



Meeting of the

Southborough Planning Board

Tuesday, May 22, 2018 6:00PM

Trottier Middle School, Room 186
49 Parkerville Road, Southborough, Massachusetts

RECEIVED
TOWN CLERK'S OFFICE

2018 MAY 16 P 1:04

SOUTHBOROUGH, MA

AGENDA

6:00 PM CALL TO ORDER

6:00 PM PUBLIC HEARING: Citizen's Petition-Proposed Amendment to Zoning Bylaw Chapter 174-25A
(continued from May 14, 2018)

6:05 PM PUBLIC HEARING: Citizen's Petition-Proposed Amendment to Zoning Bylaw Chapter 174-25B
(continued from May 14, 2018)

6:10 PM PUBLIC HEARING: Proposed Amendment to Zoning Bylaw Chapter 174-10(G)
(continued from May 14, 2018)

DISCUSSION: Special Town Meeting Warrant Articles

ANR: 0 Firmin Ave - Confirmatory

DISCUSSION: Vote to Assign Planning Board Representative for SHOPC

Other Business Properly Before the Board

- Planner's Report
- Approval of Minutes
- Next Meeting – June 4, 2018 - Town House

ADJOURN

Decision Due Dates: 0 Firmin Ave ANR (21 days) – May 29, 2018
PB Report to Town Meeting on Proposed Zoning Bylaw Changes (21 days) – STM: May 22, 2018

Donald C. Morris, Chairman

Special Town Meeting Warrant
Includes 5 Articles
(Articles 1, 2, 3 for PB Public Hearings)
(Articles 4 & 5 for PB Discussion)

SPECIAL TOWN MEETING WARRANT

of the

TOWN OF SOUTHBOROUGH

MASSACHUSETTS



For the Special Town Meeting on

May 22, 2018

**A True Copy
Attest:**

A handwritten signature in cursive script, appearing to read 'James F. Hignerty', is written over a faint circular seal in the background.

Town Clerk, Southborough

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Town Finance Terminology

The following terms are frequently used in the Advisory Committee Report and at Town Meeting. For your convenience, we provide the following definitions.

Surplus Revenue: (Often referred to as “Excess and Deficiency”)

The fund represents the amount by which the Cash, Accounts Receivable and other floating assets exceed the liabilities and reserves.

Available Funds: (Often referred to as “Free Cash”)

The amount of the Unreserved Fund Balance (Surplus Revenue) account over and above uncollected taxes of prior years constitutes “free cash” or “available funds”.

Overlay:

The Overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements granted and avoiding fractions.

Overlay Reserve:

This is the accumulated amount of the Overlay for various years not used or required to be held in the specific Overlay account for a given year, and may be used by vote of the town for extraordinary or unforeseen purposes or voted into the Reserve Fund.

Stabilization Fund:

An outside section of Chapter 138 of the Acts of 1991 (the FY92 State budget) modifies limitations on the Stabilization Fund appropriation process by enabling communities to appropriate from this fund for any non-capital, lawful purpose without Emergency Finance Board approval (section 333). Beginning in FY92, the Stabilization Fund will thus become a source of revenue for general operating expenses for communities.

The Stabilization Fund is a mechanism for setting aside money for capital projects. It equalizes the effect of capital expenditures over time, as capital appropriations can change considerably from year to year. The balance in the fund will build up during years when expenditures for capital items are low. During years with high capital expenditures, the community will transfer money from the fund to reduce the project’s impact on the tax rate or the amount of borrowing required for the project.

A community may appropriate up to 10% of its tax levy each year, as long as the balance in the Stabilization Fund does not exceed 10% of the community’s equalized valuation. Interest earned on any fund balance is retained as part of the fund.

Appropriations into a Stabilization Fund can be made at either an annual or special town or district meeting. Chapter 94 of the Acts of 1985 permits appropriations to be made from a Stabilization fund at a special town or district meeting, not just at the annual meeting. Regardless of the timing, appropriations from the Stabilization Fund require a two-thirds vote by the appropriating authority. Until the FY92 state budget, a community could only appropriate from the Stabilization Fund for a none-capital purpose with the approval of the Emergency Finance Board.

Reserve Fund:

This fund is established by the voters at the Annual Town Meeting only and may be composed of (a) an appropriation (not exceeding 5% of the tax levy of the preceding year), (b) money transferred from Overlay Reserve, or (c) both. Transfers from the Reserve fund may be made only by the Advisory Committee and are for “extraordinary or unforeseen expenditures” only.

Conservation Fund: For land purchases and any other conservation use.

Introduction to the Rules of Town Meeting

TOWN MEETING

Southborough's Town Meeting is an open town meeting in which all registered voters may participate in the voting. The Meeting is a deliberative assembly, conducted in the democratic process, charged with considering a number of questions of varying complexity in a limited amount of time and with full regard to the rights of the majority, strong minority, individuals, absentees, and all of these together.

AUTHORITY

The three elements of authority at Town Meeting are a quorum of at least one hundred (100) registered voters, the Clerk and the Moderator. The Town Clerk is responsible for voter registration, certification of a quorum, setting up the hall, and keeping the record of the Meeting. He may also officiate at the Meeting in the absence of a Moderator. The Moderator presides over the proceedings, decides all questions of order, and makes declarations of all votes. No one may speak on an issue without being recognized by the Moderator, nor may anyone distribute materials on the floor without the Moderator's permission. The Moderator appoints Tellers and alternates for the purpose of counting votes of the meeting.

THE WARRANT

All matters to be considered at Town Meeting must be published in the Town Meeting Warrant, which is the document you are reading, and the responsibility of the Board of Selectmen. Whether by state statute, Town by-law, or Town custom, several business Articles (such as budget appropriations) must be presented in the Warrant each year for consideration. Other items are added by Articles proposed by Town officials, committees, boards, or groups of ten or more registered voters. The Advisory Committee reviews the Warrant, and makes recommendations on all of the Articles to be presented. All articles in the Warrant are considered in the order in which they appear in the Warrant, unless the Town Meeting votes to change the order.

PARTICIPATION

Any registered voter who wishes to ask a question, make a statement, or otherwise participate in the meeting must go to one of the floor microphones and wait to be recognized by the Moderator. Upon recognition by the Moderator, the individual must first state name and address, and then may be heard. Anyone who wishes to make a presentation with respect to any Article must seek and obtain permission from the Moderator prior to Town Meeting.

All remarks must be limited to the subject then under discussion. It is improper to indulge in references to other individuals, and all expressions of approval or disapproval (such as applause or booing) are out of order. No one who has addressed the Meeting on any particular Article may speak again until all others wishing to speak to the Article have done so.

The Moderator may request any person to keep silent and, if thereafter that person refuses to be silent or persists in other disorderly behavior, the Moderator may order the person to withdraw and, if necessary, may order a police officer to remove such person from the Town Meeting.

Individuals who have a personal or financial interest with respect to a matter may speak or vote thereon but should frankly disclose their interest. However, no Town Meeting voter should accept compensation for speaking to or voting at the Town Meeting without disclosing that fact.

