

CITY OF MARLBOROUGH MEETING POSTING

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CITY OF MARLBOROUGH

2022 OCT 12 PM 1:04

Meeting: **Planning Board**
Date: October 17, 2022
Time: **7:00 PM**
Location: Memorial Hall, 3rd Floor, City Hall, 140 Main Street, Marlborough, MA 01752

This meeting of the Planning Board will be held in Memorial Hall on Monday, October 17, 2022, at 7:00 PM.

PUBLIC ATTENDANCE IS PERMITTED

Agenda Items to be Addressed:

1. Draft Meeting Minutes

- A. October 3, 2022

2. Chair's Business

- A. **No Discussion Required** – Public Hearing Date set for November 7, 2022
Council No. 22-1008679 – Proposed Amendment to Chapter 650, §40 – Location and Height of Buildings, relative to Attached Roofs for Entryway/Porches.
- B. Unaccepted Streets – **No Updates**

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports

- A. Goodale Estates
 - i. Correspondence from City Engineer, Thomas DiPersio, Engineering Division

6. Preliminary/Open Space/Limited Development Subdivision

- A. Howe's Landing Subdivision / Acceptance of Gikas Lane as a Public Way
 - i. Communication Assistant City Solicitor, Jeremy McManus
 - ii. Referral from City Council

7. Definitive Subdivision

- A. Tobin 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, 13th Floor, Boston, MA 02110)
Deed Reference: Book: 9742 Page: 148
 - i. Request for extension on decision

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business (None)

11. Calendar Updates

- A. Tobin Drive (F.K.A: Pettes Drive/Colchester Drive) (0 Stevens Street), Definitive Subdivision Plan, 135 days is Sunday July 24, 2022. Extension granted, vote by **October 17, 2022**, meeting.

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

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

October 3, 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, Matthew Elder and William Fowler. Meeting support provided by City Engineer, Thomas DiPersio.

1. Draft Meeting Minutes

A. August 22, 2022

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the August 22, 2022, meeting minutes. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

B. September 12, 2022

On a motion by Mr. LaVenture, seconded by Mr. Fay, the Board voted to accept and file the September 12, 2022, meeting minutes with minor typo corrections. Yea: Fay, Hodge, LaVenture, and Fenby. Nay: 0. Abstain: Elder, Fowler and Russ. Motion carried. 4-0.

2. Chair's Business

A. Council No. 22-1008679 – Proposed Amendment to Chapter 650, §40 – Location and Height of Buildings, relative to Attached Roofs for Entryway/Porches.

The Board set the public hearing date for November 7, 2022.

City Council President, Michael Ossing said he would present the proposed zoning change at the public hearing.

B. Unaccepted Streets

i. Correspondence from City Engineer, Thomas DiPersio, Engineering Division

Mr. LaVenture read the September 29, 2022, correspondence into the record.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board vote to accept and file the correspondence. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

Mr. Fay requested this agenda item remain on the agenda until further notice.

Dr. Fenby and Mr. DiPersio discussed the developer's acceptance procedures when submitting to City Council.

Mr. LaVenture suggested a procedural sheet be created for easier processing/tracking of the acceptance process.

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports

A. 342 Sudbury Street

i. Correspondence from Kevin O'Malley

Mr. LaVenture read the September 26, 2022, correspondence into the record.

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board vote to accept and file the correspondence. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

Mr. LaVenture requested the full address be included on the subject line of update correspondences.

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B. Commonwealth Heights

- i. Correspondence from Chief Code Enforcement Officer, Pamela Wilderman, Code Enforcement
Mr. LaVenture read the September 27, 2022, correspondence into the record.
On a motion by Mr. Elder, seconded by Mr. Russ, the Board vote to accept and file the correspondence. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

C. Goodale Estates

- i. Correspondence from Kevin Gillis, Northborough Capital Partners, LLC
Mr. LaVenture read the September 20, 2022, correspondence into the record.
On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board vote to accept and file the correspondence. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

Mr. Gillis explained, Mr. DiPersio provided the following comments that needed to be addressed:

- Paving at the top of the circle
- A couple of landscaping areas that didn't perform well
 - o Mr. Gillis explained he hired two people to address this.
- Final adjustments to the acceptance plans
 - o Mr. Gillis explained the adjustments have been made and revised plans were submitted to Engineering for review.

Mr. Fay addressed concerns regarding some deterioration near a catch basin and a depression in the pavement at the bottom of the road. – See photos attached.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board vote to accept and file the September 20, 2022, correspondence from Kevin Gillis. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

- ii. Correspondence from City Engineer, Thomas DiPersio, Engineering Division
Mr. LaVenture read the September 29, 2022, correspondence into the record.
On a motion by Mr. Elder, seconded by Mr. LaVenture, the Board vote to accept and file the correspondence and to move forward with the next steps in the acceptance process. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

Mr. DiPersio assured the Board that Engineering would complete an in-depth investigation of the subdivision. He explained, the legal department has the documentation for the right-of-way transfer to the City and that he would confirm with the Legal Department that these documents are in proper legal form.

