



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 18, 2023

ORDERED:

That the "Vision for Donald Lynch Boulevard" document which includes a Proposed Zoning Ordinance Amendment to Chapter 650 "Zoning" to create the new Donald Lynch Boulevard Overlay District as submitted by President Ossing, be and is herewith **CARRIED OVER TO THE 2024/2025 LEGISLATIVE SESSION.**

ADOPTED

ORDER NO. 23-1008861A



IN CITY COUNCIL

Marlborough, Mass., _____ APRIL 24, 2023 _____

ORDERED:

That the: "Vision for Donald Lynch Boulevard" document which includes a Proposed Zoning Ordinance Amendment to Chapter 650 "Zoning" to create the new Donald Lynch Boulevard Overlay District as submitted by President Ossing, be and is herewith referred to the **URBAN AFFAIRS COMMITTEE.**

ADOPTED

*Carried over
to 2024
BA*

ORDER NO. 23-1008861



City of Marlborough Office of the City Council

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RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 APR 20 AM 9:05
Michael H. Ossing
PRESIDENT
Kathleen D. Robey
VICE PRESIDENT

Karen A. Boule
CITY COUNCIL SECRETARY

URBAN
Affairs

April 19, 2023

Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Proposed Donald Lynch Boulevard Overlay District

Honorable City Councilors:

The City initiated a study back in 2021 to create a shared vision for the future of Donald Lynch Boulevard (DLB) and the surrounding Limited Industrial area to define changes in zoning that will proactively guide the commercial corridor for future success.

The final product a "Vision for Donald Lynch Boulevard" was just completed and is attached for your review. The document was prepared by the Metropolitan Area Planning Council (MAPC) with support from the Marlborough Economic Development Corporation (MEDC), and City Councilors Ossing, Irish, Tunnera and Brown.

The next step in the process is to gain the insights of the City Council. To that end, it is recommended that the DLB Overlay District zoning change (Appendix B in the attached document) be referred to Urban Affairs. At that time, MAPC, MEDC and all members of the City Council can discuss the proposed zoning change.

Sincerely,

Michael H. Ossing
President

MO/kb
Enclosures

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. Chapter 650 Article VI, entitled “Special Districts, Overlays and Special Requirements” is hereby **amended** as follows:

- (1) By **inserting** a new § 650-XX, entitled “Donald Lynch Boulevard Overlay District”, as follows:

§ 650-XX. Donald Lynch Boulevard Overlay District (DLB).

Within the Donald Lynch Boulevard Overlay District (DLB), 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 objectives.

- (1) The Donald Lynch Boulevard Overlay District defines supplemental land use controls within the boundaries of the overlay district that amend and supersede the land use controls that exist in the underlying district, Limited Industrial (LI).
- (2) The goals of the overlay district are to **enhance land use development and encourage desired growth patterns** for the benefit of the public health, safety, and welfare and the **economic development objectives** of the City.
- (3) The vision for the Donald Lynch Boulevard Overlay District is to **strengthen the vitality of the district** by encouraging uses, activities, and improvements that will complement the existing assets. Each new investment should be viewed as an opportunity to complement existing uses, add new destinations and attractions, and strengthen a district that provides a variety of compelling reasons to visit, whether it be to work, shop, play, or live.
- (4) The vision shall be achieved through the mix of uses defined by the overlay district and the composition of each new investment, including the site design and building design, and the relationship of the investment to the surrounding context. Each new investment

shall enhance the sense of place that helps to define a recognizable district identity and create an attractive and comfortable environment where people feel invited to visit again.

- (5) The site design, building design, and design of the circulation system shall **strengthen the walkability** of the district by defining distinct nodes and compact centers of activity in the district. This may include using buildings to define shared outdoor spaces, creating safe and convenient pedestrian and bicycle paths that connect to abutting properties and amenities, creating new outdoor spaces and seating areas, and adding new investments in the landscape of the district.
- (6) The site design, building design, and design of site infrastructure shall **enhance the natural assets and sustainability** of the district through enhanced landscape with an emphasis on adding shade trees, an investment in green infrastructure and low impact development techniques, and strengthened connections to natural assets such as the Assabet River and a connected network of open spaces.

B. Site plan review. Projects within the Donald Lynch Boulevard Overlay District shall be subject to site plan review as provided in § 270-2, entitled “Site plan review and approval,” of the City Code.

(1) Applicability.