RULES RELATIVE TO MOTIONS

A motion is the means of bringing a proposal or question before the Meeting for consideration. When initially put forward it is a motion; after it is seconded and acknowledged by the Moderator, it becomes the question or proposal for discussion. The Moderator shall determine whether a Motion, or any discussion relative to a Motion, is within the scope of the Article in question as written in the Warrant. Articles appearing in the Warrant only give notice to

the Town, and do not initiate action; only Motions do. Motions may be withdrawn; Articles may not be withdrawn – all Articles in the Warrant must be acted upon by Town Meeting (even if only to indefinitely postpone).

Once an Article is acted upon, a Motion to reconsider it is in order and shall be entertained by leave of the Moderator with good reason only (such as new or different information not existing at the time of the original consideration of the Article). A Motion to reconsider, when passed by the necessary 2/3 vote, brings the original Article back to the floor.

CHART OF PRECEDENCE OF MOTIONS AND SUMMARY OF GOVERNING RULES

	May interrupt a speaker	Req. a sec.	Debatable	Vote Required	Motions that may apply
<u>PRIVILEGE MOTIONS</u>					
1. To dissolve	no	yes	no	majority	none
2. To adjourn	no	yes	limited	majority	amend
3. Point of no quorum	no	no	no	none	none
4. Recess	no	yes	limited	majority	amend
5. Question of privilege	yes	no	no	chair rules	none
6. Orders of the day	yes	no	no	none	none
<u>SUBSIDIARY MOTIONS</u>					
7. To lay on the table	no	yes	no	2/3	none
8. Previous question	no	yes	no	2/3	none
9. To postpone definitely	no	yes	limited	majority	amend, reconsider previous question
10. To refer to a committee	no	yes	limited	majority	amend, reconsider previous question
11. To amend	no	yes	yes	majority	amend, reconsider previous question
12. To postpone indefinitely	no	yes	yes	majority	reconsider previous question
<u>MAIN MOTIONS</u>					
Main Motions	no	yes	yes	majority	all
To take from the table	no	yes	no	majority	none
To reconsider	no	yes	yes	2/3	table previous question postpone definitely
To rescind	no	yes	yes	2/3	all
To amend after passage (requires a 2/3 vote to reconsider the prior vote)	no	yes	yes	majority	all
Consideration of Articles					
a) To advance	no	yes	yes	majority	reconsider previous question
b) To postpone definitely	no	yes	yes	majority	amend, reconsider previous question
c) To postpone indefinitely	no	yes	yes	majority	reconsider previous question
<u>INCIDENTAL MOTIONS</u>					
To suspend rules	no	yes	no	2/3	none
To withdraw a motion	no	no	no	majority	reconsider
Point of order	yes	no	no	chair rules	none
Parliamentary inquiry	no	no	no	none	none
Point of information	no	no	no	none	none
Division of the assembly	no	no	no	none	none

**TOWN WARRANT
COMMONWEALTH OF MASSACHUSETTS**

SPECIAL TOWN MEETING

Worcester, ss.

May 1, 2018

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the Inhabitants of the Town of Southborough qualified to vote in elections and town affairs, to meet in the P. Brent Trottier Middle School, 49 Parkerville Road, in said Southborough, on

Tuesday, May 22, 2018

at 7:00 p.m., then and there to take action on the following Articles:

ARTICLE 1: To see if the Town will vote to affirm and/or reaffirm, and/or reinstate, and/or clarify and/or amend the Town Code (Ch.174-25B) and/or the Zoning Bylaw as necessary to require a quorum of four (4) members of the Zoning Board of Appeals or their alternates to hold public hearings on any and all matters before them, and to further require that the following provisions be made a permanent part of the Town Code, effective upon being filed with the Town Clerk:

Zoning Board of Appeals: Meetings; Hearings; Quorum

- A. Five members of the Board shall be present at every hearing. Four members may hold a hearing and act on the matter before the Board, provided that the interested parties assent thereto before the hearing opens. Any hearing may be adjourned for any reason by the Board, or by any member in case of the absence of a quorum, to a later date by a statement to that effect at the hearing, and the hearing as so adjourned from time to time may be held without any further notice, unless the Board shall vote that such notice shall be given.
- B. The Board will hold public hearings on all applications submitted to it. A quorum shall consist of four members or their alternates. No member shall appear or represent any person in any matter pending before the Board. No member shall hear or decide an appeal in which he or she is directly or indirectly interested in a personal or financial sense.
- C. The hearings will proceed as follows:
 - 1. The Chairman will call the meeting to order and read the notice of hearing as it appeared in the paper.
 - 2. The applicant or his representative shall present the case to the Board.
 - 3. The abutters to the property present at the hearing shall be heard and duly recorded.
 - 4. Any other interested parties present at the hearing shall be heard.
 - 5. Town representatives shall be heard (Planning Board, Selectmen, other boards, etc.).
 - 6. The Chairman shall inform those present at the hearing as to the time requirements, under MGL c. 40A, § 21, [1] for appealing the decision of the Board. [1] Editor's Note: See MGL c. 40A, § 17, Judicial Review
- D. Hearings before the Board:
 - 1. All hearings of the Board shall be open to the public.
 - 2. The transcript of each hearing shall state the members of the Board present and other persons who speak at the hearing and shall contain a summary of the evidence given.
 - 3. The transcript shall be signed by the Secretary or Acting Secretary.

Zoning Board of Appeals: Disqualification of Members

- A. Members and alternates shall be responsible for contacting the State Ethics Commission for a conflict of interest opinion and disqualifying themselves from participation in the deciding of any case coming before the Board where the member or alternate has any conflict of Interest or appearance of conflict of interest pertaining to the subject matter of the particular case.

Members and alternates are required to file Conflict of Interest (COI) Forms with the Town Clerk and BOS before the case is heard.

; Or do or act anything in relation thereto.

Proposed by: MARNIE HOOLAHAN, et al.

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *This is a citizens' petition.*

ARTICLE 2: To see if the Town will vote to add the words 'subject to approval of Town Meeting' to the Town Code (Ch.174-25A) and/or the Zoning Bylaw as necessary to require approval of Town Meeting for changes to the rules and regulations of the Zoning Board of Appeals, and to further require that the following provisions be made a permanent part of the Town Code, effective upon being filed with the Town Clerk:

§ 174-25 Board of Appeals.

- A. The Board of Selectmen shall appoint a Board of Appeals of five members, who shall serve five-year terms, such that the term of one member shall end each year. The Board of Selectmen shall also appoint two associate members of the Board of Appeals, who shall be designated by the Chairman of the Board of Appeals to act when a member is absent or unable to participate for any reason. The Board of Appeals shall adopt and file with the Town Clerk rules consistent with the requirements of the General Laws, Chapter 40A, and with this chapter, subject to approval of Town Meeting. The Board of Appeals shall act on the following classes of matters, and no zoning or building permit shall be issued that is inconsistent with a decision of the Board of Appeals or on any matter within the jurisdiction of or before the Board of Appeals until it has filed its decision thereon:

, or do or act anything in relation thereto.

Proposed by: CHRISTOPHER PERKINS, et al.

