

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

2017 MAR 20 P 3: 33
February 27, 2017

Call to Order

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

Brian DuPont was absent.

1. Meeting Minutes:

A. January 23, 2017

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to approve the minutes from the January 23, 2017 regular Planning Board meeting. Motion carried.

B. February 6, 2017

On a motion made by Mr. Hodge, seconded by Ms. Hughes it was voted to table the minutes from the February 6, 2017 regular Planning Board meeting. Motion carried

2. Chair's Business:

A. Update regarding Planning Board Page – Calendar

Secretary Melissa Peltier and City Engineer Thomas DiPersio presented to the Board the updated web page for the Planning Board. Included on the site there were two links one link to the Subdivision Status Calendar (Updated) and one link to the newly created Subdivision Status Report.

The updated calendar has the expiration dates, and extension dates for the currently active or under review subdivisions. The Status Report has more information on it in an easy to read per subdivision format.

The Board has requested from the City Engineer to continue to receive a hard copy of the Subdivision Status report complete with comments.

The Board in general was happy with this current configuration.

A new topic will be added to the meeting minutes entitled "Calendar Tracking Updates" All updates discussed at the meeting will be listed in this section and then transcribed into the calendar by Ms. Peltier. In an effort to give the Board the "at a glance" information that they have been asking for.

3. Approval Not Required:

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

Mr. Dan Bremsler from Hancock Associates was in attendance to answer any questions the Board may have.

Ms. Hughes read the favorable recommendation from the Engineering Department into the record.

Of note the Board noticed that the ANR Plan itself contained a note stating the Planning Board

Endorsement Does Not Imply Compliance With Zoning Bylaws.

On a motion made by Mr. Fay, seconded by Mr. McCarthy it was voted to move the recommendation of the City Engineer and to endorse the Plans as amended. Motion carried.

4. Public Hearings (7:00):

A. Proposed Temporary Cessation...Special Permit Housing Projects

Ms. Hughes read the notice into the record.

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:

Mr. Joseph Delano, 10 Harper Circle, City Councilor Ward 1 and City Council Vice President

Mr. Edward Clancy, 106 Old Charter Road, City Councilor Ward 6 and City Council President

Both Councilors were in attendance representing the Mayor who was the driving force behind the proposed cessation.

The thought behind the proposed cessation is to give the City the ability to set in place regulations pertaining to the size and density of Special Permit required housing developments proposed within the City. The water and sewer capacity as well as the infrastructure of the City need to be balanced with the quality of life for the City's residents. To that end the City needs to take a step back and take a breath before delving into the next round of proposed housing of which there are several large projects in discussion stages.

Speaking in Favor or questions:

Attorney Arthur Bergeron 27 Prospect Street, Marlborough

Attorney Bergeron was speaking as an attorney for developers, he agrees with the proposed cessation with a couple of modifications, such as the proposed Assisted Living Facility for Bolton St should be allowed to move forward as they have already submitted a special permit application and the project is much advanced. The second modification should be for the allowance of Open Space Subdivisions (Planning Board Special Permits) as these types of developments are neutral in the housing units created by either conventional subdivision or open space.

Attorney Bergeron continued his comments as a private resident.

Mr. Bergeron believes this is a great idea. There has been so much work done already specifically in the creation of the Downtown Village District. This cessation time should be used to set some criteria in place as to what the housing should look like. Mr. Bergeron believes that in looking for affordable housing the first look should be at the older housing stock. Mr. Bergeron also believes that the criteria should not be focused on excluding families with children, but welcome larger families into the City.

Attorney David McCay from the Law Office of Mirick O'Connell

Attorney McCay is the representing attorney for the Benchmark Assisted Living Facility that is currently proposed for 421 Bolton St, Marlborough.

Attorney McCay believes that the proposed facility should be exempt from the proposed cessation due to the need for this specific type of housing as well as the fact that the Special Permit Application has already been filed with the City Council. This particular project has had many hours already sacrificed into it. There has been a zoning amendment filed for the property and approved there has been title work and plans drawn. This particular project is already well on its way to approval not in the planning or discussion stages. In closing, he feels this project should be exempted from the cessation regulation.

Speaking in Opposition:

Ms. Sandra Stetson, Owner Marlborough Airport Land, 685 Farm Road, Marlborough

Ms. Stetson stated that she is trying to sell the large parcel of land that includes that airport and is zoned as Limited Industrial (LI) land. She feels her life would be put on hold for the duration of the cessation (approximately 6 months) and she feels that is not fair to her.

