

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

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Call to Order

The Remote Meeting of the Marlborough Planning Board was called to order at 7:00 pm. Members present- Barbara Fenby, Sean Fay, Phil Hodge, George LaVenture, Chris Russ and Matthew Elder. City Engineer, Thomas DiPersio, and Planning Board Administrator, Krista Holmi, also participated in the remote meeting.

1. Meeting Minutes

A. May 18, 2020

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to accept and file the minutes of May 18, 2020 as amended- 5A (revised *blasting to Jack hammering*). Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Carried 6-0.

2. Chair's Business

A. Set public hearing date: Request to remove and reconstruct a stone wall along a scenic roadway. 684 Stow Rd. Bob Gentry.

With no objections and approval of the resident, Chair Fenby set the hearing date for July 20, 2020.

3. Approval Not Required

A. 26, 34 MacQuarrie Drive – Applicant: Jon Sowa, 26 MacQuarrie Drive, Marlborough, MA 01752; Land Surveyor: Hancock Associates, 315 Elm Street, Marlborough, MA 01752; Description of Property: Middlesex South Registry of Deeds Book 19272 Page 170. J. Dan Bremser, Hancock Associates.

Mr. LaVenture read the June 1, 2020 review letter by Assistant City Engineer Collins into the record.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept, file and endorse the above referenced plan as approval not required under the subdivision control law. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby; Nay: 0. Carried 6-0.

B. Slmarano Drive at Cedar Hill, Applicant: Post Road Realty, LLC, 111 Unquowa Road, Fairfield, CT 06824; Engineer, Michael Pustizzi, PLS, 32 Turnpike road, Southborough, MA; Description of Property: Assessor Parcel 116-5, 116-11, 116-12 Middlesex South Registry of Deeds Book 32163 page 598. John Shipe, Shipe Consulting Group – Presenter.

Mr. Shipe joined the remote meeting briefly and requested that Item 3B be addressed later due to a timing conflict. With no objections, the Board proceeded to the next item.

4. Public Hearings

A. Continued: Commonwealth Helghts Definitive Subdivision – Revised plan

Applicant - The Gutierrez Company; Project Engineer - Connorstone Engineering, Inc.

Location – 10.55 Acres located on the corner of Forest Street and Ames Street. Middlesex Registry of Deeds Book 31932, page 445 (Lot 14). Scott Weiss, The Gutierrez Company, presenter.

Chair Fenby reopened the public hearing. Mr. LaVenture read the public hearing notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Comments from the public 3) Comments and questions from Board members.

Presentation:

Mr. Weiss shared that the subdivision plan was revised to include a new shorter cul-de-sac roadway, which will increase the buffering between the Commonwealth Helghts project and the abutting neighborhood. The revised project also includes additional screening and eliminates two lots at the end of the cul-de-sac for a total of 21 lots. Two waiver requests remain: 1) To allow a dead-end roadway longer than 500 feet and 2) To allow a typical roadway cross-section similar to the cross-section utilized at Mauro Farm.

The 2nd waiver allows for reduced pavement width (28 vs. 32 feet), provides a grass plot between the roadway and sidewalk, reduces the sidewalk width (5 vs. 6 feet) and allows staggered tree planting. This is a design favored by the Board. Mr. Weiss also stated that a detailed Soil Management Plan was submitted. The plan is designed to mitigate any potential risk from the property's former use as an apple orchard. Mr. Weiss said it would be helpful to have a decision on the waivers. Ms. Fenby suggested that that discussion could be revisited later in the meeting.

Comments from the public:

Mr. LaVenture read the June 8, 2020 email correspondence from Dana MacPhee of 33 Flynn Ave. The email detailed several concerns for the project. Ms. Fenby will forward the concerns to Ms. MacPhee's Ward Councilor for follow up.

Mr. LaVenture also read comments from two officials: Edward Clancy, Chairman of the Marlborough Conservation Commission, and City of Marlborough Fire Chief, Kevin Breen.