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *This citizens' petition article requires the Zoning Board of Appeals to obtain Town Meeting approval when the Board changes their rules and regulations.*

ARTICLE 3: To see if the Town will vote to amend the zoning by-laws of the Southborough Code Chapter 174 entitled "Zoning" by striking from Section 174-10(G) the text contained in said Section and inserting the following text in place thereof: "Any person aggrieved by the action of the Planning Board on a site plan approval application may appeal said action to a Court of competent jurisdiction in accordance with M.G.L. c.40A, Section 17.

; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: At Town Meeting

Summary: *This article deletes inter-agency appeal of a Planning Board decision on site plan review by the Zoning Board of Appeals. This process is contrary to the standard for judicial review which is the norm under zoning appeals for Massachusetts cities and towns. This is the language as amended at the April 9, 2018 town meeting.*

ARTICLE 4: To see if the Town of Southborough will vote to borrow and appropriate the sum of \$248,300 for capital repair/maintenance at Kallander Field including the design and construction of drainage improvements on the field, around the field and on the hill that abuts the field to the east, repairs to the field's grading and sodding, and improvements to the field's irrigation and parking lot surfacing; or do or act anything in relation thereto.

Proposed by: KRISTIN LAVAULT, et al.

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *This funding is needed to implement recommended repairs on Kallander Field as identified within the Facilities Master Study. Lack of drainage on most fields including Kallander and the inability to rest them has largely contributed to their current sub-optimal states. Completing these repairs helps to move the town towards an appropriate cycle of resting fields when needed in order to maintain their quality and protect the Town's investment. Kallander Field is located on Kallander Drive off of Rt. 30.*

ARTICLE 5: To see if the Town will vote to amend Chapter 41 of the Code of the Town of Southborough, Massachusetts, entitled Town Meetings, by striking in its entirety Section 41-1 Date and time of Annual Town Meeting, and replacing it with the following language:

The Annual Town Meeting for the consideration of all business, other than the election of Town Officers or other matters to be determined by ballot, shall be held during the week in March designated by the Selectmen as "Town Meeting Week". The meeting shall be held on a Saturday commencing at 1:00 p.m. and recessed not later than 5:00 p.m.

In the event that all articles in the warrant have not been acted on, the meeting shall reconvene at 7:00 p.m. on that Saturday, and recess no later than 11:00 p.m. If all articles are not acted on by that time, adjournment of the session shall be to the following Monday night at 7:00 p.m. and then to each succeeding night at 7:00 p.m. until completion of the warrant.

In the event that all articles in the warrant have not been acted on by the end of the Thursday night session, the meeting shall stand adjourned to a time and date agreeable to the meeting. In the event of a secular or other holiday during the Town Meeting Week, that session shall be adjourned to the next night that shall be agreeable to the meeting by majority vote.

; or do or act anything in relation thereto.

Proposed by: KRISTIN LAVAULT, et al.

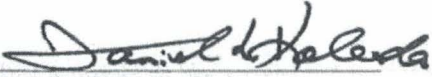
Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *This is a Citizen's Petition for Annual and Special Town Meetings to be held on Saturdays going forward. Current town code calls for Town Meeting to start on a Monday night, which often extends late into the night and across multiple nights. This timing creates challenges for people to attend across multiple demographics in the town. For those who do attend, the number of people who remain in attendance declines as the night progresses often leaving key votes for the town being decided by a few hundred people or less. The month of March versus April offers a time between seasons where, in general, fewer extra-curricular activities are in progress enabling more to attend.*

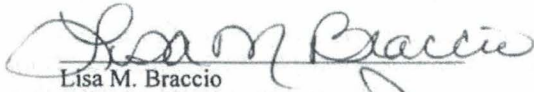
And you are to give notice hereby by posting true and attested copies of the Warrant on the Town website, the Southborough Town House, 17 Common Street, Southborough Senior Center, 9 Cordaville Road, Southborough Library, 25 Main Street, Southborough Transfer station, 147 Cordaville Road; fourteen (14) days at least before the time appointed for such meeting.

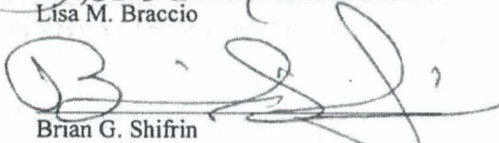
Given under our hand this first (1st) day of May, 2018.


Daniel L. Kolenda, Chairman

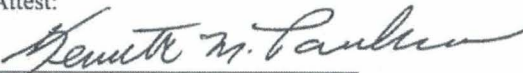

Brian E. Shea, Vice-Chairman


Bonnie J. Phaneuf


Lisa M. Braccio


Brian G. Shifrin

BOARD OF SELECTMEN OF THE TOWN OF SOUTHBOROUGH

Attest:

Kenneth M. Paulhus, Constable

BLATMAN, BOBROWSKI & HAVERTY, LLC

ATTORNEYS AT LAW

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CONCORD, MA 01742
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Legal Opinion Articles 1
and 2 per M.Hoolahan
05.22.18

GINNY SINKEL KREMER
GINNY@BBHLAW.NET

The Office has reviewed the first two Articles contained on the Warrant for the Southborough Special Town Meeting to be held on May 22, 2018. We are also in possession of a May 1, 2018, opinion submitted by the law firm Mead Talerman and Costa, LLC (“MTC opinion”), in which it calls into question the legality and “wisdom” and necessity of those two warrant articles. Below please find our opinion on the various matter set forth.

Article 1

Article 1, a Citizen’s Petition, proposes to reinstate long standing provisions of the Town Code relative to proceedings before the Zoning Board of Appeals (ZBA) that were recently deleted.¹ Specifically, Article 1 seeks to:

- reinstate the four-member quorum requirement (Meetings; Hearings; Quorum, sections A and B);
- clearly set forth the order of proceedings (Meetings; Hearings; Quorum, sections C and D); and
- ensure that ZBA members who hear and decide matters are free from conflicts of interest (Meetings; Hearings; Quorum, section B; Disqualification of Members, Section A).

1. The Four Member Quorum Requirement.

Pursuant to the Home Rule Amendment of the Massachusetts Constitution, cities and towns have broad powers “to exercise any power or function . . . as long as the exercise of these powers is not inconsistent with the Constitution or” the General Laws. Rayco Inv. Corp. v. Board of Selectmen of Raynham, 368 Mass. 385, 392 (1984). With respect to the quorum requirement, contrary to the opinion provided by Mead Talerman and Costa, LLC (“MTC opinion”), which cites to no legal authority, there is no conflict with state law.² Simply stated, the MTC opinion appears to confuse and conflate the quorum requirement with the voting requirement, even though they are entirely distinct requirements.

The word “*quorum*” is the term for the minimum number of members of a deliberative body that must be present in order to hold a meeting. Sesnovich v. Board of Appeal of Boston, 313 Mass. 393, 397-398 (1943). In contrast, a *voting* requirement specifies the minimum number of votes required to approve an application, such as a majority or a super majority. See, e.g., G.L. c. 40A, § 9 (“A special permit issued by a special permit granting authority shall require a two-thirds vote of boards with more than five members, a vote of at least four members of a five

¹ These provisions were codified in the Southborough Town Code at § 249-3A and 3B.

