

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

March 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: Sean Fay, Barbara Fenby, James Fortin, William Fowler, Dillon LaForce, George LaVenture, and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio.

1. Draft Meeting Minutes

A. March 13, 2023

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file the March 13, 2023, meeting minutes. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

2. Chair's Business

A. Street Acceptance - No updates

3. Approval Not Required (None)

4. Public Hearings

A. 689 Pleasant Street, Marlborough, MA 01752

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

i. Form C-1, Form D and Form L

ii. Certified Abutters List

iii. Arborist Letter – Tree Tech, Inc.

iv. Waiver Correspondences

v. Engineering Review

vi. Conservation Commission Review

vii. Board of Health Review

viii. Plan Set

Dated: February 6, 2023

Chairperson Fay opened the hearing. Mr. LaVenture read the public hearing legal notice into the record. Chairperson Fay 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:

Dan Koravos, P.E., of DK Engineering LLC (59 Granite Lane, Chester, NH 03036) spoke on behalf of 689 Pleasant Street. Mr. Koravos explained Beauchemin Estates is an open space development. This process consists of two steps. The first step is the special permit, which the Planning Board approved on July 25, 2022. The definitive plan being presented today is the second step. The site is located at 689 Pleasant Street, Marlborough, MA. The site is wooded with a section of wetland that runs through the middle of it. In 2022 the wetland border was set by a filed ANRAD (Abbreviated Notice of Resource Area Delineation). The soils on site have been mapped by NRCS (Natural Resource Conservation Service), the testing determined the soil where the detention basins are, have a lot of sand, so the infiltration rate is rapid.

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The property is zoned A2 and is approximately 5.4 acres. Each lot would have a minimum of 12,000 square feet, 50 feet of frontage, 20-foot front and rear and 10-foot side yard setbacks. The proposed development consists of a 461-foot-long cul-de-sac with a 40-foot right-of-way and a 28-foot pavement width.

Mr. Koravos went over the difficulties the profile of the road posed due to the wetlands and the placement of the infiltration basin. He discussed the existing issue on site, where water runoff from the condominiums on north of the site is pooling. He proposed a depression, headwall, and culvert that leads the water to the wetlands.

Mr. Koravos explained the plan seeks to divide the parcel into seven lots and one open space parcel. Lot 7 would house the already existing home on the property. Parcels B, C and D would be given to the City.

Mr. Koravos went over Parcels:

Parcel A: Infiltration Basin

Parcel B: Infiltration Basin between the roadway and the wetlands

Parcel C: 10-foot strip that would hold the culvert in front of 705 Pleasant Street

Parcel D: 2.2 acres of open space

Mr. Koravos went over the proposed sewer on the property and explained each lot would require a pump, so they are proposing individual grinder pumps for each lot or an Environmental One (E1) pump. All lots would be pumped to a collective force main that would run down the outside of the right-of-way within a 10-foot easement to a manhole off the right-of-way where it would gravity feed to the existing main on Pleasant Street.

Mr. Koravos discussed conditions 8 and 9 within the special permit which were written for 705 Pleasant Street. The plan does not show the proposed sewer stub because he wanted to get clarification on its location from the property owner. Evergreens spaced 8-10 feet apart are being proposed as screening long the proposed roadway the abutting property.

See special permit conditions below:

8. Prior to the issuance of any building permits related to the Proposed Development, the applicant shall construct a fence or install vegetative screening along the property line between the proposed roadway and the lot identified as #705 Pleasant Street (Map 28 Parcel 18A).
9. Prior to the issuance of any building permits related to the Proposed Development, the applicant shall install a sewer stub off of the new sewer main for the house at #705 Pleasant Street (Map 28 Parcel 18A).

Mr. Koravos discussed proposing a 6" water main to match what is on Pleasant Street verse the 8" which is shown on the plan and explained he would discuss this change the City Engineer, Thomas DiPersio.

Mr. Koravos went over the proposed drainage system and explained there is a low point in the roadway with two catch basins which would catch the runoff and bring it to catch basin that is further up the street. The culvert and the catch basin would then discharge into the infiltration basin on parcel B. The catch basin at the end of the cul-de-sac would discharge into a swale that runs along the boundary of the open space and discharge into the infiltration basin on parcel A.

Mr. Koravos explained the plan shows street trees being planted at 40-foot intervals and evergreen screening along the roadway in front of parcel B.

