

# Approved

## MEETING MINUTES

Wednesday, October 21, 2020 Woburn Planning Board Meeting | 7:00 p.m.

*\*\*Meeting held virtually via Zoom Platform\*\**

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

Ms. Claudia Bolgen, Mr. Jim Callahan, Mr. Bob Doherty, Mr. Dave Edmonds, Ms. Carolyn Turner, and Mr. Michael Ventresca were in attendance; Chair Kevin Donovan was absent. Planning Director Tina Cassidy and Planner Karen Smith were also in attendance.

Bolgen served the role of Chair pro tem in the absence of Donovan.

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

### CROSSMAN ROAD SUBDIVISION

Cassidy stated that the three-lot Crossman Road subdivision was last formally discussed by the Board for an extension request in April 2019. In the intervening months, the developer, Fred Cialdea, has made substantial progress on roadway construction and utility installation. He would now like to obtain building permits to begin construction of the houses, and in order for that to happen, eight actions are required by the Board. Cassidy suggested the most efficient way to proceed would be through a single multi-part motion after review, discussion and recommendation.

The developer's attorney, Mark Salvati, thanked the Planning Department for its work on the documents and stated he was ready to proceed.

Cassidy discussed each action/item separately.

#### **1. Accept proposed Drainage & Access Easement document:**

A proposed drainage and access easement was submitted for review and Board acceptance. Staff has determined that it contains the required easement and access references and conforms to a City Solicitor-approved format for this type of document. The recording information for the plan will be provided once the plan is recorded at the Registry of Deeds.

#### **2. Accept proposed Homeowners' Association document:**

A proposed HOA document has been submitted for review and Board acceptance. Staff has determined the offered document references all required HOA maintenance obligations/responsibilities and conforms to a City Solicitor-approved format.

#### **3. Determine the interim As-built Plan dated September 14, 2020, the September 21, 2020 explanatory letter from Attorney Mark Salvati, and the September 22, 2020 communications from DPW Director Jay Duran and City Engineer Jay Corey collectively satisfy Condition #3 of the Planning Board's April 2017 decision on the definitive subdivision plan:**

Condition #3 of the Board's approval of the definitive plan required that the developer provide "detailed construction plans and policy procedures relative to construction of the proposed utility lines shall be submitted to the Planning Board for review and approval prior to commencement of any constructions, for reasons noted in the updated April 10, 2017 memorandum from DPW Director Jay Duran to the Planning Board." The developer did not

comply with this condition prior to starting construction and is asking the Board to determine that the combination of above documents collectively serves to satisfy Condition #3 of the Board's approval. The submitted materials were forwarded to the Engineering and Public Works Departments for their review, and both City Engineer Corey and Superintendent Duran have expressed their satisfaction with the developer's efforts to satisfy the condition.

- 4. Accept August 25, 2020 water pressure test prepared by BayState Winsupply, a September 16, 2020 water system evaluation by project engineer Mark Sleger, and the September 22, 2020 communications from DPW Director Jay Duran and Engineer Jay Corey collectively as satisfaction of Condition #4 of the Planning Board's April 2017 decision on the definitive subdivision plan.**

Condition #4 of the Planning Board's approval required the developer to submit an evaluation of the impact of home construction on the existing water pressure for review and approval by appropriate City departments. These materials were submitted and forwarded to the Engineering and Public Works Departments for their review. Both City Engineer Corey and Superintendent Duran have expressed their satisfaction with the documents.

- 5. Set amount of surety needed to guarantee completion of remaining work at \$152,170:**

The developer submitted a cost estimate conforming to the Engineering Department's approved format and content. Engineering staff recommends the bond be set at \$152,170.

- 6. Accept Tripartite Agreement (TPA) in the amount of \$152,170 as surety to guarantee subdivision completion:**

At present, a covenant provides the surety to guarantee completion of this project. The developer has submitted an executed Tri-Partite Agreement from Needham Bank in the amount of \$152,170 to replace it. Staff has confirmed this document's format is consistent with the City Solicitor-approved template, to ensure proper form and content.

- 7. Extend the subdivision's construction completion date, from May 30, 2020 to July 31, 2021:**

The developer has submitted a request to extend the completion date to July 31, 2021 and a revised construction timeline. The timeline and request were reviewed by the Engineering Department and found to be attainable, but that department acknowledged that completion of some items relative to utility servicing will be subject to the schedules of National Grid and Eversource.

