

Approved

MEETING MINUTES

Tuesday, February 23, 2021 Woburn Planning Board Meeting | 7:00 p.m.

Meeting held virtually via Zoom Platform

Chair Kevin Donovan called the meeting to order at 7:00 pm and asked City Planner Karen Smith to call the roll.

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

Cassidy stated the meeting was being recorded by both video and audio.

PUBLIC HEARING: ROBERTSON WAY DEFINITIVE SUBDIVISION: REQUEST TO MODIFY A CONDITION OF THE PLANNING BOARD'S JANUARY 13, 2009 APPROVAL OF THE SUBDIVISION (CONDITION #14) TO ELIMINATE THE REQUIREMENT FOR INSTALLATION OF A SECURITY GATE AT THE LOCATION OF THE "EMERGENCY VEHICLE AND CONSERVATION COMMISSION ACCESS" EASEMENT AT THE END OF THE CUL-DE-SAC (Bryan Melanson)

Cassidy provided a summary of the status of the modification request before the Board relative to elimination of a required security gate that has not been installed. She explained that that a request for comment on the proposed modification had been forwarded to the Conservation Commission and the Fire, Engineering and Public Works Departments for review and consideration. Only the Conservation Commission took issue with the request and expressed its opinion that a discovered encroachment onto land under the Commission's jurisdiction should be addressed prior to the Board's approval of any modification to the subdivision's conditions of approval.

Cassidy further stated that since the December meeting, Mr. Melanson met on site with several members of the Conservation Commission. After the January Conservation Commission meeting, the matter was forwarded to the City Solicitor for consideration and action to remove the encroachments. The Commission also recommended that the Planning Board take no action until the encroachments were addressed.

Cassidy further stated that the Solicitor has responded at this point and opined that the matter of conservation land encroachment should not influence the timing of the Board's decision relative to the proposed subdivision modification. Cassidy turned to Mr. Melanson to offer him the opportunity to make any comments at this time. He declined.

Donovan asked if members of the Board had any questions/comments to pose at this time. There were none.

Donovan opened this matter for a public hearing and turned to Cassidy to explain the logistics of using the "raised hand" function to identify audience members who wish to speak.

PUBLIC HEARING

Donovan asked Cassidy if any members of the audience wished to address the Board on this matter. No members of the audience indicated a desire to speak.

Seeing no members of the audience indicating a desire to speak, Edmonds made a motion to close the public hearing; Seconded by Doherty;

Roll call vote on the motion to close the public hearing for the matter of the Robertson Way definitive subdivision modification:

Callahan-Aye
Doherty-Aye
Edmonds-Aye
Turner-Aye
Ventresca-Aye
Bolgen-Aye
Donovan-Aye

The motion carried, 7-0-0.

Cassidy stated that her recommendation is for the Board to grant the requested modification, as submitted, to eliminate Condition #14 from the Planning Board's January 13, 2009 approval requiring the installation of a security gate at the location of the Emergency Vehicle and Conservation Commission Access Easement.

Motion to accept the Planning Director's recommendation to approve the proposed subdivision modification to eliminate Condition #14 of subdivision approval, made by Bolgen;
Seconded by Turner;

Roll call vote on the motion to accept the Planning Director's aforementioned recommendation to approve the proposed modification to eliminate Condition #14 of subdivision approval:

Callahan-Aye
Doherty-Aye
Edmonds-Aye
Turner-Aye
Ventresca-Aye
Bolgen-Aye
Donovan-Aye

The motion carried, 7-0-0.

316 NEW BOSTON STREET DEFINITIVE SUBDIVISION: REQUEST TO ACCEPT OPERATION & MAINTENANCE (O&M) PLAN, LONG TERM POLLUTION PREVENTION PLAN (LTPPP), AND ILLICIT DISCHARGE STATEMENT DOCUMENTS (DM Five, Inc.)

Cassidy provided an update on this matter and explained that a number of items remain outstanding precluding endorsement of the subdivision plan Mylars at this time. However, staff is able to present an O&M, LTPPP, and Illicit Discharge Statement to the Board this evening for acceptance following receipt of comments from the Engineering Department finding that these documents have been submitted in satisfactory form and content.

Cassidy further stated that with Engineering's affirmative comments she recommends that the Board vote to accept the aforementioned documents with the understanding that additional pre-endorsement legal documents would be presented at a future meeting.

