoor) and related facilities.
 - e. Retail sales and services.
 - f. Offices, professional offices, banks, insurance, and financial institutions.
 - g. Consumer service establishments complementary to the other principal uses.
 - h. Brew pubs.



IN CITY COUNCIL

Marlborough, Mass., _____ JANUARY 28, 2019

PAGE 3

ORDERED:

- i. Distilleries with attached restaurants.
 - j. Accessory solar energy installations, including but not limited to roof-top systems and solar parking canopies.
 - k. Uses allowed by right in the underlying zoning district.
 - l. Accessory uses.
2. The following additional uses are permitted BY SPECIAL PERMIT in the EROD:
 - a. Multifamily Dwellings in excess of 450 dwelling units.
 - b. Uses allowed by special permit in the underlying zoning district.
3. All uses not specified in Subsection D.1 and Subsection D.2 above shall be deemed prohibited in the EROD.
4. Once an ERO Phase receives Site Plan Approval, individual uses within the ERO Phase may be changed without further Site Plan Approval, unless such change otherwise requires Site Plan Approval under §270-2 of the Marlborough City Code or a modification to a Site Plan Approval under Subsection H.3.
5. Multifamily dwellings in the EROD shall be subject to Section 650-26 of the Zoning Ordinance.

E. Dimensional Requirements

1. Notwithstanding any provisions of the Zoning Ordinance to the contrary, development in the EROD shall be subject to the following dimensional standards:
 - a. Minimum lot area: none.
 - b. Minimum Lot Frontage: none.
 - c. Minimum Front Yard or Setback from a Public Way: 20 feet.
 - d. Minimum Side and Rear Yard: 25 feet.
 - e. Maximum Building Height: 80 feet, no limitation on stories.
 - f. Maximum Lot Coverage: 60%, over the entire EROD.
2. Notwithstanding anything contained herein to the contrary, there shall be no yard or setback requirements or planting strips required as to internal lot lines within the EROD.



IN CITY COUNCIL

Marlborough, Mass., _____ JANUARY 28, 2019

PAGE 4

ORDERED:

F. Parking Requirements

1. **Parking Locations** – Parking may be provided at ground level, underground, or in parking garages. Parking garages may be free standing or part of buildings dedicated to other permitted uses. Parking garages may contain accessory solar energy installation.
2. **Required Parking Spaces** – An ERO Phase shall provide parking as follows: 1 parking space per bedroom; 1 parking space per 250 square feet of office or co-working / shared working space; 1 parking space for every 3 seats plus 1 parking space for every 3 employees for a restaurant or other food/beverage service use; and 1 parking space for each 100 square feet of public floor area of other commercial space; provided, however, that the City Council may, through Site Plan Approval, authorize a reduction in the required number of parking spaces upon finding that the parking provided for the ERO Phase is sufficient to meet demand.
3. **Parking Space Dimensions** – Each parking space shall be no less than 9' x 18' except that the use of compact spaces (no smaller than 8' x 16') may be utilized throughout provided that no more than 33% of the total parking spaces within an ERO Phase shall be compact spaces.
4. Except as otherwise provided in this Section (§650-36 et. seq.), parking and circulation requirements in the EROD shall conform with the provisions of §650-48 and §650-49 of the Zoning Ordinance.

G. Design Standards

1. **Design Criteria** – An application for Site Plan Approval under this Section (§650-36 et. seq.) shall adhere to the design criteria specified in §270-2 of the Marlborough City Code.
2. **Roadways** – To the extent feasible, internal roadways shall be constructed using the methods and materials prescribed in the Rules and Regulations for the Subdivision of Land in the City, but shall not be required to conform to the subdivision standards or dimensional requirements thereof, provided that those roadways shall be adequate for the intended vehicular and pedestrian traffic. The design of ways and parking circulation should be as efficient as possible to reduce the overall development impact and area of impervious surfaces.



