

# CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: Planning Board

Date: October 15, 2012

Time: 7:00 PM

Location: 3rd Floor, Memorial Hall, City Hall

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CITY OF MARLBOROUGH

2012 OCT 11 A 10:30

Agenda Items to be addressed:

- 1) Meeting Minutes
  - a) September 10, 2012
  - b) September 24, 2012
- 2) Chair's Business
  - a) Michael Mendoza, Building Commissioner
- 3) Approval Not Required
  - a) Memorial Beach
    - i) Submittal
  - b) 4 Phelps Street
    - i) Submittal
- 4) Public Hearings
  - a) Results Way Mixed Use Overlay District, 7:00PM  
(PLEASE SEE ATTACHED ADVERTISEMENT)
- 5) Pending Subdivision Plans: Updates and Discussion
  - a) Update from City Engineer
  - b) Country Club Estates
    - i) Discussion
    - ii) Correspondence from Attorney Falk
- 6) Preliminary/Open Space Submissions/ Limited Development Subdivisions
- 7) Definitive Subdivision Submission
  - a) Ravenswood
    - i) Need Decision by JAN 9, 2013
- 8) Signs
- 9) Unfinished Business
- 10) Informal Discussions
- 11) Correspondence
- 12) Public Notices of other Cities & Towns
  - a) Town of Framingham Planning Board, Public Hearing, Oct 4
  - b) Town of Hudson, Zoning Board of Appeals, Public Hearing, Nov 8
  - c) Town of Sudbury, Zoning Board of Appeals, Notice of Decisions

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.

*City of Marlborough*  
*Commonwealth of Massachusetts*



**PLANNING BOARD**

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**Carrie Lizotte, Board Secretary**

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**LEGAL NOTICE**

Public Hearing on Proposed Zoning Change  
Adding to Article VI, section 650-32  
Results Way Mixed Use Overlay District

**NOTICE** is hereby given that the Planning Board of the City of Marlborough, Massachusetts will hold a public hearing on Monday October 15, 2012 at 7:00 PM in Memorial Hall 3<sup>rd</sup> Floor, City Hall 140 Main Street Marlborough, Massachusetts on the Application from Attorney David P. Gadbois to amend the Zoning Code of the City of Marlborough Chapter 650 by adding to Article VI section 650-32 RESULTS WAY MIXED USE OVERLAY DISTRICT in accordance with the following proposed change:

**ARTICLE VI**

**§650-32 – RESULTS WAY MIXED USE OVERLAY DISTRICT**

A. **Purpose and Objectives**

The Results Way Mixed Use Overlay District (herein, also a “RWMUOD”) allows the application of supplemental land use controls within the boundaries of an certain overlay district, subject to City Council approval, as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the Results Way Mixed Used Overlay District are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare, by promoting integrated, pedestrian friendly, mixed use development to allow for the development of housing, retail and workplaces within close proximity of each other consistent with the stated economic development objectives of the City (collectively, herein “Mixed Use Developments” or “MUD”).

For the purposes of this section, the RWMUOD shall be superimposed on the other districts existing at the time that any land in any said underlying district is also included in the RWMUOD. The RWMUOD district is adjacent to Simarano Drive to the west, Forest Street to the north, and Puritan Way and Results Way to

the east as indicated on the City Zoning Map and more particularly described in Exhibit "A" annexed hereto and incorporated by reference herein.

For the purposes of the Zoning Ordinance, a "Mixed Use Development" or "MUD" shall include any eligible use set forth in Section D, below, which may be commingled into a single structure or structures with other eligible uses or may be located in separate structures on the site. Accordingly, 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 areas, to reduce traffic congestion, to reduce automobile trips, and accordingly to improve air quality.

B. Authority of Permit Granting Authority

The City Council shall be the Permit Granting Authority for Special Permit and Site Plan Approval in the RWMUOD. In all instances, a development which proceeds under the RWMUOD overlay is subject to Site Plan Approval in accordance §270.2 with the exception that the City Council is the Special Permit Granting Authority for Site Plan approval in the RWMUOD.

The City Council may elect to vary the dimensional and parking requirements of this Section by Special Permit if, in their opinion, such change shall result in a substantially improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.

C. Exclusivity/Control

All uses and provisions of Article V of the Zoning ordinance relating to the underlying zoning district not otherwise impacted by this Section (§650-32 et. seq.) shall continue to remain in full force and effect provided however that the City Council shall be the Special Permit Granting Authority, if applicable. This Section (§650-32 et. seq.) of the Zoning Ordinance exclusively controls the establishment, development, and design of any MUD undertaken in the RWMUOD and supersedes any other provision of the Zoning Ordinance (except the provision of any other applicable overlay district). In the event of any conflict between the provisions of this Section (§650-32 et. seq.) and any other provision of the Zoning Ordinance, the provisions of this Section shall govern and control.

D. Eligible Uses

Except as specifically set forth below, all uses permitted in the Industrial and Limited Industrial Districts either as of right or by special permit in accordance with §650-17 of the Zoning Ordinance are permitted in the RWMUOD. If a use requires a special permit under §650-17, Table of Use Regulations, such use shall continue to require a special permit under this Section.