In his June 7 communication to the Planning Board, Conservation Commission Chair Clancy detailed numerous comments as summarized below:

1. There are no wetlands near the project, therefore no wetland permits are required.
2. The property falls within the city's Water Supply Protection district, and all designs for stormwater runoff must meet the higher TSS removal requirements.
3. The property was previously an apple orchard, and The Soil Management Plan by Sanborn Head includes requirements for proper soil management, air monitoring, testing and final disposal on site.
4. The Commission recommends that the Planning Board require that the applicant hire a licensed site professional to provide technical assistance on plan review and review of construction dust and air quality monitoring. Sample conditions were provided from similar projects and are recommended for incorporation in the Board's decision, as no wetland or site plan permits are required.
5. Due to the site's very high clay content, the Commission identified additional erosion control measures that the applicant should incorporate into the Soil Management Plan.
6. The Commission recommends the site be required to hire an erosion control consultant approved by the City Engineer. The Commission provided sample language which could be included in the Board's decision should they feel it appropriate.

In his June 4 email communication, Fire Chief Breen provided the following comment:

The Marlborough Fire Department is indifferent to any access/egress road between the proposed cul-de-sac and Forest Street. No emergency access over this easement is required.

Additional public comments:

John Sawyer of 33 Teller Rd. was concerned that clearing existing growth to plant the screening may lead to potential runoff. Marguerite Sawyer of 33 Teller Rd. expressed concern that no build partner is currently identified. What assurances do residents have that the builder won't create problems like the past? Mr. Sawyer added an additional concern about Forrest Street traffic. The Charter School increases traffic in the area significantly during certain times of day. Are there any traffic impact studies that show what additional impact this development will have to the area? Dana MacPhee of 33 Flynn would like the Board to request a traffic study.

With no further comments from the public, Chair Fenby closed that portion of the public hearing.

Questions and Comments from Board Members:

Mr. Fay expressed his conviction that he will not support any approval extensions without demonstrated construction schedule progress. Mr. LaVenture concurred.

Ms. Fenby asked whether the Board should take any action on the waivers. Mr. DiPersio said that a decision on the waivers would assist in finalizing Engineering's review of the plan. Chair Fenby said that the Board could discuss the matter later in the meeting. Mr. Russ would like further details on the landscaping plan. Chair Fenby said the public hearing would be continued on June 22.

5. Subdivision Progress Reports

A. Goodale Estates - Request for bond reduction and extension of approval.

Mr. Kevin Gillis of Northborough Capital Partners was present to discuss the project with the Board. Site progress has been demonstrated, and a request for bond reduction reflecting the progress is included in the packet. Proof of taxes paid, acknowledgement that the site is free from blight and proof that the bond is in place through year end was presented along with a new construction schedule. An additional 6-month extension until December 31, 2020 is requested. The project completion is delayed, since the gas line cannot be installed by Eversource until late in the year (or next). (The note in Mr. Gillis's 5-20-20 letter requesting a waiver of the requirement to install the gas line may be disregarded.)

Mr. Gillis would welcome an opportunity to walk the site to review the placement of trees and shrubs, as he states it appears to be impractical to plant trees the entire length of the south side of Jenks lane due to space considerations.

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to refer the matter of bond reduction and extension schedule to Engineering for report back on June 22. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby; Nay: 0. Carried 6-0.

Mr. Shipe rejoined the meeting, and Ms. Fenby announced a return to ANR Item 3B.

3. Approval Not Required

B. Simarano Drive at Cedar Hill, Applicant: Post Road Realty, LLC, 111 Unquowa Road, Fairfield, CT 06824; Engineer, Michael Pustizzi, PLS, 32 Turnpike road, Southborough, MA; Description of Property: Assessor Parcel 116-5, 116-11, 116-12 Middlesex South Registry of Deeds Book 32163 page 598. John Shipe, Shipe Consulting Group – Presenter.

Mr. Shipe represents Post Road Residential. He has a long-term relationship with Andy Montelli, the project developer. The ANR before the Board facilitates the financing of the project by breaking the large 45 to 50-acre parcel into 5 smaller development lots. (4 lots in Marlborough, 1 lot in Southborough) The current owner, Boston Properties had a previous site plan approval for approximately 650,000 sq. ft of office space. The real estate market did not support that project. With the passage of the Executive Residential Overlay District (EROD), this residential development progressed. The purpose of the plan is to divide the large property into four approximately 10-acre chunks. (In Marlborough) Each resulting lot meets the required area, lot shape and frontage for properties in the EROD. Mr. Shipe thanked Assistant City Engineer Collins for his assistance. On a motion by Mr. Russ, seconded by Mr. Elder, the Board referred the plan to Engineering. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Carried 6-0.

