

# CITY OF MARLBOROUGH MEETING POSTING

CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2023 APR -6 PM 12: 28

Meeting: **Planning Board**

Date: April 10, 2023

Time: **7:00 PM**

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

This meeting of the Planning Board will be held in Memorial Hall on Monday, April 10, 2023, at 7:00 PM.

## **PUBLIC ATTENDANCE IS PERMITTED**

### Agenda Items to be Addressed:

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#### 1. **Draft Meeting Minutes**

- A. March 27, 2023

#### 2. **Chair's Business**

- A. Street Acceptance - **No updates**

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

#### 4. **Public Hearings**

- A. 689 Pleasant Street, Marlborough, MA 01752 – Continued from March 27, 2023 – **Applicant has requested further continuance**

Open Space Development Definitive Subdivision Plan

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

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

Name of Surveyor: Hugo Findeisen, (P.O. Box 612 Sandown, NH 03873)

Deed Reference: Book: 45210 Page: 560

i. Request for continuance

ii. Tree Preservation and Protection Plan

Dated: April 1, 2023

#### 5. **Subdivision Progress Reports**

- A. 76 Broad Street – **No discussion required, waiting on guidance from the Legal Department**

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

- A. Stow Road, Open Space Development Special Permit Application – **No new information**

Map 20, Parcel 4A, Stow Road, Marlborough, MA 01752

Name of Applicant: Kendall Homes, Inc. (P.O. Box 766, Southborough, MA 01772)

Name of Owner: McCabe Family Irrevocable Trust and Judith McCabe (6 Erie Drive, Hudson, MA 01749)

Name of Engineer: Connorstone Engineering, Inc. (10 Southwest Cutoff, Northborough, MA 01532)

Deed Reference: Book: 66136 Page: 582, Book: 78814 Page: 590

#### 7. **Definitive Subdivision (None)**

#### 8. **Signs (None)**

#### 9. **Correspondence (None)**

# CITY OF MARLBOROUGH MEETING POSTING

## 10. Unfinished Business

- A. Working Group
  - i. Draft Memo - Sign Ordinance Variance Procedures
  - ii. Draft Memo - Public Hearing Process Elements
  - iii. Draft Memo - Public Hearing Process
  - iv. Draft Memo - Subdivision Waiver Requests
  - v. Draft Flowchart - Procedure for Limited Development - Step One

## 11. Calendar Updates

- A. Stow Road, Open Space Development Special Permit Application – 90 days expires Sunday, March 19, 2023, extension granted to April 27, 2023 - Vote on or before **April 24, 2023**, meeting
- B. Beauchemin Estates, 689 Pleasant Street Definitive Subdivision – 90 days expires Sunday May 14, 2023 – Vote on or before **May 8, 2023**, meeting

## 12. Public Notices of other Cities & Towns

- A. Public Hearing Legal Notices
  - i. Town of Sudbury
  - ii. Town of Berlin

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

1A

**Call to Order**

**March 27, 2023**

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: Sean Fay, Barbara Fenby, James Fortin, William Fowler, Dillon LaForce, George LaVenture, and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio.

**1. Draft Meeting Minutes**

**A. March 13, 2023**

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file the March 13, 2023, meeting minutes. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

**2. Chair's Business**

**A. Street Acceptance - No updates**

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

**4. Public Hearings**

**A. 689 Pleasant Street, Marlborough, MA 01752**

Open Space Development Definitive Subdivision Plan

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

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

Name of Surveyor: Hugo Findeisen, (P.O. Box 612 Sandown, NH 03873)

Deed Reference: Book: 45210 Page: 560

i. Form C-1, Form D and Form L

ii. Certified Abutters List

iii. Arborist Letter – Tree Tech, Inc.

iv. Waiver Correspondences

v. Engineering Review

vi. Conservation Commission Review

vii. Board of Health Review

viii. Plan Set

Dated: February 6, 2023

Chairperson Fay opened the hearing. Mr. LaVenture read the public hearing legal notice into the record. Chairperson Fay 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:**

Dan Koravos, P.E., of DK Engineering LLC (59 Granite Lane, Chester, NH 03036) spoke on behalf of 689 Pleasant Street. Mr. Koravos explained Beauchemin Estates is an open space development. This process consists of two steps. The first step is the special permit, which the Planning Board approved on July 25, 2022. The definitive plan being presented today is the second step. The site is located at 689 Pleasant Street, Marlborough, MA. The site is wooded with a section of wetland that runs through the middle of it. In 2022 the wetland border was set by a filed ANRAD (Abbreviated Notice of Resource Area Delineation). The soils on site have been mapped by NRCS (Natural Resource Conservation Service), the testing determined the soil where the detention basins are, have a lot of sand, so the infiltration rate is rapid.

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The property is zoned A2 and is approximately 5.4 acres. Each lot would have a minimum of 12,000 square feet, 50 feet of frontage, 20-foot front and rear and 10-foot side yard setbacks. The proposed development consists of a 461-foot-long cul-de-sac with a 40-foot right-of-way and a 28-foot pavement width.

Mr. Koravos went over the difficulties the profile of the road posed due to the wetlands and the placement of the infiltration basin. He discussed the existing issue on site, where water runoff from the condominiums on north of the site is pooling. He proposed a depression, headwall, and culvert that leads the water to the wetlands.

Mr. Koravos explained the plan seeks to divide the parcel into seven lots and one open space parcel. Lot 7 would house the already existing home on the property. Parcels B, C and D would be given to the City.

Mr. Koravos went over Parcels:

Parcel A: Infiltration Basin

Parcel B: Infiltration Basin between the roadway and the wetlands

Parcel C: 10-foot strip that would hold the culvert in front of 705 Pleasant Street

Parcel D: 2.2 acres of open space

Mr. Koravos went over the proposed sewer on the property and explained each lot would require a pump, so they are proposing individual grinder pumps for each lot or an Environmental One (E1) pump. All lots would be pumped to a collective force main that would run down the outside of the right-of-way within a 10-foot easement to a manhole off the right-of-way where it would gravity feed to the existing main on Pleasant Street.

Mr. Koravos discussed conditions 8 and 9 within the special permit which were written for 705 Pleasant Street. The plan does not show the proposed sewer stub because he wanted to get clarification on its location from the property owner. Evergreens spaced 8-10 feet apart are being proposed as screening long the proposed roadway the abutting property.