- (a) Site plan review applies to both as of right and uses available by grant of a special permit within the Donald Lynch Boulevard Overlay 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).]
- (b) Site plan review shall be conducted administratively, as provided in § 270-2, except 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.
- (c) The City Council may elect to vary the dimensional and parking requirements of this section by special permit or 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 Donald Lynch Boulevard Overlay District.

D. Exclusivity/control. This section of the Zoning Ordinance exclusively controls the establishment, development, and design of any development undertaken in the Donald Lynch Boulevard Overlay 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 Limited Industrial District under § 650-17, Table of Use Regulations, of the Zoning Ordinance, shall be prohibited.

(1) The following uses are permitted by right in the Donald Lynch Boulevard Overlay District:

- (a) Comprehensive developments
- (b) Offices, banks, insurance and financial institutions
- (c) Residential conference and training center with food and recreation services
- (d) Commercial greenhouse
- (e) Medical office/clinic
- (f) Brewpubs
- (g) Accessory uses
- (h) Restaurant, cafe
- (i) Restaurants for employee use
- (j) Winery, brewery, or distillery with tasting room
- (k) Churches and religious buildings
- (l) Public recreation and conservation
- (m) Public, private and religious schools, museums, libraries, parks, recreation facilities, buildings and playgrounds
- (n) Child-care centers
- (o) Public utilities, not including storage yards or repair shops
- (p) Public buildings
- (q) Water towers, reservoirs
- (r) Floodplain and Wetland Protection District
- (s) Water Supply Protection District
- (t) Newspaper printing and publishing, job printing
- (u) Research, experimental labs
- (v) Light non-nuisance manufacturing
- (w) Light manufacturing incidental to research
- (x) Accessory uses and service buildings

(2) The following additional uses are permitted by special permit in the Donald Lynch Boulevard Overlay District:

- (a) Multifamily dwelling
 - a. Multifamily dwellings allowed by special permit when added to a property with existing nonresidential uses that will remain or when part of a larger redevelopment that includes a majority of nonresidential uses.
 - b. Multifamily dwellings shall follow the City of Marlborough Multi-family Development Review Criteria and Design Review Guidelines.
 - c. Multifamily dwellings shall be located to the rear of the property and designed to be secondary and less visually prominent than the primary nonresidential uses.
 - d. Multifamily dwellings shall be oriented to natural assets at the rear or side of a property. For example, if the property abuts the Assabet River or has a

wooded edge. The site design shall use landscape to integrate the multifamily dwellings with the natural assets and transition between the multifamily dwellings and nonresidential uses.

- e. Multifamily dwellings shall be connected by a network of pedestrian paths and outdoor open spaces.
- (b) Trailer mobile homes
- (c) Retirement Community Overlay
- (d) Residential accessory uses
- (e) Customary home occupations
- (f) Yard sales, charitable sales bazaars
- (g) Artist studio/live/work gallery space
- (h) Recording studio/live/work space
- (i) Convert buildings to office, bank, insurance use
- (j) Retail sales and services <75,000 square feet gross floor area
- (k) Retail sales and services >75,000 square feet gross floor area
- (l) Schools, for business, trade, music, dance, and television\or radio broadcasting studios (but not including towers)
- (m) Commercial radio and television towers and wireless communication facilities
- (n) Health, sports and fitness clubs (indoor and/or outdoor)
- (o) Hotels
- (p) Hotels <100 rooms
- (q) Hotels with conference facilities and commercial uses
- (r) Recreation center
- (s) Recreation and entertainment, indoor*
- (t) Private clubs, nonprofit
- (u) Clubs
- (v) Self-service laundry
- (w) Dental clinics
- (x) Consumer service establishments
- (y) Motels
- (z) Mixed use development
 - a. Refer to notes under "Multifamily dwelling" for mixed use development that includes residential uses.
- (aa) Copy shops, newspaper offices
- (bb) Outdoor recreation uses
- (cc) Open air markets
- (dd) Shopping malls
- (ee) Soil removal
- (ff) Public, private or commercial recreation establishments, recreation grounds or places of amusement
- (gg) Restaurant with drive-in or drive-thru facilities
 - a. Vehicular circulation for the drive-thru shall be optimized to efficiently integrate with a site plan that prioritizes pedestrian access and connections.
 - b. Integrate enhanced site landscaping, pedestrian paths, and outdoor seating areas and open spaces with the design of the vehicular circulation.
- (hh) Restaurants serving food outdoors

