

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

1B

**Call to Order**

**November 27, 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, George LaVenture, and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio.

**1. Draft Meeting Minutes (None)**

**2. Chair's Business (None)**

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

**4. Public Hearings**

A. Council Order No. 23-1008964 – Proposed Zoning Amendment to Chapter 650 “Zoning” to amend §22 “Retirement Community Overlay Districts” to include Map 39, Parcel 5 and 26B located on Robin Hill Street.

- i. Legal Notice
- ii. Correspondence from the Legal Department
- iii. Correspondence from Brian Falk, Mirick O’Connell
- iv. Correspondence from Robert J. Michaud, MDM Transportation Consultants, Inc.
- v. Correspondence from Ed Chase, Head of Hillside School
- vi. Correspondence from Harley Racer, Lurie Friedman, LLP

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to reopen the public hearing. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file all the correspondence under item 4A. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Mr. LaVenture asked for clarification on language in the proposed zoning amendment under item C. “by special permit in accordance with § 650-59, permit a retirement community-detached and townhomes and a retirement community-multifamily,”, asking if the language should read “and/or” or if this language is requiring that these can only be approved as a combination?

Mr. Falk explained “and or” may be more appropriate.

Mr. LaVenture pointed out a typo under item (2)(i) “less than 50 fee shall” should read “less than 50 feet shall”.

Mr. Falk confirmed no additional information/material would be submitted.

Mr. Russ asked for further clarification on the proposed language being added to section (2)(a) “or (ii) within in area designated by City Council through an amendment to the Zoning Map”, asking if this is saying that City Council can decide where else other than the proposed locations or specifically in industrial zoned areas?

Mr. Falk explained the idea was to give the Council flexibility, that if there was another limited industrial, industrial parcel beyond the area that was defined earlier that they would have the option through a zoning map amendment to do that.

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Mr. Russ argued this section should include the language regarding the "limited industrial, industrial".

Mr. Falk agreed it would add further clarification.

Mr. Russ asked for further clarification on the proposed language being added under section (3)(a), addressing concerns on the regulations and definitions on items like setback requirements, etc.

Mr. Falk explained the intent was to use the existing regulations that are in effect unless by special permit through the Council.

Mr. LaVenture asked for clarification on language under (2)(e) "municipal".

Mr. Falk explained the word municipal was added to clarify that the set back is from the City's public way and not Interstate Route 290.

Mr. LaVenture discussed his concerns on the conflicting information from the City Solicitor and Mr. Racers' communications. Mr. Racers' attachment correspondence from the City of Cambridge Solicitor seems to indicate that an individual cannot request a zoning change for area in which they do not have standing, in the sense that they do not own land there. He asked, since the proposed zoning amendment is proposed City wide, could the proposed zoning request impact other sections of the City in which the proponent does not own land?

Mr. Falk explained written authorization has been provided stating the property owner Denali Bell LLC supports the petition to be filed on their behalf and argued the City Solicitor has issued an opinion that the petition is in order.

Mr. LaVenture argued that is true, but it only applies to this property not others in the City that would be affected by the proposed change.

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, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Dr. Fenby said "for years we've been protecting the industrial land in the City because we wanted to have the dual tax base and recently that's been eaten away by variety of things without any forethought or planning. A lot of the changes are being made without sufficient thought as to the future of the City and what we want to be, and in ways that benefit those who have money and not the people who are our traditional base, which is the working-class population who can't even find a house to live in. In looking at this proposal among others, I'm just feeling that without a City planner, without any direction from the City, we are just mumbling along and giving away things and we should be cognizant of that.

Mr. Fay reminded the Board this land is not conservation land and that when we are looking at a recommendation for use, the Board needs to think about the impact on the neighborhood and what can be built as a matter of right in this zone versus the proposal before the Board.

The Board discussed their feelings on this proposal covering multiple parcels throughout the City versus just this parcel and concluded they did not support the proposal being City wide.

The Board reviewed and discussed their opinions on the below zoning standards:

- Is the proposed change in keeping with the character of the neighborhood?
- Does the proposed change negatively impact the neighbors?
- Does the proposed change benefit the City, or provide a use not permitted elsewhere?
- Is the proposed change in keeping with the intent and purposes of the City's zoning ordinances?

