

CITY OF MARLBOROUGH MEETING POSTING

Meeting: Planning Board
Date: January 27, 2020
Time: 7:00 PM
Location: Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA

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Agenda Items to be Addressed:

- 1) **Meeting Minutes**
 - A. January 13, 2020
- 2) **Chair's Business**
 - A. Request from Tree Warden re: Joint Public Hearing (Scenic Road/Shade Tree Lower Pleasant and Pleasant)
- 3) **Approval Not Required (Vote)**
 - A. ANR Engineering Review: The Charles Company, LLC, 131 Black Bear Drive S. Waltham, MA 02451
Owners: Richard Chaousis, 283 Bolton St., Marlborough, MA 01752 and Amy Aldrich Goebel, 16 Greybert Ln., Worcester, MA 01602
Location: 309, 315 Stevens Street – Middlesex South Registry of Book 9742 page 362. (Excluding Lot 1 of Plan 467 of 2018) Engineer: The Jillson Company, LLC, 32 Freemont St. S-200 Needham Heights, MA 02494, Representative Kevin O'Leary, PE.
- 4) **Public Hearings (None)**
- 5) **Subdivision Progress Reports (City Engineer- Updates and Discussion)**
 - A. Goodale Estates – Email communication from Solicitor Grossfield RE: Security
 - B. Commonwealth Heights – Email communication from Connorstone Engineering
- 6) **Preliminary/Open Space /Limited Development Subdivision Submissions (None)**
- 7) **Definitive Subdivision Submissions (None)**
- 8) **Signs**
- 9) **Correspondence**
 - A. Town of Littleton Planning Board re: Governor Baker's "Housing Choices Initiative"
- 10) **Unfinished Business (None)**
- 11) **Calendar Updates**
- 12) **Public Notices of other Cities & Towns (None)**

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.

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

January 13, 2020

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Sean Fay, Phil Hodge, George LaVenture, Chris Russ and Matthew Elder. City Engineer, Thomas DiPersio, and Planning Board Administrator, Krista Holmi, were also present.

First order of Business: Planning Board Organizational Meeting – Election of Chairperson and Clerk

Chair Fenby opened the organizational meeting. George LaVenture opened the nominations for Planning Board Chairperson by nominating Ms. Fenby. There were no other nominations for Chairperson. On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to elect Dr. Barbara Fenby as Chairperson of the Marlborough Planning Board for the year 2020. Motion carried. Mr. Fay then nominated Mr. George LaVenture to serve as Clerk of the Planning Board. There were no additional nominations. On a motion by Mr. Fay, seconded by Mr. Hodge, the Board voted to elect Mr. George LaVenture to serve as Planning Board Clerk for the year 2020. Motion carried.

1. Meeting Minutes

A. December 16, 2019

On a motion Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the minutes of December 16, 2019. Motion carried.

2. Chair's Business

A. Proposed 2020 Planning Board Meeting Dates

Ms. Fenby directed the Board to the proposed 2020 meeting dates. With no objection to the proposed dates, on a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the 2020 Planning Board proposed meeting calendar. Motion carried. Additional meeting dates may be added as necessary. As is customary, the Planning Board will generally meet on the same days as the Marlborough City Council.

3. Approval Not Required

A. ANR Application: The Charles Company, LLC, 131 Black Bear Drive S. Waltham, MA 02451

Owners: Richard Chaousis, 283 Bolton St., Marlborough, MA 01752 and Amy Aldrich Goebel, 16 Greybert Ln., Worcester, MA 01602

Location: Stevens Street – Middlesex South Registry of Book 9742 page 362. (Excluding Lot 1 of Plan 467 of 2018) Engineer: The Jillson Company, LLC, 32 Freemont St. S-200 Needham Heights, MA 02494.