- (ii) Drive-thru facilities
 - a. Vehicular circulation for the drive-thru shall be optimized to efficiently integrate with a site plan that prioritizes pedestrian access and connections.
 - b. Integrate enhanced site landscaping, pedestrian paths, and outdoor seating areas and open spaces with the design of the vehicular circulation.
- (jj) Narcotic detoxification and/or maintenance facility
- (kk) Medical marijuana treatment center
- (ll) Adult use marijuana retail; marijuana accessories retail
- (mm) Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter
- (nn) Agriculture, horticulture or floriculture >5 acres
- (oo) Airports and heliports
- (pp) Manufacturing where the majority of items are sold on premises to the consumer
- (qq) Transportation terminal and freight depots
- (rr) Light manufacturing, using portable electric machinery
- (ss) Associated/accessory research uses
- (tt) Manufacturing and/or warehousing
- (uu) Retail sales accessory to manufacturing
- (vv) Recreation center, indoor and outdoor
- (ww) Dry cleaning
- (xx) Electric power substation for changing bulk power to distribution voltage
- (yy) Data storage/ telecommunications facilities
- (zz) Coffee roastery

*Recreation and Entertainment, Indoor is defined as participatory and spectator-oriented recreation and entertainment uses conducted within an enclosed building, excluding any sexually oriented businesses.

(3) All uses not noted in Subsection E(1) and Subsection E(2) above shall be deemed prohibited in the Donald Lynch Boulevard Overlay District, including but not limited to the uses listed below, except where so to 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:

- (a) Single-family
- (b) Single-family, attached
- (c) Conversion of detached one-family to a two-family
- (d) Two-family homes
- (e) Conversion of a two-family dwelling to a three
- (f) Boarding and lodging homes
- (g) Tourist home\bed-and-breakfast
- (h) Open space development
- (i) Two residential structures on a lot less than 80,000 square feet
- (j) Assisted living facilities
- (k) Commercial kennels and animal hospitals
- (l) Veterinary hospital
- (m) Commercial kennels

- (n) Riding academy
- (o) Private clubs, nonprofit
- (p) Clubs
- (q) Salesroom
- (r) Wholesale office or showroom
- (s) Wholesale sale and warehousing
- (t) Place of repair for cars, boats, trucks and farm equipment
- (u) Places of assembly
- (v) Outdoor storage
- (w) Car parking lots, garages
- (x) Gasoline filling stations
- (y) Auto service facilities for minor repairs, changing tires and lubrication
- (z) Auto sales and service
- (aa) Car wash
- (bb) Open air markets
- (cc) Funeral homes, parlors and mortuaries
- (dd) Adult bookstore
- (ee) Adult video store
- (ff) Adult paraphernalia store
- (gg) Adult movie theatre
- (hh) Adult live entertainment establishment
- (ii) Tattoo and body piercing parlors and shops
- (jj) Contractor's yard
- (kk) Landscape contractor's yard
- (ll) Forest, woodlots, portable, woodworking mills
- (mm) Livestock farms > 10 acres
- (nn) Farms and poultry farms
- (oo) Cemeteries
- (pp) Hospitals and sanitarium
- (qq) Correctional institutions
- (rr) Golf courses, country clubs and beaches
- (ss) Charitable and philanthropic buildings
- (tt) Day camps
- (uu) Convalescent and nursing homes
- (vv) Chicken hens, personal use (6 or fewer)
- (ww) Chicken hens, personal use (between 7 and 12)
- (xx) Manufacturing where the majority of items are sold on premises to the consumer
- (yy) Food processing plants
- (zz) Bakery (nonretail)
- (aaa) Light manufacturing, using portable electric machinery
- (bbb) Manufacturing or warehouse
- (ccc) Retail sales accessory to manufacturing
- (ddd) Power laundries
- (eee) Dye works
- (fff) Packaging or bottling plants
- (ggg) Large tract development

(hhh) Self-service storage facility

F. Dimensional requirements. The Donald Lynch Boulevard Overlay District shall be subject to the dimensional standards in accordance with Article VII of the Zoning Ordinance as described for the underlying Limited Industrial (LI) district, with the following exceptions granted by special permit by the City Council:

