

APPROVED

MEETING MINUTES

Tuesday, July 21, 2020 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 Planner Karen Smith to call the roll.

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

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

Callahan stated that he has followed up with the required certification form indicating that he has viewed the video of the June 23, 2020 Planning Board meeting and is eligible to consider the matters of 316 New Boston Street and 0 New Boston Street this evening.

Bolgen joined the meeting at 7:03 pm.

In recognition of the fact that the attorney for the Petitioner of 316 New Boston Street is not immediately available, members opted to take agenda items out of order.

APPROVAL OF MINUTES: June 23, 2020 regular meeting.

Chair Donovan asked if members had reviewed the draft minutes of the last meeting and whether anyone was prepared to offer a motion to accept them.

Motion to accept the June 23, 2020 meeting minutes, as submitted, made by Doherty;
Seconded by Ventresca;

Roll call vote on the motion to accept the June 23, 2020 meeting minutes, as submitted:

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

Motion carried, 7-0-0.

CARLSON WAY, 88-92 PEARL STREET (GERRISH DRIVE), RUSSO ESTATES: WRITTEN REPORTS IN LIEU OF BOARD DISCUSSIONS REGARDING PROGRESS TOWARD CONSTRUCTION COMPLETION FOR VARIOUS SUBDIVISIONS

Cassidy reiterated to members that interim progress reports for each of these subdivisions have been solicited by staff and submitted by the respective developers; copies of the reports have been provided to members in their meeting packets.

Cassidy further stated that the Board may want to consider requiring meeting appearances to discuss completion date extension requests in the near future, given the duration of time of that the Board has requested interim

progress reports in lieu of meeting attendance and/or formal extension requests, starting with its August or September meetings.

Donovan asked if there were any questions from the Board on this matter. No discussion ensued.

DISCUSSION OF PROCESS FOR NOTARIZING PLANNING BOARD-RELATED DOCUMENTS DURING THE DECLARED STATE OF EMERGENCY (Planning staff and Board)

Cassidy provided an overview of the genesis of this topic. Given current and future anticipated documents on which the Board is obligated to provide notarized signature, it is prudent for members to consider the best method to handle matters of required signature, either virtually or in-person.

Cassidy further provided an explanation that she is seeking further guidance from City Solicitor Ellen Callahan Doucette on whether members who have voted on a motion to accept a legal document must also be the signatories of such document. She added that the Solicitor's guidance may also confirm that only one Planning Board member signature might have to be notarized, as opposed to a majority.

Bolgen stated that although she has been willing and able to notarize Board-related documents for many years, the current scenario prevents her from notarizing documents in the usual fashion (i.e., she is not able to be physically present for other members' signatures). She added that the Board is fortunate that certain attorneys may be willing to personally arrange for notarization of documents, but technically signature/notarization is a responsibility that should be undertaken by the Board.

Bolgen further stated that she is willing to continue to serve as the Board's notary, but only via virtual meetings/notarization not in person. She posed the question to fellow Board members as to their preference in notarizing documents.

Ventresca asked if there was another method that might be available for a signature process, such as a binding contract. Bolgen responded that unfortunately there is no provision for another arrangement according to state law and that witnessing a signature is critical for recordable documents.

Cassidy asked members to clarify their preference for executing legal documents moving forward. Members generally expressed a preference for the virtual meeting approach, but would be willing to commit to in-person signatures/notarization if necessary. She added that she would keep members apprised of any guidance she receives from the City Solicitor.

PLANNING DIRECTOR UPDATE

Cassidy stated that she anticipates that the Board's August 18th meeting will be comprised of the continuation of the public hearings on the 0 and 316 New Boston Street and 3 Sherman Terrace definitive subdivision applications. Additionally, she anticipates that the matter of Ferullo Drive (Shannon Farm) must reappear on the August agenda to accommodate additional discussion and tasks that must still be initiated between the developer and the City.

Cassidy stated that she has drafted a report for the purpose of submitting to the City Council, which will comprise its recommendation as to the official adoption of Tower Office Park Drive as a public way. The timeline for action will expire prior to the Board's August meeting, so a recommendation on this matter would need to be finalized this evening unless a special meeting of the Council is scheduled.

PUBLIC HEARING: 3 SHERMAN TERRACE DEFINITIVE SUBDIVISION (Kathleen Paulsen c/o Attorney Mark Salvati)

Attorney Mark Salvati, 10 Cedar Street, approached the Board on behalf of the Petitioner to initially address some of the questions raised regarding the subdivision filing.

