

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Legislative Legal Affairs Committee

Date: May 18, 2021

Time: 6:30 PM

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 MAY 11 P 4: 24

This meeting will be held virtually with Councilors attending in person and/or remotely. **NO PUBLIC ATTENDANCE WILL BE PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city website (www.marlborough-ma.gov).

2-22-21—Order No.21-1008221: Proposed attached amendment to Chapter 270 “Building and Site Development s.19 Fences in addition to s.24 Easements and Rights of Way –
– Submitted by Councilor Doucette

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., FEBRUARY 22, 2021

ORDERED:

That the City Council Legislative & Legal Affairs Committee review the Proposed Amendment to Chapter 270 "Building and Site Development" Section 19 "Fences" in addition to Section 24 "Easements and Rights of Way" as outlined below, be and is herewith refer to **LEGISLATIVE & LEGAL AFFARIS COMMITTEE.**

(Submitted by Councilor Doucette)

Yea: 11 – Nay: 0

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. By amending Chapter 270, Article V (Fences), Section 270-19, entitled "Permit required", by **inserting** a new Section 270-19(D) to read as follows:
 - D. No permit shall be required under this article for the following fences, provided that the fence is in full compliance with all other provisions of this article and all other City ordinances: 1) a fence not exceeding three (3) feet in height which is erected to enclose a garden and complies with Chapter 650, Zoning, Section 650-47N (site distances), or 2) a fence erected outside of the minimum front, side or rear yard areas as defined in Chapter 650, Zoning, Section 650-41, Attachment 2.
- II. Chapter 270, Article V (Fences), Section 270-24(A), entitled "Easements and rights-of-way" is hereby **amended** as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):
 - A. On any lot subject to an easement where a fence will encroach upon or hinder the use of an easement area, the owner or applicant shall procure a release in writing from the holder of the easement, and said release shall be attached to the application for a fence filed with the Building Department.

ADOPTED

ORDER NO. 21-1008221



City of Marlborough
BUILDING DEPARTMENT

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PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

WILLIAM PAYTON
BUILDING INSPECTOR

May 14, 2021

Chairman & Members
Legislative & Legal Affairs Committee
Marlborough City Council
City Hall
Marlborough, MA 01752

RE: ORDER NO.21-1008221: PROPOSED CITY CODE AMENDMENT, CHAPTER 270, BUILDING AND SITE DEVELOPMENT S.19 FENCES AND S.24 EASEMENTS AND RIGHTS OF WAY

Honorable Chairman Tunnera and Members:

I have reviewed the proposed amendments to be reviewed at your meeting on May 18, 2021. I have no objections to the proposed amendments but offer one edit for your consideration as follows:

In section D. the word 'outside' should be changed to the word inside so that it reads: 2) a fence erected inside of the minimum front, side or rear yard areas as defined in Chapter 650 Zoning, section 650-41, Attachment 2.

Thank you for the opportunity to weigh in on the suggested changes.

Best Regards,

Tin Htway, CBO
Building Commissioner