

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

1A

**Call to Order**

**May 10, 2021**

The **remote meeting** of the Marlborough Planning Board was called to order at 7:00 pm. Members present- Barbara Fenby, Matthew Elder, Sean Fay, Phil Hodge, George LaVenture, and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio.

**1. Draft Meeting Minutes**

**A. April 5, 2021**

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the April 5, 2021 meeting minutes. Yea: Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Absent during time of vote: Mr. Elder. Motion carried.

**B. April 26, 2021**

On a motion by Mr. LaVenture, seconded by Mr. Hodge, the Board voted to accept and file the April 26, 2021 meeting minutes. Yea: Hodge, LaVenture, Russ, and Fenby. Nay: 0. Absent during time of vote: Mr. Elder. Motion carried. Mr. Fay abstained from the vote.

**2. Chair's Business**

**A. Referred from City Council, Order No. 21-1008266: Proposed Zoning Map Amendment, Section 650-8 – Land at 290 Hudson Street, Map 43, Parcel 38**

- June 7, 2021, 7:00 pm was selected for the Planning Board's public hearing on the proposed zoning amendment.

**B. Referred from City Council, Order No. 21-1008274: Proposed Zoning Amendment to Chapter 650 to add a new Section 61 Temporary Moratorium for Multi-Family Housing Projects**

- June 7, 2021, 7:00 pm was selected for the Planning Board's public hearing on the proposed zoning amendment.

City Councilor Kathleen Robey explained she believes City Councilor Mr. Irish would be presenting the Proposed Zoning Map Amendment, Section 650-8 – Land at 290 Hudson Street, and City Councilor Mr. Ossing or the Mayor Arthur Vigeant would be presenting the Proposed Zoning Amendment to Chapter 650 to add a new Section 61 Temporary Moratorium for Multi-Family Housing Projects.

**3. Approval Not Required**

- |   |                                      |
|---|--------------------------------------|
| A. Map 111 Parcel 1 – Applicant: BH GRP TCAM Owner, LLC   | Deed Reference: Book 70600, Page 451 |
| Map 112 Parcel 10A – Applicant: IPG Photonics Corporation | Deed Reference: Book 74877, Page 455 |
| Surveyor: Bruce Saluk & Associates, Inc                   |                                      |
| Recommendation letter from Engineering                    |                                      |

Mr. LaVenture read the May 3, 2021 letter from Assistant City Engineer Timothy Collins into record. The letter concludes, "Parcel A", as shown on the plan, contains 125,518 square feet, and "Parcel B", as shown on the plan, contains 122,668 square feet. The "land swap" would result in a change of area of 150 square feet (0.0034 acres). Both "Parcel A" and "Parcel B" do not have any frontage and it is correctly noted on the plan that these parcels "shall not be used as separate buildings lots, but only used together with adjacent lots having area and front age required by the Marlborough Zoning Code."

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City Engineer Thomas DiPersio noted an error on the letter, the letter states:

- Map 111, Parcel 1, off Simarano Drive – owned by IPG Photonic Corporation, currently containing 12.34 acres.
- Map 112 Parcel 10A, off Campus Drive – owned by BH GRP TCAM Owner LLC, currently containing 97.28 acres.

Revised/Correct information is as follows:

- Map 111, Parcel 1, off Simarano Drive – owned by BH GRP TCAM Owner LLC, currently containing 97.28 acres.
- Map 112 Parcel 10A, off Campus Drive – owned by IPG Photonic Corporation, currently containing 12.34 acres.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the revised letter as indicated, and to endorse the plan. Yea: Hodge, LaVenture, Russ, and Fenby. Nay: 0. Absent during time of vote: Mr. Elder. Motion carried. Mr. Fay abstained from the vote.

**4. Public Hearings (None)**

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

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

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

**8. Signs**

- A. Sign Variance Application 191-237 Boston Post Road West, Marlborough, MA 01752  
Representative: Michael Brangwynne, Fletcher Tilton PC – Continued from April 5, 2021  
Correspondence from Mr. Brangwynne – Request to continue to June 7, 2021

Mr. LaVenture read the May 5, 2021 letter from Mr. Brangwynne into record.

The letter states, “RK Associates-Marlboro, Inc. requests a continuance of its Petition for Sign Variance at 191-237 Boston Post Road West to the Planning Board’s June 7, 2021 hearing. Thank you for your attention on this matter.”

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to accept, file, and put on the agenda for the June 7, 2021 Planning Board meeting. Yea: Elder, Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

Mr. Fay discussed his concerns regarding the current sign violations and code enforcement within the City. Councilor Ms. Robey assured the Board that Code Enforcement and the Mayor’s office are working on many aspects of signage and code violations within the City. The Board decided to invite the Code Enforcement Officer to a future Planning Board meeting for further discussion and clarification.

