

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

**Call to Order**

**May 22, 2017**

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3<sup>rd</sup> Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Philip Hodge, Colleen Hughes, Sean Fay and Shawn McCarthy. Also in attendance were City Engineer, Thomas DiPersio, City Solicitor, Don Rider, and Planning Board Administrator, Krista Holmi.

**1. Meeting Minutes:**

**a. May 8, 2017**

On a motion made by Ms. Hughes, seconded by Mr. Fay, the Board voted to approve the minutes from the May 8, 2017, regular Planning Board meeting. Motion carried.

**2. Chair's Business:**

Chairperson Fenby informed the Board that the City Council would be voting on the appointment of George LaVenture during the May 22, 2017, City Council meeting. Assuming an affirmative vote by the City Council, (along with the Mayor's signed order and subsequent swearing in by the City Clerk), Mr. LaVenture's first Planning Board meeting will be June 5, 2017.

**3. Approval Not Required:**

**a: 32 Eager Court (Decision)**

Applicant, Robert Cabral, was present for the discussion. Ms. Hughes read a letter into the record from City Engineer DiPersio noting the Engineering Division's favorable recommendation for endorsement of the plan. On a motion by Mr. Fay and seconded by Ms. Hughes, the Board voted to accept the letter and place on file. Motion Carried.

On a motion by Ms. Hughes and seconded by Mr. McCarthy, the Board voted to endorse the Approval Not Required Plan for the property located at 32 Eager Court. With the decision, the Board recommended that correspondence be sent to both the City Building Commissioner and the Zoning Board of Appeals detailing the following: The Board's endorsement of the ANR plan for 32 Eager Court should not be construed as basis for the issuance of a building permit for 32 Eager Court or any other contiguous parcel owned by Robert Cabral and/or Cabral Construction, LLC, or as justification for relief from the City's zoning regulations. Motion carried.

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

**a: Engineer's Report**

City Engineer DiPersio reported the following updates:

**Mauro Farm:**

Developer is preparing paperwork for street acceptance.

City Engineer DiPersio explained that a site inspection will be scheduled approximately 20 days before the end of the one-year maintenance period ending June 29, 2017. Engineering's recommendation is expected for the June 19 Board meeting.

**Cider Mill Estates:**

On track for completion next year. July 1, 2018, anticipated completion date.

**Blackhorse Farms:**

Property is in its 1-year maintenance period. (11-14-17)

**Commonwealth Heights:**

Extension in place until July 25, 2017. Owner was directed to address blight issues on the property, and ownership is actively seeking a new developer to complete the subdivision. Engineering was approached by a prospective developer inquiring about the property.

**The Walker Brook Estates:**

The developer recently paved the roadway. The agenda for the June 5, 2017, meeting of the Board will include the developer's formal request for bond reduction and placement in the 1-year maintenance period. The developer has provided all necessary documentation including an updated schedule, proof of up to date taxes, statement from the Code Enforcement Officer indicating the property is free from blight, and proof of bond status from the developer's bank. (The bond information had not arrived in time for inclusion on the May 22 agenda.) Walker Brook Estates currently has an extension in place until June 6, 2017.

**Howes Landing:**

Expiration date of 12-1-17. Utilities installed, roadway paved. Site plans are pending.

**Goodale Estates (Open Space):**

City Engineer reports that blasting for the placement of utilities is currently underway. A sidewalk on the west side is the developer's (as well as the Board's) preferred design over a trail. Noting site conditions that prohibit a full-width sidewalk in certain areas of the development, the Board discussed the possibility of a sidewalk "interrupted" by a trail in those areas.

**6. Preliminary/Open Space Submissions/Limited Development Subdivisions: None****7. Definitive Subdivision Submission: None****8. Signs: None****9. Unfinished Business: None****10. Informal Discussion****a: Bond Discussion**

Ms. Hughes read a letter into the record from Assistant City Engineer, Tim Collins, detailing a previous practice for verification of bond status. The process is detailed below:

- 1) Developer makes a formal request at a Board meeting for bond reduction.
- 2) Planning Board refers the bond request to the Engineering Division for review and recommendations.

- 3) Engineering reviews and makes recommendations to the Planning Board.
- 4) Planning Board votes to reduce the bond amount based on the recommendation from Engineering and makes the following notifications:
  - a. To the City Treasurer (Comptroller)
  - b. To the entity securing funds for completion of the subdivision requesting acknowledgement in letter form of the reduction in security.
- 5) Entity holding security for the completion of the subdivision sends a letter to the Planning Board referencing the means, balance (and expiration) of the security.

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

The Board discussed the fact that the only steps of the process currently missing are the notification of the City Comptroller and the final step of verification with the entity holding the security. (which is a practice we have reestablished). Board member McCarthy asked whether that process has enough steps. The Board felt it was, if we follow the practice consistently. Ms. Hughes discussed that in an age of bank acquisitions and mergers, without a detailed verification process, it would be easy to lose track of the securities. Ms. Hughes indicated that the Board would like further clarification from the Auditor indicating what, if any, Planning Board funds are being held by the City. She also felt that there should be a more identifiable place to look for the funds, for example, a DPW Planning Board account. The Board would like to extend an invitation to the City Auditor to discuss Planning Board funds at a future meeting.

**b: Discussion of Potential Conventional Subdivision 72 Hager Street**

There was a continuation of the discussion regarding the conceptual three-lot subdivision plan at 72 Hager St. City Engineer DiPersio explained that Engineering will provide information to the Board at its regular meeting on June 5 enumerating the required waivers for this plan design. He indicated that comment had been solicited from the Conservation Officer regarding the third conceptual plan, which preserves an area of "open space". Conservation Officer Ryder prefers the "spirit" of this conceptual plan over the five-lot conventional plan due to the preservation of open land, which is in keeping with the traditional eastern gateway into the City. City Engineer DiPersio said that he will consult with City Solicitor Rider to determine what, if any, impact there is to the development given that the Marlborough portion is less than five acres. (The six-acre parcel spans two communities, Marlborough and Framingham.)

**c: General Sign Discussion**

The Board discussed signage at various locations in the City. Board member Fay mentioned providing a report to the Building Department. The report was forwarded to the City's Code Enforcement Officer for evaluation. No further action was suggested.

**11. Correspondence:** None

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

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

**Adjournment:** On a motion made by Mr. McCarthy, seconded by Mr. Hodge, it was voted to adjourn at 7:40 pm. Motion carried.

Respectfully submitted,



Colleen Hughes  
Clerk

/kih