

## 1A

**September 11, 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, Patrick Hughes, Dillon LaForce, and George LaVenture. Meeting support provided by City Engineer, Thomas DiPersio. Member Absent: Chris Russ.

## 1. Draft Meeting Minutes

A. August 21, 2023

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file the August 21, 2023, meeting minutes with minor corrections. Yea: Fay, Fenby, Fortin, Hughes, and LaVenture. Nay: 0. Motion carried. 5-0. Abstained: LaForce.

## 2. Chair's Business

A. Council Order No. 22-23-1008721H – Proposed Zoning Amendment to Chapter 650, Definitions, Affordable Housing and MV District.

On a motion by Dr. Fenby, seconded by Mr. LaVenture the Board voted to set the public hearing date for October 2, 2023. Yea: Fay, Fenby, Fortin, Hughes, LaForce, and LaVenture. Nay: 0. Motion carried. 6-0.

B. Council Order No. 23-1008951 – Proposed Zoning Amendment to Chapter 650, to add a new section to create the Red Spring Road Overlay District (RSROD)

Mr. Fay asked that this public hearing be first on the October 2, 2023, agenda.

On a motion by Dr. Fenby, seconded by Mr. LaVenture the Board voted to set the public hearing date for October 2, 2023. Yea: Fay, Fenby, Fortin, Hughes, LaForce, and LaVenture. Nay: 0. Motion carried. 6-0.

C. **NO DISCUSSION REQUIRED** - Council Order No. 23-1008941 - Proposed Zoning Amendment to Chapter 650, to add a new Section 39A to create the Sasseville Way Residential Overlay District (SWROD). – **Public hearing set for 9/18/23**

**3. Approval Not Required (None)**

#### 4. Public Hearings

A. 7:00 PM Open Space Definitive Subdivision Application, Stow Road, Map and Parcels 8-164, 8-163, and 20-150A

Name of Applicant: Kendall Homes, Inc. (P.O. Box 766, Southborough, MA 01772)

Name of Owner: McCabe Family Irrevocable Trust & Judith McCabe  
(6 Erie Drive, Hudson, MA 01749)

Name of Surveyor: Connerstone Engineering, Inc. (10 Southwest Cutoff, Northborough, MA 01532)

- i. Flowchart
  - ii. Legal Notice
  - iii. Form C-1
  - iv. List of requested waivers
  - v. Correspondence from City Engineer, Thomas DiPersio – Engineering Review
  - vi. Definitive subdivision plan set
- Dated: August 3, 2023

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

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:**

Vito Colonna (Connorstone Engineering, Inc, 10 Southwest Cutoff, Northborough, MA) spoke on behalf of the open space definitive subdivision. Mr. Colonna went over the existing conditions plan and explained the parcel is a vacant lot, with an open field in the front portion and a combo of wooded and wetlands in the back. The wetlands were delineated by Eco Tech about a year ago which is outlined in green on the plan. The plan shows a three-lot open space subdivision and two ANR lots with frontage along Stow Road. He explained the ANR lots are shown on the plan but are not part of the subdivision and that a separate ANR plan would be filed. Two of the lots use the open space provision for reduced lot area and are 35,000 and 37,000 square feet. The third lot is 57,000 square feet, which is greater than the underlying zoning requirement.

Mr. Colonna explained they previously went through the special permit process with the Board and are now here presenting the definitive open space submission. The open space parcel is 2.9 acres and connects to already existing conservation land owned by the City. The proposed roadway is 290 linear feet, pavement width of 26 feet, with sidewalks on both sides and has a profile grade of about 1.5%.

Mr. Colonna explained ledge was found, mainly at the end of the cul-de-sac but that they plan to minimize ledge excavation. There is existing sewer that runs through the site, where the proposed homes would tie into, and water is stubbed on the property off Stow Road. A fire hydrant and a clean out would be installed at the end of the cul-de-sac, drainage would be collected in the roadway and brought to the detention basin in the back of the property.

Mr. DiPersio summarized the key points from his September 6, 2023, engineering review letter.