(1) The following additional uses are also permitted BY-RIGHT in the RWMUOD:

- (a) Research and development
- (b) Medical office and diagnostic medical laboratories appurtenant to offices of physicians and dentists
- (c) Research and development including, without limitation, laboratories engaged in research, experimental and testing activities including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, pharmaceuticals, medicine and physics
- (d) Advanced manufacturing which shall include high technology manufacturing such as, but not limited to, laser technology, robotics, nanotechnology and computer associated design and software development
- (e) Multifamily dwelling – up to 350 dwelling units within the entire RWMUOD Zoning District including, without limitation, age restricted dwelling units
- (f) Retail sales and services – up to 75,000sf of gross floor area, up to 10,000sf of gross floor area per establishment
- (g) Hotels and motels
- (h) Hotels with conference facilities and commercial uses
- (i) Car parking lots, garages - “a structure or a group of structures that facilitate the parking of vehicles at ground level, above or below grade and shall include area for the parking vehicles at, above and/or below grade under a building or otherwise integrated into another structure
- (j) Consumer service establishments
- (k) Restaurant, café (with or without outside seating and service)
- (l) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities
- (m) Self-service laundry
- (n) Dry Cleaning (pick up and drop off only)

- (o) Drive through facilities associated with retail (e.g. banks; pharmacies) and food services
- (2) The following additional uses are also permitted BY-SPECIAL PERMIT in the RWMUOD:
  - (a) Multifamily dwelling – more than 350 dwelling units within the entire RWMUOD Zoning District including, without limitation, age restricted dwelling units
- (3) The foregoing Sections notwithstanding, the uses set forth as follows are expressly PROHIBITED in the RWMUOD:
  - (a) Adult Bookstore, video store, paraphernalia store, movie theatre, live entertainment establishment
  - (b) Tattoo and body piercing parlors and shops
  - (c) Dye Works
  - (d) Biosafety Level 4 laboratories, as defined by the United States Center for Disease Control and Prevention

E. Dimensional Requirements

The RWMUOD shall be subject to the dimensional standards in accordance with Article VII of the Marlborough Zoning Ordinance with the following exceptions:

- (1) The RWMUOD shall consist of one or more lots. There is no minimum acreage requirement for a lot to be a part of the Results Way Mixed Use Overlay District.
- (2) Minimum Lot Frontage measurement shall be no less than fifty (50) feet for any lot wholly located within the boundaries of the RWMUOD.
- (3) Minimum Front Yard measurement shall be no less than thirty (30) feet for any lot wholly located within boundaries of a RWMUOD.
- (4) No less than fifteen (15) feet shall separate the structural side wall of any two or more MUD Structures. No less than fifteen (15) feet shall separate any area behind and or between structures, and fire suppression vehicles shall have clear and adequate access to all structures.
- (5) Maximum building height in RWMUOD shall not exceed 80 feet.
- (6) Maximum Lot Coverage shall be calculated on the entire land area of the RWMUOD and not on an individual lot basis, and shall not exceed 60 percent of the total area of the RWMUOD.

F. Parking and Curb Cut Requirements.

Except as otherwise provided in this section, parking and circulation requirements shall conform with the provisions of Section §650-48 and §650-49 of the Zoning Ordinance.

- (1) General - In the RWMUOD adequate off-street parking shall be provided. The City Council and the applicant shall have as a goal for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the Board shall consider complimentary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in permitted reductions in the parking requirements.
- (2) Parking Locations - Parking may be provided at ground level, underground or in a parking garage. Parking garages can be free standing or as part of buildings dedicated to other permitted uses.
- (3) Parking Spaces for Each Dwelling Unit - There shall be a minimum of 1.5 parking spaces for each dwelling unit.
- (4) Granting of Relief from Parking Regulations - The City Council may waive any of the foregoing requirements or the requirements of Section §650-48 if it makes a finding that to do so will enhance the overall design of the RWMUOD.

G Signage

Except as otherwise provided in this Mixed Use Ordinance, parking and circulation requirements shall conform with the provisions of Chapter 526 of the Marlborough General Code – the Sign Ordinance.

- (1) Granting of Relief from Signage Regulations - The City Council may waive any of the requirements of the Sign Ordinance if it makes a finding that to do so will enhance the overall design of the RWMUOD.

H. Application

An application for a Special Permit or Site Plan approval for a Mixed Use Development in the RWMUOD shall comply with the requirements of Section §650-59 et. seq. of the Zoning Ordinance.

I. Standards for Roadways and Drainage

- (1) Roadways - RWMUOD roadways to be accepted by the [City] as public ways shall be designed and constructed in accordance with the Rules and Regulations for the Subdivision of Land in the City. Private ways within the RWMUOD, to the extent feasible, shall be constructed using the methods and materials prescribed in the Rules and Regulations for the Subdivision of Land in the City, 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) Storm Water Management System - The RWMUOD shall have a storm water management system designed in accordance with the Rules and Regulations for the Subdivision of Land in the City and the Department of Environmental Protection's Storm Water Management Guidelines, as amended.

J. Amendments

After approval, the owner/developer may seek amendments to the approved plan. Minor amendments may be made by a majority 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 major or minor. A major amendment shall require the filing of an application pursuant to Section §650-59 of the Zoning Ordinance.

***Per Order of the City Council***

- Please publish in the Metrowest Daily News on Thursday, October 4, 2012 and Monday, October 11, 2011.
- Please bill Attorney David Gadbois, 2 Mount Royal Ave, Suite 202, Marlborough, MA 01752
- (508-460-0101)