

APPROVED MEETING MINUTES

SPECIAL MEETING

Wednesday, July 15, 2020 Woburn Planning Board Meeting | 7:00 p.m.
Meeting held virtually via Zoom Platform

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

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

12 BUCKMAN COURT SUBDIVISION: ACCEPT LETTER OF CREDIT AS SURETY AND RELEASE OF LOT FROM LANGUAGE OF COVENANT, TO ALLOW BUILDING PERMIT ISSUANCE AND SALE OF LOT (Nardone Electric)

Cassidy provided an overview of the request before the Board to accept the Solicitor-reviewed Letter of Credit submitted as surety for the 12 Buckman Court subdivision. If the current form of surety (covenant) is replaced with a Letter of Credit, it will allow the Petitioner to obtain a building permit and sell the lot.

Cassidy further stated that in response to this request she would recommend that the Board vote on the following two (2) motions: (a) to accept the offered Letter of Credit in the amount of \$139,884.47 as surety to guarantee completion of the above-referenced subdivision, and (b) having accepted that surety, release the lot from the language of the Restrictive Covenant previously posted as surety, which will allow the lot to be sold and building permit(s) issued.

Motion to adopt the Planning Director's recommendation to take the aforementioned two (2) actions for the matter of the 12 Buckman Court subdivision, made by Edmonds;
Seconded by Turner;

Roll call vote on the motion to take the aforementioned two (2) actions for the matter of the 12 Buckman Court subdivision

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

Motion carried, 4-0-0.

Cassidy stated that she and Vice Chair Bolgen have given thought to the topic of conducting Board business virtually as far as required signatures for plans and legal documents to be recorded and wanted to give other members the opportunity to express their preference on the method of providing signatures.

Bolgen provided an explanation for members' benefit. For as long as she has been volunteering as the notary during in-person Board meetings, there haven't been any complications relative to witnessing and notarizing members' signatures on legal documents. However, notwithstanding the current COVID-19 pandemic, she remains legally obligated as a Notary to adhere to the requirement for witnessing signatures. She expressed a willingness to continue to serve as the Board's notary during this time, though she would utilize an on-line platform to witness and confirm members' signatures because it is her preference to forego an in-person arrangement.

Bolgen further stated that there is a new provision in state law that would permit virtual witnessing of signatures but she would first like to gather the opinions of other members before adopting this as standard Board practice moving forward. She added that the Board is fortunate that Attorney Tarby is willing to arrange for notarization of release documents for the Ferullo Drive and 12 Buckman Court subdivisions, but members are obligated to consider a longer-term solution, particularly in cases where the Petitioner and legal counsel may not be willing/able to assume this responsibility.

Ventresca stated that he likes the idea of considering a formal approach to notarizing documents under current circumstances. He added that while he is in favor of a virtual signature arrangement, he would not be opposed to providing his signature as part of "drive-by" in-person arrangement if that were needed.

Bolgen asked Attorney Tarby, representing the applicant virtually, whether and how he may be able to arrange for in-person signature by members with notarization. Tarby responded that he would be able to provide a document to the Planning Director by tomorrow morning and, once reviewed, prepare a hard copy for Board members' signatures via drive-up at his office building. Cassidy added that she will be able to conduct a final review of the release document early tomorrow morning, which would allow Tarby to proceed timely with arrangements for collecting and notarizing Board members' signatures.

Turner asked for clarification of the timeline for notarizing both the 286 Lexington Street and 12 Buckman Court documents. Cassidy responded that Attorney Tarby is hoping for signatures on both documents by Friday, July 17th.

Edmonds asked for clarification of the legality for members to sign-off on subdivision-related documents introduced at meetings at which they have not been present for discussion. Cassidy responded that she was not sure. Although she was inclined to believe it would be permissible as a ministerial act by a Board member, she will commit to following up with the City Solicitor to pose the question formally and obtain proper guidance.

All members expressed their willingness to provide their signatures on the 12 Buckman Court release document via a drive-up, in-person arrangement and Cassidy committed to providing Attorney Tarby with members' times of availability for the next couple of days.

Cassidy stated that she will place the topic of virtual notarization on the July 21st Board meeting agenda, with the intent to discuss further during a fully-attended meeting.

Vice Chair Bolgen asked if there was any other business for the Board to conduct this evening. There was none.

ADJOURNMENT

Seeing no further business, Turner made a motion made to adjourn the July 15, 2020 Planning Board meeting at 7:25 pm;
Seconded by Ventresca;

Roll call vote on the motion to adjourn July 15, 2020 Planning Board meeting at 7:25 pm:

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

Motion carried, 4-0-0.

The meeting adjourned at 7:25 pm.

Table of Documents Used and/or Referenced at Meeting

Proposed 12 Buckman Court Letter of Credit
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Respectfully submitted,

Dan Orr

Dan Orr
City Planner/Grant Writer