

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

July 24, 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, George LaVenture, and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio. Members Absent: Dillon LaForce and William Fowler.

1. Draft Meeting Minutes

A. June 26, 2023

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file the June 26, 2023, meeting minutes. Yea: Fay, Fenby, Fortin, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

2. Chair's Business

A. Street Acceptance - No updates

3. Approval Not Required

A. 165, 199 & 201 Forest Street, Marlborough MA 01752, Map 90, Parcel 2C, & Map 90, Parcel 4

Name of Applicant/Owner: Advanced Math & Science Academy Charter School (AMSA)
(201 Forest Street, Marlborough, MA 01752)

Name of Surveyor: Glenn D. Odone Jr., Odone Survey & Mapping
(291 Main Street, Suite 5, Northborough, MA 01532)

Deed Reference: Book: 78958 Page: 255
Book: 71011 Page: 127

Liana McLaren, Director of Finance and Lisa Mobley, Executive Director spoke on behalf of the ANR plan and explained Advanced Math and Science Academy Charter School is in the process of building a new academic building and the new campus will sit on the two lots and the new building will straddle the property line and for that reason AMSA wants to merge the two lots into one.

i. Flowchart

ii. Form A

iii. Correspondence from City Engineer, Thomas DiPersio – Engineering Review
Mr. LaVenture read the July 13, 2023, correspondence into the record.

iv. Plan of Land Dated: July 18, 2023

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to accept and file the July 13, 2023, correspondence from City Engineer, Thomas DiPersio and to endorse the above referenced Plan of Land, dated July 18, 2023, as Approval Not Required under the Subdivision Control Law. Yea: Fay, Fenby, Fortin, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

B. 49 Northboro Road, Marlborough MA 01752, Map 78, Parcel 22, & Map 78, Parcel 25

Name of Applicant/Owner: Dennis Demers (49 Northboro Road, Marlborough, MA 01752)

Name of Surveyor: Robert J. Parente (328 Desimone Drive, Marlborough, MA 01752)

Deed Reference: Book: 12709 Page: 333
Book: 13501 Page: 274

i. Flowchart

ii. Form A

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iii. Plan of Land

Dated: July 15, 2023

Robert Parente spoke on behalf of the ANR Plan. He explained the owners Dennis and Linda Demers want to separate off a piece of land from their house lot that has frontage on both Northboro Road and Ferrecchia Drive.

Mr. DiPersio explained he was unable to review the plan prior to the meeting.

Dr. Fenby explained because the 21-day ANR deadline cannot be extended and because the plan was not reviewed prior to tonight's meeting the applicant/Board has two options.

- The Board could hold a special meeting that falls before the 21-day deadline which would allow time for the plan to be reviewed, or
- The applicant could withdraw and resubmit the application prior to the August 21, 2023, meeting and the Engineering Division could review the plan in the meantime.

Bruce Saluk who was in attendance for item 3.C 237 & 249 Cedar Hill Street spoke because his item also falls underneath the Boards current discussion regarding the 21-day ANR deadline. He explained the ANR for 237 & 249 Cedar Hill Street is due to a request made by the Site Plan Review Committee and that it was not under a time restraint.

Mr. Parente agreed he would submit an email to the Administrator withdrawing the ANR application for 49 Northboro Rd and would resubmit the application once the Engineering review was complete.

- C. 237 & 249 Cedar Hill Street, Marlborough MA 01752, Map 115, Parcel 3A, Map 115, Parcel 3
Name of Applicant/Owner: IPG Photonics Corporation (50 Old Webster Road, Oxford, MA 01540)
Name of Surveyor: Bruce Saluk & Associates, Inc.
(576 Boston Post Road East, Marlborough, MA 01752)
Deed Reference: Book: 78296 Page: 257
Book: 78296 Page: 351
Plan: 1284 of 1983

i. Flowchart

ii. Form A

iii. Plan of Land

Dated: June 8, 2023, Revised June 22, 2023

Bruce Saluk spoke on behalf of the ANR agreed he would submit an email to the Administrator withdrawing the ANR application for 237 & 249 Cedar Hill Street and would resubmit the application once the Engineering review was complete.

