

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

1A

**Call to Order**

**December 17, 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, Phil 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. December 3, 2018**

Mr. LaVenture requested several amendments to the draft minutes. Item 4 B. Substitute "Lemieux" for "LaVenture" in line 4. Remove reference to hearing closure. Item 6A added additional comment regarding barn location. Item 10A. Added comment by Solicitor Rider. On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to accept and file the minutes of December 3, 2018 as amended. Motion carried.

**2. Chair's Business**

- A. Set public hearing date- Proposed Zoning Map Amendment, Council Order No. 18-1007483, Section 650-8, Rezoning Map 82, Parcels 42 and 42E (Lacombe St.) from Industrial (I) zoning district to Commercial Automotive (CA) zoning district. The public hearing on Council Order 18-1007483 was scheduled for January 28, 2019.
- B. Set public hearing date – Proposed Zoning Map Amendment, Council Order No. 18-1007484, Sec. 650-8, Rezoning Map 104, Parcels 29 and 29A (Mill St. South) from Industrial (I) zoning district to Commercial Automotive (CA) zoning district. The public hearing on Council Order 18-1007484 was scheduled for January 28, 2019.
- C. Set public hearing date – Proposed Zoning Amendment, Council Order No. 18-1007452A, Sec. 650-5, entitled Definitions; word usage: Retirement Community- Detached and Townhomes, Retirement Community- Multifamily; Section 650-22A, entitled "Purpose", and Section 650-22C, entitled "Permitted Uses. The public hearing on Council Order 18-1007452A was scheduled for February 11, 2019.

**3. Approval Not Required**

- A. 150 Hayes Memorial Drive, Middlesex South Book 1228, Page 149, Allen & Major Associates on behalf of The Gutierrez Company. David Robinson, Project Engineer Allen & Major Associates and Scott Weiss of The Gutierrez Company were present.  
The Planning Board took the following action:  
On a motion by Mr. LaVenture, seconded by Mr. Fay, it was duly voted:  
To accept and file the December 12, 2018 recommendation letter from Assistant City Engineer Collins, and to endorse the December 11, 2018 plan of land believed Approval Not Required under the subdivision control law. Motion carried.

**4. Public Hearings (See 7A for Continued discussion on the Marlborough Hub)**

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

- A. Subdivision Status Report  
Mr. DiPersio indicated he had no updates aside from the item below.
- B. Walker Brook Estates – Communication from Solicitor Rider re: Acceptance Plans  
Mr. LaVenture read the December 13, 2018 letter from Solicitor Rider to the Marlborough City Council re: Acceptance of Allis Road and Bemis Road as Public Ways. The matter of acceptance of the roadways as public ways and the acceptance of their appurtenant easements as municipal easements will be referred to the Public Services Committee (and Planning Board) for final recommendation. Solicitor Rider mentioned that the developer needs to sign the deed. This will be arranged prior to the Public Services Committee meeting.

## **6. Preliminary/Open Space/Limited Development Subdivisions**

### **A. Hager St. Open Space Special Permit- Letter from Engineering.**

Mr. LaVenture read the December 13, 2018 letter from City Engineer DiPersio. The letter details that the applicant has satisfactorily demonstrated that the property can be subdivided into at least four lots and that Engineering favorably recommends the granting of a special permit for the construction of the requested three-lot development via an Approval Not Required Plan. Several outstanding items relating to the open space development special permit application remain. The Board asked Mr. Bemis to provide a determination that the proposed use of the "Parcel A" barn to serve the adjacent "agricultural" use (proposed cow grazing) in the open space meets zoning. The open space note on the plan may not be appropriate. Mr. Fay believes the note which makes a zoning statement should be removed and that the zoning-related issues should be included by the applicant in the "findings". To date, the Board has not received the requested language for the special permit conditions. An extension on the decision is required if the applicant needs additional time. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the communication. Motion carried.

### **B. Communication from Peter Bemis regarding the request for extension of decision on the Open Space Development Special Permit Application.**

Mr. LaVenture read the December 13, 2018 letter from Peter Bemis of Engineering Design Consultants, Inc. regarding the January 31, 2019 requested extension on the decision for the Special Permit Application. Mr. Bemis indicates that the project's attorney (Arthur Anderson) should have documentation prepared by next week, allowing ample time for review prior to the deadline. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept, file and grant the request for extension of the decision on the Open Space Special Permit Application until January 31, 2019. Motion carried.

## **7. Definitive Subdivision Submission Updates**

### **A. Marlborough Hub, City Engineer Letter Re: Waivers**

Mr. LaVenture read into the record the December 13, 2018 letter from City Engineer DiPersio re: Definitive Subdivision Plan Waiver Review "Marlborough Hub".

The letter outlines each of the four requested waivers including 1) Property line street radius at an intersection - Easement requested on one side and 25' radius vs. 30' radius 2) Right-of-Way width for secondary street- 40' vs. 50' , 3) Pavement width – 28' instead of 32', 4) Width of sidewalks – (1) four-foot and (1) six-foot sidewalk proposed instead of (2) six-foot sidewalks. Engineering did not object to the waivers but expressed that consideration should be given to the eventual planned density of the development. At higher densities allowed by zoning, a reduced right-of-way and roadway width may not be sufficient.

Of the four requested waivers, waiver 1 received the least objection from the Board. Mr. Russ expressed a potential concern about increased drainage requirements with a wider street. Mr. LaVenture is less inclined to support waivers to the City's standards. The consensus of the Board was that it was incumbent upon the applicant to demonstrate to the Board's satisfaction that granting of a waiver is in the public interest and otherwise consistent with the general intent and purposes of the Board's rules and regulations. Increasing the viability of any development project, decreasing development costs, or easing the burdens of an applicant's development is not justification for the waiver unless it is also in the public's interest. The Board feels strongly that the plan should show two ADA-compliant sidewalks.

Ms. Fenby asked whether a vote on the waivers was required that evening. Mr. DiPersio indicated that once the Board votes on the waivers, Engineering can focus on which plan to review... the no-waiver concept plan or the 4-waiver plan.

The Board would like additional time to consider the waivers but was in favor of communicating the sense of the meeting and overall impressions of the waivers to the applicant team. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to send a communication to the Marlborough Hub applicant regarding their impression/concerns over the requested waivers. Motion carried.

**8. Signs (None)**

**9. Informal Discussion (None)**

**10. Unfinished Business (None)**

**11. Calendar Updates**

The Board requested calendar updates on the following items:

A. Three public hearings under item 2A

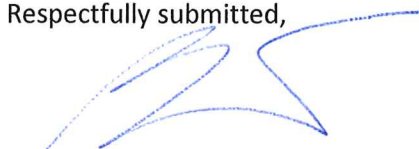
January 28, 2019 (two proposed changes to zoning districts) and Feb. 11, 2019 (Proposed amendment on retirement communities.)

B. Decision on Hager St. Open Space Special Permit application: January 31 (January 28 Meeting).

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

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

Respectfully submitted,



George LaVenture/Clerk

/kih