

**MINUTES  
MARLBOROUGH PLANNING BOARD  
MARLBOROUGH, MA 01752**

**Call to Order**

**September 11, 2017**

The Meeting of the Marlborough Planning Board was called to order at 7:04 pm in Memorial Hall, 3<sup>rd</sup> Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Philip Hodge, Colleen Hughes, Brian DuPont and George LaVenture. Also in attendance were City Engineer, Thomas DiPersio, City Solicitor, Don Rider and Planning Board Administrator, Krista Holmi.

**1. Meeting Minutes:**

**A. August 28, 2017**

On a motion made by Mr. Hodge, seconded by Mr. LaVenture, the Board voted to approve the Planning Board meeting minutes of August 28, 2017. Member Brian DuPont abstained. Motion carried.

**2. Chair's Business:**

**A. Set Public Hearing Date for Proposed Zoning Amendment- Self-Service Storage Facilities**

Public Hearing date set for Monday, October 16, 2017 – 7:30 p.m. Proponent- City Solicitor, Don Rider.

**B. ANR – Hager St. (approval not required under the subdivision control law)**

Solicitor Rider reviewed a matter regarding the Hager St. ANR. At the August 28 meeting of the Planning Board, members voted to endorse the Hager St. Approval Not Required Plan dated June 28, 2017. The applicant, however, did not present the Mylar to the Board for signature on August 28. (Mr. Bemis's intention to present the Mylar at the 8-28-17 meeting was detailed in his letter to the Board dated 8-7-17.) Solicitor Rider explained that since the plan spans both Framingham and Marlborough, Framingham must also sign the ANR. The Framingham Planning Board had requested changes to a notes section of the ANR plan and endorsed the plan with those changes at its meeting on September 7. Changes made to the plan, while not materially different, placed the Marlborough Planning Board in the position of signing a plan that was voted as approved on August 28, yet modified by the applicant on September 6 and, as modified, signed by Framingham on September 7. Mr. Bemis agreed to send a letter to the Marlborough Planning Board requesting their decision on the modified ANR at their meeting on September 25, 2017, and extending the time for that decision until September 26, 2017. On a motion by Mr. LaVenture, seconded by Ms. Hughes, the Board voted to allow for the requested extension until September 26, 2017, in anticipated receipt of Mr. Bemis's extension request. Motion carried.

**3. Approval Not Required (None)**

**4. Public Hearings (None)**

**5. Pending Subdivision Plans: Updates and Discussion:**

**A. Engineer's Report –**

City Engineer DiPersio indicated that the maintenance period of the Slocumb Lane Subdivision (Blackhorse Farms) is set to expire on November 14, 2017. A letter will be sent to the developer regarding the status of the subdivision along with any expectations of the Engineering Department.

### **B. Howes Landing:**

Ms. Hughes read the 9-07-17 letter from Assistant City Engineer Collins to the developer regarding the approaching subdivision expiration date of December 1, 2017. Should the developer need additional time, the letter details the steps necessary to petition the Planning Board for an extension- A revised construction schedule, proof of current tax status, proof that the property is free from blight, and proof from the Surety stating the amount of the bond, as well as verification that the bond obligation has been extended for the time requested. On a motion by Ms. Hughes seconded by Mr. LaVenture, the Board voted to accept the letter and place on file. Motion carried.

### **B. Hager St. Mark Wambolt, Sr. and applicant representative, Peter Bemis, present.**

Discussion centered on two primary areas: 1) The proposed **Conservation Restriction**  
2) The requested **Waivers**

#### **Conservation Restriction:**

Ms. Hughes read a letter dated 9-11-17 from Conservation Officer, Priscilla Ryder, into the record. On a motion by Mr. DuPont and seconded by Mr. LaVenture, the Board voted to accept the letter and place on file. Motion carried. In the letter, Ms. Ryder informed the Planning Board that at its meeting on September 7, 2017, the Conservation Commission had reviewed the subdivision plan and draft Conservation Restriction (CR) for the project associated with the 72 Hager St. property. Key points from the letter include the following:

- a) While open space in and of itself has value to the environment, wildlife, natural functions and aesthetics, for the Commission to hold a CR, the Commission must define some public value in the land; therefore, the value of the CR must be more clearly defined.
  - b) As written, the CR is too broad and provides for too many activities. Proposed activities on the property must be allowed under current zoning regulations.
  - c) Any barn location and size and/or pathways must be defined and shown on a site plan made part of a CR.
  - d) An underlying owner of the open space and a management plan for the space must be defined.
- Conservation Commission Chair Edward Clancy and Mr. LaVenture echoed the sentiments of the letter.

#### **Waivers:**

There are ten requested waivers for the property. Chairperson Fenby lead the discussion seeking Board Member input. Initial debate centered on waivers 1-5 and the feedback from Fire Chief Breen. Chief Breen had previously expressed general concerns over the roadway width, turning radius into the development and maneuverability within the cul-de-sac. Ultimately, since several of the waivers deviate substantially from existing design requirements, it was suggested that the Mr. Bemis revisit those waivers with Fire Chief Breen. The Board felt that any vote on these waivers must be preceded by formal feedback from the Chief. The Board would welcome Engineering's participation in any meetings between the Chief and the applicant's representative.

Q: Mr. LaVenture seeking to understand the value to the City for the waivers requested – We have a standard... How much deviation may be considered?

Solicitor Rider reviewed the two elements to consider in the Planning Board's waiver votes:

- 1) Is the waiver in the public's interest?
- 2) Is the waiver not inconsistent with the intent and purpose of the subdivision control law?

Mr. Wambolt (the owner and applicant) expressed his feeling that he strongly desired to preserve the rural character of the property. In his opinion, the proposed design would do just that. He expressed his impression that when Planning Boards vote to reject waivers, developers take the easy

route - seeking to maximize profits by building out properties in full, while avoiding the time-consuming demands of waiver approvals. Chairperson Fenby addressed the applicant by reviewing the thoughtful consideration of this project by the Board. She stated the Board *does* value the open space, and for that precise reason, the Board has committed considerable time and effort working with the applicant. (Council President Clancy indicated that the moratorium on residential special permit applications is nearing its end, allowing the applicant to submit a "conventional open space design" if he so chooses.)

The discussion moved to waivers 6-10. Waiver 6 - The Board expressed its preference to avoid what Mr. Bemis referred to as "Country Drainage". A catch basin or other means to remove water from the road was deemed necessary. Waiver 7- Tree waiver was not met with opposition. Waiver 8 Monuments- City Engineer DiPersio felt that front monuments should be provided at minimum. 9 Street Signs and Names- Street Signage must be designed to allow adequate identification of households for safety purposes. 10 Street Lights – Preference for some means of lighting. Mr. Bemis indicated that lighting could easily be added at the end of driveways, but street lights for the private way are not desired.

Q: Where is the closest fire hydrant? Mr. Bemis indicated that the road is only 160 feet long and there is a hydrant at the beginning of the road on Hager St.

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

**7. Definitive Subdivision Submission: None**

**8. Signs: None**

**9. Unfinished Business: None**

**10. Informal Discussion: None**

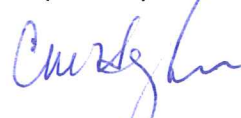
**11. Correspondence: None**

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

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

Adjournment: On a motion made by Mr. LaVenture and seconded by Mr. DuPont it was voted to adjourn at 8:20 pm. Motion carried.

Respectfully submitted,



Colleen Hughes  
Clerk

/kih