Representative Kevin O'Leary, PE, was present to introduce the plan. Mr. O'Leary indicated that the parcel consists of 23+-acres bisected by a City of Marlborough sewer taking. The parcel had been surveyed, and the plan before the Board creates two separate building lots. He described the locus of the plan and indicated that the two lots meet requirements in the A-2 zone, which has a minimum lot size of 18,000 SF and 120 feet of frontage. Mr. LaVenture noted that there is a large area of wetland on the larger Lot 2. He asked Mr. O'Leary whether there was adequate access for the proposed building lot. Mr. O'Leary indicated that Lot 2 has plenty of upland. Lot 2 does fall into the Wetland Protection District, and the plan includes the necessary 20' "no touch buffer". On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to refer the plan to Engineering. Motion carried.

4. Public Hearings (Cont.)

- A. Letter of Withdrawal : Definitive Subdivision Application: Richard and Joan Lavoie, 24 Clearview Drive and Richard Archibald, 18 Clearview Drive. Engineer: Robert Parente, 118 Deerfoot Rd., Southborough, MA 01772. Description of Property: 18 and 24 Clearview Drive, Marlborough, MA 01752
Mr. LaVenture read the December 23, 2019 letter from project engineer, Robert Parente. On behalf of the property owners, he requested withdrawal of the Definitive Subdivision Plan at 18 and 24 Clearview Drive. His clients will move forward with a plan for exclusive use areas instead. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to file the correspondence and to accept the withdrawal the referenced definitive plan on Clearview Drive. Motion carried.

5. Subdivision Progress Reports (City Engineer, Updates and Discussion)

- A. Goodale Estates – Mr. LaVenture read portions of the draft “Standby Irrevocable Letter of Credit” submitted by the property owner, Kevin Gillis. His attorney has been working on an acceptable form of surety. Mr. Gillis was not present at the time of the initial discussion. The Board noted a line of credit is not one of the forms of surety mentioned in the City’s subdivision rules and regulations, and the draft form will require additional review. On a motion by Mr. Elder, seconded by Mr. LaVenture, the Board voted to refer the matter to the City Solicitor and City Comptroller for review and recommendation. Motion carried.
- B. Release of Lot from Covenant of Restrictions – “Elmview at Marlboro” subdivision.
Mr. LaVenture read a portion of the January 3, 2020 letter from Assistant City Engineer Collins into the record. Katie Sheehan, an attorney working for the owners of 29 Leonard Drive (lot 6) in the “Elmview at Marlboro” subdivision requests a Release of Lots from Covenant of Restrictions. The original release was acted upon on August 14, 1974, but the release was never recorded at the South Middlesex Registry of Deeds. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the Assistant City Engineer’s letter with the provided historical backup and to execute the document “Certificate of Performance Release of Lots from Covenant of Restrictions” for lots 2 through 7. Motion carried. The release will be returned to Attorney Sheehan for recording.

6. Preliminary/Open Space /Limited Development Subdivision Submissions

- A. Correspondence from Brown Rudnick LLP re: 339 Boston Post Road East
Planning Board Administrator Holmi indicated she had received the included email communications from the attorneys at Brown Rudnick stating they wished to withdraw the preliminary subdivision filing for 339 Boston Post Road East. Brown Rudnick had previously requested to present the plan at the January 13th meeting. Attorney Sampson said a formal communication would arrive by January 10, 2020. As of the meeting date on January 13, the correspondence had not arrived. On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to accept and file the email correspondence. Motion carried.

7. Definitive Subdivision Submissions (None)

8. Signs

- A. Application for Sign Appeal/Variance to Planning Board – 601 Donald J. Lynch Blvd. Pretorius Sign on behalf of Talbots.
Ms. Fenby opened the sign hearing. Jeffrey Cooke, Building Commissioner, was present to address the sign permit denial for which the applicant is seeking a variance. Two issues exist: The total allowed flat wall signage on the mall is limited to 200 square feet. This limitation is detailed in a variance approved by the Marlborough Planning Board on May 6, 1996. The 1996 variance did not expressly allow for any tenant flat wall signage, so the flat wall sign allowance is already consumed with general mall signs. The second issue detailed in the denial letter is that Talbots is not located on the façade for which the flat wall sign is requested.

