

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

Call to Order

August 28, 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, Sean Fay, Philip Hodge, Colleen Hughes and George LaVenture. Also in attendance were City Engineer, Thomas DiPersio and Planning Board Administrator, Krista Holmi.

1. Meeting Minutes:

A. July 24, 2017

On a motion made by Mr. Fay, seconded by Mr. LaVenture, the Board voted to approve the July 24, 2017, Planning Board meeting minutes. Members Philip Hodge and Colleen Hughes abstained. Motion carried.

2. Chair's Business: Public Hearing Dates Set for the following matters:

A. Proposed Zoning Amendment- Brew Pub, Wineries, Breweries and Distilleries- Public Hearing date set for Monday, September 25, 2017 – 7:05 p.m. Proponent – Council President Edward Clancy

B. Proposed Zoning Moratorium- Recreational Marijuana Establishments in the City of Marlborough - Public Hearing date set for Monday, September 25, 2017 – 7:15 p.m. Proponent- City Councilor Kathleen Robey

C. Proposed Zoning Amendment- Expansion and Modification of Hospitality and Recreation Mixed-Use Overlay District (HRMUOD)- Public Hearing date set for Monday, September 25, 2017 – 7:30 p.m. Proponent- Attorney Kevin Erickson

D. Proposed Zoning Amendment- Rail Trail Overlay District- Public Hearing date set for Monday, October 16, 2017. Proponent- Attorney Arthur Bergeron

3. Approval Not Required:

**A. Decision - Hager Street & Boston Post Rd East - Book 68015 Page 229
Assessors Map 62 Parcel 7**

Applicant representative, Peter Bemis of Engineering Design Consultants (EDC), was in attendance for the decision. Ms. Hughes read into the record a letter from City Engineer DiPersio detailing his favorable recommendation for the Board's endorsement of the plan. On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to accept the letter and place on file. It was further voted to endorse the Approval Not Required Plan for the Hager St. & Boston Post Road East property. Motion Carried.

On a motion by Ms. Hughes and seconded by Mr. Fay, it was voted to reorder the agenda items. Motion carried.

5. Pending Subdivision Plans: Updates and Discussion: Engineer's Report

A. Mauro Farm:

Construction is complete. Legal work related to the open space deeds continues. In response to a question from Ms. Hughes, Mr. DiPersio explained that the City Clerk's certificate included in

the agenda packet verified that no appeal had been filed within twenty days of the Planning Board's original subdivision approval decision.

B. Howes Landing:

Subdivision expiration date is December 1, 2017. Correspondence will be sent to the developer reminding them of the upcoming deadline.

C. Commonwealth Heights:

Ms. Hughes inquired whether a reminder should also be sent to the Commonwealth Heights developer (Gutierrez) given the November 27th subdivision expiration date. Mr. DiPersio indicated that the developer had appeared before the Board on July 24, 2017, and that the developer was adequately informed.

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

7. Definitive Subdivision Submission: None (See item 4 below: Public Hearing)

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.

4: Public Hearings: (7:15 p.m.)

A. 72 Hager St.— Definitive Subdivision Plan – Applicant South Coast Advisors LLC

Chairperson Fenby opened the public hearing at 7:15 p.m. Ms. Hughes read the public hearing notice into the record. The hearing proceeded in the following order:

Presentation by applicant representative, Peter Bemis, Engineering Design Consultants, Inc.

Those speaking in favor

Those speaking in opposition

Questions from Board Members

Presentation: Peter Bemis began with an introduction of the property owners, Mark Wambolt, Sr. and Mark Wambolt, Jr. of South Coast Advisors. Mr. Bemis provided some historical background on previous designs for the property, including a conventional five-lot subdivision as well as a four-lot open space plan. Given the preference to preserve open space and the continued moratorium on residential special permit applications, the applicant wishes to present the plan submitted to the Board at tonight's public hearing.

Mr. Bemis explained the plan requires numerous Planning Board waivers, but is the preferred plan with only three building lots on a cul-de-sac. The 2.56 acre agricultural-use open space (access from Boston Post Road) would be for cow grazing and a barn to winter cows.

The subdivision plans do not show the proposed barn. A draft Conservation Restriction (CR) prepared by Attorney Arthur Anderson is included in the agenda packet.

