

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

Call to Order

July 25, 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, Colleen Hughes, Sean Fay, Shawn McCarthy & Brian DuPont. Also in attendance were Board Secretary Melissa Peltier & City Engineer Thomas DiPersio Philip Hodge & Edward Coveney were absent

1. Meeting Minutes:

A. Regular Meeting June 20, 2016

On a motion made by Ms. Hughes, seconded by Mr. McCarthy it was voted to approve the minutes of the June 20, 2016 Regular Meeting. Motion carried with Mr. Fay & Mr. DuPont Abstaining.

2. Chair's Business:

A. Update regarding Planning Board Page – Calendar

Mr. DuPont noted that he and Mr. Gibbs are working towards getting this issue ironed out, so there can be a new calendar page for the Board to utilize.

Chairperson Fenby also noted that she is still working on meeting with the Mayor to discuss the reappointment of sitting members.

3. Approval Not Required:

A. 143 Brigham Street (Thompson-Liston Assoc.)

Mr. Andrew Liston was in attendance to present the ANR plan to the Board.

Ms. Hughes read the request into the record.

Ms. Hughes also read the favorable response from the Engineering Department into the record.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to accept both pieces of correspondence and place them on file. Motion carried.

Chairperson Fenby noted to Mr. Liston that the procedure is to have the Board refer the ANR Plan to the Engineering Department for Review NOT The reverse which seems to have happened in this case. However, as the Board is on its summer schedule and does not have a scheduled meeting in the 21-day allotted time period for determination this reversal of procedure will be allowed in this instance.

On a motion made by Mr. Fay, seconded by Mr. McCarthy it was voted to endorse the ANR.

Titled: Plan of Land in Marlborough, Massachusetts

Owned By: Alison L. Grice, 143 Brigham St, Marlborough

Prepared By: Thompson-Liston Associates, Inc., 51 Main St, Boylston, MA 01505

Dated: June 21, 2016 Revision Date: July 11, 2016

Motion carried.

4. Public Hearings (7:15):

A. Proposed Zoning Amendment Section 650-12 & 58

The Public Hearing was opened at 7:15pm Ms. Hughes read the notice into the record. The hearing was taken in the traditional 4 stages:

Presentation

Those speaking in favor

Those speaking in opposition

Questions from Board Members

Mr. McCarthy recused himself from the Public Hearing and left the room.

Presentation:

City Council President Edward Clancy presented the proposed amendment to the Board. The amendment involves only Single and Two Family homes that are on pre-existing non-conforming lots. The current zoning requires a homeowner to approach the City Council for a Special Permit to modify or enlarge their dwelling in essence making it even more non-conforming than what is currently in place, and after the Special Permit is received the homeowner must go through the secondary expense of applying to the Zoning Board of Appeals for relief from the zoning ordinance. It is the thought of the City Council that a “one stop shopping” approach could be used in this instance. If the City Council ceded authority to the Zoning Board of Appeals to issue variances only instead of the two step process thereby saving considerable time and money for the homeowner. However, if the intended modification is substantial the homeowner will have to revert to the current practice of the City Council Special Permit first and the Zoning Board of Appeals Variance process secondly.

Speaking in Favor: None

Speaking in Opposition: None

Questions from the Board: None

The Public Hearing was closed to testimony verbal or written at 7:18pm.

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to forward a favorable recommendation to the City Council regarding the Proposed Zoning Amendment Section 650-12 & 58 with no additional comments. Motion carried.

Mr. McCarthy returned to the room.

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

City Engineer DiPersio reported out to the Board that Walker Brook Estates & Howe’s Landing were diligently working. The bonds for both Trump Estates and Orchard Estates need to be formally voted to be reduced to zero.

B. Correspondence from City Engineer to Mauro Farms Re: Open Space Parcels

Ms. Hughes read the correspondence from City Engineer DiPersio to the developer of the Mauro Farms Subdivision.

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

C. Mauro Farms Bond Reduction & Maintenance Period Activation Request(s)

Ms. Hughes read the correspondence from the developer of the Mauro Farms subdivision to the Planning Board requesting a reduction to the held bond as well as activation of the 1year maintenance period.

On a motion made by Mr. Fay, seconded by Ms. Hughes the correspondence was accepted and placed on file. Motion carried.