See special permit conditions below:

8. Prior to the issuance of any building permits related to the Proposed Development, 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 related to the Proposed Development, the applicant shall install a sewer stub off of the new sewer main for the house at #705 Pleasant Street (Map 28 Parcel 18A).

Mr. Koravos discussed proposing a 6" water main to match what is on Pleasant Street verse the 8" which is shown on the plan and explained he would discuss this change the City Engineer, Thomas DiPersio.

Mr. Koravos went over the proposed drainage system and explained there is a low point in the roadway with two catch basins which would catch the runoff and bring it to catch basin that is further up the street. The culvert and the catch basin would then discharge into the infiltration basin on parcel B. The catch basin at the end of the cul-de-sac would discharge into a swale that runs along the boundary of the open space and discharge into the infiltration basin on parcel A.

Mr. Koravos explained the plan shows street trees being planted at 40-foot intervals and evergreen screening along the roadway in front of parcel B.

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Mr. Koravos went over the two requested waivers:

- Article IV. Section §676-12.C.(1) Width of Streets as presented in the City of Marlborough, MA Ecode360. The required right-of-way width for a secondary street is fifty (50) feet. We respectfully request a reduction to forty (40) feet. The reason for the request is due to the limited area between the abutting property to the north and the wetland area to the south of the proposed road.
- Chapter A676 Subdivision Regulations §676-26.A. Sidewalks. Which states, “Unless otherwise specified by the Planning Board, the sidewalks shall extend the full length of each side of the street”. We respectfully request a reduction in the length of the sidewalk by eliminating the sidewalk in Parcel C on the north side of the proposed roadway.

The reason for the request is due to the limited area between the abutting property to the north and the proposed roadway. Within that area, there will be landscaping for screening, a drainage swale, joint utility trench, a headwall and depression for the proposed culvert to mitigate the ponding on the abutting lot. If granted, on the north side of the proposed roadway, the sidewalk would begin at the property line for Lot 1 and extend all around to the intersection with Pleasant Street. Also, a crosswalk would be provided across the new road.

Mr. Koravos told the Board the tree preservation and protection plan is missing from the plan set but will be provided at a later date.

Mr. Fay closed this portion of the public hearing.

**Speaking in Favor of the Amendment:**

No one spoke in favor.

**Speaking in Opposition to the Amendment:**

Richard Gasparoni (664 Pleasant Street, Marlborough, MA) addressed the following concerns/questions:

- Pleasant Street being a scenic road
- Width of the access road
- Commuter safety
  - High volume of accidents
  - Traffic
- Moving the access to Crowley Drive if possible instead of Pleasant Street
- Existing vernal pools after heavy rain where the roadway is being proposed
- Increase in water run off
- Concerns regarding the existing retention pool from the Toll Brothers Property

Paula Guz (669 Pleasant Street, Marlborough, MA) addressed the following concerns/questions:

- Commuter safety
  - Blind corner
  - Speeding
  - High volume of accidents
  - Traffic

Christine Devona (705 Pleasant Street, Marlborough, MA) addressed the following concerns/questions:

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- Concerns that the proposed drainage system will not withstand the existing standing water issue and the increase in water runoff from the development

Mr. DiPersio provided information on the culvert along the roadway near the abutting property 705 Pleasant Street. The intent is to pick up the water that is coming from the higher ground behind the property. The pipe will convey the water across the road into the wetland.

Mr. DiPersio explained a swale is a channel that would run length wise to convey water and a headwall is a stone or concrete small wall that is built at the end of a pipe, to hold the earth back so the pipe can remain clear and discharge.

Christine Devona (Continued)

- Concerns regarding the profile of the roadway creating additional water strain

Mr. Fay reminded members of the public that their questions/concerns that are Engineering/Conservation based are part of the respective department reviews and the Board's evaluation.

Christine Devona (Continued)

- Concerns regarding the sidewalk waiver
- Asked, if the City will maintaining parcel C
  - Mr. DiPersio explained in his review, the ownership/maintenance of parcel C was one of his questions and that he wanted to hear from the developer regarding their intent.

Richard Gasparoni (664 Pleasant Street, Marlborough, MA) addressed the following concerns/questions:

- Future development of map and parcel 28-12A

Mr. Fay closed this portion of the public hearing.

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

Mr. Russ asked about the sidewalk waiver request. Mr. Koravos explained the plans show sidewalks because he is aware the Board preference but explained the utilities would be easier to design if the sidewalks abutting 705 Pleasant Street were eliminated. Mr. Russ and Mr. Koravos discussed the utilities' locations within the plan. Mr. Russ asked if fencing is being proposed around the detention basins. Mr. Koravos said yes and explained their slope is 3 to 1.

Dr. Fenby asked Mr. Koravos if he would be willing to speak with the abutters that will be impacted by the development. Mr. Koravos said yes.

Mr. Fowler asked Mr. Koravos if there was a tree plan that showed what type of trees are being proposed. Mr. Koravos explained sheet 9 has more information regarding the trees and that the tree warden would have more information on what type of trees the City would prefer.

Mr. Fay asked when the Board would see the scenic road public hearing request. Mr. Koravos explained once the decision on the width of the right of way is made, they would put in the request for scenic road public hearing.

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Mr. Fay asked Mr. Koravos if he had analyzed the runoff from the Toll Brothers development and how it affects the drainage plans. Mr. Koravos said yes, and explained contours were obtained from Lidar data and blended them with what they collected in the field to make sure everything was taken into account.

Mr. Fay confirmed with Mr. Koravos that he would work with abutter Christine Devona (705 Pleasant Street) on the sewer stub location.

Mr. DiPersio summarized his review and explained the tree preservation and protection plan is missing. The intent is to overlay the proposed roadway onto the surveyed trees, so the Board can get an idea on what trees will be cleared and which trees can possibly be saved. Miscellaneous notes and comments need to be added/revised through the plan set. After hearing the presentation by Mr. Koravos, Mr. DiPersio explained he needs to review the storm water calculations to validate the drainage systems ability to account for water that will drain into the system from off-site.

Mr. DiPersio explained the pumps and sewer force main would be owned and maintained by the homeowners within an easement across all of the properties. He explained an agreement with the homeowners would need to be created. He explained 705 Pleasant Street would likely be able to connect by gravity and the connection would be approved once the proposed roadway was accepted by the City as a public way.

vii. Board of Health Review

Mr. LaVenture read the February 22, 2023, correspondence into the record.

