

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

1A

**Call to Order**

**November 5, 2018**

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd 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 29, 2018**

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the minutes of October 29, 2018. Motion carried.

**2. Chair's Business**

**A. Board Membership – Call for members**

Ms. Fenby asked Planning Board members whether they had any leads on potential additions to the Board. The Board has five seated members with two vacancies. Members should spread the word that the Board is looking for members. It was suggested that the Mayor's Office reach out through social media. Barbara indicated that two members have conflicts for the November 19 meeting, leaving the Board without a quorum. The next meeting of the Planning Board will be December 3, 2018.

**3. Approval Not Required (None)**

**4. Public Hearings**

**A. Council Order 18-1007404A, Proposed Zoning Amendment to Sections 650 §34 & Section 650 §41 to amend certain provisions of the Marlborough Village District and Table of Lot Areas, Yards and Height of Structures (Main Street Area)**

Ms. Fenby opened the public hearing. Mr. LaVenture read the public hearing notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from Board members.

**Presentation:**

Attorney Falk of Mirick O'Connell introduced the proposed amendment on behalf of his client and property owner, Enza Sambataro. Also present was Ken Feyl, representing the project architect. Mr. Falk indicated that the proposed zoning amendment provides two tweaks to the 2014 Marlborough Village District. The amendment proposes that (by right) structures of up to 6 stories and 70 feet be allowed within the District, unless within 50 feet of a residential district boundary, where the height limit would be 52 feet. By special permit, maximum building height, including building areas within 50 feet of a residential district boundary, may be increased to 7 stories and up to 85 feet. A second section allows (shall encourage) roof decks, providing recreation and amenity areas for residents and businesses on the roof above the top story of a building within the District. Roof decks may include open space areas for sitting and gardens; open air areas covered by permanent roofs; indoor areas for social gathering, meetings, common kitchens, restrooms, and storage; space for mechanical equipment; and enclosures for elevators and stairs.

**Speaking in Favor:** No person spoke in favor of the proposed amendment.

**Speaking in Opposition:** No person spoke in opposition to the proposed amendment.

**Questions and Comments from Board Members:**

Mr. LaVenture asked whether there were any studies done to identify the shadow effect on abutting parcels. The architect indicated that there were no shadow studies performed, but he did not anticipate any adverse effects to abutting parcels by increasing the building height.

Code Enforcement Officer Wilderman asked permission to comment. (Granted) She was familiar with the area and added her agreement that the parcel behind the proposed development project would not suffer any additional loss of light. She said that due to the building's placement on the lot, it was already in a shaded state.

Mr. Russ asked two questions: 1) How much taller would this development site be than the buildings on either side? 2) Has the Fire Department weighed in on whether the additional height would introduce any complications to firefighting? The project's architect referred to the presentation materials showing the Main Street façade. He pointed out that the building is designed to be roughly the same height as the adjacent buildings on the street side. The taller floors are offset so that the street side appearance is consistent. With respect to the firefighting question, attorney Falk indicated that the development goes through the Site Plan Review Committee, and issues of public safety are addressed at that time. Mr. DiPersio indicated that the project is back before site plan review, and the committee will make its comments regarding the plan with additional units.

Mr. Fay had a comment about zoning within the Village District. He stated that his preference is to set zoning "by right" within the district vs. "by special permit". He noted that part of the appeal to development within these special districts is to offer consistent and predictable zoning. In his opinion, the special permit process introduces uncertainty, which can be an obstacle to redevelopment.

Mr. Russ would like the renderings to include a rear view of the building from the perspective of the back abutters. Other members agreed. Ms. Fenby requested Mr. Falk provide the additional rendering for the next meeting on December 3. Ms. Fenby continued the hearing until December 3.

## **5. Subdivision Progress Reports (Updates and Discussion)**

### **A. Subdivision Status Report**

**Cider Mill Estates:** Assistant City Engineer Collins visited the site and provided a few punch list items to the developer. Engineering did not have the opportunity to verify the status prior to the meeting. Engineering will revisit the site to check on progress. Once complete, Engineering will prepare its recommendation for bond reduction and initiation of street acceptance.