During the discussion, member LaVenture noted that Talbots is owned by a private equity firm that owns other mall tenants. As a cautionary comment, he wondered how long it would be before another tenant may request external flat wall signage.

Rich Pretorius of Pretorius sign was present to represent Talbots. Mr. Pretorius indicated that Talbots previously had external signage on the mall, but since moving to a consolidated space on the other side of the mall hallway, they no longer do. He explained Talbots requires the signage, since many people now mistakenly believe that the store is closed. The mall has authorized the sign, (subject to any applicable permits or requirements). The proposed sign will be located beneath the Old Navy sign on the Donald Lynch Blvd. side. Old Navy has already received a sign permit from the Building Department. The proposed Talbots sign is approximately 41 square feet.

Mr. Elder spoke in favor of the proposed sign. The sign, he felt, did not detract from the building and noted it was consistent with other signage on the building. Mr. Fay also commented that for the mall, he also did not see a problem with the signage. His consideration of the mall's size and isolated location factored into his generally favorable opinion of the variance request. He noted that if the request was for sign expansion in the downtown area, his opinion would be much different.

Ms. Fenby has knowledge of the mall's original 1996 variance request. An overall review of the original mall variance may be in order. While tenant signs were not originally contemplated for signage on the mall, current market conditions may warrant a review of allowed signage. Ms. Fenby and Commissioner Cooke agreed that reviewing the original variance with the property owner and adjusting the variance, if necessary, was preferred over addressing individual tenant variance requests. Ms. Fenby suggested that the Marlborough Economic Development Corporation (MEDC) may be an appropriate review body.

Council President Ossing was present and requested the opportunity to address the Board. Granted. President Ossing said that it may be time to review the sign ordinance in its entirety. There was a concerted effort years ago that stalled, but it may be time to revisit language in the ordinance and he would like to establish a working group to suggest possible changes.

On a motion by Mr. Elder, seconded by Mr. Fay, the Board voted to grant the variance request of Pretorius Electric on behalf of Talbots. The Board believed that the sign ordinance did not contemplate a project of this nature, and to grant relief at this time would not substantially derogate from the intent and purpose of this ordinance. Motion Carried. On a motion by Mr. Elder, seconded by Mr. LaVenture, it was voted to refer the 1996 mall variance to the MEDC for review and potential modification. Motion carried.

Kevin Gillis, owner of the Goodale Estates subdivision property, arrived late to the meeting. On a motion by Mr. Fay, seconded by Mr. Elder, the Board voted to return to item 5A., Goodale Estates, for a discussion of the proposed surety for the project.

5) Subdivision Progress Reports (City Engineer- Updates and Discussion, Continued.)

A. Goodale Estates – Surety discussion.

Mr. Gillis has submitted a draft security in the form of a standby irrevocable line of credit as a condition of the item 6 of the Goodale Estates covenant. *6. Prior to release by the Planning Board of any Lots shown on the Plan from the terms of this Covenant, the Covenantor shall deposit with the City of Marlborough a performance bond in an amount to be determined by the Planning Board, said bond to be secured by the posting of cash, or by surety company bond or by such other form of security as may be approved by the Planning Board.*

Mr. Gillis questioned why the Board could not approve the surety at this time. He wishes to obtain lot releases, so that the lots can be conveyed and building permits obtained.

Mr. Fay pointed out that this draft form of security had not been formally reviewed by the Solicitor's office. The Board has many years of collective experience, and a line of credit is not the usual form of security. To the Board's recollection, this form of security has never been presented.

Mr. Gillis said the form should be acceptable, he has provided draft deeds for the roadway and municipal easements as well as a certificate of insurance. Ms. Fenby informed Mr. Gillis that the Board voted earlier to refer the proposed security to the Solicitor's office, who shall, according to the City's regulations, approve as to form and manner of execution and to the City Comptroller (Treasurer) to approve as to sureties. The release document cannot be voted on until the Board has these department reviews.