² The MTC Opinion incorrectly denotes the quorum requirement as the “second proposed by law”; in actuality, it is Article 1.

member board, and a unanimous vote of a three member board.”). Article I seeks only to set the quorum requirement and has no impact on the number of votes required to approve any given application.

The great majority of matters typically within the jurisdiction of Boards of Appeals require, by virtue of state laws, four affirmative votes for approval. For example, G.L. c. 40A, § 9 (special permits) and § 10 (variances) require the affirmative vote of four members of a five member board. Clearly the establishment of a four-member quorum requirement is not at all inconsistent with these laws. Likewise, for those much less common matters that require only majority approval (three out of five votes) under state law--including applications for comprehensive permits filed pursuant to G.L. c. 40B--a four-member quorum requirement has no impact on the *quantum* of votes required for approval; only three votes of the five-member board are required. In other words, in 40B proceedings, an application could be approved by a vote of 3-2. Thus, it is our opinion that a four-member quorum requirement does not in any way conflict with Chapter 40B or any other state law.

With respect to the assertion that a four-member quorum requirement is “a change from established and existing practice,” our understanding is that is actually not the case. For many years, the Southborough ZBA has recognized the Code’s four-member quorum requirement and has acted accordingly. Moreover, because the Code provides for two associate (or alternate) members, there are seven Board members capable of sitting on any particular application. Thus, it should not—and has not—proved difficult to assemble four of seven members even in the case of absence, illness, or conflict. Indeed, it is generally in an applicant’s best interest to have as many members of the Board as possible in attendance in order to maximize odds of approval.

2. Conflict of Interest.

a. “Personal Interest” Provision

Part B of the proposed changes to the ZBA’s meetings, hearings, and quorum requirements seeks to add the following language: “No [ZBA] member shall hear or decide an appeal in which he or she is directly or indirectly interested in a personal or financial sense.” This proposed requirement is largely redundant of state law. Specifically, under G.L. c. 268A, § 19(a), a ZBA member--like all Board and Committee members--cannot participate in any matter in which “he, his immediate family or partner, . . . has a financial interest”

Nonetheless, again citing no authority, the MTC opinion states that the term “personal interest” “is too vague and undefined as to be enforceable.” To the contrary, “personal interest” is and has been an easily understood term used frequently in the context of conflicts of interest decisions. See, e.g., Maling v. Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, 473 Mass. 336 (2015) (Discussing Rule 1.7 of the Massachusetts Rules of Professional Conduct, which applies to conflicts of interests between clients, as providing limits on representation where there is a conflict with the “*personal interest*” of the attorney); Corcoran v. Thomas, 6 Mass. App. Ct. 190 (1978) (discussing a situation in which trustees of a land development business employed one of their number as a broker to handle sales of the parcels. Said the Court: “It was held (correctly, we think) that it was a conflict of interest for the trustees thus to benefit one of their number and for one serving as trustee to have a *personal interest* in the sale of lands comprising the trust property.”); see also Barry v. Historic District Commission of the Borough

of Litchfield, 950 A. 2d 1 (Ct. App. Ct. 2008) (“Public policy requires that a member of a public board or commission refrain from placing himself or herself in a position in which *personal interest* may conflict with public duty. A *personal interest* has been defined as an interest in either the subject matter or a relationship with the parties before the zoning authority impairing the impartiality expected to characterize each member of the zoning authority. A *personal interest* can take the form of favoritism toward one party or hostility toward the opposing party; it is a personal bias or prejudice which imperils the open-mindedness and sense of fairness which a zoning official in our state is required to possess.”).

At bottom, this is a matter of local control. Town Meeting voters can be trusted to understand the uncomplicated term “persona interest.” Should they wish to make clear that ZBA members who have personal interests in a matter before them are disqualified from acting on that matter, they can vote in the affirmative. If not, they can vote in the negative.

b. Disqualification Provisions

The second part of Article 1, entitled “disqualification of members,” proposes the following:

- where a ZBA member has a potential conflict of interest regarding the subject of a particular matter before the Board, the member must contact the State Ethics Commission and request an opinion regarding the potential conflict. Where the Commission determines that there is a conflict, the member is disqualified from participating in that matter.
- Members are required to file Conflict of Interest forms with the Town Clerk and the ZBA before the matter is heard.

As the MTC opinion acknowledges, G.L. c. 268A, the Commonwealth’s Law regulating the Conduct of Public Officials, already precludes members of all local Boards and Committees from participating in matters in which they have a conflict of interest. Viewed in that light, the first part of this proposal seems to be a restatement of existing requirements.

Contrary to the MTC opinion, however, the proposal does not require a ZBA member to “refrain from acting if there is a mere appearance of conflict.” Although perhaps inartful, the language of the proposal merely requires that the member request an opinion from the Commission where the member “has any conflict of interest or appearance of conflict of interest pertaining to the subject matter of the particular case.” Should the Commission opine that there is no conflict, there is nothing in the proposal that requires disqualification of the member. Indeed, if there is an appearance of conflict, any member of a Board or Committee should protect themselves by requesting the Commission’s opinion, whether that is included in local rules or not. If the Commission finds a conflict, the member should and must recuse him/herself; if it does not, s/he is protected from later claims that there was a conflict, and the Commission will direct the member with respect to any disclosures that can or should be filed.

With respect to the second part of this proposal, the Town Clerk has for many years utilized a conflict form. Thus, this also appears to be existing and established local practice, as it is in many towns. The MTC opinion states that requiring a member to fill out a conflict form and file it with the Town Clerk is “illegal,” but again cites no authority in support of that

proclamation. Again, should voters wish to maintain this practice, they can vote in the affirmative. If not, they can vote in the negative.

Article 2

Article 2 proposes that the Town Meeting vote to add the words “subject to the approval of Town Meeting” to the Code (Ch. 174-25A) and/or the Zoning By Law for all proposed changes to the ZBA’s rules and regulations (hereafter referred to as “ZBA Rules”).

Under G.L. c. 40A Section 12, “[t]he board of appeals shall adopt rules, not inconsistent with the provisions of the zoning . . . by-law for the conduct of its business and for purposes of this chapter and shall file a copy of said rules with the . . . town clerk.” Nothing in the language of the statute would make Town Meeting approval of changes to the ZBA Rules illegal or even inappropriate.

With respect to whether Town Meeting approval of changes is “wise “ or “practical,” that decision is to be made locally, by Town Meeting voters. Although the MTC opinion fears that such a requirement “would be very cumbersome”, would “slow the function of the ZBA”, and would “adversely affect the lion’s share of applicants”, there is absolutely no explanation for why this would be the case. To the contrary, until such time as changes to the ZBA Rules are made and approved, the ZBA would operate under its existing Rules, and thus there is no reason such a requirement would “slow the function of the ZBA.” Additionally, our understanding of the history of amendments to the ZBA Rules is that there has been one major update, and three very minor updates, in the past four plus *decades*. Thus, if history proves a reliable guide, requiring Town Meeting approval of ZBA Rules changes would arise about once every ten years. Moreover, our understanding of the 2007 update is that the ZBA’s own amendment process spanned four or five months. There was apparently nothing in that update—or any later update—that was time critical or could not wait for Town Meeting approval.

