

# CITY OF MARLBOROUGH MEETING POSTING

Meeting: Planning Board

Date: June 6, 2022

Time: 7:00 PM

Location: Memorial Hall, 3<sup>rd</sup> Floor, City Hall, 140 Main Street, Marlborough, MA 01752

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This meeting of the Planning Board will be held in Memorial Hall on Monday, June 6, 2022, at 7:00 PM.

## PUBLIC ATTENDANCE IS PERMITTED

### Agenda Items to be Addressed:

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**1. Draft Meeting Minutes**

A. May 23, 2022

**2. Chair's Business (None)**

**3. Approval Not Required (None)**

**4. Public Hearings (None)**

**5. Subdivision Progress Reports (None)**

**6. Preliminary/Open Space/Limited Development Subdivision**

A. Beauchemin Estates, Preliminary Open Space Concept Plan

689 Pleasant Street, Marlborough, MA 01752

Owner of Land: Joyce Beauchemin Realty Trust, Timothy L. Beauchemin, Trustee  
(P.O. Box 1067, Townsend, MA 01469)

Name of Engineer: Daniel Koravos, P.E. (59 Granite Lane, Chester, NH 03036)

Deed Reference: Book: 45210 Page: 560

i. Draft – Certificate of Vote, Open Space Development Special Permit

**7. Definitive Subdivision**

A. Colchester Drive, Definitive Subdivision Plan

Map 44, Parcel 148 (0 Stevens Street), Marlborough, MA 01752

Owner of Land: James & Rebecca Chaousis (283 Bolton Street, Marlborough, MA 01752)

Name of Applicant: Charles Bourque (P.O. Box 642, Weston, MA 02493)

Name of Engineer: Jason Lavoie, WSP, (100 Summer Street, 13<sup>th</sup> Floor, Boston, MA 02110)

Deed Reference: Book: 9742 Page: 148

**8. Signs (None)**

**9. Correspondence (None)**

**10. Unfinished Business (None)**

**11. Calendar Updates**

A. Colchester Drive, Definitive Subdivision Plan, 135 days is Sunday July 24, 2022, vote by **June 27, 2022**, meeting.

B. Beauchemin Estates, Preliminary Open Space Concept Plan, 90 Days is August 7, 2022, vote on Special Permit by **July 25, 2022**, meeting.

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

**MINUTES**  
**MARLBOROUGH PLANNING BOARD**  
**MARLBOROUGH, MA 01752**

1A

**Call to Order**

**May 23, 2022**

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 William Fowler. Absent: Matthew Elder

**1. Draft Meeting Minutes**

**A. May 9, 2022**

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the May 9, 2022, meeting minutes with minor revisions. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

**2. Chair's Business**

**A. Open Meeting Law Guidance**

**i. Correspondence from Assistant City Solicitor, Jeremy McManus, Legal Department**

Mr. LaVenture read the May 3, 2022, correspondence from Mr. McManus into the record.

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

Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

The Board determined they would continue to conduct their site visit walk throughs individually and or in groups of two.

**3. Approval Not Required (None)**

**4. Public Hearings**

**A. 7:05 PM Referred from City Council, Order #22-1008571: Proposed Zoning Amendment to Chapter 650 to amend Section 39 Neighborhood Business District.**

**i. Legal Notice**

**ii. Slide Presentation**

**iii. Zoning standards for recommendation**

Chairperson Fenby opened the hearing. Mr. LaVenture read the public hearing legal notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from the Board members.

**Presentation:**

Brian Falk (Mirick O'Connell, 100 Front Street, Worcester, MA 01608) went over the slide presentation and explained the proposed amendment would authorize the City Council to modify by special permit the dimensional parking and landscape requirements for mix use development projects in the Neighborhood Business District. Giving City Council and property owners the flexibility to address issues that are unique to particular sites in this district and not having to go to the Zoning Board of Appeals for a variance. The language proposed is almost identical to language already existing in three of the City's existing overlay districts. For the project currently before the Council, the main basis for this is, the 25-foot setbacks along both Lincoln Street and Mechanic Street are difficult to accommodate and the current zoning ordinance prohibits parking in the front setback.

**Speaking in Favor:**

No one spoke in favor.

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**Speaking in Opposition:**

No one spoke in opposition.