9. Correspondence

- A. Final Decision of the Energy Facilities Siting Board – NSTAR Electric Company, dba Eversource Energy EFSB 17-02/DPU 17-82/17-83

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the correspondence. Motion carried.

10. Unfinished Business (None)

11. Calendar Updates

- A. 1-27-20 : Vote due on ANR Application of The Charles Company, LLC, 131 Black Bear Drive S. Waltham, MA 02451. (Stevens Street)

12. Public Notices of other Cities & Towns (None)

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to adjourn the meeting of the Planning Board. Motion carried.

Respectfully submitted,

/kih

George LaVenture/Clerk



City of Marlborough
Department of Public Works

135 NEIL STREET
 MARLBOROUGH, MASSACHUSETTS 01752
 TEL. 508-624-6910
 *TDD 508-460-3610

JOHN L. GHILONI
COMMISSIONER

January 23, 2020

Ms. Barbara Fenby, Chairperson
 Marlborough Planning Board
 Administrative Office
 135 Neil St.
 Marlborough, MA 01752

Dear Chair Fenby:

In accordance with the requirements of the Code of the City of Marlborough, "Scenic Roads Act", and MGL Chapter 40, section 15C and Chapter 87, Sec 3,4,5 of the General Laws with respect to the removal of trees located within the limits of the public way, I am requesting that a joint public hearing date be set with the Planning Board and Forestry Division. The proposed work is associated with the project, **Resurfacing and Appurtenant Work of Lower Pleasant and Pleasant (Berlin Road to Lincoln St.)**.

A recommended date for the Public Hearing is Monday, February 24, 2020 during a regular meeting of the Planning Board.

Christopher White, Tree Warden
 City of Marlborough
 (508)624-6910 ext. 33601
cwhite@marlborough-ma.gov



City of Marlborough
Department of Public Works

135 NEIL STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. 508-624-6910
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JOHN L. GHILONI
COMMISSIONER

January 23, 2020

Dr. Barbara L. Fenby, Chairperson - Marlborough Planning Board
c/o Krista Holmi – Planning Board Administrator
135 Neil Street
Marlborough, MA 01752

RE: ANR – 309& 315 Stevens Street

Dear Dr. Fenby:

Pursuant to the request from the Planning Board on January 13, 2020, our office has reviewed the following plan, which proposes to create two buildable lots on Stevens Street;

“309 & 315 Stevens Street Subdivision Approval Not Required”
Plan of Land in Marlborough, Mass

Applicant: The Charles Company, LLC
131 Black Bear Drive S-1912,
Waltham, MA 02451

Prepared by: The Jillson Company, Inc.
32 Fremont Street S-200,
Needham Heights, MA 02494

Date: January 6, 2020

The purpose of the plan is to create two building lots with frontage on Stevens Street out of an existing 23 ± acre parcel of undeveloped land.

- Lot 3, shown as #315 Steven Street, containing 64,017 square feet (1.47 ± acres), having 121.29 feet of frontage along Stevens Street – a Public Way.
- Lot 2, shown as #309 Stevens Street, containing 142,459 square feet (3.27 ± acres), having a total of 240.92 feet of frontage along Stevens Street – a Public Way.
- The remainder of the property is noted on the plan as Lot 4, with a remaining area of 20.5 ± acres.

Lots 3 and 2, have the required area and the required area for frontage for property in a Residence A-2 zone and have "present adequate access" on Stevens Street. Both lots also meet the "Lot Shape" requirement.

Should you have any question regarding the above, please do not hesitate to contact me at (508) 624-6910.

Sincerely,

A handwritten signature in blue ink, reading "Thomas DiPersio, Jr." with a stylized flourish at the end.

