

APPROVED

MEETING MINUTES

Tuesday, November 15, 2022 Woburn Planning Board Meeting | 7:00 p.m.

Meeting held virtually via Zoom Platform

Planning Director Tina Cassidy stated the meeting was being recorded by audio and video.

Chair Claudia Bolgen called the meeting to order at 7:00 pm and asked Assistant Planner Karen Smith to call the roll.

Mr. Jim Callahan, Mr. Bob Doherty, Mr. Kevin Donovan, Mr. Dave Edmonds, Ms. Carolyn Turner, Mr. Michael Ventresca and Chair Bolgen were in attendance. Cassidy and Smith were also in attendance.

PUBLIC HEARING (CONTINUED): SPECIAL PERMIT/SITE PLAN REVIEW application to authorize 33,514 sq. ft. of light manufacturing space within a two (2) story, 133,738 sq. ft. building at 216 New Boston Street

Cassidy stated all peer reviews for this project have been submitted and reviewed by city department heads and supportive comments from the city's Engineering Department have been received. City Engineer Jay Corey recommends approval be given subject to several conditions. Cassidy stated she is hopeful the Board will approve the Site Plan in addition to the Special Permit to allow 33,514 square feet of light manufacturing space within the new building at 216 New Boston Street.

Attorney Anne Reynolds, filling in for Attorney Joseph Tarby, Rubin and Rudman, 500 Unicorn Park Drive, Woburn, MA summarized the petitions currently before the Planning Board and the City Council and stated all peer reviews have been completed and department comments have been received.

Mr. Nick Dellacava of Allen & Major Associates discussed updates to the site plan since their last submission on September 9, 2022. He discussed the location of the entrances off Merrimac Street and New Boston Street in regards to passenger vehicles and truck traffic. No Board members had any questions.

Bolgen opened the PUBLIC HEARING and asked if any audience members wished to be heard. Cassidy explained the process to remotely participate in the virtual ZOOM meeting. No audience members chose to participate.

Motion by Edmonds to close the PUBLIC HEARING;
Seconded by Turner;

Roll call vote on the aforementioned motion:

Callahan-Aye

Doherty - Abstain

Donovan-Aye

Edmonds - Aye

Turner-Aye

Ventresca - Abstain

Bolgen-Aye

The motion carried, 5-0-2 (Doherty and Ventresca abstained).

No further questions were posed by Board members or the applicant's attorney.

Cassidy recommended the Board grant the special permit to authorize 33,514 square feet of light manufacturing use at 216 New Boston Street and also vote to grant the Site Plan Review subject to a series of five conditions: 1.) the developer obtain actual field survey data of the sewer inverts and calculate the actual hydraulic capacity of the existing 20-inch sewer and the information shall be submitted to the Engineering Department; 2.) the developer shall work with the Massachusetts Water Resources Authority to obtain an 8(m) permit to eliminate the two existing sewer cross overs and obtain local sewer connection status for the 20-inch sewer connections that would remain and submit that information to the Engineering Department; 3.) the developer pay all costs and perform all work necessary to complete the items noted in (1) and (2) and these costs shall be in addition to the infiltration/inflow mitigation fee required by Section 18 of the Woburn Zoning Ordinance (WZO); 4.) the Conservation Commission and City Council have yet to conclude their respective reviews of the project plans. Revisions to the site development plans referenced in this decision that are mandated by either the Conservation Commission or the City Council as a consequence of their respective reviews and decisions may be made without the necessity of obtaining further Planning Board authorization of those changes; and 5.) design adjustments and modifications generally associated with (i) preparing so-called working drawings or (ii) site conditions shall be permitted, so long as such changes do not constitute substantial changes from the Site Development Plans referenced on the first page of this decision in the opinion of the Building Commissioner. In the event the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Development Plans referenced on the first page of this decision, the Petitioner may request a review of said plans in accordance with Section 11.12 of the WZO.

Turner inquired if there has been any type of EPA approval or any environmental assessment completed to date on the property and wanted to confirm that is not something that would need to be addressed in the Board's recommendation. Cassidy stated it is a standalone requirement that we can request and added the building inspector can also confirm and require. Cassidy stated she did not know if any environmental assessment has been completed yet but the Board of Health did state they felt that one was going to be required due to the nature of their observations on an abutting property. Cassidy added it is her understanding the Board of Health will need to sign off on any building permit and they will ensure that if an environmental assessment is needed it will be submitted before they sign off on a building permit.

No further discussion or questions.

