

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

1B

**Call to Order**

**September 12, 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, and George LaVenture. Members Absent: Chris Russ, Matthew Elder and William Fowler. Meeting support provided by City Engineer, Thomas DiPersio.

**1. Draft Meeting Minutes (None)**

**2. Chair's Business**

**A. Status of old subdivisions list**

Mr. DiPersio went over the list and explained these roadways were created as part of subdivisions and for various reason the developers never finished the acceptance process. These roadways are treated as public ways but haven't officially been accepted as public ways by the City. He agreed to gather information on the subdivisions where the acceptance plan has been recorded.

**B. Code Enforcement correspondence**

- i. 655 Farm Road                      Dated: 9/29/22
- ii. 740 Boston Post Road E        Dated: 9/23/22
- iii. 31 Main Street                  Dated: 9/23/22

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file all three correspondences. Yea: Fay, Hodge, LaVenture and Fenby. Nay: 0. Motion carried. 4-0.

**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. Engineering Review – Correspondence from City Engineer, Thomas DiPersio  
Mr. LaVenture read the September 8, 2022, correspondence into the record.
- ii. Form A
- iii. ANR, Plan of Land                      Dated: 8/15/22

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence and to endorse the above referenced Plan of Land, dated August 15, 2022, as Approval Not Required under the Subdivision Control Law. Yea: Fay, Hodge, LaVenture, and Fenby. Nay: 0. Motion carried. 4-0.

Dr. Fenby explained the Board may want to investigate how multiple lots within the City are combining to make room for bigger houses.

**B. 36 Jefferson Street, Map 56, Parcel 153, Marlborough, MA 01752**

Owner of Land:            Ramundo Neto  
Name of Surveyor:        William Tirrell, Chappell Engineering (201 Boston Post Road W, Marlborough, MA 01752)  
Deed Reference:            Book: 65099    Page: 275

- i. Form A
- ii. Request for extension on decision

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- iii. ANR, Plan of Land                      Dated: 7/7/22
- iv. Correspondence from Pamela Wilder, Chief Code Enforcement Officer – see attached  
    Mr. LaVenture read the September 12, 2022, correspondence into the record.

William Tirrell spoke on behalf of the 36 Jefferson Street ANR Plan.

The Board discussed the zoning change and determined it was changed to Residence B (RB).

Mr. Fay explained there is no process in the Marlborough Planning Board Rules and Regulations for extending the time for the decision on an ANR. He suggested the applicant withdraw the ANR submission without prejudice and address the issues presented in the correspondence from Ms. Wilderman.

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the September 12, 2022, correspondence from Pamela Wilderman, and to accept the request to withdraw the above referenced ANR Plan dated July 7, 2022, from William Tirrell on behalf of the Applicant, Raimundo Coelho Araujo Neto, without prejudice. Yea: Fay, Hodge, LaVenture and Fenby. Nay: 0. Motion carried. 4-0.

**4. Public Hearings (None)**

**5. Subdivision Progress Reports**

**A. 342 Sudbury Street Update**

Mr. LaVenture read the August 29, 2022, correspondence from Kevin O'Malley into the record.

**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 Vito Colonna, PE  
    Mr. LaVenture read the September 8, 2022, correspondence into the record.
- ii. Locus/Roadway Widths Plan                      Dated: 9/8/22
- iii. Open Space Concept Plan                      Dated: 6/13/22 Revised: 9/8/22
- iv. Conventional Plan                      Dated: 6/13/22
- v. Turn Radius Plan – see attached.

Vito Colonna spoke on behalf of 547 Stow Road and went over the open space concept plan displaying the lot reconfiguration to include the detention basin in Lot 2. Leaving 2.86 acres in the open space parcel. He went over the locus/roadway width plan and explained the roadway width is 17 feet wide in front of the property.

Mr. Colonna displayed and went over a sketch plan showing the turn radius in and out of the site. – See attached. He explained they used WB-40 trailer truck based on the subdivision control regulations. They flared the pavement with larger radius than normal. On the south side the curb radius is 45' and on the northside the curb radius is 35' with a non-tangent section that runs along the edge.

The Board discussed the roadway width on Stow Road and the reconfiguration of the ANR lots to widen the road. The Board agreed if the roadway was to be widened, they felt more comfortable with the idea of the subdivision, but made it clear, this was not the Board saying yes or no to the subdivision and that this was the first step in the process. Mr. Colonna explained with City repaving Stow Road, the street widening would have to occur during the subdivision build process. Mr. Fay explained a scenic road public hearing would be required to move the stonewall.

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Mr. Colonna and the Board discussed waivers and Mr. Colonna explained he doesn't believe there will be many waiver requests.

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence from Mr. Colonna. Yea: Fay, Hodge, LaVenture and Fenby. Nay: 0. Motion carried. 4-0.

**7. Definitive Subdivision**

**A. Commonwealth Heights Subdivision Expiration**

i. Correspondence from City Solicitor, Jason Grossfield

Mr. LaVenture read the September 9, 2022, correspondence into the record.

ii. 8/24/20 Covenant

iii. 7/20/20 Vote correspondence

The Board determined they wanted to send a letter to the developer. Mr. Fay went over a draft letter he had prepared, reading "Please be advised that on September 12, 2022, the Planning Board met and discussed the status of the Commonwealth Heights Subdivision. Paragraph 13 of the recorded Covenant states the following: "failure to so complete or to obtain an extension shall automatically rescind approval of the Plan as to lots not yet released from this Covenant..." No lots have been released from the Covenant, and construction of all ways and installation of municipal services has not been completed within two years from the Plan approval date.

