

**MINUTES**  
**MARLBOROUGH PLANNING BOARD**  
**MARLBOROUGH, MA 01752**

1A

**Call to Order**

**May 23, 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. Absent: Matthew Elder

**1. Draft Meeting Minutes**

**A. May 9, 2022**

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the May 9, 2022, meeting minutes with minor revisions. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

**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 Mr. McManus 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. 6-0.

The Board determined they would continue to conduct their site visit walk throughs individually and or in groups of two.

**3. Approval Not Required (None)**

**4. Public Hearings**

**A. 7:05 PM Referred from City Council, Order #22-1008571: Proposed Zoning Amendment to Chapter 650 to amend Section 39 Neighborhood Business District.**

**i. Legal Notice**

**ii. Slide Presentation**

**iii. Zoning standards for recommendation**

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:**

Brian Falk (Mirick O'Connell, 100 Front Street, Worcester, MA 01608) went over the slide presentation and explained the proposed amendment would authorize the City Council to modify by special permit the dimensional parking and landscape requirements for mix use development projects in the Neighborhood Business District. Giving City Council and property owners the flexibility to address issues that are unique to particular sites in this district and not having to go to the Zoning Board of Appeals for a variance. The language proposed is almost identical to language already existing in three of the City's existing overlay districts. For the project currently before the Council, the main basis for this is, the 25-foot setbacks along both Lincoln Street and Mechanic Street are difficult to accommodate and the current zoning ordinance prohibits parking in the front setback.

**Speaking in Favor:**

No one spoke in favor.

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**Speaking in Opposition:**

No one spoke in opposition.

Dr. Fenby closed this portion of the Public Hearing.

**Questions and Comments from the Planning Board:**

Mr. Russ and Mr. Falk discussed the clarification on the term design.

City Council President, Michael Ossing (43 Varley Rd, Marlborough, MA 01752) explained City Council typically prefers these types of requirements under their jurisdiction, which allows the Council to tailor the special permit to benefit the City. Verse the Developer going through the Zoning Board of Appeals process.

Dr. Fenby closed the Public Hearing.

The Board went over the zoning standards for their recommendation. While reviewing the standard "Does the proposed change benefit the City or provide a use not permitted elsewhere?" Dr. Fenby expressed reservations and explained the Board prefers developers to not submit proposals like this.

Mr. Russ asked about what other projects would this proposed zoning amendment benefit. Mr. Fay explained sometimes it's hard to separate the proposed zoning amendment from the proposed project it is associated with and generally the Board doesn't want to decrease setbacks and allow for parking within a front setback, but this proposed zoning amendment for this proposed project has a significant benefit to the City.

The Board determined they have reservations on whether or not the proposed change is in keeping with the intent and purposed of the City's zoning by-laws and Mr. Fay argued this change is consistent with recent past changes to the City's Zoning By-Laws.

On a motion by Mr. Fay seconded by Mr. LaVenture, the Board voted to make a favorable recommendation to the City Council for the Proposed Zoning Amendment to Chapter 650 to amend Section 39 Neighborhood Business District . Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion Carried. 6-0.

The Board provided the following reasons in reaching its recommendation:

- The proposed Zoning Amendment changes are in keeping with the character of the neighborhood that the Board envisions;
- The proposed Zoning Amendment will have minimal negative impact on the neighbors;
- The proposed Zoning Amendment will provide an opportunity to redevelop a parcel that has been problematic for the City for many years.

**5. Subdivision Progress Reports (None)**

**6. Preliminary/Open Space/Limited Development Subdivision**

**A. Beauchemin Estates, Preliminary Open Space Concept Plan**

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

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- i. Correspondence from City Engineer, Thomas DiPersio  
Mr. LaVenture read the May 19, 2022, correspondence from Mr. DiPersio into the record.
- ii. Correspondence from Daniel Koravos  
Mr. LaVenture read the May 19, 2022, correspondence from Mr. Koravos into the record.

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

The Board determined they would like to see the draft special permit prior to its referral to the Legal Department.

**7. Definitive Subdivision**

**A. Colchester Drive, Definitive Subdivision Plan**

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, 13<sup>th</sup> Floor, Boston, MA 02110)

Deed Reference: Book: 9742 Page: 148

**i. Correspondence from Jason Lavoie**

Mr. LaVenture read the May 18, 2022, correspondence from Mr. Lavoie into the record.

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. 6-0.

**8. Signs (None)**

**9. Correspondence (None)**

**10. Unfinished Business**

**A. Working Group Discussion – Update**

Mr. LaVenture explained there are no updates.

**11. Calendar Updates** *(no discussion occurred regarding the two calendar updates)*

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

B. Beauchemin Estates, Preliminary Open Space Concept Plan, 90 Days is August 7, 2022, vote on Special Permit by **July 25, 2022**, meeting.

**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: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

Respectfully submitted,



George LaVenture/Clerk

/kmm