Dr. Fenby closed this portion of the Public Hearing.

**Questions and Comments from the Planning Board:**

Mr. Russ and Mr. Falk discussed the clarification on the term design.

City Council President, Michael Ossing (43 Varley Rd, Marlborough, MA 01752) explained City Council typically prefers these types of requirements under their jurisdiction, which allows the Council to tailor the special permit to benefit the City. Verse the Developer going through the Zoning Board of Appeals process.

Dr. Fenby closed the Public Hearing.

The Board went over the zoning standards for their recommendation. While reviewing the standard “Does the proposed change benefit the City or provide a use not permitted elsewhere?” Dr. Fenby expressed reservations and explained the Board prefers developers to not submit proposals like this.

Mr. Russ asked about what other projects would this proposed zoning amendment benefit. Mr. Fay explained sometimes it’s hard to separate the proposed zoning amendment from the proposed project it is associated with and generally the Board doesn’t want to decrease setbacks and allow for parking within a front setback, but this proposed zoning amendment for this proposed project has a significant benefit to the City.

The Board determined they have reservations on whether or not the proposed change is in keeping with the intent and purposed of the City’s zoning by-laws and Mr. Fay argued this change is consistent with recent past changes to the City’s Zoning By-Laws.

On a motion by Mr. Fay seconded by Mr. LaVenture, the Board voted to make a favorable recommendation to the City Council for the Proposed Zoning Amendment to Chapter 650 to amend Section 39 Neighborhood Business District . Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion Carried. 6-0.

The Board provided the following reasons in reaching its recommendation:

- The proposed Zoning Amendment changes are in keeping with the character of the neighborhood that the Board envisions;
- The proposed Zoning Amendment will have minimal negative impact on the neighbors;
- The proposed Zoning Amendment will provide an opportunity to redevelop a parcel that has been problematic for the City for many years.

**5. Subdivision Progress Reports (None)**

**6. Preliminary/Open Space/Limited Development Subdivision**

**A. Beauchemin Estates, Preliminary Open Space Concept Plan**

689 Pleasant Street, Marlborough, MA 01752

Owner of Land: Joyce Beauchemin Realty Trust, Timothy L. Beauchemin, Trustee  
(P.O. Box 1067, Townsend, MA 01469)

Name of Engineer: Daniel Koravos, P.E. (59 Granite Lane, Chester, NH 03036)

Deed Reference: Book: 45210 Page: 560

**MINUTES  
MARLBOROUGH PLANNING BOARD  
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- i. Correspondence from City Engineer, Thomas DiPersio  
Mr. LaVenture read the May 19, 2022, correspondence from Mr. DiPersio into the record.
- ii. Correspondence from Daniel Koravos  
Mr. LaVenture read the May 19, 2022, correspondence from Mr. Koravos into the record.

On a motion by Mr. LaVenture, seconded by Mr. Russ the Board voted to accept and file both correspondences.  
Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion Carried. 6-0.

The Board determined they would like to see the draft special permit prior to its referral to the Legal Department.

**7. Definitive Subdivision**

- A. Colchester Drive, Definitive Subdivision Plan  
Map 44, Parcel 148 (0 Stevens Street), Marlborough, MA 01752  
Owner of Land: James & Rebecca Chaousis (283 Bolton Street, Marlborough, MA 01752)  
Name of Applicant: Charles Bourque (P.O. Box 642, Weston, MA 02493)  
Name of Engineer: Jason Lavoie, WSP, (100 Summer Street, 13<sup>th</sup> Floor, Boston, MA 02110)  
Deed Reference: Book: 9742 Page: 148
  - i. Correspondence from Jason Lavoie  
Mr. LaVenture read the May 18, 2022, correspondence from Mr. Lavoie into the record.  
On a motion by Mr. Fowler, seconded by Mr. Russ, the board voted to accept and file the correspondence.  
Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

**8. Signs (None)**

**9. Correspondence (None)**

**10. Unfinished Business**

- A. Working Group Discussion – Update  
Mr. LaVenture explained there are no updates.

**11. Calendar Updates** *(no discussion occurred regarding the two calendar updates)*

- A. Colchester Drive, Definitive Subdivision Plan, 135 days is Sunday July 24, 2022, vote by **June 27, 2022**, meeting.
- B. Beauchemin Estates, Preliminary Open Space Concept Plan, 90 Days is August 7, 2022, vote on Special Permit by **July 25, 2022**, meeting.