- (1) No minimum lot area, reduced minimum lot frontage of 50 feet, reduced minimum side yard of 10 feet, reduced minimum front yard of 30 feet, reduced minimum rear yard of 15 feet and increased maximum lot coverage of 80% shall be allowed and applicable to a new parcel subdivided from an existing parcel with the subdivision located at the street frontage of the property. The property subject to subdivision shall retain the minimum lot area of 2 acres and the minimum lot frontage of at least 200 feet with the removal of the subdivided lot. The subdivided lot will not impact setbacks or lot coverage of the property subject to subdivision. Access to the subdivided lot shall be coordinated with other site circulation to limit the number of curb cuts to the main roadway and establish shared secondary access roads where feasible.
- (2) Maximum building height in the Donald Lynch Boulevard Overlay District shall not exceed 60 feet. The maximum height is allowed by right and is not subject to distance from a residential zone. Note: Mechanical and elevator equipment, chimneys, or other utilities are not limited to the maximum building height. Mechanicals shall be screened to the maximum extent feasible from view from street level and integrated with the architectural style and materials of the building. Screening of mechanicals are not limited to the maximum building height.

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) General. In the Donald Lynch Boulevard Overlay District, adequate off-street parking shall be provided. The parking facilities provided should be used efficiently to minimize the area of land to be paved for this purpose. The City Council may consider, at its discretion, permitted reductions in the parking requirements for complementary or shared use of parking areas serving activities that have different peak demand times. It is the applicant's responsibility to determine and request a shared parking reduction for review by the City Council. The visual and environmental impact of large parking areas shall be reduced by breaking the total required parking into smaller parking areas that are integrated with the site design and landscape plan. Low impact development techniques and green infrastructure shall be integrated with the parking areas.
- (2) Parking locations. Parking shall be located to the side and/or rear of all building structures. Existing parking that is located between a building and Donald Lynch Boulevard shall integrate enhanced landscaping into the parking area to reduce the visual impact of the parking through the addition of landscape islands and shade trees. Parking may be provided at ground level, underground, or in a parking garage. Parking garages

can be freestanding or as part of a building that is 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.

- (3) Parking requirements. Parking in the Donald Lynch Boulevard Overlay District 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) Pedestrian and bicycle friendly. Vehicle, pedestrian and bicycle features shall be designed to promote connectivity. Curb cuts shall be minimized and shared between multiple parking areas and uses. Bicycle parking shall be provided for all new development and shall be located as close as possible to the building entrance(s).
- (5) Location of landscaped islands in parking areas. Landscaped islands with shade trees shall be contained within or project into a parking lot and be so located that some part of every parking space is not more than 90 feet from a landscaped area on the perimeter or interior of the parking lot.

H. Design standards. The following design standards apply to all developments within the Donald Lynch Boulevard Overlay District:

- (1) Site layout
 - (a) Site and building layout. Buildings shall be located to define shared outdoor spaces in coordination with adjacent buildings located on the same property or an abutting property and the design of the surrounding landscape.
 - (b) Site and parking layout. Parking shall not be the dominant feature of a site plan. Parking shall be one of the components integrated into a cohesive site and landscape design. Large parking lots shall be broken into smaller separated parking areas or through the use of islands and landscape. Landscape features such as plantings and berms shall be used to reduce the visual impact of parking and define shared outdoor spaces that are integrated with other features of the site. Pedestrian circulation shall be integrated into the design of the parking.
 - (c) Sustainability and green infrastructure. Sustainability and green infrastructure shall be integrated into the site layout and features in a meaningful way. Approaches may include protecting and retaining existing vegetation, supporting biodiversity, integrating low-impact stormwater management techniques, reducing impervious surfaces, and reducing water use for irrigation.

(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 contribute to a system of pedestrian and bicycle circulation. Where appropriate, pedestrian access should be expanded into a shared-use path to provide safe, convenient, and attractive bicycle access.
- (b) Pedestrian connections. Sidewalks shall provide access from internal site uses, building entries, shared outdoor spaces, parking areas, amenities adjacent to the property, connections along Donald Lynch Boulevard, and connections between adjacent properties.
- (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) Shared Outdoor Spaces

- (a) Shared Outdoor Spaces. Buildings and site features shall be arranged to create functional shared outdoor spaces, including outdoor seating areas, outdoor gathering areas, outdoor areas for eating, and outdoor activities. Landscape features, topographic changes, art, or other features may accent these shared outdoor spaces. Shared outdoor spaces shall be provided and integrated with the site plan and building design. Multiple shared outdoor spaces should be integrated within a larger property. All shared outdoor spaces should be accessible through a network of connected sidewalks and paths. Shared outdoor spaces shall enhance visual connections between buildings, streets, open spaces, and pedestrian circulation.
- (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 shared outdoor spaces. Outdoor seating areas shall be located adjacent to or near the use they are serving. Amenities and seating shall not reduce the required sidewalk widths of pedestrian circulation or negatively impact pedestrian or bicycle circulation.

