

Meeting Minutes
August 8, 2017 Planning Board Meeting
7:00 P.M. | City Council Chamber, Woburn City Hall

Chair Carolyn Turner called the meeting to order at 7:00 p.m. and asked City Planner/Grant Writer Dan Orr to call the roll.

ROLL CALL OF MEMBERS

Mr. Kevin Donovan, Mr. Bob Doherty, Mr. Jim Callahan, Mr. Michael Ventresca, Ms. Claudia Bolgen and Chair Carolyn Turner were present; Mr. Dave Edmonds was absent. Also present were Planning Director Tina Cassidy and City Planner/Grant Writer Dan Orr.

Chair Carolyn Turner inquired to Planning Director Cassidy about any ANR applications before the Board this evening. Planning Director Cassidy stated that there were three.

1. 25 MIDDLESEX CANAL PARK ANR PLAN (NAI ENTERTAINMENT HOLDINGS, LLC)

Planning Director Cassidy provided an overview of the ANR application and stated that, as there are no zoning non-conformities created and both parcels in question contain the appropriate amount of frontage, she recommends Board endorsement as a plan not requiring approval under the Subdivision Control Law.

Motion to endorse the ANR plan at 25 Middlesex Canal Park, as submitted, made by Mr. Bob Doherty;
Seconded by Mr. Jim Callahan;
Motion carried, 6-0-0.

2. 9 PINE STREET, 0 PINE STREET & 2 CRESCENT AVENUE (ALSO KNOWN AS WALNUT HILL PARK) ANR PLAN (HERITAGE BUILDERS, INC.)

Planning Director Cassidy provided an overview of the ANR application and stated that, as there are no zoning non-conformities created and the combined parcel in question contains the appropriate amount of frontage, she recommends Board endorsement as a plan not requiring approval under the Subdivision Control Law.

Motion to endorse the ANR plan at 9 Pine Street, 0 Pine Street & 2 Crescent Avenue, as submitted, made by Mr. Bob Doherty;
Seconded by Ms. Claudia Bolgen, for discussion. Ms. Claudia Bolgen asked for confirmation that the buildings existing on the newly-combined lot would not constitute “more than one building on a lot for dwelling purposes” considering that they will be razed. Planning Director Cassidy responded that that interpretation is correct.

Motion carried, 6-0-0.

3. 124-130 LEXINGTON STREET ANR PLAN / JOHN D. MAROTTO, TRUSTEE OF 120 LEXINGTON STREET TRUST

Planning Director Cassidy provided an overview of the ANR application and stated that, as there are no zoning non-conformities created and both parcels in question will continue to retain the appropriate amount of frontage after the conveyance of land, she recommends Board endorsement as a plan not requiring approval under the Subdivision Control Law.

Motion to endorse the ANR plan at 9 Pine Street, as submitted, made by Ms. Claudia Bolgen;
Seconded by Mr. Bob Doherty;
Motion carried, 6-0-0.

4. PUBLIC HEARING: 24 FLAGG STREET DEFINITIVE SUBDIVISION / 24 FLAGG STREET LLC

Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park Drive, approached the Board representing the Petitioner. The applicant has filed a plan that proposes to create two lots (approximately 12,000 and 12,400 sq. ft. in size respectively) which possess the required amount of street frontage. The proposed subdivision is designed with the same layout as the Downs Court definitive subdivision approved last year.

Attorney Tarby further described the list of waivers from the Subdivision Rules and Regulations that are being sought by the applicant (with respect to scale of drawing, minimum street width, construction of sidewalks, grass strip width, and the turnaround pavement length and width).

Mr. David Romero, project engineer, Commonwealth Engineering, Inc., 27 Cambridge Street, #106, Burlington, MA, approached the Board to provide an overview of the proposed site and street layout plans. The project entails the extension of a road known as Flagg Street and approximately 100 feet of new pavement.

Mr. Romero further stated that an emergency turnaround is being proposed for the street layout to accommodate emergency vehicles. In addition, the road construction will create a roadway that comes closer to the City's modern standard for roadway construction.

Mr. Romero further stated that there will be two catch basins to gather storm water, which storm water will be conveyed to an infiltration system for storage purposes.

Mr. Romero further stated that drainage appears to have met the satisfaction of the Engineering Department. Overall, there will be minimal grading onsite, primarily related to construction of the turnaround.

Mr. Jim Callahan inquired about the retaining wall that is existing in the right of way. Mr. Romero stated that there will need to be some remediation to the wall, although he does not believe there is anything critical to the structure.

Mr. Jim Callahan inquired about the transition of the new roadway to/from the existing roadway. Mr. Romero responded that the new roadway will be meeting the roadway standard of 26' pavement width where it meets Franklin Street and will maintain that width moving forward until the turnaround.

Mr. Jim Callahan inquired about the proximity of the existing home to the right-of-way at 24 Flagg Street. Mr. Romero responded that the existing home does fall on the right-of-way boundary but that the developer intends to raze it.

Ms. Claudia Bolgen asked the applicant to describe the differences between the former plan for this site (which was denied by the Planning Board) and the current proposal. Mr. Romero responded that he is not familiar with the former plan, but stated that the current proposal will constitute a major improvement in terms of roadway conditions and creating a turnaround.

Ms. Claudia Bolgen provided an overview of the prior plan proceedings in which she participated, during those proceedings the Planning Board denied the previous plan based on the written record (no provision of sidewalks and that the cul-de-sac did not meet dimensional requirements of the Board's Subdivision Rules and Regulations). She requested that the applicant provide more research into comparison of the former and current proposals and submit the comparison to the Board by its next meeting.

Attorney Tarby stated that the review process of today is much more sophisticated than was conducted 18 years ago, so that denial may not necessarily reflect the same vetting process that each subdivision plan must undergo today. The current plan has received favorable comments from the Engineering, Fire, Police, Public Works, and Building Departments, as well as the Board of Health.

Mr. Michael Ventresca asked for clarification of what is being proposed. Mr. Romero stated that the proposal would incorporate one current lot, which contains an existing structure that will be raised, and create one additional building lot.

Ms. Claudia Bolgen reiterated that in comparing the new plan to the old plan she is not able to decipher a substantial difference but is open to hearing from the applicant if that is not the case.

Mr. George W. Gately, the applicant, approached the Board to explain that he also is not familiar with the layout of the 1999 proposal, but the current proposal mirrors the Downs Court project layout that was recently approved by the Board.

Planning Director Cassidy stated that the Engineering comments included information relative to 1950s-era survey that purports to show a property not owned by the applicant falling within the currently proposed right-of-way on Flagg Street. This comment also comports with abutters who have informed the Planning Office that the property owner in question believes he has rights to part of the Flagg Street right-of-way. Attorney Tarby responded that he is not yet sure how the 1950s-era survey aligns with the current deed language of the property, but it will be examined further. If it turns out to be a problem in terms of conflicting property ownership, the applicant would not move forward with construction.

Mr. Michael Ventresca notes that the proposed right-of-way in the Plan from 1999 that depicts a right-of-way that is 14-feet wide.

Mr. Michael Ventresca inquired as to the width of the existing pavement on Flagg Street. Mr. Romero responded that the current pavement width varies between 20-24 feet. It will be widened to a minimum of 26 feet and include vertical granite curbing but no sidewalks are being proposed.

Mr. Michael Ventresca inquired about the construction of the emergency turnaround easement. Mr. Romero confirmed that it will mirror what was constructed for the Downs Court subdivision and consist of grass pavers and accommodate emergency vehicles of any size.

Chair Carolyn Turner inquired about the size of the turning radius. Mr. Romero responded that the turning radius will be 30-ft. wide.

Attorney Tarby stated that there are reports from the DPW Superintendent, Engineering, and the Police and Fire Chiefs. All reports indicate that there is adequate access, drainage and utilities to support two residential dwellings as proposed on a 30-ft. right-of-way.

Chair Carolyn Turner opened this matter for a public hearing and asked any members of the audience who would like to step forward to address the Board to please do so.

PUBLIC HEARING

Ms. Betty Ann Maginnis, 42A Chestnut Street, stated that the plan is incorrect due to the ownership listed relative to the parcel behind Lot #2 (currently listed as Marguerite Johnson, whereas the owner is actually Marguerite Maginnis).

Ms. Maginnis further stated that she is concerned with the effects of blasting, particularly because of the dense area and presence of ledge/rock in the area. Specifically, she would like to know the effect that blasting will have on surrounding homes, which range from 60-200 years old.

Ms. Maginnis further stated that she would like to know the overall height of any structure that will be built considering that the foundations may not be able to be constructed as deeply due to the ledge around the area, as well as potential lighting disturbances.

Ms. Maginnis further stated that she is concerned with the effects of run-off and grading, as well as maintaining the existing privacy in the area (i.e., tree buffers)

Ms. Maginnis further stated that she is concerned with the dimensions of the house, as well as the developer seeking a conversion to multi-family housing post-approval.

Ms. Maginnis further stated that she is concerned with the blasting process in terms of the notification process and the timing of the work.

Ms. Maginnis further stated that she is concerned with the issue of the size of the new homes and the potential effect on property taxes.

Ms. Maginnis further stated that she is concerned with the potential of additional roadway extension beyond what is currently proposed.

Ms. Maginnis further stated that she is concerned with the potential of soil erosion once trees are removed.

Ms. Maginnis further stated that she is concerned with how the rock will be stored once blasting has commenced.

Mr. Paul Doherty, 40 Chestnut Street, approached the Board. He applauds the Board for asking for a comparison between the new and old plans.

Mr. Doherty further stated that he is concerned with the effects of blasting on the site, particularly because he has discovered that the area contains a large amount of ledge.

Mr. Doherty further stated that he is concerned with the progress of construction related to the developer's Borselli Drive project.

Mr. Doherty further stated he is generally concerned with the amount of building that is going on in Woburn and its impacts on the future of the city.

Mr. Philip Ciampa, 20 Plympton Street, approached the Board. He is concerned with the notification process (he did not receive formal notification), as well as the lack of knowledge about the plan. He would ask the Board to consider delaying their decision at least until after this evening to provide more time for surrounding neighbors to gather the information that they would like.

Ms. Alexander, 1 Middlesex Drive, stated that she did not receive formal notification about this project. She is also concerned with the neighborhood impact relative to drainage and stormwater mitigation, particularly because her home is low-lying.

Ms. Alexander further stated that she would like to know where ledge will be stored once it is extracted.

Ms. Alexander further stated that she would like to be notified of changes that will impact her property. In another subdivision adjacent to her property (Borselli Drives), she believes there were boulders that were buried onsite, which may impact subsurface water.

Ms. Candice Donahoe, 23 Flagg Street, approached the Board and stated that she is concerned with front-end loaders driving on the street, as well as drainage issues and handling of snow. She is also concerned with the notification of abutters.

Ms. Donahoe further stated that she would encourage the Board to take a visit to the street. She believes that it is too narrow to incorporate sidewalks.

Ms. Donahoe further stated that two utility poles have fallen over recently as a result of vehicle accidents.

Ms. Donahoe further stated that she would like the Board to take into consideration the condition of their street and the amount of ledge in the vicinity.

Planning Director Cassidy asked members of the audience to clarify who did not receive abutters' notices so that she may cross-check the certified listing that was used for the mailing.

Ms. Catherine Shaughnessy, 31 Scott Street, approached the Board. She stated that this is a small, congested neighborhood, and the development of this parcel affects a number of nearby streets in terms of access to Flagg Street.

Ms. Shaughnessy further stated that she is familiar with the plan in 1999, and the difference between the former and current proposals, from her perspective, is that the size of the cul-de-sac in the previous plan was actually larger but that the City's former Fire Chief at the time indicated a turnaround of that size would be inadequate.

Ms. Shaughnessy further stated that she would like to see the comments issued by the Departments of Public Works and Engineering relative to the maintenance of the right-of-way.

Ms. Shaughnessy further stated that she would like to know what the frontage is at the property of 24 Flagg Street, and what is proposed for Lots 1 and 2 on the current plan, given the denial of the former plan on the basis of frontage. She would also like deeds of adjacent lots examined in terms of coming to a definitive conclusion about the right-of-way ownership and intent.

Ms. Shaughnessy further stated that this project will dramatically impact the quality of life of the neighborhood and recommends that the Board take a site visit to the area.

Ms. Sue Maginnis, 42A Chestnut Street, approached the Board. She stated that she wanted to thank the Board for taking the time to hear the abutters. She would like the Board to keep in mind that the project will generally not be a benefit to the area and have a potentially negative impact on the families that live there.

Mr. George Gately, Jr., applicant, approached the Board to clarify the abutter process for the two individuals who did not receive formal notice.

Planning Director Cassidy stated that the applicant must submit a certified abutters' list, obtained from the Assessor's office, as part of their application. Planning office staff then distribute public hearing notices to everyone on this list.

Planning Director Cassidy stated in cross-referencing the listing of certified abutters, the two individuals who did not receive formal notice were not found to be included on the list. This may or may not have been the result of an omission but would have to be confirmed by verifying the abutter radius on a map.

Mr. Gately stated that he would like to double-check the distances of the interested neighbors' homes from 24 Flagg Street to confirm whether they should or should have received formal notice.

Chair Carolyn Turner stated that the Planning Director will confirm with the Assessor's Office as to whether the two missing abutters should have been included.

Mr. Ciampa stated that he would appreciate if the Board provided more time to review the plan so that neighbors would have the opportunity to provide additional feedback. Chair Carolyn Turner responded that it is likely that the Board, given what has been heard thus far, will issue a continuance this evening.

Mr. Gately stated that he is currently addressing the concern of gas line installation brought up by Mr. Doherty relative to his project on Borselli Drive, which should be complete in March of 2018.

Mr. Gately further stated that he has not buried any boulders on the site of his Borselli Drive project.

Ms. Sue Alexander inquired about the protections for property owners relative to drainage during the construction process. Chair Carolyn Turner stated that the measures put in place would vary depending on the scope and ground conditions of each project. In addition, the current matter in front of the Board is specific to the subdivision component and not the process of construction.

Ms. Alexander inquired about what extent of groundwork is permitted onsite prior to a developer receiving a building permit, as well as the review process for stormwater. Mr. Jim Callahan responded that subdivisions have to submit stormwater control data that is reviewed by the Engineering Department on which they will provide comments and for which they will recommend mitigation measures, as needed.

Planning Director Cassidy stated that, to the point relative to controls that would be recommended for erosion or stormwater controls, concerned residents could contact the project engineer for the developer to request information as to what erosion mitigation measures will be put in place specific to that project. In addition, a developer is entitled to do limited groundwork (i.e., removal of trees and some earthwork) even prior to receiving subdivision approval, assuming no wetlands are involved.

Mr. Romero stated that all of their stormwater calculations and system designs are carefully reviewed by both the Departments of Engineering and Public Works. In addition, the stormwater mitigation measures, such as erosion control and infiltration systems, that are proposed with this project will largely improve existing conditions.

Mr. Romero further stated that inspections are conducted onsite on a weekly basis relative to stormwater controls and runoff to comply with Environmental Protection Agency (EPA) regulations. In addition, they compare existing conditions to post-development conditions.

Mr. Romero further stated that both properties certainly meet the zoning requirements for frontage for this particularly development (100-ft. or more according to the Woburn Zoning Ordinances).

Ms. Donahoe inquired about confidence in the proposed drainage system that it could handle the capacity of stormwater, given that trees will be removed, the amount of ledge in the area, and that a significant amount of pavement will be added. She is also concerned about the existing tightness of Flagg Street and the safety of traffic flow. Mr. Romero responded that due to the way that the catch basins are designed (in accordance with adopted standards), as well as the onsite topography, he is confident in the stormwater collection system that is proposed.

Ms. Donahoe inquired if Mr. Romero could guarantee that stormwater would not be displaced to abutting properties. Mr. Romero responded that he could not guarantee that. However, the new roadway that will be constructed will constitute an improvement in both traffic flow and stormwater collection.

Mr. Shawn Hallisey, 25 Flagg Street, approached the Board and stated that driving conditions are tight at the intersection of Flagg Street and Plympton Street, where it is approximately 16-feet, with the existing utility pole onsite.

Ms. Maginnis inquired about to the project engineer about the flow of stormwater of the property, particularly affecting the rear of the property abutting 42A Chestnut Street. Mr. Romero responded that construction specific to the roadway will not impact the rear of the 24 Flagg street parcel.

Ms. Maginnis stated that she is concerned about the impact of stormwater drainage/collection once the roadway is already built and would like to know of any recourse in the event of flooding-related impacts onto abutting properties post-construction. Mr. Michael Ventresca responded that the Board must rely on the professional opinions of the City and project engineers to identify and anticipate drainage conditions.

Ms. Shaughnessy stated that the area is on the Middlesex Canal aqueduct and where a number of underground streams converge. In combination with these conditions, other nearby residential developments have resulted in flooding of several neighborhood residents' basements.

Ms. Shaughnessy inquired about the options available to the developer by-right should the subdivision not be approved and would request further information about this in the future.

Mr. Fred Dominici, 19 Middlesex Street, approached the Board to inquire about whether a topography report would be part of the subdivision filing. Planning Director Cassidy stated that existing topographical information of the property and surrounding area is incorporated as a separate sheet into the subdivision plan set filed with the Board.

Mr. Dominici inquired as to whether existing ledge would be reflected on the site plan submitted. Mr. Jim Callahan responded that soil conditions, including ledge, would be included in the drainage calculations submitted by the developer, which are analyzed by the Engineering Department.

Mr. Dominici stated that he is concerned with the blasting process, should it be necessary, due to the fact that he has a historical home with a fieldstone basement. Chair Carolyn Turner responded that the developer is subject to complete a pre-blast survey before it is permitted, in addition to a post-blast survey to identify any damage that may have occurred. Planning Director Cassidy responded that it would be helpful if the applicant were to discuss what has been found onsite and their sense of the required blasting at this point. In addition, oversight of the blasting process is conducted by the Fire Department, which requires a pre- and post-blasting survey of surrounding properties in accordance with state law.

Mr. Dominici inquired about whether the developer must disclose the presence of ledge as part of the application process. Planning Director Cassidy responded that, if asked for that type of information, the developer would be expected to answer as honestly as possible, given what is known about ground conditions.

Mr. Romero stated that the developer has discovered ledge several feet below the surface of the site, but more surveying must be completed.

Mr. Michael Ventresca inquired to Mr. Romero to respond to concerns about drainage at the rear of the property. Mr. Romero stated that all of the drainage will be contained at the western side of the

property, as opposed to the property to the northerly side of the site where there is a steeper drop in elevation. All drainage will be maintained onsite, including runoff resulting from new pavement and residential structures.

Ms. Maryann Myers, 29 Scott Street, stated that she is concerned about blasting due to the amount of ledge she has noticed in the area. She is also concerned with the drainage conditions/runoff once the property is paved.

Mr. Paul Doherty stated that he is concerned with the fact that there is a large amount of ledge in the surrounding neighborhood and asked that the Board take all residents' concerns about this issue into consideration.

Mr. Ciampa inquired to the Board about the current site zoning and what residential uses would be permitted. Planning Director Cassidy stated that the lot sizes would only allow for the construction of one single-family home per lot, unless a variance is obtained from the Zoning Board of Appeals for a hardship, which is highly unlikely.

Ms. Sue Alexander stated that it would be worthwhile for the Board to take a site visit to the neighborhood because of its density and current and potential traffic circulation difficulties.

Mr. Philip Ciampa stated that based on his calculation of dimensions, the developer could move forward with a conversion of single-family dwellings to two-family dwellings, should the subdivision be approved as designed. If this type conversion is indeed possible, he would like to know how it may be prevented by the Board. Planning Director Cassidy stated that she would research these question by inquiring to the Building Inspector and the City Solicitor and provide an answer at a further meeting date.

Attorney Tarby responded that Mr. Gately only intends to construct single-family homes and sell the properties as such. There is no long-term plan to create two-family dwellings.

Attorney Tarby further stated that that drainage calculation reports have been reviewed by City officials. The Department of Engineering specifically has stated that post-development runoff conditions will improve upon pre-development conditions. In addition, all drainage infrastructure will be maintained by a Homeowners' Association.

Ms. Claudia Bolgen inquired to the developer to stake out the limits of the right of way and cul-de-sac, similar to what the developer of Downs Court did prior to that site visit, for the Board's information when conducting a site visit. Mr. Gately responded that he would do so.

Mr. Jim Callahan stated that he would like the developer to address the neighbors and their concerns prior to Board's scheduled site visit, in terms of potential impacts to individual properties, utilities and drainage (marking of test holes).

Mr. Gately stated that he will continue to reach out to the neighbors as he has done over the past several days to address specific concerns.

Ms. Claudia Bolgen stated that she would appreciate if the applicant would take into consideration the concerns raised by the 1999 version of the plan and then address how the newly proposed plan is designed in such a way that mitigates those concerns.

Planning Director Cassidy noted that the Engineering Department has recommended that certain items be added to the plan (i.e., street trees, street lights, as well as water/sewer and hydrant details). In addition, she would request the applicant and his attorney to address and conclude the issue of right-of-way ownership prior to hearing this matter any further.

Ms. Claudia Bolgen stated that she would very much support the applicant addressing any legal impediments before moving forward on this application and is willing to incorporate such a stipulation into a motion for a continuance of the public hearing.

Attorney Tarby responded that he is willing to address this issue with further information prior to the re-opening of the hearing.

Planning Director Cassidy inquired of the Board as to their preference for scheduling a site visit (an official group session, or individually without an official hearing). The Board responded affirmatively to hold an official public hearing session.

Ms. Claudia Bolgen stated that, in addition to the pavement markings, an approximate marking of the proposed emergency turnaround easement would be helpful for an onsite evaluation.

Attorney Tarby stated that the applicant would also prefer an official group site visit.

Planning Director Cassidy inquired to the Board for their date/time preference. Ms. Claudia Bolgen responded that scheduling the site visit for the day of the meeting (9/12), at 6:00 pm, would be most accommodating to the Board and general public.

Planning Director Cassidy stated that the site visit would be posted as a separate meeting of the Board and inquired to the developer and his attorney as to any issues with public attendance.

Mr. George Gately inquired to the Board for clarification about the parameter markings for the subdivision that they would prefer to see. Ms. Claudia Bolgen responded that the pavement markings would (from curb to curb), as well as the emergency turnaround boundary, is preferred.

Mr. George Gately stated that he will also mark the test holes for drainage on the site for the Board's information.

Planning Director Cassidy inquired to the applicant and attorney as to any reservations about public attendance. Attorney Tarby stated that they would not be opposed to public participation, but that the Board should be mindful of whether comments/questions from the public will be permitted at that time.

Ms. Claudia Bolgen stated that the purpose of the site visit should be primarily to allow the Board to observe the site of the proposed project and answer its own questions with the intent of honoring discussions and residents' questions once the public hearing resumes at City Hall shortly after the site visit.

Motion to continue the public hearing on this matter until the Board's site visit, held on September 12th, 2017 at 6:00 pm, located at 24 Flagg Street, made by Ms. Claudia Bolgen;
Seconded by Mr. Jim Callahan;
Motion carried, 6-0-0.

5. RUSSO ESTATES SUBDIVISION: REPORT ON PROGRESS TOWARD COMPLETION (MR. WILLIAM SCIRE AND CARMEN RUSSO, JR.)

Mr. William Scire, developer, approached the Board to provide an update. All the utilities have been installed, except for work done by Eversource, which he expects to start himself next week.

Chair Carolyn Turner inquired to Mr. Scire about the specific utility work that must be completed. Mr. Scire responded that the conduit for electric, cable and telephone would need to be installed, which he hopes to start on Monday of next week.

Ms. Claudia Bolgen inquired about the type of work that must be completed. Mr. Scire responded that the conduit work is to bring the line from an existing utility pole onto his property using plastic and steel piping.

Ms. Claudia Bolgen inquired about whether Mr. Scire has been able to complete other onsite work while utility work is pending completion. Mr. Scire responded that he has been able to complete ledge removal and drainage/detention basins. Once Eversource completes its work on the public rights-of-way, he will be able to complete roadway work, such as curbing and sidewalks.

Ms., Claudia Bolgen asked Mr. Scire to estimate the amount of work that is left to be completed as a percentage and whether he believed he could finish by his already-extended deadline. Mr. Scire responded that he estimates that he is at about 50% completed; there is a lot of foundation work left to be done after the utility work is complete.

Ms. Claudia Bolgen inquired about when he expects to finish the remaining work once utility work is completed. Mr. Scire responded that he estimates approximately 3 months left of work post-utility completion.

Mr. Scire stated that he is also waiting on a site to transport the ledge that has been excavated from the property, which he anticipates happening within the next 30 days.

Mr. Michael Ventresca asked Mr. Scire to clarify his timeline for seeking building permits for his project. Mr. Scire responded that it would depend on the utility work timeline; he has been seeking service from Eversource for around 2 years.

Mr. Jim Callahan asked Mr. Scire for clarification about what Eversource has completed. Mr. Scire responded that the utility company has installed a new pole but nothing else.

Mr. Michael Ventresca stated that he appreciates these updates, and looks forward to hearing about more progress at the conclusion of the year when we reach the new completion date.

Planning Director Cassidy stated that once the December 2017 completion date approaches again on this project, this matter will be placed on the Board's agenda for that month and Planning staff will work with the developer to pinpoint a new completion date, with as much forethought as possible, so that it is made as a formal request and can be realistically achieved.

7. LEGACY LANE SUBDIVISION: ACCEPT EMERGENCY ACCESS AND PRIVATE DRAINAGE EASEMENTS AND HOMEOWNERS' ASSOCIATION (HOA) DOCUMENTS / MR. FRANK J. MICHENZI

Planning Director Cassidy stated that the documents have been reviewed by the City Solicitor and the requested changes to those documents have submitted to the developer. However, since revised documents have yet to be submitted Director Cassidy stated that she hoped to place this matter on a future agenda for formal action.

8. TUFTS ROAD: ACCEPT DRAINAGE EASEMENTS AND HOA DOCUMENTS / MR. GEORGE GATELY, JR.

Planning Director Cassidy stated that the developer has submitted the above-referenced, fully executed documents and did so within seven (7) days of the Board's vote, which satisfied a condition of the Board's extension of the subdivision completion date for this project last month. She recommends adoption/acceptance of the documents.

Motion to accept the drainage easement and HOA documents, as submitted, made by Mr. Michael Ventresca;
Seconded by Mr. Bob Doherty;
Motion carried, 6-0-0.

9. DRAGON COURT: APPROVAL OF PROPOSED DEED LANGUAGE RELATIVE TO 5' RESERVE STRIP / MURRAY HILLS

Chair Carolyn Turner recused herself for this matter and Mr. Michael Ventresca assumed the role of Chair Pro Tem.

Planning Director Cassidy provided an overview of the genesis of this matter. The purpose of the provision of this draft deed language is to satisfy Condition #3 of this subdivision's Board approval relative to the reservation/conveyance of a 5' easement adjacent to the right-of-way for maintenance purposes. The language reflects what has been approved for a previous subdivision (Wall Estates). She recommends approval of the draft language as submitted.

Motion to accept the draft reserve strip deed language, as submitted, made by Ms. Claudia Bolgen;
Seconded by Mr. Bob Doherty, for discussion.

Attorney Joe Tarby, representing the developer, approached the Board. He inquired to the Board as to the purpose of the reserve strip from a conveyance point of view. It seems that this issue is or should be addressed as part of the title review process, although he is not sure of the exact nature of its purpose and believes that it could be discussed by the Board during the subdivision approval process without submission of deed language separately.

Planning Director Cassidy stated that her understanding is that grass strip is meant for street tree planting/maintenance purposes, although she is not certain on that point. Also, the issue of control

over trees (i.e., potential removal under private ownership) remains after a lot is sold. She is agreeable to the comment that this topic may be addressed as part of the subdivision approval process (i.e., including the language that should be referenced in each property deed in the Board's approval letter) moving forward.

Ms. Claudia Bolgen inquired for clarification as to how to handle this request now; she is willing to withdraw her motion if the Petitioner would like to submit new draft language.

Planning Director Cassidy stated that she is concerned with the prospect of the developer selling lots prior to addressing this issue relatively soon and asked Attorney Tarby whether the developer intends to sell any lots in the coming weeks. Attorney Tarby responded that lots are not yet ready to be sold and would be willing to submit new draft easement language for the Board's review at its September 12th meeting.

Motion withdrawn by Ms. Claudia Bolgen;
Seconded motion withdrawn by Mr. Bob Doherty;

Motion to continue this matter until the Board's September 12th meeting, made by Ms. Claudia Bolgen;
Seconded by Mr. Bob Doherty;
Motion carried, 5-0-0, with Chair Carolyn Turner recusing.

Attorney Tarby stated that it is not the Petitioner's intent to avoid this condition. Chair Pro Tem Michael Ventresca responded that it is important for the Board to address the intent of the initial subdivision approval.

10. WALL ESTATES SUBDIVISION: REPORT ON PROGRESS TOWARD COMPLETION / MURRAY HILLS

Planning Director Cassidy provided an overview of the update from the developer and indicated that the developer intends to provide further information to the Board at one of its September meetings in response to the upcoming subdivision completion date. Although it is possible the subdivision will not be complete at that point, the developer is still working toward that goal.

11. 855 MAIN STREET: REQUEST FOR RELEASE OF REMAINING BOND MONEY POSTED AS SURETY / SEAVER PROPERTIES LLC

Mr. Michael Ventresca stepped down as Chair Pro Tem and Chair Carolyn Turner resumed the role of Chair.

Planning Director Cassidy stated that the request has been reviewed and verified via site inspection of onsite trenches and, in accordance with the response of the Department of Engineering, she so recommends approval to release the remaining bond monies (\$10,000).

Motion to accept the Planning Director's recommendation to release remaining bond monies being held to guarantee completion of the 855 Main Street project made by Mr. Bob Doherty;
Seconded by Ms. Claudia Bolgen;

Motion carried, 6-0-0.

12. APPROVAL OF MINUTES: June 20, 2017 meeting

Motion to accept the June 20, 2017 meeting minutes, as drafted, made by Mr. Bob Doherty;
Seconded by Ms. Claudia Bolgen;

Ms. Claudia Bolgen stated that the draft meeting minutes were nicely done; Mr. Michael Ventresca agreed.

Motion carried, 6-0-0.

13. PLANNING BOARD DIRECTOR UPDATE:

Planning Director Cassidy stated that the Board's next meeting will be held on September 12th, starting with the site visit for Flagg Street at 6:00 p.m. Planning staff will plan to send a reminder notice to the Board in advance of the site visit.

Chair Turner asked if there was any other business for the Board to conduct. There was none.

13. ADJOURNMENT

Motion to adjourn at 9:27 p.m., made by Ms. Claudia Bolgen;
Seconded by Mr. Bob Doherty;
Motion carried, 6-0-0.

Meeting adjourned at 9:27 pm.

Table of Documents Used at Meeting

Staff Report
ANR Application for 25 Middlesex Canal Park
ANR Application for 9 Pine Street, 0 Pine Street & 2 Crescent Avenue
ANR Application for 124-130 Lexington Street
Definitive Subdivision Application for 24 Flagg Street
Definitive Subdivision Application for 24 Flagg Street: Comment letters from the Departments of DPW, Engineering, and Inspectional Services, as well as the Board of Health
Tufts Road Subdivision (89 Wyman Street): Final drainage easement and Homeowners' Association (HOA) documents
Dragon Court Subdivision (Garvey Road): Draft deed language for acceptance of a 5' reserve Strip

Wall Estates Subdivision: copy of report on progress toward completion

855 Main Street: Engineering Department comments/bond release request recommendation

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dan Orr', written in a cursive style.

Dan Orr, City Planner/Grant Writer