Salvati stated that the question raised as to the chain of Title is addressed by a ruling of the Probate Court, which maintained that although development rights to the parcels and the Sherman Terrace right-of-way are in the name of the Petitioner's deceased husband, she is the beneficiary to her husband's Estate. He added that he will commit to providing such documentation as soon as he can obtain it.

Salvati further stated that he has reviewed the memos that have been authored by each department and reiterated the comments received relative to desired street width and the conduct of a field survey, which has been completed.

Mark Sleger, project engineer, Alan Engineering, 110 Winn St #209, began to address the Board by reviewing the roadway layout plan, including the turnaround and drainage easements, curbing and retention of an existing retaining wall within the right-of-way. The roadway pavement will be 24 feet wide and incorporate granite curbing on both sides of the street.

Sleger further reviewed the proposed grading, infiltration and stormwater detention, and utility systems that will be installed. In the case of sewer and gas systems, utility easements will be required.

Sleger further addressed the comment received from the Building Commissioner relative to the frontage determined for a corner lot resulting in what was deemed as a deficient front setback and conflicting rear and side yard designations. The Petitioner intends to submit a deed restriction identifying Sherman Place as the lot's legal frontage, which is adequate to rectify the deficiency and is permitted by City zoning ordinances.

Sleger further stated that he intends to make a modification to the outlet control structure for the infiltration system at the corner of Sherman Place and Sherman Terrace based on Engineering staff comments.

Callahan asked for clarification as to the proposed solution to the zoning deficiency identified by the Building Commissioner. Attorney Salvati responded that the zoning issue raised can and will be addressed with Commissioner Quinn via deed restriction.

Callahan asked about any alternative should the gas service arrangement (via an easement over private property) be rejected by the utility company. Sleger responded that no alternative is currently contemplated, but it may be possible to place a gas main within Sherman Terrace or convert to propane.

Ventresca asked for clarification about stormwater capture within the proposed roadways given the proposed grading. Sleger responded that the plan is intended to maintain a "gutter line" so that the proposed catch basin aligns with the existing catch basin and the placement of a larger grate should accommodate a greater velocity of stormwater.

Donovan asked if members of the Board had any questions. Seeing none, he opened the public hearing and Cassidy provided detailed instructions to audience members how to participate electronically and/or by telephone.

PUBLIC HEARING

Mr. Greg Rheume, 22 Sherman Place, stated that he believes the proposed pavement width for Sherman Terrace should be taken into consideration. He believes the classification of roadway as a short cul-de-sac should be sufficient to maintain a 20-foot pavement width, particularly given the limited number of homes served on the street and that 24 feet of pavement width would be greater than the main thoroughfare (Sherman Place) from which Sherman Terrace originates.

Mr. Robert Brawders, 6 Sherman Place Court, stated that a letter has been submitted to the Planning Office on his behalf raising a number of questions, but his primary concern is with his property abutting the proposed development on a lower grade, putting his land at greater risk for receiving runoff without an assessment of soil

testing and consideration of the removal of existing trees/vegetation. He would appreciate an explanation of potential drainage impacts by the next meeting.

Cassidy responded to confirm that her office has received the letter references by Mr. Brawdors and she intends to respond in kind answering some of the questions raised where information is readily available. She added the project engineer is the appropriate person to address with regard to the drainage/runoff concerns raised at tonight's meeting.

Sleger stated that there is a legal requirement for subdivision developments to consider pre- and post-development impacts relative to drainage from a subject property in all potential directions. He clarified that his drainage calculations (contained in the Development Impact Statement) provide validation that the proposed development will in fact reduce stormwater runoff in all directions as a result of the infiltration and detention measures being introduced to the site.

Mr. Charles Haines, 31 Sherman Place, stated that he is concerned with the height of the proposed granite curbing that will be placed on the perimeter of his property and its potential to interfere with his landscaper's ability to access his back yard. Sleger responded that the height of the granite will be 6 inches. Salvati added that he is willing to meet with the property owner to see if it's possible to formulate a plan to address Mr. Haines's concerns.

