

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

2017 MAR 20 P 3:33

Call to Order

February 6, 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 & Brian DuPont.

Also in attendance were Board Secretary Melissa Peltier & City Engineer Thomas DiPersio

Shawn McCarthy & Philip Hodge were absent.

1. Meeting Minutes:

A. January 23, 2017

This item was carried over to the next regularly scheduled meeting. (February 27, 2017)

2. Chair's Business:

A. Update regarding Planning Board Page – Calendar

This item has been turned over to the Planning Board Secretary for the care and maintenance of the Planning Board page. Mr. Fay noted his continued objection to the lack of a Planning Board calendar to track expiration dates, and again expressed his concern that having to hunt and peck through a list of every open subdivision in the City will result in the Planning missing a deadline, expiration of a subdivision approval, or the lapse of a bond.

3. Approval Not Required:

A. Decision Hager St/Parmenter Rd (2 lots in Framingham, 1 in Marlborough)

Ms. Hughes read the favorable recommendation from City Engineer DiPersio into the record. On a motion made by Mr. DuPont, seconded by Mr. Fay it was voted to accept the correspondence and place it on file. Motion carried.

Titled: Plan of Land
Framingham/Marlborough, MA Middlesex County

Prepared For: South Coast Advisors LLC
2 Munroe Parkway
Wareham, MA

Prepared By: Engineering Design Consultants Inc
32 Turnpike Rd
Southborough, MA

Dated: January 13, 2017

On a motion made by Ms. Hughes, seconded by Mr. DuPont it was voted to endorse the plan as recommended by the City Engineer. Motion carried.

B. 560,566,568,574 Lincoln St (Hancock Associates) (February 27, 2017)

Mr. Dan Bremsler from Hancock Associates was in attendance to present the requested Approval Not Required Plan.

Board members questioned the reconfiguration of the "lots " to include the "rat tail" design, generally the Board is not in favor of such designs.

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to refer the Plan to the Engineering Department for review. Note was made that this plan must be reviewed and be available for the next regularly scheduled meeting on February 27, 2017. Motion carried.

4. Public Hearings (7:15): None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

City Engineer DiPersio reported out to the Board that the Goodale Estates subdivision was working on the roadway and drainage however there has been no decision regarding the sidewalk.

B. Marlborough Hub Continued Discussion (April 1, 2017)

Ms. Hughes read the lengthy communication from Attorney Bergeron into the record.

On a motion made by Ms. Hughes, seconded by Mr. DuPont it was voted to accept the communication and placed it on file. Motion carried.

Much discussion took place between the Board and Attorney Bergeron regarding the section of land being referred to as the former railroad land and the applicability of the use of that land as either "passive use" land per lot or just for counting in the minimum lot area for each intended lot. Attorney Bergeron proposed that his client could erect a sold fence removing the land in question from being utilized by the future owners of the properties. Attorney Bergeron also contended that his client could build on the non-railroad land as it stands with that land being beside the point.

Attorney Bergeron did note after being requested to provide a subdivision plan to the Board with no requested waivers, that the developer could not do that and this plan was never intended to "not" have waivers associated with it. The developer just does not have enough land to produce that type of a plan.

In particular, the Board is requiring the developer to provide the Board with legal authority to the satisfaction of the Board and City Solicitor that the developer can use the easement depicted on the submitted plan without "overloading" the easement. Mr. Fay noted that the authority provided by the City Solicitor seemed to clearly contradict the developer's position and the court in the case provided rejected the approach being forwarded by the developer. Mr. Fay also noted that the burden was on the developer to prove that they had the ability to use the easement for it's intended purpose and suggested that the developer provide a memorandum to the Board outlining the developer's position on that issue. The consensus of the Board was that absent proof to the Board's satisfaction and the satisfaction of the City Solicitor that the overloading issue has been addressed, the Board should not entertain a discussion on the merits of the requested

waivers.

The Board made clear to Attorney Bergeron that he needed to clear up the remaining issues collaborating with City Solicitor Rider. Attorney Bergeron noted that he will be requesting an extension from the current April 1 deadline at the next regularly scheduled meeting. (February 27, 2016)

This subdivision has not been further referred to the Engineering Department for review due to the issues that still need to be resolved.

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:

A. Town of Framingham Zoning Board of Appeals, 11 Notices

B. Town of Framingham Planning Board, 4 Notices

On a motion made by Ms. Hughes, seconded by Mr. DuPont it was voted to accept and place on file items 12A-B. Motion carried.

Adjournment: On a motion made by Mr. DuPont, seconded by Mr. Fay it was voted to adjourn at 7:45pm. Motion carried.

Respectfully submitted,

Colleen Hughes
Clerk

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