Motion to accept the Planning Director's recommendation to accept the O&M, LTPPP, and Illicit Discharge Statement documents, made by Doherty;
Seconded by Turner;

Roll call vote on the motion to accept the Planning Director's recommendation on the matter of 316 New Boston Street (acceptance of O&M, LTPPP, and Illicit Discharge Statement documents):

Callahan-Aye
Doherty-Aye
Edmonds-Aye
Turner-Aye
Ventresca-Aye
Bolgen-Aye
Donovan-Aye

The motion carried, 7-0-0.

3 SHERMAN TERRACE SUBDIVISION: (A) ACCEPT DOCUMENTATION IN SATISFACTION OF CONDITION #1: ACCEPT OPERATION & MAINTENANCE (O&M) AND STORMWATER POLLUTION PREVENTION PLAN (SWPPP)/DUST CONTROL PLANS; (B) ACCEPT DOCUMENTATION IN SATISFACTION OF CONDITION #3: ADEQUATE STREET LIGHT ILLUMINATION DATA; (C) ACCEPTANCE OF EASEMENT DOCUMENTS (UTILITY, ROADWAY & DRAINAGE, TEMPORARY CONSTRUCTION, PERMANENT CONSTRUCTION AND ROADWAY); (D) ACCEPT COVENANT AS SURETY TO GUARANTEE SUBDIVISION COMPLETION AND (E) SET BOND AMOUNT / (Sherman Terrace LLC)

Cassidy provided a summary of the subject requests before the Board, to accept a number of documents to satisfy two (2) conditions of approval (Conditions #1 and #3), to provide easements required for the approved plan, to provide a Covenant to guarantee subdivision completion, and to set a bond amount identifying the amount of money required to guarantee completion of construction of the subdivision. She added that the proposed easements are comprised of a Roadway/Temporary Construction Easement ("Roadway Easement B"), two (2) Utility Easements relative to gas and sewer services, and a Roadway & Drainage Easement.

Cassidy further stated that the subdivision Mylars should not yet be endorsed because there is one other roadway easement that may be required and because an acceptable, executed HOA document has not yet been submitted.

Cassidy further stated that she will provide recommendations on all items with the intent for the Board to make separate motions on acceptance. Her initial recommendation is to accept all of the aforementioned easement documents and the O&M/SWPPP and Dust Control Plan documents following affirmative review for content and following Engineer- and City Solicitor-approved formats, respectively.

Motion to accept the previously-referenced proposed O&M/SWPPP, Dust Control Plan and subdivision easement documents, as presented, made by Bolgen;
Seconded by Doherty;

Callahan asked who will be responsible for maintaining the roadway. Cassidy responded that all long-term maintenance of the utilities and roadway will fall to the responsibility of the eventually-formed Homeowner's Association (HOA).

Callahan asked for clarification of the responsibility for ensuring that contractors follow the requirements during the construction phase, such as measures outlined by the O&M, SWPPP and Dust Control documents, particularly given concerns raised by abutting residents during other recent subdivision projects. Cassidy responded the property owner and site contractor tend to take a primary role in ensuring enforcement, but failing this responsibility, the Engineering Department takes a primary oversight role during the construction process, in addition to potential enforcement action by the Building Commissioner.

Callahan asked for additional clarification as to whether a contractor or subcontractor will have responsibility for a direct oversight role during the construction phase. The Chair recognized Attorney Salvati to speak to provide an answer. Attorney Mark Salvati, 10 Cedar Street, stated the developer and property owner are the same entity at this point and will serve as the initial Trustees of the HOA. Callahan indicated that he had no further comments.

Roll call vote on the motion to accept the previously referenced proposed O&M/SWPPP, Dust Control Plan and subdivision easement documents, as presented:

Callahan-Aye
Doherty-Aye
Edmonds-Aye
Turner-Aye
Ventresca-Aye
Bolgen-Aye
Donovan-Aye

The motion carried, 7-0-0.

Cassidy summarized the developer's efforts to provide documentation to satisfy Condition #3 of subdivision approval relative to an illumination (street lighting) assessment via letter submitted by the project engineer, Mark Sleger, dated February 4th. She added that staff subsequently forwarded this correspondence from Mr. Sleger to Engineering staff to issue comments as to the suitability of meeting the Condition #3 and obtained its comments indicating the assessment proved the proposed street lighting design conforms with the requirements of the Subdivision Rules & Regulations. As a result she recommended the Board vote to find the submitted documentation satisfies Condition #3 of the Board's approval of the subdivision.

