

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

Call to Order

June 6, 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: Colleen Hughes, Sean Fay, Brian DuPont, Shawn McCarthy & Philip Hodge.

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

Barbara Fenby & Edward Coveney were absent

1. Meeting Minutes:

A. Regular Meeting April 25, 2016 (Tabled at May 9, 2016 meeting)

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

B. Regular Meeting May 9, 2016 (Tabled at May 23, 2016 meeting)

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to approve the minutes of the May 9, 2016 Regular Meeting. Motion carried.

C. Regular Meeting May 23, 2016

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to approve the minutes of the May 23, 2016 Regular Meeting. Motion carried.

On a motion made by Mr. McCarthy, seconded by Ms. Hughes it was voted to move up Agenda Item 10B. Motion carried.

10. Informal Discussions

B. Mirick O'Connell proposed Senior Living Facility Bolton St

Attorney David McCay from Mirick O'Connell and Mr. Eric Gardner from Benchmark Senior Living were in attendance to present the proposed project.

The project is still in the development stages however it is intended to have 52, 2 bedroom units consisting of Assisted Living and Memory care units. The entire parcel consists of 15 acres this development will utilize approximately 4-5 acres only. The remainder of the land may be deeded to the City as open space.

The Zoning amendment is being proposed due to the use of Assisted Living Facility is not spelled out anywhere in the current zoning.

The procedural filing should take place next week the proponent will be requesting a Public Hearing Date of July 25 from the City Council and requests the same date from the Planning Board once the filing is complete.

2. Chair's Business:

A. Update regarding Planning Board Page – Calendar

Mr. DuPont noted that there is no update at this time. He will strive to have an update for the Board at the next regularly scheduled meeting (June 20, 2016).

B. Communication from City Council Proposed Zoning Amendment

Solicitor Rider gave a quick overview of the proposed change concerning the special permit/variance granting authority regarding preexisting one and two family dwellings alteration and expansion.

On a motion made by Mr. DuPont, seconded by Ms. Hughes it was voted to set a Public Hearing date of July 25, 2016 and to advertise said Hearing. Motion carried with Mr. McCarthy abstaining.

3. Approval Not Required:

A: Decision Apex Center 180 Boston Post Rd West (June 13, 2016)

Ms. Hughes read the favorable recommendation from the Engineering Department 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 as well as endorse the ANR Plan Titled:

Subdivision Plan of Land in Marlborough, Massachusetts
Prepared for: Marlborough Northborough Realty Trust
Prepared by: Vanasse Hangen Brustlin, Inc.
101 Walnut Street, PO Box 9151, Watertown, MA 02474-9151
Map 78, Parcels 12, 14, 38 & 39 and Map 89 Parcel 77.

Motion carried.

4. Public Hearings (7:15): None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

Assistant City Engineer Collins reported out to the Board several items including: updates on all working subdivisions, Mauro Farms Detention Basin Issue, Black Horse Farms Stockpiling, Cider Mill, Walker Brook Estates and Howe's Landing are all being held to the minimum standard for Occupancy is the sidewalk at binder course and all curbing in place.

In regards to the Fossile Subdivisions (old) of Trump Estates and Orchard Estates III, It is the recommendation of the Engineering Department that both subdivisions have the respective bonds reduced to zero (0.00). The Trump Estates Subdivision was essentially completed in 1998 and the Orchard Estates Subdivision was essentially completed in 2009.

Both Subdivisions have outstanding issues that pertain to the formal acceptance as required by the Subdivision Rules and Regulations and are outlined in the communication from City Engineer DiPersio.

On a motion made by Ms. Hughes, seconded by Mr. DuPont it was voted to accept City Engineer DiPersio's correspondence and place it on file; as well as send correspondence to the developer communicating what information is still required as outlined in the City Engineers correspondence. Motion carried.

B. Request for Extension Walker Brook Estates (Melanson)

Ms. Hughes read the request for extension into the record.

Mr. Edward Melanson was in attendance to answer any questions pertaining to the request for extension.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to keep this on the next regularly scheduled meeting agenda (June 20, 2016) in order to receive the missing piece of correspondence from the Code Enforcement Officer.