Ms. Kathleen Robey, 97 Hudson Street, City Councilor At Large

Ms. Robey does not agree with the proposed cessation. Ms. Robey believes while the City Council has the ability to say No to a project that is not felt to be a good fit for the City as a whole, the Council does not evoke that privilege often (if ever). She feels there is no need for the cessation. This is the second public hearing regarding this proposal and the same people came out in support or against it. There seems to be no extreme feeling by the public in general either for or against this proposal.

Questions from Board Members:

Mr. Fay asked the simple question to both Councilor Delano and Councilor Clancy,

Why couldn't you just say no to any project that you feel is not a proper fit for either the location proposed or the City in general?

Councilor Delano feels that the Council could be put in an unfavorable position they may not have all of the information that could be required and the City could be stuck with a potentially low quality project.

Councilor Clancy noted that the Council is bound by law and can not just arbitrarily deny projects. There has to be a valid reason for the denial.

Mr. Fay questioned if this cessation would have a detrimental effect on the hard work that was done to create the interest and momentum in the Downtown Village.

Councilor Delano noted that most housing development in the Downtown Village District does not fall into the Special Permit category.

Mr. McCarthy questioned how the pent up demand will be dealt with at the end of the cessation time limit?

Councilor Clancy admitted that he had concerns regarding that issue as well. Councilor Delano noted that it is his feeling that the City Council would tell the potential developers what the City wanted in these locations and the developers would have to modify their proposed projects to fit within the design requirements. This potential issue will need to be worked through during

subcommittee discussions.

Ms. Hughes asked when the clock would start for the cessation?

Councilor Clancy noted that the intent is to set the final vote on the cessation for the second meeting in March. (March 27, 2017)

Ms. Hughes questioned whether the cessation would run from March 27, or from the initial date of the advertisement, which was January 13?

City Solicitor Don Rider noted that he and Attorney Bergeron agree that the cessation has not yet taken effect and will only take effect if and when the City Council votes to approve it. He further noted that where he and Attorney Bergeron disagree is whether the cessation, if approved, would have retroactive effect back to the date when the first newspaper ad ran for the City Council public hearing, which was January 13, 2017, or would instead have only prospective effect from the date of Council approval.

The Public Hearing was closed at 7:40pm.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to:

Forward an overall favorable recommendation to the City Council for the proposed six-month cessation of the Acceptance of Applications for Special Permit allowable housing projects with the following exceptions:

- Removal of the Open Space Special Permit issued by the Planning Board from the cessation requirement as these projects are neutral on the number of houses allowed in a particular development and,
- Removal of the proposed Assisted Living Facility project from the temporary cessation, as the zoning amendment enabling this project has already been approved and the project will be providing a much-needed senior living option within the City.

Motion carried.

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

City Engineer DiPersio reported out to the Board that the Subdivision Status report has been updated. He continued on to note that there are upcoming deadlines in May for multiple Subdivisions Walker Brook Estates and Cider Mill Estates, currently Mauro Farms and Blackhorse Farms are in their maintenance periods.

B. Wayside Hollow—Acceptance of Bouffard Dr. & Easements ref. from City Council

Ms. Hughes read the favorable recommendation from the City Engineer into the record.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to accept the recommendation and place it on file as well as forward the recommendation to the City Council to accept Bouffard Dr. as well as all Easements associated with Bouffard Dr. to the City Council for final acceptance as a City Way. Motion carried.

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

Attorney Bergeron submitted to the Board a request for an extension of time to review the Marlborough Hub Subdivision until July 1, 2017.

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to accept the correspondence and place it on file as well as extend the deadline for review of the Marlborough Hub Subdivision until July 1, 2017.

Attorney Bergeron informed the Board that the City Solicitor had recently brought a potential issue to his attention regarding this proposed subdivision.

Solicitor Rider noted how the proposed subdivision is a lot split into 2 zoning districts with the railroad land being the more restrictive Industrial district. He stated his reading of case law that the use of the former railroad land portion of this proposed subdivision as the location for the detention basins would not be a passive use of the land in question, but rather would be prohibited as an active use of that land serving the Residence C portion of the proposed subdivision.

Attorney Bergeron notes that after his investigation if that holds true than that would be considered as a fatal flaw in the subdivision application. The developer would then reconsider the subdivision application.

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 Planning Board, 5 Notices

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

Calendar Tracking Updates:

Marlborough Hub Extension – July 1, 2017

Adjournment: On a motion made by Mr. DuPont, seconded by Mr. Fay it was voted to adjourn at 8:45pm. Motion carried.

Respectfully submitted,

Colleen Hughes
Clerk

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