I. Signage. Except as otherwise provided in this section, signage shall conform to the provisions of Chapter 526 of the City Code, the Sign Ordinance. In the event of any conflict between the provisions of this section and any provision of Chapter 526 of the City Code, the provisions of this section shall govern and control.

- (1) Signage plan. A master sign plan for the premises shall be provided for review and approval by the City Council, setting forth the types, locations and dimensions of proposed signs. A signage plan shall be required for any project that involves more than two signs. For a project that involves one or two signs, a master sign plan is not required.

- (2) Special permit sign locations. In order to enhance visibility for businesses from Interstate 290 on the north side of the interstate, a property owner may seek special permit approval for a sign that is coordinated for the entire district to project above the highest line of the roof, or sign to be mounted on the roof of the building, or one freestanding pole, monument, or pylon sign designed for visibility from Interstate 290, or one off-premise sign location within the district for one freestanding pole, monument, pylon, or digital display sign when such a location has been identified and is available for such for the purpose of improving business visibility from Interstate 290. The special permit sign shall be subject to the following requirements:
 - a. Sign design shall conform with § 526-9C unless waived by the City Council;
 - b. Message board signs are prohibited for special permit sign locations;
 - c. No freestanding sign shall be located closer than five feet to any property line;
 - d. Signs, logos or cabinets should be externally illuminated where possible, otherwise with translucent or transparent faces if no reasonable alternative is possible;
 - e. Sign location shall be integrated with landscaping into the overall site design, should not require clearance of trees or pose a risk to roadway safety.

- (3) Special permit sign locations. In order to enhance visibility and wayfinding for the district at district gateways in a coordinated manner, a property owner may seek special permit approval for signs coordinated for the entire district at the principal points of entry to the district. Allowing (1) freestanding pole, monument, ground, or pylon sign that is coordinated for the entire district at the principal points of entry to the district with a total number not to exceed (3). Subject to approval by the City Council.
 - a. Additional secondary directional signs may also be approved by the City Council.
 - b. The signs shall be coordinated in design and material and feature a reasonable number of individual tenants in a hierarchy that reinforces an identity for the district.
 - c. The signs shall be designed in such a way that individual tenants can be changed to keep signs relevant and up to date with uses in the district.

- d. The total allowed illuminated cabinet square feet of signage shall not exceed 200 square feet per side, per freestanding sign.
- e. The height of any freestanding sign shall not exceed 30 feet from the ground measured directly at the sign base.
- f. No freestanding sign shall be located closer than five feet to any property line.
- g. Sign, logos, or cabinets may be either externally illuminated or internally illuminated with translucent or transparent faces.
- h. Sign location shall be integrated with landscaping into the overall site design, should not require clearance of trees or pose a risk to roadway safety.
- i. Signage profile shall be tall and narrow. A structural frame that is engineered to site specifications and sign materials that may include stone, brick, aluminum, or other metal materials to match the district identity.

J. Application.

- (1) Special permits. An application for a special permit for a use in a development in the Donald Lynch Boulevard Overlay 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 Donald Lynch Boulevard Overlay 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. An application for site plan approval or special permit approval in the Donald Lynch Boulevard Overlay District under this section shall adhere to the following review criteria, in addition to those specified in § 270-2 of the Marlborough City Code:

- (1) Compliance of the design with the Design Standards in the above subsection H;
- (2) Compliance of sidewalks and paths with Americans with Disabilities Act (ADA) design standards;
- (3) The placement of utilities and wiring underground, to the extent practical;
- (4) The placement of HVAC equipment, fans, generators, and other site-related structures and items so that they are not visible on roofs or building frontage areas, or that such

features are suitably screened from view wherever reasonably practicable and where elevation permits;