Mr. Rheume stated that it would be ideal for the Board to consider approving a pavement width no greater than the required minimum of 20 feet, if only for the purpose of reducing stormwater runoff. Salvati responded that his client would be in favor of a reduced width, but concerns had been raised in the past by the DPW Superintendent as to adequate accommodation of snow plowing machinery. Rheume responded that he does not recall any plowing difficulties in the past, despite the road having its current, much narrower pavement width.

Mr. Chris Jones, 4 Sherman Terrace, stated that he is not necessarily opposed to a reduction in the proposed street pavement width, although he can foresee a potential increase in conflicts as a result of an increase in resident traffic.

Mr. Andrew Martin, 10 Ingalls Street, stated that he is concerned with the extent of land clearing and the rodent/pest management practices during construction. Attorney Salvati stated that he is willing to meet with Mr. Martin to determine his concerns and clarify the extent of land clearing given the Petitioner's desire to maintain as much of a vegetative buffer as possible. Mr. Martin expressed an interest in meeting with Attorney Salvati to discuss the land clearing and construction plan.

Cassidy responded that Mr. Martin can obtain Planning staff contact information on the City's website. She added, in response to concerns about rodents, that proof of rodent abatement/pest management service retention is a standard condition of subdivision approval for developers.

Ventresca stated that he would be open to further conversation on pavement width reduction. Cassidy verified that a 20-foot pavement width is the minimum short cul-de-sac standard but 24 feet may be more ideal for two-way traffic with parking accommodated on either side of the street and safer plowing conditions.

Ms. Kate Paulsen, property owner, spoke about her efforts to maintain the property during the past 15 years, including maintenance of the home and land. She added that her understanding is that rodent activity is sourced from adjacent properties.

Donovan asked if there were any more questions from the Board. Seeing none, he asked the Planning Director for her recommendation. Cassidy responded that her recommendation is to continue the public hearing on this matter until the Board's next meeting on Tuesday, August 18th at 7:00 pm.

Motion to continue to the 3 Sherman Terrace public hearing to August 18th at 7:00 pm, made by Doherty;
Seconded by Bolgen;

Roll call vote on the motion to continue the 3 Sherman Terrace public hearing:

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

Motion carried, 7-0-0.

PUBLIC HEARING: 316 NEW BOSTON STREET DEFINITIVE SUBDIVISION (DM Five, Inc.)

Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park Drive, addressed the Board on behalf of the Petitioner. He introduced the subdivision filing to Board members and provided the explanation that the application has been filed to freeze the zoning code in effect at the time of the preliminary filing.

Tarby continued to provide background on the adjacent New Boston Street Bridge project, which is a critical infrastructure upgrade. He added that the purpose of focusing on developing the land on the opposite side of the train tracks from the Anderson Woburn Transportation Center is in line with the City's long-term land-use efforts and is beneficial to comprehensive zoning.

Tarby reviewed and reiterated the department comments received to date relative to the zoning, public safety, environmental and utility components of the proposed subdivision.

Brian McCarthy, project engineer, RJ O'Connell Associates, 80 Montvale Ave # 201, Stoneham, MA, addressed the Board to provide a technical review of subdivision components, beginning with the current conditions of land area, zoning district/Commerce Way Corridor Overlay District (CWCOD) status, vehicle access areas, natural resources, and utilities.

McCarthy further reviewed the proposed layout plan, which includes three (3) parcels with frontage on a 600-foot cul-de-sac roadway. The proposed pavement width is 60 feet within a standard width right-of-way, enlarged to 120 feet in diameter for the cul-de-sac which complies with Type-III design standards for industrial subdivisions.

McCarthy added that the intersection with New Boston Street must be reconstructed to comply with current roadway construction standards.

McCarthy further reviewed the proposed subdivision plan as it pertains to compliance with regulations for stormwater management and drainage, with added catch basins and treatment structures.

McCarthy summarized the location of the proposed utilities and hydrants on the plan.

McCarthy reviewed the list of the Petitioner's requested waivers from the Subdivision Rules & Regulations and the rationale for each request relative to submitted plan scale, water looping, roadway grading, installation of a fire alarm system, and grading of the cul-de-sac.

McCarthy summarized the Engineering Department's comments received and proposed responses to each issue raised. Concerns related to sewer components, site distances, subdivision roadway alignment with the proposed New Boston Street Bridge, potential interference with utility easements, and proposed sewer depth were acknowledged with explanations that considerations for roadway alignment, site distances, easements and the necessary addition of a sewer component will all be addressed in future plans. However, the applicant justifies maintaining proposed sewer depths because they are no greater than existing conditions but is willing to replace existing piping where necessary.

