

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

February 26, 2024

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

A. February 12, 2024

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file the February 12, 2024, meeting minutes. Yea: Fay, Fenby, Fortin, LaForce, and Russ. Nay: 0. Motion carried. 6-0. Abstain: Hughes & LaVenture.

2. Chair's Business (None)

3. Approval Not Required (None)

4. Public Hearings (None)

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to move up item 6.A. Open Space Definitive Subdivision Application, Stow Road. Yea: Fay, Fenby, Fortin, Hughes, LaVenture, LaForce, and Russ. Nay: 0. Motion carried. 7-0.

6. Preliminary/Open Space/Limited Development Subdivision

A. 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)

i. Flowchart

The Board voted on the waivers:

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted approve the below referenced waiver. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Article IV Section 676-7.B(2) adequate access -

Required: The required width for the existing roadway providing access to a subdivision street is twenty-two (22) feet

Requested: Access from an existing roadway with a width of eighteen and six tenths (18.6) feet

☒ Approved ☐ Denied

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted approve the below referenced waiver. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Article V Section 676-24.B(2)(b) minimum width of roadways -

Required: Secondary streets require a paved roadway width of twenty-eight (28) feet

Requested: A reduction of the paved roadway width to twenty-six (26) feet

☒ Approved ☐ Denied

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On a motion by Dr. Fenby, second by Mr. Russ, the Board voted approve the below referenced waiver. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Article V Section 676-24(C) surface of roadways -

Required: The wearing surface of roadways shall be of Class 1 bituminous concrete pavement

Requested: A vegetated island in the cul-de-sac in lieu of pavement.

X Approved

☐ Denied

ii. Final Covenant

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

iii. Final Certificate of Vote

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to endorse the certificate of vote. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

v. Plan Set

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to approve the Open Space Development Definitive Subdivision "Stow Road Subdivision" (Quinn Road), dated August 3, 2023, revised January 12, 2024, and to endorse the plan. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

iv. Correspondence from Scott Adamson, Coldwell Banker Realty – Broker Price Opinion

Mr. LaVenture read a portion of the February 14, 2024, correspondence into the record.

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to accept and file the correspondence with a note regarding a date error. It is the Board's understanding, where the correspondence references the date "February 14, 2014", it means/should read "February 14, 2024". Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Mr. LaVenture addressed concerns on not having an additional evaluation for the lot value to compare the brokers price opinion to. The Board concluded the provided value would suffice for this application.

Mr. Fay suggested reviewing the procedure on how to value a lot at the next meeting. For future evaluations he suggested requesting an evaluation from the applicant and to have the City's Assessors Office review the evaluation for comparison.

Mr. DiPersio explained the question really is, "is this enough cash to make sure the developer is going to follow through with the acceptance process?". The Board agreed, it is.

Mr. Fay did make note that, the value of one lot would be less effective for a larger subdivision.

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted approve the value of \$285,000 for Lot S1 and to set that amount for the bond or deposit of money discussed under item 9 of the covenant. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

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On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to return to item 5. Subdivision Progress Reports. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

5. Subdivision Progress Reports

- A. 76 Broad Street
Mr. DiPersio read the February 15, 2024, correspondence into the record.
- B. 0 Stevens Street (Tobin Road)
Mr. DiPersio read the February 15, 2024, correspondence into the record.
- C. 689 Pleasant Street (Jewel Road)
Mr. DiPersio read the February 20, 2024, correspondence into the record.

The Administrator explained she reached out to the developers for 76 Board Street and 0 Stevens Street and notified them that the Board will require a construction schedule and monthly progress reports.

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to accept and file all the correspondence under item 5. Subdivision progress reports. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

- D. Farooq Ansari – Water’s Edge & Sterling Woods – No new information, research on going, pending update
Mr. DiPersio explained he would have an update at the next meeting.
Mr. Fay requested all the Board members to take a ride out to the Water’s Edge and Sterling Woods subdivisions to review their current condition. The administrator confirmed the list of streets for each subdivision is listed on the February 12, 2024, meeting minutes.

6. Preliminary/Open Space/Limited Development Subdivision

- B. Informal discussion for potential Limited Development Subdivision on Brigham St – Concept plan
 - i. §650-30 Limited Development Subdivisions

Robert Parente spoke on behalf of his client Eileen Foynes, who owns map and parcel 103-8 on Brigham Street (between 475 & 453 Brigham Street). He explained she has gone between the Building Department and the Engineering Division to try and determine what her options are for developing the lot. It was concluded she has three options:

- To file a Subdivision Plan
- To file a Limited Development Subdivision Plan
- Request a variance for insufficient frontage from the Zoning Board of Appeals

At the suggestion of the Building Commissioner, it was concluded the best option was to come to the Planning Board for a potential Limited Development Subdivision. Mr. Parente discussed the engineering difficulties the site has, including stormwater runoff concerns and a significant elevation increase from the roadway frontage to the buildable portion of the lot. He explained due to the grades he could not provide a traditional subdivision plan without any waivers. Mr. DiPersio and Mr. Parente were unsure if the concept plan follows the City Code because the language is unclear, “into at least 2 ½ times as many building lots as the number of building lots proposed”. Ms. Foynes explained her goal was to build 1 house. Mr. Parente’s concept plan shows “2 ½ lots” (two compliant lots and one “lot” with ½ of the required frontage and area).

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Ms. Foynes went over history of the property and a previously approved variance which was appealed by a neighbor at the City level and at Superior Court.

The Board reviewed and discussed the City Code language and concluded they were unsure if this would require proof of 3 buildable lots or if 2 ½ lots would be sufficient, and that legal guidance would be helpful in determining what 2 ½ lots mean for 1 proposed building lot.

The Board concluded that if Ms. Foynes and Mr. Parente proceeded with pursuing an application with the Board, that a conventional subdivision plan with no waivers would be their preferred application.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to refer the limited subdivision specifications for (1) Lot to the legal department for review. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

7. Definitive Subdivision (None)

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

B. Working Group

Mr. LaVenture explained the Working Group would be meeting on Wednesday February 28th to further discuss porous pavement to potentially draw up a matrix of material versus applications and recommendations. He explained he reached out to the Town Engineer for Burlington, VT and is hoping he could join their meeting via Teams for further discussion.

Mr. Fay asked on the next agenda there be an item under unfinished business to further discuss how the Board will value lots in the future and asked Mr. LaVenture to compile three options at their next working group meeting.

11. Calendar Updates (None)

12. Public Notices of other Cities & Towns


B. Town of Southborough

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

The Board endorsed Open Space Definitive Subdivision Application, (547 Stow Road, "Quinn Road") documents.

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

/kml