Motion to accept the Director's recommendation with conditions stated made by Turner;
Seconded by Edmonds;

Roll call vote on the aforementioned motion:

Callahan-Aye
Doherty - Abstain
Donovan-Aye
Edmonds - Aye
Turner-Aye

Ventresca - Abstain
Bolgen-Aye

The motion carried, 5-0-2 (Doherty and Ventresca abstained).

LEGACY LANE SUBDIVISION: Request to accept As-Built Plan and release remaining surety posted to guarantee completion of subdivision

Cassidy provided an update stating since last February, a "Private Way" sign has been erected, the revised confirmatory documents have been recorded, and an acceptable as-built plan has been submitted to the Engineering Department along with the required certification from the design engineer. However, Mr. Michienzi has not submitted a letter to the Board that states he has completed all subdivision-related obligations and would like the balance of surety released. Cassidy noted if/when the letter of request is received, staff would send a communication to the Engineering Department for review and recommendation, which could happen in time for the Board's meeting on December 13th.

After some discussion, despite the developer not submitting a request, the Board concluded that since all work and obligations are complete, the remaining balance of the surety currently being held to guarantee the project's completion can be released. The form of surety is a Tri-Partite Agreement drawn on the Salem Five Bank, and the current balance being held is \$68,239.

Motion by Ventresca to release all remaining surety being held to guarantee completion of the Legacy Lane subdivision;
Seconded by Doherty;

Discussion by Turner who asked if there should be a contingency on the document being filed within a certain time period.

Motion amended by Ventresca to release the remaining surety referenced above SUBJECT TO receipt of a written communication from Mr. Michienzi by the close of business on Tuesday, December 13, 2022, which communication states that (a) he believes all work and other obligations associated with construction of Legacy Lane have been satisfactorily completed and (b) he requests that all remaining bond monies being held to guarantee the project's completion be released. If a written request is not received prior to the close of business on December 13, 2022, then this vote of the Board to release the surety is null and void.

Seconded by Doherty;

Roll call vote on the aforementioned motion:

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

The motion carried, 7-0-0.

BAKER WAY SUBDIVISION: Expiration of construction completion date

Cassidy stated the Board approved a minor modification request for this subdivision in July, which modification eliminated the requirement for a portion of the grass strip that had been required as part of the initial subdivision approval. At that time, it was discovered that the abutter had since removed some amount of additional grass strip beyond what had been requested to be waived. The Petitioner promised to follow up on the grass strip requirement either by re-installing the portion last removed or requesting an additional waiver. Completion and submission of an acceptable As-Built plan, and satisfying DPW as to the adequacy of the trench patch within the Washington Street layout, were also outstanding as of July.

Baker's attorney, Mark Salvati, Arlington Road, Woburn, MA stated Baker submitted an as-built plan to the City's Engineering Department that has yet to be reviewed and finalized; they are still in the process of discussion with DPW Superintendent Jay Duran about correcting the trench patch within Washington Street; and thirdly, the grass strip issue with the abutting neighbor. Due to the three outstanding items, Salvati requested an extension of the completion date to January 31, 2023.

Cassidy stated she had no issue with the request while adding if they choose to file a modification request, an extension to January 31st will allow enough time to advertise the hearing.

Motion by Ventresca to extend the construction completion date for Baker Way to Tuesday, January 31, 2023;

Seconded by Doherty;

Roll call vote on the aforementioned motion:

Callahan-Aye

Doherty - Aye

Donovan-Aye

Edmonds - Aye

Turner-Aye

Ventresca - Aye

Bolgen-Aye

The motion carried, 7-0-0.

24 FLAGG STREET SUBDIVISION: Expiration of construction completion date

Cassidy summarized the lack of progress on the project over the past several years by developer George Gately, adding that several one-year extensions have been granted without any progress being made. Work remaining to be completed in December of 2020 included installation of street lights, street trees, curbing, and stone bounds; raising the utility structures and laying the final top coat of pavement; and submission of as-built and street acceptance plans. Cassidy stated Mr. Gately still hasn't completed any of these tasks and has submitted a request asking for another year to December 15, 2023 to complete the work with the comment that he intends to get started "soon".

Developer George Gately stated he has been busy working on other projects and has every intention to get started soon on finishing the project. Cassidy stated not long after approval several neighbors were upset with the clearing of the property but she has not heard any negative feedback from neighbors lately in regards to the project not being completed.

Cassidy discussed the two options that seem to be available to the Board: Revocation of the bond and having the City finish the roadway construction or granting Mr. Gately more time in the hope that he will finish the work. Her concern with the second option is that the original bond amount of \$44,000 may not be sufficient to complete the outstanding construction tasks, if the bond was revoked. Cassidy suggested the possibility of having the bond amount reviewed now to update the expected construction completion cost, with Gately posting additional surety funds, if necessary, to have a bond that reflect current costs.

