

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

January 28, 2019

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, Sean Fay, George LaVenture, Chris Russ and Matthew Elder. Philip Hodge absent. Also in attendance were City Solicitor, Don Rider, and Planning Board Administrator, Krista Holmi.

1. Meeting Minutes

A. January 07, 2019

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the meeting minutes of January 07, 2019. Motion carried.

2. Chair's Business

- A. 2019 Planning Board Meeting Calendar:** Chair Fenby indicated that the meeting calendar was in the packet. She explained that the schedule is designed to follow the City Council calendar, but to note that there are a couple of months that don't follow the typical two meeting per month routine. October currently has three meetings scheduled, while November has one. Councilor Robey was in attendance. She explained that since there is a City-wide election on Tuesday, November 5, there will not be a Council meeting the evening prior.
- B. Open Space Survey Comments:** The draft report was distributed for comment earlier in the month. If anyone has feedback, please forward to Barbara as soon as possible.
- C. Chair Fenby informed the Board that Cynthia Panagore Griffin has announced her retirement effective January 31, 2019.** Cynthia has been an asset to the Board over many years, and she will be missed. She would like to extend the Board's wishes to Cynthia. On a motion by Mr. Elder, seconded by Mr. LaVenture, the Board voted to send a letter of appreciation to Ms. Panagore Griffin. Motion carried.

3. Approval Not Required (None)

4. Public Hearings

- A. 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 and Automotive (CA) zoning district - Peter Bemis, Engineering Design Consultants, Inc. on behalf of Lacombe Business Center, LLC.** Owner Paul Ditullio was also in attendance.

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:

Mr. Bemis from Engineering Design Consultants, Inc. introduced the proposed amendment. He explained that in the late 1990's there was a rezoning along a portion of Lacombe St. to Commercial and Automotive. (CA) On behalf of his client, he is requesting that two adjacent parcels, 42 and 42E, be included in the Commercial and Automotive zone. He and his client feel that it will add continuity to the other parcels in the Lacombe St. zone. A map of the parcels and current zoning was displayed.

Speaking in Favor: No person spoke in favor of the proposed amendment. Chair Fenby closed that portion of the hearing.

Speaking in Opposition: No person spoke in opposition to the proposed amendment. Chair Fenby closed that portion of the hearing.

Questions and Comments from Board Members:

Mr. Elder commented that since the zone change abuts the existing Commercial and Automotive uses in the Lacombe St. complex, it seems appropriate to include the two requested parcels in the CA zone. Mr. Russ questioned why the frontage on parcel 42E was under 50 feet, which is the zone frontage requirement for both Industrial (I) and the proposed Commercial and Automotive (CA) zone. Mr. Bemis said he believed it was over 50 feet. He said he would need to reference the original land plan. The land plan was pulled up and showed a small strip identified as Map 82, Parcel 62 that Mr. Bemis indicated was included with parcel 42E for frontage. He believes that his client would also want that lot included in the zone change. Ms. Fenby asked whether any of the abutting Residence C (RC) zone neighbors were informed of the proposed change and whether there was any input from the neighbors. There was no notice to the neighbors, but Mr. Bemis stated that there was considerable discussion previously, and that Brooks St. was closed to through traffic. Brooks St. is blocked off to through traffic, so industrial park traffic drives on Lacombe St., not along the residentially zoned Brooks St.

The Board discussed whether the proposed zoning amendment is incomplete as presented without parcel 62. The possibility of withdrawing the proposed amendment was discussed, but it was decided that it makes sense for the proponent to do a bit more research. Map 82 Parcel 62 may not need to be included, or perhaps it can be addressed when the City Council holds its public hearing on the matter on February 11, 2019. On a motion by Mr. Fay, seconded by Mr. Russ, it was voted to table the discussion on the proposed zoning amendment until February 11, 2019. Motion carried.

- B. Proposed Zoning Map Amendment, Council Order No. 18-1007484, Sec. 650-8, Rezoning Map 104, Parcels 29 and 29A (Brigham St and Mill St. South) from Industrial (I) zoning district to Commercial Automotive (CA) zoning district - Peter Bemis, Engineering Design Consultants, Inc. on behalf of Steven Vigeant, Trustee of 22 Englewood Trust.

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:

Mr. Bemis, representing 22 Englewood Trust began by showing a map of the existing Industrial Zoned (I) parcels on the corner of Mill St. South and Brigham St. His client would like Map 104, Parcels 29 and 29A zoned Commercial and Automotive, which is the current zoning of the properties to the east along Maple St.

Speaking in Favor: No person spoke in favor of the proposed amendment. Chair Fenby closed that portion of the hearing.

Speaking in Opposition: Monique Duross of 261 DeSimone Drive addressed the Board. She stated she wasn't there to specifically oppose or speak in favor, but she wanted to learn more and talk about the area. The purpose of this Zoning Ordinance is to promote and conserve the health, safety and general welfare of the inhabitants of the City. She expressed some significant concerns about the history of the parcel and the surrounding area. She expressed that many times she was tempted to call Code Enforcement and her City Councilor since the site is frequently an eyesore and the area often looks more like a junkyard. The uses pose hazards to the public with tractor trailers parked in and along the road and truck traffic back and forth between the site across the street and these parcels. Some uses on the parcels are parking of crushed cars, tractor trailer parking, parking of RV's, landscaping equipment and mulch, and she has seen buses being disassembled/assembled at night. She would like to see improvements to the public's safety in the area. There are frequently pedestrians walking that stretch of roadway, and there are no sidewalks on either side. She wants the City to consider the safety of people who walk and drive in the area, which is used as a cut-through in both directions to RT 85 and the City's western side.

