

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

May 8, 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, Dillon LaForce, George LaVenture, and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio. Members Absent: James Fortin and William Fowler.

1. Draft Meeting Minutes

A. April 24, 2023

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file the April 24, 2023, meeting minutes. Yea: Fay, Fenby, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

2. Chair's Business

A. Street Acceptance - No updates

B. Council Order No. 23-1008872

Proposed Zoning Amendment to Chapter 650 "Zoning §36 "Executive Residential Overlay District" (EROD) to increase the cap on the number of multifamily dwelling units

The Administrator explained Mr. Brian Falk (Mirick, O'Connell, DeMallie & Lougee, LLP) could not attend the June 5, 2023, meeting to present, but that Mr. Bergeron could on behalf of Mr. Falk.

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to set the public hearing date for June 5, 2023, for the Council Order No 23-1008872. Yea: Fay, Fenby, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

3. Approval Not Required

A. 119 South Street, Marlborough, MA 01752, Map 81, Parcel 85

Name of Applicant: Greystone Construction and Development Corp. (PO Box 586, Marlborough, MA 01752)

Name of Owner: Neto Joao N Silva & Rosilene Gomes De Avelis Nogueira
(119 South Street, Marlborough, MA 01752)

Name of Surveyor: Dillis & Roy Civil Design Group, Inc. (1 Main Street, STE 1, Lunenburg, MA 01462)

Deed Reference: Book: 65589 Page: 260

i. Flowchart

ii. Form A

iii. Plan of land Dated: April 26, 2023

Matt Jackson (215 Clover Hill St, Marlborough, MA 01752) spoke on behalf of the 123 Mount Pleasant/119 South Street ANR. Mr. Jackson explained they are requesting to add 2,546 square feet to his lot from the abutting property at 119 South Street. He explained the building inspector considered the existing lot line as rear yard so in order to fit a house in the lot the lines needed to be straightened out.

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to refer the 119 South Street ANR Plan, to Engineering for review. Yea: Fay, Fenby, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

4. Public Hearings (None)

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5. Subdivision Progress Reports

A. 76 Broad Street

i. Correspondence from Assistant City Solicitor, Jeremy McManus

Mr. LaVenture read the May 4, 2023, correspondence into the record.

On a motion by Dr. Fenby, seconded by Mr. LaVenture the Board voted to accept and file the correspondence.

Yea: Fay, Fenby, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

The Administrator confirmed an executed covenant has not been located.

Mr. Fay questioned if two public hearings could be required. One for imposing the additional condition of providing the covenant and one for the rescission.

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to invite the developer from the 76 Broad Street Subdivision submission to the May 22, 2023, meeting. Yea: Fay, Fenby, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

B. 342 Sudbury Street

i. Correspondence from Kevin O'Malley

Mr. LaVenture read the May 1, 2023, correspondence into the record.

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence.

Yea: Fay, Fenby, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

Mr. DiPersio explained he has completed a few site visits at 342 Sudbury Street and that the soil condition is good. That there is no concerns for erosion impact and that Mr. O'Malley has been processing the soil on site.

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. Flowchart

ii. Draft Special Permit Revised: April 26, 2023

Mr. Russ addressed concerns on the language within Condition 9 of the draft special permit.

The Board reviewed the draft special permit and the January 19, 2023, review letter from the Conservation Commission that was previously read into the record and suggested the following revisions:

- Dates need to be filled in on paragraphs 1 and 5 under procedural findings of the draft special permit.
- Condition 9 of the draft special permit needs to be revised to reflect comments 1, 2, 3, 4 and 7 of the Conservation's review letter.
- Comments 6 and 8 of the Conservation's review letter need to be incorporated into the draft special permit as conditions 10 and 11, moving the existing condition 10 to 12.

The Board determined because a representative was not present at the meeting to agree to the revisions, they would not refer the draft special permit to the Legal Department for review.

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The Administrator explained the Board will need the Legal Department's opinion on Dillon LaForce and James Fortin's ability to vote on the 547 Stow Road, special permit.

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to send the revision comments to the developer requesting a revised draft special permit incorporating the comments and the missing dates for the May 22, 2023, meeting. Yea: Fay, Fenby, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

The Board discussed 547 Stow Road's current vote deadline of June 5, 2023, and the need for an additional extension request.

7. Definitive Subdivision

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 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. Flowchart

ii. Correspondence from Dan Koravos, DK Engineering LLC – List of revisions

Mr. Koravos went over the revisions and explained he eliminated three of the parcels and made them easements within their two associated lots, lots 1 and 6. The Open Space was kept as a separate parcel. The two detention basins that were on parcels A&B are now part of lot 6 as an easement, which encompass both basins for the drainage access and landscape. Parcel C was eliminated and is now an easement and part of lot 1.