6. Preliminary/Open Space/Limited Development Subdivision

A. Informal Discussion

547 Stow Road Sketch Plan of Land Open Space Development

Name of Engineer: Vito Colonna, Connorstone Engineering (59 Granite Lane, Chester, NH 03036)

- i. Correspondence from City Engineer, Thomas DiPersio, Engineering Division
Mr. LaVenture read the September 29, 2022, correspondence into the records.
On a motion by Mr. Elder, seconded by Mr. Russ, the Board vote to accept and file the correspondence. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

- ii. Locus/Roadway Widths Plan

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MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

- iii. Open Space Concept Plan
- iv. Conventional Plan
- v. Truck Turning Exhibit

Mr. Colonna confirmed the Truck Turning Exhibit included fire trucks.

Chuck Black, Kendal Homes, Inc. (PO Box 766, Southborough, MA 01772) spoke on behalf of 547 Stow Road. Mr. Black explained Mr. Colonna has confirmed that emergency vehicles could safely enter and leave the proposed subdivision with the current road width of Stow Road of 17 feet, and asked for confirmation that the Board would grant a waiver for a 17-foot pavement width on Stow Road if/when they submit a formal submission.

Mr. Fay explained the Board is not against the subdivision but until the Board sees the plan as whole in a formal submission, the Board cannot guarantee the waiver will be granted. The Board members agreed with Mr. Fay. Dr. Fenby explained the Board isn't saying no at his time, and that the Board is looking forward to working with Mr. Black and Mr. Colonna.

7. Definitive Subdivision

A. Tobin 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, 13th Floor, Boston, MA 02110)

Deed Reference: Book: 9742 Page: 148

i. Correspondence from City Engineer, Thomas DiPersio, Engineering Division

Mr. LaVenture read the September 29, 2022, correspondence into the record.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board vote to accept and file the correspondence. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

ii. Draft Covenant

The Planning Board Administrator explained additional revisions were made to the covenant which clarified ownership and corrected grammar. Michael Carney explained the changes are regarding the assignee being transferred from the estate to the developers. He explained their attorney is reviewing the documents.

iii. Draft Certificate of Vote

The Administrator and explained the same changes were made to the certificate of vote.

Mr. Carney explained right now they are acting as representatives of the owners of property, and that the property transaction will happen "once approved", so the developers are the assignee.

The Board requested confirmation from the Legal Department that both the covenant and certificate of vote are in proper legal form.

Mr. DiPersio explained the owner needs to provide a municipal lien certificate as required in the rules and regulations in § A676-10 F.(5). He reminded the board they will need to vote at the October 17, 2022, meeting.

iv. Revised plans

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8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

- A. Working Group
 - i. Memo – Special Permit Standards for Open Space Developments
 - ii. Memo – Waiver Standards
 - iii. Memo – Zoning StandardsMr. LaVenture explained the memos include Mr. Fay's revisions.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to adopt the three individual memoranda for the record, which are items to be used in the review of various applications. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

11. Calendar Updates

- A. Tobin Drive (FKA: Pettes Drive/Colchester Drive) (0 Stevens Street), Definitive Subdivision Plan, 135 days is Sunday July 24, 2022. Extension granted, vote by **October 17, 2022**, meeting.

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

Dr. Fenby endorsed the following memos:

- i. Memo – Special Permit Standards for Open Space Developments
- ii. Memo – Waiver Standards
- iii. Memo – Zoning Standards

On a motion by Mr. Fowler, seconded by Mr. Elder, the Board voted to adjourn the meeting. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

Respectfully submitted,

/kmm

George LaVenture/Clerk



City of Marlborough
Department of Public Works

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

5A.i

SEAN M. DIVOLL, P.E.
COMMISSIONER

October 12, 2022

Marlborough Planning Board

RE: Goodale Estates Subdivision
Jenks Lane

Chair Fenby and Board Members,

Pursuant to a request of the board at your October 3, 2022 meeting, the Engineering Division has conducted a formal inspection of the roadway and reviewed the acceptance documents which have been provided to date by the developer, and offer the following:

- The following construction-related punch list items were found on the inspection (some of these have been previously noted to the developer):

- the driveway apron/sidewalk area at the top of the roadway needs final paving;
- there is a small area of broken pavement at the catch basin on the north side of the road;
- a portion of the sidewalk near the corner of Lots 1 and 2 is broken;
- there is additional cleanup and loam/seeding to be done on the south side of Jenks Lane;
- there is additional cleanup and loam/seeding to be done along Goodale Street adjacent to the detention basin, and on the north side of the basin;
- there are remnants of erosion controls in several areas that need to be removed;
- a pallet of granite bounds was left near the culdesac;
- within the detention basin, survey stakes and silt fencing needs to be removed, and;
- there is a small depression in the pavement at the bottom of the roadway – this area will be further evaluated to see if it poses a drainage concern.

