

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

August 23, 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, Sean Fay, Phil Hodge, George LaVenture, Chris Russ and Matthew Elder. Meeting support provided by City Engineer, Thomas DiPersio.

1. Draft Meeting Minutes

A. July 19, 2021

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the July 19, 2021 meeting minutes with minor amendments. Yea: Elder, LaVenture, Russ and Fenby. Nay: 0. Abstain: Hodge, Fay. Motion carried.

2. Chair's Business

A. Scenic Roads – Policy Discussion

City Engineer Thomas DiPersio discussed our current ordinance for the Scenic Roads Act, our current guidance from the Legal Department and provided information on how surrounding towns have their Scenic Roads Act written in their ordinances.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to refer the Scenic Roads discussion to the Legal Department to investigate/broaden the scope of the Planning Board's authority beyond the construction of the roadway. Yea: Elder, Hodge, LaVenture, Russ, and Fenby. Nay: Fay. Motion carried.

3. Approval Not Required (None)

4. Public Hearings

A. Order #21-1008344, Proposed Zoning Amendment to Chapter 650, Section 5 and Section 18(36) by adding "Hobby Vehicle Storage" as a warehousing use in the Limited Industrial 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:

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

Mr. Falk went over the Hobby Vehicle Storage power point. He explained this change would be an extension of the existing warehousing use available in the limited industrial and industrial zoning district. The change would include adding "hobby vehicle storage" to list of warehousing uses and adding a definition for hobby vehicle storage. Mr. Falk explained he had previously received comments from City Council on fine tuning some of the terms within the definition.

Speaking in Favor of the Amendment:

Brian Stevens (85 Dean Road, Marlborough, MA 01752) spoke in favor of this amendment.

Dr. Fenby closed this portion of the Public Hearing.

Speaking in Opposition to the Amendment: (NONE)

Dr. Fenby closed this portion of the Public Hearing.

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Questions and Comments from the Planning Board:

The Board discussed their concerns on the language in the definition of hobby vehicle storage, the zoning change resulting in potential future use for commercial car sales and who's jurisdiction large scale events would be under.

Dr. Fenby closed the public hearing.

5. Subdivision Progress Reports (None)

6. Preliminary/Open Space/Limited Development Subdivision

A. Preliminary Subdivision Application - 209 Cullinane Drive Extension

Applicant: J. Mor Realty Trust (209 Cullinane Drive, Marlborough, MA 01752)

Engineer: William Tirrell, Chappell Engineering Associates, LLC (201 Boston Post Road West, Suite 101, Marlborough, MA 01752)

William Tirrell went over the Preliminary Subdivision Plan and explained the intention of this preliminary plan is to subdivide the two lots out of the existing property. A roadway extension of Cullinane Drive is necessary to create frontage for the new lots. There are existing houses on the lots.

- 209 Cullinane Drive
- 215 Cullinane Drive

The preferred alternative presented by Mr. Tirrell is #3. He explained both properties are connected to City water and sewer.

Dr. Fenby addressed concerns on curbing and the pumpstation. She asked Mr. Tirrell to consider an access point on the proposed cul-de-sac to an existing recreation path that runs from Longfellow Terrace to Cullinane Drive.

City Engineer Thomas DiPersio explained he had concerns and a previous discussion with Mr. Tirrell regarding adequate room around the pump station, which the City is reconstructing this Fall/Winter.

On a Motion by Mr. Fay, seconded by Mr. Russ, the Board voted to refer the Preliminary Subdivision Plan to Conservation because of its sensitivity and proximity to Fort Meadow. Yea: Elder, Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to refer the Preliminary Subdivision Plan to Engineering for the concerns regarding potential future roadway connection to Red Spring Road and the pumpstation. Yea: Elder, Fay, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

7. Definitive Subdivision Submissions (None)

8. Signs

A. Route 85 Liquors: Sign Variance Application 274 Maple St, Marlborough, MA 01752 – continued from 7/19/21
Representative: Gilmar DaSilva, Best Price Signs and Printing (244 Liberty Street, Brockton, MA 02301)

Mr. LaVenture read the correspondence from City Solicitor Jason Grossfield into the record.

The Board discussed current nonconforming signs on the building and the Board's authority on granting a roof sign.

On motion by Mr. LaVenture, seconded by Mr. Fay, the Board voted to deny the sign variance application for the roof sign. Yea: Fay, Hodge, LaVenture, Russ, and Fenby. Nay: Elder. Motion carried.

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B. RK Centers: Sign Variance Application 191-237 Boston Post Road West, Marlborough, MA 01752 – continued from 4/5/21

Representative: Mark Donahue, Fletcher Tilton PC (12 Post Office Square, 6th Floor, Boston, MA 02109)

The Board waived the reading of Mr. Michael Brangwynne's correspondence into the record.

Mr. Donahue went over the power point presentation and key points within the correspondence from Mr. Brangwynne.

Dr. Fenby and Mr. Donahue addressed the missing property number on the pylon signs.

Mr. LaVenture and Mr. Donahue confirmed the total square footage of the two newly designed pylon signs is 750 sq ft, 46 sq ft over the permitted square footage.

The Board had a discussion regarding the small directional way-finding sign within the property.

On a motion by Mr. Fay, seconded by Mr. LaVenture, the board voted to approve the requested relief from the sign ordinance and to include as part of the variance, the way-finding sign visible from Route 20 behind location C. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion Carried

C. Sunoco: Sign Variance Application 121 Bolton Street, Marlborough, MA 01752 – continued from 6/7/21

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

Mark Diarbakerly (420 Lakeside Ave, Marlborough, MA 01752)

Mr. LaVenture read portions of the correspondence from Mr. Falk into the record.

Mr. LaVenture read the correspondence from City Solicitor Jason Grossfield into the record.

Mr. LaVenture read the correspondence from the abutter John Ghiloni (136 Bolton Street, Marlborough, MA 01752), into the record.

Mr. LaVenture read the correspondence from the abutter Martha O Holmes (138 Bolton Street, Marlborough, MA 01752), into the record.

On a motion by Mr. Fay, Seconded by Mr. LaVenture the Board voted to accept and file all the correspondence. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion Carried.

The Board had discussions on pre-existing non-conforming, the authority to grant the variance, previous correspondence from Legal and the sensitivity of this property being in a residential zone.

City Engineer Thomas DiPersio asked if the applicant had considered other options such as reducing the size of the sign.

Mr. Falk reminded the Board the sign does comply dimensionally; it is the LED pricing that they are requesting relief for with the variance.

The Board discussed Chapter 526-13, Signs, Electronic message center signs, digital display signs.

Mr. Falk explained to the board, the prior sign did have an LED component, but they don't have good data to demonstrate that the sign is legally pre-existing non-conforming and EMC portion as to come into compliance at the time that the applicant replaces it.

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On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to ask the City Solicitor if the Planning Board has the authority to approve and vote on the sign variance and request the City Solicitor attend the next Planning Board Meeting.

9. Correspondence (None)

10. Unfinished Business

- A. Working Group Discussion – Planning Board Rules and Regulations Continued
Mr. LaVenture and Dr. Fenby provided a quick update.

11. Calendar Updates (None)

12. Public Notices of other Cities & Towns

- A. Framingham Planning Board – Notice of Public Hearing – Zoning Amendments to the Framingham Zoning Ordinance
- B. Framingham Planning Board – Notice of Public Hearing – Zoning Amendments to the Framingham Zoning ordinance – Corporate Mixed-Use
- C. Framingham Planning Board – Notice of Public Hearing – Zoning Amendments to the Framingham Zoning ordinance – SPGA

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

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