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 (September 13, 2016)

Attorney Beattie was in attendance to answer any questions the Board may have.

Solicitor Rider noted that the deed required to be in hand on or before June 20, 2016 per the completion deadlines imposed by the Board has been received and is in possession of the Legal Department.

Attorney Beattie noted that the street lighting is all in place required on or before June 20, 2016 as well.

Assistant City Engineer Collins noted that he will have to drive through the subdivision to confirm that the lights are in fact operational.

Assistant City Engineer Collins also noted that he has yet to be contacted by the Project Manager that developer has claims to have hired.

Attorney Beattie noted that he will be meeting with Mr. Lavoie the Project Manager hired for this job and will have him contact Assistant City Engineer Collins.

Mr. Fay questioned the vast amount of stockpiling that is taking place in the area.

B. Discussion Mauro Farms (June 7, 2016)

Mr. Fay noted his perceived conflict for the record.

Mr. Daniel Ruiz was in attendance to answer any questions the Board may have. Mr. Ruiz noted that the asphalt is done, the fencing around the detention Basins is done. Assistant City Engineer Collins outlined to the Board and to Mr. Ruiz the issues that present with the detention basins is a matter of cleaning and resetting the properly.

Assistant City Engineer Collins recommended meeting out at the site with Mr. Ruiz and Conservation Officer Ryder to discuss the requirements for resetting the detention basins so they work properly as well as clear up any outstanding conservation issues on the property.

On a motion made by Ms. Hughes, seconded by Mr. DuPont it was voted to refer the matter to the Engineering Department for review as well as extend the Subdivision Approval until June 21, 2016 in anticipation of final completion. Motion carried.

C. Discussion Indian Hill Bond Reduction

Attorney Beattie was in attendance to answer any questions the Board may have.

Assistant City Engineer Collins reported out that since this subdivision has been accepted by the City Council there is no need to continue holding this bond.

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to reduce the bond securing the Indian Hill Subdivision to zero (0.00). Motion carried.

10. Informal Discussions:

A. Joe May Public Way off of Concord Rd

Mr. Joseph May owner of 297 Concord Rd wanted to discuss with the Board his intention of carving out an additional house lot between his property at 297 Concord Rd and his Fathers property at 285 Concord Rd.

The intended lot would have frontage on Hemenway St which at this time is not a paved way, as well as a small amount of frontage on Concord Rd.

Assistant City Engineer Collins noted that it is believed that the City accepted Hemenway St as a Public Way in its current form in 1898.

Mr. May noted that there is no intention to have access to the proposed home from Hemenway Street the intended access is from Concord Rd.

After much discussion revolving around the potential determination of Present and Adequate Access the Board took the following action.

On a motion made by Mr. DuPont, seconded by Mr. McCarthy it was voted to refer the matter to the Legal Department and the Engineering Department for the determination if Hemenway St in its present form can be considered as a Public Way with Present and Adequate Access for the potential for an Approval Not Required (ANR) plan. Motion carried.

B. Mirick O'Connell proposed Senior Living Facility Bolton St.

This item was moved up in the agenda.

C. Interpretation of “Lane” (Saluk)

Mr. Saluk questioned the Board on the definition of a “Lane” as it pertains to the proposed Jenks Road.

The question has arisen during the creation of the definitive subdivision plans. It is the intent to work from the plans that were approved at the Special Permit stage of the Open Space Subdivision. In working from those plans potential discrepancies were noted between the plan and the length of the proposed roadway.

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to refer the question of the definition of a Lane as well as potential discrepancies between the Open Space Subdivision process and the Subdivision Rules and Regulations to the Legal Department as well as the Engineering Department. Motion carried.

11. Correspondence: None

12. Public Notices of other Cities and Towns:

A. City of Marlborough, City Council Public Hearing (June 20, 2016)

B. Town of Southborough, Planning Board Public Hearing (June 20, 2016)

On a motion made by Ms. Hughes, seconded by Mr. Hodge 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 9:20pm. Motion carried.

Respectfully submitted,

Colleen Hughes
Clerk

/mai