Mr. Bemis provided an overview of each of the waiver requests as follows:

- Request waiver from the required 25-foot radius at property line intersections with Hager St. (to 12' and 0')
- Request waiver from the required width of 50' Right of Way (to 30')
- Request waiver from Dead-End-Streets required 100' property line diameter (to 40'-described as adequate to accommodate the turning around of the City's largest emergency vehicle - an aerial ladder truck.)
- Request waiver from the maximum 3% slope requirement (5% requested through the cul-de-sac.)
- Waiver from required width of 26' (to 18' – only three lots and width still allows 2-way passage of cars.)
- Request waiver of sidewalks, curbs and gutter as road is private and has only three dwellings.
- Request waiver from providing street trees as road remains private and individual lots will be landscaped.
- Request waiver from providing monuments as road will remain private.
- Request waiver from providing street signs as dwelling addresses will be off Hager St.
- Request waiver from providing street lights as road will remain private in a rural setting.

Homes will be serviced by septic systems, underground utilities and infiltrated roof drainage systems. In accordance with state regulations, a stormwater management plan has been provided. Q: Mr. Fay – What does the stormwater management plan look like? Mr. Bemis indicated that roof water will enter ground chambers, and roadway runoff will enter a stone trench with a pipe to overflow into the farm pond.

Ms. Hughes read comments from Conservation Officer, Priscilla Ryder, into the record. Ms. Priscilla Ryder indicated she had received a copy of a draft Conservation Restriction (CR) for the property. This matter will be reviewed by the Conservation Commission for comment. On a motion by Mr. Fay, seconded by Ms. Hughes, the Board voted to accept the comments and place on file. Motion carried.

Mr. LaVenture directed a question about the open space to Mr. Bemis. Noting that the CR places the word "barn" in quotations, Mr. LaVenture asked whether there were any plans for the space beyond housing livestock. Mr. Bemis indicated the owner plans to build an approximate 30' x 50' barn, including a hay loft and paddock area. Mr. Bemis said that Attorney Anderson likely wrote the draft CR to avoid being "boxed in" or limited in their ability to either work the farm – to grow and sell produce, for example, or to maintain farm equipment on the premises. Mr. LaVenture furthered that the word "artisan" in the CR implies a potential business use for the property. Mr. Bemis reiterated his feelings that the CR is written to provide some flexibility to the owners.

On a motion by Ms. Hughes and seconded by Mr. Fay, the Board voted to refer the draft Conservation Restriction (CR) to the City's Legal Department for comment. Motion carried.

On a motion by Ms. Hughes and seconded by Mr. Fay, the Board voted to refer the definitive subdivision plan to Engineering for comment. Motion carried.

Ms. Fenby asked whether anyone in attendance wished to speak in favor of the project.

Speaking in favor:

Doug Stanczak of 40 Hager St. Mr. Stanczak indicated he preferred this three-lot plan with open space over the five-lot conventional plan. Mr. Stanczak wanted to express two concerns. He went to some length to remove trees from his property to provide sun to his lot, and he hopes that the trees from the open space do not overshadow his solar installation. His second concern is relative to a potential bus stop in the area. When his children were young, the bus stop was on Boston Post Road. With no sidewalk or crosswalk in the area, he felt that it was important to plan for a safe bus stop for any residents in the development.

Phil Bailey of 47 Hager St. Mr. Bailey asked for clarity on what types of dwellings were planned for the subdivision. With permission from the Chair, Mr. Bemis responded that the square footage for the homes would be in the high 2000's to low 3000's.

Speaking in opposition:

No person spoke in opposition.

Ms. Hughes read comments from Cathleen Liberty, Director of Public Health, in the City of Marlborough. Ms. Liberty indicated there were eight passing percolation tests completed on 10/16/16 and ten acceptable deep hole tests on file. Once test location plans are submitted to the Board of Health, the department can comment more definitively on the site's suitability to support septic systems.

Ms. Hughes read comments submitted by Fire Chief Breen. Chief Breen summarized his concerns related to the width of the proposed road (common driveway) for this subdivision, the narrowing of any turning into this driveway from Hager Street and the small size of the cul-de-sac. He also indicated that the roadway should be built to acceptable City standards to ensure the road can withstand the weight of modern fire apparatus (35+ tons). He also requests that any approval of this configuration be conditioned on posting/installing permanent, sequential street numbers referring to the homes to be located off the common driveway.

Police Chief Giorgi has no comments on the subdivision plan.

On a motion by Mr. Fay, seconded by Ms. Hughes, the Board voted to accept the comments and place on file. Motion carried.

Chairperson Fenby requested that a discussion of the project's waivers be placed on the agenda for September 11, 2017.

The public hearing was closed at 7:52 p.m.

In preparation for the next meeting of the Planning Board, members summarized the following discussion points:

- Are there any restrictions on the Boston Post Road opening to the open space?
- Preferred drainage designs
- Conservation Restriction – viewpoints of both the Conservation Commission and Legal Dept.
- Fire Dept. design feedback and waivers

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Colleen Hughes", with a stylized flourish at the end.

Colleen Hughes
Clerk

/kih