Essentially, this is again a matter of local control. Should the voters decide that amendments to the ZBA Rules should be reviewed and approved by Town Meeting, they can vote in favor of this Article. If not, they can vote against it.

ORIGINAL WARRANT ARTICLE

To require a quorum of four (4) members of the Zoning Board of Appeals or their alternates to hold public hearings on any and all matters before them, and to further require that the following provisions be made a permanent part of the Town Code, effective upon being filed with the Town Clerk:

Zoning Board of Appeals: Meetings; Hearings; Quorum

- A. Five members of the Board shall be present at every hearing. Four members may hold a hearing and act on the matter before the Board, provided that the interested parties assent thereto before the hearing opens. Any hearing may be adjourned for any reason by the Board, or by any member in case of the absence of a quorum, to a later date by a statement to that effect at the hearing, and the hearing as so adjourned from time to time may be held without any further notice, unless the Board shall vote that such notice shall be given.
- B. The Board will hold public hearings on all applications submitted to it. A quorum shall consist of four members or their alternates. No member shall appear or represent any person in any matter pending before the Board. No member shall hear or decide an appeal in which he or she is directly or indirectly interested in a personal or financial sense.
- C. The hearings will proceed as follows:
 - (1) The Chairman will call the meeting to order and read the notice of hearing as it appeared in the paper.
 - (2) The applicant or his representative shall present the case to the Board.
 - (3) The abutters to the property present at the hearing shall be heard and duly recorded.
 - (4) Any other interested parties present at the hearing shall be heard.
 - (5) Town representatives shall be heard (Planning Board, Selectmen, other boards, etc.).
 - (6) The Chairman shall inform those present at the hearing as to the time requirements, under MGL c. 40A, § 21,[1] for appealing the decision of the Board. [1] Editor's Note: See MGL c. 40A, § 17, Judicial Review
- D. Hearings before the Board:
 - (1) All hearings of the Board shall be open to the public
 - (2) The transcript of each hearing shall state the members of the Board present and other persons who speak at the hearing and shall contain a summary of the evidence given.
 - (3) The transcript shall be signed by the Secretary or Acting Secretary.

Zoning Board of Appeals: Disqualification of Members

A. Members and alternates shall be responsible for contacting the State Ethics Commission for a conflict of interest opinion and disqualifying themselves from participation in the deciding of any case coming before the Board where the member or alternate has any conflict of interest or appearance of conflict of interest pertaining to the subject matter of the particular case. Members and alternates are required to file Conflict of Interest (COI) Forms with the Town Clerk and BOS before the case is heard.

PROPOSED REVISIONS (TRACKED CHANGES in RED)

To require a quorum of four (4) members of the Zoning Board of Appeals or their alternates to hold public hearings on any and all matters before them, and to further require that the following provisions be made a permanent part of the Town Code, effective upon being filed with the Town Clerk:

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- D. Hearings before the Board:
 - (1) All hearings of the Board shall be open to the public
 - (2) The ~~transcript~~ **minutes** of each hearing shall state the members of the Board present and other persons who speak at the hearing and shall contain a summary of the evidence given.
 - (3) The ~~transcript~~ **minutes** shall be signed by the Secretary or Acting Secretary.

Zoning Board of Appeals: ~~Disqualification of Members~~ **Conduct**

- A. **Zoning Board of Appeals (ZBA) members are municipal employees covered by the conflict of interest law (Chapter 268A of the General Laws).**
- B. In addition to **complying with the requirements of** Mass Gen Law Chapter 268A, ~~Members and alternates shall be responsible for contacting the State Ethics Commission for a conflict of interest opinion and disqualifying themselves from participation in the deciding of any case coming before the Board where the member or alternate has any conflict of interest or appearance of conflict of interest pertaining to the subject matter of the particular case.~~ members and alternates are required to file **any necessary** Conflict of Interest (COI) Forms with the Town Clerk and ~~BOS~~ **Board of Selectmen** before ~~the~~ **a case related to such a conflict** is heard.

FINAL LANGUAGE (TO BE AMMENDED ON TOWN FLOOR)

To require a quorum of four (4) members of the Zoning Board of Appeals or their alternates to hold public hearings on any and all matters before them, and to further require that the following provisions be made a permanent part of the Town Code, effective upon being filed with the Town Clerk:

Zoning Board of Appeals: Meetings; Hearings; Quorum

- A. Five members of the Board shall be present at every hearing. Four members may hold a hearing and act on the matter before the Board, provided that the interested parties assent thereto before the hearing opens. Any hearing may be adjourned for any reason by the Board, or by any member in case of the absence of a quorum, to a later date by a statement to that effect at the hearing, and the hearing as so adjourned from time to time may be held without any further notice, unless the Board shall vote that such notice shall be given.
- B. The Board will hold public hearings on all applications submitted to it. A quorum shall consist of four members or their alternates. No member shall appear or represent any person in any matter pending before the Board. No member shall hear or decide an appeal in which he or she is directly or indirectly interested in a personal or financial sense.
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- D. Hearings before the Board:
 - (1) All hearings of the Board shall be open to the public
 - (2) The minutes of each hearing shall state the members of the Board present and other persons who speak at the hearing and shall contain a summary of the evidence given.
 - (3) The minutes shall be signed by the Secretary or Acting Secretary.

Zoning Board of Appeals: Conduct

- A. Zoning Board of Appeals (ZBA) members are municipal employees covered by the conflict of interest law (Chapter 268A of the General Laws).
- B. In addition to complying with the requirements of Mass General Law Chapter 268A, members and alternates are required to file any necessary Conflict of Interest (COI) Forms with the Town Clerk and Board of Selectmen before a case related to such a conflict is heard.

Town of Southborough
PLANNING BOARD

17 COMMON STREET
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
508-485-0710

RECEIVED
TOWN CLERK'S OFFICE

2018 MAY 22 A 9:08

SOUTHBOROUGH, MA

JF/A

May 21, 2018

Board of Selectmen
Town of Southborough
17 Common Street
Southborough, MA 01772

RE: Planning Board Final Report on Special Town Meeting Article 3, referring to proposed change to Town of Southborough Zoning Bylaw Section 174-10(G)


Dear Board of Selectman:

Attached is the Final Report of the Planning Board.

In accordance with M.G.L. Chapter 40A Section 5, the Planning Board recommends favorable action on Special Town Meeting Article 3 at the Special Town Meeting on May 22, 2018. This article was formerly known as Article 32 of the Annual Town Meeting held on April 9, 2018. Article 32 was unfavorably acted upon by the April 9, 2018 Annual Town Meeting.

The Report recommends favorable action on Article 3 of the Special Town Meeting.

