

APPROVED MINUTES

**Tuesday, December 10, 2019 Meeting | 7:00 p.m.
City Council Chamber, Woburn City Hall, 10 Common Street, Woburn, MA**

Chair Dave Edmonds called the meeting to order at 7:00 pm and asked City Planner/Grant Writer Dan Orr to call the roll.

Mr. Kevin Donovan, Mr. Bob Doherty, Ms. Claudia Bolgen, Mr. Jim Callahan, Mr. Michael Ventresca, Ms. Carolyn Turner, and Chair Dave Edmonds were present.

Planning Director Tina Cassidy and City Planner/Grant Writer Dan Orr were also present and introduced themselves.

0 WALNUT STREET ANR PLAN (Elenie, LLC)

Cassidy provided an overview of the proposed ANR plan to the Board. The applicant proposes to divide a parcel of land (Assessors Map 51 Block 16 Lot 06) known and numbered as 0 Walnut Street into two (2) lots. Both proposed new lots will meet all zoning requirements as to frontage and land area in the Business District (B-D) zoning district.

Cassidy further stated that she recommends Board endorsement of the proposed ANR plan as one not requiring approval under the Subdivision Control Law.

Motion to endorse the 0 Walnut Street plan as one not requiring approval under the Subdivision Control Law, made by Bolgen;
Seconded by Doherty;
Motion carried, 7-0-0.

(Endorsement of this plan was reconsidered by the Board later in the meeting. See page 6 of these minutes.)

225 GARFIELD AVENUE ANR PLAN (Sports Management Services LLC)

Cassidy provided an overview of the proposed ANR plan to the Board. The applicant proposes to consolidate three (3) separate parcels of land at 225 Garfield Avenue (Assessors Map 69, Block 8, Lots 6, 7, and 8) into one (1) contiguous lot. The newly-configured lot will conform to zoning requirements for land area and frontage in the Industrial General (I-G) zoning district.

Cassidy further stated that she would recommend Board endorsement of the proposed ANR plan as one not requiring approval under the Subdivision Control Law.

Motion to endorse the 225 Garfield Avenue plan as one not requiring approval under the Subdivision Control Law, made by Doherty;
Seconded by Bolgen;
Motion carried, 7-0-0.

11 & 15 LINDEN STREET ANR PLAN (Judith M. Cutts Family Trust)

Cassidy provided an overview of the proposed ANR plan to the Board. The owner/applicant is proposing to adjust lot lines between three (3) existing lots (Assessors Map 35, Block 07, Lots 12, 13 & 17) into the same number of newly-configured lots. The newly-configured lots will conform to zoning requirements for land

area and frontage in the Residential-One (R-1) zoning district, with the exception proposed Lot 1 (which is appropriately identified and labeled as non-buildable).

Mr. Richard Cutts, applicant, approached the Board to provide additional information about the parcel reconfiguration being proposed under the ANR plan.

Cassidy stated that she would recommend Board endorsement of the proposed ANR plan as one not requiring approval under the Subdivision Control Law.

Motion to endorse the 11 and 15 Linden Street plan as one not requiring approval under the Subdivision Control Law, made by Ventresca;
Seconded by Callahan;
Motion carried, 7-0-0.

PUBLIC HEARING: 0 VILLAGE STREET DEFINITIVE SUBDIVISION PLAN (Frederick J. Gonsalves)

Cassidy provided a status update for this proposed one (1)-lot subdivision located off of Village Street. The applicant's attorney indicates that additional time is needed to incorporate feedback from the Department of Public Works (DPW) Superintendent relative to the design of the subdivision, particularly to address the topic of drainage conditions. The applicant is therefore asking the Board to continue the public hearing and discussion of this matter to the January 28, 2020 meeting and has filed a request for extension of the time frame within which to render a decision on this application. The extension of time for Board action would run until January 30, 2020 if accepted.

Edmonds opened the public hearing and asked any audience members who would like to speak for or against this matter to address the Board.

PUBLIC HEARING

No members of the audience stepped forward.

Seeing none, Doherty made a motion to accept the Petitioner's request to extend the deadline for Board action from December 13, 2019 to January 30, 2020;
Seconded by Turner;
Motion carried, 7-0-0.

Doherty made a motion to continue the public hearing on this matter to the Board's meeting on January 28, 2020, at 7:00 pm;
Seconded by Turner;
Motion carried, 7-0-0.