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The Board concluded with the following vote and recommendations:

On a motion by Mr. Russ, seconded by Dr. Fenby, the Board voted to send a negative recommendation to the City Council on the above referenced Proposed Zoning Amendment. Yea: Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: Fay. Motion carried. 6-1.

The Board provided the following reasons in reaching its recommendation:

- The consensus of the Board was that a change in zoning to allow residential development of the proposed site would be the least impactful development option and one that is more consistent with the character of the surrounding neighborhood. However, the Board was concerned about the impact from a traffic perspective, specifically because the roadway cannot be widened;
- In the Planning Board's opinion, the developer established that the proposed Zoning Amendment would impact the neighborhood less than a commercial development, but argued the proposed development could negatively impact its abutters due to the height of buildings in close proximity to a single-family neighborhood;
- In the Planning Board's opinion, the developer established that the proposed Zoning Amendment would benefit the City in that it provided a use not permitted elsewhere, but determined that that the benefit would only be sufficient if the proposed development had less density, more screening, and lower building height;
- Without a comprehensive plan for all parcels throughout the City potentially impacted by the proposal, the Board could not recommend a zoning amendment that would be applicable city-wide, and stated a preference for a proposal that would cover only the proposed development site.

If the City Council sees fit to approve the Zoning Amendment, the Planning Board suggests the following items be considered in addition to the above-listed items:

- More extensive definition of allowable building dimension and height restrictions;
- Providing an amenity plan and considering granting the public access to these amenities.

**5. Subdivision Progress Reports**

**A. 342 Sudbury Street Bond Reduction Request**

Mr. LaVenture read the November 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 and refer the bond reduction request to Engineering for review. Yea: Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: Fay. Motion carried. 6-1.

**6. Preliminary/Open Space/Limited Development Subdivision**

**A. NO DISCUSSION REQUIRED, no new information –**

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: Connorstone Engineering, Inc. (10 Southwest Cutoff, Northborough, MA 01532)

**7. Definitive Subdivision (None)**

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**8. Signs (None)**

**9. Correspondence (None)**

**10. Unfinished Business**

**A. Working Group**

**i. Cul-de-sac photos**

Mr. Fay went over the photos and explained the cul-de-sac appears to be designed so that snow could be plowed over the pavers onto gravel and would drain into the gully and then into the drain system. Without the curbing it allows for easier turning for emergency vehicles. Mr. DiPersio discussed the difficulties the pavers may pose from a maintenance perspective. He explained in certain circumstances like topography and soil conditions these could be a good way to deal with stormwater. The stone layer is likely used as a pretreatment, filtering out debris and would collect the first flush of runoff before entering the planted area. Concepts like this could be easily done with a flat surface but some site could pose some difficulties.

Mr. Fortin argued these stones would also retain heat and argued this would go against what the Board was trying to accomplish with the landscaped design. He suggested coming up with a requirement where developers have to explore this option to see if the site is best suited for these type of cul-de-sac designs, but not making them a requirement to install.

The Board discussed maintenance concerns and requiring an HOA in situations where there are areas the City would not maintain. Mr. DiPersio explained the City would maintain the drain system if there was installed within the landscaped cul-de-sac and that there would need to be some sort of agreement in place.

Mr. Fay and Mr. DiPersio discussed the potential future use of porous pavement. Mr. DiPersio explained he hasn't investigated its durability recently and that porous pavement requires special maintenance that would likely require a special contractor. Mr. Fay explained he wanted to investigate this an option to be better prepared for the expected future submission of a subdivision on South Street where the property includes wetlands, streams, and gullies.

Dr. Fenby discussed meeting with Priscilla Ryder to see if she has any ideas.

**11. Calendar Updates**

**A. Planning Board Holiday Party – December 18<sup>th</sup>**

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

On a motion by Mr. Hughes, seconded by Mr. LaForce, the Board voted to adjourn the meeting. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Respectfully submitted,

  
George LaVenture/Clerk

/kmm