Thomas DiPersio, Jr. , P.E., P.L.S.
City Engineer

cc: John L. Ghiloni – DPW Commissioner

From: [Jason Grossfield](#)
To: [Krista Holmi](#); [Jason Piques](#)
Cc: [Barbara Fenby](#); [Thomas DiPersio](#)
Subject: RE: Goodale Estates - Security now a bond
Date: Thursday, January 23, 2020 11:47:15 AM

Hello Krista - I am writing regarding the above item to update the Planning Board. Based on your e-mail below, it is my understanding the applicant will seek to provide a bond as security, rather than a letter of credit. Our office has not received a proposed form of bond from the applicant, and we will await the applicant's proposed bond before proceeding further in reviewing this matter.

Thanks,
 -Jason

Jason D. Grossfield
 City Solicitor
 City of Marlborough
 City Hall, 4th Floor
 140 Main Street
 Marlborough, MA 01752
 T: (508) 460-3771
 F: (508) 460-3698
jgrossfield@marlborough-ma.gov

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From: Krista Holmi <kholmi@marlborough-ma.gov>
Sent: Tuesday, January 21, 2020 10:53 AM
To: Jason Grossfield <jgrossfield@marlborough-ma.gov>; Jason Piques <jpiques@marlborough-ma.gov>
Cc: Barbara Fenby <sohohinny@aol.com>
Subject: Goodale Estates - Security now a bond

I received a communication from Kevin Gillis late Friday that he is now going with a bond instead of a line of credit to secure the completion of the subdivision. The attached release is modeled after Framingham and exclusively releases lots for sale and building, but does not release any other obligation of the covenant. Will this work? I sent you several other examples last week.

I assume Kevin has or will be sending you some sort of bond and or bond and agreement? Let me know the status by tomorrow so I can plan the agenda for the 27th.

Thanks.

From: Vito Colonna
To: [Krista Holmi](#); sweiss@gutierrezco.com
Cc: [Barbara Fenby](#); [Thomas DiPersio](#)
Subject: Re: Commonwealth Heights Update
Date: Thursday, January 23, 2020 9:39:33 AM

Hi Krista,

We were planning on updating the Board at the February 10th meeting after we had a chance to meet with Tim.

Hopefully at that point we should have most of the outstanding issues taken care of.

Thanks for following up.

-Vito

From: [Krista Holmi](#)
Sent: Wednesday, January 22, 2020 2:39 PM
To: [Vito Colonna](#) ; sweiss@gutierrezco.com
Cc: [Barbara Fenby](#) ; [Thomas DiPersio](#)
Subject: FW: Commonwealth Heights Update

Scott and Vito,

I spoke briefly with Tom DiPersio. Tim Collins is on vacation until the 28th, but I understand that you have a meeting scheduled with Engineering on January 29? Will you have anything to share with the Board for January 27, or will you plan on attending the February 10 Planning Board meeting?

Krista

Krista Holmi
 Engineering & Planning Board Administrator
 City of Marlborough
 Department of Public Works
 135 Neil Street
 Marlborough, MA 01752
kholmi@marlborough-ma.gov
planning_board@marlborough-ma.gov

(508) 624-6910 x33200

From: Krista Holmi



PLANNING BOARD

P.O. Box 1305
Littleton, Massachusetts 01460



January 15, 2020

Selectboard of Marlborough
140 Main Street
Marlborough, MA, 01752

Marlborough Planning Board
140 Main Street
Marlborough, MA, 01752

Dear Board Members:

The Littleton Board of Selectmen, Planning Board, and Affordable Housing Trust offer a counterpoint to Needham's letter of October 22, 2019 regarding House Bill 3507 – Governor Baker's "Housing Choices Initiative".

The Littleton Board of Selectmen and Planning Board sent the attached letter to our legislative delegation. We encourage all to join the conversation.

If you have any questions or need additional information, please contact Town Planner Maren Toohill or Town Administrator Nina Nazarian.

