

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

April 29., 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, Phil Hodge, Sean Fay, George LaVenture, Chris Russ and Matthew Elder. Also in attendance were City Engineer, Thomas DiPersio, City Solicitor, Don Rider, and Planning Board Administrator, Krista Holmi.

1. Meeting Minutes

A. April 8, 2019

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the meeting minutes of April 8, 2019. Motion carried.

2. Chair's Business (None)

3. Approval Not Required

A. ANR APPLICATION – Applicant: Denis Lewis, 1 Douglas Dr. Sudbury, MA 01776; Engineer: Bruce Saluk & Associates, Inc., 576 Boston Post Rd. East, Marlborough, MA; Description of Property- Middlesex South Registry of Deeds, Book 70752, Page 114 and Book 70854 p. 108 (106 Hildreth St.)

The plan Engineer, Bruce Saluk, was in attendance to present the ANR to the Board. He explained that the purpose of the ANR was to reconfigure two parcels, creating two lots with frontage along Hildreth Street. Both lots would exceed the requirements of the A3 zone, which is a minimum of 12,500 square feet and a minimum frontage of 100'. Lot one will contain .72 acres (31,288 s.f.) with 130.53 feet of frontage. Lot two will contain .62 acres (26,862 s.f.) and 101.00 feet of frontage. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to refer the ANR application to Engineering. Motion carried.

4. Public Hearings

A. Public Hearing – City Council Order No. 19-1007587, Section 650-8, "Boundaries Established" Proposed rezoning of Map 113, Parcels 5 and 6, - Land off Williams St.

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:

Mayor Vigeant, 650 Pleasant St., was in attendance to represent the proposed zoning amendment. Mr. Vigeant explained that the parcels in question are adjacent to established residential neighborhoods. Rezoning the parcels will create a neighborhood more in keeping with the current uses, which include A1 Residential and the Crane Meadow Retirement Community. Mayor Vigeant indicated that there was a previous plan filed with the sole purpose of maintaining the current zone. Two years remain on that action. He also mentioned that this proposed zone change will not have any bearing on current litigation involving one of the properties.

Speaking in Favor:

As no person spoke in favor of the proposed amendment, Chairperson Fenby closed that portion of the hearing.

Speaking in Opposition:

As no person spoke in opposition to the proposed amendment, Chairperson Fenby closed that portion of the hearing.

Questions and Comments from Board Members:

As there were no questions from the Board, Chair Fenby closed the public hearing.

5. Subdivision Progress Reports (Updates and Discussion)

A. Engineer's Report- Subdivision Status Report

City Engineer DiPersio informed the Board that in preparation for street acceptance, Howes Landing provided As-Built and Acceptance Plans to the City for review. While they are in the one-year maintenance period until September, the developer is hopeful that the acceptance process can be expedited. If the Board is agreeable, he will work with the developer to schedule a site inspection and generate a punch list. Chair Fenby and members had no objections. Ms. Fenby encouraged members to visit the site if they haven't already done so. She complimented the developer on their project work. Goodale Estates has mobilized to restart project work. Engineering has met with the developer and reminded them of the proper work order. The primary concern is the creation of the site detention basin that will accept water once roadway construction begins. The water/sewer lines are near completion. A checklist on remaining items was provided to the developer. The checklist items must be completed prior to the issuance of building permits.

B. Berlin Farms – Certificate of Covenant Release.

Mr. LaVenture read into the record the emailed correspondence dated April 27, 2019 from Attorney Morgan A. Russell. Ms. Russell requests that the Board execute a release for the Berlin Farms Subdivision covenant dated February 25, 2008. On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to refer the matter to Engineering for recommendation and to the Legal Dept. to check for proper legal form. Motion carried.

6. Preliminary/Open Space /Limited Development Subdivision Submissions / Updates

A. Hager St. Open Space Special Permit-Peter Bemis

Mr. LaVenture read the April 25, 2019 emailed letter from Peter Bemis of Engineering Design Consultants, Inc. into the record. On behalf of his client, South Coast Advisors, LLC, Mr. Bemis respectfully requests the withdrawal, without prejudice, of the Hager Street Open Space Development Application (Open Space Special Permit Application) of 72 Hager St. He indicates that remaining issues have proven too difficult to resolve, and a new plan will be necessary. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the communication. Motion carried.

Mr. Fay wondered what alternate plan may be proposed if the open space plan is not pursued. Mr. DiPersio said that they could create two lots with an ANR plan and still preserve the open space, and they also have the option of doing the conventional subdivision plan. Mr. Fay asked whether there was any reason not to vote to approve the requested withdrawal. Solicitor Rider explained that under Chapter 40A, section 16, the petitioner's application may only be withdrawn without prejudice with the approval of the special permit granting authority. The Board may grant the request if they desire. On a motion by Mr. Fay, seconded by Mr. Hodge, the Board voted to grant the withdrawal of the open space special permit application without prejudice. Motion carried.

7. Definitive Subdivision Submissions / Updates (None)

8. Signs (None)

9. Informal Discussion

A. Sign Variances

Mr. Fay summarized the Board's frustration with the current sign ordinance. Recent variance requests at two gas stations indicate a need to revise the language in the ordinance. Common conventions such as red to represent regular gas and green to represent diesel is a current violation of the sign ordinance. Video displays units at gas pumps are also not allowed without a variance, nor are electronic pricing displays on each pump, since the distance between pumps is less than the allowed 100 feet between displays. The Board believes changes to the ordinance will provide the opportunity to add clarity and further definition of allowed uses, particularly contemporary applications of electronic message displays and video displays that are modern point of sale interfaces. Several City Councilors were present including Councilors Robey, Dumais and Ossing. Following the discussion, Councilor Ossing agreed to champion the issue on behalf of the

Council. He recognizes that the ordinance is a living document that requires tweaks and modifications from time to time to meet current needs. The Board expressed its appreciation for the Council's assistance.

10. Unfinished Business

- A. Public Hearing – City Council Order No. 19-1007569, Section 650-8, "Boundaries Established" Proposed rezoning of Map 82, Parcels 112 and 113, and adjacent portions of John Street to the center line in the Business District. (31 and 35 John Street) Mirick O'Connell Attorneys at Law on behalf of St. Mary's Credit Union.

Following a discussion of the proposed ordinance, the Board took the following action on the above referenced proposed zoning amendment:

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to send a generally favorable recommendation with the following comments to the City Council. Motion carried.

- Reposition the property dumpsters to reduce potential impact on abutting neighbors.
- Reposition the proposed structure(s) closer to the Maple Street/South Bolton Business District to lessen impact on the surrounding residential neighborhood.
- Analyze traffic impacts to ensure safety at the John Street park and consider mitigating designs to facilitate left-hand turns at the John St. and South Bolton St. intersection.

11. Calendar Updates

12. Public Notices of other Cities & Towns

Public Notices of other Cities & Towns

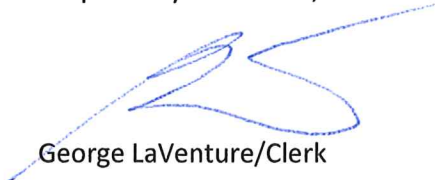
- A. City of Framingham – 3 Notices
- B. Town of Berlin - 1 Notice
- C. Town of Sudbury- 1 Notice

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

Ms. Fenby took the opportunity to acknowledge the exemplary work of retiring City Solicitor Rider and thanked him for his years of service to the Marlborough Planning Board. She expressed that Solicitor Rider will be sorely missed. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to send a letter of appreciation to Mr. Rider for his work.

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