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Mr. Koravos went over the two requested waivers:

- Article IV. Section §676-12.C.(1) Width of Streets as presented in the City of Marlborough, MA Ecode360. The required right-of-way width for a secondary street is fifty (50) feet. We respectfully request a reduction to forty (40) feet. The reason for the request is due to the limited area between the abutting property to the north and the wetland area to the south of the proposed road.
- Chapter A676 Subdivision Regulations §676-26.A. Sidewalks. Which states, "Unless otherwise specified by the Planning Board, the sidewalks shall extend the full length of each side of the street". We respectfully request a reduction in the length of the sidewalk by eliminating the sidewalk in Parcel C on the north side of the proposed roadway.

The reason for the request is due to the limited area between the abutting property to the north and the proposed roadway. Within that area, there will be landscaping for screening, a drainage swale, joint utility trench, a headwall and depression for the proposed culvert to mitigate the ponding on the abutting lot. If granted, on the north side of the proposed roadway, the sidewalk would begin at the property line for Lot 1 and extend all around to the intersection with Pleasant Street. Also, a crosswalk would be provided across the new road.

Mr. Koravos told the Board the tree preservation and protection plan is missing from the plan set but will be provided at a later date.

Mr. Fay closed this portion of the public hearing.

Speaking in Favor of the Amendment:

No one spoke in favor.

Speaking in Opposition to the Amendment:

Richard Gasparoni (664 Pleasant Street, Marlborough, MA) addressed the following concerns/questions:

- Pleasant Street being a scenic road
- Width of the access road
- Commuter safety
 - High volume of accidents
 - Traffic
- Moving the access to Crowley Drive if possible instead of Pleasant Street
- Existing vernal pools after heavy rain where the roadway is being proposed
- Increase in water run off
- Concerns regarding the existing retention pool from the Toll Brothers Property

Paula Guz (669 Pleasant Street, Marlborough, MA) addressed the following concerns/questions:

- Commuter safety
 - Blind corner
 - Speeding
 - High volume of accidents
 - Traffic

Christine Devona (705 Pleasant Street, Marlborough, MA) addressed the following concerns/questions:

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- Concerns that the proposed drainage system will not withstand the existing standing water issue and the increase in water runoff from the development

Mr. DiPersio provided information on the culvert along the roadway near the abutting property 705 Pleasant Street. The intent is to pick up the water that is coming from the higher ground behind the property. The pipe will convey the water across the road into the wetland.

Mr. DiPersio explained a swale is a channel that would run length wise to convey water and a headwall is a stone or concrete small wall that is built at the end of a pipe, to hold the earth back so the pipe can remain clear and discharge.

Christine Devona (Continued)

- Concerns regarding the profile of the roadway creating additional water strain

Mr. Fay reminded members of the public that their questions/concerns that are Engineering/Conservation based are part of the respective department reviews and the Board's evaluation.

Christine Devona (Continued)

- Concerns regarding the sidewalk wavier
- Asked, if the City will maintaining parcel C
 - Mr. DiPersio explained in his review, the ownership/maintenance of parcel C was one of his questions and that he wanted to hear from the developer regarding their intent.

Richard Gasparoni (664 Pleasant Street, Marlborough, MA) addressed the following concerns/questions:

- Future development of map and parcel 28-12A

Mr. Fay closed this portion of the public hearing.

Questions and Comments from the Planning Board:

Mr. Russ asked about the sidewalk waiver request. Mr. Koravos explained the plans show sidewalks because he is aware the Board preference but explained the utilities would be easier to design if the sidewalks abutting 705 Pleasant Street were eliminated. Mr. Russ and Mr. Koravos discussed the utilities' locations within the plan. Mr. Russ asked if fencing is being proposed around the detention basins. Mr. Koravos said yes and explained their slope is 3 to 1.

Dr. Fenby asked Mr. Koravos if he would be willing to speak with the abutters that will be impacted by the development. Mr. Koravos said yes.

Mr. Fowler asked Mr. Koravos if there was a tree plan that showed what type of trees are being proposed. Mr. Koravos explained sheet 9 has more information regarding the trees and that the tree warden would have more information on what type of trees the City would prefer.

Mr. Fay asked when the Board would see the scenic road public hearing request. Mr. Koravos explained once the decision on the width of the right of way is made, they would put in the request for scenic road public hearing.

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Mr. Fay asked Mr. Koravos if he had analyzed the runoff from the Toll Brothers development and how it affects the drainage plans. Mr. Koravos said yes, and explained contours were obtained from Lidar data and blended them with what they collected in the field to make sure everything was taken into account.

Mr. Fay confirmed with Mr. Koravos that he would work with abutter Christine Devona (705 Pleasant Street) on the sewer stub location.

