

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

Call to Order

April 24, 2017

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

1. Meeting Minutes:

A. March 27, 2017

On a motion made by Ms. Hughes, seconded by Mr. Fay, it was voted to approve the minutes from the March 27, 2017 regular Planning Board meeting, with Mr. DuPont abstaining. Motion carried.

2. Chair's Business:

A. Correspondence from City Comptroller responding to Board request (Bonds)

Chairperson Fenby requested the presence of the City Comptroller Brian Doheny at the next regularly scheduled meeting May 8, 2017, to go over exactly what information was outlined in the report that was submitted to the Board.

B. Resignation of Board Member Shawn McCarthy

Ms. Hughes read the resignation of Mr. McCarthy into the record. Mr. McCarthy has set the date for his final meeting to be June 5, 2017.

On a motion made by Ms. Hughes, seconded by Mr. Fay, Mr. McCarthy's resignation was accepted with regret. Motion carried.

3. Approval Not Required: None

4. Public Hearings (7:00):

A. Zoning Amendment, Expansion/Modification of HRMUOD

The Public Hearing was opened at 7:05pm. Ms. Hughes 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: Attorney Kevin Eriksen was in attendance to present the requested zoning amendment to the Board. The zoning amendment would involve two (2) lots that are currently not included in the recently created HRMUOD zone for incorporation. The lots in question are currently improved with a free-standing Bank of America building and a Wendy's Restaurant. Both buildings feature drive up capabilities and both have free standing pylon signs. It is the request of the developer that both of those items (signage and drive up capabilities) be considered as "grandfathered" uses and not count against the total of the same uses as allowed in the existing HRMUOD.

The secondary aspect of the requested amendment brings into focus the ability to have a drop off

dry cleaning storefront. The facility would NOT clean the articles on site but would be a gathering location with the articles sent off site to be laundered.

Speaking Opposition: None

Questions from Board Members:

Ms. Hughes questioned why the existing 2 drive-up windows should not be counted towards the allowed five (5) in the HRMOUD. A secondary question was regarding the existing curb cuts and if those would be closed. The answer was "no". Neither property owner wanted to close the access to their respective parcels.

Mr. DuPont questioned if this could be considered spot zoning as well as what is the plan consistent with, and why does this make sense to the common good?

Attorney Eriksen was adamant that this is not spot zoning and creates consistency between the Glen St and Ames St section of Route 20 West. He believes that in terms of long range planning, this makes total sense.

City Engineer DiPersio questioned the signage - both the existing and the Apex Center signage. Attorney Eriksen noted that neither of these businesses would lose their existing signage, and the Master Plan for the Apex Center signage has already been approved.

The Public Hearing was closed at 7:25pm. A recommendation must be presented to the City Council within 21 days (May 14, 2017.) Since that date is a Sunday, the recommendation must be to the City Council no later than May 15, 2017.

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineer's Report

City Engineer DiPersio reported out to the Board the following: The Walker Brook Estates Subdivision developer should not be looking for another extension from the Board for the time to complete. City Engineer DiPersio continued that he has been in touch with Avidia Bank which is the current owner of 2 of the unaccepted streets on the list that he has provided to the Board. It appears that Avidia is willing to work with the City in getting both Mosher Lane and Kelber Drive on the path to acceptance.

B. Marlborough Hub Withdrawal Without Prejudice

Ms. Hughes read into the record the notice of withdrawal regarding the Marlborough Hub Subdivision.

On a motion made by Ms. Hughes, seconded by Mr. McCarthy, the request was accepted without prejudice and placed on file. Motion carried.

C. Request for Extension Cider Mill Subdivision (May 26, 2017)

Ms. Hughes read the request from Attorney Beattie into the record.

Ms. Hughes read the communication from Code Enforcement Officer Pam Wilderman regarding the lack of blight in the subdivision into the record.

It was noted that a fresh completion schedule is required to be submitted to the City Engineer. It is missing from the submittal package.

On a motion made by Mr. DuPont, seconded by Mr. McCarthy, it was voted to refer the request to the Engineering Department with the required fresh completion schedule. Motion carried.

If the schedule is received and reviewed by the Engineering Department, this matter can be acted on at the next regularly scheduled meeting May 8, 2017.

D. Request for Extension Commonwealth Heights (May 5, 2017)

Ms. Hughes read the request into the record.

Mr. Scott Weiss was in attendance to answer any questions the Board may have pertaining to the request.

The subdivision consists of 6 Single Family ANR (Approval Not Required) lots and 17 Single Family lots on the Subdivision internal road. *(note: See May 8, 2017, agenda for clarification of developer's statement.)*

Due to the challenging nature of the property, even with other options explored, there is still no defined interest in developing the property in either the configuration that it sits in, or as another use altogether. The parcel sits in a residential zone that is surrounded by more intense business/industrial use zones.

It was noted that this subdivision approval has been in effect since 2007, which makes this 10 years old with very little action taken on it.

Mr. Weiss acknowledged that the company he works for does not normally construct single family homes.

On a motion made by Mr. Fay, seconded by Mr. DuPont, it was voted to grant an extension for the Commonwealth Heights Subdivision until May 9, 2017. This extension allows Mr. Weiss to produce the required documents for the City Engineer to review including the following necessary elements: current construction schedule, letter from Code Enforcement regarding any blighted conditions, and proof from the Collector's Office that all tax payments are up to date. Motion carried.

This item is to appear on the May 8th agenda for discussion and action.

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. Discussion Potential Conventional Subdivision 72 Hager Street

Due to a scheduling conflict with the presenter, this item is carried over to the next regularly scheduled meeting (May 8, 2017).

11. Correspondence: None

12. Public Notices of other Cities and Towns:

A. Town of Framingham Planning Board, 5 Notice

B. Town of Framingham Zoning Board of Appeals, 5 Notices

C. Town of Hudson Planning Department, 1 Notice

D. Town of Berlin Planning Board, 1 Notice

E. Town of Framingham Planning Board, 1 Notice

F. Town of Southborough Planning Board, 2 Notices

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

Calendar Tracking Updates:

Action on Cider Mill Request Next Meeting (May 8, 2017)

Extend Commonwealth Heights to May 9, 2017

Public Hearing Decision to Council 21 Days (May 15, 2017) No meeting that date, decision to Council after May 8 meeting.

Adjournment: On a motion made by Mr. McCarthy, seconded by Mr. DuPont, it was voted to adjourn at 8:21pm. Motion carried.

Respectfully submitted,



Colleen Hughes
Clerk

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