

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Urban Affairs Committee

Date: November 07, 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 OCT 30 P 12: 27

1. 10-07-2019 – **Order No. 19-1007716A:** Communication from City Solicitor, Jason Grossfield, on behalf of Councilor Delano, regarding Proposed Zoning Amendment relative to creating the Route 20 East Zoning District, Order No. 19-1007716.

-Refer to Urban Affairs Committee & Planning Board

-Public Hearing: October 28, 2019

2. 07-22-2019 – **Order No. 19-1007738:** Proposed Zoning Map Amendment from Attorney Michael Norris on behalf of Renato Fontes, regarding Rezoning of land off 269 Mechanic Street identified as Map 56, Parcel 125.

*THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:
That, rear land at 269 Mechanic Street currently owned by Carmi Greb, LLC on Assessors Map 56, Parcel 125 presently zoned Limited Industrial "LI" be rezoned as Residential B as it is contiguous to the Assessors Map 56, Parcels 131, 130, 129, 128, 127, and 123, that are all currently zoned Residential B.*

-Refer to Urban Affairs Committee & Planning Board

-Public Hearing: August 26, 2019

3. 10-07-2019 – **Order No. 19-1007738C:** Communication from Attorney Michael Norris on behalf of Renato Fontes, regarding Amendment to the Proposed Rezoning of land off 269 Mechanic Street identified as Map 56, Parcel 125, Order No. 19-1007738B.

*THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:
That rear land at 269 Mechanic Street currently owned by Carmi Greb, LLC on Assessors Map 56, Parcel 125 presently zoned Limited Industrial be rezoned as Residential B as it is contiguous to the Assessors Map 56, Parcels 131, 130, 129, 128, 127, and 123, that are all currently zoned Residential B and a parcel containing 432 s. f. to the rear of the building on land known as the Assabet River Rail Trail currently owned by the City of Marlborough be rezoned to Residential B. The area to the rear of Map 56, Parcel 125, being a rectangle parcel 4.40' on the northerly side to and 1.86' on the southerly side a distance of 142.39'.*

-Refer to Urban Affairs Committee & Planning Board

-Public Hearing: October 28, 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., OCTOBER 7, 2019

PAGE 1

ORDERED:

That the Proposed Zoning Amendment relative to creating the Route 20 East Zoning District, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, OCTOBER 28, 2019.**

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

- I. Section 650-7, entitled "Districts Enumerated," is hereby **amended** as follows:
 - (1) By deleting from the first sentence the number "13" and by inserting in place thereof the number "14".
 - (2) By inserting at the end of the list of District types, the following:
Route 20 East Zoning District R20E.
- II. Chapter 650 is hereby amended in 650 Attachment 1 (§ 650-17), entitled "Table of Uses," by **inserting** the highlighted portions and text of Exhibit "A" attached to this order, inserting under the heading entitled "Zoning District Abbreviations" a new zoning district abbreviation as follows: "R20E", and beneath the new district abbreviation R20E column the text as shown on said Exhibit "A".
- III. Chapter 650 is hereby amended by **inserting** a new §40, entitled "Special Provisions Applicable to the Route 20 East Zoning District (R20E)", as follows:

§ 650-40. Special Provisions Applicable to the Route 20 East Zoning District (R20E)

Within the Route 20 East Zoning District (R20E), the following provisions govern. Where these provisions conflict with other sections of the Zoning Ordinance, the provisions of this section shall apply.

- A. **Purpose and vision.** The purpose of the Route 20 East Zoning District is to encourage compact mixed-use development that encourages walking and biking with development that will enhance compatible land uses and encourage desired growth patterns to improve a traditionally automobile-oriented commercial corridor for the benefit of public health, safety and welfare, by promoting integrated, pedestrian-friendly, commercial mixed-use development including retail, housing, and workplaces within close proximity to each other that are consistent with the stated economic development objectives of the City, contribute to enhanced streetscape, and designed to further promote livability and quality of life within the district.



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ORDERED:

- (1) Commercial mixed-use development.
 - (a) For the purposes of this Zoning District, a commercial mixed-use development shall include any eligible use set forth in Subsection E below, which shall be commingled into a single structure or multiple structures with other eligible uses on the same property. Accordingly, commercial mixed-use developments shall benefit the public health, safety and welfare, through the sharing of parking lots and driveway curb cuts, to minimize the amount of impervious paved parking area and driveway curb cuts, to reduce automobile trips and traffic congestion, and accordingly to improve air quality.
 - (b) All developments shall be designed to be pedestrian-friendly and that shall include site design, building layout, and pedestrian circulation features and amenities in compliance with the design standards of this Zoning District. Pedestrian-friendly developments shall benefit the public health, safety and welfare, through the encouragement of walking and physical activity.
- B. Site plan review.** Projects within the Route 20 East Zoning District shall be subject to site plan review as provided in § 270-2, entitled "Site plan review and approval," of the Marlborough City Code.
 - (1) Applicability.
 - (a) In all instances, a development which proceeds within the Route 20 East Zoning District is subject to site plan approval in accordance with § 270-2 of the Marlborough City Code.
 - (b) Site plan review applies to both as of right and uses available by grant of a special permit within the Route 20 East Zoning District. Site plan review applicability includes, but is not limited to, new construction of any building or structure; addition to an existing building or structure; and increase in area of on-site parking or loading areas. [See § 270-2(3).]
 - (c) Site plan review shall be conducted administratively, as provided in § 270-2, except for multifamily uses, hotel uses, and for those projects over 10,000 square feet, which projects shall undergo administrative site plan review with final review and approval by the City Council.
 - (d) The City Council may elect to vary the dimensional and parking requirements of this section by site plan approval if, in its opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.



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ORDERED:

- C. **Special permit granting authority.** The City Council shall be the special permit granting authority within the Route 20 East Zoning District.
- D. **Exclusivity/control.** This section of the Zoning Ordinance exclusively controls the establishment, development, and design of any development undertaken in the Route 20 East Zoning District and supersedes any other provision of the Zoning Ordinance. In the event of any conflict between the provisions of this section and any other provision of the Zoning Ordinance, the provisions of this section shall govern and control.
- E. **Eligible uses.** Except as specifically provided herein, any uses which are not permitted, whether as of right or by a special permit, within the Route 20 East Zoning District (R20E) under § 650-17, Table of Use Regulations, of the Zoning Ordinance, shall be prohibited. Uses allowed as of right and uses allowed by special permit are encouraged to be combined as a commercial mixed-use development. All uses noted as not permitted shall be deemed prohibited, except where to so deem would interfere with or annul any other City of Marlborough ordinance, rule, regulation, permit or license, or any state or federal law or regulation.
- F. **Dimensional requirements.** Dimensional requirements are set forth in § 650-41, Table of Lot Area, Yards and Height of Structures,” as specified for the R20E. The special permit height of 85 feet shall step down to 52 feet when the building is within 50 feet setback from a property line that abuts a residential district.
- G. **Parking, curb cut and landscaping requirements.** Except as otherwise provided in this section, parking, circulation and landscape requirements shall conform with the provisions of § 650-47, § 650-48 and § 650-49 of the Zoning Ordinance.
 - (1) Parking locations.
 - (a) Parking shall be located to the side and/or rear of all new building structures that front on Route 20 East, an existing connecting street, or a new internal access street.
 - (b) Parking may be provided at ground level, underground, or in a parking garage. Parking garages can be freestanding or as part of buildings dedicated to other permitted uses but must be integrated with the surrounding site plan and oriented so as to minimize visual impact of the parking garage on surrounding uses.



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ORDERED:

- (2) Parking access. Where a proposed parking lot is adjacent to an existing parking lot of a similar use, providing vehicular and pedestrian connections between the two parking lots shall be required. This access shall allow vehicular circulation between parking areas without the need to travel on Route 20. This access shall allow the unobstructed flow of pedestrians between adjacent properties, businesses, and parking areas. A sidewalk shall be provided on at least one side of the driveway.
- (3) Parking requirements. Parking in the R20E shall be provided at a minimum of 1 parking space per 250 square feet of net floor area for retail and restaurant uses. Parking for other commercial uses shall be provided at a minimum of 1 parking space per 350 square feet of net floor area. Parking for residential units shall be provided at a minimum of 1 parking space per unit.
- (4) Curb cuts. Curb cuts shall be minimized. To the extent feasible, vehicular access shall be provided through one of the following methods:
 - (a) Through the use of a common driveway serving multiple lots, or
 - (b) Through the use of an existing side or rear street.

H. Design standards. In addition to the following design standards which apply to all developments within the Route 20 East Zoning District, Route 20 East commercial mixed-use development that includes residential development shall incorporate design guidance from the City of Marlborough Multifamily Development Review Criteria and Design Guidelines as adopted by the City Council.

- (1) Site layout
 - (a) Site and building layout. Buildings shall be located in close proximity to streets with the primary building frontage(s) oriented to street frontage(s) and to define outdoor spaces in coordination with adjacent buildings located on the same property or abutting property.
 - (b) Site and parking layout. Parking shall be located to the rear or to the side of buildings that front on a street. Where an existing parking lot is in front of a building that will be redeveloped, landscaping shall be placed to screen parking and enhance the visual appeal of the site and street frontage. Where a new parking lot is to the side or rear of a building, but adjacent to a street, landscaping shall be used to screen the parking and reduce the visual impact of the parking as viewed from the street.