- Chapter 650-28(f)(7) says buffers are required "...when structures within the open space development are located on lots of reduced size allowed by this section...". Mr. DiPersio explained his interpretation of this is that the intent is that buffers are required anywhere that a residential district abuts an open space development lot. Mr. Colonna explained that he did not show the required buffer on Lot S2, because although it is an open space development lot, it is not "of reduced size". Lot S2 has reduced frontage but has enough area to meet the requirement of a by-right in the RR zone. Resulting in the question of, even though it's an open space lot that has reduced frontage, it's greater in the area than what the underlying district requires, would the perimeter buffer as per 650-28(F)(7) be required?
- The Subdivision Regulations define a lane as "A secondary street which serves as access to no more than eight potential dwelling units, has lot frontages averaging 150 feet or more, and is incapable of extension". The proposed roadway is shown as a "lane" on the plans. Mr. DiPersio indicated that this may not be correct, because the three lots that are served by the subdivision, Lots S1, S2, and S3 have frontages of less than 150 feet. However, based on the length of the roadway, the average of the available frontage provided for 3 lots, would be more than 150 feet. Resulting in the question of, can this roadway meet the definition of a Lane as per the Regulations and would additional waivers for the cross section be required?

Mr. Fay closed this portion of the public hearing.

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

**Speaking in Favor of the Amendment:**

Councilor, Katie Robey (97 Hudson Street, Marlborough, MA 01752) spoke during portion of the hearing.

- Ms. Robey pointed out an incorrect label of the lots, S1, S2, and S2 (which should be S3) on page 1 of the plan.
- Ms. Robey asked if the ANR lots would have future structures on them. Mr. Colonna said yes. Ms. Robey asked if they would need to come back to the Planning Board for approval to build these homes. Mr. Colonna said not for approval to build the house, but they would need to come back to file to the ANR plan.

Gary Giroux (532 Stow Road, Marlborough, MA 01749), spoke during this portion of the hearing.

- Mr. Giroux asked for more information on why these lots have reduced frontage.
  - o The Board explained how the plan is filed under the rules and regulations of an open space subdivision, which allows for reduced frontage and Mr. DiPersio explained an open space plan allows for the same number of lots as a conventional plan.

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. LaVenture asked the Mr. Colonna to explore the option of removing some of the impervious surface and installing low maintenance ground cover within the cul-de-sac and to investigate what kind of impact that may have and gave Mr. Colonna some location examples throughout the City.

Mr. Fortin addressed concerns on the ledge on site, and asked how much blasting will be required. Mr. Colonna explained the only utility that will likely need blasting is the water main and the utilities at the end of the cul-de-sac and the lots themselves shouldn't need any. Mr. Fortin mentioned notifying the neighbors.

Mr. Fay asked if there have been any significant changes from the preliminary to the definitive submissions. Mr. Colonna explained all the changes have been minor.

Mr. Fay asked for clarification on the ANR lots shown on the plan. Mr. Colonna explained the open space plan shows two ANR lots along Stow Road, these lots were created with a previously filed ANR plan. However, this previously filed ANR has different rear lot lines that what is displayed on the open space plan. The intention is to file additional ANR plans to change the shape of the rear lot lines to match the lot lines displayed on the open space plan. The thought process was to wait to file these ANR plans until further within the review process of the open space plan to confirm the lot lines would not need to be changed. The Board and Mr. DiPersio discussed procedural options and Mr. Fay requested to see a copy of the previously filed ANR plan. Mr. Fay and Mr. DiPersio discussed proper labeling of the ANR lots on the open space plan. Mr. Colonna explained that the new ANR plans will be filed, and hopefully approved prior to the approval of the open space subdivision.

On a motion by Dr. Fenby, second by Mr. LaVenture the Board voted to accept and file all the correspondence under item 4A., and to keep the public hearing and the record open. Yea: Fay, Fenby, Fortin, Hughes, LaForce, and LaVenture. Nay: 0. Motion carried. 6-0.

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

On a motion by Mr. LaVenture, seconded by Dr. Fenby, the Board voted to refer to the Legal Department for clarification on the requirements for a perimeter buffer in accordance with Chapter 650-28(f)(7), and for clarification on whether the roadway meets the definition of a "Lane" in accordance with the Subdivision Regulations. Yea: Fay, Fenby, Fortin, Hughes, LaForce, and LaVenture. Nay: 0. Motion carried. 6-0.

Mr. Colonna confirm he would be at the October 2, 2023, meeting, and not the September 18, 2023, meeting.