Mr. DiPersio summarized his review and explained the tree preservation and protection plan is missing. The intent is to overlay the proposed roadway onto the surveyed trees, so the Board can get an idea on what trees will be cleared and which trees can possibly be saved. Miscellaneous notes and comments need to be added/revised through the plan set. After hearing the presentation by Mr. Koravos, Mr. DiPersio explained he needs to review the storm water calculations to validate the drainage systems ability to account for water that will drain into the system from off-site.

Mr. DiPersio explained the pumps and sewer force main would be owned and maintained by the homeowners within an easement across all of the properties. He explained an agreement with the homeowners would need to be created. He explained 705 Pleasant Street would likely be able to connect by gravity and the connection would be approved once the proposed roadway was accepted by the City as a public way.

vii. Board of Health Review

Mr. LaVenture read the February 22, 2023, correspondence into the record.

On a motion by Mr. LaVenture, seconded by Dr. Fenby, the Board voted to accept and file all the correspondence under item 4. Public Hearings, A. 689 Pleasant Street, Marlborough, MA 01752. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

On a motion by Dr. Fenby, second by Mr. Fowler, the Board voted to keep the public hearing open since additional materials would be submitted which could impact their review. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Mr. DiPersio asked Mr. Koravos to provide site distance measurements for the proposed road, which will provide additional information for the abutters to address their commuter safety concerns.

On a motion by Mr. Fowler, second by Dr. Fenby, the Board voted to take a two-minute break. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted resume the meeting. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

5. Subdivision Progress Reports

A. Goodale Estates – Jenks Lane

i. Mylar plans for endorsement

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to endorse the February 28, 2022, Plan of Acceptance for Goodale Estates, LLC, Jenks Lane. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

B. 76 Broad Street

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- i. Correspondence from City Engineer, Thomas DiPersio
Mr. LaVenture read the March 23, 2023, correspondence into the record.

On a motion by Mr. LaVenture, seconded by Dr. Fenby, the Board voted to refer the 76 Broad Street Definitive Subdivision to the Legal Department for review/guidance. The Board is requesting an update on the Subdivision's legal status and guidance on what steps, if any are needed to rescind the approval. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture and Russ. Nay: 0. Motion carried. 7-0.

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. Plan Set Dated: December 2, 2022, Revised: February 9, 2023

Mr. Russ reminded the Board they are waiting on revised plans to correct the 50-foot permanent buffer and asked for its definition. Mr. DiPersio explained when it's abutting a residential property, there is two buffers, the total of which is double the setback. The first part of the buffer, closest to the new house, is essentially no structures. The second half is no disturb.

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to send the draft special permit to the Legal Department for review upon receipt. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture and Russ. Nay: 0. Motion carried. 7-0.

7. Definitive Subdivision (None)

8. Signs

A. 405 Maple Street (Fazza Group, Inc.)

- i. Application
- ii. Denial letter, Ethan Lippitt, Code Enforcement Officer
- iii. Proposed Sign

Mr. Fay explained to Mr. Fortin, the applicant had already used 134.95 square feet of their allotted 150 for the building. They were seeking relief for 105 square feet for the proposed sign within the packet. The applicant had been requested to come to the following meeting and provide additional information. The applicant did not respond to the calendar invite and did not attend the following meeting as indicated.

Mr. Russ discussed how this application should be considered incomplete because the application does not show the already existing signs on the property and concluded this would be something that could be discussed with the Working Group.

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to deny the sign variance request for 405 Maple Street. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture and Russ. Nay: 0. Motion carried. 7-0.

9. Correspondence (None)

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10. Unfinished Business

A. Working Group

i. Draft Memo - Sign Ordinance Variance Procedures

Mr. LaVenture updated the Board and explained he is still waiting to hear back from the Legal Department with their review/comments. Mr. Fay requested this item remain on the agenda for the April 10, 2023, meeting.

11. Calendar Updates

- A. Stow Road, Open Space Development Special Permit Application – 90 days expires Sunday, March 19, 2023, extension granted to April 27, 2023 - Vote on or before **April 24, 2023**, meeting
- B. Beauchemin Estates, 689 Pleasant Street Definitive Subdivision – 90 days expires Sunday May 14, 2023 – Vote on or before **May 8, 2023**, meeting

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

The Board endorsed the February 28, 2022, Plan of Acceptance for Goodale Estates, LLC, Jenks Lane.

On a motion by Mr. Russ, seconded by Mr. Fowler, the Board voted to adjourn the meeting. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Respectfully submitted,



George LaVenture/Clerk

/kmm