

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

April 25, 2022

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, George LaVenture, Chris Russ, and William Fowler. Meeting support provided by City Engineer, Thomas DiPersio.

1. Draft Meeting Minutes

A. April 11, 2022

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the April 11, 2022, meeting minutes. Yea: Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

2. Chair's Business

A. Referred from City Council, Order #22-1008571: Proposed Zoning Amendment to Chapter 650 to amend Section 39 Neighborhood Business District.

May 23, 2022, at 7:05 PM was selected for the Planning Board's public hearing on the proposed zoning amendment.

3. Approval Not Required

A. 547 Stow Road

Map: 20

Parcel: 4

Map: 20

Parcel: 150

Applicant:

McCabe Family Irrevocable Trust and Judith Mello McCabe
(547 Stow Rd, Marlborough, MA 01752)

Deed Reference:

Book: 66136 Page: 582

Deed Reference:

Book: 78814 Page: 591

Surveyor:

Robert Parente, P.E., P.L.S. (328 Desimone Dr, Marlborough, MA 01752)

i. Correspondence from Thomas DiPersio, City Engineer, Engineering Division

Mr. LaVenture read the April 20, 2022, correspondence from Thomas DiPersio into the record.

ii. Plan of Land

Dated: April 5, 2022

On a motion by Mr. Russ seconded by Mr. LaVenture, the Board voted to accept, file, and endorse the 547 Stow Road plan of land dated April 5, 2022, as Approval Not Required under the Subdivision Control Law. Yea: Hodge, Fowler, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to move up 4. Public Hearings A. Referred from City Council: Proposed Zoning Map Amendment for parcels of land location on Jefferson and a small portion of Lincoln Streets, identified as Map 56, Parcel 147, 148, 150, 151, 152, & 153 in addition to Map 56, Parcels 154, 155, 156, 157, & 158. Yea: Hodge, Fowler, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

4. Public Hearings

A. 7:00 PM - Referred from City Council: Proposed Zoning Map Amendment for parcels of land location on Jefferson and a small portion of Lincoln Streets, identified as Map 56, Parcel 147, 148, 150, 151, 152, & 153 in addition to Map 56, Parcels 154, 155, 156, 157, & 158.

i. Legal Notice

ii. Correspondence from Brian R. Falk, Mirick O'Connell (100 Front Street, Worcester, MA 01608)

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iii. Proposed Zoning Change Commercial Automotive to NB & RB GIS Map

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 (650 Pleasant Street, Marlborough, MA 01752) explained the City realized they did not include a small portion of the development site at the corner of Lincoln and Mechanic Streets, as well as a portion of Jefferson Street, as part of the new Neighborhood Business Zone. The desire is to keep the area conducive to the City's future plans for the Lincoln Street property and a future mix use project. He explained he is confident that this project will move forward and had an agreement in place. This rezoning would not affect any of the commercial automotive properties currently being used as commercial automotive.

- ii. Correspondence from Brian R. Falk, Mirick O'Connell (100 Front Street, Worcester, MA 01608)
Mr. LaVenture read the April 21, 2022, correspondence from Brian R. Falk into the record.

Speaking in Favor of the Amendment:

Brian R. Falk, Mirick O'Connell (100 Front Street, Worcester, MA 01608), spoke in favor and went over the zoning map he provided.

Dr. Fenby closed this portion of the Public Hearing.

Speaking in Opposition to the Amendment:

No one spoke in opposition.

Dr. Fenby closed this portion of the Public Hearing.

Questions and Comments from the Planning Board:

The Board discussed the key factors the Board would review while making their recommendation.

- Is the proposed change in keeping with the character of the neighborhood?
- Analysis of the impact on the neighbors.
- Does the proposed change benefit the City or provide a use not permitted elsewhere?
- Is the proposed change in keeping with the intent and purposes of the City's zoning by-laws?

Dr. Fenby closed this portion of the Public Hearing.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to return to its regularly scheduled agenda. Yea: Hodge, Fowler, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

3. Approval Not Required

| | | |
|------------------------|--|-------------|
| B. 36 Jefferson Street | Map: 56 | Parcel: 153 |
| Deed Reference: | Book: 65099 | Page: 275 |
| Name of Applicant: | Raimundo Coelho Araujo Neto (36 Jefferson St, Marlborough, MA 01752) | |
| Name of Surveyor: | William Tirrell, Chappell Engineering (201 Boston Post Rd W, Marlborough, MA, 01752) | |

- i. June 24, 2020, denial letter of ANR plan dated April 15, 2020, revised June 16, 2020
(1) ANR Plan Dated: April 15, 2020, Revised: June 16, 2020
Mr. LaVenture read the June 24, 2020, correspondence from Barbara Fenby into the record.

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ii. Correspondence from Thomas DiPersio, City Engineer, Engineering Division
Mr. LaVenture read the April 21, 2022, correspondence from Thomas DiPersio into the record.

iii. Correspondence from Jason Grossfield, City Solicitor, Legal Department
Mr. LaVenture read the April 21, 2022, correspondence from Jason Grossfield into the record.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board vote to accept and file all the correspondence.
Yea: Hodge, Fowler, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

iv. ANR Plan Dated: March 31, 2022

William Tirrell thanked the Board for their time and guidance and accepted the Board's rejection.