On a motion by Mr. LaVenture, seconded by Dr. Fenby, the Board voted to accept and file all the correspondence under item 4. Public Hearings, A. 689 Pleasant Street, Marlborough, MA 01752. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

On a motion by Dr. Fenby, second by Mr. Fowler, the Board voted to keep the public hearing open since additional materials would be submitted which could impact their review. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Mr. DiPersio asked Mr. Koravos to provide site distance measurements for the proposed road, which will provide additional information for the abutters to address their commuter safety concerns.

On a motion by Mr. Fowler, second by Dr. Fenby, the Board voted to take a two-minute break. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted resume the meeting. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

**5. Subdivision Progress Reports**

A. Goodale Estates – Jenks Lane

i. Mylar plans for endorsement

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to endorse the February 28, 2022, Plan of Acceptance for Goodale Estates, LLC, Jenks Lane. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

B. 76 Broad Street

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MARLBOROUGH, MA 01752**

- i. Correspondence from City Engineer, Thomas DiPersio  
Mr. LaVenture read the March 23, 2023, correspondence into the record.

On a motion by Mr. LaVenture, seconded by Dr. Fenby, the Board voted to refer the 76 Broad Street Definitive Subdivision to the Legal Department for review/guidance. The Board is requesting an update on the Subdivision's legal status and guidance on what steps, if any are needed to rescind the approval. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture and Russ. Nay: 0. Motion carried. 7-0.

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

- A. Stow Road, Open Space Development Special Permit Application  
Map 20, Parcel 4A, Stow Road, Marlborough, MA 01752

Name of Applicant: Kendall Homes, Inc. (P.O. Box 766, Southborough, MA 01772)  
Name of Owner: McCabe Family Irrevocable Trust and Judith McCabe (6 Erie Drive, Hudson, MA 01749)  
Name of Engineer: Connorstone Engineering, Inc. (10 Southwest Cutoff, Northborough, MA 01532)  
Deed Reference: Book: 66136 Page: 582, Book: 78814 Page: 590

- i. Plan Set Dated: December 2, 2022, Revised: February 9, 2023

Mr. Russ reminded the Board they are waiting on revised plans to correct the 50-foot permanent buffer and asked for its definition. Mr. DiPersio explained when it's abutting a residential property, there is two buffers, the total of which is double the setback. The first part of the buffer, closest to the new house, is essentially no structures. The second half is no disturb.

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to send the draft special permit to the Legal Department for review upon receipt. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture and Russ. Nay: 0. Motion carried. 7-0.

**7. Definitive Subdivision (None)**

**8. Signs**

- A. 405 Maple Street (Fazza Group, Inc.)

- i. Application
- ii. Denial letter, Ethan Lippitt, Code Enforcement Officer
- iii. Proposed Sign

Mr. Fay explained to Mr. Fortin, the applicant had already used 134.95 square feet of their allotted 150 for the building. They were seeking relief for 105 square feet for the proposed sign within the packet. The applicant had been requested to come to the following meeting and provide additional information. The applicant did not respond to the calendar invite and did not attend the following meeting as indicated.

Mr. Russ discussed how this application should be considered incomplete because the application does not show the already existing signs on the property and concluded this would be something that could be discussed with the Working Group.

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to deny the sign variance request for 405 Maple Street. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture and Russ. Nay: 0. Motion carried. 7-0.

**9. Correspondence (None)**

**MINUTES  
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MARLBOROUGH, MA 01752**

**10. Unfinished Business**

- A. Working Group
  - i. Draft Memo - Sign Ordinance Variance Procedures  
Mr. LaVenture updated the Board and explained he is still waiting to hear back from the Legal Department with their review/comments. Mr. Fay requested this item remain on the agenda for the April 10, 2023, meeting.

**11. Calendar Updates**

- A. Stow Road, Open Space Development Special Permit Application – 90 days expires Sunday, March 19, 2023, extension granted to April 27, 2023 - Vote on or before **April 24, 2023**, meeting
- B. Beauchemin Estates, 689 Pleasant Street Definitive Subdivision – 90 days expires Sunday May 14, 2023 – Vote on or before **May 8, 2023**, meeting

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

The Board endorsed the February 28, 2022, Plan of Acceptance for Goodale Estates, LLC, Jenks Lane.

