1A

MINUTES MARLBOROUGH PLANNING BOARD MARLBOROUGH, MA 01752

Call to Order May 9, 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, Sean Fay, Phil Hodge, George LaVenture, Chris Russ, and William Fowler. Meeting support provided by City Engineer, Thomas DiPersio. Sean Fay arrived at 7:05 PM, Phil Hodge arrived at 7:06 PM.

1. Draft Meeting Minutes

A. April 25, 2022

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the April 25, 2022, meeting minutes. Yea: Fowler, LaVenture, Russ, and Fenby. Yea: Fowler, LaVenture, Russ, and Fenby. Absent during time of vote: Fay and Hodge. Nay: 0. Motion carried. 4-0.

2. Chair's Business

- A. Open Meeting Law Guidance
 - i. Correspondence from Assistant City Solicitor, Jeremy McManus, Legal Department Mr. LaVenture read the May 3, 2022, correspondence from Jeremy McManus into the record.

On a motion by Mr. Russ, seconded by Mr. LaVenture the Board voted accept and file the correspondence and to defer discussion regarding Open Meeting Law until later in the meeting. Yea: Fowler, LaVenture, Russ, and Fenby. Absent during time of vote: Fay and Hodge. Nay: 0. Motion carried. 4-0.

B. *Public Hearing Date set for May 23, 2022*- Referred from City Council, Order #22-1008571: Proposed Zoning Amendment to Chapter 650 to amend Section 39 Neighborhood Business District. – **No discussion took place.**

3. Approval Not Required

A. 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

Book: 79591

Page: 135

Surveyor:

Norman G. Hill, P.L.S., Land Planning, Inc. (214 Worcester St., N. Grafton, MA 01536)

- Correspondence from City Engineer, Thomas DiPersio, Engineering Division
 Mr. LaVenture read the May 5, 2022, correspondence from Mr. DiPersio into the record.
- ii. 2 Lot Combination ANR Plan Dated: April 14, 2022 On a motion Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept, file, and endorse the above referenced 2 Lot Combination ANR Plan dated April 14, 2022, as Approval Not Required under the Subdivision Control Law. Yea: Fowler, LaVenture, Russ, and Fenby. Absent during time of vote: Fay and Hodge. Nay: 0. Motion carried. 4-0.

4. Public Hearings

A. Colchester Drive, Definitive Subdivision Plan

Map 44, Parcel 148 (O 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

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

ii. Plan set

Dated: 03/11/22

Chairperson Fenby opened the hearing. Mr. LaVenture read the public hearing legal notice into the record. — See attached. 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:

Jason Lavoie went over the plan set, explaining the parcel is cut in half by a sewer easement owned by the City of Marlborough. The proposed subdivision is a 6-lot subdivision on the Steven Street side of the sewer easement, with a rear lot adjacent to the sewer easement that is currently labeled "not to be considered a buildable lot". Mr. Lavoie went over the existing conditions plan and explained they are still waiting on the arborist letter and the tree protection plan. Michael Carney explained their goal is to maintain the periphery trees along the back side of the lots. Mr. Lavoie went over the infiltration basins and their locations and explained the proposed sites would be serviced by water, sewer, and gas.

Dr. Fenby previously handed out copies of the review letter written by the City Engineer Thomas DiPersio for the public's viewing and explained the letter is part of the public record but will not be read due to its length.

Speaking in Favor of the Project or having questions:

- John Cutone (11 Dirado Drive) asked if this project required any special permits. Dr. Fenby said, no. Mr. Cutone asked a question about the number of homes and expressed concerns on water flow. Dr. Fenby explained this will be taken into account with the Engineering Division.
- Mary Bennett (42 Old Charter Rd) expressed concerns on blasting causing cracks in the foundation of her home and ledge and water on the property. Dr. Fenby explained the City has protocols in place for blasting. Mr. Lavoie/Mr. Carney went over the current testing they have done onsite and went over the infiltration basins.
- Patricia Cutone (11 Dirardo Drive) asked about property lines.
- Susan Mellace (23 Dirado Drive) asked about specifications on the infiltration basin. Mr. Lavoie went over the function and the location of the basin. Mr. Carney went over the design and what it would look like.
- Maratina Colombo (39 Fowler Street) asked about the location of the proposed street and about the pricing of the proposed homes. Mr. Carney estimated the values at \$900,000.00 to \$1,200,000.00.
- Anthony Mellace (23 Dirado Drive) expressed concerns on water drainage. Mr. DiPersio explained how infiltration basin's function and explained how they collect water and locally infiltrate it in the ground.
- Roger Barnum (172 Stevens Street) asked about what the infiltration basin would look like and who would maintain it. Mr. Carney explained it would be a sloped mow-able grass with a stone base. Mr. DiPersio explained how he would like some planting around the basin for screening and if/when the City accepts the road as a public way it would the City's responsibility to maintain the basin.
- Sheila Brecken (116 Stevens Street) addressed traffic concerns. Dr. Fenby asked if there has been a traffic study done. Mr. DiPersio said no.
- Robert Colombo (39 Fowler Street) expressed concerns on wildlife and blasting.

Dr. Fenby closed this portion of the Public Hearing.