Comments and Questions from Board Members:

Mr. LaVenture, spoke as a resident of Brigham St. and Board member. He frequently travels that stretch of road and confirmed the resident's assessment of the two parcels' condition. He noted that Brigham St. (Brigham St. begins at the corner of Mill St. South) is classified as a scenic roadway in the City, and it is rather disappointing that the entrance to a scenic roadway can be used in this manner. He is strongly opposed to a rezoning of the two parcels and feels that changing the zoning designation to Commercial Automotive will further degrade the safety and aesthetics in the area. Commercial Automotive sites are not known to be the most appealing looking sites in the City. He would be opposed to the CA zone moving closer to residential zones.

Mr. Elder said that it's at least worth considering that sometimes a zoning change may have some benefit, allowing the site to be developed into something that is better. Mr. Russ felt the comments heard tonight were good.

Ms. Fenby stated that she is not in favor of allowing the Commercial Automotive zone to further "bleed" down the street from RT 85 closer to residential areas.

Mr. Fay thought that he would at least like to see the contemplated use for the parcels.

Mr. Bemis stated the current parcels make up approximately 1 acre, which is the zoning requirement for an Industrial parcel. He offered to show possible renderings of Commercial Automotive uses and Industrial uses. He stated that due to the shape of the parcel, industrial uses could have loading dock access from Brigham St. Ms. Fenby stated it was unnecessary to show the Board potential industrial renderings. Ms. Fenby stated that the public hearing would be continued until the next meeting of the Board on February 11.

C. Marlborough Hub – See 7A

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to continue the discussion under item 7A, Definitive Subdivision Submissions/Updates. Motion Carried

5. Subdivision Progress Reports (Updates and Discussion)

A. Subdivision Status Report

Ms. Fenby explained that the City Engineer was not present due to a death in the family.

B. Cider Mill Estates- Checks to Secure Completion of the Subdivision

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

C. Cider Mill Estates – Letter from Solicitor Rider regarding order of acceptance- Goodwin St. and McDermot Way. Mr. LaVenture read the letter into the record. On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence. Motion carried. The Board should expect a referral from City Council requesting the Board's recommendation on street acceptance.

6. Preliminary/Open Space/Limited Development Subdivisions

A. Hager St. Open Space Special Permit

Mr. LaVenture read the 1-28-19 extension request letter from Peter Bemis of Engineering Design Consultants, Inc. (The letter did not arrive in time to be included in the Board packet.)

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to accept and file the January 28, 2019 extension request letter from Peter Bemis of Engineering Design Consultants, Inc. on behalf of his client, South Coast Advisors, LLC. Motion carried.

Mr. Bemis apologized for not being prepared but stated he will follow through in time for the next meeting. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to approve the

extension of the decision on the special permit for the open space development application until February 28, 2018 with the following conditions:

That by February 6th, 2019, (the deadline for the next Planning Board meeting on February 11) Mr. Bemis or Mr. Andersen (the project's attorney), provide the requested zoning determination on the proposed use of the "Parcel A" barn to serve the adjacent "agricultural" use (proposed cow grazing) in the open space. The Board further requests a draft of the special permit conditions in time for the February 11th meeting, so the matter may be referred to the City's Legal Department for comment. Motion carried.

Zoning-related issues should be included as part of the project's findings. Sample documents were provided to Mr. Bemis. Should the City's Legal Department need additional time to review the zoning determination and findings, Mr. Bemis will submit an additional request for extension on the decision for the open space special permit application.

7. Definitive Subdivision Submission Updates

A. Marlborough Hub, Extension Request Letter- Jacob Lemieux, Hancock Associates

Mr. LaVenture read the January 22, 2019 extension request letter into the record.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the January 22, 2019 extension request letter of Hancock Associates on behalf of Marlborough Hub, LLC, and voted to continue discussion on the definitive subdivision application on February 11, 2019, and to grant an abbreviated extension (with the agreement of Mr. Evangelous) of the decision on the definitive subdivision application of Marlborough Hub, LLC until February 28, 2019. Motions carried.

The Board had many questions regarding the status of the subdivision plan and whether the remaining issues could be resolved within the timeframe of the requested extension. The applicant (Mark Evangelous) was present and indicated his attorney filed a proposed zoning amendment for the project and that easement negotiations are ongoing. The Board acknowledged the applicant was present without the benefit of his attorney or civil engineer and that he was not expecting to address questions concerning the technical details of the proposed development, and asked Mr. Evangelous if he wanted to suspend further discussions until he could have his representatives present. Mr. Evangelous responded affirmatively.

The discussion of the Board thereafter focused only on the timeframe of the requested extension, potential increased lot size, and the pending zoning amendment. The Board felt that the issues related to the proposed development would likely require much more time to resolve than the requested extension. In addition, it was the consensus of the Board that the proposed changes would require a new public hearing. As such, the Board suggested to Mr. Evangelous that he withdraw the current proposal and resubmit once the remaining issues have been resolved. The Board suggested that Mr. Evangelous not agree to the withdrawal until he consulted with his representation. The matter will be further discussed on February 11, 2019, with the expectation that Mr. Evangelous will convey his decision regarding withdrawal and resubmitting once the zoning amendment request is resolved.

8. Signs (None)

9. Informal Discussion (None)

10. Unfinished Business (None)

11. Calendar Updates

The Board requested a calendar update on the following item:

- A. Marlborough Hub – Extension of the decision on the definitive subdivision application until Feb. 28, 2019.

12. Public Notices of other Cities & Towns

- A. City of Framingham (7 notices)

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

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

Respectfully submitted,



George LaVenture/Clerk

/kih