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

Respectfully submitted,

/kmm

George LaVenture/Clerk

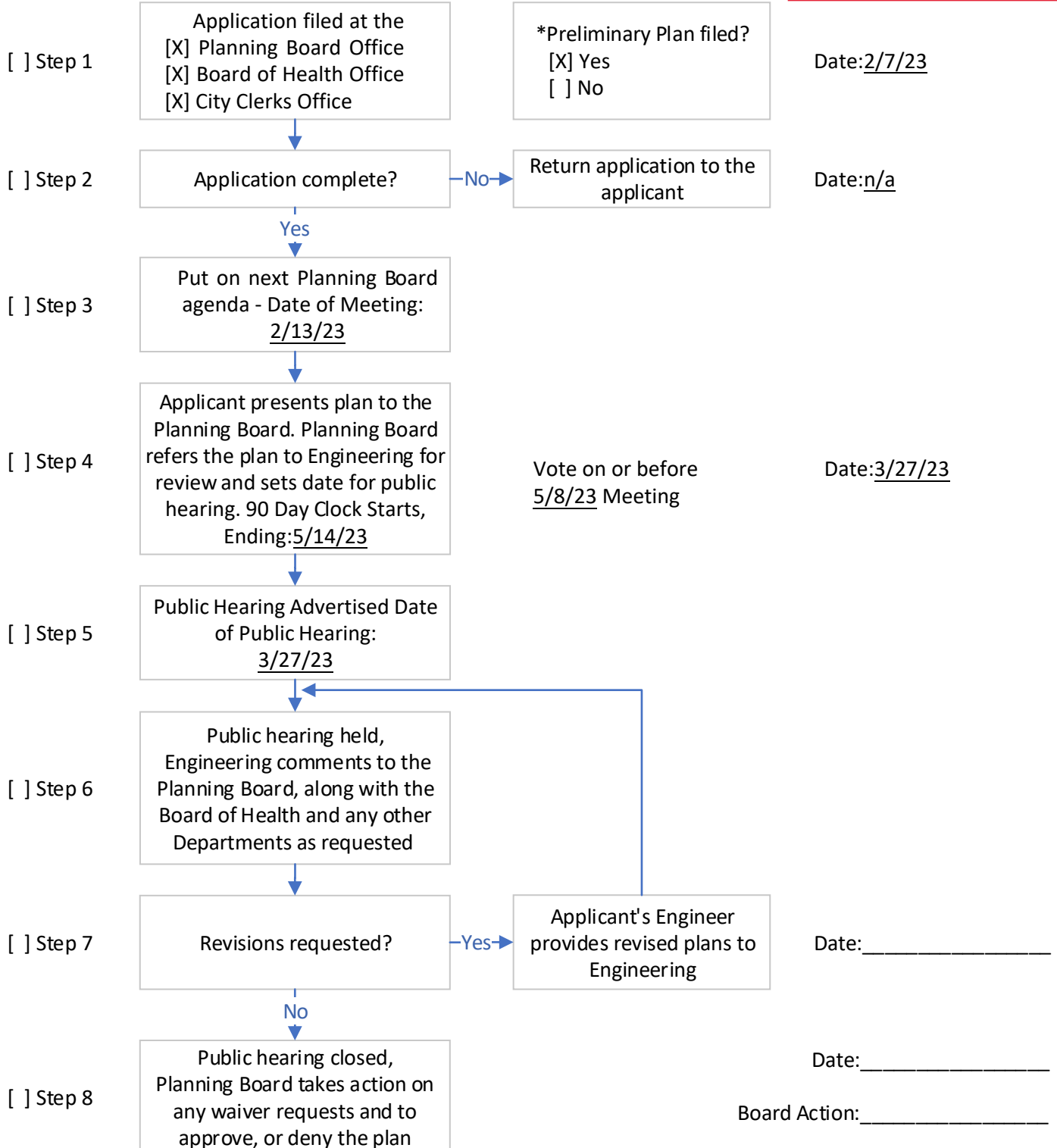


# City of Marlborough Planning Board

## Beauchemin Estates, 689 Pleasant Street Procedure for Definitive Plans

### Punch List Items:

- Sewer stub location for 705 Pleasant St
- Scenic road public hearing application
- Draft Certificate of Vote
- Draft Covenant





April 5, 2023

City of Marlborough Planning Board  
Marlborough City Hall  
140 Main Street  
Marlborough, MA 01752

Attn: Chair Fay and Members of the Board

RE: Beauchemin Estates - 689 Pleasant Street – Definitive Subdivision Plan Hearing -  
Request for Continuance

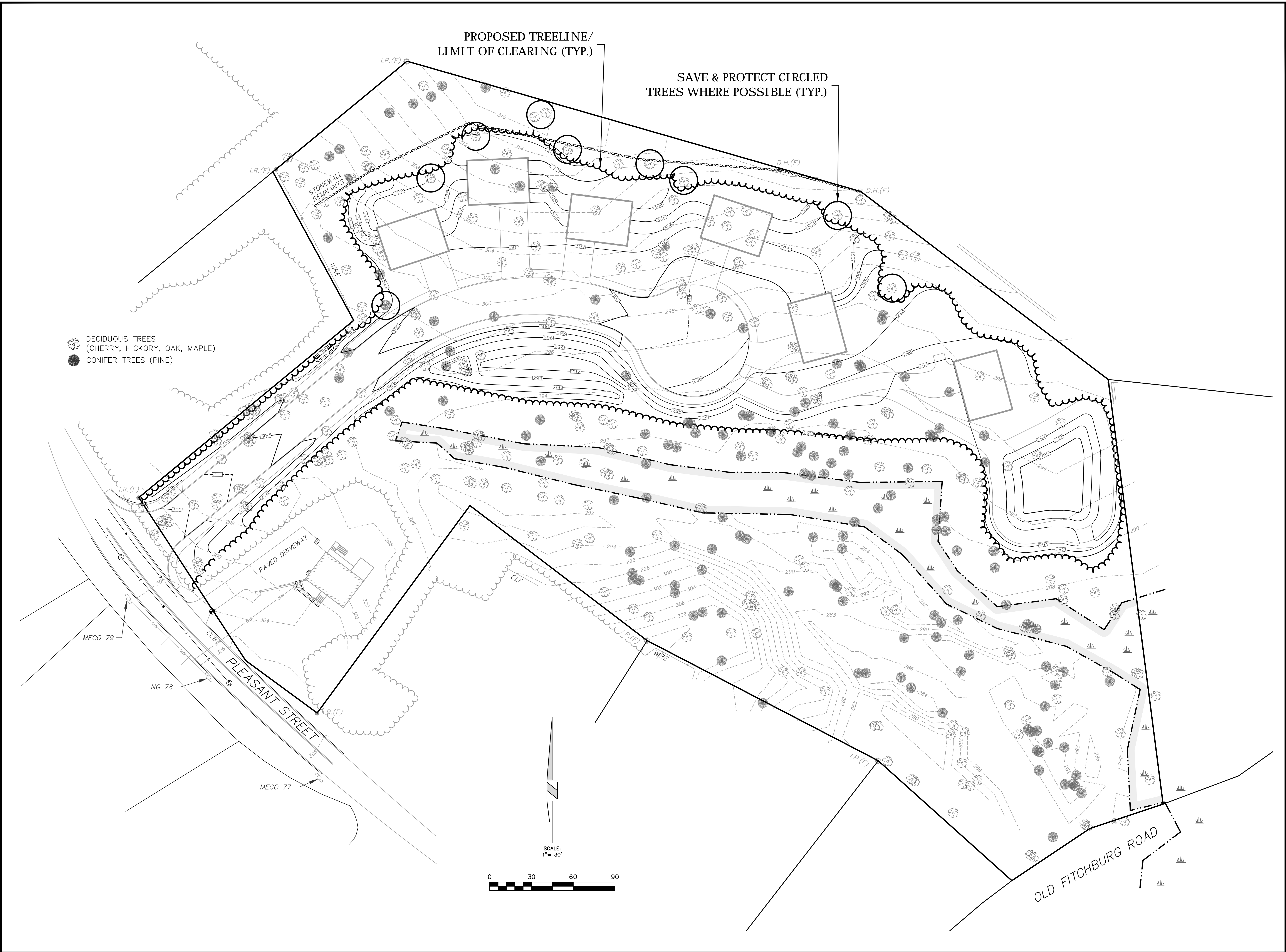
On behalf of our client, Joyce Beauchemin Realty Trust, Timothy L. Beauchemin, Trustee, we respectfully request a continuance of the April 10, 2023 public hearing for the Beauchemin Estates to the April 24, 2023 hearing date.