**Walker Brook Estates:** Mr. DiPersio indicated that Engineering is reviewing the deed and municipal easement descriptions from Bruce Saluk. Once he receives confirmation that the documents are in order, Solicitor Rider will proceed with preparing a Council order for acceptance.

**Mauro Farm:** Mr. DiPersio reminded the Board that a Council Order for street acceptance appeared on the October 29<sup>th</sup> City Council agenda. At that meeting, the matter was referred to the Planning Board for recommendations. While the Council order referral didn't arrive in time for the Nov. 5 Planning Board agenda, the next step would be a referral to Engineering. On a motion by George LaVenture, seconded by Mr. Russ, the Board voted to refer the matter to Engineering for final recommendation for street acceptance. Motion carried.

- B. Goodale Estates:** Subdivision request for extension – Paul Ricciardi, Developer; Kevin Gillis, Northborough Capital Partners (Owner) were in attendance. Mr. LaVenture read the October 30, 2018 emailed letter from Kevin Gillis, Managing Director of Northborough Capital Partners, LLC. Mr. Gillis is requesting a one-year extension on the subdivision approval (current expiration date is 11-14-18). On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence. Motion carried. On a Motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to waive the reading of the Engineering Division's extension recommendation and supplementary submittals by the owner. Motion carried. As requested, the submittal package contained a new construction schedule, confirmation that the site is free of blight and proof that the property taxes are up to date. On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to extend the Goodale Estates subdivision approval until November 24, 2019. Motion carried.

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

## **7. Definitive Subdivision Submission (Continued Discussion)**

- A. 215 Simarano Dr.**

The Board continued its discussion regarding a possible rescission of the subdivision approval. Mr. DiPersio indicated that Engineering received a request for a street opening permit at 215 Simarano. The owner does not intend to construct a subdivision, but they do intend to build the approved plan for the storage facility on the site. Solicitor Rider was asked if there is any practical reason at this point to pursue the subdivision rescission. Solicitor Rider's opinion was that there is no practical reason to pursue a rescission under CH 41 section 81W.

#### **8. Signs (Continued)**

- A. Application for Sign Appeal/Variance to Planning Board: Speedway LLC, 770 Boston Post Road East
- Code Enforcement Officer Wilderman was present to address any questions from the Board. Ms. Wilderman shared a bit of the history on the 2014 electronic message board center signs section 526-13. The Marlborough City Council is the special permit granting authority under 526-13, but variances may be granted by the Planning Board. Mr. LaVenture shared his previous feelings that granting variances does not address the issue at heart. As detailed in Building Commissioner Cooke's signage denial letter, Speedway's GSTV point of sales displays violate numerous standards in the City's ordinance. The Board would like City Council to consider reviewing the ordinance for potential changes. Mr. Fay concurred that the remedy should be part of a comprehensive review and rewrite of the ordinance. Consideration of evolving marketing and point of sale technology is recommended to inform potential changes. The Board took the following action regarding the application for sign appeal/variance of Speedway LLC at 770 Boston Post Rd. East:
- On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to affirm Building Commissioner Cooke's letter of 9-11-18 detailing numerous violations of the Marlborough City Code §526-13 – Electronic message center (EMC) signs; digital display signs.
- The Board further voted to deny any variance for standards relief.
- The Board further voted to send a letter City Council stating the Board's decision and request further review of Section 526-13.
- All motions carried.

#### **9. Informal Discussion**

- A. **Marlborough Hub** – Mr. DiPersio made the following request: Hancock Associates was previously scheduled to present a modified plan to the Board on November 19. That meeting is now cancelled due to member conflicts. Since those plans are ready now, Mr. DiPersio requests that the Board refer the initial review of those plans to Engineering. Engineering will then make comments at the next meeting of the Planning Board on December 3. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to refer the modified plan set to Engineering for review and comment. Motion carried.

#### **10. Unfinished Business (None)**

#### **11. Calendar Updates**

- A. Update Goodale Estates subdivision expiration from November 14, 2018 to November 24, 2019.

#### **12. Public Notices of other Cities & Towns (None)**

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

Respectfully submitted,

  
George LaVenture/Clerk

/kih