

**MARLBOROUGH PLANNING BOARD  
MARLBOROUGH, MA 01752**

**Call to Order**

**September 26, 2016**

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3<sup>rd</sup> Floor City Hall 140 Main Street, Marlborough, MA. Members present included: Barbara Fenby, Sean Fay, Philip Hodge, Shawn McCarthy & Brian DuPont. Also in attendance were Board Secretary Melissa Peltier & City Engineer Thomas DiPersio. Colleen Hughes & Edward Coveney were absent.

**1. Meeting Minutes:**

**A. Regular Meeting September 12, 2016**

On a motion made by Mr. Hodge, seconded by Mr. DuPont it was voted to approve the minutes of the September 12, 2016 Regular Meeting. Motion carried.

**2. Chair's Business:**

**A. Update regarding Planning Board Page – Calendar**

Mr. DuPont announced that a meeting will take place with Mr. Gibbs on Wednesday to discuss the wants/needs of the Board in regards to the new Calendar page.

**B. Proposed Zoning Amendment 650-34 & 650-41 Marlborough Village District**

Mr. DuPont read the notice from the City Council into the record.

Attorney Bergeron was in attendance and confirmed that the City Council will hold their Public Hearing on October 3, 2016.

The Planning Board has set their Public Hearing for October 17, 2016 at 7:15pm.

**C. Communication from Edward Coveney**

Mr. DuPont read into the record the formal resignation of Mr. Edward Coveney from the Planning Board.

On a motion made by Mr. McCarthy, seconded by Mr. Hodge the resignation was accepted and placed on file and Mr. Coveney was wished well in the future. Motion carried.

**3. Approval Not Required: None**

**4. Public Hearings (7:15):**

**A. Howe and Valley St (Marlborough Hub) Hancock Associates.**

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

Presentation

Those speaking in favor-questions

Those speaking in opposition

Questions from Board Members

**Presentation:**

Mr. Joseph Peznola and Mr. Jacob Lemieux were in attendance to present the proposed subdivision.

The plan consists of 5 lots, 4 lots are to have duplex style homes and 1 lot will have a single family home. Four waivers from the subdivision rules and regulations were requested. The requests are as follows:

1. A waiver to Subdivision Regulations Design Standards section IV.b.2.(e): "Property lines at street intersections shall have a radius equal to 30 feet (30') at intersections involving a major street and 25 feet (25') at other intersections." As there is no existing property line radius at intersection.
2. A waiver to the Subdivision Regulations Design Standards section IV.b.3.(a): "the minimum width of rights-of-way shall be as follows: secondary streets: fifty feet (50')." As the existing right of way is 40'.
3. A waiver to the Subdivision Regulations Design Standards section IV.b.4.(c): "...the horizontal tangent distance between any two (2) reverse vertical curves shall be a minimum of one hundred feet (100')." As a horizontal tangent distance of 53.4 feet (53.4') is proposed due to existing grades of existing lots on west side.
4. A waiver to the Subdivision Regulations Design Standards section V.d. 1: "unless otherwise specified by the planning board, the sidewalks shall extend the full length of each side of the street..." As a sidewalk is proposed the full length of one side of the street.

Mr. DuPont read the communication from the Conservation Officer Priscilla Ryder into the record. (Agenda Item 5F)

**Speaking In Favor or Questions:**

Mr. Steve Carragian, Manager of Marlborough Hub noted that he is in favor of the project.

Questions were asked by the following:

Mr. James Pazzanese, 141 Howe Street

Mr. Ronald Poirier, 134 Howe Street

Mr. Russell Ney, 140 Howe Street

Mr. Steward Herrick, 174 Howe Street

The four gentlemen had the same concerns/questions involving the roadway width, and use of the roadway by the public. The existing driveway and completion of that access point. Deforestation of the area and the perceived loss of privacy. Perceived density, access, egress and drainage issues.

**Speaking In Opposition:** None

**Questions from the Board Members:** None

On a motion made by Mr. DuPont, seconded by Mr. Hodge it was voted to refer the plan to the Engineering Department for review. Motion carried.

On a motion made by Mr. DuPont, seconded by Mr. Hodge it was voted to accept and place on file the communication from Conservation Officer Ryder. (Agenda item 5F) Motion carried.

The Public Hearing was closed at 7:41pm

**5. Pending Sub Division Plans: Updates and Discussion:**

**A. Engineers Report**

City Engineer DiPersio reported out to the Board that he has no items to report that are not already on the agenda.

**B. Walker Brook Estates Bond Reduction Request Decision**

Mr. DuPont read the favorable recommendation from the City Engineer into the record.

On a motion made by Mr. Hodge, seconded by Mr. DuPont it was voted to reduce the performance bond to \$102,000.000 in agreement with the City Engineers recommendation. Motion carried.

**C. Engineers Review Notes Goodale Estates**

City Engineer DiPersio gave a verbal overview of his review notes for the Goodale Estates Subdivision.

Of note was the inclusion of sloped granite curbing instead of the required vertical granite curbing. The Engineer of record for the project was notified of the error.

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted waive the reading of the correspondence from the City Engineer. Motion carried.