Sincerely,
Thank you,



Donald C. Morris
Chairman, Planning Board

Attachment: The Final Report of the Planning Board-Special Town Meeting Article 3

**THE FINAL REPORT OF THE PLANNING BOARD
SPECIAL TOWN MEETING ARTICLE 3**

This Final Report pertains to Article 3 of the Special Town Meeting. This article was formerly known as Article 32 of the Annual Town Meeting held on April 9, 2018. Article 32 was unfavorably acted upon by the April 9, 2018 Annual Town Meeting. A Planning Board Public Hearing for Special Town Meeting Article 3 was opened on May 14, 2018 and continued to May 22, 2018.

In accordance with MGL Chapter 40A Section 5, which states:

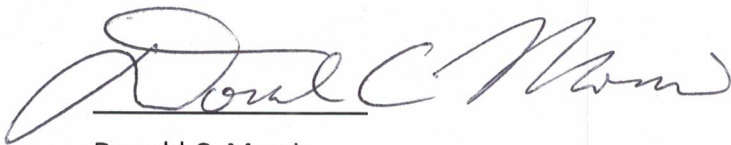
“No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board.”

The Planning Board at its Public Meeting held on May 21, 2018 discussed the merits of reconsideration by Special Town Meeting which takes place within two years from the date of the unfavorable action. After discussion, the Planning Board voted unanimously 5/0 to recommend the adoption of Article 3 and for reconsideration for the following reasons:

1. The Site Plan Approval process is a complex process requiring review of a wide range of technical information including plans and documents regarding existing and proposed site features. It requires coordination with other Town departments and the engineering review consultants. The process also requires a thorough understanding of the Zoning requirements and applicable State and Federal regulations and the ability to interpret and assure that the submittal is in compliance with regulatory requirements. The Planning Board considers it inappropriate to appeal the Planning Board's action relative to Site Plan Approval to another Town board with less experience/expertise in site plan review. ZBA currently lacks the formal published process/procedure for managing of Planning Board Site Plan appeal.
2. The current process creates opposition between Town boards. It creates a problem when pitting two Town boards against each other. We should not have a bylaw that one Town board overrules another Town board as well as causes conflict with Town Counsel representation. Town Counsel cannot represent both independent boards that have conflicting opinions over a decision, leaving one board without representation or alternatively requiring selectmen to provide additional Special Counsel.
3. The vast majority of Cities and Towns in Massachusetts do not handle site plan appeals by advancing to the ZBA. The Land Court questioned Southborough's existing site plan appeal process. In addition, the Citizens Planner Training Collaborative (CPTC) provides training to both Planning Boards and Zoning Boards of Appeal. The CPTC includes UMass Center for Agriculture, Food and Environment, Department of Housing & Community Development, Massachusetts Association of Planning Directors,

Massachusetts Regional Planning Agencies, Massachusetts Chapter of American Planning Association, and Massachusetts Audubon and recommends "It is probably not good practice to pit one local board against another by authorizing appeals to the board of appeals. Communities may want to consider that site plan approval appeals be taken directly to court pursuant to Mass. Gen L. ch. 40A, s.17".

4. It has been stated that the current process provides a low cost/no cost option for residents and small businesses to appeal and allows for an easy second chance. While the Planning Board's site plan approval and conditions may not satisfy all the proponents and abutters, the process requires an extremely thorough review and places great responsibility on the Planning Board to meet zoning requirements, proponent and abutter needs. An appeal to the Courts is considered a neutral and experienced jurisdiction.
5. The path to appeal all Planning Board Decisions except for Site Plan Approval is to the appropriate Court. This proposed bylaw change would be consistent with all other Southborough Planning Board procedural appeals.
6. The former Annual Town Meeting Article 32 was heard toward the end of the second night of the Annual Town Meeting with lower attendance and failed by only two votes.



Donald C. Morris
Chairman, Planning Board



TOWN OF SOUTHBOROUGH
Planning Board
FORM A

TOWN CLERK'S OFFICE

2018 MAY - 8 A 8:25

Application for Endorsement of Plan Believed Not to Require Approval

The undersigned, believing that the accompanying plan of land in the Town of Southborough does not constitute a subdivision within the meaning of the Subdivision Control Law, for the reasons outlined below, herewith submits two copies of this application, a filing fee (See Fee Schedule) for plans creating new boundary lines, the original tracing suitable for recording, and five of said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

- 1. Name of Applicant Amerco Real Estate Co.
Address 2727 N. Central Ave., Phoenix Arizona
Telephone Number 602-287-7823 Cell #
2. Name of Property Owner Same
Address
Telephone Number Cell #
3. Name of Engineer or Surveyor Engineering Design Consultants, Inc.
Address 32 Turpike Rd., Southboro MA 01773
Telephone Number: 508-480-0225 Cell #: 508-380-9922
4. Deed of property recorded in the Worcester Registry of Deeds, Book 58622 Page 218
5. Location/Address and description of property Firmin Ave

6. Zoning District: Industrial

- 7. Reasons approval is not required (check as applicable):
(a) Every lot shown has the area and frontage required by the Zoning By-law on a way, as defined by Section 81-1, Chapter I 1 of the General Laws and the Southborough Subdivision Rules and Regulations.
(b) Land designated shall not be used as separate building lots(s) but only together with adjacent lots having the required area and frontage as indicated on the plan.
(c) Lot(s) having less than required frontage or area resulted from a taking for public purpose or have been recorded; no land is available to make up the deficiency and the frontage and area of such lots are not being reduced by this plan.
(d) Other (please explain)

Signature of Applicant
Signature of Owner
Application accepted this 8th day of May 2018 as duly submitted under the Rules and Regulations of the Planning Board. By: Karina Quinn

Any material (in addition to that included with the Application Form) that will be referred to by the Applicant (or the Applicant's representatives) at any public hearing or public meeting must be submitted to the Planning Department at least 7 days prior to such hearing or meeting to ensure adequate and proper review by the Board and accessibility to the public. Any material submitted later than this deadline may, at the Board's discretion, constitute a constructive request by the Applicant for a continuation of the hearing if, in the opinion of the Board, the Board, Town staff, or the public have not had adequate time to appropriately consider such material. Applicants should note that this additional material includes amended plans, renderings, visual displays, models, etc., that may have been prepared after the Application Form was filed and are expected to be used by the Applicant during a public hearing presentation.



