

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

1A

**Call to Order**

**August 22, 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, Matthew Elder and William Fowler. Meeting support provided by City Engineer, Thomas DiPersio and City Solicitor, Jason Grossfield.

**1. Draft Meeting Minutes**

**A. July 25, 2022**

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the July 25, 2022, meeting minutes. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

**2. Chair's Business**

**A. September 26, 2022, meeting update**

Dr. Fenby notified the Board that the September 26<sup>th</sup> meeting falls within Rosh Hashanah.

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to cancel the September 26, 2022, Planning Board Meeting. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

**3. Approval Not Required**

**A. 34 Stevens Street, Map 57, Parcel 235, 236 and 237, Marlborough MA 01752**

Owner of Land: Thirty Four Stevens Street Realty Trust

Name of Surveyor: Robert Parente (328 Desimone Drive, Marlborough, MA 01752)

Deed Reference: Book: 25304 Page: 455  
Book: 25304 Page: 456  
Book: 25304 Page: 457

i. Form A

ii. ANR, Plan of Land Dated: 8/15/22

Robert Parente (328 Desimone Drive, Marlborough, MA 01752) spoke on behalf of David Williams (Thirty Four Stevens Street Realty Trust). Mr. Parente explained this piece of land is at the corner of Chandler Street and Stevens Street. David Williams is looking to combine the lots totaling 21,622 sq-ft and to sell the property.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to refer the Plan of the Land dated August 15, 2022, to Engineering for review. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

**4. Public Hearings (None)**

**5. Subdivision Progress Reports**

**A. 342 Sudbury Street Update**

Mr. LaVenture read the August 2, 2022, correspondence from Kevin O'Malley into the record.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file correspondence. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

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

**A. Informal Discussion**

547 Stow Road Sketch Plan of Land Open Space Development

Name of Engineer: Vito Colonna, Connorstone Engineering (59 Granite Lane, Chester, NH 03036)

**i. Correspondence from Thomas DiPersio, City Engineer**

Mr. LaVenture read the August 18, 2022, correspondence from Thomas DiPersio into the record.

**ii. Concept Plans**

Vito Colonna, Connorstone Engineering (59 Granite Lane, Chester, NH 03036) spoke on behalf of 547 Stow Road. Mr. Colonna explained the ANR lots could be reconfigured to allow room for street widening, however, the stone wall would need to be moved.

Mr. DiPersio explained the City right-of-way on this portion of Stow Road is from the stonewall to the stonewall and if the Board decides the road needs to be widened for this project, it would need to be done by takings of private land because there is not enough room within the City right-of-way. Mr. Russ addressed concerns regarding time restrictions the developer could be under due the City's plans to repave Stow Road. Mr. DiPersio explained there is a one-year moratorium of no cutting and between one and five years the City can require special paving requirements.

The Board addressed concerns over the roadway width, safety of traffic and the placement of the detention basin. Mr. DiPersio suggested the applicant provide a map of the roadway width north and south of property. The Board reviewed the conventional plan. – See attached.

Dr. Fenby asked Mr. Colonna to consult Priscilla Ryder, Conservation Officer regarding the trail that runs through the property.

On a motion by Mr. Russ, second by Mr. LaVenture, the Board voted to accept and file the August 18, 2022, correspondence from Thomas DiPersio. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

**7. Definitive Subdivision**

**A. Commonwealth Heights Subdivision Expiration**

**i. 7/20/20 Vote correspondence**

The Board discussed whether they wanted to send a letter to the City Clerk and or applicant regarding the expiration of the approval on the Commonwealth Heights definitive subdivision.

Mr. Fay requested the covenant be provided at the next meeting for review.

On a motion by Mr. Fay, seconded by Mr. Elder, the board voted to refer the Commonwealth Heights subdivision expiration to the Legal Department to determine if the Board needs to file/record correspondence with the applicant and Clerks Dept. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

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**B. Pettes 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 Grossfield, City Solicitor**

Mr. LaVenture read the August 18, 2022, correspondence from Jason Grossfield into the record.