Gately stated the bond is established based on numbers from the City's Engineering Department and inquired if the City has updated their numbers. Cassidy responded that Assistant City Engineer Greg Rheume uses MassDOT's numbers and he has access to the most up-to-date figures.

Gately stated, if the Board would feel more comfortable, he would have no issue updating the costs if they have changed since the bond was posted. Gately spoke of his track record of always completing the subdivisions he has built within the City and mentioned the big improvement to Flagg Street with the work he has already done, including installation of a cul-de-sac at the end of the road which is generally viewed as an excellent safety improvement.

Cassidy recommended the Board table discussion to the December 13th meeting to allow time for Rheume to recalculate the dollar amounts for the items remaining to be completed by using the most recent Mass DOT figures. If the amount is greater than the current bond posted, Gately will provide additional funds to cover the current costs.

Bolgen stated she feels that scenario is a potentially workable solution to grant another one-year extension for a project that was approved five years ago. Gately inquired if it is common practice to adjust bonds for every subdivision that has not been completed. Bolgen stated the Board is not comfortable having an unfinished subdivision outstanding with a bond from 2017 and by reviewing the dollar amount of the bond, the Board would feel more comfortable extending the completion date knowing the bond's dollar value is sufficient to cover the cost of completing the roadway should the bond have to be revoked.

Callahan inquired about the timeline for completion and the source of the delay. Gately responded truthfully stating he has been busy working on other projects and hasn't gotten to it. Gately plans to start one of the houses this winter and is requesting a one-year extension.

Motion by Ventresca to continue the discussion on this matter to December 13, 2022 with the idea of having, if necessary, a new surety amount, that if posted, would then result in the approval of the subdivision completion date extension to the date Mr. Gately has requested;
Seconded by Doherty;

Discussion by Turner inquiring if the project will be serviced by Eversource or propane with Gately responding his plan is to use propane gas. There being no further discussion, Bolgen requested a roll call vote on the motion.

Roll call vote on the aforementioned motion:

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

Ventresca - Aye
Bolgen-Aye

The motion carried, 7-0-0.

PLANNING BOARD DIRECTOR UPDATE

- a. ***Upcoming meeting schedule and agenda items:*** The Board's next meeting is scheduled for December 13, 2022. Agenda items will include discussion of the expired construction completion date for the Carlson Way subdivision and the continued discussion of the 24 Flagg Street completion date and updated bond amount matter. The Board decided the December 13th meeting will be virtual.
- b. ***Proposed 2023 Meeting dates:*** The Board reviewed the proposed 2023 meeting dates noting a meeting is scheduled on Valentine's Day.

APPROVAL OF MINUTES: OCTOBER 25, 2022 MEETING

Motion by Doherty to approve the October 25, 2022 Planning Board minutes as submitted;

Seconded by Turner;

Roll call vote on the aforementioned motion:

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

The motion carried, 7-0-0.

ADIJOURNMENT

Bolgen asked if there were any other business matters that may legally come before the Board not known at the time of posting. Cassidy replied there were none.

Seeing no further business, Doherty made a motion to adjourn the November 15, 2022 Planning Board meeting at 7:50 p.m.;

Seconded by Edmonds;

Roll call vote on the aforementioned motion:

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

The motion carried, 7-0-0.

The meeting adjourned at 7:50 p.m.

Table of Documents Used and/or Referenced at the November 15, 2022 Meeting:

<u>PUBLIC HEARING (CONTINUED): SPECIAL PERMIT/SITE PLAN REVIEW</u> application to authorize 33,514 sq. ft. of light manufacturing space within a two (2) story, 133,738 sq. ft. building at 216 New Boston Street; Letter dated October 13, 2022 from City Engineer Jay Corey; Letter dated November 7, 2022 from City Engineer Jay Corey; Email from Police Chief Rufo dated November 10, 2022; Letter dated November 9, 2022 from Fire Lt. Joseph Foley; Email dated November 10, 2022 from Board of Health Inspector Meghan Doherty; Draft recommendation to City Council; DPW comment letter dated November 10, 2022 from Jay Duran
<u>24 FLAGG STREET SUBDIVISION:</u> Letter dated November 4, 2022 from developer George Gately requesting construction completion date extension
Proposed 2023 List of Planning Board Meeting Dates
<u>DRAFT MEETING MINUTES:</u> October 25, 2022 meeting

Respectfully submitted,

Karen Smith

Karen Smith
Planner