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ORDERED:

- (c) Site buffer. The setback abutting an existing residential or industrial use shall include landscape plantings and features that screen and separate adjacent residential or business uses from new commercial mixed-use development. This requirement does not need to be provided where adjacent to an existing commercial mixed-use development, retail, or restaurants.
- (2) Pedestrian and bicycle circulation
 - (a) Pedestrian circulation. Safe, convenient, and attractive pedestrian circulation shall be incorporated into the site plan design. Where appropriate, new pedestrian and bicycle paths shall connect the site with abutting sidewalks, trails, amenities, or parks to promote pedestrian and bicycle circulation and safety. Where appropriate, pedestrian access should be expanded into a shared-use path to provide safe, convenient, and attractive bicycle access. Where parking is located to the rear of the building, pedestrian access via a pedestrian-oriented alley or walkway through to the primary street is encouraged.
 - (b) Pedestrian connections. Sidewalks shall provide access from internal site uses, building entries, and parking areas to Route 20 and between adjacent sites.
 - (c) Bicycle amenities. All developments shall include provisions for the parking of bicycles at locations that are safely separated from vehicular and pedestrian circulation and convenient to building entries. Bicycle racks shall be placed as to not obstruct pedestrian walkways or impede the parking area for automobiles.
 - (3) Outdoor Pedestrian Spaces
 - (a) Useable Outdoor Pedestrian Space. Buildings and site features shall be arranged to create functional public and private outdoor spaces, including sidewalks, patios, entryways, courtyards, and other types of spaces. Useable and accessible outdoor pedestrian space shall be provided and integrated with the site plan and building design. Such outdoor pedestrian spaces shall enhance visual connections between buildings, streets, open spaces, and pedestrian circulation. Outdoor pedestrian spaces shall be set back from major vehicular ways and be of a scale that is appropriate to the anticipated level of foot traffic.



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ORDERED:

(b) Location of outdoor seating. Outdoor seating areas may be provided for restaurants, cafes, coffee shops, or other establishments with seating and may overlap with outdoor pedestrian spaces. Outdoor pedestrian spaces and seating areas shall be oriented to street frontage, with side streets and secondary access streets the preferred locations and integrated with the streetscape. Amenities and seating shall not reduce the required sidewalk widths or impact pedestrian or bicycle circulation.

(4) Building design

(a) Mixed-uses. Route 20 East Zoning District shall benefit from mixed-use development that combines several uses that are allowed as of right or by special permit in the district. These uses could be provided in a cluster of separate buildings or combined vertically in a single building. A mix of uses in close proximity shall be used to create smaller, walkable clusters that enhance the Route 20 East corridor and provide opportunities for residents and patrons to circulate between uses without the use of a vehicle.

(b) Façade step back. A step back in the façade of a building shall occur at the upper floor(s) for all buildings above 3-stories in height. For example, the fourth story of a 4-story building shall be recessed from the lower 3-stories of the primary façade with a step back. Or, the fourth and fifth story of a 5-story building shall be recessed from the lower 3-stories of the primary façade with a step back. 5 feet shall be the minimum step back.

(c) Multiple buildings. In mixed-use developments with multiple buildings, recurring forms and materials shall be used to unify the development while establishing an overall hierarchy of buildings for visual interest and orientation.

(d) Define corners. Prominent corners of sites and buildings should be defined and celebrated by the layout and design of the building(s). Prominent building corners may use design elements such as towers, arches, unique building massing, or roof forms to serve as identifiable and memorable landmarks.

(e) Roof forms. Gable, hip, mansard, gambrel, stepped, and peaked roofs add variety and interest to buildings and shall be incorporated into mixed-use developments. Flat roofs may be incorporated into the roof design with other roof forms and features.



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ORDERED:

- (f) Blank walls. Large portions of building facades which are unarticulated or blank walls shall be avoided through the careful placement of doors, windows, façade features, and transitions in façade materials and finishes.
- (g) Design quality. Building massing and façade design shall be of a high quality with well composed and articulated building forms using a variety of techniques to create visual interest and character with architectural details, vertical and horizontal projections and recesses, changes in height, roof forms, cornice treatments, pilasters, window reveals, materials, colors, and prominent building entrances or other design features.
- (h) Building materials. Use of traditional, natural, and sustainable building materials such as wood, brick, and stone shall be preferred over other synthetic materials.

I. Signage.

- (1) Except as otherwise provided in this section, signage shall conform to the provision of Chapter 526 of the City Code, the Sign Ordinance.
 - a. Sign quality. Signs and sign locations shall be an integral part of a high-quality development, designed to be consistent with the scale and style of the associated buildings. Sign design and materials shall relate to the building and site elements.
 - b. Integrated signs. Signs mounted on buildings shall be integrated with the architectural design of the building and should not be located to cover or obscure architectural elements. The building design should offer an integrated location on the building façade to receive signs. For buildings with multiple tenants, a consistent and integrated location on the building façade should be designed to receive signs for each separate tenanted space.
 - c. Awnings. Awnings, trellises, or canopies are encouraged above windows, doors, and entrances to provide shade and architectural relief from flat facades while providing an alternative location for signage.

J. Application.

- (1) Special permits. An application for a special permit for a use in a development in the Route 20 East Zoning District shall comply with the requirements of § 650-59 of the Zoning Ordinance.



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ORDERED:

- (2) Site plan approval. An application for site plan approval in the Route 20 East Zoning District shall comply with the requirements of Chapter 270 of the City Code, Article II, Permits and Approvals, § 270-2.

K. Site plan; Special Permit approval review criteria.

- (1) Review criteria. The City Council in connection with a special permit and/or site plan application in the Route 20 East Zoning District shall review such applications with respect to the following review criteria:
 - (a) Compliance of the design with the Design Standards in the above subsection H;
 - (b) Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;
 - (c) Scale of buildings relative to surroundings and relative to City of Marlborough Multi-family Development Review Criteria and Design Review Guidelines;
 - (d) Quality of design and materials for building facades visible from public ways;
 - (e) Quality of design and materials for public space; and
 - (f) Placement of utilities and wiring underground, to the extent practical.
- (2) Submission requirements:
 - (a) Site plan depicting proposed development, buildings, parking, vehicular, pedestrian, and bicycle circulation, open space;
 - (b) Building elevations;
 - (c) Landscape plan;
 - (d) Lighting plan with photometrics; and
 - (e) Site and building signage plan.



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ORDERED:

- (3) Public presentation. Concurrent with any public hearing/meeting associated with a special permit and/or site plan filing, the applicant shall make a presentation to the City Council to present the proposed architectural design and shall consider the comments and input from the City Council. A final building elevation shall be submitted prior to the close of the public hearing/meeting.

L. Standards for roadways and drainage.

- (1) Roadways. Internal Route 20 East Zoning District roadways shall be private ways and shall be maintained by owners/developers of the Route 20 East Zoning District and portions thereof. Private ways within the Route 20 East Zoning District, to the extent feasible, shall be constructed using the methods and materials prescribed in the City of Marlborough Subdivision Regulations, but shall not be required to conform to the dimensional requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners.
- (2) Stormwater management system. Developments proposed in the Route 20 East Zoning District shall have a stormwater management system designed in accordance with the City of Marlborough Subdivision Regulations, the Department of Environmental Protection's Storm Water Handbook, and the Standards and the City's Stormwater Ordinance (Chapter 271 of the City Code), as amended. The stormwater design shall infiltrate all stormwater on site and avoid run-off onto adjacent properties and is encouraged to integrate bioswales, rain gardens, or other surface stormwater treatment features that are integral to the function of the site's stormwater management and highlighted as a landscape feature.

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



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ORDERED:

- IV. Chapter 650 is hereby amended by **inserting** into 650 Attachment 2 (§ 650-41), entitled “Table of Lot Area, Yards and Height of Structures,” the text as shown in highlighted format in Exhibit “B” attached hereto.
- V. The Zoning Map described in § 650-8 is amended as shown on the accompanying Map (Exhibit “C”). The newly established R20E shall include all or portions properties as shown in highlighted format on the Map as existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors’ Map and Parcel Number):

74-2A	73-54	59-17A	60-24
73-15A	72-29A	59-16	60-31A
73-43	72-29	59-4	61-3
72-36	73-54A	59-4F	60-30A
72-28	72-13	59-4D	61-12
73-24	72-30	59-4E	61-6
73-701	72-35	59-4C	60-31
73-26	73-59	59-4B	61-2
72-16B	73-31B	59-11A	61-5
73-42	73-57	59-5B	61-19
73-41A	73-44	59-5A	74-2
73-41	73-33	59-5	61-18
73-21	73-55	59-5C	61-25B
73-39D	73-39B	72-31	61-31
73-22	73-700	60-26	61-22A
73-20	73-35	60-38	62-14
73-16	74-4	60-25	61-22
73-23	73-39A	60-27	61-30
73-25	73-37A	60-28	61-25A
73-40	74-3A	60-29	61-23
73-17	74-3	73-56	61-25
73-26A	73-36	73-30	61-21
73-35A	73-38	74-5	61-34
73-31A	73-37B	73-31	61-20
73-39C	73-37	61-27	61-2A
73-32	59-18	73-58	61-17
73-27	59-12	61-27A	61-17A
72-15	59-17C	59-8	62-20
73-29A	59-11	60-1	62-23
73-28	59-17B	59-10	62-2
72-14	59-17	59-14	62-21



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ORDERED:

61-28	59-7	62-2A	61-7
62-2B	59-9	61-9A	62-22
62-13	61-10	61-15	48-32
61-29	61-8	61-32	
61-29A	61-1	62-1	
61-701	61-14	61-700	
62-24	61-28A	61-9	

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

ADOPTED

ORDER NO. 19-1007716A



City of Marlborough Legal Department

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HEATHER H. GUTIERREZ
PARALEGAL

October 2, 2019

*P/H - 10/28/19
Advise Board
Planning
C/A*

Edward J. Clancy, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Re: Proposed Zoning Amendment - Route 20 East Zoning District

2019 OCT -2 P 4:47

Dear Honorable President Clancy and Councilors:

At the request of Councilor Joseph Delano, enclosed please find a proposed zoning ordinance amendment relative to the creation of a Route 20 East Zoning District.

