

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

December 6, 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, Phil Hodge, Chris Russ, and William Fowler. George LaVenture was not present at the meeting was listening in remotely. Meeting support provided by City Engineer, Thomas DiPersio.

1. Draft Meeting Minutes

A. November 22, 2021

On a motion by Mr. Russ, seconded by Mr. Fowler, the Board voted to accept and file the November 22, 2021, meeting minutes. Yea: Fowler, Russ, and Fenby. Nay: 0. Abstained: Hodge. Motion carried.

2. Chair's Business (None)

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports

A. Goodale Estates – ongoing discussion

Mr. Russ read the December 2, 2021 correspondence from the City Engineer, Thomas DiPersio, Engineering Division into the record.

On a motion by Mr. Russ, seconded by Mr. Hodge, the board vote to accept and file the December 2, 2021 review letter from City Engineer Thomas DiPersio and to reduce the bond securing Goodale Estates subdivision from \$123,000.00 to \$84,000.00. Yea: Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried.

City Engineer, Thomas DiPersio explained the approved bond amount is a higher than the requested amount, but the items are minor and that he will work with Kevin Gillis (Northborough Realty Holdings, LLC, 4 Courthouse Lane, Suite 16, Chelmsford, MA 01824) on getting all the plans and deeds in order.

B. Commonwealth Heights Subdivision – ongoing discussion

Dr. Fenby explained to Scott Weiss, (The Gutierrez Company, 200 Summit Drive, Suite 400, Burlington, MA 01803) the Board is concerned because construction has not started and they have not received any progress reports as required in the covenant. Dr. Fenby reminded Mr. Weiss, during the approval process the board was clear on their intent of not providing any extensions.

In update Mr. Weiss explained over the past year they were in the process of trying to re-zone the property which was denied in September 2021 by City Council. Since receiving the denial they have put the property on the market and have started soliciting bids for single-family home builders for a potential subdivision.

Mr. Russ read the December 6, 2021 correspondence from Sean Fay into the record. – See attached.

Mr. Weiss defended the lack of progress reports explaining the subdivision approval is a 2-year approval, with a requirement of monthly progress reports once work has commenced, which it has not. He explained their intent was to seek a zoning change/overlay district because this is not an ideal location for a single-family subdivision, which it is currently zoned. He explained the only option is to seek a way to proceed with a single-family subdivision or work with the City for alternative options.

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Mr. Russ asked, why is lot not ideal for a single-family subdivision?

Mr. Weiss explained detailed information could be found with the request for re-zoning, but explained in summary, it is a transitional location between an existing neighborhood and a commercial area. Adding single-family homes in this district will make the area more congested and will only be accessible through other developments.

On a motion by Mr. Hodge, seconded by Mr. Fowler, the Board voted to send the Commonwealth Heights subdivision issue to Legal for guidance on whether or not the Board has grounds to rescind their approval. Yea: Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried.

Dr. Fenby invited Mr. Weiss back to an early January Planning Board meeting to further discuss the Commonwealth Heights subdivision, allowing time for Legal to provide guidance. The Planning Board Administrator agreed to notify Mr. Weiss when the guidance becomes available.

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

7. Definitive Subdivision Submissions

A. 342 Sudbury Street, Marlborough, MA 01752 – Definitive Subdivision Plan – ongoing discussion

Owner of Land: The 342 Sudbury Street Trust
Name of Engineer: Robert Parente
Deeds Book: 77825 Page: 110

Mr. Russ read the December 2, 2021 correspondence from City Solicitor Jason Grossfield, Legal Department into the record.

On a motion by Mr. Russ, second by Mr. Fowler, the board voted to accept and file the December 2, 2021 correspondence from City Solicitor Jason Grossfield. Yea: Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried.

Dr. Fenby updated the applicant explaining the board is still in the process of reviewing the property.

The Board had a discussion on waiver 5, “To construction the road in accordance with the cross section shown on the profile sheet”, explaining it needs more details, wanting every waiver to be listed rather than generalizing it and pointing out that underground utilities are not shown on the cross section.

Mr. DiPersio explained he reviewed the 342 Sudbury Street definitive subdivision plan under the old rules and regulations and the main difference for this subdivision is the requirement for a colored plan and the requirement for an arborist plan/report.

Neal Vigeant (342 Sudbury St., Marlborough, MA 01752) and Robert Parente (21 Chapin St, Northborough, MA 01532) expressed their frustrations on the arborist requirement since this plan provides an acre of preserved space and reminded the board of Mr. Vigeant’s by-right ability to clear cut this property if they were to go with the conventional plan.

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Mr. Russ explained the arborist portion is in regards to the trees that are impacted by the construction of the roadway. Specifically to answer the question of, are there trees that can be saved between the existing Lot 1 and the abutter's property at 356 Sudbury Street? Mr. Russ pointed out that on the back portion of Lot 2 there are a lot of dead trees that should be taken down.

The Board had a discussion on encroachment from abutters onto the 342 Sudbury Street property and getting those addressed. Mr. Vigeant discussed his plans to sell 356 Sudbury Street a portion of their yard once this plan is approved.

Mr. Parente asked, is a covenant always required, even if the developer bonds the entire construction cost? Mr. DiPersio explained there will be a covenant sperate from the surety bond. Mr. Vigeant asked, can Engineering start to work on the bond amount? Mr. DiPersio said, yes.

Mr. Parente provided the Board with a letter from the assessor's office stating all taxes are paid up to date for the 342 Sudbury Street property. Dr. Fenby read the correspondence from the assessor's office into the record.

On a motion by Mr. Russ, seconded by Mr. Fowler the board voted to accept and file the correspondence from the assessor's office. Yea: Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried.

Mr. DiPersio asked for clarifications on what the Board is looking for regarding the arborist portion on the plans.

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business (None)

11. Calendar Updates

A. Vote on 342 Sudbury Street Definitive Subdivision Application – February 27, 2022

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

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

Respectfully submitted,


George LaVenture/Clerk

/kmm