4. Public Hearings

- A. 7:00 PM Joint Tree Hearing – Scenic Roads associated with the Open Space Development, Jewell Road
689 Pleasant St, Map 28, Parcel 18B, Marlborough, MA 01752
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., (DK Engineering LLC, 59 Granite Lane, Chester, NH 03036)
i. Legal Notice
ii. Scenic Road Act Application
iii. Existing Conditions Plan
iv. Exhibit

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- v. Proposed Conditions
- vi. Street View

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:

Daniel Koravos of DK Engineering LLC, 59 Granite Lane, Chester, NH 03036 spoke on behalf of the Scenic Road public hearing.

Mr. Koravos explained 689 Pleasant Street recently got their Open Space Development Definitive Subdivision Plan approved, which consists of a seven-lot subdivision with frontage along Pleasant Street. The Board approved the waiver to reduce the right-of-way width from 50 to 40 feet, which reduces the amount of clearing required to grant access to the subdivision. He went over the plan set which consisted of the existing conditions, proposed conditions, an exhibit which indicates the locations and descriptions of each tree they are proposing to remove from within the City's right-of-way, and pictures from the street where trees had been marked for public viewing. Green ribbons indicated the trees that are to be removed and orange ribbons identify the approximate location of the right-of-way.

Mr. Fay closed this portion of the public hearing.

Speaking in Favor of the Amendment:

Steven Peck of 64 Victoria Lane, Marlborough, MA 01752 spoke during this portion of the public hearing but did not speak in favor or in opposition of the scenic road application for 689 Pleasant Street. He requested confirmation that the trees indicated on the plans are the correct trees, which Mr. Fay confirmed they are.

Mr. Fay closed this portion of the public hearing.

Speaking in Opposition to the Amendment:

Christine Devona of 705 Pleasant Street, Marlborough, MA 01752 spoke during this portion of the public hearing. She asked for clarification regarding the orange ribbons and stakes that are on the property. The Board and Mr. Koravos provided additional information. Mr. Koravos and Ms. Devona both confirmed that Hugo Findeisen of Findeisen Survey & Design LLC staked out the property line along 689 and 705 Pleasant Street. Ms. Devona asked if she could place her fence directly on the property line and the Board informed her she would need to pull a permit and reach out directly to the Building Department. Mr. Fay asked Mr. Koravos to work directly with Ms. Devona on the fence and landscaping discussion since it falls out of the scope of the public hearing.

Mr. Fay closed this portion of the public hearing.

Questions and Comments from the Planning Board:

Christopher White, Tree Warden for the City of Marlborough explained he has no issues with the proposed removal of the trees. They have been located in the field and are pretty far off the roadway, but still fall within the City's right-of-way. Mr. White made a recommendation to the Board that they request the developer to pay restitution for the loss of the trees.

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Mr. Fortin asked what the distance is between the two orange ribbons. Mr. Koravos said roughly 73 feet and explained the width of the road will be 26 feet with a 5-foot sidewalk on each side, totaling 36 feet wide.

Mr. Fay asked if Mr. Koravos anticipated having to cut anything else down to give a clear line of sight for traveling vehicles? Mr. Koravos explained he didn't believe there were any additional cutting that would be required, but mentioned there is one tree on the private property that may be cut down to provide additional sight distance.

Mr. Fay closed this portion of the public hearing.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to close the public hearing and the record. Yea: Fay, Fenby, Fortin, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

Mr. Russ asked Mr. White for clarification on what the restitution money would be used for. Mr. White explained it would be used for future right-of-way planting of trees in locations throughout the City and went over the procedure on how the City plants trees to maintain the health of the tree through its duration of its life while maintaining the aesthetics of the area. He explained the "replacement" trees would likely be planted further up on Pleasant Street, Ash Street and Tassi Drive.

Mr. White and Board went over a proposed method for the calculation for the restitution. Total inches (diameter) of trees removed, replanted at 2" diameter trees. For this proposal, a total of 70 inches of tree removal would require 35 new trees. At a cost of \$200 per new tree, the restitution would be \$7,000.00.

Mr. Koravos explained he needed to confirm with the owner prior to agreeing to the \$7,000.00 restitution request. Mr. Koravos and the Board agreed the decision would be made at the August 21, 2023, meeting.

Mr. Fortin and Mr. Koravos discussed what trees/foliage would remain after the clearing for the roadway and he expressed his concerns on how certain types of trees do better in areas like this.