I have reviewed the proposed amendment and it is in proper legal form. Please contact me if you have any questions.

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Jeffrey Cooke, Building Commissioner

ORDERED:

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

I. Section 650-7, entitled “Districts Enumerated,” is hereby **amended** as follows:

(1) By deleting from the first sentence the number “13” and by inserting in place thereof the number “14”.

(2) By inserting at the end of the list of District types, the following:
Route 20 East Zoning District R20E.

II. Chapter 650 is hereby amended in 650 Attachment 1 (§ 650-17), entitled “Table of Uses,” by **inserting** the highlighted portions and text of Exhibit “A” attached to this order, inserting under the heading entitled “Zoning District Abbreviations” a new zoning district abbreviation as follows: “R20E”, and beneath the new district abbreviation R20E column the text as shown on said Exhibit “A”.

III. Chapter 650 is hereby amended by **inserting** a new §40, entitled “Special Provisions Applicable to the Route 20 East Zoning District (R20E)”, as follows:

§ 650-40. Special Provisions Applicable to the Route 20 East Zoning District (R20E)

Within the Route 20 East Zoning District (R20E), the following provisions govern. Where these provisions conflict with other sections of the Zoning Ordinance, the provisions of this section shall apply.

A. Purpose and vision. The purpose of the Route 20 East Zoning District is to encourage compact mixed-use development that encourages walking and biking with development that will enhance compatible land uses and encourage desired growth patterns to improve a traditionally automobile-oriented commercial corridor for the benefit of public health, safety and welfare, by promoting integrated, pedestrian-friendly, commercial mixed-use development including retail, housing, and workplaces within close proximity to each other that are consistent with the stated economic development objectives of the City, contribute to enhanced streetscape, and designed to further promote livability and quality of life within the district.

(1) Commercial mixed-use development.

(a) For the purposes of this Zoning District, a commercial mixed-use development shall include any eligible use set forth in Subsection E below, which shall be commingled

into a single structure or multiple structures with other eligible uses on the same property. Accordingly, commercial mixed-use developments shall benefit the public health, safety and welfare, through the sharing of parking lots and driveway curb cuts, to minimize the amount of impervious paved parking area and driveway curb cuts, to reduce automobile trips and traffic congestion, and accordingly to improve air quality.

- (b) All developments shall be designed to be pedestrian-friendly and that shall include site design, building layout, and pedestrian circulation features and amenities in compliance with the design standards of this Zoning District. Pedestrian-friendly developments shall benefit the public health, safety and welfare, through the encouragement of walking and physical activity.

B. Site plan review. Projects within the Route 20 East Zoning District shall be subject to site plan review as provided in § 270-2, entitled “Site plan review and approval,” of the Marlborough City Code.

(1) Applicability.

- (a) In all instances, a development which proceeds within the Route 20 East Zoning District is subject to site plan approval in accordance with § 270-2 of the Marlborough City Code.
- (b) Site plan review applies to both as of right and uses available by grant of a special permit within the Route 20 East Zoning District. Site plan review applicability includes, but is not limited to, new construction of any building or structure; addition to an existing building or structure; and increase in area of on-site parking or loading areas. [See § 270-2(3).]
- (c) Site plan review shall be conducted administratively, as provided in § 270-2, except for multifamily uses, hotel uses, and for those projects over 10,000 square feet, which projects shall undergo administrative site plan review with final review and approval by the City Council.
- (d) The City Council may elect to vary the dimensional and parking requirements of this section by site plan approval if, in its opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.

C. Special permit granting authority. The City Council shall be the special permit granting authority within the Route 20 East Zoning District.

D. Exclusivity/control. This section of the Zoning Ordinance exclusively controls the establishment, development, and design of any development undertaken in the Route 20 East Zoning District and supersedes any other provision of the Zoning Ordinance. In the event of any

conflict between the provisions of this section and any other provision of the Zoning Ordinance, the provisions of this section shall govern and control.

E. Eligible uses. Except as specifically provided herein, any uses which are not permitted, whether as of right or by a special permit, within the Route 20 East Zoning District (R20E) under § 650-17, Table of Use Regulations, of the Zoning Ordinance, shall be prohibited. Uses allowed as of right and uses allowed by special permit are encouraged to be combined as a commercial mixed-use development. All uses noted as not permitted shall be deemed prohibited, except where to so deem would interfere with or annul any other City of Marlborough ordinance, rule, regulation, permit or license, or any state or federal law or regulation.

F. Dimensional requirements. Dimensional requirements are set forth in § 650-41, Table of Lot Area, Yards and Height of Structures,” as specified for the R20E. The special permit height of 85 feet shall step down to 52 feet when the building is within 50 feet setback from a property line that abuts a residential district.

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

(1) Parking locations.

- (a) Parking shall be located to the side and/or rear of all new building structures that front on Route 20 East, an existing connecting street, or a new internal access street.
- (b) Parking may be provided at ground level, underground, or in a parking garage. Parking garages can be freestanding or as part of buildings dedicated to other permitted uses, but must be integrated with the surrounding site plan and oriented so as to minimize visual impact of the parking garage on surrounding uses.

(2) Parking access. Where a proposed parking lot is adjacent to an existing parking lot of a similar use, providing vehicular and pedestrian connections between the two parking lots shall be required. This access shall allow vehicular circulation between parking areas without the need to travel on Route 20. This access shall allow the unobstructed flow of pedestrians between adjacent properties, businesses, and parking areas. A sidewalk shall be provided on at least one side of the driveway.

(3) Parking requirements. Parking in the R20E shall be provided at a minimum of 1 parking space per 250 square feet of net floor area for retail and restaurant uses. Parking for other commercial uses shall be provided at a minimum of 1 parking space per 350 square feet of net floor area. Parking for residential units shall be provided at a minimum of 1 parking space per unit.

- (4) Curb cuts. Curb cuts shall be minimized. To the extent feasible, vehicular access shall be provided through one of the following methods:
 - (a) Through the use of a common driveway serving multiple lots, or
 - (b) Through the use of an existing side or rear street.

H. Design standards. In addition to the following design standards which apply to all developments within the Route 20 East Zoning District, Route 20 East commercial mixed-use development that includes residential development shall incorporate design guidance from the City of Marlborough Multifamily Development Review Criteria and Design Guidelines as adopted by the City Council.

(1) Site layout

- (a) Site and building layout. Buildings shall be located in close proximity to streets with the primary building frontage(s) oriented to street frontage(s) and to define outdoor spaces in coordination with adjacent buildings located on the same property or abutting property.
- (b) Site and parking layout. Parking shall be located to the rear or to the side of buildings that front on a street. Where an existing parking lot is in front of a building that will be redeveloped, landscaping shall be placed to screen parking and enhance the visual appeal of the site and street frontage. Where a new parking lot is to the side or rear of a building, but adjacent to a street, landscaping shall be used to screen the parking and reduce the visual impact of the parking as viewed from the street.
- (c) Site buffer. The setback abutting an existing residential or industrial use shall include landscape plantings and features that screen and separate adjacent residential or business uses from new commercial mixed-use development. This requirement does not need to be provided where adjacent to an existing commercial mixed-use development, retail, or restaurants.

(2) Pedestrian and bicycle circulation

- (a) Pedestrian circulation. Safe, convenient, and attractive pedestrian circulation shall be incorporated into the site plan design. Where appropriate, new pedestrian and bicycle paths shall connect the site with abutting sidewalks, trails, amenities, or parks to promote pedestrian and bicycle circulation and safety. Where appropriate, pedestrian access should be expanded into a shared-use path to provide safe, convenient, and attractive bicycle access. Where parking is located to the rear of the building, pedestrian access via a pedestrian-oriented alley or walkway through to the primary street is encouraged.
- (b) Pedestrian connections. Sidewalks shall provide access from internal site uses, building entries, and parking areas to Route 20 and between adjacent sites.

- (c) Bicycle amenities. All developments shall include provisions for the parking of bicycles at locations that are safely separated from vehicular and pedestrian circulation and convenient to building entries. Bicycle racks shall be placed as to not obstruct pedestrian walkways or impede the parking area for automobiles.

(3) Outdoor Pedestrian Spaces

- (a) Useable Outdoor Pedestrian Space. Buildings and site features shall be arranged to create functional public and private outdoor spaces, including sidewalks, patios, entryways, courtyards, and other types of spaces. Useable and accessible outdoor pedestrian space shall be provided and integrated with the site plan and building design. Such outdoor pedestrian spaces shall enhance visual connections between buildings, streets, open spaces, and pedestrian circulation. Outdoor pedestrian spaces shall be set back from major vehicular ways and be of a scale that is appropriate to the anticipated level of foot traffic.
- (b) Location of outdoor seating. Outdoor seating areas may be provided for restaurants, cafes, coffee shops, or other establishments with seating and may overlap with outdoor pedestrian spaces. Outdoor pedestrian spaces and seating areas shall be oriented to street frontage, with side streets and secondary access streets the preferred locations, and integrated with the streetscape. Amenities and seating shall not reduce the required sidewalk widths or impact pedestrian or bicycle circulation.