**ii. Correspondence from Thomas DiPersio, City Engineer**

Mr. LaVenture read the August 18, 2022, correspondence from Thomas DiPersio into the record.

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file both correspondences.

Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

**iii. Revised plans**

Dated: July 21, 2022

The Board determined an additional public hearing is not required and requested the applicant put in an extension request to the October 17, 2022, meeting. Mr. DiPersio suggested the applicant draft the certificate of vote and covenant and the administrator agreed to provide examples.

**8. Signs**

The Board discussed a current sign violation within the City. – See attached.

**A. 141 Boston Post Road West (Raising Canes)**

**i. Correspondence from Michael Brangwynne, Fletcher Tilton, (12 Post Office Square, 6<sup>th</sup> FL, Boston, MA 02109)**

**ii. Brand book – proposed sign locations**

Mr. Fay spoke in favor of the variance and asked for permission from the applicant to go back to the original proposal presented at the July 25, 2022, meeting prior to discussing the compromised proposal. He argued at the July 25, 2022, meeting there was not a full Board in attendance, and it was a tie vote.

Michael Brangwynne, Fletcher Tilton, (12 Post Office Square, 6<sup>th</sup> Floor, Boston, MA 02109) and Adam Caracci, Raising Cane's Chicken Fingers (6800 Bishop Road, Plano, TX 75024) spoke on behalf of this sign variance application and discussed the brand book dated June 21, 2022.

Mr. Brangwynne went over the two signs seeking relief for total square footage allowed for flat wall signage.

Current approved flat wall signage: 146 sq-ft (150 sq-ft maximum allowed)

Dog with hat and glasses: 32 sq-ft – see attached

Heart Dog: 67.52 sq-ft – see attached

Total square footage seeking relief : 95.52 sq-ft (+/-)

Mr. Brangwynne went over the circumstances on why he believes the variance should be granted for this building:

- The building is visible from all four sides of the building
- The building has a proposed drive-thru
- The building is set back from route 20 because of parking
- The visibility lines from the road are limited
- Speed of travelers on route 20 make it difficult to see the signs

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Mr. LaVenture spoke against the variance and went over City Code Chapter 526-12 C.(2) – Variances.

Mr. Brangwynne argued the circumstances listed above are unusual and are not contemplated by the sign ordinances. He explained if there are circumstances that apply to a building that aren't typical to the normal retail establishment within the City, the Board has the discretion to grant a variance if the variance doesn't derogate from the character of the neighborhood.

Mr. Elder and Mr. Russ spoke in favor of the variance.

Mr. Fowler spoke against the variance.

On a motion by Mr. Fay, seconded by Mr. Elder the Board voted to approve the variance for sign D and E in the brand book provided with the application dated 6/21/22. Yea: Elder, Fay, Hodge, and Russ. Nay: Fenby, Fowler, and LaVenture. Motion carried. 4-3.

**9. Correspondence (None)**

**10. Unfinished Business**

**A. Working Group**

i. Memo – waiver standards

ii. Memo – zoning standards

Mr. LaVenture went over the two memos and Mr. Fay suggested a change to read "In addition to Massachusetts law the Marlborough Planning Board uses..." and agreed to rework some wording for the next meeting.

The administrator agreed to draft an open space memo for the next meeting.

iii. City of Marlborough 2018 City map photos displaying private roadways.

The Board reviewed the photos and City Solicitor, Jason Grossfield went over the home rule petition option for accepting these private ways as public ways and its history within the City. He explained it is a mechanism to expedite the ability to acquire the rights to accept the roadway as public.

Mr. LaVenture argued we are losing Chapter 90 funding because these roadways are not accepted as public ways. Mr. Grossfield questioned if the City would want to accept these roadways as public ways and addressed concerns regarding their current condition and what the cost would be to bring them up to public way standards. Mr. DiPersio explained there are roadways within the City that the City wouldn't want to accept, however the City is already maintaining them.