Sincerely,

Maren A. Toohill, AICP
Littleton Town Planner



TOWN OF LITTLETON

OFFICE OF THE BOARD OF SELECTMEN

37 SHATTUCK STREET, P.O. BOX 1305
LITTLETON, MASSACHUSETTS 01460
(978) 540-2460

January 13, 2020

Governor Charles D. Baker
State House, Room 280
Boston, MA 02133

Senator James B. Eldridge
State House, Room 320
Boston, MA 02133

Representative James Arciero
State House, Room 277
Boston, MA 02133

Re: Counterpoint to the Town of Needham's letter of October 2019 on House Bill No. 3507

Littleton would like to offer a counterpoint to the Needham letter of October 2019 regarding House Bill 3507 – Governor Baker's "Housing Choices Initiative".

The Town of Littleton has also been following the progress of Governor Baker's "Housing Choice Initiative", including House bill 3507. Increased availability of housing options and affordability of housing in Massachusetts, and in Littleton are important goals. The draft bill eliminates the longstanding requirement of a two-thirds local legislative majority to amend city or Town zoning. Massachusetts is the ONLY state in New England to require this challenging supermajority vote, and one of only a handful nationwide.

Littleton has successfully and in good faith worked within the existing structure to achieve well over ten percent housing goal established under MGL Chapter 40B, yet we have not yet met all the local housing needs for Affordable housing. Our seniors, veterans, and young adults cannot find housing in Town, even though Littleton has reached 13.01 % on our Subsidized Housing Inventory.

In November 2017, the Town of Littleton updated its Master Plan and to ensure equitable development in its community Littleton must provide opportunities for residents of all ages, backgrounds and incomes to have suitable, good quality housing. To achieve this Littleton must maintain a diverse mix of housing options so that existing residents are not "priced out" as the Town continues to grow and its housing increases in value.

According to its Housing Production Plan, Littleton's housing stock is out of balance and currently our community offers very few housing choices outside of traditional single-family units. 88% of Littleton's Housing stock consists of single-family units while only 12% of its

housing stock consists of multi-unit dwellings. Age Groups 24-34 and 60+ are mostly affected by the lack of housing options in Littleton and as a result Littleton's population of ages 24-34 is below the state average while over 30% of its population is over the age of 60.

Littleton's unbalanced housing stock is also affecting its ability to attract and retain employees in the areas of emergency response, education, infrastructure, hospitality, utilities and repair.

"Millennials" are expected to overtake Boomers in population in 2030 as their numbers swell to 73 million and Boomers decline to 72 million. Ages 24-34 are seen as essential for urban prosperity and while cultural amenities are an important selling point, one the biggest obstacles to attracting and retaining young adults in the community of Littleton is affordable housing.

Littleton's large stock of single-family homes currently owned by senior citizens represents a potential opportunity to attract young adults and families to our community. However, making this transition requires that seniors have attractive, affordable alternatives to their current housing and young adults have that same opportunity so they can remain or move to Littleton. Simply stated, a variety of housing types in Littleton is needed for people trying to build a life as an adult as well as people trying to preserve the life they have built.

Littleton Board of Selectmen and Planning Board have each voted to oppose Needham's suggestion that a municipality should hold a different status in the affordable housing discussion based on whether or not we have reached the 10% minimum planning threshold on our Subsidized Housing Inventory. The Littleton Affordable Housing Trust also had concerns with the Needham's suggestion. There should be a level playing field so all cities and Town can address the current housing crisis on equal footing.

In addition, the Planning Board and Affordable Housing Trust voted unanimously to support HB 3507 with no amendments.

Littleton urges continued discussions of how to break the housing crisis and provide more affordable housing – both additional housing units and homes that are affordable to more residents.

Sincerely,

LITTLETON BOARD OF SELECTMEN



Joseph Knox, Chair

LITTLETON PLANNING BOARD



Anna Hueston, Acting Chair

Cc: Town of Needham Board of Selectmen and Planning Board