(4) Building design

- (a) Mixed-uses. Route 20 East Zoning District shall benefit from mixed-use development that combines several uses that are allowed as of right or by special permit in the district. These uses could be provided in a cluster of separate buildings, or combined vertically in a single building. A mix of uses in close proximity shall be used to create smaller, walkable clusters that enhance the Route 20 East corridor and provide opportunities for residents and patrons to circulate between uses without the use of a vehicle.
- (b) Façade step back. A step back in the façade of a building shall occur at the upper floor(s) for all buildings above 3-stories in height. For example, the fourth story of a 4-story building shall be recessed from the lower 3-stories of the primary façade with a step back. Or, the fourth and fifth story of a 5-story building shall be recessed from the lower 3-stories of the primary façade with a step back. 5 feet shall be the minimum step back.

- (c) Multiple buildings. In mixed-use developments with multiple buildings, recurring forms and materials shall be used to unify the development while establishing an overall hierarchy of buildings for visual interest and orientation.
- (d) Define corners. Prominent corners of sites and buildings should be defined and celebrated by the layout and design of the building(s). Prominent building corners may use design elements such as towers, arches, unique building massing, or roof forms to serve as identifiable and memorable landmarks.
- (e) Roof forms. Gable, hip, mansard, gambrel, stepped, and peaked roofs add variety and interest to buildings and shall be incorporated into mixed-use developments. Flat roofs may be incorporated into the roof design with other roof forms and features.
- (f) Blank walls. Large portions of building facades which are unarticulated or blank walls shall be avoided through the careful placement of doors, windows, façade features, and transitions in façade materials and finishes.
- (g) Design quality. Building massing and façade design shall be of a high quality with well composed and articulated building forms using a variety of techniques to create visual interest and character with architectural details, vertical and horizontal projections and recesses, changes in height, roof forms, cornice treatments, pilasters, window reveals, materials, colors, and prominent building entrances or other design features.
- (h) Building materials. Use of traditional, natural, and sustainable building materials such as wood, brick, and stone shall be preferred over other synthetic materials.

I. Signage.

- (1) Except as otherwise provided in this section, signage shall conform to the provision of Chapter 526 of the City Code, the Sign Ordinance.
 - a. Sign quality. Signs and sign locations shall be an integral part of a high quality development, designed to be consistent with the scale and style of the associated buildings. Sign design and materials shall relate to the building and site elements.
 - b. Integrated signs. Signs mounted on buildings shall be integrated with the architectural design of the building and should not be located to cover or obscure architectural elements. The building design should offer an integrated location on the building façade to receive signs. For buildings with multiple tenants, a consistent and integrated location on the building façade should be designed to receive signs for each separate tenanted space.

- c. Awnings. Awnings, trellises, or canopies are encouraged above windows, doors, and entrances to provide shade and architectural relief from flat facades while providing an alternative location for signage.

J. Application.

- (1) Special permits. An application for a special permit for a use in a development in the Route 20 East Zoning District shall comply with the requirements of § 650-59 of the Zoning Ordinance.
- (2) Site plan approval. An application for site plan approval in the Route 20 East Zoning District shall comply with the requirements of Chapter 270 of the City Code, Article II, Permits and Approvals, § 270-2.

K. Site plan; Special Permit approval review criteria.

- (1) Review criteria. The City Council in connection with a special permit and/or site plan application in the Route 20 East Zoning District shall review such applications with respect to the following review criteria:
 - (a) Compliance of the design with the Design Standards in the above subsection H;
 - (b) Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;
 - (c) Scale of buildings relative to surroundings and relative to City of Marlborough Multi-family Development Review Criteria and Design Review Guidelines;
 - (d) Quality of design and materials for building facades visible from public ways;
 - (e) Quality of design and materials for public space; and
 - (f) Placement of utilities and wiring underground, to the extent practical.
- (2) Submission requirements:
 - (a) Site plan depicting proposed development, buildings, parking, vehicular, pedestrian, and bicycle circulation, open space;
 - (b) Building elevations;
 - (c) Landscape plan;
 - (d) Lighting plan with photometrics; and
 - (e) Site and building signage plan.

- (3) Public presentation. Concurrent with any public hearing/meeting associated with a special permit and/or site plan filing, the applicant shall make a presentation to the City Council to present the proposed architectural design and shall consider the comments and input from the City Council. A final building elevation shall be submitted prior to the close of the public hearing/meeting.

L. Standards for roadways and drainage.

- (1) Roadways. Internal Route 20 East Zoning District roadways shall be private ways and shall be maintained by owners/developers of the Route 20 East Zoning District and portions thereof. Private ways within the Route 20 East Zoning District, to the extent feasible, shall be constructed using the methods and materials prescribed in the City of Marlborough Subdivision Regulations, but shall not be required to conform to the dimensional requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners.
- (2) Stormwater management system. Developments proposed in the Route 20 East Zoning District shall have a stormwater management system designed in accordance with the City of Marlborough Subdivision Regulations, the Department of Environmental Protection's Storm Water Handbook, and the Standards and the City's Stormwater Ordinance (Chapter 271 of the City Code), as amended. The stormwater design shall infiltrate all stormwater on site and avoid run-off onto adjacent properties and is encouraged to integrate bioswales, rain gardens, or other surface stormwater treatment features that are integral to the function of the site's stormwater management and highlighted as a landscape feature.

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

IV. Chapter 650 is hereby amended by **inserting** into 650 Attachment 2 (§ 650-41), entitled "Table of Lot Area, Yards and Height of Structures," the text as shown in highlighted format in Exhibit "B" attached hereto.

V. The Zoning Map described in § 650-8 is amended as shown on the accompanying Map (Exhibit “C”). The newly established R20E shall include all or portions properties as shown in highlighted format on the Map as existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors’ Map and Parcel Number):

74-2A
73-15A
73-43
72-36
72-28
73-24
73-701
73-26
72-16B
73-42
73-41A
73-41
73-21
73-39D
73-22
73-20
73-16
73-23
73-25
73-40
73-17
73-26A
73-35A
73-31A
73-39C
73-32
73-27
72-15
73-29A
73-28
72-14
73-54
72-29A
72-29
73-54A
72-13

72-30
72-35
73-59
73-31B
73-57
73-44
73-33
73-55
73-39B
73-700
73-35
74-4
73-39A
73-37A
74-3A
74-3
73-36
73-38
73-37B
73-37
59-18
59-12
59-17C
59-11
59-17B
59-17
59-17A
59-16
59-4
59-4F
59-4D
59-4E
59-4C
59-4B
59-11A
59-5B
59-5A
59-5
59-5C
72-31

60-26
60-38
60-25
60-27
60-28
60-29
73-56
73-30
74-5
73-31
61-27
73-58
61-27A
59-8
60-1
59-10
59-14
60-24
60-31A
61-3
60-30A
61-12
61-6
60-31
61-2
61-5
61-19
74-2
61-18
61-25B
61-31
61-22A
62-14
61-22
61-30
61-25A
61-23
61-25
61-21
61-34

61-20
61-2A
61-17
61-17A
62-20
62-23
62-2
62-21
61-28
62-2B
62-13
61-29
61-29A
61-701
62-24
59-7
59-9
61-10
61-8
61-1
61-14
61-28A
62-2A
61-9A
61-15
61-32
62-1
61-700
61-9
61-7
62-22
48-32

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

ADOPTED

In City Council
Order No 19-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

EXHIBIT A

ZONING

650 Attachment 1

08 - 13 - 2019

Excerpt of Table of Use Regulations, including Route 20 East

ALL ZONING DISTRICTS ARE NOT SHOWN

City of Marlborough

Table of Use Regulations

(§ 650-17)

KEY:

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

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

All uses noted with "N" are not permitted.