The reason for the request is to allow additional time for survey to obtain information needed to establish the intersection sight distance and confirm a connection location for a sewer stub to the abutting property at 705 Pleasant Street as requested by the Board.

We appreciate your consideration of this matter.

Sincerely,

Daniel Koravos, P.E.  
*DK Engineering LLC*



# 689 Pleasant Street

Engineer / Surveyor:

*DK Engineering LLC*

Office: 47 Enterprise Drive, #1 Windham, NH 03098  
Tel: (603) 606-6228 E-mail: Dan.Koravos@gmail.com

**FINDSEN SURVEY & DESIGN, LLC**

87 Indian Rock Road, Windham, New Hampshire  
P.O. Box 612, Windham, NH 03093  
Tel: (603) 696-8516 / Fax: (603) 696-4497

Engineer:

Surveyor:

Applicant:

JOYCE BEAUCHEMIN  
REALTY TRUST  
TIMOTHY L. BEAUCHEMIN,  
TRUSTEE  
P.O. BOX 1067  
TOWNSEND, MA 01469  
(978) 804-0169

Owner(s):

JOYCE BEAUCHEMIN  
REALTY TRUST  
TIMOTHY L. BEAUCHEMIN,  
TRUSTEE  
P.O. BOX 1067  
TOWNSEND, MA 01469

NO.	DATE	BY	DESCRIPTION
9			
8			
7			
6			
5			
4			
3			
2			
1			

Assessor's Map & Lot:  
Map 28 / Lot 18B

Project No.: 42103 Drawing Scale: AS SHOWN

Plan Date: 04/01/2023 Revised Date:

Sheet Title:  
**TREE PRESERVATION  
& PROTECTION PLAN**

Sheet No.: **1**

Total No. of Sheets: 1

Drawing name: D:\\_dk\_data\Projects\42103 ~ PDC - 689 Pleasant St - Marlborough\...\_dwa\42103 ~ DSP Rev 2023-04-01X.dwg  
Plotted on Apr 04, 2023 ~ 7:16pm

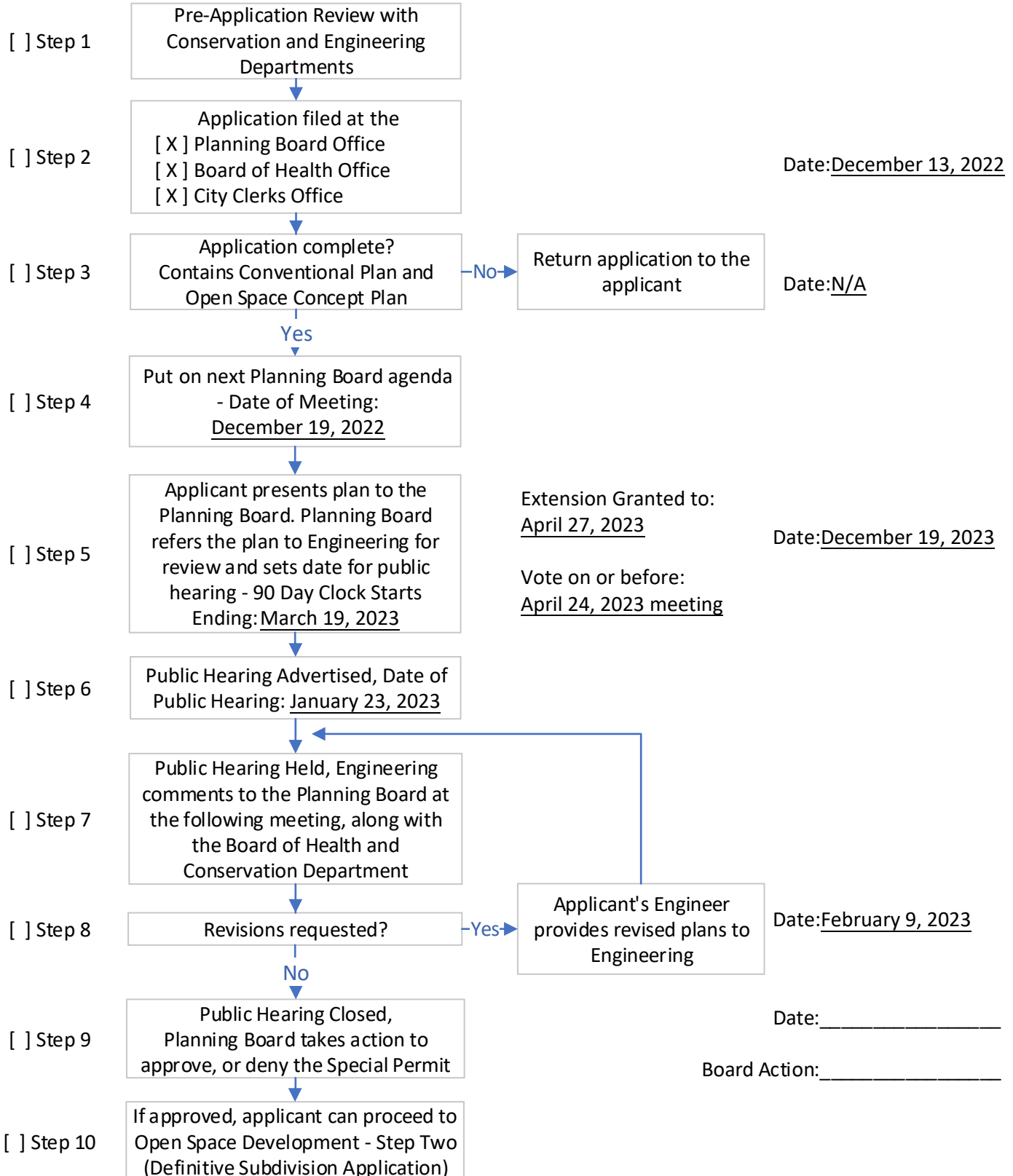


# City of Marlborough Planning Board

Punch List Items:  
- Legal Dept. review of draft special permit  
- Revised plans addressing buffer zone language