McCarthy further reviewed comments from the Department of Public Works and responded that he believes the issues raised in that memo will all be addressed through finalized plans of the relocated New Boston Street Bridge with corresponding modifications made to the proposed subdivision plan. McCarthy added that a required depiction of a sewer easement and reinforced concrete piping for drainage will be incorporated into a revised version of the definitive plan.

McCarthy further stated that streetlights have been incorporated into the site plan on the proposed roadway.

Donovan asked if members of the Board had any questions. Seeing none, he opened the public hearing and Cassidy provided detailed instructions to audience members how to participate electronically and/or by telephone.

PUBLIC HEARING

Ms. Lorena O'Neill, of P X Realty Trust, 216 New Boston Street, stated that she is concerned with the impact of the raised grade of the driveway and the general hydrological effect of construction disturbances. She also asked about the land rating from the Environmental Protection Agency (EPA) relative to being within a superfund site. Tarby responded that he does not believe the property lays within the superfund site's boundaries.

O'Neill said that she has specific concerns with migration of groundwater, particularly in light of contaminated soils on her property and existing wetlands, and she does not want to see further encroachment of stormwater on her property.

Cassidy stated that she does not see any further hands raised indicating that any other member of the public wishes to speak.

Donovan asked if there were any further questions from the Board.

Ventresca stated that questions over a Superfund site being located on the property were raised during the preliminary subdivision approval process. He asked for clarification of where the abutting property owner who just spoke is located in relation to the applicant's property. McCarthy clarified the location of the aforementioned abutter.

Donovan asked if there were any further questions from Board members. Seeing none, he asked the Planning Director for her recommendation. Cassidy responded that her recommendation is to continue the public hearing for this matter to August 18, 2020, at 7:00 pm.

Motion to continue the public hearing on the matter of the 316 New Boston Street definitive subdivision to August 18, 2020 at 7:00 pm, made by Bolgen;
Seconded by Callahan;

Roll call vote on the motion to continue public hearing on 316 New Boston Street matter:

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

Motion carried, 7-0-0.

PUBLIC HEARING: 0 NEW BOSTON STREET DEFINITIVE SUBDIVISION (Industriplex Woburn LLC)

Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park Drive, addressed the Board on behalf of the Petitioner to provide an overview of the proposed application. The application is proposing a three (3)-lot subdivision and was filed as part of the process of obtaining a zoning freeze similar to the 316 New Boston Street project, permitting the Petitioner to utilize the zoning provisions of the Woburn Zoning Ordinances (WZO) in effect at the time the preliminary application was filed earlier this year.

Attorney Tarby continued by reviewing the comments received by all pertinent departments, with the most prominent being the topic of delineating any environmental jurisdiction areas and to determine the extent, if any, of soil contamination.

Mr. Tim Williams, project engineer with Allen & Major, 100 Commerce Way, first reviewed the rationale for the project being turned down at the preliminary stage of the application, which included stated concerns relative to peak drainage and traffic volumes, required waivers that had not been requested, and the designation of the subdivision roadway. The Petitioner is confident that the latest subdivision filing addressed all of those concerns, including the new designation of the roadway as a two-way collector roadway.

Williams stated that since the initial definitive plan filing, the plan has been revised in response to Engineering comments. Cassidy responded for purpose of clarity that Planning staff has not yet distributed the latest 0 New Boston Street definitive plan, to ensure that all departmental comments referenced this evening are addressed consistently and reflective of the same plan.

Cassidy further stated that her intent is to distribute the revised plan following this evening's meeting, giving every department's staff adequate time for review prior to the next meeting. Williams took no issue with this approach.

Williams continued to provide an overview of the subdivision via shared screen method to describe environmental aspects, roadway layout, and proximity to the New Boston Street bridge project, the Anderson Woburn Transit Station and Commerce Way corridor, as well as a potential 44-foot wide driveway easement that must be approved by the MBTA or the City.

Williams summarized the proposed roadway configuration, which is comprised of a 400' long, 60-foot wide right-of-way with 34 feet of pavement. The final design will be dependent upon the final alignment of the New Boston Street right-of-way which is anticipated to be available in the coming months. He added that the roadway is compliant with the Board's Subdivision Rules & Regulations for a Type-III "hybrid" cul-de-sac roadway on a minor street.

