

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

1B

**Call to Order**

**November 18, 2019**

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, Phil Hodge, George LaVenture, Chris Russ and Matthew Elder. Absent: Sean Fay, City Engineer, Thomas DiPersio, and Planning Board Administrator, Krista Holmi, were also present.

**1. Meeting Minutes (None)**

**2. Chair's Business**

- A. Chair Fenby informed the Board of a request by First Colony Crowley Drive One, LLC. An ANR submission at 92 Crowley Drive is planned for the 12-02-19 Planning Board meeting. The project on the adjacent lot has been previously reviewed in Site Plan Committee. First Colony respectfully requests that the Planning Board refer the ANR plan to Engineering. Ms. Fenby asked City Engineer DiPersio to comment on the substance of the ANR. Mr. DiPersio said the matter was a straightforward land swap between parcels of commonly owned property. The land swap would not adversely affect the existing building on Lot #3. The ANR is intended to accommodate a portion of the parking lot for the planned retirement community next door. On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board referred the plan to Engineering for review and recommendations. Motion carried. The applicant is required to formally present the ANR plan at the Planning Board meeting on 12-02-19.

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

**4. Public Hearings**

- A. Council Order Number 19-1007738C, Proposed Zoning Amendment Section 650-8, Boundaries Established; 269 Mechanic Street. Proposed change from Limited Industrial to Residence B. (Assessor's Map 56, parcel 126, plus a small area behind the parcel within an easement area.) Attorney Michael Norris present.

Chair Fenby opened the public hearing. Mr. LaVenture read the public hearing 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 Board members.

**Presentation:**

Attorney Michael Norris of 171 Locke Dr. is back with a slightly modified request for a zoning amendment for the property at 269 Mechanic St. The new zoning amendment includes an additional area in the rear of the building, because the building extends beyond the rear property line. Attorney Norris showed the location of this encroachment. The property is currently between two zones, the front half of the parcel RB (Residence B) and the abutting area to the north is LI (Limited Industrial). The proposed use is to convert the warehouse to condo units after rezoning the entire parcel to RB.

**Speaking in Favor:**

No person spoke in favor of the proposed amendment. Ms. Fenby closed that portion of the hearing.

**Speaking in Opposition:**

No person spoke in opposition to the proposed amendment. Ms. Fenby closed that portion of the hearing.

**Questions and Comments from Board Members:**

Given the proponent for the zone change does not own the property, Mr. Elder asked Attorney Norris if he is within his rights to request the zone change.

Attorney Norris indicated he had consulted with City Solicitor Grossfield, and Solicitor Grossfield had confirmed that the petitioner was within his rights. That Legal determination wasn't shared with the Board. The proposed zoning amendment was changed to include the portion of the building that was encroaching into City property. The existing deed also contains a maintenance easement. Mr. Russ asked Attorney Norris if his client intended to add on to the building. Attorney Norris said no, there are no plans to increase the building footprint. The Board would like to hear from the City Solicitor on the following points: 1) Does the proponent have the right to rezone a property or a portion of a property that is not owned by the proponent. 2) Can the new owner legally redevelop the property even though the property lies, in part, on city property. On a motion by Mr. Elder, seconded by Mr. LaVenture, the Board voted to refer the preceding questions to the City Solicitor for comment. Motion carried.

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

**A. Goodale Estates- Goodale Estates- Recording of Open Space Deed (Bk 73647 page 403)**

On a motion by Mr. Mr. Hodge, seconded by Mr. Russ, the Board voted to accept and file the recorded deed for the open space parcel of Goodale Estates Subdivision. Motion carried.

City Engineer DiPersio updated the Board on site progress. The binder layer is now down. Granite curbing is on site, but not installed. The owner must request a bond to secure the completion of the subdivision and obtain lot releases or make any conveyances.

**6. Preliminary/Open Space /Limited Development Subdivision Submissions (None)**

**7. Definitive Subdivision Submissions**

**A. 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. Parente was present to introduce the definitive subdivision submission at 18 and 24 Clearview Dr. The applicant is seeking approval of the plan under subdivision control law including a waiver for the frontage of house #18, which is less than the required frontage of 100 feet for the A-3 zoning district. The plan will remedy an encroachment issue between the two properties. December 16, 2019 was identified as the next available date for the public hearing on the subdivision application. The hearing will be advertised for December 16, and abutters will be notified by mail. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the application. Motion carried.

**B. Definitive Subdivision Application: Marlborough/Northborough Land Realty Trust c/o The Gutierrez Company, 200 Summit Drive, Suite 400, Burlington MA 01803. Engineer: Connorstone Engineering, Inc., 10 Southwest Cutoff, Suite 7, Northborough, MA 01532. Description of Property: Middlesex South Registry of Deeds Book 31932 Page 445. (Property described as 10.6 acres located at the northeast corner of Ames St. & Forest St.)**

Vito Colonna of Hancock Associates and Scott Weiss of The Gutierrez Corporation were present for the introduction of the definitive subdivision application. Mr. Colonna explained that the submittal is essentially the same plan as the Commonwealth Heights plan that was previously approved in 2007. There are minor changes from the original plan including changes to the granite curbing, updates to stormwater standards and updated utilities. Mr. LaVenture read the 10-24-19 cover letter from Mr. Colonna to the Board detailing the project overview. On a motion by Mr. Russ, seconded by Mr. Elder, the Board voted to accept and file the letter. Motion carried.

Mr. Elder addressed the room and disclosed that while he is not an identified abutter, he lives in proximity to the project. He has reached out to the City Solicitor's Office to seek guidance on whether he has any conflicts in participation or voting on this matter.

**8. Signs**

- A. Communication from Code Enforcement Officer, Pam Wilderman, Re: Doble Engineering, 123 Felton St. Mr. LaVenture read the 10-23-19 letter from Code Enforcement Officer Wilderman into the record. Ms. Wilderman's letter stated that upon further review, Doble's building size allowed for a sign "bonus area". A Planning Board variance for sign square footage was not required.

**9. Correspondence**

- A. Invitation to Planning Board Members "The Branches" Grand Opening – Nov. 19  
On a motion by Mr. Elder, seconded by Mr. LaVenture, the Board voted to accept and file. Motion carried.

**10. Unfinished Business (None)**

**11. Calendar Updates**

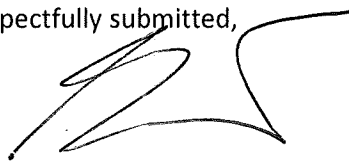
- A. 18 and 24 Clearview Definitive Subdivision Public Hearing – 12-16-19 7:00 pm  
B. Commonwealth Heights Definitive Subdivision Public Hearing – 12-16-19 7:10 pm

**12. Public Notices of other Cities & Towns**

- A. Town of Sudbury (3 Notices)  
B. City of Framingham (13 Notices)  
On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the notices. Motion carried.

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,



George LaVenture/Clerk

/kih