- 8. Formally release all three lots from the language of the Form G Restrictive Covenant so that they may be built upon and sold:**

Assuming the Board votes affirmatively on all of the above, Cassidy stated the developer asks that the lots in this subdivision be released from the language of the restrictive Covenant currently posted as surety, which prohibits the sale of or building on lots.

Cassidy also stated if all of the above actions are approved, the Board may endorse the Mylars approved by the Board on September 26, 2017 but to which revisions have been made, as described by the project engineer.

Upon conclusion of Cassidy's presentation, Bolgen asked members if they had any discussion.

Ventresca inquired about the substantial drop off behind the area off Crossman Road. Cassidy and Salvati noted the grading issue was addressed on the subdivision plan that was previously approved.

Cassidy proposed the Board accept the following motion:

- Accept the proposed Drainage & Access Easement document offered for the Crossman Road subdivision;

- Accept proposed document entitled Declaration and Bylaws of the Crossman Road Homeowners' Association;
- Determine that the August 25, 2020 water pressure test conducted by BayState Winsupply, a September 16, 2020 water system evaluation performed by project engineer Mark Sleger, and the September 22, 2020 communications from DPW Director Jay Duran and City Engineer Jay Corey collectively serve in lieu to satisfy Condition #4 of the Planning Board's April 2017 decision on the definitive subdivision plan;
- Determine that the Interim As-Built plan dated September 14, 2020 and September 21, 2020 explanatory letter from Attorney Mark Salvati and the September 22, 2020 communications from DPW Director Jay Duran and Engineering Director Jay Corey, collectively satisfy Condition #3 of the Planning Board's April 2017 decision on the definitive subdivision plan;
- Set the bond amount necessary to guarantee completion of remaining work in the Crossman Road subdivision at \$152,170;
- Accept a Tri-Partite Agreement from Needham Bank in the above-referenced amount as surety to guarantee completion of work remaining in the subdivision, in lieu of the covenant;
- Extend the subdivision's construction completion date from May 30, 2020 to July 31, 2021; and
- Having accepted the Tri-Partite Agreement as surety, release the lots from the language of the Form G Restrictive Covenant so that they may be built upon and sold, and execute a Form F Release Form.

Motion to accept the Planning Director's recommendation made by Doherty;  
 Seconded by Ventresca;

Roll call vote on the motion to accept the Planning Director's recommendation:

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

Motion carried, 6-0-0 (Donovan absent).

Discussion took place regarding the logistics of physically signing the plan and documents along with the necessary notarization in City Hall on Thursday, October 22, 2020 and Friday, October 23, 2020.

**ADJOURNMENT**

Seeing no further business, Bolgen called for a motion to adjourn the October 21, 2020 Planning Board meeting.

Motion to adjourn the October 21, 2020 Planning Board meeting, at 7:20 pm., made by Doherty;  
 Seconded by Edmonds;

Roll call vote on the motion to adjourn the September 22, 2020 Planning Board meeting at 7:20 pm:

Callahan-Aye  
 Doherty-Aye  
 Edmonds-Aye

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

Motion carried, 6-0-0.

The meeting adjourned at 7:20 p.m.

*Table of Documents Used and/or Referenced at Meeting for Crossman Road subdivision:*

October 6, 2020 letter from Attorney Mark Salvati which lists all of the developer's pending requests;
Drainage and Access Easement document;
Crossman Road Homeowners' Association Declaration and Bylaws;
Interim As-built Plan dated September 14, 2020, a September 21, 2020 explanatory letter from Attorney Mark Salvati, and September 22, 2020 communications from DPW Director Jay Duran and City Engineer Jay Corey (satisfaction of Condition #3);
August 25, 2020 dated water pressure test by BayState Winsupply, a September 16, 2020 water system evaluation by engineer Mark Sleger, and September 22, 2020 communications from DPW Director Jay Duran and City Engineering Jay Corey (satisfaction of Condition #4);
Cost estimate of remaining work submitted by Mr. Cialdea and copy of July 10, 2020 response email from Assistant City Engineer Greg Rheaume;
Proposed Tri-Partite Agreement from Needham Bank in the amount of \$152,170;
Completion date extension request and associated timeline submitted by Attorney Salvati on behalf of Mr. Cialdea and copy of September 3, 2020 response email from Assistant City Engineer Greg Rheaume;
Proposed Form F Release Form.

Respectfully submitted,

*Karen Smith*

Karen Smith  
Planner