

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

October 18, 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 William Fowler. Meeting support provided by City Engineer, Thomas DiPersio.

1. Draft Meeting Minutes

A. October 4, 2021

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file with a minor typo correction, the October 4, 2021 meeting minutes. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

2. Chair's Business

A. Referred from City Council: Order #21-1008274C, Proposed Zoning Amendment to Chapter 650 to amend Section 61 Temporary Moratorium for Multi-Family Housing Projects.

Mr. LaVenture read the public hearing legal notice into the record.

November 8, 2021, 7:00 PM was selected for the Planning Board's public hearing on the proposed zoning amendment.

B. Marlborough Planning Board Subdivision Rules and Regulations

Mr. LaVenture updated the Board on discussions he had with City Solicitor Jason Grossfield. Mr. LaVenture explained Mr. Grossfield indicated in his opinion there would be no problem with the Board filing the regulations with the land court and with the registry of deeds, at this time. If Mr. Grossfield had any comments or changes that are required to be made, he would refer those back the Board for review and potential vote at a subsequent public hearing.

On a motion by Mr. LaVenture, seconded by Mr. Fay, the Board voted to refer the Planning Board Rules and Regulations approved on September 13, 2021 to Legal for filing with the appropriate offices as required and confirmation that 1) no timeline restriction between voting their approval and the filing has been violated 2) that the Solicitor's earlier communication to the Board that the approved Rules and Regulations were not in final form will not negatively impact their integrity after filing. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

The Board had a discussion on procedures/standards for deciding items, example: variances and zoning changes. Mr. LaVenture and Mr. Russ decided to draft information on future discussions.

C. Scenic Roads – ongoing discussion – no new information

D. Holiday Party discussion

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to move 2D. Holiday Party Discussion to the end of the meeting. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

3. Approval Not Required (None)

4. Public Hearings (None)

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5. Subdivision Progress Reports

A. Commonwealth Heights Subdivision

The Board had a discussion referencing several items throughout multiple Planning Board meeting minutes.

Mr. LaVenture referenced the following Planning Board meeting minutes:

- December 16, 2019, page 4, 3rd paragraph. Mr. Fay set clear expectations on extensions.
- June 8, 2020, page 2, last paragraph. Mr. Fay set clear expectations on extensions.

Mr. Russ had a discussion on item 21 within the covenant and the Board's plans to communicate with Scott Weiss about the Board's potential option of rescinding the approval of the Subdivision.

Mr. Fay referenced the following Planning Board meeting minutes:

- December 16, 2019, page 4, 3rd paragraph. "Mr. Fay would be opposed to extensions of an approval if the road was not completed."
- February 24, 2020, page 3, 2nd paragraph. "Mr. Weiss indicated he has a clear understanding of the Board's expectations."
- June 8, 2020, page 2, last paragraph. "Mr. Fay expressed his conviction that he will not support any approval extensions without demonstrated construction schedule progress."

Dr. Fenby referenced the following Planning Board meeting minutes:

- June 22, 2020

The Board had a discussion on how the Board previously set clear expectations for Mr. Weiss and how they believe Mr. Weiss is in current violation of the covenant because he was supposed to be submitting regular progress reports.

Mr. Russ and the City Engineer, Thomas DiPersio discussed adequate time for roadway construction before the August 24th, 2022 deadline.

The Board discussed any potential restrictions due to COVID-19 that would affect the Board's ability to rescind the approval. City Councilor, Kathleen Robey discussed the tolling extension that was part of the Governor's executive order for the emergency declaration.

Mr. LaVenture reminded the Board, Mr. Weiss had indicated multiple times he has no plans of doing the roadway construction and that he is relying on a developer for that.

Mr. LaVenture referenced the following Planning Board meeting minutes:

- December 16, 2019, page 4, 3rd paragraph. "Mr. Weiss repeated that they're not builders, and they will be looking for a partner to complete the road and houses as one process." And "Mr. Fay would be opposed to extensions of an approval if the road was not completed. Mr. Weiss will accept and commit to completing the roadway in the prescribed schedule."

On a motion by Mr. Fay, seconded by Mr. Hodge, the Board voted to send a letter to Mr. Weiss expressing the Board's concern that there has been no activity. The Board believes he is in current violation of the covenant and the Board wants to invite him to a future Planning Board meeting as a courtesy prior to commencing the process to rescind his approval. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

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B. Goodale Estates – Schedule update

Mr. LaVenture read the correspondence from Kevin Gillis dated October 12, 2021 into the record.

On a Motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the correspondence.

Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

City Engineer, Thomas DiPersio updated the Board on the Goodale Estates timeline, closing in December 2021.

On a motion by Mr. Fay, seconded by Mr. LaVenture, the board voted to have the Engineering Department draft a letter for: punch list items, entering the maintenance period, and the acceptance process. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

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

7. Definitive Subdivision Submissions

A. 342 Sudbury Street, Marlborough, MA 01752

Owner of Land: The 342 Sudbury Street Trust

Address: 342 Sudbury Street, Marlborough, MA 01752

Name of Engineer: Robert Parente

Address: 21 Chapin Street., Northboro, MA 01532

Deeds Book: 77825 Page: 110

Mr. LaVenture read the correspondence from Mr. Parente dated October 16, 2021 into the record.

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

Mr. Parente explained the submission includes a three-plan set of a proposed two lot subdivision.

1. 40-foot layout of the roadway and lotting plan
2. 18-foot roadway (waiver request) plan and profile showing hammerhead turn around (waiver request)
3. Site Grading and Drainage Plan

Mr. Parente explained on the north side of the property the plans display a (parcel A) because there is a potential of a Conveyance of a small portion of land. The plan includes a natural buffer zone to protect the privacy of some of the abutters.

Mr. Russ and Mr. Parente discussed providing a grading plan to reassure the Board that the natural buffer zone would remain protected during construction and if there was a way to protect the natural buffer zone in the deed for if the land was to be sold in the future.

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to refer the definitive subdivision submission to Engineering for review. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

November 8, 2021, 7:00 PM was selected for the Planning Board's public hearing on the definitive subdivision for 342 Sudbury Street.

8. Signs (None)

9. Correspondence (None)

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10. Unfinished Business (None)

11. Calendar Updates (None)

On a motion by Mr. LaVenture, seconded by Mr. Russ, the board voted to bring 4D back up on the Agenda. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

4. Chair's Business

D. Holiday Party discussion

The Board had a discussion on the Holiday Party and picked December 20, 2021.

12. Public Notices of other Cities & Towns

A. Misc. surrounding Cities/Towns Planning Board – Notices of Public Hearings

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

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'G. LaVenture', written over a horizontal line.

George LaVenture/Clerk

/kmm