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

On a motion by Mr. Fowler, seconded by Mr. Russ, the Board voted to adjourn the meeting. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

Respectfully submitted,

/kmm

George LaVenture/Clerk

*City of Marlborough*  
*Commonwealth of Massachusetts*

**PLANNING BOARD**

Barbara L. Fenby, Chair

William H. Fowler

Phillip J. Hodge

Sean N. Fay

George LaVenture

Christopher Russ

Matthew Elder

Katlyn Miller – Administrator

Phone: (508) 624-6910

Email: [kmiller@marlborough-ma.gov](mailto:kmiller@marlborough-ma.gov)

**CERTIFICATE OF VOTE**  
**OPEN SPACE DEVELOPMENT SPECIAL PERMIT**  
**689 PLEASANT STREET**

June \_\_, 2022

The Planning Board of the City of Marlborough (the "Planning Board") hereby certifies that, on June \_\_, 2022, it voted to approve an Open Space Development Special Permit for the Joyce Beauchemin Realty Trust, Timothy L. Beauchemin, Trustee, for property located on Pleasant Street owned by the Joyce Beauchemin Realty Trust et al., pursuant to § 650-28 of the Marlborough City Code, as follows:

**PROCEDURAL FINDINGS:**

1. On February 8, 2022, an application was filed on behalf of the Joyce Beauchemin Realty Trust, Timothy L. Beauchemin, Trustee, having a principal mailing address of P.O. Box 1067, Townsend, MA 01469 (the "Applicant"), for an open space development special permit, pursuant to the City of Marlborough Code Zoning Ordinance § 650-28 (the "Ordinance") and M.G.L. Chapter 40A. The application (the "Application") was filed with the Planning Board, the City Clerk of the City of Marlborough (the "City"), and the City offices as identified in § 650-28H(4)(c).

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2. The Concept Plan was based on a conventional subdivision layout, entitled “Conventional Preliminary Plan – Beauchemin Estates 689 Pleasant Street,” prepared by DK Engineering LLC, 59 Granite Lane, Chester, NH 03036, dated February 10, 2022 (the “Conventional Plan”), which was also filed with the Concept Plan as required by the Ordinance.
3. After notice and publication was provided pursuant to the applicable provisions of M.G.L. Chapter 40A and the applicable provisions of the Ordinance, a public hearing on the Application commenced on May 9, 2022. The Planning Board closed the public hearing on May 9, 2022.
4. Planning Board members Barbara L. Fenby, William H. Fowler, Phillip J. Hodge, Sean N. Fay, George LaVenture and Christopher Russ were present for the public hearing.
5. Planning Board members **Barbara L. Fenby, William H. Fowler, Phillip J. Hodge, Sean N. Fay, George LaVenture, Christopher Russ and Matthew Elder** deliberated on the Application at duly authorized meetings on **June \_\_\_, 2022**.

**PROJECT FINDINGS:**

1. The subject property consists of one (1) lot owned by the Joyce Beauchemin Realty Trust and depicted on the Assessor’s Map as Map 28, Parcel 18B.
2. In seeking approval of the Concept Plans, the Applicant proposes to build six (6) new single-family homes (in addition to the one (1) existing home for a total of seven (7) single-family houses) and to convey to the City approximately 97,450 s.f. (2.24 acres) of permanently protected open space.
3. The Proposed Development, as modified by the conditions set forth herein, is consistent with the applicable provisions of M.G.L. Chapter 40A and § 650-28 of the Ordinance.
4. The Proposed Development meets the general requirements of an open space development set forth in § 650-28D of the Ordinance.
5. The Proposed Development meets the dimensional and intensity requirements set forth in § 650-28E of the Ordinance.
6. The Proposed Development meets the common open space requirements of § 650-28F.
7. The Planning Board specifically finds, in accordance with the requirements of § 650-28 FI(8), that:

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- a) The Proposed Development meets the open space objectives set forth in § 650-28J3 of the Ordinance.
  - b) The Proposed Development meets the design criteria of an open space development set forth in § 650-28H(7)(b) of the Ordinance.
  - c) The Proposed Development will not have a substantial or undue adverse effect upon adjacent property or the character of the neighborhood.
8. Pursuant to § 650-28H(7)(a) of the Ordinance, the Planning Board determines that the Proposed Development, with the conditions set forth hereinafter, is at least as beneficial to the City as a conventional plan based on the design guidelines and evaluation criteria set forth in §650-28H(7)(b) of the Ordinance.