- (5) Enhanced pedestrian amenities with sidewalks providing access from internal site uses to Donald Lynch Boulevard, property adjacent sidewalks or trails, between parking areas and uses, between abutting properties, to adjacent natural assets and amenities, and to outdoor open spaces on the property or abutting the property;
- (6) All lighting proposed shall be sensitive to the night sky, utilizing Illuminating Engineering Society of North America (IESNA) guidance for any lighting design.
- (7) Submission requirements, in addition to those specified in § 270-2 of the Marlborough City Code:
 - (a) Site plan depicting proposed development, buildings, parking, vehicular, pedestrian, and bicycle circulation, and outdoor open spaces;
 - (b) Building elevations;
 - (c) Landscape plan;
 - (d) Lighting plan with photometrics; and
 - (e) Site and building signage plan.

L. Standards for roadways and drainage.

- (1) Roadways. Internal Donald Lynch Boulevard Overlay District roadways and site circulation shall be private ways and shall be maintained by owners/developers. Private ways within the Donald Lynch Boulevard Overlay 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 ways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners. The design of private ways and parking circulation shall be as efficient as possible to reduce the overall development impact and area of impervious surfaces.
- (2) Stormwater management system. Developments proposed in the Donald Lynch Boulevard Overlay 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 low impact development techniques and green infrastructure such as 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.

- (1) After approval, the owner/developer may seek modifications to any approved special permits or site plan approvals.
- (2) 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 or by the Building Commissioner administratively as to site plan amendments when approval was granted for a site plan approval administratively in accordance with §270-2. It shall be a finding of the Building Commissioner, 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.
- (3) 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.

II. The Zoning Map described in § 650-8 is amended as shown on the accompanying Map (Exhibit “A”). The newly established Donald Lynch Boulevard Overlay District shall include all 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).

Map and Parcel Number
13-2
13-4
13-4A
13-5
13-5A
13-6
13-7
13-8
25-1
25-4
25-4A
25-5

26-1
26-1A
26-7
26-8
26-9
26-20
26-21A
26-21B
26-22
26-23
26-24
26-25
26-26
26-29
26-30
26-31
26-32
38-1B
38-1C
38-2
38-3
38-4
38-5
38-6
38-7
39-29A
50-1
50-2
50-3A
50-3B
50-3C
50-3D
50-3E
50-4A
50-4B
50-4C
50-7
50-7B
50-8
50-9
51-5

DRAFT

51-6
51-7

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

ADOPTED

In City Council
Order No XX-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

DRAFT

TABLE EDITED FOR DLB VISION PROCESS - ALL ZONING DISTRICTS ARE NOT SHOWN. THE OVERLAY IS INCLUDED FOR COMPARISON BUT WOULD NOT BE ADDED TO THE TABLE OF USE REGULATIONS

ZONING

650 Attachment 1

City of Marlborough

Table of Use Regulations
(§ 650-17)

[Amended 5-9-2005 by Ord. No. 05-100713C; 11-23-2009 by Ord. No. 09-1002277F; 3-11-2013 by Ord. No. 12/13-1005235B; 10-7-2013 by Ord. No. 13-1005481D; 2-10-2014 by Ord. No. 13/14-1005578C; 4-28-2014 by Ord. No. 14-1005693C; 8-14-2014 by Ord. No. 12/13/14 1005247I; 12-1-2014 by Ord. No. 14-1005947C; 11-28-2016 by Ord. No. 16-1006631D; 10-16-2017 by Ord. No. 17-1006980B; 11-27-2017 by Ord. No. 17-1007002C; 4-2-2018 by Ord. No. 18-1007163-1C; 5-21-2018 by Ord. No. 18-1007163-2D; 9-10-2018 by Ord. No. 18-1007311C; 11-19-2018 by Ord. No. 18-1007337E; 12-16-2019 by Ord. No. 19-1007716E; 5-18-2020 by Ord. No. 20-1007915D; 6-22-2020 by Ord. No. 20-1007947H]

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	Proposed Overlay
	LI	Donald Lynch Boulevard
Residential Use		
Single-family	N	N
Single-family, attached (1)*	N	N
Conversion of detached one-family to a two-family (2)	N	N
Two-family homes	N	N
Conversion of a two-family dwelling to a three (3)	N	N
Multifamily dwelling (4) (42)	N	SP
Comprehensive developments (§ 650-27)	Y	Y
Boarding and lodging homes	N	N
Tourist home/bed-and-breakfast	N	N
Open space development (§ 650-28)	N	N
Trailer mobile homes (5)	SP	SP
Retirement Community Overlay (§ 650-22)	SP	SP
Residential accessory uses (6)	Y	SP
Customary home occupations (7)	Y	SP