Williams further reviewed the proposed utilities and committed to interfacing with the Department of Public Works to ensure compliance where waivers have not been requested. He added that he has been in contact with the Engineering Department to ensure compliance with drainage components and measures. For example, a modifiable modular drainage system is proposed to exclude an infiltration component due to Superfund site status.

Williams also reviewed comments received from the Department of Public Works which are largely similar and in agreement with the comments on the 316 New Boston Street project. Notable concern was raised with regard to the proposed roadway grading, although Williams said the applicant is limited as far as modifying the existing grades without disturbing Class C contaminated soils. He added that comments from the Fire and Police Departments and the Board of Health did not raise any concerns of note, other than those of which the applicant is already aware.

Williams summarized the proposed subdivision waivers that would be needed for the design with regard to roadway layout and cross-section, utilities, and public safety components. He provided the rationale for each waiver being requested, also submitted in written form.

Donovan asked members if they had any questions following the presentation. Callahan responded to ask for clarification on the proposed cross-section for the hypothetical MBTA driveway and if traffic volumes for that driveway had been considered in developing the cross-section. Williams responded that he would have to defer to the traffic consultant for more information.

Cassidy stated for clarification purposes that the City is not aware of any concrete plans or financial commitments to build out a driveway connecting the proposed new subdivision/New Boston Street Bridge roadway with the Anderson Woburn Transportation Center. Cassidy responded that Mayor Galvin is a member of the Metropolitan Planning Organization, as the representative for Metropolitan Area Planning Council's (MAPC) North Suburban Planning region. She typically serves the role for the Mayor, so can readily confirm that no plans for a driveway to the regional transit station have been formally incorporated into the design and no funding is earmarked for building one. Williams responded that the subdivision plan is only presenting the potential driveway as an easement that is available for "build out", should the MBTA and/or the City choose to pursue that endeavor in the future.

Callahan asked for clarification as to the location of the proposed modular drainage system. Williams responded that the drainage system would be located entirely on the Petitioner's property.

Donovan asked if members of the Board had any questions. Seeing none, he opened the public hearing and Cassidy provided detailed instructions to audience members how to participate electronically and/or by telephone.

PUBLIC HEARING

Cassidy stated that she does not see any raised hands from members of the audience.

Donovan asked if there were any further questions from Board members. Seeing none, he asked the Planning Director for her recommendation. Cassidy responded that her recommendation is to continue the public hearing on this matter to August 18, 2020, at 7:00 pm.

Motion to continue the public hearing on the 0 New Boston Street definitive subdivision to August 18, 2020 at 7:00 pm, made by Doherty;
Seconded by Callahan;

Roll call vote on the motion to continue the public hearing on the 0 New Boston Street definitive subdivision plan filing:

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

Motion carried, 7-0-0.

RECOMMENDATION TO CITY COUNCIL RELATIVE TO LAYING OUT AND ACCEPTANCE OF TOWER OFFICE PARK DRIVE AS PUBLIC WAY (Attorney Joseph Tarby)

Attorney Joseph Tarby addressed the Board as the Petitioner's representative and provided an overview of the proposal to accept Tower Office Park Drive as a public way. The Petition has been referred to the City Council's Committee on Infrastructure and Public Land and is subject to review and a required report from the Planning Board. He added that he represents a client who is under agreement to purchase 399 Washington Street, subject to development approvals.

Attorney Tarby provided an overview of the memorandum authored by the City Solicitor dated January 17, 2019 addressed to the City Council relative to the procedures for accepting Tower Office Park Drive.

Attorney Tarby continued to provide an overview of the historical ownership and context of the intent of building out Tower Office Park Drive as an eventual public right-of-way serving developable parcels of land adjacent to I-93 pursuant to an Order of Taking authorized by the City, which found the Council found to be in the public interest.

Tarby further stated that because the original process of the Order of Taking did not incorporate a roadway layout or street acceptance plan, these are steps that must be completed for the roadway to officially become a public way.

Tarby further stated that the 369 Washington Street ("Woburn Landing") project was most recently approved by the City under the presumption that Tower Office Park Drive would serve as a primary way of public access.

Tarby further stated that, as a result of a prior finding that Tower Office Park Drive has not been officially accepted as a public way by the City, several properties, including that of 369 Washington Street, are not deemed to have zoning-compliant public access (i.e., access via frontage on a public way).

