

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

January 25, 2021

The **remote meeting** of the Marlborough Planning Board was called to order at 7:00 pm. Members present- Barbara Fenby, Matt Elder, Sean Fay, Phil Hodge, George LaVenture and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio, Assistant City Solicitor, Jason Piques and Planning Board Administrator, Krista Holmi.

1. Meeting Minutes

A. January 11, 2021

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the January 11, 2021 meeting minutes. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

2. Chair's Business (None)

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports

A. Goodale Estates Performance Bond (informational)

At the December 21, 2020 meeting, the Board voted to approve the reduction of the bond securing the completion of the Goodale Estates subdivision to \$123,000. The provided rider confirms the new bond value. The bond is set to expire on February 4, 2022.

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

7. Definitive Subdivision Submissions (None)

8. Signs

A. Continued - Application for Sign Variance - Serrato Signs, LLC on behalf of St. Mary's Credit Union/Starbucks 133 S. Bolton St.

Mr. LaVenture read the January 21, 2021 letter from Assistant City Solicitor Piques into the record. Assistant City Solicitor Piques outlined his opinions regarding several elements of the sign ordinance, including the conditions under which the Board may grant the variance. A variance may be granted under § 526-13 (B) (12): If because of the shape, size and/or proximity of a commercial lot to a residentially zoned district it is not possible to place the sign more than 200 feet from the nearest point of an abutting residentially zoned district, then the Planning Board may grant a variance for closer placement, provided that when located within 200 feet of a residentially zoned district, all digital display portions of the sign shall be oriented so that no portion of the sign is visible from an existing primary residential structure in that district.

Chair Fenby asked if the Board was ready to make a motion. Mr. Fay offered the motion.

On a motion by Mr. Fay, seconded by Mr. Elder, the Board voted to accept and file the correspondence and approve the variance request for closer placement (of the sign) conditioned upon the determination of appropriate screening to the abutting residential neighborhood (by the City's Engineering Division) and acceptance of the applicant's stated terms of use - that the "DOS" digital customer order screen turns off between customer orders. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. A Special Permit Must be Obtained from the Marlborough City Council Prior to Sign Placement. Councilor Robey requested that the Board share its decision with the City Council.

Mr. Fay suggested that with the proliferation of new digital technology, the City should consider evaluating its sign ordinance for possible modification. Mr. LaVenture expressed some concerns that it was evident that the site was already prepared for the sign installation. It is preferable for applicants to appear before the Board prior to investing in the site infrastructure.

9. Correspondence (None)

10. Unfinished Business

A. Definitive Subdivision Application - 76 Broad St. 4-Lot Subdivision

Applicant: W.R.E., LLC, 319 Stow Road, Marlborough, MA 01752

Engineer: Hancock Associates, 315 Elm St., Marlborough, MA 01752. Robert DiBenedetto, Representative.
Attorney Sandra Austin, Counsel.

Chair Fenby asked if there were objections to waiving the full reading of the January 20, 2021 correspondence from Hancock Associates Re: Four Lot Subdivision – 76 Broad St. Response to Engineering Division review comments. There were no objections. Ms. Fenby lead the discussion by reviewing select Engineering comments on the 12-page plan. Page C2: Notes, Reference and Legend - Note 19. Mr. Fay favors that the approval be conditioned on the developer building only two-family structures on the lots. While the developer has repeatedly expressed this intention to build two-families, properties are routinely sold, and a new owner may request higher density dwellings. Mr. Fay would like to hear from Legal whether a note can be added to the plan as well.

Page DS: Definitive Subdivision Plan. Mr. DiBenedetto responded to the comment requesting a letter that record owners of involved properties have granted permission for the use of their property in the design/use of the Definitive Subdivision Plan. A record letter will be provided prior to Board endorsement. Mr. DiPersio addressed the following comments: *The proposed location of the crosswalk and curbing and utility pole modifications along the intersection roundings at Broad Street eliminate the access for both properties at #70-#72 Broad Street and #84 Broad Street. The Definitive Subdivision Plan will need to show a construction easement on both #70-#72 Broad Street and #84 Broad Street over the area that will be affected by the change in the driveway location and changes to the parking areas for each of these two lots.* The City Engineer also commented that the plan should show that the new driveways have the proper grade.

