

**City of Marlborough
Minutes
September 15, 2020**

Location: 339 Boston Post Rd. East
Zoning Board of Appeals Case # 1464-2020
Applicant: WP Marlborough MA Owner, LLC
Date of Appeal: March 2, 2020

Zoning relief requested: Applicant seeks a Special Permit under Section 650. Article VI, Section 23(D) Floodplain and Wetland Protection District of the City of Marlborough Zoning Ordinance to conduct certain filling and excavation work in a floodplain area, all in connection with its proposed 188 unit multifamily apartment project. Property is located at 339 Boston Post Rd. East. Map 72, parcel 35 and Map 73, parcels 28, 24, 26.

Meeting date: September 15, 2020 – 7:00 PM

Members present in city hall: Ralph Loftin-Acting Chairman, Robert Levine, Thomas Golden, and Thomas Pope with Susan Brown-Secretary

Present remotely: Atty. Brian Falk of Mirick O'Connell. Also attending remotely were Tom Moran of Waypoint Realty, Scott Goddard of Goddard Consulting, and David Robinson of Allan and Major Associates, Inc.

In Board's file:

- Plans presented: Multi-family Development, 339 Boston Post Rd. East, Marlborough, MA Current Floodplain Calculations Revised August 26, 2020
- Write up – dated September 10, 2020 from Mirick O'Connell, Atty. Brian Falk
- Priscilla Ryder – memo dated August 9, 2020 with a corrected date of Sept. 9, 2020 RE: Comments on Multi-family Development 339 Boston Post Rd., Special Permit Application – Floodplain and Wetland Protection District.

The hearing was opened with the reading of the legal notice by Thomas Golden. Ralph Loftin, acting chairman started the meeting by reading the names of correspondence from abutters and the concerned general public in opposition to the project. (list is in Board's file). The Chair also read the list of meeting dates held by the Zoning Board of Appeals. (List is in Board's file).

Board member, Thomas Golden asked if there will be any blasting? Answer – The issue of blasting is not relative to the Floodplain and Wetland Protection Act. But Atty. Falk did state he feels there will not be any blasting on site.

Board member, Tom Golden read into the file a memo from Priscilla Ryder dated August 9, 2020 with a corrected date of Sept. 9, 2020 – stating in part “The Conservation Commission concluded that the flood storage as shown on the proposed plans do meet the requirements of

the Wetlands Protection Act (FWPD) and we believe it meets the criteria of the FWPD.” (Memo is in Board’s file)

A motion was made by Thomas Pope to close the public hearing, seconded by Thomas Golden. A roll call vote was taken: Ralph Loftin-yea, Robert Levine-yea, Thomas Pope-yea and Thomas Golden-yea. A vote of 4-0 to close the public hearing.

The Board discussed adding a condition to the Special Permit of having a police detail on site when construction starts or develop a plan to manage traffic in and out of the construction site to help the flow of traffic on Rte 20. Atty. Falk felt this issue will be addressed either thru the City Council and/or Site Plan Review. A motion was made by Robert Levine to accept that added condition to the Special Permit, second by Thomas Pope. A roll call vote was taken: Ralph Loftin-yea, Robert Levine-yea, Thomas Pope-yea and Thomas Golden-yea. A vote of 4-0 to add this condition to the Special Permit.

After reviewing Atty. Falk’s “draft” decision, Robert Levine made a motion, seconded by Thomas Golden to accept the “draft” decision as amended. A roll call vote was taken: Ralph Loftin-yea, Robert Levine-yea, Thomas Pope-yea and Thomas Golden-yea. A vote of 4-0 to accept the “draft” decision as amended.

A motion was made by Ralph Loftin to adjourn the meeting, seconded by Thomas Pope. A roll call vote was taken: Ralph Loftin-yea, Robert Levine-yea, Thomas Pope-yea and Thomas Golden-yea. A vote of 4-0 to adjourn.

Respectfully submitted,


Ralph Loftin
Acting Chairman