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

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	Zoning District Abbreviations	
	Existing Zones	Proposed Zone
	LI	Donald Lynch Boulevard
Yard sales, charitable sales bazaars (8)	Y	SP
Two residential structures on a lot less than 80,000 square feet (9)	N	N
Artist studio/live/work gallery space	N	SP
Recording studio/live/work space	N	SP
Assisted living facilities (44)	N	N
Business Uses		
Convert buildings to office, bank, insurance use (18)	N	SP
Commercial kennels and animal hospitals	N	N
Veterinary hospital	N	N
Commercial kennels	N	N
Riding academy	N	N
Retail sales and services <75,000 square feet gross floor area (19) (43)	SP	SP
Retail sales and services >75,000 square feet gross floor area (19) (43)	SP	SP
Offices, banks, insurance and financial institutions	Y	Y
Schools, for business, trade, music, dance, and television\or radio broadcasting studios (but not including towers)	N	SP
Commercial radio and television towers and wireless communications facilities (20)	SP	SP
Health, sports and fitness clubs (indoor and/or outdoor)	-	SP
Hotels (41)	SP	SP
Hotels <100 rooms	-	SP
Hotels with conference facilities and commercial uses (21)	SP	SP
Residential conference and training center with food and recreation services (22)	Y	Y
Recreation center (23)	SP	SP
Recreation and entertainment, indoor	-	SP
Private clubs, nonprofit	N	SP
Clubs (24)	N	SP
Self-service laundry	N	SP

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

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	Zoning District Abbreviations	
	Existing Zones	Proposed Zone
	LI	Donald Lynch Boulevard
Restaurants for employee use	Y	Y
Drive-thru facilities	N	SP
Adult bookstore (32)	N	N
Adult video store (32)	N	N
Adult paraphernalia store (32)	N	N
Adult movie theatre (32)	N	N
Adult live entertainment establishment (32)	N	N
Tattoo and body piercing parlors and shops (32)	N	N
Narcotic detoxification and/or maintenance facility	SP	SP
Medical marijuana treatment center (45)	SP	SP
Adult use marijuana retail; marijuana accessories retail (46)	SP	SP
Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter (47)	SP	SP
Winery, brewery, or distillery with tasting room	Y	Y
Contractor's yard (48)	SP	N
Landscape contractor's yard (48)	SP	N
Agriculture, Public, and Institutional Use		
Agriculture, horticulture or floriculture >5 acres (10)	Y	SP
Forest, woodlots, portable, woodworking mills (11)	N	N
Livestock farms > 10 acres (12)	N	N
Farms and poultry farms (13)	N	N
Cemeteries	N	N
Hospitals and sanitarium	N	N
Correctional institutions	N	N
Golf courses, country clubs and beaches (14)	N	N
Charitable and philanthropic buildings	N	N
Churches and religious buildings (15)	Y	Y

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	Zoning District Abbreviations	
	Existing Zones	Proposed Zone
	LI	Donald Lynch Boulevard
Public recreation and conservation	N	Y
Day camps	N	N
Public, private and religious schools, museums, libraries, parks, recreation facilities, buildings and playgrounds	Y	Y
Child-care centers (16)	Y	Y
Public utilities, not including storage yards or repair shops	Y	Y
Public buildings (17)	Y	Y
Water towers, reservoirs	Y	Y
Floodplain and Wetland Protection District (§ 650-23)	Y	Y
Water Supply Protection District (§ 650-24)	Y	Y
Convalescent and nursing homes	N	N
Chicken hens, personal use (6 or fewer) (49)	N	N
Chicken hens, personal use (between 7 and 12) (49)	N	N
Industrial Uses		
Airports and heliports	Y	SP
Newspaper printing and publishing, job printing	Y	Y
Manufacturing where the majority of items are sold on premises to the consumer	N	SP
Transportation terminal and freight depots	SP	SP
Food processing plants	N	N
Research, experimental labs (33)	Y	Y
Bakery (nonretail)	N	N
Light non-nuisance manufacturing	Y	Y
Light manufacturing, using portable electric machinery (34)	N	SP
Light manufacturing incidental to research	Y	Y
Associated/accessory research uses (35)	SP	SP
Manufacturing and/or warehousing (36)	Y	SP
Manufacturing or warehouse (37)	N	N

