

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

1A

**Call to Order**

**June 21, 2021**

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, Matthew Elder, Sean Fay, Phil Hodge, George LaVenture and Chis Russ. Meeting support provided by City Engineer, Thomas DiPersio.

**1. Draft Meeting Minutes**

**A. June 7, 2021**

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

**2. Chair's Business**

**A. Appointment of William Fowler to the Planning Board**

The Board reviewed the June 17, 2021 letter from the Mayor, Arthur G. Vigeant - See attached.

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

**4. Public Hearings**

**A. City Council Order # 21-1008293 Proposed Zoning Amendment to Chapter 650 to add a new Section to create the "Commercial Village Overlay District"**

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:**

Robert Buckley, Esquire, Riemer Braunstein, LLP (700 District Avenue, 11th Floor Burlington, MA 01803)  
Kristine Hung, Esquire, Riemer Braunstein, LLP (700 District Avenue, 11th Floor Burlington, MA 01803)  
Scott Weiss, Gutierrez Company (200 Summit Drive, Suite 400 Burlington, MA 01803)

Mr. Buckley explained the purpose of this overlay district is to create a transitional zone between Marlborough Hills and the residential area. The subdivision structures in the previously approved subdivision would be in close proximity to the abutting residential properties. They want to explore ways to bring the development sites away from the residential properties and closer to the commercial streets. At the same time providing the City with alternatives to apartments by creating age targeted homes. Mr. Buckley reminded the board this is only the zoning change and they will need to go through the Site Plan Review Committee and review the proposal if approved, but that they provided a development agreement in the proposed zoning change to help the City and the applicant throughout the process.

Mr. Weiss went over the power point - see attached.

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

**Speaking in Favor of the Amendment: (NONE)**

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

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**Speaking in Opposition to the Amendment: (NONE)**

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

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

The Planning Board had a discussion regarding several concerns and aspects of this proposed zoning change.

City Councilor Kathleen Robey brought to the Planning Boards attention: in May of 2018 the Planning Board was presented the same proposal, and at the time, the Planning Board had sent a negative recommendation to the City Council.

Mr. LaVenture read the May 8, 2018 Planning Board letter of negative recommendation to City Council regarding the City Council Order #18-1007134 Proposed Zoning Amendment, Section 650-36, Commercial Village Housing Overlay District into the record. – See attached.

The Board came to the following conclusion:

- The developer did not establish the proposed Overlay District is consistent with the character of the surrounding neighborhood in that a high density is proposed abutting a single residential family area;
- Approval of the Overlay District would be overly burdensome to the residential neighbors (increased traffic with the number of proposed units and 4-story height in close proximity to single family residential abutters);
- The developer did not establish the proposed Overlay District would provide the City with a type of housing that is not already available in the City, or that the proposed Overlay District would benefit the City in any compelling way, or in a manner that would outweigh the potential burdens on the residential neighbors. Although a tax benefit was cited by the developer, there could be corresponding costs for safety and other services. In addition, the developer would not be cleaning up their open space of soil contamination;
- The developers did not establish the proposed Overlay District would be keeping with the intent and purposes of the City Zoning Ordinance. The residents of the surrounding neighborhood are entitled to a reasonable expectation of being protected by the existing zoning absent a change that clearly benefits the City;

In addition, if the City Council sees fit to approve the Overlay District, the Planning Board suggests the following limitations:

- Significantly reducing the percentage of lot coverage allowed;
- Reducing the number of stories allowed for the buildings;
- Reducing the overall number of units;
- Restricting the undeveloped portion of the property so that no further development could take place, and the existing land could not be disturbed;
- Given the contaminated soil, the undeveloped portion of the land should not be transferred to the City; and,
- Incorporating the environmental and soil management plan contained in the developer's current single family subdivision approval into the terms of any Special Permit issued in the future.

On a motion by Mr. Elder, seconded by Mr. Fay, the Board voted to send a negative recommendation to the City Council based on the four thresholds and with the stipulations noted above for the proposed zoning amendment. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

Dr. Fenby declared the public hearing closed.

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

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

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

**8. Signs**

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

Representative: Brian Falk, Mirick O'Connell (100 Front Street, Worcester, MA 01608) Continued from June 7, 2021  
Correspondence from Assistant City Solicitor Jason Piques

Mr. LaVenture read the Correspondence from Solicitor Mr. Piques into the record.

Mr. LaVenture read the email requesting a continuance to July 19<sup>th</sup> from Mr. Falk into the record.

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file both correspondence and grant the continuance to the July 19<sup>th</sup> Planning Board Meeting. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

The Planning Board decided to reach out to the Legal Department for further guidance regarding the 121 Bolton Street sign variance application.

**9. Correspondence (None)**

**10. Unfinished Business**

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

Mr. LaVenture thanked the Engineering and Legal Departments for their continued support. He went over the highlighted changes within a portion of the proposed changes to the Planning Board Rules and Regulations.

The Board discussed their concerns on the language under section I.(3). The Board decided to add the following language "or provide a detailed written plan of corrective action acceptable to the Planning Board."

Mr. LaVenture presented additional information "Section L" from the proposed changes of the Planning Board's Rules and Regulations - See attached

Mr. LaVenture presented a draft timeline:

- 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. The 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 August 11.
- 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.

**11. Calendar Updates (None)**

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

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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