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

7. Informal Discussion

A. 68-123 Broad Street – 4 Lot Subdivision Presentation Plan. Robert DiBenedetto-Hancock Assoc.

Mr. DiBenedetto indicates that Mr. White, the owner of the property at 76 Broad Street, intends to create a four-lot subdivision and a new dead-end right-of-way connecting to Broad Street. The 76 Broad St. property would be demolished to make room for the roadway. Abutting properties at #70-72 (to the south), and #84 (to the north), have agreed to land swaps to create the 50 ft. wide right-of-way. The proposed right-of-way requires 30-foot roundings. The intent is to create a plan without waivers. Two easements will be required to create the roundings. The proposed development is in the Residence C zone. Abutting properties are also zoned Residence C and are existing non-conforming lots. None of the proposed changes will increase the nonconformance of the lots.

Mr. Fay addressed Mr. DiBenedetto and suggested that the owner's attorney establish his rights to build the road with the two easements. Mr. Fay said the Board cannot give an answer on the easement issue until an official filing but said the matter should be researched by the applicant, not the City.

City Engineer DiPersio indicated that his understanding of the applicant's question to the board was not whether they have the rights to use easements for the roundings, but whether using easements for the roundings would constitute a waiver under the subdivision rules and regulations; and that they are asking this question since their intent is to submit a subdivision plan free of any waiver requests. It was suggested by the Board that the applicant provide answers to the easement question.

8. Signs

A. 431 Lincoln St. – Application for Sign Appeal to Planning Board. Applicant Steven Pedro-Ayoub Engineers.

Mr. Pedro represents the building owner who wishes to utilize an existing sign structure and add two LED price panels. The sign denial letter from the Building Dept. indicates that the signs are located within 200' of a residential zone. Mr. Pedro said there is no way to relocate the sign so that it won't be visible to neighbors. Mr. Pedro asked if the zone is measured from the center of the road or the property line. City Engineer DiPersio said that the residential zone district would be measured from the center of the roadway. Mr. Pedro said the sign would have the technology to dim the lights at night. The Board asked whether the station operated 24 hours. Mr. Pedro said he didn't know the answer to that question. Mr. Fay questioned whether the Board had any authority to grant the sign variance by siting this section ... the Planning Board may grant a variance for closer placement (within 200' of a residentially zoned district), 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 the district.

Chair Fenby and Mr. Russ said a site plan would be more useful than the sign picture presented. The sign in the variance application does not show the sign's placement relative to the property or the residential neighbors. Mr. Russ asked whether the existing sign conforms to the City's regulations. Mr. Elder questioned whether the site was otherwise in compliance with zoning. Mr. Pedro was not certain. Ms. Fenby asked members whether the Board should ask for Code Enforcement's opinion. Mr. Fay asked whether she was requesting a formal motion, or should the Board ask Code Enforcement on an informal basis. Ms. Fenby said she would follow up informally. Mr. Fay showed the location on the screen, and the Board asked Mr. Pedro to return with a site plan showing the sign location and its impact on neighbors. Ms. Fenby stated that an area resident forwarded photos to the Board late in the day, June 8, and those exhibits would be available at the meeting on June 22. Mr. Pedro will work on the site plan for use at the meeting on June 22nd.

9. Correspondence

A. Communication regarding McGee Farm Property (339 Boston Post Road) Cindy Zomar.

B. Communications from Councilors – Livestock Farms

On a motion by Mr. Elder, seconded by Mr. Russ the Board voted to accept and file the correspondence. Yea: Elder, Fay, Hodge, Russ and Fenby. Nay: 0, Mr. LaVenture abstained due to a technical issue that prevented him from hearing the motion. Carried 5-0.

10. Unfinished Business

A. Draft Policy Discussion – Zoning and Variance Requests

The City Solicitor's office has not provided comments on the referred draft policy. The consensus of the Board was that there was no reason to wait. On a motion by Mr. Fay, seconded by Mr. Elder, the Board voted to send the zoning and variance request policy to City Council. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0. Chair Fenby requested that Mr. Fay work with Mr. Russ to formulate a process to ensure a review of the compliance status of any applicant requesting a zoning amendment or sign variance. Chair Fenby offered to approach Code Enforcement informally to request review of several properties of concern.

11. Calendar Updates

- A. 7-20-20- Public Hearing: Request to remove and reconstruct a stone wall along a scenic roadway. 684 Stow Rd. Bob Gentry.

12. Public Notices of other Cities & Towns

- A. City of Framingham 4 Notices

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

Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Carried 6-0.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to adjourn the meeting of the Planning Board.

Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

Respectfully submitted,



George LaVenture/Clerk

/klh