	Zoning District Abbreviations				
	Existing Zones				R20E
	RCR	B	LI	NB	
Residential Use					
Single-family	Y	N	N	N	N
Single-family, attached (1)*	N	N	N	N	N
Conversion of detached one-family to a two-family (2)	N	N	N	Y	N
Two-family homes	N	N	N	Y	N
Conversion of a two-family dwelling to a three (3)	N	SP	N	SP	N
Multifamily dwelling (4) (42)	N	SP	N	SP	SP (Note: only as part of a "Mixed use development")
Comprehensive developments (§ 650-27)	Y	Y	Y	Y	Y
Boarding and lodging homes	N	SP	N	N	N
Tourist home\bed-and-breakfast	N	N	N	Y	N
Open space development (§ 650-28)	N	N	N	N	N
Trailer mobile homes (5)	SP	SP	SP	N	N
Retirement Community Overlay (§ 650-22)	N	N	SP	N	N
Residential accessory uses (6)	Y	Y	Y	Y	N
Customary home occupations (7)	Y	Y	Y	Y	Y
Yard sales, charitable sales bazaars (8)	Y	Y	Y	Y	Y

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

MARLBOROUGH CODE

	Zoning District Abbreviations				
	Existing Zones				R20E
	RCR	B	LI	NB	
Two residential structures on a lot less than 80,000 square feet (9)	N	N	N	N	N
Artist studio/live/work gallery space	N	N	N	Y	Y
Recording studio/live/work space	N	N	N	Y	Y
Assisted living facilities (44)	N	N	N	N	N
Business Uses					
Convert buildings to office, bank, insurance use (18)	N	N	N	Y	Y
Commercial kennels and animal hospitals	N	N	N	N	N
Veterinary hospital	N	N	N	SP	N
Commercial kennels	N	Y	N	N	N
Riding academy	N	SP	N	N	N
Retail sales and services <75,000 square feet gross floor area (19) (43)	N	Y	SP	Y	Y
Retail sales and services >75,000 square feet gross floor area (19) (43)	N	SP	SP	N	SP
Offices, banks, insurance and financial institutions	N	Y	Y	Y	Y
Schools, for business, trade, music, dance, and television\or radio broadcasting studios (but not including towers)	N	Y	N	Y	Y
Commercial radio and television towers and wireless communications facilities (20)	N	SP	SP	SP	SP
Hotels (41)	N	SP	SP	SP	N
Hotels <100 rooms					SP
Hotels with conference facilities and commercial uses (21)	N	SP	SP	N	N
Residential conference and training center with food and recreation services (22)	N	N	Y	N	N
Recreation center (23)	N	N	SP	Y	SP
Private clubs, nonprofit	N	SP	N	N	N
Clubs (24)	N	Y	N	Y	N
Self-service laundry	N	Y	N	Y	SP
Medical office/clinic	Y	Y	N	Y	Y
Dental clinics	Y	Y	N	Y	Y

ZONING

	Zoning District Abbreviations				
	Existing Zones				R20E
	RCR	B	LI	NB	
Consumer service establishments	N	Y	N	Y	Y
Salesroom	N	N	N	SP	N
Wholesale office or showroom	N	N	N	N	N
Wholesale sale and warehousing	N	N	N	N	N
Commercial greenhouse	N	Y	Y	SP	N
Motels	N	SP	SP	N	N
Mixed use development (42)	N	SP	N	SP	SP
Brew pubs	N	SP	N	Y	Y
Copy shops, newspaper offices	N	Y	N	Y	Y
Place of repair for cars, boats, trucks and farm equipment (25)	N	N	N	N	N
Places of assembly	N	SP	N	SP	N
Outdoor recreation uses	N	SP	SP	SP	N
Outdoor storage (26)	N	Y	SP	N	N
Car parking lots, garages (27)	N	SP	N	N	SP
Gasoline filling stations (28)	N	SP	N	N	N
Auto service facilities for minor repairs, changing tires and lubrication (28)	N	SP	N	N	N
Auto sales and service (25)	N	N	N	N	N
Car wash (28)	N	SP	N	N	N
Open air markets (29)	N	SP	N	N	N
Shopping malls	N	N	SP	N	SP
Soil removal (30)	Y	Y	Y	Y	N
Accessory uses	Y	Y	Y	Y	N
Funeral homes, parlors and mortuaries	N	N	N	Y	N
Public, private or commercial recreation establishments, recreation grounds or places of amusement	N	SP	SP	SP	N
Restaurant, cafe	N	Y	SP	Y	Y
Restaurant with drive-in or drive-thru facilities (31)	N	SP	N	SP	N
Restaurants serving food outdoors (31)	N	Y	SP	Y	Y
Restaurants for employee use	N	N	Y	N	Y
Drive-thru facilities	N	SP	N	N	N
Adult bookstore (32)	N	N	N	N	N

MARLBOROUGH CODE

	Zoning District Abbreviations				
	Existing Zones				R20E
	RCR	B	LI	NB	
Adult video store (32)	N	N	N	N	N
Adult paraphernalia store (32)	N	N	N	N	N
Adult movie theatre (32)	N	N	N	N	N
Adult live entertainment establishment (32)	N	N	N	N	N
Tattoo and body piercing parlors and shops (32)	N	N	N	N	N
Narcotic detoxification and/or maintenance facility		N	SP	N	N
Medical marijuana treatment center	N	N	N	N	N
Agriculture, Public, and Institutional Use					
Agriculture, horticulture or floriculture >5 acres (10)	Y	Y	Y	N	N
Forest, woodlots, portable, woodworking mills (11)	N	N	N	N	N
Livestock farms > 10 acres (12)	N	N	N	N	N
Farms and poultry farms (13)	Y	N	N	N	N
Cemeteries	N	N	N	N	N
Hospitals and sanitarium	N	N	N	N	N
Correctional institutions	N	N	N	N	N
Golf courses, country clubs and beaches (14)	N	N	N	N	N
Charitable and philanthropic buildings	N	N	N	SP	N
Churches and religious buildings (15)	Y	Y	Y	Y	Y
Public recreation and conservation	N	N	N	Y	N
Day camps	N	SP	N	N	N
Public, private and religious schools, museums, libraries, parks, recreation facilities, buildings and playgrounds	Y	Y	Y	Y	Y
Child-care centers (16)	N	Y	Y	Y	Y
Public utilities, not including storage yards or repair shops	Y	Y	Y	Y	N
Public buildings (17)	Y	Y	Y	Y	Y
Water towers, reservoirs	Y	Y	Y	Y	N
Floodplain and Wetland Protection District (§ 650-23)	Y	Y	Y	Y	Y

ZONING

	Zoning District Abbreviations				
	Existing Zones				R20E
	RCR	B	LI	NB	
Water Supply Protection District (§ 650-24)	Y	Y	Y	Y	Y
Convalescent and nursing homes	N	N	N	N	N
Industrial Uses					
Airports and heliports	N	N	Y	N	N
Newspaper printing and publishing, job printing	N	N	Y	N	N
Manufacturing where the majority of items are sold on premises to the consumer	N	N	N	N	N
Transportation terminal and freight depots	N	N	SP	N	N
Food processing plants	N	N	N	N	N
Research, experimental labs (33)	N	N	Y	N	N
Bakery (nonretail)	N	N	N	N	N
Light non-nuisance manufacturing	N	N	Y	N	N
Light manufacturing, using portable electric machinery (34)	N	N	N	N	N
Light manufacturing incidental to research	N	N	Y	N	N
Associated/accessory research uses (35)	N	N	SP	N	Y
Manufacturing and/or warehousing (36)	N	N	Y	N	N
Manufacturing or warehouse (37)	N	N	N	N	N
Retail sales accessory to manufacturing (38)	N	N	N	N	N
Recreation center, indoor and outdoor	N	SP	SP	SP	SP
Power laundries	N	N	N	N	N
Dry cleaning	N	Y	N	N	SP
Dye works	N	N	N	N	N
Packaging or bottling plants	N	N	N	N	N
Electric power substation for changing bulk power to distribution voltage	N	N	SP	N	N
Accessory uses and service buildings (39)	N	N	Y	N	SP
Large tract development (40)	N	N	N	N	N
Data storage/telecommunications facilities	N	N	Y	N	N

EXHIBIT B

ZONING
650 Attachment 2
08 - 13 - 2019

Excerpt of Dimensional Regulations, including Route 20 East – ALL ZONING DISTRICTS ARE NOT SHOWN

**City of Marlborough
Table of Lot Area, Yards, and Height of Structures
(§ 650-41)**

[Amended 12-1-2014 by Ord. No. 14-1005947C; 12-19-2016 by Ord. No. 16-1006667D]

Existing Zones	District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height	Maximum Lot Coverage
	R20E	5,000 square feet	50	25	30	25	52 feet (by-right) 85 feet** (by special permit)	80%

