

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

1A

**Call to Order**

**June 7, 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 Christopher Russ. Meeting support provided by City Engineer, Thomas DiPersio.

**1. Draft Meeting Minutes**

**A. May 10, 2021**

On a motion by Mr. LaVenture, seconded by Mr. Hodge, the Board voted to accept and file the May 10, 2021 meeting minutes. Yea: Fay, Hodge, LaVenture and Fenby. Nay: 0. Absent during time of vote: Mr. Elder and Mr. Russ. Motion carried.

**B. May 24, 2021**

On a motion by Mr. LaVenture, seconded by Mr. Hodge, the Board voted to accept and file the May 24, 2021 meeting minutes. Yea: Hodge, LaVenture, and Fenby. Nay: 0. Absent during time of vote: Mr. Elder. Motion carried. Mr. Fay abstained from the vote.

**2. Chair's Business**

**A. Sign Ordinance discussion with Code Enforcement Officer Pamela Wilderman**

Code Enforcement Officer Pamela Wilderman updated the Board on current enforcement within the City. Officer Ms. Wilderman explained due to COVID-19 there was an ease on enforcement during the last year. With direction from the Mayor's Office she has been informed to begin enforcement again within the City. Enforcement plans to notify establishments of violations and to follow up with them. Officer Ms. Wilderman encouraged the Board to notify her of any current violations they encounter. The Board requested to be added to the distribution list of current violations within the City. Officer Ms. Wilderman requested the Board wait until after June to address fence sign violations.

On a motion by Mr. Fay, seconded by Mr. Hodge, the Board voted to move up 4A) Proposed Zoning Amendment to Chapter 650 to add a new Section 61 Temporary Moratorium for Multi-Family Housing Projects, and 4B) Proposed Zoning Amendment, Section 650-8 – Land at 290 Hudson Street, Map 43, Parcel 38. Yea: Fay, Hodge, LaVenture, and Fenby. Nay: 0. Motion carried.

**4. Public Hearings**

**A. Proposed Zoning Amendment to Chapter 650 to add a new Section 61 Temporary Moratorium for Multi-Family Housing Projects**

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:**

Mayor Arthur Vigeant explained this 90-day moratorium is to give the City time to sort out multiple projects. With Governor Baker passing the Housing Bill the City is waiting to get definitive guidelines from the Department of Housing and Community Development (DHCD). The City is waiting for these guidelines to set up a zone to make sure one of the projects the City has taken in will qualify in that zone, allowing the City to approve the project and get credit for it. Therefore giving the City the points for additional grants and awards. The State is going to be tying

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

in this housing zone to MassWorkGrants and other Grants. This moratorium started the day it was advertised, April 29, 2021. The City currently has 600 units under construction/recently finished. The City has 300 in the pipeline/looking for modifications/have been approved by the City. This 90-day moratorium will not affect single family homes.

**Speaking in Favor of the Amendment:**

(NONE)

Dr. Fenby declared this portion of the public hearing closed.

**Speaking in Opposition to the Amendment:**

(NONE)

Dr. Fenby declared this portion of the public hearing closed.

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

(NONE)

Dr. Fenby declared this portion of the public hearing closed.

Dr. Fenby declared the public hearing closed.

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to send a favorable recommendation to the City Council. Yea: Elder Fay, Hodge, LaVenture and Fenby. Nay: 0. Absent during time of vote: Mr. Russ. Motion carried.

**B. Proposed Zoning Map Amendment, Section 650-8 – Land at 290 Hudson Street, Map 43, Parcel 38**

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:**

City Councilor John Irish (367 West Hill Road, Marlborough, MA 01752)

Councilor Mr. Irish proposed a rezoning of the land at 290 Hudson Street, Map 43, Parcel 38, from LI (Limited Industrial) to A3 (Residential). In 1969 the City changed the zoning to LI and included the parcel at 290 Hudson Street. Prior to 1969 this parcel was in a resident zone, similar to an A2 or A3 zone. Moving the zoning line to remove the only single-family property in that district would significantly improve the situation for the owners at 290 Hudson Street. Currently any improvements on the property would have to go through the Zoning Board of Appeals (ZBA) for relief.