Tarby further stated that the City has two options relative to acceptance: Either accept the roadway in its current condition or to require upgrades to the street as conditions of City acceptance.

Mr. Tim Williams, engineer from Allen & Major, addressed the Board to present historical layout plans for Tower Office Park Drive.

Williams provided an overview of the As-built plan the developers of Woburn Landing were required to file with the Council in connection with the completion of roadway improvements to Tower Office Park Drive. He reviewed the current post-improvement conditions of the roadway via aerial image.

Williams reviewed the proposed Roadway Taking and Profile plans developed in partnership with the City, including utility and easement components. He also reviewed the roadway improvement plan developed as part of the upgrade for the Woburn Landing project.

Williams further stated that although no improvements have been proposed currently for Tower Office Park Drive, it is anticipated that MassDOT will have jurisdiction over any roadway improvements contemplated as part of a future plan to develop 399 Washington Street.

Ventresca asked about the prospect of incorporating sidewalks into the layout of Tower Office Park Drive. Cassidy responded that there are some logistical challenges with integrating an improvement such as a sidewalk in this scenario, including the fact that portions of the road have been constructed outside of the right-of-way and that Woburn Landing has been constructed with some obstructions to a potential sidewalk, although the right-of-way width does exist.

Tarby stated that the developer of 399 Washington Street has indicated a willingness to provide the required easements to build a sidewalk on the southerly side of Tower Office Park Drive. He added that the special permit process vetted the topic of sidewalks and it was assured that improvements, including sidewalks, would fall to the developer.

Ventresca stated that there is a thought that if improvements do not occur now, there may be no guarantee of them occurring in the future. Tarby responded that the counter-point is that the roadway has already been in use under the assumption of being a public way for many years.

Donovan asked if there were any further questions from Board members. Seeing none, he asked the Planning Director for her recommendation. Cassidy responded that she does have a draft report for the Board's consideration to submit to the City Council relative to the acceptance of Tower Office Park Drive.

Cassidy summarized her draft report which included at least seven recommendations for physical improvements to the roadway, such as the construction of sidewalks, new street lights, and the creation of a cul-de-sac turnaround for

emergency and roadway maintenance vehicles. Cassidy further explained that recommendations are the result of input gleaned during a meeting with several department heads, originally prompted by City Council discussion of this topic in 2019 and a specific request from the Ward 5 Alderman for the Planning Director to meet with various departments and prepare a list of issues or concerns relative to the roadway's current condition.

Cassidy further stated that the proponents for developing 399 Washington Street should be proactive in devising a solution for modifying current portions of Tower Office Park Drive that fall outside of the right-of-way and to potentially remedy the unauthorized presence of fill placed within the right-of-way during the construction phase.

Cassidy said the Board should consider that responsibility for paving, utility maintenance, roadway upkeep and snow plowing will become the City's upon formal acceptance, and these costs are currently being borne by private property owners. She suggested the current owner of the 399 Washington Street property, and the entities currently paying for the road's upkeep, should be responsible for making or paying for any required improvements. She added that pinning identified improvements to a future developer of 399 Washington Street may not be wise. There is a possibility a development could be proposed that does not require a special permit that would allow the Council to impose conditions related to roadway construction. It would also mean an undefined time delay in getting any required improvements in place.

Cassidy said the report to the Council on this matter is due prior to the Board's next meeting in August and that she stands ready to incorporate Board feedback by revising the draft accordingly. Members generally expressed that they were in support of the draft report as written.

Motion to accept, on the matters of the proposed laying out and acceptance of Tower Office Park Drive, the draft Planning Board report to the City Council dated July 22, 2020 as prepared by the Planning Board Director, made by Ventresca;
Seconded by Bolgen;

Roll call vote on the motion to forward the proposed report dated July 22, 2020 to the City Council, as drafted:

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

Motion carried, 7-0-0.

SHANNON FARM (FERULLO DRIVE) SUBDIVISION: EXTENSION OF SUBDIVISION CONSTRUCTION COMPLETION DATE AND DISCUSSION OF NEIGHBORHOOD GROUNDWATER ISSUE AND GRADING QUESTION (Shannon Farm Estates, LLC)

Cassidy provided a summary of the requests and discussion pending for this matter. The developer submitted a request for a one (1)-year extension to the construction completion date. The subject was introduced at the Board's June meeting but subsequently tabled to the July meeting in order to obtain a more comprehensive and detailed timeline of project completion milestones. The basis for requesting a more detailed time line was to better ensure that the proposed construction completion date was realistic. Because a revised timeline has not yet been submitted, she recommended the Board table action on this request to its August 18th meeting.