Mr. DiPersio went over some examples on why he believes some of these subdivision developers fell short and never completed the acceptance process. He explained some of these developers may still be around where we can pursue them to complete the process prior to the home rule petition avenue.

Mr. Grossfield went over issues the City may face throughout the process of accepting a roadway as public, including going over the bonds, deposits, condition of the roadway, reaching out to the developer and the abutters, and securing the rights to the property.

Dr. Fenby asked for a list of streets be compiled describing their status within the acceptance process.

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**11. Calendar Updates**

- A. Pettes Drive/Colchester Drive (0 Stevens Street), Definitive Subdivision Plan, 135 days is Sunday July 24, 2022.  
Extension granted, vote by **September 12, 2022**, meeting.

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

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

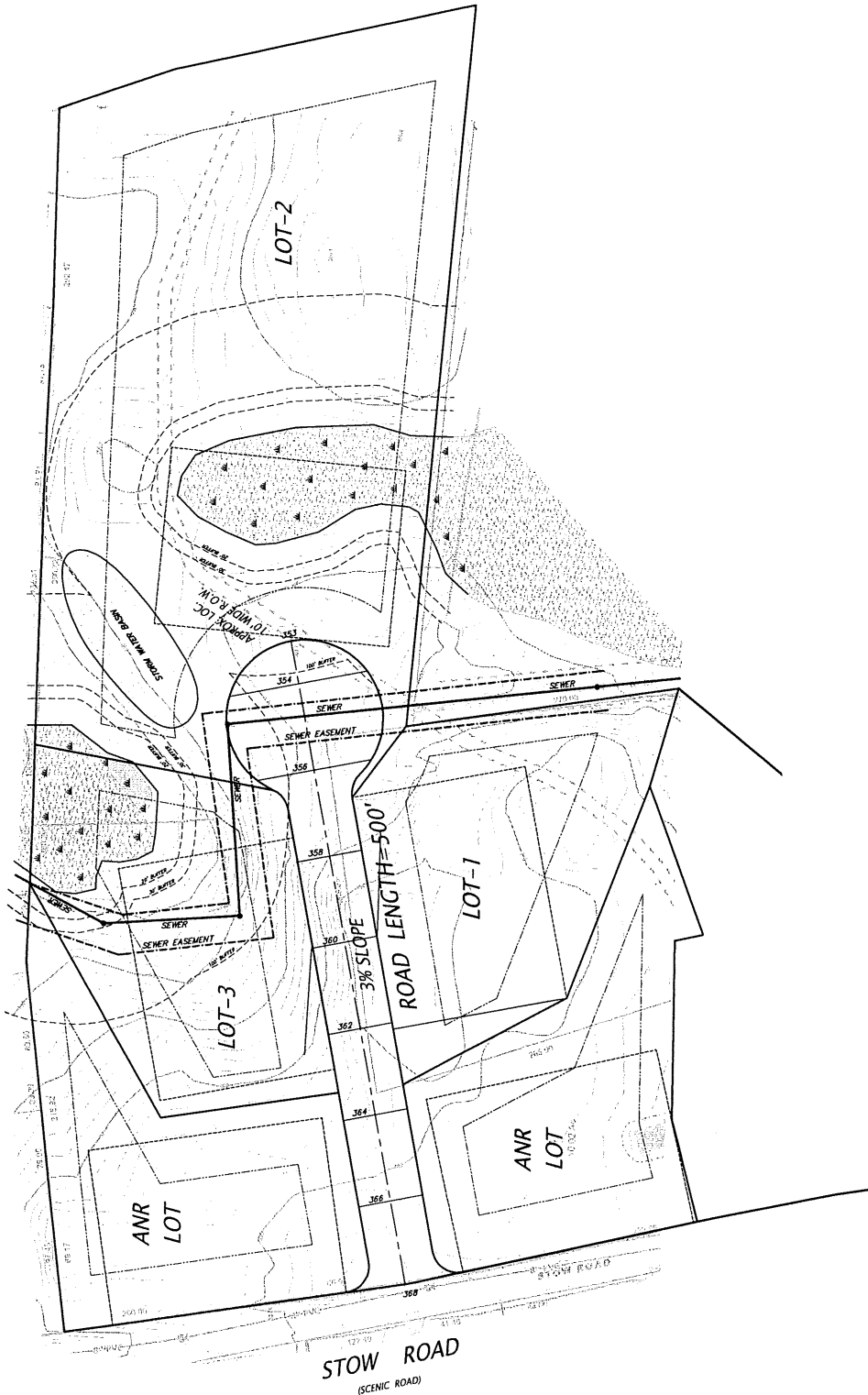
Respectfully submitted,



George LaVenture/Clerk

/kmm

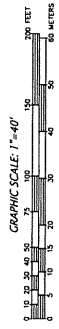




STOW ROAD  
(SCENIC ROAD)

TOWNED, RURAL, RESIDENCE RR  
AREA = 43,260 sq. feet  
FRONTAGE = 180 feet  
SETBACKS: FRONT = 40 feet  
              SIDE = 10 feet  
              REAR = 50 feet  
LOT SHAPE = 180' x 135' BOX

CONVENTIONAL DEVELOPMENT



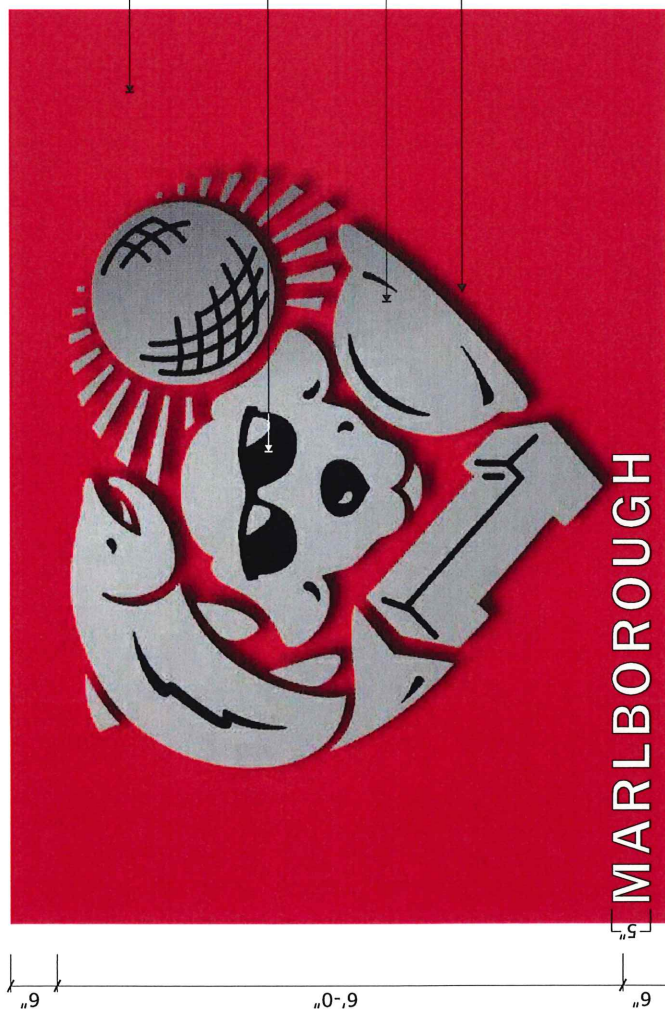
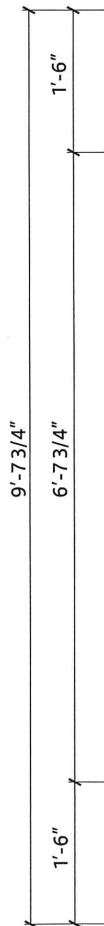
PREPARED FOR: RENDALL HOMES	
<b>CONNORSTONE ENGINEERING INC.</b> CIVIL ENGINEERS AND LAND SURVEYORS 10 SOUTHWEST CUTOFF, SUITE 7 NORTHBOROUGH, MASSACHUSETTS 01532 PHONE: 508-393-9727 WWW.CSEI.NET SUDBURY, MASSACHUSETTS 01776 PHONE: 978-443-9566	
SKETCH PLAN OF LAND CONVENTIONAL LAYOUT STOW ROAD IN MARLBOROUGH, MA	
REVISION:	DESCRIPTION:
DATE: JUNE 13, 2022	CHECKED: JC
SCALE: 1"=40' SHEET 1 OF 1.	