**Speaking in Favor of the Amendment:**

Thomas McGinley (290 Hudson Street, Marlborough, MA 01752), spoke in favor. Mr. McGinley has been the current resident since 2004. Mr. McGinley said he would like to add an addition to his home.

City Councilor Kathleen Robey (97 Hudson Street, Marlborough, MA 01752), spoke in favor. Councilor Ms. Robey pointed out because the property at 290 Hudson Street is currently zoned LI the owner could go for a permit, but they would have to go to the ZBA because they are considered preexisting nonconforming. They could not do a simple building permit from the building department. Every house on Hudson Street except for 290 Hudson Street is currently zoned as A2 or A3.

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

Shelia MacDonald (290 Hudson Street, Marlborough, MA 01752), spoke in favor. Ms. MacDonald thanked Councilors, Mr. Irish and Ms. Robey for their favorable recommendations and explained they are trying to enhance the value of their property and the community.

Dr. Fenby declared this portion of the public hearing closed.

**Speaking in Opposition to the Amendment:**

(NONE)

Dr. Fenby declared this portion of the public hearing closed.

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

Mr. Hodge asked if the property would remain a single-family home.

Councilor Mr. Irish said yes.

Dr. Fenby declared the public hearing closed.

On a motion by Mr. Fay, seconded by Mr. Elder, the Board voted to send a favorable recommendation to the City Council without further guidance. Yea: Elder Fay, Hodge, LaVenture and Fenby. Nay: 0. Absent during time of vote: Mr. Russ. Motion carried.

**2. Chair's Business**

**B. Discussion regarding the transition to in person Planning Board meetings**

The Board discussed their concerns on the size of the room where Planning Board meetings are held, noting especially when the Planning Board has public hearings with potentially large public attendance. Dr. Fenby decided she will explore alternative location options, with the intent to use this alternative location until the end of September.

**3. Approval Not Required**

**A. 285 and 297 Concord Road – Applicant Estate of Paul D May, & Joseph F. and Sandra M. May**

Deed Reference: Book 19501 Page: 343

Deed Reference: Book 40720 Page: 293

Deed Reference: Book 30947 Page: 443

Surveyor: Hancock Associates (315 Elm Street, Marlborough, MA 01752)

Mr. LaVenture read the Engineering review letter into record.

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

**Open for discussion regarding this endorsement**

Mr. Joseph May (297 Concord Rd, Marlborough, MA 01752) explained due to the existing ANR and his father passing Mr. Paul May (285 Concord Rd, Marlborough, MA 01752) it was easiest to convert the 285 Lot into a ½ acre Lot and roll the excess square footage into the proposed parcel 3. He said he plans to deal with the land at a later date and doesn't plan to present anything to the Board in the near future, unless he gets further information on the public way status.

The Board discussed their concerns on the public way status and the wording of a note on the Plan. City Engineer Thomas DiPersio explained to the Board after a discussion with City Solicitor Jason Grossfield they concluded the

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

language "Parcel A is not currently a buildable Lot" is accurate, because the adequacy of Hemmingway Street could change, and someone could improve it.

On a Motion by Mr. Fay seconded by Mr. LaVenture to endorse the plan. Yea: Elder Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

**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 (12 Post Office Square, 6<sup>th</sup> Floor, Boston, MA 02109) – Continued from April 5, 2021

Correspondence from Mr. Brangwynne – Request to continue to July 19, 2021

Mr. LaVenture read the correspondence into the record.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to acceptable and file and post pone to July 19, 2021. Yea: Elder, Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

**B. Sign Variance Application 121 Bolton Street, Marlborough, MA 01752**

Representative: Brian Falk, Mirick O'Connell (100 Front Street, Worcester, MA 01608)

Mr. LaVenture read the Mirick O'Connell correspondence into the record.

