

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

April 10, 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, Dillon LaForce, George LaVenture, and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio. Members Absent: William Fowler

1. Draft Meeting Minutes

A. March 27, 2023

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file the March 27, 2023, meeting minutes. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

2. Chair's Business

A. Street Acceptance - No updates

3. Approval Not Required (None)

4. Public Hearings

A. 689 Pleasant Street, Marlborough, MA 01752 – Continued from 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 Koravos, 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. Request for continuance

Mr. LaVenture read the April 5, 2023, correspondence into the record.

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to accept and file the correspondence and to continue the public hearing to the April 24, 2023, meeting at 7:00 PM. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

ii. Tree Preservation and Protection Plan

Dated: April 1, 2023

Mr. Fay went over the punch list items on the flowchart.

Mr. DiPersio explained he met with Mr. Koravos and that he addressed the items from the March 23, 2023, Engineering review letter, except that he is still working on gathering information for the intersection sight distance and the sewer stub location for the abutting property at 705 Pleasant Street.

The Board discussed the Tree Preservation and Protection Plan and decided to ask Mr. Koravos to have the trees flagged on site that the arborist had determined could be saved. Mr. Russ provided additional tree locations that he wanted flagged for consideration of being saved.

5. Subdivision Progress Reports

A. 76 Broad Street – No discussion required, waiting on guidance from the Legal Department

Guidance from the Legal Department is anticipated for the April 24, 2023, meeting.

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Mr. Fay requested the discussion of the Commonwealth Heights Subdivision be included under chairs business on the April 24, 2023, agenda.

6. Preliminary/Open Space/Limited Development Subdivision

A. Stow Road, Open Space Development Special Permit Application – No new information

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

The Administrator explained the draft special permit had been received and was sent to the Legal Department for review.

Mr. Fay went over the punch list items on the flowchart.

Mr. DiPersio discussed the punch list item – Revised plans addressing buffer zone language. He explained the developer was under the impression that this could be addressed as part of the definitive plan submission. The Board concluded the issue was not a fatal flaw and that it could be addressed during the definitive plan submission.

Mr. Fay reminded the Board they wanted Conservation Commission's comments to be included on the special permit. Mr. Russ reminded the Board the site was previously an apple orchard and that this should also be addressed on the special permit.

7. Definitive Subdivision (None)

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

A. Working Group

Mr. LaVenture went over the below draft items and explained the following paragraph is being added to each Memo.

"The procedures outlined in this memorandum shall be interpreted consistently with, and shall not modify, the Planning Board Rules and Regulations, any City Ordinance and any other applicable local, state, or federal laws."

i. Draft Memo - Sign Ordinance Variance Procedures

Mr. LaVenture went over the changes the Working Group and the Legal Department made.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to adopt the memoranda for the record, which is an item to be used in the review of Sign Variance Applications. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

ii. Draft Memo - Public Hearing Process Elements

Mr. LaVenture explained most of the language within the Public Hearing Process Elements memo was derived from meeting minutes from a July 2005 Mashpee, Massachusetts Planning Board meeting.

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Mr. LaVenture went over correspondence from Assistant City Solicitor, Jeremy McMannus. – See attached.

The Administrator displayed the website <https://malegislature.gov> for the Board's viewing of Chapter 41, §81U and Chapter 40a, §9.

Mr. LaVenture explained we would be receiving further guidance from the Legal Department regarding the timeline and more specifically when the clock starts. Once received, the Working Group will compare the information to the Planning Board Rules and Regulations and the flowcharts.

iii. Draft Memo - Public Hearing Process

Dr. Fenby discussed how the current public hearing structure doesn't leave room for residents to ask questions. Their current options are to speak in favor or in opposition. The Board discussed the option of restructuring the public hearing process to include a section where residents can ask questions.

Mr. Fay explained during public hearings the Board should compile a list of questions from the department review letters and the public input. These questions should be addressed by the applicant/developer after the public input and the Board's discussion have been concluded.

iv. Draft Memo - Subdivision Waiver Requests

Mr. Russ addressed concerns regarding bullet item below:

- Are the waivers requested consistent with adjacent neighborhoods?

Mr. Fay addressed concerns regarding bullet item below:

- Did the Board receive favorable recommendations from the City Engineer and other relevant City Departments?

The Board conclude the current wording leaves too much room for interpretation and suggested edits.

v. Draft Flowchart - Procedure for Limited Development - Step One

Mr. DiPersio explained this process is very similar to the step one of an open space development. It allows for "backland" lots, which consists of a lot with a reduce frontage of 50-feet, with extra area in the back. In Marlborough the total area must be 2.5 times the zoning requirement. You must also be able to show, that for every limited development lot, you are able to get 2.5 times that number of lots with a waiver less conventional plan. So, if the conventional plan shows three lots, you would be able to do one limited development lot or if the conventional plan shows five lots, you would be able to do two limited development lots.

The Board concluded to change the last box of the flowchart to read as follows: "If approved, applicant can proceed to Limited Development Subdivision – Step Two (ANR Plan or Definitive Subdivision Plan)."

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to approve the use of the Procedure for Limited Development – Step One Flowchart. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

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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

- A. Public Hearing Legal Notices
 - i. Town of Sudbury
 - ii. Town of Berlin

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file all the items under 12. Public Notices of other Cities and Towns. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

On a motion by Mr. LaForce, seconded by Mr. Russ, the Board voted to adjourn the meeting. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

Respectfully submitted,


George LaVenture/Clerk

/kmm