As such, you are hereby notified that approval of the Commonwealth Heights Subdivision has been automatically rescinded. In addition, the Board has requested that Inspectional Services conduct a review of the property to determine if any blight or unsafe conditions exist."

On a motion by Mr. LaVenture, second by Mr. Hodge, the Board voted to send a letter to the developer as read above. Yea: Fay, Hodge, LaVenture and Fenby. Nay: 0. Motion carried. 4-0.

**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. Request for extension on decision

Mr. LaVenture read the August 29, 2022, correspondence from Jason Lavoie into the record.

On a motion by Mr. LaVenture, seconded by Mr. Fay, the Board voted accept and file the correspondence and to grant the extension for the decision on the definitive subdivision submission for (0 Stevens Street) to October 17, 2022. Yea: Fay, Hodge, LaVenture and Fenby. Nay: 0. Motion carried. 4-0.

ii. Draft Covenant

iii. Draft Certificate of Vote

iv. Revised plans Dated: July 21, 2022

Charles Bourque and Michael Carney spoke on behalf of the Pettes Drive subdivision. Mr. Bourque explained the plans are being revised now by Carol Denison, WSP.

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Mr. Fay requested the developer to fill in the missing dates on the certificate of vote and the covenant and determined the documents should be sent to legal for review once the missing information has been filled in.

On a motion by Mr. LaVenture, second by Mr. Fay, the Board voted to refer the certificate of vote and Covenant to legal for review. Yea: Fay, Hodge, LaVenture and Fenby. Nay: 0. Motion carried. 4-0.

**8. Signs (None)**

**9. Correspondence (None)**

**10. Unfinished Business**

**A. Working Group**

**i. Memo – Special Permits**

Mr. Fay suggest the following changes:

- "In addition to Massachusetts Law the Marlborough Planning Board considers the following objectives when evaluating special permits for open space developments"
- "The development is not inconsistent with the above-listed objectives"

**ii. Memo – waiver standards**

- "In addition to Massachusetts Law the Marlborough Planning Board considers the following factors"

**iii. Memo – zoning standards**

- "In addition to Massachusetts Law the Marlborough Planning Board considers the following factors"

**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 **October 17, 2022**, meeting.**

**12. Public Notices of other Cities & Towns**

- A. (2) Town of Southborough – Public Hearing Notices**

On a motion by Mr. LaVenture, second by Mr. Hodge, the Board voted to accept and fille all the correspondence within 10. Unfinished Business, 11. Calendar Updates, and 12. Public Notices of other Cities & Towns. Yea: Fay, Hodge, LaVenture and Fenby. Nay: 0. Motion carried. 4-0.

**7. Definitive Subdivision**

**B. Pettes Drive, Definitive Subdivision Plan (Continued)**

On a motion by Mr. LaVenture, second by Mr. Fay, the Board voted to refer the Certificate of Vote and Covenant for Pettes Drive (0 Stevens St) to legal for review. Yea: Fay, Hodge, LaVenture and Fenby. Nay: 0. Motion carried. 4-0.

Mr. Fay endorsed the ANR Plan dated August 15, 2022, for 34 Steven Street, Marlborough, MA 01752.

On a motion by Mr. LaVenture, seconded by Mr. Hodge, the Board voted to adjourn the meeting. Yea: Fay, Hodge, LaVenture and Fenby. Nay: 0. Motion carried. 4-0.

Respectfully submitted,



George LaVenture/Clerk

/kmm

## Katlyn Miller

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**From:** Pamela Wilderman  
**Sent:** Monday, September 12, 2022 1:20 PM  
**To:** Katlyn Miller  
**Cc:** Patricia Bernard; Tin Htway  
**Subject:** 36 Jefferson St ANR

Good afternoon Katlyn:

I note on the Planning Board agenda that 36 Jefferson Street is looking to extend the time for approval on the ANR plan for 36 Jefferson. I would suggest that there are several issues involved in this matter....I show the property located within the commercial automotive (CA) zone. While the use of a landscapers contractor yard or contractor yard is allowed in a CA zone, there are other requirements that preclude the continued use:

- There is a requirement for a one (1) acre lot. At a total of 27328 square feet, the lot is already undersized and would require both a zoning variance and a special permit for the city council
- There is also a requirement that there not be any residential use on the property. The purpose of the ANR may be to eliminate the residential use, but even with that removed the lot is undersized for the use.
- There is also a requirement that no contractors yard be located within 200 feet of a residential property. In addition to the residential use on the existing property, there are other residential properties within that guideline.

Please understand that this was all explained to the property owner when we first started doing enforcement on the use. At this stage, enforcement will start again.

Pamela A. Wilderman  
Chief Code Enforcement Officer  
City of Marlborough  
140 Main Street  
Marlborough, MA 01752  
508 460-3776 X30201  
[pwilderman@marlborough-ma.gov](mailto:pwilderman@marlborough-ma.gov)