Stow Road - 547 Stow Road

## Procedure for Open Space Development - Step One





# *City of Marlborough*

## *Planning Board*

Administrative Offices  
135 Neil St.  
Marlborough, MA 01752

10A.i  
PLANNING BOARD

Sean N. Fay, Chair  
Barbara L. Fenby  
James Fortin  
William Fowler  
Dillon LaForce  
George LaVenture  
Christopher Russ

Katlyn LeBold, Administrator  
(508) 624-6910 x33200  
[klebold@marlborough-ma.gov](mailto:klebold@marlborough-ma.gov)

### MEMO

Date: April 10, 2023  
To: Record  
From: Marlborough Planning Board  
Re: Sign Ordinance Variance Procedures

Due to the highly specific requirements for sign ordinance variances under Chapter 526 of the Code of the City of Marlborough ("City's Sign Ordinance"), the Planning Board requires that the applicant for a sign ordinance variance be the business owner or responsible employee. The applicant and/or its legal counsel shall appear before the Planning Board at an agreed-upon date and time to present its application for the variance. At a minimum, the applicant must address either:

1. How it believes the proposed sign was not contemplated by the City's Sign Ordinance; or
2. How enforcement of the City's Sign Ordinance would involve practical difficulties

In either instance, the applicant must address how desirable relief may be granted without substantially derogating from the intent and purpose of the City's Sign Ordinance.

The applicant must be specific in its responses as 526-12(C)(2) allows variances only under these conditions.

The applicant might also consider having a representative from the sign vendor/installer attend to address any questions from the Planning Board regarding the construction, installation, and operation of the proposed sign.

The Planning Board requires a complete application to provide photos of, and location and physical details of, all signs, existing and proposed, on the property as well as photos showing the location of the main public entrance and any other public entrance.

In addition, for electronic and lit signs, a complete application will include a Google maps or GIS picture showing the required distance arcs from the sign to areas noted in the ordinance such as Residential Zones.

The procedures outlined in this memorandum shall be interpreted consistently with, and shall not modify, the Planning Board Rules and Regulations, any City Ordinance and any other applicable local, state, or federal laws.

Sean N. Fay  
Chairperson



# City of Marlborough Planning Board

Administrative Offices  
135 Neil St.  
Marlborough, MA 01752

## PLANNING BOARD

Sean N. Fay, Chair  
Barbara L. Fenby  
James Fortin  
William Fowler  
Dillon LaForce  
George LaVenture  
Christopher Russ

Katlyn LeBold, Administrator  
(508) 624-6910 x33200  
[klebold@marlborough-ma.gov](mailto:klebold@marlborough-ma.gov)

## MEMO

Date: April 10, 2023  
To: Record  
From: Marlborough Planning Board  
Re: Public Hearing Process Elements

### 1. Recessing, Continuing or Closing the Hearing or Record

- a. Recessing the public hearing - At any point in the public hearing, the Chair may recess the public hearing, conduct other Board business, and then re-open the public hearing.
- b. Continuations - A continued hearing should always be continued to a date, time and place certain. This may include continuation to a later time during the same meeting when, for example, another posted hearing is due to be opened or a presenter whose testimony, in the opinion of the Chair, is important to the hearing, cannot be in attendance until later in the hearing.
- c. Closing the hearing and/or record - The Board shall provide an opportunity for applicants, public officials and other interested persons to address the Board during the public hearing process.

Once the Board is satisfied that all relevant testimony has been received, it may close the hearing and the record, or may close only the hearing and hold the record open for any specific information that it has requested the applicant, applicable City Departments or Boards, or another party to provide for the record.

*It should be noted that the statutory timeframe for the filing of the Board's decision with the City Clerk will begin upon closure of the hearing, and not of the record, so it may be appropriate to keep the hearing open, rather than the record only, in order to ensure that all necessary information is received prior to the Board's decision and that sufficient time remains to file the decision in a timely manner.*

- d. After the close of the Board's hearing and written record, no new evidence should be considered, except for specific information or materials required by the Board prior to its decision on the application, or prior to signature of the plan or special permit or as a condition of the Board's decision on the project. Information which is the basis for discussions with the applicant must be in the public record.

## 2. Motions

The Chair may entertain motions made by other Board members sitting on the application. After a second, the Chair should open the floor for discussion by the Board members.

After discussion, the Chair should call for a vote, with the vote of each member to be identified for the record.

Sample Motion to Continue the Hearing:

- "I move to continue this hearing until (date) at (time) at (place) for the purpose of accepting further testimony on this application."
- Sample Motion to Close a Hearing:
- "I move to close this hearing."
- Sample Motion to Close a Hearing but leave the record open:
- "I move to close this hearing but to leave the record open until (date) at (time) for the purpose of accepting additional written information on (a particular issue)."

## 3. Preparing and Adopting Decisions and Certificates of Action or Vote

After the hearing and record are closed or, for applications not involving a public hearing, when the Board begins discussion of its decision, only Board members who are eligible to vote on the application should discuss the Board's decision and any newly received information that was required by the Board to be submitted prior to its decision.

Any Board member not at, or having viewed the video recording of, an applicant presentation and/or any required Public Hearing would be a non-voting member during Board deliberations. Non-voting members may comment prior to the Board's discussion of its decision on an application.

If there is disputed factual testimony or conflicting expert opinions, Board members should state which testimony they found to be more credible (case law requires credibility determinations to be made by the decision makers who actually hear the testimony).

The Board may solicit technical assistance in preparing its decision or Certificate of Vote.

Whenever possible the Board should vote on a decision or draft decision on the same date that the hearing and record are closed, including any proposed conditions.

For Special Permits, the Board should then request the Applicant to prepare a written decision document for final approval at a subsequent meeting. (The Board may also request the Applicant earlier in the process to prepare initial drafts of a proposed decision.)

For subdivision approvals and other matters, the Board may vote on a final decision and conditions and direct staff to prepare a written decision or Certificate of Vote for filing with the City Clerk. The Board may require that said decision or Certificate be reviewed and signed by the Chair or another Board member before filing.

The Board's decision, or its Certificate of Vote regarding decisions under the Subdivision Control Law, must be filed with the City Clerk prior to any deadline established by statute or by-law.

As an alternative, the applicant may request, in writing, an extension of the time required for filing of the Board's decision on a Definitive Subdivision Plan, or the applicant and Board may enter into a written agreement extending the time for filing the Board's decision on a Special Permit application.