**WAIVERS:**

No waivers of the Subdivision Rules and Regulations of the Planning Board were requested.

**CONDITIONS:**

The Planning Board on **June \_\_, 2022**, by a **vote of \_\_ to \_\_**, approved Concept Plan as described above, subject to the following conditions:

- 1. The Applicant shall submit to the Planning Board a definitive subdivision plan for the Proposed Development, based on the Concept Plans, for which the Planning Board shall hold a public hearing and render a decision within ninety (90) days of the hearing's closure, in accordance with MGL Chapter 41 and § 650-28H(3)(b) of the Ordinance.
- 2. The Applicant at its own expense shall record a copy of this Open Space Development Special Permit at the Middlesex South Registry of Deeds, and prior to the issuance of any building permits, shall provide to the Planning Board and the Solicitor's office a copy of the Permit as recorded.
- 3. Pursuant to §650-28G of the Ordinance, the Applicant shall convey to the City a parcel of land consisting of approximately 2.24 acres as shown on sheet 6 of 6 of the Concept Plans as "Open Space". This parcel shall be preserved for conservation and preservation of open space. Prior to the conveyance and approval of the definitive subdivision plan, the City's tree warden shall inspect the parcel and, at the Applicant's expense, remove trees that are deemed to be hazardous.

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4. Prior to conveying the open space parcel to the City, the Applicant at its expense shall provide to the City an attorney's certification that the Applicant has clear title to the open space parcel.
5. Prior to conveying the open space parcel to the City, the Applicant at its expense shall provide to the City an assessment of the open space parcel showing that the parcel is free of oil and hazardous material within the meaning of M.G.L. c. 21E.
6. Prior to conveying the open space parcel to the City, the Applicant shall pay, to the City, the sum of five thousand dollars (\$5,000) to be allocated for the City's Conservation Maintenance Fund to support the future maintenance of the open space parcel.
7. Any future change, modification or amendment to the Proposed Development as may be approved by the Planning Board shall be in accordance with the requirements of M.G.L. Chapter 40A, and Chapter 41, § 81W and the Planning Board's Subdivision Rules and Regulations and/or § 650-28 of the Ordinance, as appropriate.
8. Prior to the issuance of any building permits, the applicant shall construct a fence or install vegetative screening along the property line between the proposed roadway and the lot identified as #705 Pleasant Street (Map 28 Parcel 18A).
9. Prior to the issuance of any building permits, the applicant shall install a sewer stub off of the new sewer main for the house at #705 Pleasant Street (Map 28 Parcel 18A).
10. All conditions shall apply to Applicant, its successors and assigns, and its successors in title to the Proposed Development shown on the Concept Plan.



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**RECORD OF VOTE:**

The following members of the Planning Board voted on **June \_\_, 2022** to approve this Open Space Development Special Permit:

- ✓ Barbara L. Fenby \_\_\_\_\_
- ✓ William H. Fowler \_\_\_\_\_
- ✓ Phillip J. Hodge \_\_\_\_\_
- ✓ Sean N. Fay \_\_\_\_\_
- ✓ George LaVenture \_\_\_\_\_
- ✓ Christopher Russ \_\_\_\_\_
- ✓ Matthew Elder \_\_\_\_\_

**CERTIFICATE**

I hereby certify that twenty (20) days have elapsed since the filing of the above-referenced decision in the Office of Marlborough City Clerk on **June \_\_, 2022**, and that no notice of an appeal of that decision has been filed with my office.



# Memo

**To:** Katlyn Miller, City of Marlborough

**From:** Jason Lavoie, WSP

**cc:** client

**Date:** June 3, 2022

**Re:** Extension for Approval

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Please accept this Memo as an official request to extend the decision on the Definitive Subdivision submission for Colchester Drive (0 Stevens Street) until July 25, 2022.

If you have any questions, please let me know.