On a motion made by Mr. DuPont, seconded by Mr. Hodge the correspondence was accepted and placed on file. Motion carried.

**D. Draft Certificate of Vote Goodale Estates**

**E. Draft Covenant Goodale Estates**

Agenda items 5D and 5E were taken up together.

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to refer items 5D and 5E to the Legal Department for review and verification of proper legal form. Motion carried.

These items will be placed on the next regularly scheduled agenda (October 3, 2016)

**F. Comments from Conservation Commission re: Marlborough Hub  
(Howe & Valley Streets)**

This item was taken up earlier in the agenda.

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

**7. Definitive Subdivision Submission:**

**A. Jelico Homes 626 Stow Rd (Attorney Rowe) WITHDRAWN**

Mr. DuPont read the short communication from Attorney Rowe withdrawing this application.

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to accept the withdrawal as presented. Motion carried.

**8. Signs: None**

**9. Unfinished Business:**

**A. Blackhorse Farms (October 4, 2016)**

Mr. DuPont read the communication from Attorney Beattie regarding the timeframe for planting of the required trees.

Mr. DuPont read the favorable recommendation regarding the bond reduction from the City Engineer into the record.

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to accept both correspondences and place them on file. Motion carried.

On a motion made by Mr. Fay, seconded by Mr. DuPont to reduce the performance bond to \$101,000.000 in agreement with the City Engineers recommendation. Motion carried.

**B. Macomber Lane continued discussion.**

Mr. DuPont read the communication from City Solicitor Rider into the record.

After much discussion among the Board members and Solicitor Rider, regarding such topics as Duty to Maintain, potential amendment of an accepted subdivision roadway, potential reconfiguration-reconstruction of the existing cul de sac, and brainstorming on other ways to alleviate the parking issues that the owners of 15 Macomber Lane are continually dealing with.

On a motion made by Mr. Fay, seconded by Mr. Hodge the communication from City Solicitor Rider was accepted and placed on file.

**C. Proposed Zoning Amendment 65-5.B. 65017, 650-18.A(44) & 650-48.A**

Attorney Rider reviewed his communication to the Board answering the questions from the last meeting specifically addressing the question of spot zoning.

After much debate/discussion regarding the merits and or concerns posed by the requested zoning amendment the following action was taken.

In regards to the proposed amendment to the City of Marlborough Zoning Ordinance, proposed by BSL Marlborough Development LLC ("BSL") on behalf of Richard and Jill Cochrane, owners of the 2 lots identified as Marlborough Assessors Maps 30, Parcels 13 and 14 (together, "421 Bolton Street").

As the proposed zoning amendment would amend 4 separate sections of the Zoning Ordinance, the Board took each proposal in a separate discussion.

**1.) In Section 650-5.B, amending the definition of “Boardinghouse or Lodging House” to read as follows (new text underlined):**

**BOARDINGHOUSE or LODGING HOUSE**

A building or a portion thereof in which rooms or suites of rooms are let for fee as places of human habitation, either permanently or transiently, to four or more persons or which requires a license as required by MGL c. 140, § 22 et seq., as amended. The term "boardinghouse or lodging house" shall exclude convalescent homes, nursing homes, assisted living facilities, shelters, hotels and motels which are licensed as such pursuant to applicable state law.

- The Planning Board has no objection to this proposed amendment.

**2.) Adding to the Table of Use Regulations, Section 650-17, a category for “Assisted Living Facilities” under “Residential Uses,” as follows:**

	Zoning District Abbreviations											
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	MV
Residential Use												
Assisted Living Facilities	SP	SP	SP	SP	SP	N	N	N	N	N	N	N

- The Planning Board has no objection to this proposed amendment.

**3.) Adding to Section 650-18, Conditions for Use, a new subsection 650-18.A(44), as follows:**

(44) Assisted living facilities shall only be located on lots with an area of at least 10 acres and with at least 250 feet of frontage along Route 85.

- The Planning Board does have an objection to the overly restrictive terms (i.e., at least 10 acres, at least 250 feet of frontage, and along Route 85) and suggests that the City Council consider removing these terms from the amendment.

**4.) Adding to Section 650-48.A, Off-Street Parking, a new subsection 16, as follows:**

(16) Assisted living facility: half a space for each bed.

- The Planning Board has no objection to this proposed amendment.

On a motion made by Mr. Hodge, seconded by Mr. McCarthy, it was voted to forward a generally favorable recommendation to the City Council in regards to City Council Order #16-1006631, as bulleted above. Motion carried 4-1(DuPont).

**10. Informal Discussion:** None

**11. Correspondence:**

**A. Citizens Planner Training Collaborative Fall Workshops**

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

**12. Public Notices of other Cities and Towns:**

**A. Town of Framingham, Planning Board Notices (2)**

**B. City of Marlborough City Council Public Hearing**

On a motion made by Mr. Fay seconded by Mr. DuPont it was voted to accept and place on file items A & B. Motion carried.

**Adjournment:** On a motion made by Mr. McCarthy, seconded by Mr. Hodge it was voted to adjourn at 8:40pm. Motion carried.

Respectfully submitted,

Brian DuPont  
Acting Clerk

/mai