Arthur Bergeron spoke on behalf of this variance, stating there was previously a gas station in this location. He explained they have support from the neighborhood and that there is no size issue, but there is a setback issue due to the residential neighborhood.

Mr. Fay and Mr. LaVenture referenced Codes § 526-13 Electronic message center signs; digital display signs: A.) applicability and B.) Standards, that were written in Code Enforcement Officer Ethan Lippitt's May 5, 2021 letter addressed to Carolyn A. Parker Consulting regarding the sign permit application.

The Board decided to reach out the Legal for further guidance and Mr. Bergeron requested this matter be continued to the June 21, 2021 Planning Board meeting.

Mr. Fay discussed his concerns regarding the lights being on after the gas station was closed with in a residential neighborhood.

On a motion by Mr. Elder, seconded by Mr. Fay, the Board voted to accept, file all correspondence, and to table to the June 21, 2021 meeting. Yea: Elder, Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried

**9. Correspondence (None)**

**10. Unfinished Business**

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

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

Mr. LaVenture thanked the Engineering and Legal Departments for their continued support in our efforts. He explained there would be new language for the Board to review at their next meeting scheduled for June 21, 2021.

Mr. LaVenture provided an update. At the Working Group's last meeting they completed their review of the model subdivision regulations developed by the Pioneer Valley Planning Commission. The Planning Board will see a bit of the proposed language from this at their June 21, 2021 meeting. One of the items will be color coding of some items on definitive plans to help identify them.

Solicitor Mr. Piques has continued his discussions with other municipalities. Last week he reached out to Andy Port, City Planner for the City of Newburyport. He found they conditioned the final release of the last 10% of the surety to be either 3 years, or when the developer is able to get the street accepted by the City Council. In Mr. Port's experience – the developer has always petitioned for acceptance prior to the 3 years in order to get their money back. He also said they use the 53G process / peer review of the development with great frequency and success. The Board will see draft 53G language after the Rules and Regulation update.

Solicitor Mr. Piques heard from Ms. Meredith Harris at MEDC. Ms. Harris indicated Mr. Mark Racicot at MAPC should be available to take on additional projects by this summer. However, we won't receive a proposal from them until sometime next month.

At the Board's last meeting they suggested the September 13 meeting for the board's public presentation and hearing on the Rules and Regulations changes the Working Group proposes.

Mr. LaVenture presented a draft timeline:

- Monday, June 21 - Proposed language to present
- Wednesday, June 23 - Deadline for Legal to provide language on Street Acceptance
- Monday, July 19 - Planning Board meeting with presentation of language for final proposed changes. Our desire here is for the Board to formally refer all proposals to Legal for formal review.
- Tuesday, July 20 - Assuming referral by the Board, the final draft package would be resubmitted to the Mayor, CC, DHs, MEDC/MAPC for their thoughts and deconfliction. Comments/questions/suggestions would be requested by 11 Aug.
- Wednesday, August 11 - The Working Group would be available to answer questions from the above group.
- Monday, August 23 - Planning Board meeting for review of any changes due to input from the above group.
- Monday, September 13 - Public hearing for formal presentation by the Working Group of proposed changes. To simplify presentation, discussion, and voting, we propose voting on approval of proposed changes in sections. The first vote would cover both Article I General Provisions and Article II Definitions. The second would cover Article III Submission and Approval of Plans A676-3-9 ANRs and Preliminary Plans. The third vote would cover A676-10 Definitive Plans. The fourth vote would cover Article IV Design Standards, Article V Required Improvements for an Approved Subdivision, and Article VI Administration. The fifth vote would cover Appendices A-E, G-J, and L the Forms. The sixth vote would cover Appendix F Cross Sections. The seventh and last vote would cover Appendix K Fees. The Board could certainly do fewer votes depending on how the presentation progresses. The Working Group thought multiple votes would allow us to close out change proposals and not need to revisit them should the hearing need to extend beyond the one meeting.

Mr. Fay informed the board he will not be present at the July 19, 2021 Planning Board meeting.

**11. Calendar Updates (None)**

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

**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