

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

1A

Call to Order

December 07, 2020

The **remote meeting** of the Marlborough Planning Board was called to order at 7:00 pm. Members present- Barbara Fenby, Matt Elder, Sean Fay, Phil Hodge, George LaVenture and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio, and Planning Board Administrator, Krista Holmi.

1. Meeting Minutes

A. November 16, 2020

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to accept and file the November 16, 2020 meeting minutes as amended. Item 8A amended to include more detail re: denial of the sign variance request. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

2. Chair's Business (None)

3. Approval Not Required

A. ANR Application - 107/119 South Street/Mt. Pleasant Street

Applicant: Matthew Jackson, PO Box 586, Marlborough MA 01752

Engineer/Land Surveyor: Dillis & Roy, 1 Main St., Suite 1, Lunenburg, MA 01462

Deed References: Middlesex Registry of Deeds Book 54715, Page 491 (107 South- Owner, Chamberlin) and Book 65389, Page 260 (119 South-Owner, Silva)

Location and Description: 107 South St- Accessor's Map-Parcel 81-86 and 119 South St. – Accessor's Map-Parcel 81-85.

Seth Donahoe of Dillis & Roy joined the remote meeting to present the plan. The purpose of the plan is to subdivide parcels to the rear of #107 South Street and #119 South Street, to create a third lot with frontage on Mount Pleasant St. The lots are within the A3 zoning district. All contain the required area and frontage for this zone. The two parcels A and B will be combined to create a new lot 2 on the referenced plan. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to refer the matter to Engineering. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

4. Public Hearings (None)

5. Subdivision Progress Reports

A. Goodale Estates - Communication from Kevin Gillis re: Extension of Approval

Mr. LaVenture read the November 9, 2020 subdivision extension request letter from developer Kevin Gillis into the record. Mr. Gillis submitted the following items: correspondence from the Collector's Office that taxes for Jenks Ln. are paid and verification from Code Enforcement that the site has no current blight concerns. A brief emailed construction schedule was discussed, but not included in the packet. Mr. LaVenture read the Dec. 3 emailed letter from Mr. Gillis's surety company verifying that the performance bond (#5419402), will automatically renew for successive one-year terms through the completion of obligations required by the Agreement. Mr. Gillis intends to request a reduced bond amount based on items completed to date. The surety requests that the Board clarify the dollar value of accepted work and the dollar value

remaining. Once the surety has the Obligee's letter, they will reduce the current bond by a rider to reflect the new amount. Mr. Gillis requests an additional year to complete the final paving and tree planting, consistent with the City's preference to wait until major construction is completed on the lots. Chair Fenby asked City Engineer DiPersio to confirm that the one-year extension request is consistent with the work remaining. Mr. DiPersio questioned the full-year extension request. Mr. Gillis stated that he is uncertain of the builders' schedules. The end of year provides a cushion to ensure that final paving occurs after major lot construction. Mr. DiPersio cautioned Mr. Gillis of the Board's authority to enforce any necessary repairs or repaving of the binder course after two years. Mr. Gillis was unaware and will work to ensure that the final course is paved before the binder is two years old. Mr. DiPersio also mentioned neighbor feedback indicating that additional cleanup is necessary along Goodale. Mr. Gillis thought that had been addressed, but he will attend to any outstanding items. Mr. Gillis also commented that the berm has greatly reduced runoff. Mr. DiPersio wants to make note of the clean-up requirement and does not want the issue forgotten. Mr. Fay asked how the site held up during our two recent storm events. Mr. DiPersio said it did well. Mr. Fay has previously recommended more limited extensions with progress milestones; however, the subdivision progress has been steady, and he sees a value in the planned extension to complete the final paving and landscaping after lot development. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the correspondence and to extend the time for completion until December 31, 2021, with the understanding that any washouts are corrected and that the schedule progresses within Engineering's approved timeline. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay:0. Motion carried.

Mr. LaVenture read the December 2, 2020 email communication from Mr. Gillis regarding his request for bond reduction. A bonding estimate and Draft Second Amendment to Subdivision Performance Agreement Secured by Surety Bond were provided. Mr. Fay asked the City Engineer if the reduced bond amount was enough to cover the cost of any rework on the binder course. Mr. DiPersio answered yes. There is also an additional contingency. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file all correspondence, refer the matter of the bond estimate to the Engineering Division, and refer the Draft Performance Agreement revision to Legal. Ms. Fenby requests that the City's attorney and the developer's attorney coordinate the review of the Performance Agreement and prepare the document for a vote at the next meeting, December 21. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay:0. Motion carried.

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

7. Definitive Subdivision Submissions (None)

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business (None)

- A. Definitive Subdivision Application - 76 Broad St. 4-Lot Subdivision
Applicant: W.R.E., LLC, 319 Stow Road, Marlborough, MA 01752
Engineer: Hancock Associates, 315 Elm St., Marlborough, MA 01752. Robert DiBenedetto, Representative.

