

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

Call to Order

November 13, 2017

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Colleen Hughes, Sean Fay, Brian DuPont and George LaVenture. Also in attendance were City Engineer, Thomas DiPersio, and Planning Board Administrator, Krista Holmi.

1. Meeting Minutes:

A. October 30, 2017

On a motion by Ms. Hughes, seconded by Mr. Fay, the Board voted to approve the Planning Board meeting minutes of October 30, 2017. Mr. LaVenture abstained. Motion carried.

2. Chair's Business:

Chairperson Fenby acknowledged the participation of a Boy Scout troop in the evening's proceedings. As time allowed, Chairperson Fenby requested that Item 5, Engineer's Report, be moved up in the agenda.

5. Pending Subdivision Plans: Updates and Discussion

A. Engineer's Report

Slocumb Lane – Attorney Beattie was present to update the Board. Roadway deeds will be updated reflecting transfer of ownership to the City; City Engineer DiPersio said that once complete, Engineering will prepare their report that work is complete and documents are in place for acceptance of the street.

Mauro Farm - Deeds for the open space parcels, roadways and their appurtenant municipal easements will be finalized. Engineering anticipates making its report that work is complete and documents are in place for street acceptances.

Goodale Estates – The City Engineer has communicated with the developer who has agreed to address outstanding pathway issues. The area will be cleaned up, trees trimmed and any displaced rocks will be set. Further compaction of the stone dust with a top dressing of wood chips was recommended to reduce any further erosion.

3. Approval Not Required:

A. 245 Stow Rd.

The owner's representative was not in attendance; therefore, the ANR was not formally presented to the Board. On a motion by Ms. Hughes, seconded by Mr. Fay, the board voted to table the item. Motion carried.

B. 215 Simarano ANR -Stamski & McNary on behalf of Jeremiah 29, LLC

Matthew Watsky, Counsel for Jeremiah 29, LLC, was in attendance to present the plan. Attorney Watsky explained that the sole purpose of the ANR was to create a three-year "zoning freeze" for what the applicant believes is the as-of-right siting of the applicant's storage facility project. Ref: MGL CH 40A Section 6. No action taken.

4. Public Hearings:

A. Proposed Zoning Amendment – 650-59. C (11)

Powers and Procedures of Special Permit Granting Authorities

Public Hearing Monday, November 13, 2017 – Proponent – City Solicitor Rider

Chairperson Fenby opened the hearing at 7:15 p.m. Ms. Hughes read the notice of public hearing into the record. Chairperson Fenby provided introductions and instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from members.

Presentation:

Solicitor Rider (representing Council President Clancy) explained that for administrative convenience, this amendment enables Council to designate and authorize its President, or in his or her absence or incapacity, its Vice-President, to sign special permit extension agreements on behalf of the Council, without the necessity of a formal vote being taken at a regular Council meeting. This action would address times when there are gaps in the meeting calendar.

Speaking in Favor of the Amendment: Speaking in Opposition to the Amendment:

No person spoke in favor or in opposition to the amendment.

Chairperson Fenby declared that portion of the Public Hearing closed.

Questions and Comments:

Mr. Fay commented that with this amendment, the Council President could act alone without other councilors being aware of the extension. He asked whether there was any concern that we would be losing transparency associated with these extensions being administered "outside the public eye." Solicitor Rider did not feel that there was any concern as those actions could be easily shared through the Council office. Chairperson Fenby indicated that she would be opposed to the Planning Board operating in such fashion. Developers must face the Board to request extensions. Mr. LaVenture wondered how this amendment may affect the applicant's behavior? Could this amendment be used to a developer's advantage in some way? Are there any concerns about extensions beyond a legislative session? Solicitor Rider explained that Mass General Law dictates process at the end of a legislative session, and no action taken on the local level would supersede General Law.

Chairperson Fenby declared the Public Hearing closed. (7:30 p.m.)

5. Pending Subdivision Plans: Updates and Discussion (Continued)**B. Hager St. ANR and Definitive Plan**

There has been no further communication between the project representative, Peter Bemis, and the Board. The Board took the following action: On a motion by Mr. Fay, seconded by Ms. Hughes, the board voted to deny the definitive subdivision plan without prejudice. Motion Carried. Mr. Fay further motioned to deny all ten waiver requests associated with the definitive plan. The motion was seconded by Ms. Hughes. Motion carried. The Board requested that Solicitor Rider and Board Administrator Holmi prepare correspondence informing the applicant, his representative and the City Clerk of the Board's action.