Speaking in Opposition to of Project:

- Patricia Cutone (11 Dirardo Drive) spoke in opposition because of proximity, draining and foliage.
- Colin Daley 4 (Old Charter Road) spoke in opposition because of traffic.
- Robert Colombo (39 Fowler Street) spoke in opposition because of traffic.
- John Cutone (11 Dirado Drive) spoke in opposition because of blasting, ground water and the potential of his property taxes increasing.
- Susan Mohran (158 Stevens Street) spoke in opposition because of privacy, drainage, increase in accidents, blasting, wildlife, current sewage back up issues, environmental impact and traffic. Ms. Mohran explained she was previously denied a building permit because of traffic concerns.
- Maratina Colombo (39 Fowler Street) spoke in opposition because of traffic and environmental conerns.
- Susan Mellace (23 Dirado Drive) spoke in opposition because of blasting, the proximity of the infiltration basin to her home and flooding concerns.
- Roger Barnum (172 Stevens Street) spoke in opposition because of traffic, specifically during the construction period and questioned the current gas line capabilities.

Dr. Fenby closed this portion of the Public Hearing.

Questions and Comments from the Planning Board:

Mr. Russ explained he would like to see the infiltration basins be as natural as possible, with screening around them and putting a restriction on some trees within the housing area.

Mr. Fay confirmed with the Mr. Lavoie and Mr. Carney they are not requesting any waivers and the plan is in full compliance with the Planning Board rules and regulations. He expressed concerns on the screening around the infiltration basins, blasting, communication with the neighbors and drainage on the property.

Mr. Fay asked about timing on the Arborist letter. Mr. Carney explained the report should be done within the next 2-4 week.

Dr. Fenby closed the Public Hearing.

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

B. Beauchemin Estates, Preliminary Open Space Concept Plan

689 Pleasant Street, Marlborough, MA 01752

Owner of Land: Jovce Beaucher

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

iv. Plan set

Dated: 02/10/22, Revised Date: 05/02/22

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:

Daniel Koravos went over the plan set and explained the parcel is approximately 5.4 acres with an existing house and wetland that runs through the center of the property. The proposed open space development is a 7-lot subdivision with an open space area on the Pleasant Street. Mr. Koravos went over the process of filing for the special permit, and explained they submitted a conventical plan and an open space concept development plan to demonstrate the ability to fit the same number of lots on both plans. He went over the conventional, open space and the existing conditions plans and explained the proposed sites would be serviced by municipal water and sewer. He believes all the properties would require filing a notice of intent due to its proximity to the wetland. He explained during the final design of the open space concept plan he wants to speak with the Conservation Commission about alternative options to the dentation basin.

- i. Correspondence from City Engineer, Thomas DiPersio, Engineering Division
 Mr. LaVenture read the May 5, 2022, correspondence from Mr. DiPersio into the record.
 Mr. DiPersio pointed out an error within the letter which reads "meets the minimum area of 33%" which should read 30%. The Plan displays 33%.
- ii. Correspondence from Priscilla Ryder, Conservation/Sustainability Officer, Conservation Commission Mr. LaVenture read the May 4, 2022, correspondence from Priscilla Ryder into the record.
- iii. Correspondence from Daniel Koravos

Mr. LaVenture read the May 2, 2022, correspondence from Daniel Koravos into the record.

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to accept and file all the correspondence. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

Speaking in Favor of the Project or having questions:

- Christine Devona (705 Pleasant St) expressed concerns on existing drainage issues on her property, tree removal along the proposed roadway, the ability to connect to the new sewer line and fencing to maintain her privacy.
- Leonard Solo (37 Avebury Ln #18) asked about the proximity to the condo association and the removal or trees.
- Christine Devona (705 Pleasant St) asked about the estimated values and size of the proposed homes.

Dr. Fenby closed this portion of the Public Hearing.

Speaking in Opposition to the Project:

- Christine Devona (705 Pleasant St) spoke in opposition.
- Paula Guz (669 Pleasant St) spoke in opposition because of privacy, wildlife, traffic, increase in accidents and noise concerns.
- Dr. Fenby closed this portion of the Public Hearing.

Questions and Comments from the Planning Board:

Mr. Fay explained to Mr. Koravos he must provide a list of draft findings to the Board for their review prior to the 90-day clock expiration with adequate time for review.

So the public could have a better understanding, Mr. DiPersio when over the definition of an open space development and explained the purpose of the plans that were presented and what the applicants next steps are in the process.

Dr. Fenby closed the Public Hearing.

- 5. Subdivision Progress Reports (None)
- 6. Preliminary/Open Space/Limited Development Subdivision (None)
- 7. Definitive Subdivision Submissions (None)
- 8. Signs (None)
- 9. Correspondence (None)

10. Unfinished Business

A. Working Group Discussion - Update

Mr. LaVenture updated the Board on checklists and concluded the checklist would be combined and consolidated and will be presented at the May 23, 2022, meeting for the Board's comment. He explained flowcharts would be discussed at the next working group meeting.

i. Rules and Regulations – updated/formatted forms The Planning Board Administrator reviewed the formatting and minor editing changes that were made to the forms and appendices, which consisted of pagination and uniform changes throughout the documents.

On a motion by Mr. Fay, seconded by Mr. Russ the Board voted to include the revised forms in the new rules and regulations based on the fact that they are better formatted and look consistent. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

Mr. LaVenture discussed the future of amending the rules and regulations and keeping them update to date and revising them as things arise.

Mr. Fay suggested separating the flow charts to make them easier to follow.

11. Calendar Updates - No discussion took place.

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)

The Board decided to discuss Open Meeting Law at the May 23, 2022, meeting.

Mr. LaVenture endorse the 401 & 405 Maple Street ANR Plan.

On a motion by Mr. Fowler, seconded by Mr. Russ, the Board voted to adjourn the meeting. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

Respectfully submitted,

George LaVenture/Clerk

/kmm