- B. 7:00 PM Scenic Road Act Application, Stow Road, Map and Parcels 8-164, 8-163, and 20-150A
- Name of Applicant: Kendall Homes, Inc. (P.O. Box 766, Southborough, MA 01772)
- Name of Owner: McCabe Family Irrevocable Trust & Judith McCabe  
(6 Erie Drive, Hudson, MA 01749)
- Name of Surveyor: Connerstone Engineering, Inc. (10 Southwest Cutoff, Northborough, MA 01532)
- i. Legal Notice
- ii. Application
- iii. Plan Set
- Dated: August 3, 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:**

Vito Colonna (Connorstone Engineering, Inc, 10 Southwest Cutoff, Northborough, MA) spoke on behalf of the scenic road act application and explained this application is for the proposed three lot subdivision on Stow Road. It has frontage on Stow Road that is currently lined with a stonewall that forms the right-of-way line. To provide access to the proposed subdivision it would require alteration of existing stone wall. The intent would be to remove the stonewall throughout the frontage and use those stones to create the roundings for the proposed roadway. There is 125 feet of linear stonewall and no trees within the City right-of-way.

Mr. Fay closed this portion of the public hearing.

**Speaking in Favor of the Amendment:**

George Harpin, (548 Stow Road, Marlborough, MA 01752) spoke during this portion of hearing.

Mr. Harpin asked if the stonewall would be reconfigured to the new roundings. Mr. Colonna said yes.

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:**

Dr. Fenby asked, what would the stonewall will look like? Mr. Colonna explained this hadn't been decided yet and asked if the Board had a preference. Dr. Fenby explained she would like things to look more natural keeping in the character of the existing stonewall.

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

Mr. LaVenture asked, who would be responsible for maintenance of the stonewall? Mr. Colonna and the Board discussed the Board's preference that the stonewall be part of the homeowner's association and on private property.

Mr. Fay closed this portion of the public hearing.

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

**5. Subdivision Progress Reports**

**A. 342 Sudbury Street Progress Report**

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

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

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

**7. Definitive Subdivision (None)**

**8. Signs (None)**

**9. Correspondence**

**A. 689 Pleasant Street Open Space – Correspondence from abutter Christine Devona (705 Pleasant Street)**

Mr. DiPersio explained he did a site visit at 705 Pleasant Street with the abutter Christine Devona, the developer Dan Koravos, and the owner of 689 Pleasant Street, Tim Beauchemin. They talked in detailed regarding items that came up during the public hearing, mostly related to run off and the tree screening as indicated on the approved plans and associated documents. Christine Devona is requesting a fence instead of the tree screening. Mr. DiPersio explained he was not sure of how the developer felt on this request and told Ms. Devona that this request would need to be presented to the Board, as they have the deciding authority.

Mr. Fay address concerns regarding all the documentation, specifically the homeowner's association referencing the maintenance of the tree screening, the expense associated with maintaining a fence and the availability of future material. Mr. Fay requested this item to remain on the agenda for the September 18, 2023, meeting.

On a motion by Dr. Fenby, second by Mr. LaVenture the Board voted accept and file the August 24, 2023, correspondence. Yea: Fay, Fenby, Fortin, Hughes, LaForce, and LaVenture. Nay: 0. Motion carried. 6-0.

Mr. Fay asked if this change would require an amended plan and Mr. DiPersio said, yes.

**10. Unfinished Business**

**A. Working Group**

Mr. LaVenture updated the Board and explained the working group would meet again in October.

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

i. Cul-de-sac discussion

Mr. Fay asked Mr. DiPersio if the Stow Road turn around would have adequate room for the landscaped turn around. Mr. DiPersio said he would review the plans.

ii. Onboarding binder discussion

**11. Calendar Updates (None)**

**12. Public Notices of other Cities & Towns**

A. Framingham Planning Board – Notice of Public Hearing

B. Northborough Planning Department – Notice of Public Hearing

On a motion by Mr. LaVenture, second by Dr. Fenby, the Board voted to accept and file the surrounding city and town's public hearing notices. Yea: Fay, Fenby, Fortin, Hughes, LaForce and LaVenture. Nay: 0. Motion carried. 6-0.

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

Respectfully submitted,



George LaVenture/Clerk

/kmm