C6: Grading and Drainage Plan. The City Engineer said he preferred to have the drain line and sewer main swapped. Doing so would reduce the number of crossings. Mr. DiBenedetto said making that swap could lead to crossing issues elsewhere on the plan, since the swap would require the relocation of the water line and other utilities. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the correspondence and to refer the plan back to Engineering. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

Mr. LaVenture read the January 21, 2021 letter from Assistant City Engineer Collins into the record. In order to facilitate a proper and complete review of the plan set, Mr. Collins requests that the Board approve or deny the seven requested waivers. Mr. Fay prefers to vote on the waivers as part of the Board's findings. Mr. LaVenture asked if any of the requested waivers were not tied to the Board's requests. Mr. DiPersio confirmed that they were inter-related. The waiver related to roundings eliminated the need for some easements, and the waiver related to a right-of-way slightly less than 50' in one location is more related to the site topography. Chair Fenby asked for the Board's sense in voting on the waivers at this time. Mr. LaVenture supports continuing with past practice of waiting for a formal vote on the waivers. The Board gave a general sense on each of the 7 waivers. There were no specific objections to any of the 7 waivers.

Mr. LaVenture read the January 20, 2021 letter from Assistant City Solicitor Piques into the record. Mr. Piques certified that the attached Certificate of Vote is in proper legal form, subject to modification of dates. Mr. Fay requests that a condition relating to a limitation of two-family dwellings be added to the Certificate of Vote.

Attorney Austin requested to speak. She noted that Mr. Piques edited a point in the findings section of the COV. She had used the language from a past project previously reviewed by the former City Solicitor. Mr. DiPersio commented on the edited item 4 of the findings, which related to public safety to the City and surrounding properties. City Engineer DiPersio stated that the City's Engineering Division and public safety officials review the plan and comment on any safety concerns. Mr. Piques said he has no problem adapting the language. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the letter. Legal will work with Attorney Austin on any necessary changes to the Certificate of Vote. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

10. Unfinished Business

B. Working group discussion – Planning Board Rules and Regulations

i) Cross-Sections Appendix F

Mr. LaVenture provided an update to the Board of the working group's most recent meeting on January 20. He thanked the Engineering Division and Legal Dept. for their work and participation. Mr. LaVenture summarized the meetings discussion points and progress to date. Five Cross-Sections are proposed:

Typical Cross-Sections - Applications (10B i-3)

#1 – Secondary Street (50' layout, 28' pavement width & grass strip between curbing and sidewalk) – defined as a street which in the opinion of the Planning Board "is used primarily to provide access to abutting lots", the cross-section allows for staggered tree placement on either side of the sidewalk, structural soil for tree planting/infiltration and decreased snow placement on the sidewalk from plowing. City Engineer DiPersio explained that the use of Structural Soil™ is recommended for plantings in confined spaces and is the Tree Warden's recommended standard for tree planting in this cross-section (as the amended soil encourages deeper root growth, reduces the chance of pavement heaving, and encourages healthier plantings that are less susceptible to heat or root rot.)

#2 – Major Residential Street (50' layout, 38' of pavement) – defined as a street which in the opinion of the Planning Board "is being used or will be used as a thoroughfare between different portions of the City of Marlborough or which will otherwise carry a heavy volume of traffic".

#3 – Secondary Residential Street (40' layout, 28' pavement width) – defined as a street which in the opinion of the Planning Board "is used primarily to provide access to abutting lots". This cross-section requires a waiver from the Planning Board for a reduced Right-of-Way width.

#4 – Industrial/Commercial Street (60' layout, 44' pavement width) – for roadways serving lots in an Industrial/Commercial zone, where truck traffic is considerably greater than a residential area – as determined by the Planning Board.

#5 – Lane Status (50' layout, 26' pavement width) – Lane Status is defined as, in the opinion of the Planning Board, "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".

Mr. LaVenture shared Assistant City Engineer's emailed summary of proposed changes (10B-i-1).