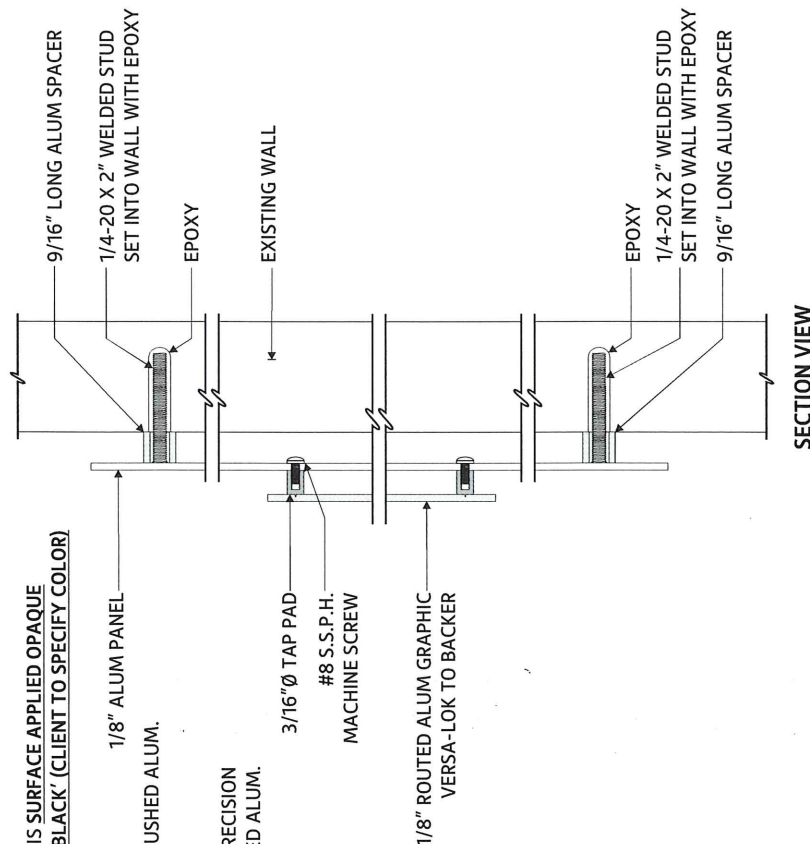
141 Boston Post Rd W/RC0622  
 Marlborough, MA 01752  
 06/21/2022

DRAWING REVISIONS		
DATE	PM	CHANGE
9/15/20	SH	Updated siteplan & elevations, removed speaker post
9/15/20	SH	Updated siteplan
4/27/21	SH	Updated to monument
7/26/21	SH	Updated elevations
1/11/22	SH	Updated siteplan & added speaker posts
2/23/22	SH	Changed to red dog
6/21/22	SH	Changed to OLH