RUSSO ESTATES SUBDIVISION: EXPIRATION OF CONSTRUCTION COMPLETION DATE AND UPDATE ON PROGRESS TOWARD SUBDIVISION COMPLETION (William Scire)

Cassidy stated that the developer of this subdivision is present this evening to address the Board in connection with his request to extend the subdivision completion date, to April 1, 2020.

Mr. William Scire, project developer, approached the Board to provide a verbal status report of subdivision construction. Approximately two-thirds (2/3) of the sidewalks, landscaping on four (4) of the lots. Curbing for the two (2) remaining lots on the circle segment of the subdivision has not yet been completed, in addition to final roadway pavement.

Callahan asked about the timing of completion regarding all remaining foundations. Scire responded that he anticipates completing the first remaining foundation before the end of January, with the second completed by the end of March (weather permitting).

Callahan and Edmonds asked whether the developer believes that he can complete all foundation and roadway tasks by the end of March. Scire responded that he believes that the end of April would be more realistic as a completion date for all remaining site work and that the final roadway work will have to be handled post-installation of home foundations.

Ventresca asked about the timing of the home construction in light of potentially additional required blasting. Scire responded that he thinks he can finish foundation construction without blasting, but he is not certain without having architect-revised building plans.

Callahan stated that it would be helpful for the applicant to submit a revised timeline so that the Board can take such information into consideration for a potentially longer extension.

Callahan further stated that he wants to be certain that any granted extension will be met with a good faith effort by the developer, especially to give the Board credibility in the process of granting extensions to subdivision completion dates.

Callahan asked if it might be more worthwhile to extend the subdivision completion date, to the end of June, to provide a realistic timeline for addressing outstanding construction tasks and required document. Edmonds and Ventresca agreed with this approach.

Ventresca added that it may be ideal to require an interim update from the developer.

Members agreed that June 15th would be an ideal extension of the completion date with the intent to appear on the June 23rd agenda. Cassidy stated that she would recommend an extension of the subdivision completion date to June 15, 2020.

Turner stated that she would be supportive of requiring the developer to submit a more detailed timeline for all remaining steps to finish subdivision construction, to be submitted to the Planning office by January 15, 2020.

Motion to extend the Russo Estates subdivision completion date to June 15, 2020, subject to submission of an updated and detailed timeline of construction milestones, made by Callahan;

Seconded by Ventresca;

Motion carried, 7-0-0.

DOWNNS COURT SUBDIVISION: EXPIRATION OF CONSTRUCTION COMPLETION DATE (Fred Cialdea)

Cassidy provided an overview of the status of the subdivision relative to outstanding construction tasks, potential modification to Board conditions of approval, and subsequent submission of post-construction documents.

Edmonds asked about the stance of the Department of Public Works (DPW) on the issue of plowing Downs Court. Cassidy responded that DPW is not necessarily opposed to plowing Downs Court, but there are a couple of roadway-related repairs/modifications that have to be made to facilitate city responsibility, including the partial installation of granite curbing in place of the existing bituminous concrete, re-grading, and the extension of pavement.

Cassidy further stated that proposed extension to the subdivision completion date is intended to account for both the modification and final construction timelines.

Callahan asked if there is Planning Board authority to compel City acceptance of a roadway. Cassidy responded that her approach would be to require the developer to come to the Planning Board for a modification of the Board's approval to eliminate HOA jurisdiction over roadway maintenance/snow plowing.

Members discussed the topic of accepting public ways and whether the issue relative to Downs Court would raise the broader question of the City obligation to accept other publically-maintained but non-accepted roadways. The topics of public safety and the financial impact of obligating City roadway maintenance were also raised as points to consider in this discussion.

Cassidy stated that she would recommend that the Board consider extending the subdivision completion date to an interim date, as opposed to granting the full extension as requested, giving the Board a chance to discuss potential modifications to the conditions of approval and Plan of Record with the developer at an upcoming meeting. Ideally, this will take place prior to specific modifications being made and scheduling the required public hearing. Additionally, she intends to potentially review prior meeting minutes and confer with the City Solicitor on this topic to gather more information for the Board.

Motion to extend the Downs Court subdivision completion date to January 30, 2020 and to formally request that the developer and/or his representative attend the January 28, 2020 meeting, for discussion and questioning, made by Bolgen;
Seconded by Ventresca;
Motion carried, 7-0-0.

12 BUCKMAN COURT SUBDIVISION: REQUEST FOR ACCEPTANCE OF COVENANT, HOA DECLARATION AND BYLAWS/CERTIFICATE OF MANAGER, OPERATIONS AND MAINTENANCE PLAN, DUST CONTROL PLAN AND EASEMENT(S) AND ENDORSEMENT OF DEFINITIVE PLAN MYLAR (Nardone Electric)

Cassidy provided an update to the Board relative to the status of this subdivision. The developer had submitted a revised Mylar to reflect the Board's conditions of approval, in addition to the referenced legal documents for formal Board acceptance. However, in the process of conducting its final review of the Mylar, staff discovered that the developer would now like Board authorization of a modification to the water line servicing the new structure but requires formal modification to the Plan of Record.

Cassidy further stated that the developer's attorney indicates that the developer intends to submit a subsequently modified Plan of Record for Board consideration to rectify the water line discrepancy, with the acceptance of proposed legal documents occurring at that point in time, as well.

Cassidy further stated there is no action for the Board to take this evening on the documents before the Board and that she will place this matter on the agenda once the developer files a modified Plan of Record for consideration via public hearing.

CARLSON WAY SUBDIVISION: EXPIRATION OF CONSTRUCTION COMPLETION DATE (Melanson Development)

Cassidy provided an overview of the status of the subdivision and the nature of the outstanding site work relative to the installation of a post-and-rail fence adjacent to the utility easement, a locking gate to protect the utility easement, repair of sidewalk adjacent to the utility gate and patching sections of Wyman Street. The developer proposed an extension of the subdivision completion date to June 15, 2020 to complete the outstanding work.

Edmonds asked if there is a bond currently held on this subdivision. Cassidy responded that City holds a Tripartite Agreement in the amount of \$35,000, which is sufficient to cover the remaining amount of site work according to Engineering staff.

Mr. Brian Melanson, project developer, approached the Board to provide clarity on current field conditions of the subdivision. He believes the required Wyman Street patchwork is completed and is looking into completing the remaining tasks after taking some more field conditions into consideration and consulting with the Engineering Department.

Melanson stated that he is confident that the new June 15, 2020 completion date will be sufficient to address all outstanding site work and complete an As-built plan.

Motion to extend the Carlson Way subdivision completion date to June 15, 2020, made by Doherty;
Seconded by Turner;
Motion carried, 7-0-0

LEGACY LANE SUBDIVISION: EXPIRATION OF CONSTRUCTION COMPLETION DATE (Frank Michienzi)

Cassidy provided an overview of the request of the developer of the Legacy Lane definitive subdivision to extend the current subdivision completion date to April 30, 2020. Remaining field work includes the installation of a street light and stone bounds, as well as post-construction As-built and Street Acceptance plans.

Cassidy further stated that Engineer staff have commented that the proposed extension of time is feasible insofar as the long-delayed street light is delivered as planned.

Edmonds asked about the status of the subdivision bond. Cassidy responded that the City retains \$68,239 for the purpose of the bond, which is in excess of the amount required to complete remaining site work.

Motion to extend the Legacy Lane subdivision completion date, to the Board's April 30, 2020 meeting, made by Bolgen;
Seconded by Callahan;
Motion carried, 7-0-0.

24 FLAGG STREET SUBDIVISION: EXPIRATION OF CONSTRUCTION COMPLETION DATE (24 Flagg Street LLC)

Cassidy provided an overview of the request before the Board, which is to extend the subdivision completion date following its recent expiration in late November. The developer is requesting a preliminary to allow for submission and Board acceptance of required legal paperwork and endorsement of the Plan of Record Mylar. An additional extension to the subdivision completion date will be requested at an upcoming meeting to address unanticipated construction delays.

Cassidy further stated that staff is in receipt of the draft legal paperwork and will also present it to the Board for acceptance at an upcoming meeting following review of form and content.

Mr. George Gately, project developer, approached the Board to elaborate on the status of field conditions overview of the subdivision construction status and required elements, including the relocation of the utility pole. Demolition of the existing home, drainage system installation, and initial roadway construction have now been completed. He has also moved the utility pole approximately one (1)-foot (pending additional movement

away from the right-of-way by Eversource), in addition to the private retaining wall and carport identified as within the right-of-way.

Gately further stated that his intention is to finish the subdivision by next winter, so he will likely not be requesting the two (2)-year extension originally envisioned. The major delay related to gas service is no longer a factor, as the existing gas line is now cut-and-capped.

Gately further stated that his intention is to submit a new construction cost estimate for the purpose of establishing a bond and to begin lot sale/home construction, which precludes the need for a Covenant. He agreed to appear at the Board's January 14, 2020 meeting with the aforementioned materials for acceptance and endorsement.

RECONSIDERATION OF 0 WALNUT STREET ANR

Bolgen stated that, in taking notice to some application information that she had not seen during initial discussion of the matter of the 0 Walnut Street ANR, she would like to propose a reconsideration of the Board's vote.

Motion to reconsider the Board's vote on the 0 Walnut Street ANR endorsement, made by Bolgen;
Seconded by Doherty;

Roll Call Vote

Doherty—yes
Donovan—yes
Edmonds—yes
Callahan—yes
Ventresca—yes
Turner—yes

Motion carried, 7-0-0.

Motion to endorse the 0 Walnut Street ANR plan, as submitted, as one not requiring approval under Subdivision Control Law, made by Ventresca;
Seconded by Doherty;

Roll Call Vote

Doherty—yes
Donovan—yes
Edmonds—yes
Callahan—yes
Ventresca—yes
Turner—yes

Motion carried, 6-0-0. Bolgen did not participate in discussion and recused herself from voting.

APPROVAL OF MINUTES: November 12, 2019 meeting

Motion to approve the November 12, 2019 meeting minutes, as submitted, by Doherty;
Seconded by Bolgen;
Motion carried, 6-0-0, with Donovan abstaining due to his absence at the November 12th meeting.

OTHER BUSINESS

Members considered the matter of authorizing sole Planning Board Chair endorsement of forthcoming Approval Not Required (ANR) plans filed, reviewed and deemed acceptable by Planning staff, until January 14, 2020 in light of the holiday break between meetings.

Motion to approve of sole Planning Board Chair authorization of ANR plans until January 14, 2020, made by Doherty;
Seconded by Bolgen;
Motion carried 7-0-0.

PLANNING BOARD DIRECTOR UPDATE

Cassidy stated that the Board's next scheduled meeting on January 14, 2020 will cover the continuance of discussion and acceptance/endorsement of Flagg Street-related materials, a potential bond reduction request, and potential discussion of modifications to the Subdivision Rules & Regulations.

Edmonds asked about holding an election for Planning Board officers. Cassidy confirmed that an election for Board officers will also be placed on the agenda.

ADJOURNMENT

Seeing no further business, Bolgen made a motion made to adjourn the meeting at 7:51 pm.
Seconded by Doherty;
Motion carried, 7-0-0.

The meeting adjourned at 7:51 pm.

Table of Documents Used and/or Referenced at Meeting

Planning Board Staff Report
Staff Report Attachment (0 Walnut Street ANR): (1) Application materials with proposed plan; (2) Petitioner request for extension of time for Board action
Staff Report Attachment (225 Garfield Avenue ANR): Application materials with proposed plan
Staff Report Attachment (11 & 15 Linden Street): Application materials with proposed plan
Staff Report Attachment (0 Village Street Definitive Subdivision): Applicant request letter with regard to extension of time for Board action and a request for public hearing continuance to the January 28, 2020 meeting
Staff Report Attachment (Russo Estates Definitive Subdivision): (1) Developer’s extension request letter; and (2) Engineering staff comment on requested extension
Staff Report Attachment (Downs Court Definitive Subdivision): (1) Developer’s extension request letter; and (2) Engineering staff comment on requested extension
Staff Report Attachment (12 Buckman Court Definitive Subdivision): (1) Email correspondence from Planning office to developer and his attorney regarding outstanding tasks; (2) Response from Engineering re: Operation & Maintenance Plan
Staff Report Attachment (Carlson Way Definitive Subdivision): Email correspondence from Planning staff re: outstanding obligations prior to subdivision “close-out”
Staff Report Attachment (Legacy Lane Definitive Subdivision): Email correspondence between Planning and Engineering staff re: feasibility of proposed extension timeline
Staff Report Attachment (24 Flagg Street Definitive Subdivision): Email correspondence from Planning staff re: outstanding obligations prior to subdivision “close-out”
Draft Planning Board Meeting Minutes: November 12, 2019

Respectfully submitted,

Dan Orr

Dan Orr
City Planner/Grant Writer