(Note: Submission Date: 09-09-20, **Decision Due: Meeting Prior to January 22, 2021**)

The City's Engineering Division and Hancock continue the technical review and response process. There is nothing to share today, but the Board can anticipate a plan set incorporating the Engineering Division's comments at the next meeting.

- B. Communication from Assistant City Solicitor Piques regarding modification of plan notations (Sem Aykanian –2 S. Bolton/74 Main St.)

Mr. LaVenture read the December 2, 2020 email correspondence from Assistant City Solicitor Piques into the record. A C S Piques stated that he is awaiting a legal interpretation from the applicant on whether the Board can act on this matter. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. Mr. Fay requests a place holder be added to the December 21 agenda.

- C. Working group discussion – Planning Board Rules and Regulations,

- i) Forms and Cross-Sections Discussion

Mr. LaVenture provided an overview of the proposed process to update elements of the Planning Board's Rules and Regulations. The working group will break down the review into sections, providing the Board an opportunity to comment. The idea is to obtain a general "blessing" from the Board and move forward to other sections. The formal review and votes will take place under statutory requirements, including a public hearing on any proposed changes.

The Board systematically reviewed the existing Planning Board forms and proposed changes. Proposed updates to the new forms include the following:
FORMS: (Appendices A-E)

- References change to Surveyor/Engineer
- In addition to Registry of Deeds Book and Page, include a place for any Land Court references. Mr. Fay will provide additional reference language to Ms. Holmi/Engineering.
- Adding a reference to Assessor's Map and Parcel is OK, but also leave the Location and Description of Property.
- After consideration of alternate language, new ANR forms should have a place to indicate the number of described lots on the plan. (This reference is, in part, how ANR fees are determined.)
- Application forms should have a place to reference the associated plan title block name.
- Board members expressed that if a land plan has multiple owners, all owners should sign. Same for multiple applicants.
(During review of the ANR form, Mr. DiPersio commented that ANR plans do not convey any land, but board members expressed that all owners of affected land should sign.)
- Include owner's address(es)
- Add references to zoning district(s)
- For preliminary and definitive subdivisions- in addition to roadway length, include # of proposed lots on the application. Also add the Surveyor's name and contact info.
- Form in Appendix F should include the Engineer's name and contact info.

- Add references that applicant is responsible for all expenses including abutter mailings and advertising (public hearing). Additional research is necessary to determine who must perform the mailing.
- There was a consensus that any of the preceding additions be added to other forms, as appropriate.

CROSS-SECTIONS-APPENDIX F:

- Remove “plan view from each cross-section
City Engineer DiPersio expressed that the “plan view” following each cross-section is not necessary. He recommends that this view be removed from each cross-section. The Board agrees.
- Reduce the # of standard cross-sections to three options. All alternate cross-sections will require waivers. City Engineer DiPersio recommends **3 Standard Cross-Sections**
 - 1. Secondary Residential Street**
The Board will need to determine a minimum standard pavement width. (32’ currently) Mr. DiPersio stated current standards range between 28-30’ for secondary roadways.
 - 2. Major Street (Residential with 50’ ROW and Commercial with 60’ ROW)**
 - 3. Lane**
Standard pavement width is 26’ for a lane. The Board may consider reducing the standard ROW from 50’ to perhaps 45’. 40’ is a bit tight, stated Mr. DiPersio.
- On the first page of Appendix F remove the first two sentences of item number 7.

INSPECTION FORM – APPENDIX G:

This form is not currently used but would be valuable in documenting inspections.

- Include a spot for notes or to document a referral to an appropriate department for follow up.

DRAINAGE DESIGN – APPENDIX H:

- Eliminate this appendix.
The (dated) information included on this sheet is included as a component of the Subdivision Rules and Regulations. This sheet is not necessary.

SELECT DETAIL SECTIONS – APPENDIX I (WHEELCHAIR RAMPS/MAILBOXES)

- Eliminate these random detail sheets.
Mr. DiPersio indicates that all necessary details are provided to the applicant for inclusion on their plan sets. Having just two of the many available detail sheets is odd.

ii. Assignment of next tasks

SUBDIVISION REGULATIONS FEE SCHEDULE – APPENDIX K

Mr. LaVenture stated that a review of fees will be on a coming agenda. Mr. LaVenture and Mr. Russ added to a comparative fee structure spreadsheet for Marlborough and surrounding and similarly sized communities. Mr. LaVenture explained that after removing the outliers on the low and high end, a quick look at Marlborough's fees (last updated in 1991) indicates they are roughly half of our neighbors and counterparts.

The working group subcommittee (members LaVenture and Russ), along with Engineering and Planning Board Administration will meet to discuss fair and equitable fees before December 21 and report back with initial recommendations.

City Engineer DiPersio will have proposed standard cross-sections by either Dec. 21 or early in the new year.

11. Calendar Updates

- A. Goodale Estates extension of approval (time for completion) of the subdivision from December 31, 2020, to December 31, 2021.

12. Public Notices of other Cities & Towns (See Electronic Packet)

- A. City of Framingham (2 Notices)

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and all file items 10C and 12. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

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

Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

Respectfully submitted,



George LaVenture/Clerk

/kih