**CUTSHEET**  
One Love Heart on Substrate  
*SUBJECT TO REVIEW*  
*CANNOT BE DIRECTLY ON WALL*



**ONE LOVE HEART MOUNTED  
ON ALUMINUM SUBSTRATE**



SECTION VIEW

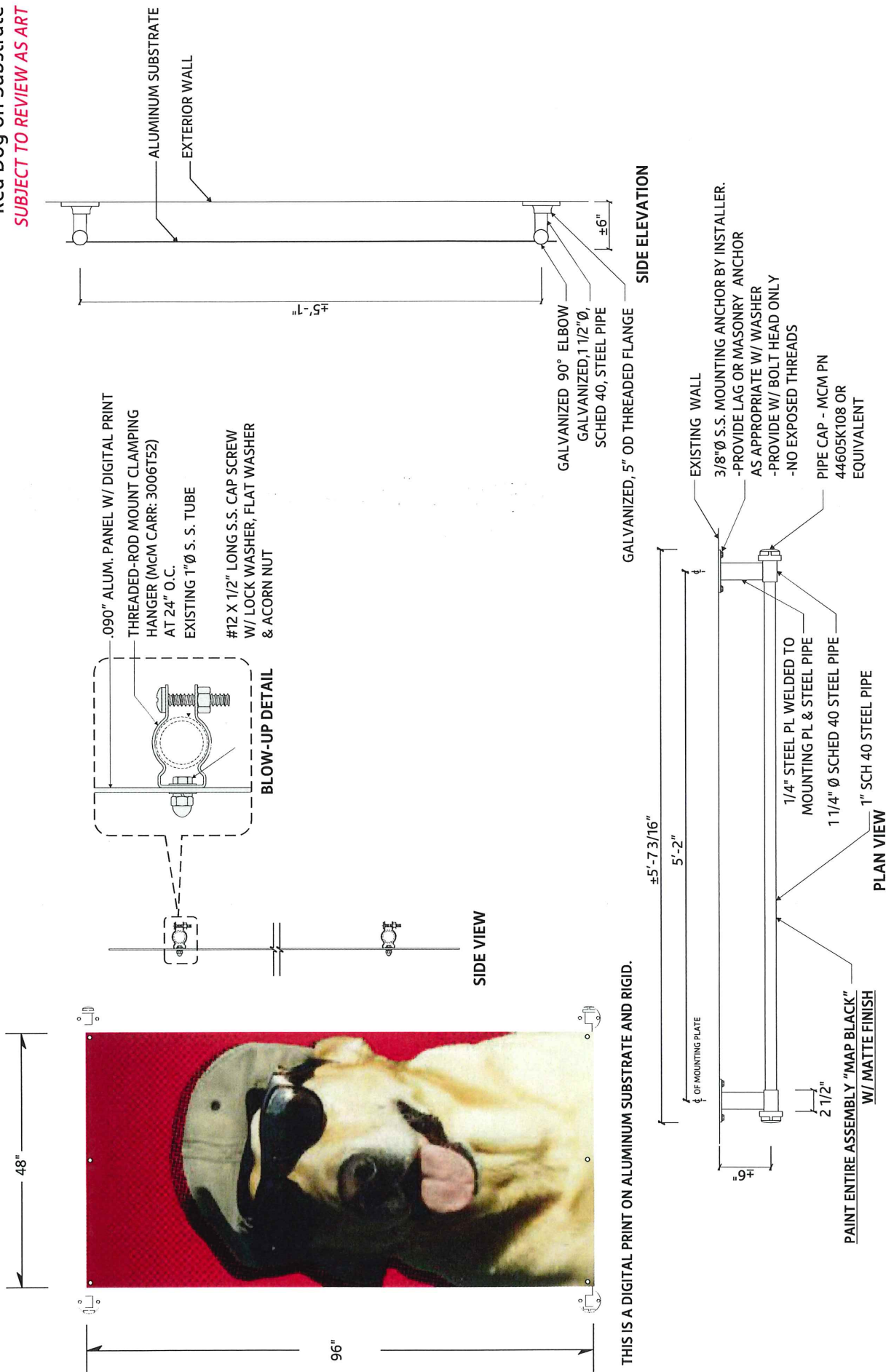
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Location: Marlborough, MA	AGI Rep: S. Holmes
Site ID: RC0622	AGI PM: Scott Rogers
Date: 08/25/2020	Drawn by: M. Folden



## CUTSHEET

Red Dog on Substrate  
SUBJECT TO REVIEW AS ART



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