TOWN OF SOUTHBOROUGH
Planning Board
FORM A

2018 MAY - 8 A 8: 24

SOUTHBOROUGH, MA

Application for Endorsement of Plan Believed Not to Require Approval

The undersigned, believing that the accompanying plan of land in the Town of Southborough does not constitute a subdivision within the meaning of the Subdivision Control Law, for the reasons outlined below, herewith submits two copies of this application, a filing fee (See Fee Schedule) for plans creating new boundary lines, the original tracing suitable for recording, and five of said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

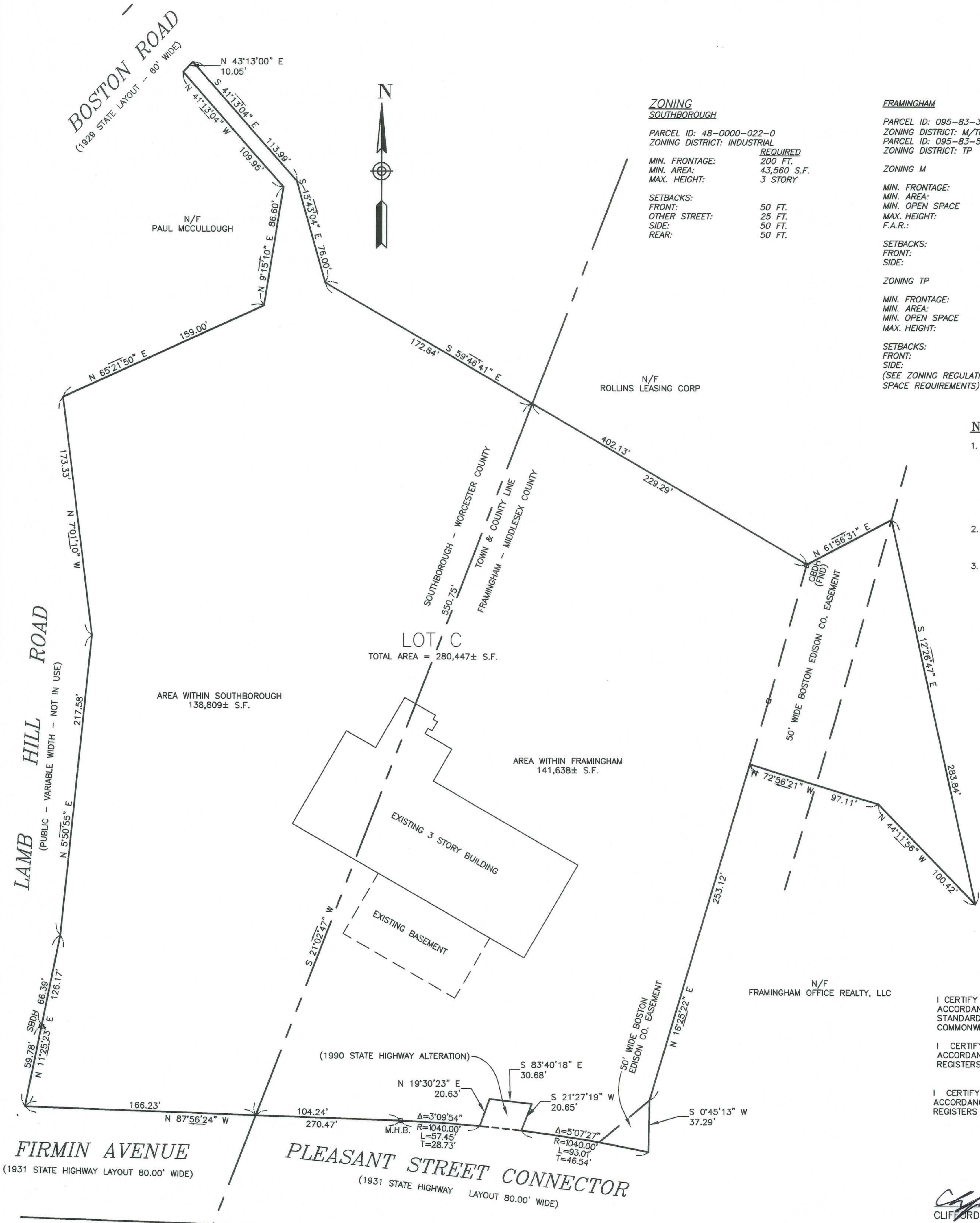
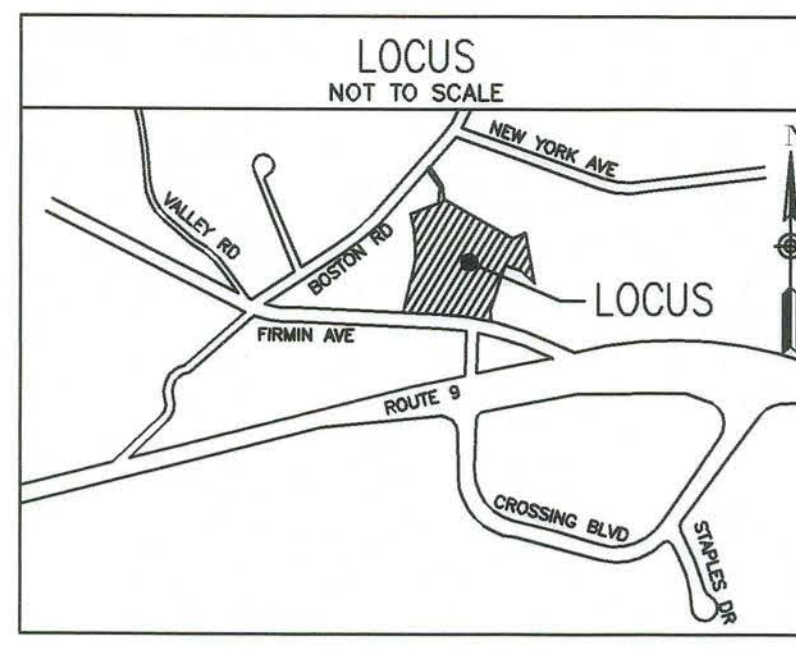
- 1. Name of Applicant Amerco Real Estate Co.
Address 2727 N. Central Ave., Phoenix Arizona
Telephone Number 602-287-7823 Cell # _____
- 2. Name of Property Owner Jane
Address _____
Telephone Number _____ Cell # _____
- 3. Name of Engineer or Surveyor Engineering Design Consultants Inc.
Address 32 Turpike Rd., Southboro MA 01772
Telephone Number: 508-480-0225 Cell #: 508-380-9927
- 4. Deed of property recorded in the Worcester Registry of Deeds, Book 58622 Page 218
- 5. Location/Address and description of property Firmin Ave

6. Zoning District: Industrial

- 7. Reasons approval is not required (check as applicable):
 - (a) Every lot shown has the area and frontage required by the Zoning By-law on a way, as defined by Section 81-1, Chapter I 1 of the General Laws and the Southborough Subdivision Rules and Regulations.
 - (b) Land designated _____ shall not be used as separate building lots(s) but only together with adjacent lots having the required area and frontage as indicated on the plan.
 - (c) Lot(s) having less than required frontage or area resulted from a taking for public purpose or have been recorded _____; no land is available to make up the deficiency and the frontage and area of such lots are not being reduced by this plan.
 - (d) Other (please explain) _____

Signature of Applicant _____
Signature of Owner [Signature]
Application accepted this 8th day of May 2018 as duly submitted under the Rules and Regulations of the Planning Board. By: Karen Quinn

Any material (in addition to that included with the Application Form) that will be referred to by the Applicant (or the Applicant's representatives) at any public hearing or public meeting must be submitted to the Planning Department at least 7 days prior to such hearing or meeting to ensure adequate and proper review by the Board and accessibility to the public. Any material submitted later than this deadline may, at the Board's discretion, constitute a constructive request by the Applicant for a continuation of the hearing if, in the opinion of the Board, the Board, Town staff, or the public have not had adequate time to appropriately consider such material. **Applicants should note that this additional material includes amended plans, renderings, visual displays, models, etc., that may have been prepared after the Application Form was filed and are expected to be used by the Applicant during a public hearing presentation.**



ZONING SOUTHBOROUGH
 PARCEL ID: 48-0000-022-0
 ZONING DISTRICT: INDUSTRIAL
REQUIRED
 MIN. FRONTAGE: 200 FT.
 MIN. AREA: 43,560 S.F.
 MAX. HEIGHT: 3 STORY

SETBACKS:
 FRONT: 50 FT.
 OTHER STREET: 25 FT.
 SIDE: 50 FT.
 REAR: 50 FT.

