

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

Call to Order

May 9, 2016

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3rd Floor City Hall 140 Main Street, Marlborough, MA. Members present included: Barbara Fenby, Sean Fay, Brian DuPont, Shawn McCarthy & Philip Hodge.

Also in attendance were Board Secretary Melissa Peltier & Assistant City Engineer Timothy Collins.

Edward Coveney and Colleen Hughes were absent

Mr. DuPont was appointed Acting Clerk for the meeting.

1. Meeting Minutes:

A. Regular Meeting April 25, 2016

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to table the minutes of the April 25, 2016 Regular Meeting. Motion carried.

2. Chair's Business:

A. Discussion with Information Technology Director Mark Gibbs

Mr. Gibbs presented a few options to the Board regarding the new SharePoint Office 365 site for the Planning Board. The website will have a calendar attached to it that all members will be able to look at. One person will be tasked with updating the calendar routinely after each meeting. A working sub-committee of Chairperson Fenby and Mr. DuPont will meet with Mr. Gibbs to iron out any and all necessary details to launch this new tool.

3. Approval Not Required: None

4. Public Hearings (7:15): None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

Assistant City Engineer Collins noted that no work has taken place on any of the active subdivisions. He will discuss the Mauro Farms Subdivision later in the agenda.

B. Goodale Farms (June 19, 2016) DRAFT Certificate of vote continued discussion

Mr. DuPont read the correspondence from Assistant City Engineer Collins into the record.

Outlining options per the Boards prior request for the perceived costs to install sidewalks in the area of the proposed development.

The three options outlined were (1) Subdivision Road (Jenks) to Taylor Road, (2) Cameron Drive to Taylor Road, (3) Woodland Drive to Hutchinson Drive (Opposite the subdivision roadway).

After much discussion the Board took the following action pertaining to condition Numbers 7 & 8 in the Open Space Development Special Permit:

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to recess for 5 minutes at 8:21pm to allow for the attorneys to confer on the actual wording of conditions 7 & 8. Motion passed

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to reconvene the meeting at 8:30pm. Motion passed.

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to amend condition numbers 7&8 to the following:

7. The Applicant shall construct a sidewalk on the westerly side of Goodale Street between Hutchinson Drive and Woodland Drive, provided the City owns, or is able to acquire, sufficient width in the roadway right of way for the Applicant to construct the sidewalk. In the event that the City, as determined by the City Engineer or his designee, is unable or unwilling to provide sufficient roadway right of way width for the Applicant to construct the sidewalk, the Applicant shall construct an unpaved gravel path on the easterly side of Goodale Street in the existing roadway right of way owned by the City between Taylor Road and the proposed Jenks Road.

8. At the pump station abutting the Proposed Development on Goodale Street, the Applicant shall construct, to the satisfaction of the City Engineer or his designee, parking improvements not to exceed 400 square feet and not to exceed a cost of five thousand dollars (\$5,000).

Motion passed.

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to, based on project findings and conditions as negotiated it is voted to approve the Special Permit for the Concept Plan Open Space Development off of Goodale Street with a proposed Subdivision Roadway named Jenks Road, as amended. Motion passed unanimously.

6. Preliminary/Open Space Submissions/Limited Development Subdivisions: None

7. Definitive Subdivision Submission: None

8. Signs: None

9. Unfinished Business:

A. Discussion Black Horse Farms (May 10, 2016)

Mr. DuPont read the letter Attorney Beattie handed out from the developer into the record.

On a motion made by Mr. McCarthy, seconded by Mr. Hodge it was voted to accept the correspondence and place it on file. Motion carried.

City Solicitor Rider had previously conferred with Attorney Beattie regarding the possible adherence to the newly accepted regulations specifically the added requirement outlined in chapter 676 section 10 H1/4. See attached:

H1/4. Deeding of developers legal interests to City. Immediately upon providing a bond or

other security to construct an approved definitive subdivision plan, the developer shall deed to the City the subdivision road(s) as well as all municipal utility easements, if any. If any modifications to the approved definitive subdivision plan result in a re-location of any municipal utility, the developer shall, immediately upon installation of the re-located municipal utility, deed to the City the easement corresponding to the re-located municipal utility. The developer is also required to provide the City with a certificate of liability insurance, naming the City as an additional insured relative to the subdivision road(s) as well as all municipal utility easements, if any, to be deeded to the City.

Attorney Beattie noted that the developer is willing to adhere to the new regulation. It is Attorney Beattie's understanding that the As-Built Plans for the subdivision can be completed once the Conservation Commission makes its determination regarding the 4 lots currently under their review. There is the possibility that the existing curb cuts for the driveways may need to be relocated.

Mr. Fay noted that he is not in favor of the requested extension as outlined by Attorney Beattie for his client. Mr. Fay as well as other members in attendance were willing to entertain a short extension as long as there is significant progress made on the infrastructure as required.

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to approve an extension of the subdivision approval until May 24, 2016, with the requirement that significant progress be completed as well as all proper documentation to request an extension must be submitted and a project engineer from the developer must be assigned and be in at least weekly contact with Assistant City Engineer Collins. Motion passed.

This matter was also referred to Engineering.

B. Discussion Mauro Farms (May 10, 2016)

Mr. Fay noted his perceived conflict for the record.

Mr. DuPont read the request from the developer into the record.

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to accept the correspondence and place it on file. Motion carried.

Mr. Daniel Ruiz was in attendance from Capital Group to answer any questions the Board may have.

The Board requested proof that the Bond securing the work at the subdivision is still active and in place. It was requested that said proof be supplied at the next regularly scheduled meeting (May 23, 2016)

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to approve the extension as requested until May 24, 2016. Motion carried.

10. Informal Discussions: None

11. Correspondence:

A. Community Access Monitor

On a motion made by Mr. DuPont, seconded by Mr. McCarthy it was voted to accept the correspondence A and place it on file. Motion carried

12. Public Notices of other Cities and Towns:

A. Town of Framingham Planning Board, Notices (6)

B. Town of Hudson Zoning Board of Appeals Notices (4)

On a motion made by Mr. DuPont, seconded by Mr. McCarthy it was voted to accept notices A-B and place them on file. Motion carried.

Adjournment: On a motion made by Mr. DuPont, seconded by Mr. Fay it was voted to adjourn at 9:05pm. Motion carried.

Respectfully submitted,

Brian DuPont
Acting Clerk

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