

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

May 22, 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. Member Absent: William Fowler.

1. Draft Meeting Minutes

A. May 8, 2023

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file the May 8, 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

B. Council Order No. 23-1008872 – NO DISCUSSION, Public hearing set for June 5, 2023

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

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. Correspondence from City Engineer, Thomas DiPersio – Engineering Review

Mr. LaVenture read the March 17, 2023, correspondence into the record.

ii. Plan of land Dated: April 26, 2023, Revised: May 17, 2023

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to accept and file the correspondence and to endorse the above referenced Plan of Land dated April 26, 2023, revised May 17, 2023, as Approval Not Required under the Subdivision Control Law. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

4. Public Hearings (None)

5. Subdivision Progress Reports

A. 76 Broad Street

Gary White of W.R.E. LLC (319 Stow Road, Marlborough, MA 01752) spoke on behalf of the 76 Broad Street Subdivision. Mr. Fay asked Mr. White for an update. Mr. White explained the existing home on the lot has been torn down and that he has received estimates for the roadway installation and the tree removal and that he is currently waiting on financing.

Mr. White explain the proposed subdivision consists of a 450 ft cul-de-sac with four, two-family lots.

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Mr. Fay explained in the subdivision rules and regulations it states that subdivisions need to be complete within two years. The agreed upon covenant had a two-year completion date and if the Subdivision wasn't completed within two years without an extension, there was an automatic rescission.

Mr. Fay explained covenants are normally recorded by the developer at the registry of deeds but do a transition of the administrator for the Board and the developers attorney passing away it appears the covenant may not have been recorded. The administrator explained she was unable to locate an executed copy or a recorded copy.

Mr. Fay explained this is a situation the Board has never been in before and explained this may cause difficulty for Mr. White to obtain financing. Mr. Fay asked if it was still Mr. White's intention to complete the subdivision and Mr. White said, yes. Mr. Fay asked for a timeline and Mr. White explained he intended on having things in order within the next 60 days.

Mr. Fay explained if Mr. White intends to complete the project, the next step would be to get an updated covenant, vote on it and have it recorded.

Mr. Fay asked Mr. White who would be representing him, Mr. White explained possibly Mr. Daniel Burger. Mr. Fay suggested Mr. Burger and the City's solicitor have a conversation on how to proceed.

The administrator told Mr. White she would send him a copy of the most recent covenant on file.

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: May 16, 2023

iii. Correspondence from City Engineer, Thomas DiPersio – Draft Special Permit Review

Mr. LaVenture read the May 22, 2023, correspondence into the record. – See attached.

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

Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

Mr. Russ addressed concerns on the 50-foot permanent buffer zone on the plan and explained this could likely be addressed during the definitive submission. Mr. Fay explained it should be defined here.

Mr. Fay requested Condition #9E and #9F be removed because it is covered under Condition 7.

On a motion by Dr. Fenby, seconded by Mr. LaVenture the Board voted to refer the 547 Stow Road, draft special permit to the Legal Department for review, incorporating the City Engineer, Thomas DiPersio's comments and the removal of conditions #9E and #9F. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

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On a motion by Dr. Fenby, seconded by Mr. LaVenture the Board voted to refer the question “who is eligible to the vote on the 547 Stow Road, Special Permit?” to the Legal Department. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

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. Draft Certificate of Vote Dated: May 17, 2023

iii. Draft Covenant Dated: May 17, 2023

iv. Draft Homeowners Association Dated: May 17, 2023

Tim Beauchemin spoke on behalf of the 689 Pleasant Street Open Space Development.

The Board reviewed the above draft documents and determined they were missing minor information regarding dates and members in attendance at the public hearing.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to refer the draft certificate of vote, covenant and homeowners association documents to the Legal Department for review once the missing dates and names had been filled in. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

A. Working Group

i. Draft Abutters Guide

Mr. Russ went over the draft abutters guide and discussed the changes.

The Board suggested the following changes:

- Deleting language “and volunteer their time to serve on the Board”
- Adding language explaining to residents that they do not have to attend public hearings if they choose not to. “Abutters are not required to attend”
- Adding the administrators contact information
- Adding language referring residents to the meeting minutes
- Deleting language “Any interested party may request a copy of any decision from the Planning Board office”

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**

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- 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)

The Board endorsed the 119 South Street ANR Plan.

On a motion by Mr. LaForce, seconded by Mr. Russ, 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