FRAMINGHAM
 PARCEL ID: 095-83-3846
 ZONING DISTRICT: M/TP
 PARCEL ID: 095-83-5965
 ZONING DISTRICT: TP

ZONING M
REQUIRED
 MIN. FRONTAGE: 50 FT.
 MIN. AREA: 6,000 S.F.
 MIN. OPEN SPACE: 20%
 MAX. HEIGHT: 6 STORY(80')
 F.A.R.: 0.32

SETBACKS:
 FRONT: 50 FT.
 SIDE: 15 FT.

ZONING TP
 MIN. FRONTAGE: 100 FT.
 MIN. AREA: 43,560 S.F.
 MIN. OPEN SPACE: 20%
 MAX. HEIGHT: 6 STORY(100')

SETBACKS:
 FRONT: 30 FT.
 SIDE: 15 FT.
 (SEE ZONING REGULATIONS FOR F.A.R. AND OPEN SPACE REQUIREMENTS)

NOTES

1. THE PURPOSE OF THIS PLAN IS TO ACCOUNT FOR CHANGES TO LOT BOUNDARIES AS A RESULT OF THE 1990 MASS HIGHWAY TAKINGS AS DESCRIBED IN BOOK 20821 PAGE 598 AND PLAN 875 OF 1990. THE PLEASANT STREET CONNECTOR HIGHWAY TAKING REMOVED APPROXIMATELY 603± SQUARE-FEET FROM THE SUBJECT PROPERTY. IN ADDITION, LOT 56-C-2 CONSISTING OF APPROXIMATELY 0.478± ACRES AS SHOWN ON PLAN 1088 OF 1994 HAS BEEN COMBINED WITH THE PROPERTY WITH THE RESULTING LOT C AS ILLUSTRATED HEREON.
2. CURRENT OWNER OF RECORD: AMERCO REAL ESTATE CO. 2727 N. CENTRAL AVENUE PHOENIX, ARIZONA
3. PLEASANT STREET CONNECTOR PROVIDES BOTH FRONTAGE AND ACCESS TO THE LOT C AND SAID PLEASANT STREET CONNECTOR IS A STATE HIGHWAY LAYOUT WITH AN APPROXIMATE PAVEMENT WIDTH OF 43-FEET NEAR THE SUBJECT LOT. THE LOT ABUTS BOSTON ROAD IN SOUTHBOROUGH WITH LIMITED FRONTAGE AND ACCESS AVAILABLE. THE LOT IS ALSO LOCATED ACROSS FROM CROSSING BOULEVARD A STATE HIGHWAY LAYOUT OF 76-FEET WIDE WITH AN APPROXIMATE PAVEMENT WIDTH OF 55-FEET NEAR THE SUBJECT LOT.

DEED REFERENCES:

DEED REFERENCE WORCESTER COUNTY; BOOK: 58622 PAGE: 218
 DEED REFERENCE MIDDLESEX COUNTY; BOOK: 70819 PAGE: 341

PLAN REFERENCES:

PLAN 1058 OF 1983, PL. BK 511 PLAN 44
 PLAN 1088 OF 1994, PLAN 875 OF 1990

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

TOWN OF SOUTHBOROUGH

DATE: _____

SUCH ENDORSEMENT SHALL NOT BE DEEMED TO CONSTITUTE ANY DETERMINATION OF COMPLIANCE WITH REQUIREMENTS OF THE ZONING BYLAW.

FOR REGISTRY USE

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

CITY OF FRAMINGHAM

DATE: _____

THIS ENDORSEMENT OF THE PLANNING BOARD SHOULD NOT BE CONSTRUED TO BE A DETERMINATION OF CONFORMANCE WITH THE FRAMINGHAM ZONING BY-LAW, INCLUDING, BUT NOT LIMITED TO, IRREGULARLY-SHAPED LOTS, UPLAND AREA, BUILDABLE LOT, LOT WIDTH, OPEN SPACE, LOT COVERAGE, MINIMUM LOT SIZE, LAND DISTURBANCE AND STORMWATER MANAGEMENT, AND/OR FLOOR AREA RATIO; OR THE FRAMINGHAM GENERAL BY-LAW IN ACCORDANCE WITH ARTICLE 5, SECTION 18, AND ITS IMPLEMENTING WETLANDS PROTECTION REGULATIONS AS WELL AS THE MASSACHUSETTS WETLANDS PROTECTION ACT, M.G.L. CH. 131, SECTION 40 AND ITS IMPLEMENTING REGULATIONS, 310 CMR 10.00. FOR ANY OF THE LOTS SHOWN ON THIS PLAN.

FRAMINGHAM PROPERTY ADDRESS:
 15 PLEASANT STREET CONNECTOR

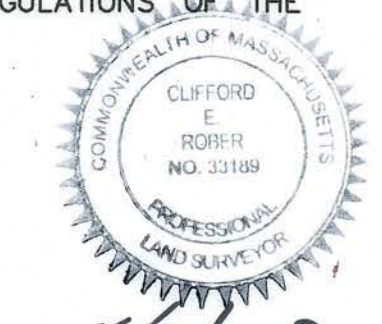
SOUTHBOROUGH PROPERTY ADDRESS:
 0 FIRMIN AVENUE

- LEGEND:**
- CB/DH CONCRETE BOUND/DRILLHOLE
 - DH DRILLHOLE
 - I.P. IRON PIPE/IRON PIN
 - I.R. IRON ROD
 - CB/DH CONCRETE BOUND/DRILLHOLE
 - SBDH STONE BOUND DRILLHOLE
 - BK. PG. DEED BOOK/PAGE
 - FND. FOUND
 - N/F NOW OR FORMERLY
 - MON(TBS) MONUMENT TO BE SET

I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS, TITLE 250 CMR 6.00.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.




CLIFFORD ROBER, PLS 33189

DATE 5/3/2018

PLAN OF LAND
 IN
 FRAMINGHAM / SOUTHBOROUGH, MASSACHUSETTS
 (MIDDLESEX / WORCESTER COUNTY)

PREPARED FOR
AMERCO REAL ESTATE CO
 2727 N. CENTRAL AVENUE
 PHOENIX, ARIZONA

PREPARED BY:
 **Engineering Design Consultants, Inc.**
 32 Turnpike Road
 Southborough, Massachusetts
 (508) 480-0225

SCALE: 1" = 40'

DATE: MAY 3, 2018

CR	WML	WML	CR	DWG FILE: 3589 ANR.dwg
FIELD	CALC	DRAWN	CHECK	PARCEL 3
				PROJECT NO. 3589