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	Zoning District Abbreviations	
	Existing Zones	Proposed Zone
	LI	Donald Lynch Boulevard
Retail sales accessory to manufacturing (38)	N	SP
Recreation center, indoor and outdoor	SP	SP
Power laundries	N	N
Dry cleaning	N	SP
Dye works	N	N
Packaging or bottling plants	N	N
Electric power substation for changing bulk power to distribution voltage	SP	SP
Accessory uses and service buildings (39)	Y	Y
Large tract development (40)	N	N
Data storage/ telecommunications facilities	Y	SP
Self-service storage facility	N	N
Coffee roastery	SP	SP

EXCERPTED CONDITIONS LISTED BELOW FOR USES WITH NOTES THAT ARE IMPACTED BY CHANGES (NO CHANGES TO THE CONDITIONS ARE RECOMMENDED)

§ 650-18 Conditions for uses.

A. Conditions for use as noted in the Table of Uses

(4) Multifamily dwelling. One structure or multiple structures consisting of a multifamily dwelling containing three or more dwelling units on a single lot, provided that the lot meets all the requirements of Article VII and, in addition, has a landscaped area meeting all the requirements of § 650-18A(9)(e). The above provision shall not apply to mixed use or multifamily developments within the Marlborough Village District. [Amended 12-1-2014 by Ord. No. 14-1005947C; 12-16-2019 by Ord. No. 19-1007716E]

(18) Buildings converted to offices, banks, insurance and financial institutions. Buildings converted to offices, banks, insurance and financial institutions, provided that the exterior character of the building shall not be altered.

(26) Outdoor storage. Outdoor storage, but not an auto junkyard, may be permitted in the Business, Commercial Automotive, and Industrial Districts if it is accessory to one of the permitted uses in the zoning district in which the main building and lot is located. Outdoor storage is allowed as an accessory use in a Limited Industrial District only for light non-nuisance manufacturing and assembly of specialized vehicles for use by municipal, state and other public agencies. Further, the outside storage must be adequately screened from the street and adjacent properties to obscure the materials stored therein. [Amended 5-9-2005 by Ord. No. 05-100713C]

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(31) Restaurants and cafes.

(a) Restaurants and cafes serving food outdoors, including drive-in facilities.

[1] Outdoor dining areas shall not be located in parking or landscaped areas required by Article VII.

[2] Outdoor dining areas shall be screened from any abutting lot residentially zoned or used by a solid fence at least six feet high.

[3] Any raised structure (such as a deck) on which the outdoor dining occurs shall comply with the building setback requirements of this chapter.

[4] Any at-grade area on which the outdoor dining occurs shall be located no closer to the lot line than would otherwise be allowed of exterior parking areas.

[5] Service of alcoholic beverages out of doors shall require a separate license from the License Commission and any appropriate state approval.

[6] Within the Marlborough Village District, a special permit may be granted to allow for rooftop, sidewalk, or other outdoor restaurant seating that varies the provisions of this section.

[Added 12-1-2014 by Ord. No. 14-1005947C]

(b) Restaurants and cafes for employee use. Service buildings, built and maintained by one or more of the permitted uses, containing either or all of the following uses: restaurant, drugstore, bank or other similar services primarily for the use of employees of the permitted uses, are allowed in Limited Industrial and Industrial Districts.

(36) Manufacturing or warehousing. Manufacturing and/or warehousing of footwear, precision instruments, tool and die, dental, medical and optical equipment, electrical or electronic instruments, biomedical or biotechnology products, subject to the provisions governing biomedical research in Subsection A(33) above, provided truck loading and parking areas are effectively screened from abutting office and residential use. Oil or asphalt manufacturing is prohibited.

(42) Mixed-use development, including multifamily residential uses, shall not be subject to special permit provisions for multifamily uses. In the Wayside District, multifamily dwelling shall be allowed only as part of a mixed-use development. Mixed-use development may include vertically mixed uses in a single building or horizontally mixed uses in which multiple buildings create the mix of uses on a single parcel. Each individual building may include a single use with multiple uses occurring next to each other and within multiple buildings on the single parcel. [Added 12-1-2014 by Ord. No. 14-1005947C; amended 12-16-2019 by Ord. No. 19-1007716E]