IN CITY COUNCIL

Marlborough, Mass., _____ JANUARY 28, 2019

PAGE 5

ORDERED:

3. Landscaping – Landscaping in the EROD shall conform with the provisions of §650-47 of the Zoning Ordinance, except that continuous landscaped strips shall be provided along all public ways with an average minimum width of 10 feet, with at least one tree per 50 linear feet of planting area length on average or with groups of trees spaced no further apart than 100 linear feet on average.
4. Storm Water Management System – An ERO Phase shall have a storm water management system designed in accordance with the Rules and Regulations for the Subdivision of Land in the City, the Department of Environmental Protection’s Storm Water Management Guidelines, and the City’s Stormwater Ordinance, §271 of the Marlborough City Code.
5. Signage – Except as otherwise provided in this Section (§650-36 et. seq.), signage shall conform to the provisions of §526 of the Marlborough City Code.

H. Modifications

1. After approval, applicants may seek modifications to any approved Special Permits or Site Plan Approvals.
2. Special Permits – Major modifications to a Special Permit may be granted by a two-thirds vote of the City Council, and minor modifications to Special Permit may be granted by the Building Commissioner. The Building Commissioner shall have jurisdiction to determine whether a requested modification to a Special Permit is major or a minor. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce a material increase in impact on City services, the environment, or the neighborhood. Where the effect of a modification to a Special Permit is quantifiable (by way of example only, modifications to building size or location, parking count or location, or other such quantifiable modification), it shall be presumed minor if the quantifiable effect does not result in a ten percent (10%) or greater variation from the applicable approval, provided however, that said modification would not result in a violation of any provision of this Section (§650-36 et. seq.). If it is determined that a modification to a Special Permit is not minor, per §650-59 of the Zoning Ordinance, an application for a revised Special Permit shall be filed, and a public hearing shall be held in the same manner as required for a new application.



IN CITY COUNCIL

Marlborough, Mass., _____ JANUARY 28, 2019

PAGE 6

ORDERED:

3. Site Plan Approvals – Major modifications to a Site Plan Approval may be granted by a majority vote of the City Council, and minor modifications to a Site Plan Approval may be granted by the Building Commissioner. The Building Commissioner shall have jurisdiction to determine whether a requested modification to a Site Plan Approval is major or a minor. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce a material increase in impact on City services, the environment, or the neighborhood. Where the effect of a modification to a Site Plan Approval is quantifiable (by way of example only, modifications to building size or location, parking count or location, or other such quantifiable modification), it shall be presumed minor if the quantifiable effect does not result in a ten percent (10%) or greater variation from the applicable approval, provided however, that said modification would not result in a violation of any provision of this Section (§650-36 et. seq.). If it is determined that a modification to a Site Plan Approval is not minor, an application for a revised Site Plan Approval shall be filed in accordance with the City Council's Rules for Site Plan Approval.



IN CITY COUNCIL

Marlborough, Mass., JANUARY 28, 2019
PAGE 7

ORDERED:

EXHIBIT A

The Executive Residential Overlay District shall include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

- Assessors Map 116, Parcel 5
- Assessors Map 116, Parcel 11
- Assessors Map 116, Parcel 12

Be and is herewith **SET A PUBLIC HEARING FOR MARCH 11, 2019, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD.**

ADOPTED

ORDER NO. 19-1007533



IN CITY COUNCIL

Marlborough, Mass., _____ MARCH 11, 2019

PAGE 1

ORDERED:

That the PUBLIC HEARING On the Proposed Zoning Amendment, to add to Chapter 650 a new section §36, which will create an Executive Residential Overlay District in the Simarano Drive and Cedar Hill Road Area, Order No. 19-1007533, all were heard who wish to be heard, hearing closed at 9:12 PM.

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

Councilors Absent: Juaire.

