

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

June 26, 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. Member Absent: William Fowler.

1. Draft Meeting Minutes

A. June 5, 2023

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file the June 5, 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

A. 283-325 Lincoln Street, Alta Marlborough, LLC

Multiple Parcels – See Form A Attachments

Name of Applicant: Alta Marlborough, LLC, c/o Mirick O'Connell (100 Front Street, Worcester, MA 01608)

Name of Owner: BPD Realty Trust, Koby, Inc., MEDC, c/o Mirick O'Connell (100 Front Street, Worcester, MA 01608)

Name of Surveyor: Norman I. Lipsitz c/o Phil Cordeiro, Allen & Major Associates, Inc., (100 Commerce Way, Woburn, MA 01801)

Deed Reference: See Exhibit A Parcel List attached

i. Flowchart

ii. Form A

Kevin Capaldo (Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801) spoke on behalf of the ANR Plan. Mr. Capaldo explained the purpose of the plan is to combine the parcels shown into one continuous parcel "Lot 1", except for in the south easterly corner #283, "Lot 2", which is to be conveyed to the City of Marlborough.

iii. Correspondence from City Engineer, Thomas DiPersio – Engineering Review

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

iv. 283-325 Lincoln Street ANR Plan

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to accept and file the June 22, 2023, correspondence from City Engineer, Thomas DiPersio and to endorse the above referenced Approval Not Required Plan dated June 21, 2023, as Approval Not Required under the Subdivision Control Law. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

4. Public Hearings

A. 7:00 PM 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)

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

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

- i. Flowchart
- ii. Legal Notice
- iii. Certified list of abutters
- iv. Correspondence from Assistant City Solicitor, Jeremy McManus
- v. Special Permit Revised: June 22, 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:

Attorney, Daniel Burger spoke on behalf of the applicant Kendall Homes, Inc. Mr. Burger explained the applicants engineer Connorstone Engineering, Inc. submitted a plan prior to today, which to his knowledge has already been reviewed. He explained he was involved in the review, negotiations and revisions of the Board's draft decision and the applicant was told the plan and the draft decision would be approved today, June 26, 2023.

Mr. Fay asked if there have been any significant changes to the plan since the Board first saw the plan? Mr. Burger explained, he was not aware of any significant changes and if there was, they had been previously presented to the Board.

- vi. Correspondence from Assistant City Solicitor, Jeremy McManus
Mr. LaVenture read the June 22, 2023, correspondence into the record.

Mr. Fay closed this portion of the public hearing.

Speaking in Favor of the Amendment:

No one spoke in favor.

Mr. LaVenture asked a procedural question.

Mr. Fay closed this portion of the public hearing.

Speaking in Opposition to the Amendment:

No one spoke in opposition.

Mr. Fay closed this portion of the public hearing.

Questions and Comments from the Planning Board:

Mr. Fay and Dr. Fenby asked the applicant to clarify how the applicant meets all the requirements under paragraph 7 of the findings.

Mr. Burger explained it is his understanding that the project does satisfy everything in paragraph 7 based on discussions that were held before he was involved and negotiations with the Assistant City Solicitor.

Mr. LaVenture explained there was a revised version of the special permit reflecting Mr. Fowlers absence from tonight's meeting, June 26, 2023.

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

Mr. Fay went over the project finding under 7.a) and asked the Board if everyone was in agreeance that the project :

- Encourages a less sprawling form of development that would consume excessive open space, cause land erosion, and destroy attractive natural features of the land.
- Allows for greater flexibility and creativity in the design of residential subdivisions.
- Encourages the permanent preservation of natural resources and open space.
- Protecting scenic vistas.
- Allows for more economical construction and maintenance of streets and utilities.
 - The Board discussed how the development allows for lower than average development costs.
- Encourages the production of more affordable and diverse housing types.

All the Board members agreed.

Mr. DiPersio explained as part of the original filing, the applicant submitted a conventional plan that showed they could get 5 lots in conformance with the Planning Board regulations. As part of that review, they had to show that those lots didn't have excessive steep slopes or wetland area on them. Engineering confirmed the number of lots and confirmed through the Conservation Commission that the open space their showing is desirable to the City, primarily because it connected to other open space that the City has.

Mr. Fay noted the applicant through prior conversations in multiple meetings has presented to the Board that they have satisfied the requirements of the special permit and that all those factors are recited in our draft decision, although not reiterated in full today.

