

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Urban Affairs Committee

Date: April 9, 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 APR -3 P 1:04

Continued Review:

1. 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
2. **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

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.



City of Marlborough Planning Board

Administrative Offices
135 Neil St.
Marlborough, MA 01752

PLANNING BOARD

Barbara L. Fenby, Chair
Philip Hodge
Sean N. Fay
George LaVenture
Christopher Russ
Matthew Elder

Krista Holmi, Administrator
(508) 624-6910 x33200
kholmi@marlborough-ma.gov

March 1, 2019

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

RE: Council Order No. 18-1007500 Proposed Zoning Amendment,
Home Offices and Contractor and Landscaper Storage Yards

Honorable President Clancy and Members:

At its regularly scheduled meeting on February 25, 2019, the Planning Board took the following action regarding the above-referenced Council order:

On a motion by Mr. LaVenture, seconded by Mr. Hodge, the Board voted to forward the following comments to the City Council on the proposed zoning amendment:

The Board agrees that the City of Marlborough should regulate home offices and contractor and landscape contractor storage yards.

Recommendations include:

- Requiring annual Code Enforcement review as a condition of any special permit and a certificate from Code Enforcement that the subject property is free from blight;
- Consider a more thorough ordinance that would permit Contractor Storage Yards and Landscaper Storage Yards as-of-right in Limited Industrial (LI) zones only;
- Reduce to the extent possible, the number of applicants requiring special permits. As written, the currently proposed ordinance places a potentially onerous burden on a large applicant pool. Requiring a special permit from all may also place an undue burden on the City Council;
- Clearly define the grandfather clause;
- Clarify the language in (47) Home Offices (c);
- Harmonize the current anti-bligh ordinance with this current proposal;
- Consider additional site requirements to keep residential neighborhoods looking like residential neighborhoods.

Motion carried.

Should you need further information, don't hesitate to contact me.

Sincerely,

Barbara L. Fenby
Chairperson

City Clerk

ORDERED:

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

- I. Section 650-5, entitled “Definitions; word usage,” is hereby amended, as follows:
- a. By amending the definition in subsection B of “HOME OCCUPATION,” by inserting at the end thereof the following sentence:

A home occupation shall not include a home office, as defined in Section 650-5.

- b. By amending the definition in subsection B of “OUTDOOR STORAGE,” by inserting at the end thereof the following sentence:

Outdoor storage shall not include either a contractor’s storage yard or a landscape contractor’s storage yard, as defined in Section 650-5.

- c. By inserting the following new definitions:

CONTRACTOR - Any person or firm engaged in construction, building trades, landscaping services or maintenance, on a contract basis, either licensed or unlicensed.

CONTRACTOR’S STORAGE YARD - An outdoor area used for the storage of equipment and/or materials used for providing contracting services, including but not limited to building construction, heating, plumbing, roofing, and excavation; but not including a landscape contractor’s storage yard. A contractor’s storage yard shall not include outdoor storage, as defined in Section 650-5.

HOME OFFICE - An office in a dwelling unit or accessory building within which ancillary activities are performed for a business whose primary services are conducted by the residents at offsite locations. Home offices are permitted if they conform to each of the conditions set forth in Section 650-18(47).

LANDSCAPE CONTRACTOR’S STORAGE YARD – An outdoor area used for the storage of equipment and/or materials used by a business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds, including the installation of hardscape such as stonework, patios, decks, arbors, and other decorative elements of the landscape. Such a business may engage in the installation and construction of underground improvements, but only to the extent that such improvements (e.g., irrigation or drainage facilities) are accessory to the principal business and are necessary

to support or sustain the landscaped surface of the grounds being otherwise landscaped. A landscape contractor's storage yard shall not include outdoor storage, as defined in Section 650-5.

II. Section 650-17, entitled "Table of Uses," is hereby amended by adding the following new uses:

	RR	A1	A2	A3	RB	RC	RCR	B	CA	LI	I	MV	NB
Contractor's Storage Yard (48)	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Home Office (47)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Landscape Contractor's Storage Yard (48)	N	N	N	N	N	N	N	N	Y	Y	N	N	N

III. Section 650-18, entitled "Conditions for uses," is hereby amended as follows:

a. By inserting in subsection A thereof a new paragraph (47), pertaining to home offices:

(47) Home offices.

Home offices are permitted if they conform to each of the following conditions:

- (a) The home office use must be secondary to the principal use of the property as a residence.
- (b) The proprietor of the home office, whether a contractor or otherwise, must reside in the dwelling unit comprising the principal building.
- (c) Anyone associated with the home office must reside in the dwelling unit comprising the principal building, except that not more than two (2) non-residents may be permitted to work at the home office when the home office is on a property principally used as a residence by the proprietor, whether a contractor or otherwise, unless it is located in the Commercial Automotive or Limited Industrial zoning districts, in which case three (3) non-residents may be permitted.
- (d) No more than 25% of the floor area of the residence or, if an accessory building is used, no more than 30% of the floor area of the accessory building and residence combined, is to be used for the purposes of the home office.