Cassidy provided a summary of the current complaints received by at least two residents of Strawberry Lane who are direct abutters to this project. One expressed disappointment with the extent to which construction activities have negatively affected her family's ability to use and enjoy their property. Both residents expressed concerns about substantial changes to groundwater infiltration they indicate have only begun to occur with site work on the

adjacent development parcels. Earlier this year, two neighbors noticed a reasonably extensive amount of water seeping to the surface at the end of one property owner's driveway, which water now runs down Strawberry Lane almost to Lexington Street. Cassidy further stated that Engineering staff has indicated that blasting work on the adjacent site appears to have changed the course of water under the ground, "breaking out" in locations where it had not before.

Cassidy stated that she and Senior Engineer Greg Rheaume took part in a site visit with representatives of Murray Hills and their attorney and engineer. The developer maintains that the groundwater issues being raised now by abutting residents are all long-standing. However, she has not had the opportunity to touch base with the City Engineer and Public Works Superintendent to determine if the City had historically received complaints about this particular problem, to the developer's claim that this particular complaint is a long-standing one.

Cassidy also said that a second issue emerging relative to construction of the subdivision relates to the grading work. City Engineering staff has indicated, based on field observations, that more rock/fill had been removed from the site than what was indicated on the approved subdivision plan. Staff needs additional time to explore this topic as well, so she recommended discussion of it be tabled to August 18th as well.

Cassidy further stated that, with the Board's approval of the idea, she could formally request an interim grading plan from the developer to more accurately ascertain whether grading conditions on the ground do in fact substantially deviate from the approved subdivision plan.

Doherty asked for clarification of how this process would work in terms of identifying the source and a potential solution. Cassidy responded that the testimony of abutting property owners on Strawberry Lane seem to be at least an indication of the source and the timing of the problem's emergence. She added that a solution to the issue, potentially requiring some sort of mitigation measure from the developer, is possible and that Mr. Murray has indicated that if it is determined that he is responsible for unintended groundwater migration resulting from blasting, he would work to mitigate it.

Bolgen stated that she is not surprised this issue has come up again for the Shannon Farm/Ferullo Drive project given the amount of discussion focused on groundwater and infiltration issues during the approval phase. She added that due to the current full agenda for the August meeting, it may be prudent to hold off additional discussion of this matter until a subsequent meeting, particularly to due to the amount of background work that will go into exacting a solution. Cassidy responded that she agrees and would recommend tabling this matter to the Board's September 22nd meeting.

Motion to table discussion of these issues to the Board's September 22, 2020 meeting, made by Doherty;
Seconded by Bolgen;

Roll call vote on the motion to table discussion of construction-related concerns at the Shannon Farm (Ferullo Drive) subdivision to the September 22, 2020 meeting:

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

Motion carried, 7-0-0.

ADJOURNMENT

Donovan asked Cassidy if there was any other business for the Board to conduct. There was none.

Seeing no further business, Bolgen made a motion made to adjourn the July 21, 2020 Planning Board meeting at 10:08 pm;
Seconded by Doherty;

Roll call vote on the motion to adjourn the July 21, 2020 Planning Board meeting at 10:08 pm:

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

Motion carried, 7-0-0.

The meeting adjourned at 10:08 p.m.

Table of Documents Used and/or Referenced at Meeting

316 New Boston Street Definitive Subdivision: (1) Application materials including application and plan; (2) Departmental comments; and (3) Emailed public comments from abutter on New Boston Street
0 New Boston Street Definitive Subdivision: (1) Application materials including application and plan; and (2) Departmental comments
3 Sherman Terrace Definitive Subdivision: (1) Application materials including application and plan; and (2) Departmental comments
Draft report to the City Council re: proposed acceptance of Tower Office Park Drive as a public way
Ferullo Drive Definitive Subdivision: (1) Proposed completion date extension request letter; (2) Engineering Department response to the extension request
Russo Estates, Alan R. Gerrish Drive and Carlson Way Definitive Subdivisions: Individual developer progress reports relative to completion of construction tasks
Draft Meeting Minutes: June 23, 2020 meeting

Respectfully submitted,

Dan Orr

Dan Orr
City Planner/Grant Writer