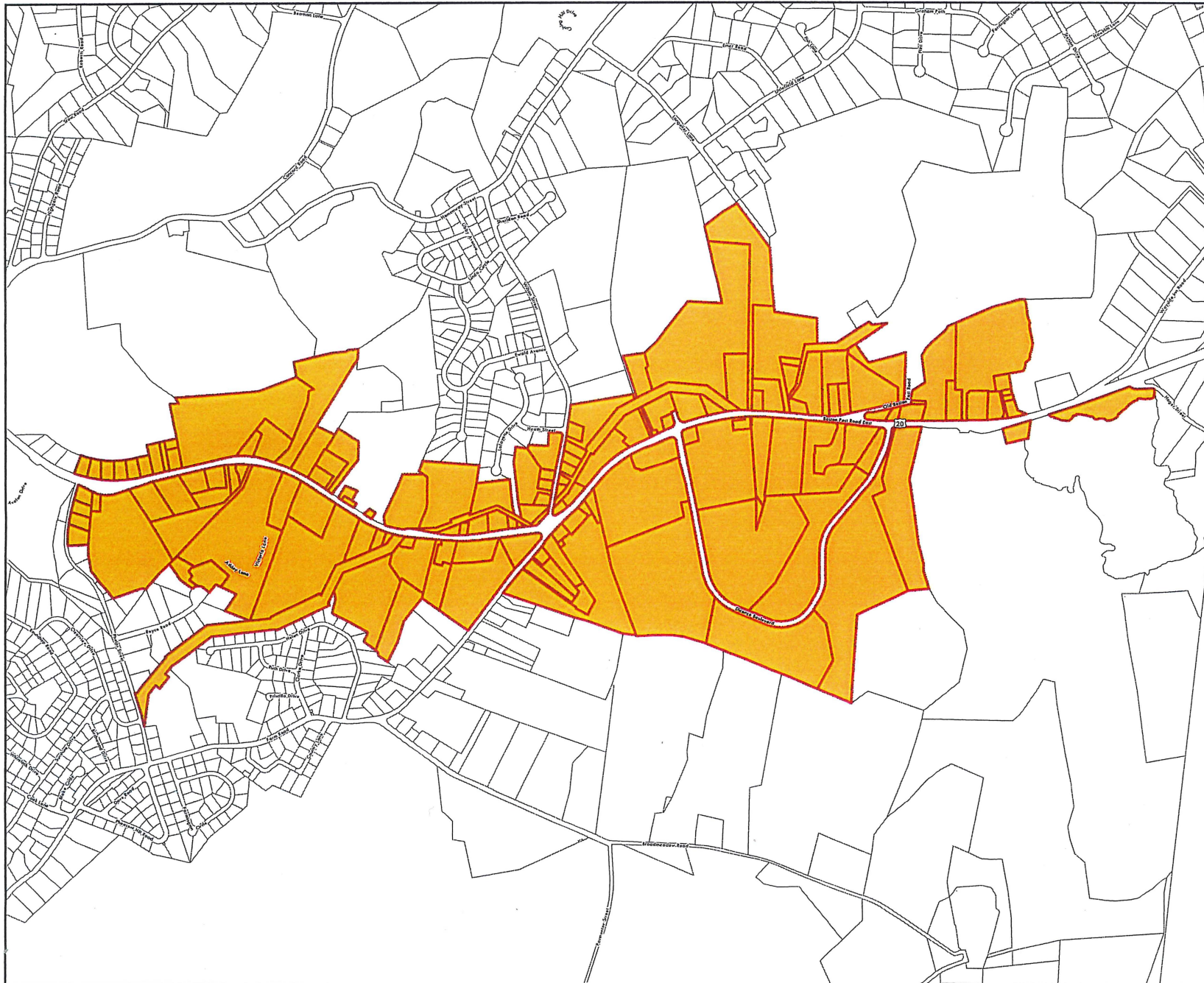
MARLBOROUGH CODE

NOTES:

- ¹ Note deleted.
- ² Applies to all buildings erected on or after January 27, 1969; all others, 10 feet.
- ³ 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.
- ⁴ Except where abutting a residence district, shall be 50 feet.
- ⁵ Except for buildings extending through a block or to a railroad siding.
- ⁶ 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.
- ⁷ However, this frontage need not be contiguous.
- ⁸ 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.
- ⁹ 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.
- ¹⁰ 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.
- ¹¹ Maximum lot coverage for a Large Tract Development Lot shall be 50%.
- ¹² Within the Marlborough Village District, special permits may allow for an increase in height to 80 feet; also, provided that the height of any development adjacent to any residential district shall be stepped down and shall not exceed 52 feet. (See § 650-33F.)
- ¹³ Within the Marlborough Village District, special permits may allow for an increase in lot coverage.
- ¹⁴ 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.
- ¹⁵ 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.
*15 ft for structures under 35 ft; increases to 25 ft for taller structures
**The special permit height of 85 feet shall step down to 52 feet when the building is within 50 feet setback from a property line that abuts a residential district.

EXHIBIT "C" Marlborough Route 20 East

Zoning Parcels



Parcels



The information depicted on this map is for planning purposes only.

Produced by:
MAPC Data Services
60 Temple Place, Boston, MA 02111 (617) 933-0700

Data Sources:
Parcels: Town of Marlborough
Roads: Massachusetts Department of Transportation (MassDOT),
Massachusetts Geographic Information System (MassGIS)

Date: 10/3/2019

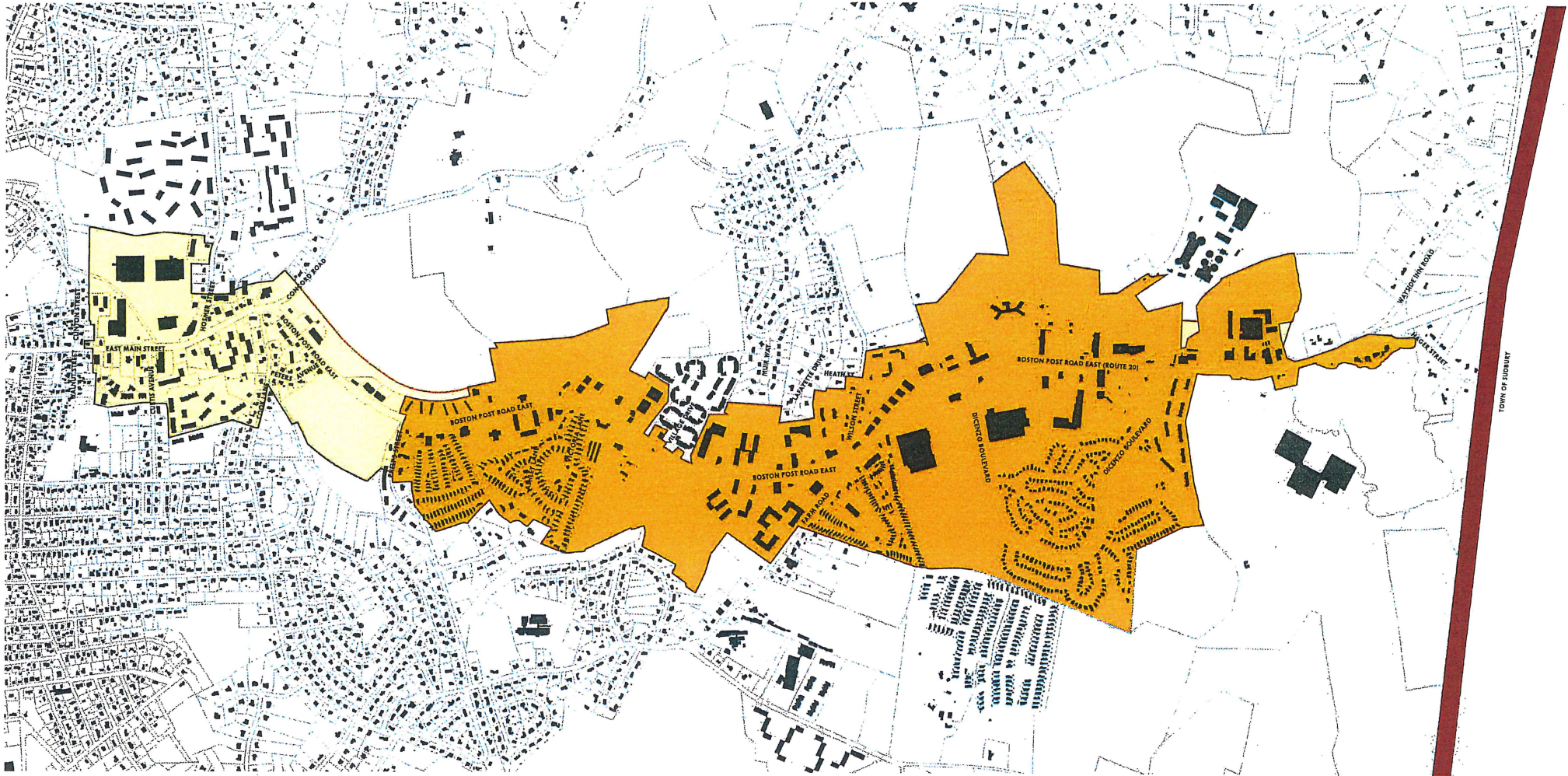


0 500
Feet

MAP FOR REFERENCE ONLY

City of Marlborough

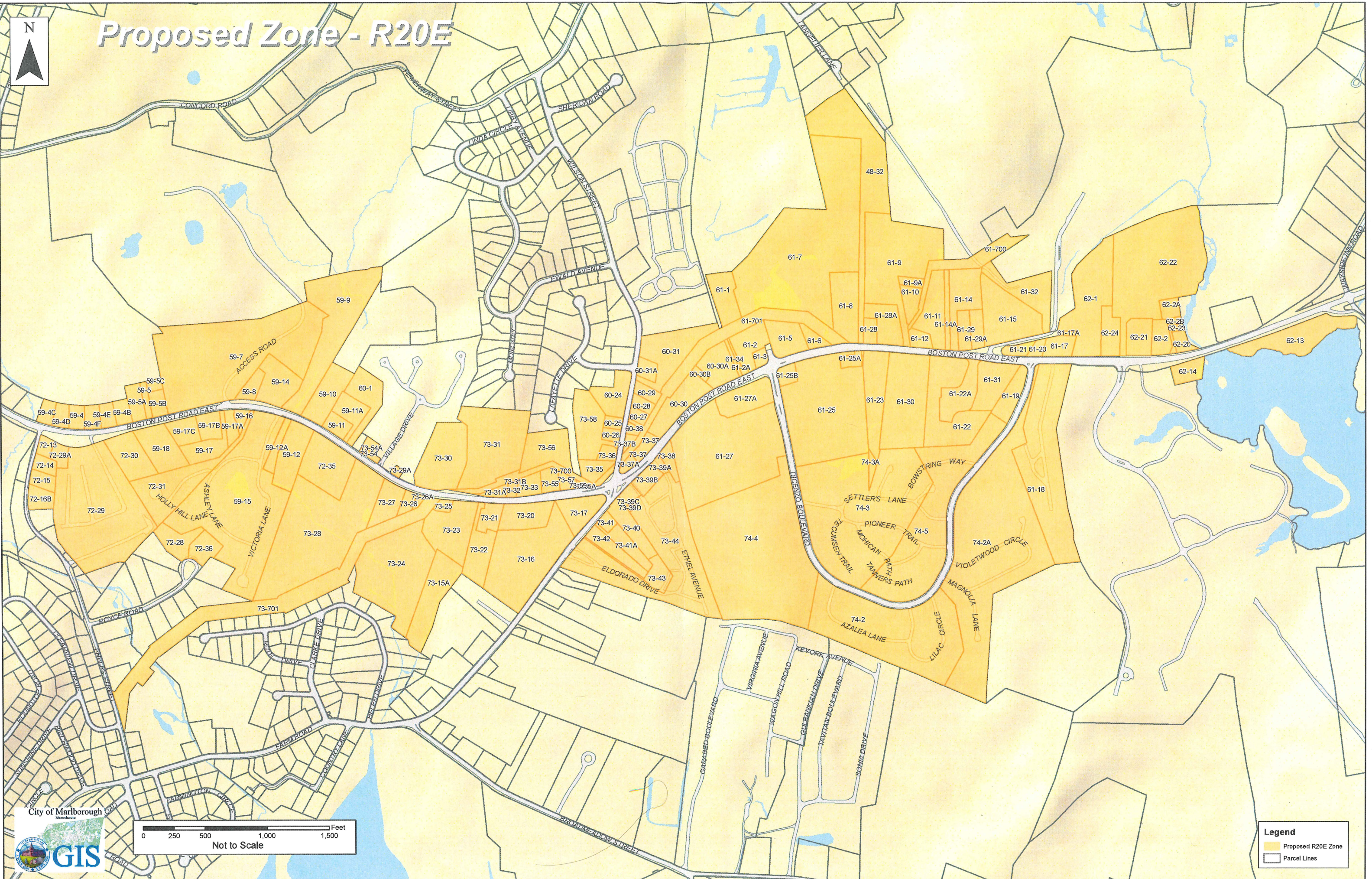
Proposed Route 20 East Zoning District (R20E) - Option 2 Phelps Street