PUBLIC SPEAKING IN FAVOR

Brian Falk, Mirick O'Connell, appeared on behalf of the petitioner, Post Road Residential LLC. Mr. Falk introduced Andy and Tom Montelli from Post Road Residential LLC and Arthur Bergeron, also from Mirick O'Connell. Post Road Residential LLC is the prospective purchaser of forty-three acres of vacant land at the corner of Simarano Drive, Cedar Hill Road, and Route 495 Interchange adjacent to the Stone Gate Residential Community. The land is currently zoned Industrial and Limited Industrial and despite an approved site plan, the site has remained vacant for years. The commercial use allowed in the existing zoning has not worked for this site. Their new approach is to propose an overlay district to be known as the Executive Residential Overlay District. The overlay would allow for high quality, multi-family residential aimed at professionals working in the City's southwest quadrant and nearby commercial centers. The overlay would accommodate a variety of complementary commercial uses such as restaurants, retail, and coworking space. The overlay would allow development in phases, which the proposed ordinance calls ERO phases, and for each ERO phase, the City Council would be the Special Permit granting authority and Site Plan approval authority. The dimensional landscaping and parking requirements for the overlay were designed for consistency with the zoning ordinance but to allow for flexibility to create projects that work well for the site.

Mr. Bergeron provided some history of the site. The site is bounded by the Ferricchia Access Road, Simarano Drive, Cedar Hill Road, and surrounded by businesses. This site was acquired by Boston Properties in 2000 and they received Site Plan Approval for an as-of-right use for an office park in 2004. They tried to sell the property for fifteen years and eventually put the property out to bid where Post Road Residential LLC has an option on the property for residential purposes. Mr. Bergeron provided an estimated tax revenue if the office park was constructed as approved and compared it to what the residential use buildings would generate in tax revenue. Mr. Bergeron proposed the question whether it was better for the City to have the site's current use remain or allow the proposed residential use.



IN CITY COUNCIL

Marlborough, Mass., _____ MARCH 11, 2019
PAGE 2

ORDERED:

Tom Montelli of Post Road Residential clarified that Boston Properties tried to develop the site for many years and it did not work out for them in a financial sense. Mr. T. Montelli explained the financial reasons why the approved use for the new office construction was not possible which has to do with vacancy, rents, and the demand side of supply and demand. He reviewed the Marlborough Office Vacancy over the past twenty years where it has averaged twenty-percent and is high when compared to the Boston market. There was also stagnant rent growth throughout that same period. In an environment of consistently high vacancy and stagnant rent growth, construction costs have been rising significantly, therefore the numbers did not work for new office construction.

Andy Montelli of Post Road Residential provided more information on their specific project. He explained they are under contract for this property because Boston Properties failed to get office tenants for their project. Office rents are below what Boston Properties required to construct their project. Mr. A. Montelli showed an aerial view of a rendering for the proposed project. They proposed two phases of units and the buildings are a combination of four, five, or six stories. He discussed the wetlands on the site and how they divide and define it. Their buildings and landscaping are designed to enhance and take advantage of the wetlands. They believe this project will be a strong addition to Marlborough while not being a detriment to the infrastructure as they plow their own roads, maintain their own buildings, and are self-contained.

Mr. Bergeron discussed affordable housing and they are anticipating building ten-percent, so their project is neutral with respect to Chapter 40B and buy their way out of the remaining five-percent.

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.



IN CITY COUNCIL

Marlborough, Mass., _____ MARCH 11, 2019

PAGE 3

ORDERED:

QUESTIONS FROM THE CITY COUNCIL

- ✓ Councilor Doucette asked about the 450-units and if that was the combined total from Phase I and II. Mr. Bergeron confirmed the number and each building would contain about 225-units.
- ✓ Councilor Doucette noted there was a reference to sixty-percent lot coverage, and that was after all the phases are complete which Mr. Bergeron confirmed for him.
- ✓ Councilor Robey wanted to discuss the sixty-percent coverage during the committee meeting.
- ✓ Councilor Robey wished to clarify the affordable housing piece. The 450-units will be allowed by right and then any additional units will be by special permit, and the City's ordinance language states that Chapter 650 §26 is only effective for special permits for housing over twenty. So, if this is by-right, then? Mr. Bergeron confirmed Councilor Robey was correct and it will be fixed in committee. Mr. Bergeron noted they could modify the site plan approval section requiring them to have the same requirement.
- ✓ Councilor Robey asked if the property was affected by the Flood Plain Wetlands Act or was it part of the Water Supply Protection District. Mr. Bergeron stated it was not part of the Water Supply Protection District as that was on the other side of the hill.
- ✓ Councilor Oram asked if they have done studies to determine the demand for residential units. Mr. A. Montelli explained they have surveyed this market and know there is residential demand in this area.
- ✓ Councilor Oram asked about the breakdown of one-, two-, and three-bedroom units for the first 450-units. Mr. A. Montelli explained they currently build a majority of one-bedroom and studio units about sixty-five to seventy percent of their units are a combination of those two types.
- ✓ Councilor Oram asked if these units would be for those working in Cambridge or Boston. Mr. A. Montelli did not think their customers would be working in Cambridge or Boston as there are many people still working here even with the higher office vacancy rates.
- ✓ Councilor Delano mentioned the Governor's proposal to change local zoning so that it only takes a simple majority for zoning changes to pass making it easier for projects to be approved and they should be approving the good projects. Councilor Delano indicated there will be discussions in the Urban Affairs Committee including those about accessory uses, minor modifications, and using their assessment tool.



IN CITY COUNCIL

Marlborough, Mass., MARCH 11, 2019
PAGE 4

ORDERED:

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. 19-1007533A

TO COUNCILORS: MAPC - Post Road Residential Overlay - Initial Comments for March 26, 2019 Urban Affairs Meeting

City Council

Mon 3/25/2019 5:32 PM

To: Christian Dumais ; David Doucette ; Don Landers
; Ed Clancy ; Joe Delano ; John
Irish ; Karen Boule ; Kathleen Robey
; Mark Oram ; Mike Ossing ; Peter Juairé
; Robert Tunnera

📎 1 attachments (2 MB)

Executive Residential Overlay Map.pptx;

From: Linda Martins
Sent: Monday, March 25, 2019 4:40 PM
To: 'Joseph F. Delano', ; Ed Clancy
Cc: Ed Clancy ; City Council
Subject: MAPC - Post Road Residential Overlay

Good evening,

Hope all is well! I just want to provide a brief update from MAPC. Unfortunately, Mark wasn't able to provide an in depth review due to time constraints but he did share some initial thoughts.

- He looked at the materials enough to understand where the Overlay is proposed, and prepared the attached quick map, and thought it may also help the Committee to get an idea of the abutting land uses
 - *TJX complex and Results Way Overlay to the north; Stone Gate 40B residential to the east; Dav-Tech Plating, Kens foods and Suburban Propane to the south; and industrial/office - Hologic and Synopsys – to the west*
- Due to the mix of industrial and residential land uses near the site, he thinks that design/layout of any potential residential development would be critical to determine if there would likely be any conflicts with existing adjacent land uses
 - *e.g., are the industrial uses adequately buffered as part of the design; is the residential primarily on the portion of the site nearest the abutting residential, or is it near the potentially-conflicting industrial land uses?*
- Are there any plans/designs for the development available? The Council should consider evaluating this zoning proposal using the Development Review Criteria and Design Review Guidelines - in order to do that effectively the (at least initial) design of the site would be helpful to have, and MAPC would need some additional time to undertake this review
 - *If you're inclined to this the turnaround time would be longer, please let me know*

Mark will send me additional comments should he have another chance to review the proposed zoning overnight. I will circle back in the morning.

Please let me know if you have any further questions and/or concerns. Thank you.

All the best,

Linda Martins

Director of Operations

91 Main Street, Suite 204

Marlborough, MA 01752

Tel: 508 229 2010

Follow us on [Twitter](#) & [Facebook](#)

Live, Work, Play! [Marlborough Video](#)



Executive Residential Overlay Map