In either case, the extension must be for a specified number of days or to a specified date and must be approved by the Board with the same plurality required for the decision regarding which the filing period is being extended. Notice of any such extension must be filed forthwith with the City Clerk.

*No such extension of time is permissible for a Preliminary Subdivision Plan or an "Approval Not Required" (ANR) plan.*

Upon filing of the Board's decision or Certificate of Vote, notice must then be sent to all parties in interest as specified in the applicable statute, by-law or Board regulation.

The procedures outlined in this memorandum shall be interpreted consistently with, and shall not modify, the Planning Board Rules and Regulations, any City Ordinance and any other applicable local, state, or federal laws.

Sean N. Fay  
Chairperson

## PLANNING BOARD

Sean N. Fay, Chair  
Barbara L. Fenby  
James Fortin  
William Fowler  
Dillon LaForce  
George LaVenture  
Christopher Russ

Katlyn LeBold, Administrator  
(508) 624-6910 x33200  
[klebold@marlborough-ma.gov](mailto:klebold@marlborough-ma.gov)



# *City of Marlborough*

## *Planning Board*

Administrative Offices  
135 Neil St.  
Marlborough, MA 01752

### MEMO

Date: April 10, 2023  
To: Record  
From: Marlborough Planning Board  
Re: Public Hearing Process

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The Planning Board shall hold Public Hearings using the following process:

1. The Chair will open the hearing, noting the time each individual hearing is begun, and what date each hearing was originally opened if applicable.
2. At the opening of the initial session of the public hearing, the Clerk will read the applicable hearing notice into the Record.
3. The Chair will remind presenters and members of the audience to identify themselves before speaking to the Board.
4. The Chair will note the receipt of written materials submitted for the record.
5. The Chair will invite the Applicant or his or her representative to address the Board and present their case.
6. The Chair may have the Clerk read or summarize letters and other written materials submitted for the record.
7. The Chair will ask Engineering for its report or any update on a previously read report on the project.
8. The Chair will invite other interested persons in the audience, beginning with proponents and then opponents, to make comments and provide an opportunity for rebuttal.
9. The Chair will invite any public officials in the audience to make comments.

10. The Chair will invite Board members to address their concerns, ask questions, and, or comment on the project.
11. The Chair will ask the applicant for final comments.
12. The Chair will then entertain and act on a motion to close the Hearing and the Record, close the Hearing but leave the Record open until a specific date and time to accept additional written information, or hold the Hearing open until a specific date and time at a specific place.

Note: Depending on the time available and the number of people desiring to speak, the Chair may limit each speaker to a specified amount of time (i.e., 5 or 2 minutes) and require that further testimony from those speakers be submitted in writing.

The procedures outlined in this memorandum shall be interpreted consistently with, and shall not modify, the Planning Board Rules and Regulations, any City Ordinance and any other applicable local, state, or federal laws.

Sean N. Fay  
Chairperson

## PLANNING BOARD

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# City of Marlborough Planning Board

Administrative Offices  
135 Neil St.  
Marlborough, MA 01752

## MEMO

Date: April 10, 2023  
To: Record  
From: Marlborough Planning Board  
Re: Subdivision Waiver Requests

Massachusetts Subdivision Control Law Chapter 41 Section 81R provides that a Planning Board may in any particular case, where such action is in the public interest and not inconsistent with the intent of the Subdivision Control Law

- waive strict compliance with its Rules and Regulations, and
- with the frontage or access requirements specified in said law, and may,
- where the ways are not otherwise deemed adequate, approve a plan on conditions limiting the lots upon which building may be erected and the number of buildings that may be erected on particular lots and the length of time for which particular buildings may be maintained without further consent by the Planning Board to the access provided.

To make this determination, the Planning Board will consider:

- How does a conforming plan compare to the plan requesting waivers?
- Did the Board receive sufficient input from the Applicant, Development Team and Public to make a reasoned determination?
- Are the waivers requested consistent with adjacent neighborhoods?
- Did the Board receive favorable recommendations from the City Engineer and other relevant City Departments?
- Are there benefits to the City, Public, Neighborhood, and/or Environment?

The procedures outlined in this memorandum shall be interpreted consistently with, and shall not modify, the Planning Board Rules and Regulations, any City Ordinance and any other applicable local, state, or federal laws.

