

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

October 29, 2018

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in the Mayor's Conference Room, 4th Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Phillip Hodge, Sean Fay, George LaVenture and Chris Russ. Also in attendance were City Engineer, Thomas DiPersio, City Solicitor, Don Rider, and Planning Board Administrator, Krista Holmi.

1. Meeting Minutes

A. October 15, 2018

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to accept and file the minutes of October 15, 2018. Motion carried.

2. Chair's Business

A. Long-range Conservation/Recreation Plan Survey

Ms. Fenby indicated that the long-range conservation/recreation plan survey received a good public response with over 500 responses returned. The data will be placed into an informational report.

B. Meeting with Mayor – Update

Chair Fenby and Mr. Fay touched base with Mayor Vigeant prior to the board meeting. They had a general discussion of overlay districts in the City and specifically discussed the proposed boundaries of the ancillary auto sales zoning amendment. Mr. Fay indicated that he was surprised that the proposed zone contained irregular borders and was larger than he had been previously understood. The Board maintains its position that the proposed amendment should be viewed in the context of a broader development plan for the RT20 East corridor.

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports (Updates and Discussion)

A. Subdivision Status Report

Walker Brook Estates: Mr. DiPersio reported that late today (Oct. 29) Engineering received the deed and municipal easement descriptions from the developer. The department is reviewing the information and will confirm that the documents are in order. Once confirmed, Solicitor Rider will proceed with presenting a Council order for acceptance.

B. Goodale Estates: Subdivision Status Update – Paul Ricciardi, Developer; Kevin Gillis - Northborough Capital Partners, new owner; and property realtor, Dee Kerner of Black Horse Real Estate, were in attendance. Mr. Gillis was present to assure the Board he will take all steps necessary to satisfy the Board's requirements to obtain an extension of subdivision approval (that currently expires on November 14, 2018). A new construction schedule has been prepared, confirmation that the site is free of blight has been obtained from Code Enforcement and proof that the property taxes are paid will be submitted in time for an anticipated vote at the November 5, 2018 meeting. Mr. Gillis will also submit additional documents demonstrating their commitment to completing the project. He acknowledged the requirements of the open space subdivision special permit and is moving forward with meeting those requirements. The Forestry Department has visited the site (12 trees identified for removal within the open space) and water and sewer entrance fees have been paid for the development. Mr. Gillis has hired Quigley & Associates to oversee the project.

Mr. Fay asked for Legal clarification on the site's ownership. Mr. Fay noted that the original subdivision approval was granted to the applicant, Valre Realty Trust, yet the ownership was listed as Goodale Farms, Inc. Mr. Ricciardi and Mr. Gillis explained that it is not an uncommon practice for the applicant (and non-owner) to obtain subdivision approval. In this case, Goodale Farms, Inc. sold the property to Goodale Estates, LLC following the subdivision approval. Mr. Fay asked Mr. Gillis to obtain a legal determination on the issue. Mr. Gillis requested a one-year extension on the approval. He will send a written request for the Board's consideration at the next meeting. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to refer the extension request to Engineering for a recommendation. Motion carried.

- C. Mauro Farm: On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to waive the readings and accept and file the two October 25, 2018 informational letters by Solicitor Rider 1) Mauro Farms acceptance documents for open space parcels and 2) acceptance of public ways (Nolan Way, Spenser Circle and Reagin Lane). Motion carried.
- D. Cider Mill Estates: Mr. LaVenture read the October 25th letter from Paul Beattie, Attorney for the Cider Mill development. The letter states that a request for final inspection of the subdivision was made to enable their request for a reduction in the bond to zero and for the process of acceptance to commence. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept, file and refer to Engineering for recommendation. Motion carried.

6. Preliminary/Open Space/Limited Development Subdivisions (None)

7. Definitive Subdivision Submission (Continued Discussion)

A. 215 Simarano Dr.

Ch. 41 Section 81U requires surety prior to endorsement of the approved subdivision. Since the owner failed to provide the required covenant (surety), the Board contemplated rescinding its subdivision approval. Mr. DiPersio indicated that Engineering received a request for a street opening permit at 215 Simarano. The owner has an approved site plan for the same location as the subdivision approval. The owner has indicated they do not intend to construct a subdivision, but they do intend to build the approved plan for the storage facility on the site.

8. Signs

- A. Application for Sign Appeal/Variance to Planning Board: Speedway LLC, 770 Boston Post Road East
The Board had additional questions about the variance referral to the Planning Board. Mr. Fay indicated the station has another non-compliant sign on premise. He stated the applicant should be informed that the site has a con-compliant portable sign. On a motion by Mr. LaVenture, seconded by Mr. Hodge, the Board voted to invite Code Enforcement Wilderman to the November 5, 2018 meeting. Motion carried.

9. Informal Discussion

Attorney Bill Pezzoni of Day Pitney stopped in. He informed the Board that a material change was made to a previously submitted proposed zoning amendment. A new public hearing on the matter is required. He mentioned he will prepare a letter requesting that the Board schedule a public hearing on the matter. Chairperson Fenby indicated that the Board will schedule the public hearing when the matter is referred to the Board by the Marlborough City Council.

Mr. Fay and Mr. Hodge reminded the Board that they have schedule conflicts for the November 19th meeting. The Board will not have a quorum. The next meeting of the Planning Board will be Monday, December 3.

10. Unfinished Business (None)

11. Calendar Updates

A. Marlborough Hub

Continuation of the discussion on the subdivision application of Marlborough Hub. on Dec. 3

- B. Goodale Estates subdivision expiration is November 14, 2018. Vote on requested one-year extension on November 5, 2018.

12. Public Notices of other Cities & Towns

- A. Town of Southborough Planning Board, 1 Notice
B. Town of Hudson Planning Department, 1 Notice

On a motion by Mr. LaVenture, seconded by Mr. Hodge, the Board voted to accept and file the notices.
Motion carried.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to adjourn the meeting of the Planning Board. Motion carried.

Respectfully submitted,



George LaVenture/Clerk

/kih