Motion to accept the documentation submitted relative to street lighting as satisfaction of Condition #3 of the Board's approval of the definitive subdivision plan, made by Callahan;
Seconded by Bolgen;

Roll call vote on the motion:

Callahan-Aye
Doherty-Aye
Edmonds-Aye
Turner-Aye
Ventresca-Aye
Bolgen-Aye
Donovan-Aye

The motion carried, 7-0-0.

Cassidy then recommended the Board accept the proposed Covenant which meets the Board's requirements for content and the City Solicitor's for format.

Bolgen asked whether the blank spaces on the first page of the Covenant are intentional. Cassidy explained they were, and that it is the developer's intent to record the plan immediately prior to the Covenant and then fill in the plan recording information on the Covenant document prior to its recordation.

Motion to accept the proposed Covenant to guarantee subdivision completion, as presented, made by Bolgen;
Seconded by Turner;

Roll call vote on the motion accept the proposed Covenant to guarantee subdivision completion, as presented:

Callahan-Aye
Doherty-Aye
Edmonds-Aye

Turner-Aye
Ventresca-Aye
Bolgen-Aye
Donovan-Aye

The motion carried, 7-0-0.

Cassidy explained that the developer has not yet submitted a form of monetary surety, but the developer has taken the initial step of submitting a cost estimate, which was subsequently reviewed by Engineering staff which recommended the bond amount be set at \$188,899.50. She recommended the Board set the surety at that amount.

Motion to set the bond amount at \$188,899.50, made by Doherty;
Seconded by Edmonds;

Roll call vote on the motion to set the bond amount for the Sherman Place subdivision at \$188,899.50:

Callahan-Aye
Doherty-Aye
Edmonds-Aye
Turner-Aye
Ventresca-Aye
Bolgen-Aye
Donovan-Aye

The motion carried, 7-0-0.

LEGACY LANE DEFINITIVE SUBDIVISION: REQUEST FOR RELEASE OF SURETY BEING HELD TO GUARANTEE SUBDIVISION COMPLETION (Frank Michienzi)

Cassidy provided a summary of the bond release request now before the Board and further explained that a release of the surety this evening would be inappropriate due to several outstanding subdivision conditions of approval, including the restoration of Legacy Lane at the intersection of Middle Street, submission of a tree belt easement plan and confirmatory deeds, the erection of identification signage at the location of the emergency turnaround, and the addition of maintenance responsibility language to the existing Homeowners Association document.

Cassidy further stated that due to the scope of outstanding work at this time, the developer is not entitled to a full release of the money. Staff therefore recommends denial of the request to release the remaining bond monies.

Cassidy further stated that she expects that the developer will be submitting a follow up request in the coming weeks once the project engineer is able to complete the required roadway survey work to satisfy Condition #4 (restoration of Middle Street at the intersection with Legacy Lane).

Motion to accept the Planning Director's recommendation to deny the request to release the remaining bond monies for the Legacy Lane subdivision, made by Doherty;
Seconded by Ventresca;

Roll call vote on the motion to deny the request for a complete release of the surety being held to guarantee completion of the Legacy Lane subdivision:

Callahan-Aye
Doherty-Aye
Edmonds-Aye
Turner-Aye

Ventresca-Aye
Bolgen-Aye
Donovan-Aye

The motion carried, 7-0-0.

HIGHVIEW ESTATES AND DOWNS COURT: WRITTEN PROGRESS REPORTS AND UPDATED TIMELINES FOR PROJECT COMPLETION, IN LIEU OF BOARD DISCUSSIONS/VOTES ON FORMAL COMPLETION DATE EXTENSIONS (Michael Santullo and Fred Cialdea)

Cassidy provided a summary of the subdivision construction update letters for the Russo Estates and Baker Way subdivisions and the status of remaining work. She indicated that the Highview Estates letter provided more specific information relative to sitework/blasting activity. However, she intends to contact Mr. Santullo's attorney, Roshan Jain, to obtain more information relative to the status of litigation, as requested by the Board in the past.

Cassidy further stated that no further action is needed on these matters.

APPROVAL OF MINUTES: January 26, 2021 virtual meeting.

Donovan asked if any members had any revisions to suggest to the draft minutes.

Motion to accept the draft January 26, 2021 meeting minutes, as submitted, made by Bolgen;
Seconded by Ventresca;

Roll call vote on the motion to accept the draft January 26, 2021 meeting minutes, as submitted:

Callahan-Aye
Doherty-Aye
Edmonds-Aye
Turner-Aye
Ventresca-Aye
Bolgen-Aye
Donovan-Aye

Motion carried, 7-0-0.

PLANNING DIRECTOR UPDATE

Cassidy stated that following the Board's decision on Robertson Way and the 20-day appeal period, she expects Mr. Melanson to file a final As-built Plan within the next couple of months which will mark formal completion of this subdivision. On the matter of Carlson Way, she added that she is hoping to meet with the City Solicitor relative to the issue of the unauthorized laying of loam/sod on the access road and getting developer access to correct it.

Cassidy further stated that she has drafted and submitted a letter to the Mayor and the DPW relative to the Board's past conversations on groundwater breakout concerns reported by a resident of Strawberry Lane. She added that she has already initiated a conversation on this topic with the Mayor and will continue to update the Board once there is any new information to share.

Cassidy further summarized the status of the recently proposed zoning amendment to add a "pet day care/recreation facilities" use to the zoning code. She explained that she saw correspondence from the City Solicitor that questioned the legality of the Board's recommendation (to allow the proposed new uses only by City Council Special Permit). She added that she intends to seek more clarity on this point from the Solicitor to ensure future Planning Board reports/recommendations on zoning matters are legally sound.

Cassidy further stated that a City Council committee meeting resulted in a number of suggested revisions to the draft ordinance that takes into consideration the Solicitor's suggested changes. She added that the Committee has offered the Planning Board the opportunity to provide additional comments on the revisions now being contemplated, should it choose to do so. She also said the Council is expected to take final action on the matter at its meeting next week, so if the Board wants to make additional comments it will need to formulate them this evening.

Doherty stated that he would prefer to not make any comment and to thank the Committee for its offer. Members did not indicate any objections with this suggestion.

Bolgen stated that she unsure of how to respond in this case and would need more time to think about a response than the Council's time line will allow. Cassidy stated she will so inform the Council.

Cassidy said she is still exploring the possibility of utilizing only one signatory on a plan for purposes of endorsement/recordation. If that option is not available, Cassidy asked if there were four members who would be willing to come to City Hall to endorse the Mylars once they are available for signature. At least four members confirmed their willingness to do so.

Cassidy further stated that the next Planning Board meeting is scheduled for March 23, 2021.

ADJOURNMENT

Bolgen asked if there was any other business for the Board to conduct and there was none.

Seeing no further business, Bolgen made a motion to adjourn the February 23, 2021 Planning Board meeting at 7:52 pm;

Seconded by Doherty;

Roll call vote on the motion to adjourn the February 23, 2021 Planning Board meeting, at 7:52 pm:

Callahan-Aye
Doherty-Aye
Edmonds-Aye
Turner-Aye
Ventresca-Aye
Donovan-Aye
Bolgen-Aye

Motion carried, 7-0-0.

The meeting adjourned at 7:52 p.m.

(See next page)

Table of Documents Used and/or Referenced at Meeting

Robertson Way Definitive Subdivision: Correspondence from the Conservation Commission relative to seeking an opinion on handling existing conservation land encroachments
316 New Boston Street Definitive Subdivision: Copy of the proposed Operation & Maintenance (O&M) Plan, Long Term Pollution Prevention Plan (LTPPP) and Illicit Discharge Statement Document
3 Sherman Terrace Definitive Subdivision: (1) Copy of subdivision approval letter; (2) Operation & Maintenance (O&M), Stormwater Pollution Prevention Plan (SWPPP), and Dust Control Plan document; (3) Illumination study documentation; (4) Proposed Easement documents; (5) and Proposed Covenant document
Legacy Lane Definitive Subdivision: Copy of developer's extension request letter
Highview Estates and Downs Court Subdivisions: Copies of construction update letters from Attorney Roshan (on behalf of Mr. Santullo) and Attorney Mark Salvati (on behalf of Mr. Cialdea)
Planning Director Update: (1) Memorandum to Mayor, DPW Superintendent Duran, and City Engineer Corey re: groundwater breakout concerns; and (2) Correspondence from City Solicitor Doucette re: handling of pet recreation and daycare facility zoning amendment adoption
Draft Meeting Minutes: January 26, 2021 meeting

Respectfully submitted,

Dan Orr

Dan Orr
City Planner/Grant Writer