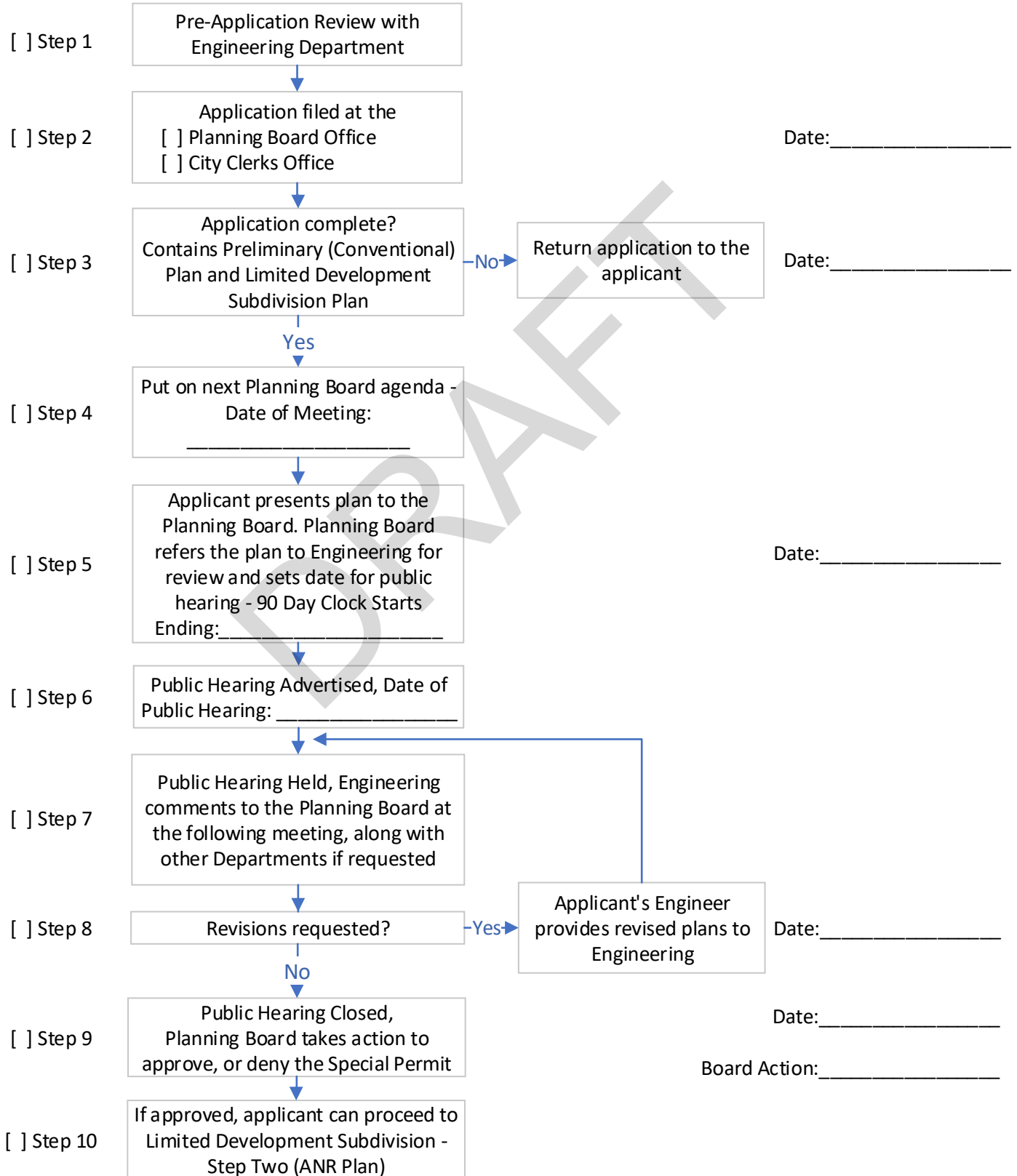
Sean N. Fay  
Chairperson

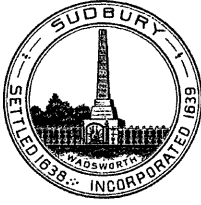


# City of Marlborough Planning Board

10A.v

## Procedure for Limited Development - Step One





# Town of Sudbury

## Planning Board

PlanningBoard@sudbury.ma.us

Flynn Building  
278 Old Sudbury Road  
Sudbury, MA 01776  
978-639-3387  
Fax : 978-639-3314

www.sudbury.ma.us/planning

### LEGAL NOTICE PUBLIC HEARING SUDBURY PLANNING BOARD FOR THE MAY 1, 2023 ANNUAL TOWN MEETING

In accordance with the provisions of MGL Chapter 40A, Section 5, the Sudbury Planning Board will hold a public hearing on **April 12, 2023 at 7:30 PM** as a Virtual Meeting if allowed under the Open Meeting Law or, if not permitted, the meeting will be held in the Lower Town Hall, 322 Concord Road, Sudbury, Massachusetts, concerning the following subjects on the Warrant for the May 1, 2023 Annual Town Meeting:

1. Amend the Zoning Bylaw by modifying or inserting a section to prohibit the sales, assembly, and/or manufacturing of firearms and/or components thereof, ammunition, and explosives in all zoning districts in the Town of Sudbury.

A copy of the full text and maps of the proposed amendment can be viewed in the Planning and Community Development Department and Town Clerk's Office during normal business hours.

All those wishing to be heard on this matter should appear at the time and place designated above, or send written comments prior to the hearing to the Sudbury Planning Board at 278 Old Sudbury Road, Sudbury, MA 01776.

Stephen R. Garvin, Chair  
Sudbury Planning Board

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To be published in the MetroWest Daily News on March 29, 2023 and April 5, 2023.

To be sent to the Department of Housing & Community Development, the Metropolitan Area Planning Council, and abutting Towns.

To be posted in Town Hall.

## Berlin Planning Board

### Public Hearing

### Berlin, Massachusetts 01503

In accordance with Mass. General Law Chapter 40A Section 5, the Berlin Planning Board shall hold a public hearing on Tuesday, April 11, 2023, at 8:00 PM, Room 218, at the Berlin Town Offices, 23 Linden Street, Berlin, MA 01503. The meeting may also be broadcast live, to the extent possible, on the Zoom virtual meeting platform (if Zoom is not possibly broadcast live, the in-person meeting will still take place as required by Mass. General Law).

Interested citizens may present oral feedback at the hearing, or may send written comments to the Planning Board prior to the hearing via email to [planning@townofberlin.com](mailto:planning@townofberlin.com) or US MAIL to: Berlin Planning Board, 23 Linden Street Box #6, Berlin, MA 01503. The purpose of the public hearing is to provide interested parties with an opportunity to comment on proposals to amend the Berlin Zoning By-Laws at the Berlin Annual Town Meeting to be held at 7:30 PM on Monday, May 1, 2023, at the Berlin Memorial School, 34 South Street, Berlin, MA.

The proposed amendment (with placeholder-only numbering at this time) to the Zoning By-law would be:

Article 1: To see if the Town will vote to amend the Zoning District Map of the Town of Berlin by removing the following parcels (identified by the Assessors' Map and Parcel reference) from the Residential and Agricultural District and adding them to the Agricultural-Recreation-Conservation District.

		Map 3 Parcel 12.1.	Map 5 Parcel 17
Map 5 Parcel 43	Map 6 Parcel 25	Map 6 Parcel 7	Map 6 Parcel 5
Map 6 Parcel 5.1	Map 9 Parcel 41	Map 9 Parcel 42	Map 10 Parcel 6
Map 19 Parcel 41	Map 23 Parcel 2	Map 23 Parcel 3	Map 23 Parcel 4
Map 23 Parcel 5	Map 23 Parcel 6.2	Map 24 Parcel 13	

A full copy of the proposed Zoning by-law amendment is on file for review during the posted office hours for the Berlin Town Clerk's Office, Room 202, Berlin Town Offices, 23 Linden St., Berlin, MA 01503, and online at [www.mytowngovernment.org](http://www.mytowngovernment.org) under "Planning Board".

Remote hearing participation, to the degree possible atop the in-person hearing, will be on the Zoom webinar platform as follows:

- Webinar: <https://us02web.zoom.us/j/83026093108>
- One tap mobile: +13092053325,,83026093108# or +13126266799,,83026093108#
- Telephone: +1 309 205 3325 or +1 312 626 6799 Webinar ID: 830 2609 3108

For the Board, Timothy H. Wheeler