

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

February 27, 2023

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.

1. Draft Meeting Minutes

A. February 13, 2023

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the February 13, 2023, meeting minutes with minor typo edits. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

2. Chair's Business

A. Street Acceptance

i. Council Order No. 22/23-1008767A – Jenks Lane be accepted as a public way

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

Mr. DiPersio notified the Board he would provide the bond amount to the Board at the next meeting.

The Board tabled item 2B. 215 Simarano Drive.

B. 215 Simarano Drive

i. Statutory Covenant

ii. Definitive Subdivision Plan

Dated: May 25, 2018

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports (None)

6. Preliminary/Open Space/Limited Development Subdivision

A. Stow Road, Open Space Development Special Permit Application

Map 20, Parcel 4A, Stow Road, Marlborough, MA 01752

Name of Applicant: Kendall Homes, Inc. (P.O. Box 766, Southborough, MA 01772)

Name of Owner: McCabe Family Irrevocable Trust and Judith McCabe (6 Erie Drive, Hudson, MA 01749)

Name of Engineer: Connorstone Engineering, Inc. (10 Southwest Cutoff, Northborough, MA 01532)

Deed Reference: Book: 66136 Page: 582, Book: 78814 Page: 590

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

Mr. LaVenture read the February 21, 2023, correspondence into the record.

On a motion Dr. Fenby, second 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.

ii. Plan Set

Dated: December 2, 2022

Revised: February 9, 2023

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Mr. Russ asked for clarification on a dash line labeled “permanent buffer area” in front of abutters Gunter and Susan Baburins’ property. He argued buffer zone means “no disturb” but that the vegetation in this area would be cleared for the detention basin. Mr. Russ suggested planting something back since this abutter would be most affected by this subdivision/detention basin.

Mr. Vito Colonna suggested a condition that included one or a combination of the following:

- Replanting
- Screening
- Preserving the trees in the area

Mr. Russ suggested preserving as many trees as possible within Lot S3 specifically between Lot S2.

Mr. Russ and Mr. Colonna discussed the scenic road public hearing that would be required to open the stone wall for the proposed roadway. Mr. Russ suggested repairing the stone wall and turning the stone wall in with the new roadway. Mr. Colonna confirmed this public hearing could be done in conjunction with public hearing for their future definitive submission. Mr. Russ also reminded the Board a scenic road public hearing would also be required for the two ANR lots if they were to gain access from Stow Road.

Mr. Fay explained to Mr. Colonna that it’s the developer’s responsibility to provide draft findings and a draft special permit, which the Board will refer to the Legal Department for review once completed. With the 90-day clock set to expire on March 19, 2023, Mr. Fay requested an extension request for the next meeting.

Mr. DiPersio reminded the Board that they need to compile any conditions they want to include within the special permit. Mr. Fay explained they plan to incorporate Conservation Commissions comments.

The Board discussed tabled item 2B. Simarano Drive.

B. 215 Simarano Drive

- i. Statutory Covenant
- ii. Definitive Subdivision Plan

Dated: May 25, 2018

Mark Bobrowski of Blatman, Bobrowski Haverty & Silverstein, LLC spoke on behalf of 215 Simarano Drive.

Mr. LaVenture asked for clarification regarding language within the statutory covenant. He asked if the covenant is saying, that even if any lot is transferred by mortgage or transferred in any other way, it is still restricted? Mr. Bobrowski said yes. He explained the only exception is the sale of the entire property.

Mr. Russ asked if the property was sold, would the approval and zoning freeze go with the property? Mr. Bobrowski said, yes and explained it lasts eight years from the date of endorsement of the plan.

Mr. Fay stated the covenant says the eight-year zoning freeze is back dated to September 10, 2018, which the developers had agree upon with the Legal Department.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to endorse the plan and sign the statutory covenant. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

The Board discussed who was at the public hearing on September 10, 2018, and who should endorse the plan and statutory covenant.

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7. Definitive Subdivision

- A. 689 Pleasant Street, Marlborough, MA 01752 – **No Discussion Required – Public Hearing Set for March 27, 2023**
Open Space Development Definitive Subdivision Plan
Owner of Land: Joyce Beauchemin Realty Trust, Timothy L. Beauchemin, Trustee
(P.O. Box 1067, Townsend, MA 01469)
Name of Engineer: Daniel Korvos, P.E., (59 Granite Lane, Chester, NH 03036)
Name of Surveyor: Hugo Findeisen, (P.O. Box 612 Sandown, NH 03873)
Deed Reference: Book: 45210 Page: 560

8. Signs

- A. 230-266 East Main Street – Harbor Freight Tools
i. Application for Sign Appeal
ii. Denial letter from Chief Code Enforcement Officer, Pam Wilderman
Mr. LaVenture read the February 21, 2023, correspondence into the record.
On a motion by Dr. Fenby, 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.

iii. Proposed Sign and Existing Conditions

Mike Cohen of Signs by J, spoke on behalf of the application and explained they are seeking a variance for a larger sign because the building is set back on the property.

Dr. Fenby asked if Harbor Freight is going to be the same size as Marshalls? Mr. Cohen said he wasn't sure. The administrator explained it was her understanding it would be smaller and that the neighbor store Ocean State Job Lot plans to expand.

Mr. Russ ask if there is a Harbor Freight sign on the pylon? Mr. Cohen said yes.

Mr. LaVenture asked what is the distance from the roadway to the proposed sign? The administrator used the measuring tool on GIS and provided a rough estimate of 625 feet.

Mr. Russ argued if they were to remove "Quality Tools Lowest Prices" from the proposed sign, simply leaving Harbor Freight, the proposed sign would be in compliance with the size regulations.

The Board determined they wanted a representative for the company at the meeting to present and to provide their reasoning on why they believe they should be granted a variance.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to table the 230-266 East Main Street – Harbor Freight Tools Sign Variance Application to the March 27, 2023, meeting. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

9. Correspondence (None)

10. Unfinished Business

- A. Working Group – no updates

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11. Calendar Updates

- A. Stow Road, Open Space Development Special Permit Application – 90 days expires Sunday April 23, 2023 – Vote on or before April 10, 2023, meeting.

The Administrator explained these dates were incorrect. It should read 90 days expired Sunday March 19, 2023 – Vote on or before March 13, 2023, meeting.

12. Public Notices of other Cities & Towns

- A. Town of Hudson – Legal Notice

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file 12A. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 6-0.

Mr. Fay explained the new Planning Board members were being sworn in at the February 27, 2023 City Council meeting and that this would be Mr. Hodge's last meeting. He thanked Mr. Hodge for 30 plus years of service on the Planning Board and explained there would be a future gathering to celebrate.

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