On a motion made by Ms. Hughes seconded by Mr. Fay it was voted to refer the requests to the Engineering Department for review and recommendation to be reported out at the next regularly scheduled Planning Board meeting on August 29, 2016. Motion carried.

On a motion made by Ms. Hughes, seconded by Mr. DuPont it was voted to extend the completion deadline for the Mauro Farms Subdivision until August 30, 2016. Motion carried.

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

7. Definitive Subdivision Submission:

A. Goodale Estates, Goodale Street, Valre Realty Trust (October 23, 2016)

Ms. Hughes read the correspondence from Attorney Austin submitting for formal review the definitive subdivision plan for the Goodale Estates Subdivision.

City Engineer DiPersio noted for the record that he had worked on this project prior to becoming the City Engineer and made note that all work has been concluded on the project and he no longer has a professional relationship with the developer.

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

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to set the Public Hearing for September 12, 2016 and refer the plan to the Engineering Department to start its review.

8. Signs: None

9. Unfinished Business:

A. Discussion Mauro Farms (July 26, 2016)

This item was taken up earlier in the agenda.

B. Blackhorse Farms

City Engineer DiPersio noted that The developer is on track with the completion schedule as determined by the Planning Board.

Ms. Hughes, Mr. McCarthy and Mr. Fay all noted that while the project may be on track to meet the benchmarks put in place the condition of the subdivision has deteriorated noticeably since the

last meeting on June 20, 2016. The stockpiles that have been brought up several times before have grown even larger as well as the curbing and roadway that has been disturbed and not repaired or replaced.

Regarding the upcoming benchmark of replacing trees that have failed to thrive. It may not be the proper time to replace trees with hopes of their survival. It is the request of the Board that the developer confer with the City's Tree Warden Christopher White. The Board will defer to the written determination from the Tree Warden.

An update on the condition of the subdivision was requested for the next regularly scheduled meeting on August 29, 2016.

C. Discussion Request for Extension Cider Mill Estates (FRE Builders) (July 26, 2016)

Ms. Hughes read the correspondence from City Engineer DiPersio into the record.

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to extend the subdivision completion deadline to May 26, 2017 with the following conditions from the City Engineer attached:

- 1) The video inspection of drainage structures in both roadways shall be completed by September 30, 2016. Any necessary repairs to the drainage structures shall be completed by November 1, 2016. This will allow any new roadway trenches to settle prior to final roadway paving in the Spring.
- 2) An inspection of the condition of the roadway pavement shall be conducted by 4/14/17. The inspection shall include, at a minimum, core samples of the binder pavement at locations approved by this department. Given the length of time that these roadways have been utilized while having only binder pavement course, repairs may be required by this department prior to placement of top course.
- 3) The submitted schedule does not necessarily represent all items remaining for completion of the roadways. There are other items incidental to the completion, such as cleaning of catch basins, cleaning and vegetation clearing within the detention basin, etc., which will be required to be completed, prior to the final deadline noted on this schedule: 5/26/17.

Motion carried.

D. City Solicitor Update 297 Concord Rd (Frontage Question)

Solicitor Rider was in attendance to present to the Board his facts and findings regarding the question posed by Mr. May looking for a determination regarding the utilization of the section of Hemenway St that is currently unimproved for consideration as acceptable frontage for a potential ANR Lot to the rear of 297 Concord Rd.

Solicitor Rider conversed with Fire Chief Breen and then shared the email communication from the Chief with the Board

Ms. Hughes read the communication from the Fire Chief into the record.

Mr. May is out of the State and was unavailable to attend the meeting this evening to discuss the determination of the City Solicitor.

This item is to be placed on the next regularly scheduled meeting agenda (August 29, 2016) for continued discuss with Mr. May in attendance.

10. Informal Discussions: None

11. Correspondence: None

12. Public Notices of other Cities and Towns:

A. Town of Framingham, Planning Board Notices (10)

B. Town of Southborough, Planning Board Notice

C. Town of Framingham, Zoning Board of Appeals Notice

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

Adjournment: On a motion made by Mr. McCarthy, seconded by Ms. Hughes it was voted to adjourn at 8:02pm. Motion carried.

Respectfully submitted,

Colleen Hughes
Clerk

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