C. Walker Brook – Snow Plowing Request

Ms. Hughes read the communication from Assistant City Engineer Collins into the record. On a motion by Mr. Fay, seconded by Mr. DuPont, the Board voted to accept and place on file. Motion carried.

The letter details the developer's request for the Department of Public Works (DPW) to conduct snow and ice removal for the 2017-2018 snow season on Allis and Bemis Road in the Walker Brook Estates; the letter also served as notification that pursuant to MGL Ch. 40 Section 6-C the streets were placed on a plowing list submitted to the City Council. (

6. Preliminary Subdivision Submittal**A. 215 Simarano Drive- Stamski and McNary, Engineer, on behalf of Jeremiah 29, LLC**

Matthew Watsky, Council for Jeremiah 29, LLC, was there to represent the plan. Attorney Watsky explained that the sole purpose of the Preliminary Plan was to create an eight-year "zoning freeze" for what the applicant believes is the as-of-right siting of the applicant's storage facility. Ref: MGL CH 40A Section 6. Mr. Watsky indicated that the plan was filed as part of the "belt and suspenders" approach along with the earlier ANR plan for the same site and that the zone freeze applies to the parcel(s) and not the plan. Mr. Watsky explained that the owner intends to develop the storage facility that was presented earlier to the Site Plan Committee.

On a motion by Ms. Hughes, seconded by Mr. Fay, the Board voted to accept the application and place on file. Motion carried. On a motion by Ms. Hughes, seconded by Mr. LaVenture, the Board voted to refer the matter to the Legal Department for review. Motion carried.

7. Definitive Subdivision Submission: (None)

8. Signs: (None)

9. Unfinished Business:

A. Proposed Zoning Map Amendment, Section 650-8- Retirement Community Overlay District

The Board continued their discussion of the merits and potential issues with the overlay district. Ms. Hughes commented that absent the advice from a planner, she feels that the airport parcel is not a bad location for a retirement community. Mr. Fay concurred that there could be other plans with negative impacts to the City, and this plan appears to be an appropriate use. He feels, however, that there should be more of a "neighborhood" approach to the district, and not specific to one developer's project. Mr. Fay would like other surrounding parcels (Trombettas, Wayside and the mobile home park) included in the overlay district. Mr. DuPont feels that he could not make an affirmative vote on the amendment since he has been consistent in his feeling that the siting, as well as determination of current and future needs for housing, should be guided by a community-based development plan, not a specific developer's project. Chairperson Fenby expressed that any retirement community should include design elements geared toward seniors. 55+ developments, even in so-called active senior housing projects, should include grab bars and first-floor services.

On a motion by Mr. Fay, seconded by Ms. Hughes, the Board voted to make a favorable recommendation regarding the Retirement Community Overlay District with the following conditions:

- 1) The Board recommends that units include senior design amenities.
- 2) The Board recommends that the developer provide affordable housing units in the development and not be allowed to provide payment in lieu of affordable units.
- 3) The Board recommends extending the Retirement District to abutting parcels including Trombetta's, Wayside and the mobile home park.
- 4) The Board recommends acquiring the easements necessary to provide vital nature trail linkages.
- 5) The Board recommends the creation of a comprehensive master plan to guide future development and further recommends the hiring of a City Planner to provide oversight.

10. Informal Discussion:

A. Hancock Associates – Roosevelt St. ANR Discussion

Present for the discussion were Dan Bremser from Hancock Associates and Joe Moreira, Council for the potential buyer. Mr. Bremser discussed a proposed ANR plan at the end of Roosevelt St. in Marlborough. Roosevelt is a public way and the proposed lots have adequate frontage. Since Roosevelt is a dead-end street, the engineering firm wished to discuss the question of vital access to the two new proposed homes. They wanted to make certain that the City was comfortable with the plan and determine whether the City would impose additional design requirements such as a temporary turnaround or a full cul-de-sac. Hancock noted that if a full cul-de-sac was required by the City, they would be unable to meet lot shape requirements. The Board suggested that Mr. Bremer contact the fire department to determine whether they were comfortable with the plan and to incorporate their feedback into any future submitted plan.

11. Correspondence: (None)

12. Public Notices of other Cities and Towns:

On a motion made by Ms. Hughes, seconded by Mr. Fay, item 12 accepted and placed on file. Motion carried.

Adjournment: On a motion made by Mr. LaVenture, seconded by Mr. DuPont, it was voted to adjourn at 8:55 pm. Motion carried.

/kih

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Colleen Hughes", with a long, sweeping flourish extending to the right.

Colleen Hughes
Clerk