Mr. Koravos explained the basins would be maintained by the City.

iii. Plan Set Dated: February 6, 2023, Revised: April 18, 2023, April 30, 2023

iv. Requested Waivers

The Board preliminary discussed their opinions on the requested waivers.

- **Request to reduce the right-of-way to a width of forty (40) feet**

Mr. LaVenture spoke in opposition.

Mr. Russ spoke in favor.

Dr. Fenby and Mr. Fay explained based on the smaller number of houses and the agreement to give the open space parcel to the City, they both spoke in favor.

Mr. LaForce spoke in favor.

- **Request to eliminate a portion of the sidewalk on the North side of the roadway**

Mr. Fay asked Mr. DiPersio if he thought the above waiver was necessary to accomplish the stated objectives, drainage, adequate room for utilities and future maintenance. Mr. DiPersio explained he does not have a strong opinion on whether or not the sidewalk should be waived. He argued sidewalks are torn up for maintenance regularly and that the grading should be the same whether or not there is a sidewalk.

The Board and Mr. DiPersio discussed ownership of the privacy screening abutting 705 Pleasant Street and determined they would like this to be owned and maintained by the Homeowners Association.

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Dr. Fenby spoke in opposition.

Mr. LaForce argued its on the opposite side of the road where cars would be pulling in and explained he leaned towards speaking in favor.

Mr. Russ spoke in opposition.

Mr. LaVenture spoke in opposition.

Mr. Fay spoke in opposition.

Mr. Koravos explained if the sidewalk waiver was approved there would be a crosswalk where the sidewalk ends.

Mr. Koravos explained he anticipated the below draft items to be ready for the May 22, 2023, meeting.

- Certificate of Vote
- Covenant
- Homeowners Association Agreement

Mr. Koravos explained he could not attend the May 22, 2023, meeting but that Tim Beauchemin would attend.

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file all the correspondence under item 7A. Yea: Fay, Fenby, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

A. Working Group

Mr. LaVenture went over the below draft memos and flowcharts.

The Administrator displayed MA General Law Chapter 41 §81U and Chapter 41 §81S for the Board's viewing while Mr. LaVenture discussed the definition of "Acted Upon" regarding the timelines within the below draft documents.

The Board suggested the following revisions listed below underneath the corresponding draft document.

i. Draft Memos

(1) Public Hearing Process

- Add language creating #11) The Applicant and the Board will discuss and agree upon on the applicable decision deadline.

(2) Public Hearing Script – Special Permits

- Add language at bottom of page 1) Questions may or may not be addressed during the public comment phase of the public hearing at the discretion of the Chairperson.

(3) Public Hearing Script – Subdivisions

- Add language at bottom of page 1) Questions may or may not be addressed during the public comment phase of the public hearing at the discretion of the Chairperson.

The Board discussed the best options for check list items and decided to continue using the punch list box in red on the flowchart.

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ii. Draft Flowcharts

(1) ANR

- Add language at the bottom of the flowchart) *ANR deadlines cannot be extended.

(2) Preliminary Plan

(3) Definitive Plan

(4) Limited Development – Step One

(5) Open Space Development – Step One

(6) Acceptance Procedure – Start of Maintenance Period

(7) Acceptance Procedure – After Maintenance Period

Mr. LaVenture discussed the new member resource “kit/package” that the Working Group would be working on compiling. Which will include information going over key components the Planning Board oversees including the procedural measures the Board follows and the rules, regulations and M.G.L. that corresponds.

Dr. Fenby suggested adding site visit information to the package.

Mr. Fay suggested the new members meet with the administrator prior to meeting with Mr. DiPersio.

On a motion by Mr. LaVenture, seconded by Dr. Fenby, the Board voted to accept and adopt the use of the above referenced memos and flowcharts included the above referenced revisions, pending the Legal Departments review and approval. Yea: Fay, Fenby, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

Mr. Fay asked Mr. Russ to revise the abutters guide.

11. Calendar Updates

- A. Stow Road, Open Space Development Special Permit Application – 90 days expires Sunday, March 19, 2023, extension granted to June 11, 2023 - Vote on or before **June 5, 2023**, meeting
- B. Beauchemin Estates, 689 Pleasant Street Definitive Subdivision – 90 days expires Sunday May 14, 2023 – Extension granted to June 26, 2023 - Vote on or before **June 26, 2023**, meeting

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

On a motion by Mr. LaForce, seconded by Mr. Russ, the Board voted to adjourn the meeting. Yea: Fay, Fenby, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

Respectfully submitted,



George LaVenture/Clerk

/kmm