- We are in receipt of the Acceptance Plans and documents. They appear to be in order and ready to be sent to Legal if so referred by the City Council.

- The City is currently holding a bond in the amount of \$84,000. This should be held until the punch list items are completed and the roadway is accepted.

My recommendation is that the board notify the developer of the punch list items to be completed, and inform him that once the items have been completed he should make a formal request to the City Council to consider acceptance of the roadway.

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

Sincerely,

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

Thomas DiPersio, Jr., PE, PLS
City Engineer

copy: Applicant and representative



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 3, 2022

ORDERED:

That the Communication from Assistant City Solicitor, Jeremy McManus, re: Howes Landing Subdivision/Acceptance of Gikas Lane as a Public Way, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE AND THE PLANNING BOARD.**

ADOPTED

ORDER NO. 22-1008691
X 22-1008553



City of Marlborough

Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

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2022 SEP 28 AM 9:42

JASON D. GROSSFIELD

CITY SOLICITOR

JEREMY P. MCMANUS

ASSISTANT CITY SOLICITOR

September 28, 2022

*Public
sevs
Planning
Board*

Michael H. Ossing, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

Re: Howes Landing Subdivision / Acceptance of Gikas Lane as a Public Way
Order No. 22-1008553

Dear Honorable President Ossing and Councilors:

As requested, we have reviewed the above-referenced item as to legal form. Enclosed, please find a proposed order of acceptance for the above-referenced street and municipal easements in the Howe's Landing subdivision. The order is in proper legal form. This office takes no position on whether the street should be accepted. In any event, should the Council wish to proceed, then pursuant to MGL c. 41, § 81I the Council must refer this proposed street acceptance to the Planning Board for its review and report. Thereafter, the Council may act on the proposal upon receipt of the Planning Board's report, or upon the expiration of forty-five days after referral, whichever occurs first. Copies of the acceptance plan and the deed, which includes a description of the easements, are attached. The City Engineer has reviewed and approved the submittals.

Respectfully,

Jeremy P. McManus
Assistant City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Thomas DiPersio, Jr., City Engineer
Jason D. Grossfield, City Solicitor

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require:

that GIKAS LANE be accepted as a public way

from Hudson Street at Station 0+00 to its terminus at Station 4+98.67

and that the appurtenant easements be accepted as municipal easements,

as shown on plans thereof and as hereinafter described:

DESCRIPTION

Plan entitled, "Acceptance Plan of Land in Marlborough, MA", Owner: Howe's Landing Developers, LLC, 1818 Worcester Road, Suite 200, Framingham, MA 01701, Dated March 12, 2019, Prepared by: Colonial Engineering, Inc., 11 Awl Street, Medway, MA, Scale: 1"=40', which plan is to be recorded herewith.

Title to the roadways shown as Gikas Lane on said plan, and title to all the municipal easements shown on said plan as:

Drainage/Flowage Easements:

- Drainage/Flowage Easement, over Lot 7, containing 3,442 square feet
- Drainage/Flowage Easement, over Lot 7, containing 2,499 square feet
- Drainage/Flowage Easement, over Lot 8, containing 5,390 square feet
- Drainage/Flowage Easement, over Lot 9, containing 900 square feet
- Drainage/Flowage Easement, over Lot 10, containing 6,862 square feet

Landscape Easements:

- 20 ft. wide Landscape Easement, over Lot #1*,
- 20 ft. wide Landscape Easement, over Lot #2*,
- 20 ft. wide Landscape Easement, over Lot #3*,
- 20 ft. wide Landscape Easement, over Lot #4,
- 20 ft. wide Landscape Easement, over Lot #5,
- 20 ft. wide Landscape Easement, over Lot #6,
- 20 ft. wide Landscape Easement, over Lot #7*,
- 20 ft. wide Landscape Easement, over Lot #8*,
- 20 ft. wide Landscape Easement, over Lot #9*,
- 20 ft. wide Landscape Easement, over Lot #10*.

*A 20 ft. wide private utility (forced sewer) easement also exists within the Landscape Easement has been granted to the City of Marlborough in a quitclaim deed from Howe's Landing Developers, LLC, a Massachusetts limited liability company with a principal place of business at 1818 Worcester Road, Suite 200, Framingham, MA 01701, said deed to be recorded in substantially the same form herewith at the Middlesex County (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

GIKAS LANE be accepted as a public way, and its appurtenant easements be accepted as municipal easements, in the City of Marlborough.