5. Subdivision Progress Reports

A. 342 Sudbury Street

i. Progress Report

Mr. LaVenture read the July 11, 2023, correspondence into the record.

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

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

B. 76 Broad Street

i. Correspondence from Assistant City Solicitor, Jeremy McManus

Mr. LaVenture read the July 20, 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, Fortin, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

ii. Covenant Revised: July 20, 2023

Mr. LaVenture confirmed this covenant is held to the standards of the old rules and regulations. Mr. Fay and Mr. White confirmed the missing information on the covenant would be filled out once the Plan was recorded.

Mr. Russ confirmed execution of the covenant would resets the two-year completion clock.

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Mr. Fay reminded Mr. White that the Board feels very particular about projects that sit for a long time without any progress and reminded him to communicate with the Board through the process. Mr. White explained their tentative start date is this Fall.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to execute the covenant. Yea: Fay, Fenby, Fortin, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

Mr. White and the Administrator coordinated dropping off his notarized signature for filing the covenant with the City Clerk's Office.

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

7. Definitive Subdivision (None)

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

A. Working Group

- i. Correspondence from Assistant City Solicitor, Jeremy McManus
The Board waived the reading of Mr. McManus's correspondence.

(1) Flowcharts

Mr. Fay tabled this discussed until the August 21, 2023, meeting.

- ii. Cul-de-sac photo

Mr. LaVenture explained this photo was taken at 602 Sudbury Street. Which displays is a cul-de-sac with landscaping in the middle. He explained his goals in bringing this photo to the Boards attention is to address the concerns in increased rainfall/drainage issues by reducing the impervious surface area while still maintaining the turning radius required by the subdivision rules and regulations for emergency vehicle use, while additionally increasing the aesthetics of the area.

Mr. DiPersio discussed how previous subdivisions have been approved with landscaped cul-de-sacs and discussed the struggles these can impose during winter plowing and the importance of establishing who is responsible for the maintaining the landscaped area. He explained, throughout the years a few of these areas have been removed and paved over.

Mr. Russ suggested for larger cul-de-sacs to leave the area in a vegetated/wooded state that would require less maintenance and asked about alternative materials that could be used for smaller turn arounds. Mr. DiPersio explained a private property within the City did try this by using pavers, with the hopes that it would allow for additional drainage, but that it did not hold up well against winter plowing.

Mr. Fay suggested when a developer requests a waiver on the roadway length, that the Board sets a condition on the waiver requiring them to create a homeowners association detailing their responsibility for the maintenance for the grass strips along the sidewalks and the center island within the cul-de-sac.

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Mr. Fay asked if the increase in rainfall within these landscaped cul-de-sacs have the potential of deteriorating the roadway around it. Mr. DiPersio explained, yes, it is possible depending on the soil condition and if it is in a cut section within a drain area. He explained he may recommend that there be some kind of drain in the middle to convey the excess water into the drain system. Mr. Fay argued if there was a drain within the landscaped area would the Board be accomplishing anything other an appearance. Mr. DiPersio explained the drain could be designed to only convey excess water so there would still be some infiltration. He suggested if the Board considers including these in future subdivisions that larger cul-de-sacs would be more beneficial.

The Board agreed they like the idea of these pervious cul-de-sacs and agreed they would like to further investigate them. Mr. DiPersio suggesting requiring developers to have a larger cul-de-sac and discussed determining what the tradeoff could be in exchange for a larger cul-de-sac. He also suggested the option of coming up with a standard for it and explained in some cases developers may want to do it for aesthetic purposes. Mr. Russ and Mr. DiPersio discussed the difficulties these landscaped cul-de-sacs may impose to plowing vehicles and Mr. DiPersio explained he would get input from drivers of larger plowing vehicles.

The Board determined they would look further into this over the next few meetings.

iii. Onboarding Binder Draft

Mr. LaVenture asked the Board to the review the draft binder and to let me know if anyone thinks the working group should add anything additional items.

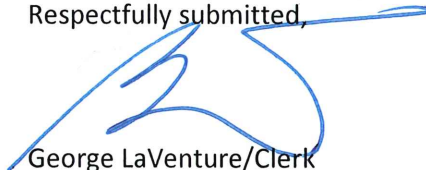
11. Calendar Updates (None)

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

The Board endorsed the covenant for 76 Broad Street.

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'G. LaVenture', written over the printed name.

George LaVenture/Clerk

/kmm