Appendix F changes:

Added language to Structural Soil, noting CU-Structural Soil™ is a proprietary product that can only be supplied by a qualified AMEREQ-licensed company

Defined INDUSTRIAL/Commercial Street as "roadways serving lots in an Industrial/Commercial zone, where truck traffic is considerably greater than a residential area".

Cross-section changes:

Commercial/Industrial cross-section (#4) – pavement thickness = 7 inches: 5" base course, 2-1/2" binder course and 1-1/2" top course. Pavement thickness language modified on all other cross-sections: 2-1/2" binder course and 1-1/2" top course. Structural Soil language modified: removed "OR EQUAL". added trademark symbol.

Added dimensional requirements, "Centered – 5' x 10' Area"

Added language to Electric-Telephone-Cable underground wires – requiring "(Placed in Conduit)" – added, after discussion with Tom regarding an older subdivision where electric outages may be due to broken underground electric services, having not been placed in conduit but were installed as "direct burial".

CU-Structural Soil™ - this document can be added to the Planning Board Rules and Regulations – Appendices, as a reference document.

Typical Cross Sections (10B-i-2)

Each of the five cross-sections were displayed, and City Engineer DiPersio walked the Board through each of the five cross-section diagrams.

There was an informal discussion of maintenance responsibilities within the City's right of way. Mr. Fay asked about enforcement of maintenance in these areas. The City Engineer commented that in practice, homeowners typically accept responsibility for upkeep at their properties and felt that imposing any unique enforcement regulations for a cross-section may be counterproductive.

Following the discussion, Mr. LaVenture reminded the Board of the working group's approach of incremental review for "general blessings", with a referral to Legal to ensure proper form. On a motion by Mr. Fay, seconded by Mr. Elder, the Board voted to accept and file the correspondence, provide its general blessing of the proposed changes and to refer the materials to Legal. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

ii. Assignment of Next Tasks

Mr. LaVenture proposed another working group meeting prior to the next Planning Board meeting to set the stage for the general language review of the Rules and Regulations.

Mr. LaVenture shared the following proposed timetable:

Wed, 3 Feb WG meeting –

- review and discuss "Evan's List", 2005 proposed changes, consultant use, and other items identified for change
- the goal here is to have an immediate list of known items requiring change that can be presented to the Board for review and blessing

Mon, 8 Feb PP meeting –

- present the known list of required changes to the Board for review, blessing, and referral to Legal
- request the Board continue reviewing the existing Rules & Regs and forward recommended changes to Krista by 12 Feb

Fri, 12 Feb

- Krista receives final Rules & Regs change recommendations and sends the consolidated list to the WG

Wed, 17 Feb WG meeting -

- review the collated list of Board generated Rules & Regs changes and discuss presentation to the Board
- depending upon the number of recommendations, divide them in segments for presentation to the Board in about 30 minutes starting on page 1 and working forward
- for planning, let's assume 3 segments of recommendations

Mon, 22 Feb PP meeting –

- present segment 1 of 3 of the proposed changes to the Board for review, blessing, and referral to Legal

Wed, 3 Mar WG meeting –

- meet as required to discuss

Mon, 8 Mar PP meeting –

- present segment 2 of 3 of the proposed changes to the Board for review, blessing, and referral to Legal

Wed, 17 Mar WG meeting –

- meet as required to discuss

Mon, 22 Mar PP meeting –

- present segment 2 of 3 of the proposed changes to the Board for review, blessing, and referral to Legal

Wed, 31 Mar WG meeting –

- meet as required to discuss

Mon, 5 Apr PP meeting –

- present segment 3 of 3 of the proposed changes to the Board for review, blessing, and referral to Legal
- schedule the public meeting to review, approve, and referral to Legal

TBD –

- meeting to discuss presentation at public meeting

11. Calendar Updates

A. 76 Broad St. Definitive Subdivision Application - Feb. 12, 2021. Decision is due by the February 8 meeting.

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

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and all file any remaining items and to adjourn the meeting. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

Respectfully submitted,



George LaVenture/Clerk

/kih