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to close the public hearing and the record. Yea: Fay, Fenby, Fortin, LaForce, LaVenture and Russ. Nay: 0. Motion carried. 6-0.

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence under item 4.A., and to approve the special permit, to endorse the draft decision, and to confirm the findings therein. Yea: Fay, Fenby, Fortin, LaForce, LaVenture and Russ. Nay: 0. Motion carried. 6-0.

5. Subdivision Progress Reports

A. 76 Broad Street

i. Draft Covenant Revised: June 5, 2023

Gary White, (319 Stow Road, Marlborough, MA 01752) spoke on behalf of the 76 Board Street Subdivision.

Mr. Fay reminded the Board this covenant is being held under the old Planning Board regulations.

Mr. Fay asked the Board if everyone was okay with the language "two years from the execution of the covenant". The Board agreed they were okay with this language.

The Administrator explained she would coordinate with Mr. White on whether he needed to attend the next meeting and told him his signature would need to be notarized on the covenant.

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to refer the 76 Broad Street Covenant to the Legal Department for review. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

6. Preliminary/Open Space/Limited Development Subdivision (None)

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 City Engineer, Thomas DiPersio – Update on Subdivision Road Names
Mr. LaVenture read the June 21, 2023, correspondence into the record.

iii. Correspondence from Assistant City Solicitor, Jeremy McManus
Mr. LaVenture read the June 22, 2023, correspondence into the record.

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

Mr. DiPersio explained he reviewed the exhibit A, which the applicant had put together to help outline who was responsible for what.

Mr. Koravos explained the mylars have been updated to reflect the road name, Jewell Road.

The Board went over the waiver requests:

1. Article IV Section 676-12.C.(1) width of streets –
Required: The required right-of-way width is fifty (50) feet
Requested: The request is to reduce the right-of-way to a width of forty (40) feet
X Approved ☐ Denied

On a motion by Dr. Fenby, second by Mr. LaVenture the Board voted approve the above referenced waiver. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

2. Chapter A676 Subdivision Regulation 676-26.A Sidewalks –
Required: Unless otherwise specified by the Planning Board, the sidewalks shall extend the full length of each side of the street.
Requested: The request is to eliminate a portion of the sidewalk on the north side of the roadway to approximately station 2+23
☐ Approved X Denied

On a motion by Dr. Fenby, second by Mr. LaVenture the Board voted deny the above referenced waiver. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

iv. **Certificate of Vote**

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to endorse the certificate of vote. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to approve the Open Space Development Definitive Subdivision Plan, dated February 2, 2023, revised April 30, 2023. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

v. **Covenant**

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

vi. **Draft Homeowners Association**

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to approve the Declaration of Covenants and Restrictions for Beauchemin Estates and Establishment of Homeowners Association Trust "Homeowners Association Document" inform. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

Mr. Koravos explained the scenic road application was submitted today June 26, 2023.

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to set the scenic road public hearing for July 24, 2023. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

Mr. Koravos asked about the definition of "the proposed action" in regarding the abutters list. Mr. Fay explained in his opinion the proposed action pertains to the entire parcel.

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

A. **Working Group**

i. **Not approved or referred Memos**

(1) **Subdivision Waiver Requests**

(2) **Public Hearing Process Elements**

Mr. LaVenture explained the two above referenced memos have not changed since the Board last saw them but have not been approved or sent to the Legal Department for their review.

On a motion by Dr. Fenby, seconded by Mr. Fortin, the Board voted to accept and adopt the use of the above referenced memos, pending the Legal Departments review and approval. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

11. Calendar Updates

- A. **Stow Road, Open Space Development Special Permit Application** – 90 days expires Sunday, March 19, 2023, extension granted to June 26, 2023 - Vote on or before **June 26, 2023**, meeting

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

- 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

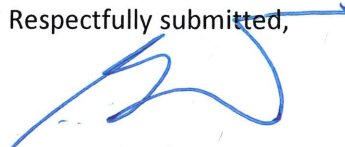
12. Public Notices of other Cities & Towns (None)

The Board endorsed the following documents:

- 283-325 Lincoln Street, Alta Marlborough, LLC, ANR Plan
- Open Space Development Special Permit for Map 20, Parcel 4A, Stow Road
- 689 Pleasant Street, Open Space Development Definitive Subdivision
 - Definitive Subdivision Plan
 - Certificate of Vote
 - Covenant

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