- (e) There shall be no external evidence of the home office except for a sign that conforms to the requirements for a home occupation sign set forth in City Code Section 526-8.A(2), and no major structural change shall be made to the exterior so as to alter the appearance and character of the residence or that of the accessory building if used for the home office.
 - (f) Notwithstanding Section 485-2.B(8) of the Marlborough City Code prohibiting more than one commercial vehicle in any residence zoning district, the proprietor of a home office, whether a contractor or otherwise, who has been issued a business certificate by the City of Marlborough shall be allowed to have not more than two (2) commercial vehicles, including trailers not to exceed sixteen (16) feet in length, parked at the home office, whether those vehicles are used by the proprietor of the home office and/or by anyone associated with the home office, except that not more than three (3) commercial vehicles, including trailers not to exceed sixteen (16) feet in length, may be permitted when the home office is on a property located in the Commercial Automotive or Limited Industrial zoning districts. No such vehicle shall exceed a gross vehicle weight rating (GVWR) of 14,000 pounds. No such vehicle, nor any vehicle owned or operated by any employee of the business associated with the home office, shall be parked on the street(s) fronting the premises where the home office is located, but instead shall be parked on the premises. Vehicles and equipment must be parked and accessed on impervious surfaces such as concrete or asphalt (dust free surfaces) and may never be parked on the lawn or other pervious parts of a residential property.
 - (g) A home office shall be permitted to store equipment and/or materials, but only indoors in the principal building or accessory building. In no event shall a home office, even when on a property located in the Commercial Automotive or Limited Industrial zoning districts be used for a contractor's storage yard or a landscape contractor's storage yard. No activity in conjunction with the business associated with the home office, including but not limited to loading and unloading of equipment and/or materials, is permitted Monday through Saturday except from 7:00 a.m. until 7:00 p.m., and no such activity is permitted on Sunday at any hour; provided, however, that essential emergency services as reasonably needed may operate outside previously established hours. All such activity, when permitted, shall otherwise comply with Chapter 431 of the City Code, entitled "Noise."
- b. By inserting in subsection A thereof a new paragraph (48), pertaining to contractor's storage yards and landscape contractor's storage yards:
- (48) Contractor's storage yards and landscape contractor's storage yards.

- (a) Design Standards. Contractor's storage yards and landscape contractor's storage yards, as defined in Section 650-5, are allowed in the Commercial Automotive or Limited Industrial zoning districts only after having been granted site plan approval by the City of Marlborough Site Plan Review Committee, whose review shall include but not be limited to the following design standards.
- (1) *Proximity to existing residential zoning districts.* A storage yard, if created after February 11, 2019, shall not be located on a lot less than two hundred (200) feet from a residential zoning district.
- (2) *Abutting residential lots.* A storage yard, if created after February 11, 2019, shall not be located on any lot if a residential use is being made of any abutting lot(s).
- (3) *Screening.* The proposed storage yard shall be adequately screened from the street and adjacent properties to obscure the vehicles parked thereon, and the equipment and/or materials stored therein.
- (4) *Minimum lot area.* The minimum area of the lot being proposed for the storage yard shall be 22,500 square feet.
- (5) *Maximum size of storage yard.* The maximum size of the storage yard, when combined with all structures, parking and driveways on the lot being proposed for the lot on which the storage yard is proposed to be located, shall not exceed the percentage of maximum lot coverage permitted under Section 650-41 for the zoning district in which the lot is located.
- (6) *Vehicles and Equipment.* All vehicles and equipment associated with the storage yard must be stored on and accessed from impervious or otherwise dust-free surfaces.
- (b) Grandfathering. All contractor storage yards and all landscape contractor storage yards, as defined in Section 650-5, that existed before the City of Marlborough Zoning Code was enacted on January 27, 1969, or that exist as legal pre-existing nonconforming uses or structures, shall not be required to submit to Site Plan Review; provided, however, that such yards shall not be permitted to expand or alter any legal pre-existing nonconforming use or structure, unless such expansion or alteration is otherwise authorized by zoning relief.
- (c) Previous Special Permit or Site Plan Approval. All contractor storage yards and all landscape contractor storage yards, as defined in Section 650-5, that are in compliance with a previously-granted special permit, or that are in compliance with a previously-granted site plan approval by the Site Plan Review Committee, shall not be required to submit to

Site Plan Review, so long as such yards remain in compliance with the dimensional, landscaping and parking requirements of Chapter 650.

- (d) All others. All contractor storage yards and all landscape contractor storage yards, as defined in Section 650-5, that satisfy neither subsections (b) nor (c) of this section 650-18(48) shall be required to complete the Site Plan Review process within twelve (12) months of the effective date of approval of this zoning amendment.

ADOPTED
In City Council
Order No. 18/19-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST: