

**ADOPTED Meeting Minutes  
April 25, 2017 Planning Board Meeting  
7:00 P.M.  
City Council Chambers, Woburn City Hall**

**APPROVED**

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, Mr. Dave Edmonds, Ms. Claudia Bolgen and Chair Carolyn Turner were present. 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 was one.

**165 CAMBRIDGE ROAD ANR (Bryan Melanson)**

Planning Director Cassidy provided an overview of the ANR plan to the Board, the purpose of which is to sell a city-owned parcel to enable a property closing. The land is being sold by the City to the developer of a 16-unit townhouse development that the Board saw as part of an application seeking approval for "more than one building on a lot for dwelling purposes". The ANR has been reviewed for conformance with frontage requirements of zoning and plan content and as such the Planning Director recommends endorsement.

Motion to endorse the submitted ANR plan as one not requiring approval under the Subdivision Control Law, made by Mr. Dave Edmonds;  
Seconded by Mr. Bob Doherty;  
Motion carried, 7-0-0.

**PUBLIC HEARING: 425 WASHINGTON STREET SIGN APPEAL (Kimco Realty)**

Mr. Michael Ventresca recused himself from discussion of this matter due to his absence at the previous public hearing session.

Planning Director Cassidy provided an overview of the current status of this application. This is the second session of the public hearing.

Planning Director Cassidy stated that, at the request of the Board, she has spoken to members of the Council who voted on the conditions included in the granting of the Special Permit for this project. Councilors indicated to her that the inclusion of the condition relative to signage zoning conformance was a conscious decision and not part of a standardized template.

Attorney Tarby, Murtha Cullina, 600 Unicorn Park Drive, representing the Petitioner, stated that he would like to request a continuance of the public hearing and discussion on this matter so that he is able to meet with the Council's Subcommittee on Special Permits on May 8<sup>th</sup> to participate in a more in-depth discussion of this matter before initiating further discussion with the Board.

Chair Carolyn Turner asked Attorney Tarby as to the sufficiency of the amount of time between the Board's May 9<sup>th</sup> meeting and the Subcommittee's meeting the evening prior. Attorney Tarby stated that the timing is sufficient.

Mr. Bob Doherty inquired to the Planning Director regarding a timeframe for action on this matter. Planning Director Cassidy stated that she does not believe that a time constraint is in place, but she will clarify with the Board at their May 9<sup>th</sup> meeting if so.

Attorney Tarby stated that if there is a potential deadline for Planning Board action on this matter, he will go on record now stating that the Petitioner agrees herewith to any required extension of time for Board action that may be necessary.

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

No members of the audience stepped forward.

Planning Director Cassidy stated that her recommendation is to continue this matter to the Board's next meeting at the request of the Petitioner.

Motion to continue the public hearing on this matter to the Board's May 9<sup>th</sup> meeting made by Mr. Dave Edmonds;  
Seconded by Mr. Bob Doherty;  
Motion carried, 6-0-1, with Mr. Mike Ventresca abstaining.

#### **PUBLIC HEARING: CROSSMAN ROAD DEFINITIVE SUBDIVISION (Mr. Stephen Tonks)**

Mr. Michael Venstresca recused himself from this matter due to absence at the previous public hearing session.

Attorney Mark Salvati, 10 Cedar Street, and project engineer Mr. Mark Sleger, ALAN Engineering, LCC, 288 Littleton Road, Suite 31 Westford, MA, approached the Board on behalf of the Petitioner. Attorney Salvati stated that he is in receipt of the recommendation letters provided by the department heads and takes no issue with the comments and recommendations included in them.

Planning Director Cassidy stated that there is one matter that remains to be addressed related to the provision of water service. The DPW and Engineering Departments have submitted conflicting comments and recommendations about the adequacy of the existing water line to service three (3) new houses and whether pumps will be needed on the individual water lines to provide necessary service. State law obligates the Planning Board to ensure that adequate water, sewer and other utilities are available to service the new development; it is up to the Board as to whether it wants to (a) postpone a decision on this matter to another meeting in order to obtain assurances regarding adequacy of the water service or (b) impose a condition on approval of the project that requires the developer to evaluate the impact of an additional three (3) homes on the area's water pressure and perform any needed improvements at his expense.

Attorney Salvati stated that the latter option would be befitting, as this plan only reflects a Roadway Improvement Plan and does not create new building lots or reflect a final lotting plan for home-building purposes.

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

No members of the audience stepped forward.

Motion to close the public hearing made by Mr. Dave Edmonds;  
Seconded by Ms. Claudia Bolgen;  
Motion carried, 6-0-0.

Motion to continue this matter until the Departments of Engineering and Public Works have come to an agreement about how to upgrade/modify the public water and sewer system made by Mr. Jim Callahan;  
Seconded by Mr. Bob Doherty;

Mr. Dave Edmonds interjected for questioning and asked for clarification as to Mr. Jim Callahan's motioned continuance versus the Planning Director's recommendation.

Mr. Jim Callahan stated that he does not believe that it is the responsibility of the homeowner to foot the bill for the cost of installation and as such should be the responsibility of the City to devise a solution that is amenable to the project engineer.

Planning Director Cassidy stated that if the hearing is to be continued, the Board should continue the hearing to a date certain.

Planning Director Cassidy further stated that, for clarification, her recommendation is that the Board include the following condition of approval related to water pressure: "An evaluation of the impact of an additional three (3) homes on the water pressure shall be submitted to the Planning Board for review and approval by appropriate City departments; and if the evaluation or subsequent review by City Departments dictates that upgrades to the existing pumps are needed and/or individual booster pumps are needed in each home, then the developer shall install/construct those improvements at his sole expense as part of the subdivision's buildout."

Mr. Jim Callahan withdrew his motion from consideration and Mr. Bob Doherty withdrew his second.

Planning Director Cassidy then stated her full recommendation for the benefit of the Board, with the granting of the two (2) requested waivers along with eight (8) conditions of approval, as follows:

#### Waivers:

1. Table I, Street Cross-Section Standards: To allow a sidewalk on only one (1) side of the street; and

2. To require the installation of the six (6) street trees (two [2] per lot) but to defer installation of said trees until property owned by the applicant at Assessors Map 79, Block 02, Lot 03 is developed in the future.

Conditions of Approval:

1. Maintenance and upkeep of the drainage easements shown on Lots #2 and #3, and the maintenance and upkeep of all drainage areas, storm water infiltration systems, including pipes and conduit running to and from said system, as shown on the approved plan, are the responsibility of the homeowners' association, and the applicant must submit to the City acceptable homeowner association and easement documents in that regard prior to the issuance of any building permits;
2. The types and dimensions of any easements and any deed restrictions must be noted in each property deed and on the plans filed with the Registry of Deeds;
3. Detailed construction plans and policy procedures relative to construction of the proposed utility lines shall be submitted to the Planning Board for review and approval prior to commencement of any construction, for reasons noted in the updated April 10, 2017 memorandum from DPW Director Jay Duran to the Planning Board. If construction work compromises the integrity of the existing water main in the opinion of the City of Woburn, the developer shall be responsible for repairing and replacing the appropriate length of pipe with ductile iron as directed by the City of Woburn;
4. An evaluation of the impact of an additional three (3) homes on the water pressure shall be submitted to the Planning Board for review and approval by appropriate City departments; and if the evaluation or subsequent review by City Departments dictates that upgrades to the existing pumps are needed and/or individual booster pumps are needed in each home, then the developer shall install/construct those improvements at his sole expense as part of the subdivision's buildout;
5. The proposed depth and location of the drainage pipe to be constructed in the easement across private property could present significant issues at the time of repair if it is located too close to the foundations for Lots 2 and 3. For that reason, the houses to be constructed on Lots 2 and 3 shall be located exactly as shown on Sheet 5 of 6 of the approved plan set, and any deviation in those locations shall require review and approval by the Planning Board;
6. That a fire hydrant shall be installed on the south side of Crossman Road (same side of the roadway as the proposed homes) at a location acceptable to the Woburn Fire Department;
7. To ensure adequate roadway lighting, street lights shall be added to both of the existing utility poles that are to be relocated and which are noted on the plans as "UP (to be relocated)"; and
8. Construction of all aspects of this subdivision shall be completed by April 25, 2019.

Motion to accept the Planning Director's recommendation made by Ms. Claudia Bolgen;  
Seconded by Mr. Bob Doherty;

Mr. Jim Callahan interjected for a question to the Planning Director asking for more clarification about Condition #8 regarding the completion date. Planning Director Cassidy responded that the

condition will include completion of all of the improvements included on the approved subdivision plan.

Planning Director Cassidy stated that she could opt to include language in the 8<sup>th</sup> condition relative to "completion of roadway improvements." Ms. Claudia Bolgen responded that since this plan encompasses more than the roadway improvement (i.e., offsite utilities), that may create confusion. Planning Director Cassidy responded that the proposed approval wording then would be best left as drafted.

Motion to adopt the Planning Director's recommendation as noted above carried, 6-0-1, with Mr. Mike Ventresca abstaining.

**RUSSO ESTATES DEFINITIVE SUBDIVISION (Mr. William Scire) / Update on progress toward subdivision completion and report on maintenance of the infiltration basin and pipe/catch basin**

Mr. Ventresca rejoined the meeting.

Planning Director Cassidy provided an overview of the status of this subdivision in terms of why this matter is before the Board.

Planning Director Cassidy stated that the Board had requested a report on this matter by the time of tonight's meeting relative to construction progress a report on the maintenance of the infiltration basin and pipe/catch basin, both of which were to be overseen by a licensed engineer, but that one had not been received at this point.

Planning Director Cassidy stated that the Engineering Department has also conducted an onsite inspection and documented a number of issues in a memo, which has been provided for the Board's reference.

Mr. William Scire, project developer, approached the Board. He stated that the detention basin is not currently connected to the City's system for overflow.

Mr. Scire further stated that there is a temporary basin to keep the silt out of the water. Eventually this will need to be cleared of about three (3) inches of silt that is currently in the bottom, but it is not an immediate concern.

Mr. Dave Edmonds stated that the Board received a letter from a nearby resident (Mr. Chris Conway) outlining a number of concerns related to the construction site. Mr. Scire stated that he had not received the letter. Chair Carolyn Turner responded with an overview of Mr. Connolly's concerns and allowed Mr. Scire to read the letter himself.

Mr. Scire stated that there is a lot of fill on the site and they are working on taking a lot of it off. Once the fill is taken off, he will be able to move forward with constructing the drainage systems.

Mr. Dave Edmonds inquired as to whether there is anything else being stored on site. Mr. Scire stated there nothing is coming onto the site; only leaving.

Mr. Dave Edmonds asked Mr. Scire if he believed that it is reasonable for neighbors to put up with dust nuisance for several years. Mr. Scire stated no.

Mr. Dave Edmonds inquired to Mr. Scire what the source of the dust is if it is not necessarily coming from the fill removal process. Mr. Scire responded that it is likely the adjacent road, and that it could be swept. Mr. Dave Edmonds stated that it would be a good measure to do so.

Planning Director Cassidy asked Mr. Scire if he had running water on site. Mr. Scire replied yes. Planning Director Cassidy stated that it would be recommended to utilize the water service to "tamp down" the airborne dust as it happens.

Chair Carolyn Turner asked about the equipment that was onsite currently. Mr. Scire responded that there are currently loaders and a screening machine (onsite for a week); a crusher was onsite in the past, but that is now gone.

Ms. Claudia Bolgen inquired to the Planning Director about the new completion date for the subdivision. Planning Director Cassidy stated that the Board members present at the March 28<sup>th</sup> meeting voted to extend the completion date to December 31, 2017.

Ms. Claudia Bolgen inquired as to what will be completed by the December 31<sup>st</sup> completion date. Mr. Scire responded that the housing units will not be completed, but the roadway will.

Ms. Claudia Bolgen asked Mr. Scire about the blasting that was mentioned in the abutter's letter and why that seemed unexpected. Mr. Scire responded that the blasting had to occur because of unanticipated ground conditions.

Ms. Claudia Bolgen inquired as to why three (3) years in construction have passed without nearing completion of the subdivision. Mr. Scire stated that the inordinate amount of fill that needs to be removed, as well as personal illness, has contributed to the delay.

Ms. Claudia Bolgen inquired as to whether Mr. Scire believed there will be more surprises in terms of being able to complete the task of fill removal and roadway construction. Mr. Scire stated that he does not.

Ms. Claudia Bolgen inquired about Mr. Scire's plan for the building season. Mr. Scire responded that he believes that it will be close to the end of the building season when he is finished removing the fill onsite and construction of the roadway. He may be able to get a couple of foundations installed before Winter.

Ms. Claudia Bolgen inquired about when blasting will occur and its duration. Mr. Scire responded that the blasting will commence over the next few weeks and will take several weeks to complete.

Ms. Claudia Bolgen asked about compliance of the blasting process with Fire Marshall regulations. Mr. Scire responded that the blasting process will be compliant in this regard.

Ms. Claudia Bolgen inquired about the process of notifying abutters about blasting nearby. Mr. Scire stated that the blasters conduct pre-blast surveys and notify residents within 300 feet of the site of the operation.

Ms. Claudia Bolgen stated that it would behoove Mr. Scire to reach out to the unhappy abutters, as well as all abutters, to ensure that they are aware of the blasting process before it begins. Since blasting

tends to be an issue of great concern to neighbors of any construction project, proactivity will be very important moving forward.

Ms. Claudia Bolgen further stated that it concerning that this subdivision reached the point of expiration prior to developer appearing before the Board requesting an extension, as well as the fact that an abutter had reached out to the Board due to inaction on behalf of the developer.

Attorney Salvati inquired about and received the contact information of the abutter from the Board.

Mr. Bob Doherty stated that he does not recall any issues in the past based on the work of Mr. Scire and would be comfortable if he would simply confirm that he is back and able to complete the work. Mr. Scire responded affirmatively.

Mr. Michael Ventresca inquired to Mr. Scire as to where he will be in terms of a construction timeline in approximately four (4) months. Mr. Scire stated that he believes that the drainage system will be complete and that he hopes to be able to start some foundations. He envisions that the binder will also be completed.

Mr. Michael Ventresca stated that he would not mind having Mr. Scire come back to the Board in a few more months to update the Board and to make sure everything is running smoothly and that he is on track.

Mr. Jim Callahan inquired to Mr. Scire as to how he plans to mitigate damage to the roadway while he completes work related to the housing lots. Mr. Scire responded that his strategy is to remove as much fill and ledge as possible prior to completing the roadway. He also intends to complete the subdivision carefully, one lot at a time.

Mr. Jim Callahan inquired to Mr. Scire about whether concerns about his strategy had crossed his mind when this matter was last before the Board. Mr. Scire stated that he knows that the Board must keep developers accountable, but doing the work is a different issue than talking hypothetically.

Mr. Jim Callahan stated that there was discussion even as far as ensuring that the streetlights will be installed properly. Mr. Scire stated that he had put down a deposit to NSTAR to service the streetlight and it took approximately two years to complete the utility work onsite.

Mr. Jim Callahan stated that in terms of all of the factors associated with roadway development, he does not see that it will be completed by the end of the year given all outstanding work that remains. He stated that better practices need to be in place so that the recurring resident complaints come to an end.

Mr. David Edmonds stated that he is concerned with the stone-grinding aspect of the construction work. He inquired as to the number of cubic yards that are being blasted. Mr. Scire stated that approximately 250 cubic yards will be blasted. The blasting will occur prior to the finish coat being placed on the roadway.

Mr. Dave Edmonds stated that considerations for stone crushing have not been taken into account. He is concerned that there is an impact that is being had on neighbors that may be creating a hazard.

Ms. Claudia Bolgen inquired as to what happens next. Planning Director Cassidy responded that Mr. Scire noted that he intends to come back to the Board in August to replace his Covenant with a bond, as he will need to have the building lots released for construction purposes.

Chair Carolyn Turner inquired as to whether any action needs to be taken. Planning Director Cassidy responded that she could task herself with meeting with the City Solicitor to determine its best course of action regarding potential delays occurring in the future and votes that may be taken.

Mr. Michael Ventresca inquired about the right to make a request to a developer to visit the Board. Planning Director Cassidy responded that is certainly within the Board's rights.

Mr. Bob Doherty stated that Mr. Scire does have a good past track record of completing home construction, so it appears there is a reason that this site work has not been completed as quickly as intended. He believes it is important to bring in Mr. Scire for updates to ensure that he is making good progress.

Mr. Michael Ventresca stated that as long as Mr. Scire is making good progress, it will help to satisfy the Board. However, it seems as though the Board may be taken advantage of by granting subdivision completion extensions in the past without enforcing developers' obligations.

Planning Director Cassidy stated that Planning staff are working on a tracking system that will enable the Board to have advance notice for when a subdivision's construction completion date is going to expire. Once all of the data is inputted on these sheets, Planning staff will be in a much better position to hold developers accountable for work to be completed.

Ms. Claudia Bolgen stated that she would like to see Mr. Scire be put on the August meeting schedule for the purpose of him providing another update on this project in terms of progress toward completion. Planning Director Cassidy stated she will send him and his attorney such a letter.

**APPROVAL OF MINUTES:** April 11, 2017 meeting

Motion to accept the Planning Board's April 11, 2017 meeting minutes, as drafted, by Mr. Bob Doherty;

Seconded by Mr. Jim Callahan;

Motion carried, 6-0-1, with Mr. Michael Venstresca abstaining due to meeting absence.

**PLANNING DIRECTOR UPDATE**

Planning Director Cassidy stated that the only public hearing scheduled for the Board's next meeting is the public hearing continuance for the 425 Washington Street project (sign appeal).

Planning Director Cassidy further stated that it has been a while since the Board looked at the potential adoption of new filing fees, so she intends to bring this matter to the Board's attention at the next meeting with a proposed new fee schedule based on research of surrounding municipalities.

Planning Director Cassidy further stated that she has received confirmation that remote participation in Board meetings by members is legally possible, although there are limitation and parameters to doing so, and she will have to determine the technological logistics for audio and visual needs.

Ms. Claudia Bolgen stated that it would be particularly beneficial for her circumstances to participate remotely, specifically for her planned absence at the late May Planning Board meeting. Planning Director Cassidy stated that she would address this issue in hopes of providing an update.

Chair Carolyn Turner asked whether there were any other business or matters for the Board to discuss at this meeting. There were none.

**ADJOURNMENT**

Seeing no further business, Ms. Claudia Bolgen motioned to adjourn at 8:07 p.m.;  
Seconded by Mr. Bob Doherty;  
Motion carried, 7-0-0.

The meeting adjourned at 8:07 p.m.

***Table of Documents Used at Meeting***

<ul style="list-style-type: none"><li>• Staff Report</li></ul>
<ul style="list-style-type: none"><li>• Attachment to Staff Report: Police Department comments on Crossman Road Definitive Subdivision</li></ul>
<ul style="list-style-type: none"><li>• Attachment to Staff Report: Draft approval documents for Crossman Road Definitive Subdivision</li></ul>
<ul style="list-style-type: none"><li>• Attachment to Staff Report: Resident Abutter Letter relative to Crossman Road Definitive Subdivision</li></ul>
<ul style="list-style-type: none"><li>• Attachment to Staff Report: City of Woburn remote meeting participation policy</li></ul>
<ul style="list-style-type: none"><li>• Attachment to Staff Report: An excerpt from the Mass. Attorney General's Open Meeting Law Guidelines</li></ul>
<ul style="list-style-type: none"><li>• April 25, 2017 memo from Engineering Department's Brett Gonsalves to Planning Board Director Tina Cassidy re: Russo Estates</li></ul>
<ul style="list-style-type: none"><li>• Draft Planning Board Meeting Minutes (dated April 11, 2017)</li></ul>

Respectfully submitted,



Dan Orr  
City Planner/Grant Writer