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**9. Correspondence**

- A. Request for Lot Release: 70 Robert Road, Marlborough, MA 01752  
Release of Lot(s) Form – for Signature

Mr. LaVenture read the May 9, 2021 letter from Assistant City Engineer Timothy Collins into record.

The letter states, "Our office received a request from Pino Law Offices, regarding the release of a Covenant for Hayes Estates, specifically for #70 Robert Road. I have reviewed the subdivision file and offer the following:

- The Definitive Subdivision Plan contains registered land and unregistered land.
- The document attached to the original inquiry is related to registered land - LC Lot 15 (a portion of Lot 7 - #70 Robert Road). Specifically, the recorded Covenant - the attorney is looking for a Lot Releases from the Covenant.
- I have attached a copy of the Land Court Plan [LC Plan 6759G.pdf] and portions of the Definitive Subdivision Plan [Def. Subdivision Plan No 1576 of 1987.pdf] showing the Land Court sections (highlighted) of the Definitive Subdivision Lots.
- I could find no record of a Covenant having been recorded at the South Middlesex Registry of Deeds, other than for the Land Court section shown in the original attachment.
- The roadways were completed and became Public Ways on May 22, 2006 - Council Order 06100-1069A

I have drafted a Lot Release, which has been reviewed and approved as to form by the Legal Department, for your consideration."

City Engineer Mr. DiPersio explained the Lot releases on this subdivision didn't get formally recorded. This Lot involved both Land Court and Non-registered Land. He explained the Attorney was working on a conveyance for this Lot and found a covenant for the Land Court side, but it was missing the Lot Release for that covenant. Mr. DiPersio believes the Attorney did not find anything on the unregistered side. The Attorney requested the Planning Board to sign a release from the covenant for this Lot, so he can close out the title, and make sure his client on the conveyance has a clean title.

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to accept, file and to allow the Chairperson to sign the document. Yea: Elder, Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

**10. Unfinished Business**

- A. Working Group Discussion – Planning Board Rules and Regulations Continued

Mr. LaVenture thanked everyone for their time at the last meeting as the Planning Board presented the proposed changes to date as a complete document. He acknowledged the continued support of the Engineering and Legal Departments. Assistant City Solicitor Jason Piques is continuing to review other municipality's procedures and documents for comparison with the Planning Boards. In this meeting the Planning Board has a flowchart constructed by Assistant City Engineer Timothy Collins. As the Planning Board continues to discuss language to complete the proposed changes to A676-10 H and I, surety adjustment and release of performance guarantee, Mr. Collins fashioned the chart to guide the Planning Boards discussion.

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Mr. LaVenture provided an update explaining City Engineer Mr. DiPersio was the Planning Boards point person to receive responses or requests for meeting by the Mayor, City Council, Department Heads, and other interested parties. Both Mr. DiPersio and City Solicitor Mr. Piques indicated there had been no response to date. Responses were requested by May 5, 2021. He reminded the board this is budget season so, if there are any, they might be delayed a bit.

Mr. LaVenture explained City Solicitor Mr. Piques was the Planning Boards point person reaching out to MEDC/MAPC. Other than an initial email indicating the unlikelihood of a response by MAPC prior to this meeting, the Planning Board hadn't heard anything back yet.

Councilor Ms. Robey expressed her concerns regarding the request for comments and questioned if the Planning Boards Rules and Regulations would go to City Council as a zoning amendment. Mr. LaVenture explained based on his understanding from Legal, the Planning Board has the final deciding authority to implement the proposed changes. Councilor Ms. Robey concluded she would check in with Legal and encourage the councilors to read the minutes, and to provide questions or comments.

Dr. Fenby and Mr. LaVenture decided they would follow up with MEDC/MAPC.  
Mr. LaVenture said he plans to keep everyone posted.

Mr. LaVenture reminded the Planning Board, should anyone have plans to, or think they might, miss a scheduled Planning Board meeting between now and completion of the public hearing please let Dr. Fenby know as soon as possible.

Mr. LaVenture explained the Working Group is working with Engineering and Legal on document templates for use such as Certificates of Vote, Covenants, and others. These will be presented after the public hearing on the Rules, likely in the Fall. They would not require a public hearing.

Mr. LaVenture reviewed and went over the flow chart displayed on the following page.

Mr. LaVenture reminded the Board that the H ¼ language, getting the deeds for right-of-way, and easement granted to the city upfront, had been approved by City Solicitor Mr. Piques.

Mr. LaVenture explained in the past the Board has had issues with developers who didn't want to initiate the street acceptance process, leaving it to the Planning Board or the City Council. City Solicitor Mr. Piques has done research and determined that several Massachusetts Municipalities leave it to the developers to initiate this process.

Mr. LaVenture asked the Board if they had any questions or comments regarding the flow chart.

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**11. Calendar Updates (None)**

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

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

Respectfully submitted,



George LaVenture/Clerk

/kmm