ADOPTED
In City Council
Order No. 22-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

Return to:

QUITCLAIM DEED

HOWE'S LANDING DEVELOPERS, LLC, a Massachusetts limited liability company with a principal place of business at 1881 Worcester Road, Suite 200, Framingham, Massachusetts 01701 ("Grantor"),

for consideration of less than ONE HUNDRED DOLLARS (\$100.00)

grants to the **CITY OF MARLBOROUGH**, a municipal corporation with offices at 140 Main Street, Marlborough, Massachusetts 01752 ("Grantee")

with **QUITCLAIM COVENANTS**,

the land in Marlborough, Middlesex County, Massachusetts, on the southerly side of Hudson Street and being shown as "GIKAS LANE (40' WIDE)" on a plan entitled "Acceptance Plan of Land in Marlborough, MA" Owner: Howe's Landing Developers, LLC, 1818 Worcester Road, Suite 200, Framingham, MA 01701, Dated March 12, 2019, Prepared by: Colonial Engineering Inc., 11 Awl Street, Medway, MA, Scale: 1"=40'." which plan is recorded with the Middlesex South District Registry of Deeds herewith as Plan No. ____ of 2019. (the "Plan"). According to said Plan, Gikas Lane contains an area of 24,306 square feet and is more particularly described as follows:

Beginning at a stone bound on the southerly side of Hudson Street along the northerly sideline of Lot 1 as shown on said Plan,

THENCE running in a curved line having a radius of 30.00 feet along said Lot 1 a distance of 47.25 feet to a nail set;

THENCE running South $01^{\circ} 58' 51''$ East along the westerly lot lines of Lot 1, Lot 2 and Lot 3 as shown on said Plan a distance of 287.96 feet to a stone bound;

THENCE running in a curved line having a radius of 200.00 feet through land shown as "City of Marlborough Sewer Taking" and along the westerly lot line of Lot 4 as shown on said Plan a distance of 84.95 feet to a nail set;

- THENCE running in a curved line having a radius of 25.00 feet along said Lot 4 a distance of 19.65 feet to a nail set;
- THENCE running in a curved line having a radius of 50 feet along Lot 4, Lot 5, Lot 6, land shown as "Open Space City of Marlborough" and Parcel A as shown on said Plan a distance of 248.72 feet to a stone bound;
- THENCE running in a curved line having a radius of 25.00 feet along said Parcel A a distance of 28.37 feet to a re-bar/cap set;
- THENCE running in a curved line having a radius of 160 feet along said Parcel A and along Land shown as "City of Marlborough Sewer Taking" and by the easterly lot line of Lot 7 as shown on said Plan a distance of 53.87 feet to a stone bound;
- THENCE running North $01^{\circ} 58' 51''$ West along Lot 7, Lot 8, Lot 9 and Lot 10 as shown on said Plan a distance of 288.02 feet to a stone bound;
- THENCE running in a curved line having a radius of 30.00 feet along said Lot 10 a distance of 47.74 feet to a stone bound;
- THENCE running North $88^{\circ} 16' 03''$ East a distance of 85.13 feet along Hudson Street to a stone bound at the point of beginning.

The Grantor hereby conveys to the Grantee all of its right, title and interest in and to the easements shown on said Plan as "20' Utility & Landscape Easement" and "Drainage/Flowage Easement."

For title, see Deed from Sage Investors, Inc. to Grantor dated April 16, 2015 and recorded with said Registry on April 21, 2015 in Book 65244, Page 455.

(Signatures appear on the following page)

Executed at Framingham, Massachusetts this ____ day of _____, 2022

HOWE'S LANDING DEVELOPERS, LLC

By: _____
John R. Parsons, Jr., its manager

By: _____
Victor C. Galvani, its manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this ____ day of _____, 2022, before me, the undersigned Notary Public, personally appeared John R. Parsons, Jr. and Victor C. Galvani, managers as aforesaid, and proved to me through satisfactory evidence of identification, which was [] photographic identification with signature issued by a federal or state governmental agency, [] oath or affirmation of a credible witness, [] personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that each one signed it as a duly authorized manager of Howe's Landing Developers, LLC, voluntarily for its stated purpose, before me.

Notary Public



Memo

To: Katlyn Miller, City of Marlborough
From: Carol Dennison, WSP
Cc: client
Date: October 12, 2022
Re: Extension for Approval

Please accept the Memo as an official request to extend the decision of the Definitive Subdivision for the Pettes Drive (0 Stevens Street) to until November 7, 2022.

If you have any questions, please let me know.