Marlborough
ECONOMIC DEVELOPMENT CORPORATION



Proposed Zone - R20E



0 250 500 1,000 1,500 Feet
Not to Scale

Legend
Proposed R20E Zone
Parcel Lines



IN CITY COUNCIL

Marlborough, Mass., JULY 22, 2019

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:

That, rear land at 269 Mechanic Street currently owned by Carmi Greb, LLC on Assessors Map 56, Parcel 125 presently zoned Limited Industrial "LI" be rezoned as Residential B as it is contiguous to the Assessors Map 56, Parcels 131, 130, 129, 128, 127, and 123, that are all currently zoned Residential B.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, AUGUST 26, 2019.**

ADOPTED

ORDER NO. 19-1007738

Law Office of Michael J. Norris

171 Locke Drive, Ste. 108
Marlborough, MA 01752
Telephone: (508) 624-7733
Facsimile: (508) 229-2600

19

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 JUL 11 P 12:27

Michael J. Norris
mnorris@mjnattorney.com

*P/A - 8/26/19
Planning Board
Adventures
V/A*

July 8, 2019

Edward Clancy, President
Marlborough City Council
City Hall 140 Main Street
Marlborough, MA 01752

**Re: Rezoning of 269 Mechanic Street
Assessors Map 56-125**

Dear Edward Clancy, President,

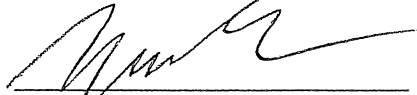
Renato Fontes has entered into a Purchase and Sales Agreement with the current owner of the above property, Carmi Greb, LLC. Renato Fontes is seeking to petition the City Council to rezone the portion of land off 269 Mechanic Street as identified on Assessor's Map 56, Parcel 125. This parcel is currently zoned Limited Industrial. The portion of the property that runs from Mechanic Street to the rear portion of the property is currently zoned Residential B. The petitioner seeks to rezone the portion of the property zoned Limited Industrial to Residential B. This would make the entire parcel zoned Residential B. This property is contiguous with other properties on Mechanics Street which are zoned Residential B. This will maintain a consistent use pattern for the subject area. We would suggest the following language for the zoning amendment to read as follows:

That rear land at 269 Mechanic Street currently owned by Carmi Greb, LLC on Assessors map 56, parcel 125 presently zoned Limited Industrial be rezoned as Residential B as it is contiguous to the Assessors map 56, parcels 131, 130, 129, 128, 127, and 123, that are all currently zoned Residential B.

The change in zoning will allow Renato Fontes to seek a special permit from the City Council to change the use of the property and to develop residential condominiums.

Thank you for your consideration and assistance with this rezoning effort. We look forward to this matter being placed on the July 2019 City Council agenda and remain available to provide and present support for this rezoning effort.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Michael J. Norris', written over a horizontal line.

Michael J. Norris, Esq.

MJN/clr

cc: Renato Fontes
Carmi Greb, LLC

Carmi Greb LLC
P.O. Box 2664
Framingham, MA 01703

Michael J. Norris, Esq.
171 Locke Drive
Marlborough, MA 01752

July 10, 2019

RE: 269 Mechanic Street, Marlborough, MA
Change of Zoning

Dear Attorney Norris:

Please consider this correspondence to be authorization by the owner of 269 Mechanic Street, Marlborough, Massachusetts, for Renato Fontes to petition the City Council of Marlborough to rezone a portion of 269 Mechanic Street, identified on Assessor's Map 56, Parcel 125 from Limited Industrial to Residential B.

Carmi Greb, LLC

A handwritten signature in blue ink, appearing to read "Ilan Carmi".

By: Ilan Carmi, Manager



Marlborough, MA



June 12, 2019

1 inch = 150 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2019

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:

That rear land at 269 Mechanic Street currently owned by Carmi Greb, LLC on Assessors Map 56, Parcel 125 presently zoned Limited Industrial be rezoned as Residential B as it is contiguous to the Assessors Map 56, Parcels 131, 130, 129, 128, 127, and 123, that are all currently zoned Residential B and a parcel containing 432 s. f. to the rear of the building on land known as the Assabet River Rail Trail currently owned by the City of Marlborough be rezoned to Residential B. The area to the rear of Map 56, Parcel 125, being a rectangle parcel 4.40' on the northerly side to and 1.86' on the southerly side a distance of 142.39'.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, OCTOBER 28, 2019.**

ADOPTED

ORDER NO. 19-1007738C

Law Office of Michael J. Norris

171 Locke Drive, Ste. 108
Marlborough, MA 01752
Telephone: (508) 624-7733
Facsimile: (508) 229-2600

19
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 OCT -2 P 1:46

Michael J. Norris
mnorris@mjnattorney.com

October 2, 2019

Edward Clancy, President
Marlborough City Council
City Hall 140 Main Street
Marlborough, MA 01752

PIH - 10/28/19
Advertising
Planning
V/A

**Re: Rezoning of 269 Mechanic Street
Assessors Map 56-125
Assessors Map shown as Assabet River Rail Trail, area to the rear of the
property line containing 432 s.f.**

Dear Edward Clancy, President,

Renato Fontes has entered into a Purchase and Sales Agreement with the current owner of the above property, Carmi Greb, LLC. Renato Fontes is seeking to petition the City Council to rezone the portion of land off 269 Mechanic Street as identified on Assessor's Map 56, Parcel 125. Renato Fontes previously submitted a request to rezone this parcel. Subsequently it was discovered that a small portion of the rear of the building is located in the Assabet River Rail Trail and needs to be rezoned to Residential B. I have attached a plan showing the area to be rezoned shown as area "A". This land was previously owned by the MBTA who granted a prior owner an easement over its property, which cured the title problem. These parcels are currently zoned Limited Industrial. The portion of the property that runs from Mechanic Street to the rear portion of the property is currently zoned Residential B. The petitioner seeks to rezone the portion of the property zoned Limited Industrial to Residential B. This would make the entire parcel zoned Residential B. This property is contiguous with other properties on Mechanics Street which are zoned Residential B. This will maintain a consistent use pattern for the subject area. I would suggest the following language for the zoning amendment to read as follows:

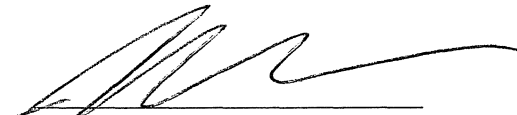
That rear land at 269 Mechanic Street currently owned by Carmi Greb, LLC on Assessors map 56, parcel 125 presently zoned Limited Industrial be rezoned as Residential B as it is contiguous to the Assessors map 56, parcels 131, 130, 129, 128, 127, and 123, that are all currently zoned Residential B and a parcel containing 432 s.f. to the rear of the building on land known as the Assabet River Rail Trail currently owned by the City of Marlborough be rezoned to Residential B. The area to the rear of map 56, parcel 125,

being a rectangle parcel 4.40' on the northerly side to and 1.86' on the southerly side a distance of 142.39'.

The change in zoning will allow Renato Fontes to seek a special permit from the City Council to change the use of the property and to develop residential condominiums.

Thank you for your consideration and assistance with this rezoning effort. We look forward to this matter being placed on the October 2019 City Council agenda and remain available to provide and present support for this rezoning effort.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Michael J. Norris', written over a horizontal line.