On a motion by Mr. Russ seconded by Mr. LaVenture, the Board voted to deny any endorsement of the ANR Plan 36 Jefferson Street dated March 31, 2022, as Approval Not Required under the Subdivision Control Law. Yea: Hodge, Fowler, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

- C. 401 & 405 Maple Street Map: 93 Parcel: 52
 Map: 93 Parcel: 51
Applicant: Fazza Properties, LLC (708 Boston Post Road, Sudbury, MA 01776)
Deed Reference: Book: 79591 Page: 128
Surveyor: Norman G. Hill, P.L.S., Land Planning, Inc. (214 Worcester St., N. Grafton, MA 01536)
i. Form A
ii. 2 Lot Combination ANR Plan Dated: April 14, 2022

Dell Costa and Yuri Souza of Fazza Properties, LLC went over their future plans for the property and explained the purpose of this ANR plan is to combine the two lots into one.

Mr. DiPersio explained an ANR is not required to combine two properties when there are no changes in ownership but that this gives the applicant an opportunity to get the plans signed by the City.

On a Motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to refer the 401 & 405 Maple Street ANR to the Engineering Division for review. Yea: Hodge, Fowler, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

5. Subdivision Progress Reports

A. Acceptance of Gikas Line as Public Way

i. Correspondence from Arthur G. Vigeant, Mayor
Mr. LaVenture read the April 11, 2022, from Arthur G. Vigeant, Mayor, into the record.

On a motion by Mr. Russ, seconded by Mr. LaVenture the Board vote to accept and file the correspondence.
Yea: Hodge, Fowler, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

ii. Photos of current road condition

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Mr. DiPersio explained the road was paved about 3 years ago and believes the cracks are superficial and are not indicative of failure of the base or anything substantial. He explained he reached out to the developer to make them aware they need to have these cracks sealed if they want the acceptance process to continue to move forward. The has Mayors concern because past developers have left the City with substandard work, which Mr. DiPersio explained he does not believe this an example of.

The Board discussed including a site visit as part of their acceptance process and Mr. LaVenture agreed to add this topic to a future working group meeting.

Mr. LaVenture and Mr. DiPersio discussed how these cracks can occur and concluded in Mr. DiPersio's opinion sealing of the cracks would is the best option for repair to maintain the longevity of the roads condition.

On a motion by Mr. Hodge, second by Mr. LaVenture, the Board voted to defer the acceptance process until after the developer repairs the cracks to satisfy the City. Yea: Hodge, Fowler, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

6. Preliminary/Open Space/Limited Development Subdivision

A. *No Discussion Occurred*

Beauchemin Estates, Preliminary Open Space Concept Plan – **Public Hearing Date set for May 9, 2022**

689 Pleasant Street, Marlborough, MA 01752

Owner of Land: Joyce Beauchemin Realty Trust, Timothy L. Beauchemin, Trustee
(P.O. Box 1067, Townsend, MA 01469)

Name of Engineer: Daniel Koravos, P.E. (59 Granite Lane, Chester, NH 03036)

Deed Reference: Book: 45210 Page: 560

7. Definitive Subdivision Submissions

A. *No Discussion Occurred*

Colchester Drive, Definitive Subdivision Plan - **Public Hearing Date set for May 9, 2022**

Map 44, Parcel 148 (0 Stevens Street), Marlborough, MA 01752

Owner of Land: James & Rebecca Chaousis (283 Bolton Street, Marlborough, MA 01752)

Name of Applicant: Charles Bourque (P.O. Box 642, Weston, MA 02493)

Name of Engineer: Jason Lavoie, WSP, (100 Summer Street, 13th Floor, Boston, MA 02110)

Deed Reference: Book: 9742 Page: 148

8. Signs (None)

9. Correspondence (None)

The Board concluded their recommendation on the Proposed Zoning Map Amendment for parcels of land location on Jefferson and a small portion of Lincoln Streets, identified as Map 56, Parcel 147, 148, 150, 151, 152, & 153 in addition to Map 56, Parcels 154, 155, 156, 157, & 158.

On a motion by Mr. LaVenture seconded by Mr. Russ, the Board voted to make a favorable recommendation to the City Council for the Proposed Zoning Map Amendment to Section 650-8 - Parcels of land located on Jefferson and a small portion of Lincoln Streets, identified as Map 56, Parcels 147, 148, 150, 151, 152 & 153 and Map 56, Parcels 154, 155, 156, 157 & 158. Yea: Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion Carried. 5-0

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The Board provided the following reasons in reaching its recommendation:

- The proposed Zoning Map Amendment is consistent with the character of the surrounding neighborhood;
- The proposed Zoning Map Amendment would not be overly burdensome to the neighbors;
- The proposed Zoning Map Amendment would provide the neighborhood a more cohesive piece of zoning and the Zoning Amendment would benefit the City;
- The proposed Zoning Amendment would be keeping with the intent and purposes of the City Zoning Ordinance.

10. Unfinished Business

A. Working Group Discussion – Update

Mr. LaVenture updated the board and went over the attached deliverables list. – see attached.

The Board discussed the logistics of full Board site visits outside of regular meetings.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to request procedural guidance from the Legal Department on how to conduct a full Board site visit, outside of its normal meeting schedule, should it wish to do so on future projects. Yea: Fowler, Hodge, LaVenture, Russ, and Fenby. Nay 0 Motion carried 5-0.

11. Calendar Updates

- A. Colchester Drive, Definitive Subdivision Plan, 135 days is Sunday July 24, 2022, vote by **June 27, 2022**, meeting.

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

Mr. LaVenture announced he was formally sworn into his next term for the Planning Board which expires on February 1, 2027.

Dr. Fenby and Mr. Russ signed the ANR Plan for 547 Stow Road.

On a motion by Mr. Fowler, seconded by Mr. Russ, the Board voted to adjourn the meeting. Yea: Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

Respectfully submitted,



George LaVenture/Clerk

/kmm