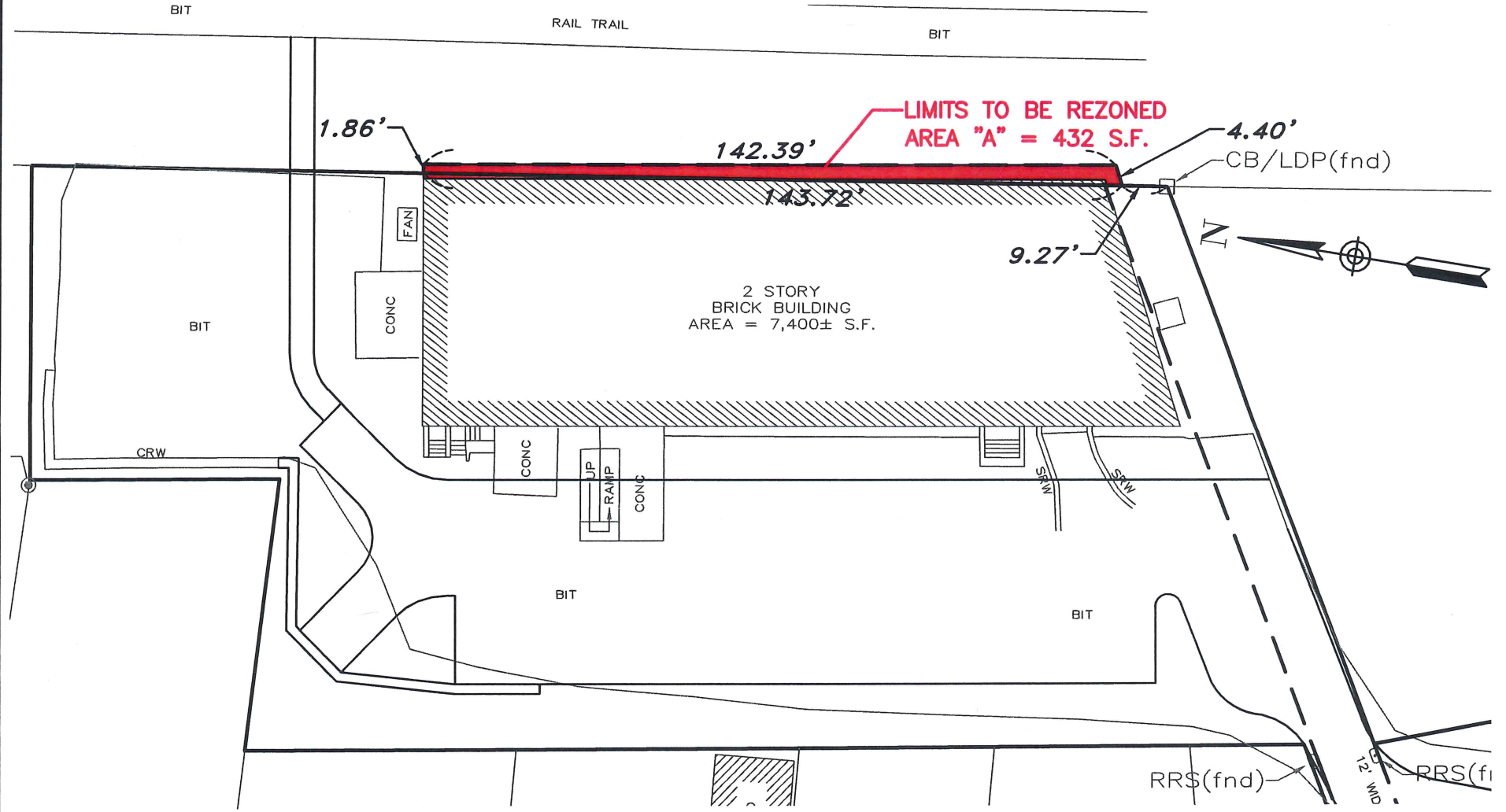
Michael J. Norris, Esq.

MJN/clr

cc: Renato Fontes
Carmi Greb, LLC



SCALE: 1" = 30'



PREPARED BY:
Engineering Design Consultants, Inc.
 32 Turnpike Road
 Southborough, Massachusetts
 ph:(508) 480-0225 fax:(800)832-5781



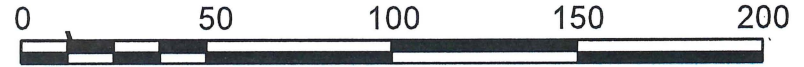
TITLE: REZONING EXHIBIT
MECHANIC STREET GARDEN CONDOMINIUMS
 269 MECHANIC STREET
 MARLBOROUGH, MASSACHUSETTS

APPLICANT:
 RENATO FONTES
 134 MAIN STREET - UNIT 7
 STONEHAM, MASSACHUSETTS 02180

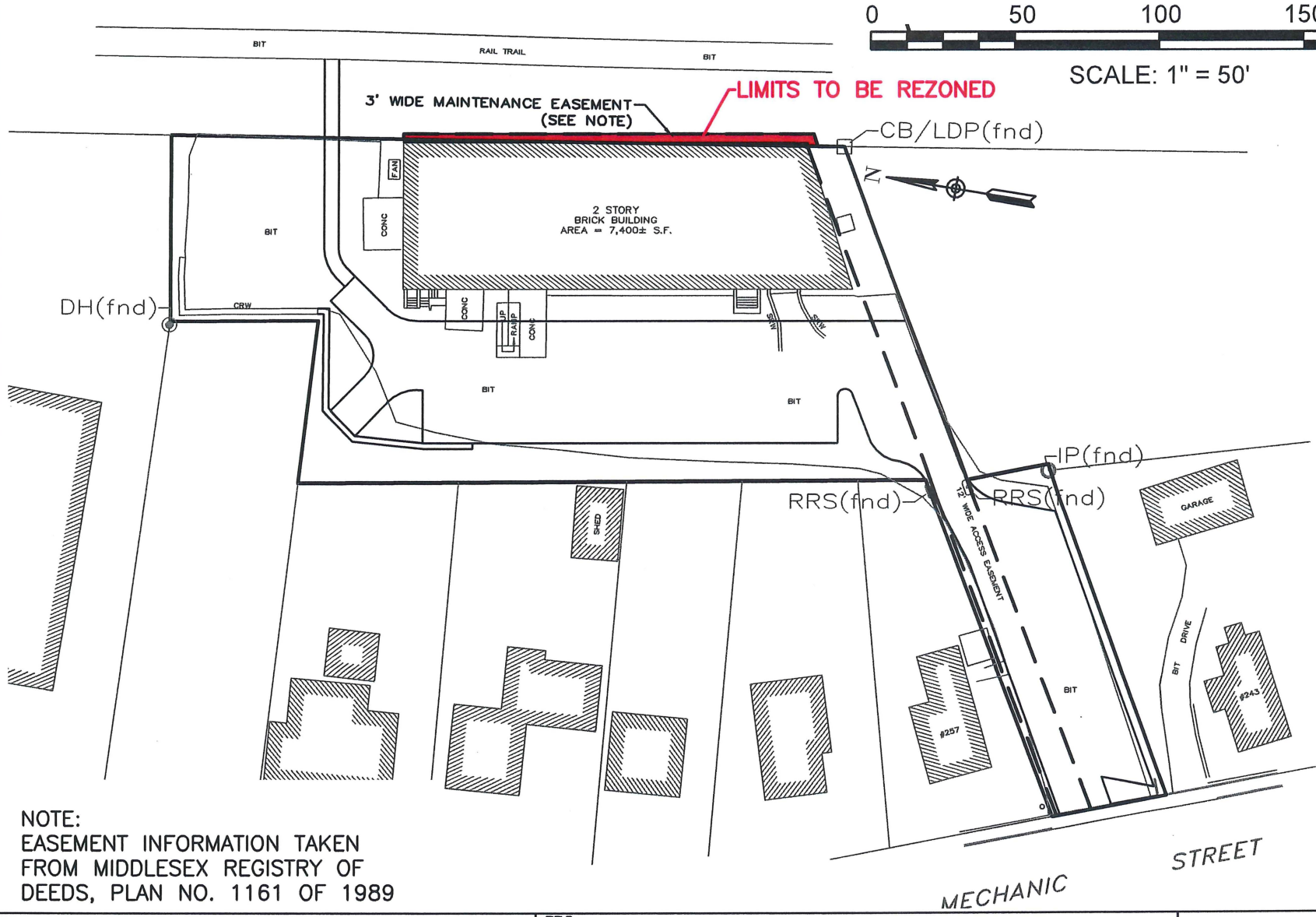
FILE NO.: 3645 SITE PLAN ZONING EXHIBIT PROPERTY EXHIBIT (2)

DATE: OCT. 1, 2019

PLAN NO.: 2 OF 2



SCALE: 1" = 50'



NOTE:
EASEMENT INFORMATION TAKEN
FROM MIDDLESEX REGISTRY OF
DEEDS, PLAN NO. 1161 OF 1989

PREPARED BY:
Engineering Design Consultants, Inc.
32 Turnpike Road
Southborough, Massachusetts
ph:(508) 480-0225 fax:(800)832-5781

TITLE:
**REZONING EXHIBIT
MECHANIC STREET GARDEN CONDOMINIUMS**
269 MECHANIC STREET
MARLBOROUGH, MASSACHUSETTS

APPLICANT:
RENATO FONTES
134 MAIN STREET - UNIT 7
STONEHAM, MASSACHUSETTS 02180

FILE NO.:
**3645 SITE PLAN ZONING
EXHIBIT
PROPERTY EXHIBIT**

DATE:
OCT. 1, 2019

PLAN NO.:
1 of 2