

# APPROVED

## MEETING MINUTES

Tuesday, February 22, 2022 Woburn Planning Board Meeting | 7:00 p.m.  
City Council Chamber, Woburn City Hall, 10 Common Street, Woburn, MA

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

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

Planning Director Tina Cassidy and Planner Karen Smith were also present.

**PUBLIC HEARING (CONTINUED): LEGACY LANE SUBDIVISION: Modification request to retain the roadway as a private way, to be maintained by the private homeowners' association, rather than have the road become a public way maintained by the City after completion of construction / Frank Michienzi**

Attorney Joseph Tarby, Rubin and Rudman, 600 Unicorn Park, Woburn, MA was accompanied by developer Frank Michienzi and his son, Matt Michienzi in the audience. Tarby summarized and acknowledged the responsibilities the applicant and his three children, the only property owners on Legacy Lane, would incur if it were to remain a private way. Tarby also spoke of the cost-saving benefit to the city whereas the Homeowner's Association will assume the responsibility of all maintenance and repairs of the private way.

Callahan asked Tarby for clarification regarding the Homeowner's Association and/or the landowner owning to a specific portion in the street; such as it being divided to the middle of the street like most private ways. Callahan also inquired as to the delineation from Middle Street to Legacy Lane.

After some discussion between Cassidy, Callahan, and Tarby regarding the layout of the intersection of Middle Street and Legacy Lane, it was recommended, if the petition is approved, the layout of Legacy Lane shall be as depicted in the City of Woburn's GIS system. This is of particular concern relative to responsibility of any potential maintenance and repairs relative to the city versus private property line.

Mike Ventresca joined the meeting at 7:11 and noted he is ineligible to participate in this particular discussion, having missed two previous Public Hearings on this petition.

Bolgen stated due to the nature of conveyancing, it may be difficult for Legacy Lane to be accepted as a public way and after additional discussion, she noted the move to a private way may be the best course of action. Bolgen, Edmonds, Callahan and Cassidy also discussed potential enforcement issues regarding public parking on a private way. Tarby referenced the City Solicitor's January 5, 2022 memo noting the Board can impose conditions such as providing safe and sufficient access to lots and prohibiting barriers, etc.

Bolgen opened the PUBLIC HEARING and asked if any audience members wished to be heard. No audience members chose to be heard.

Cassidy recommended approval and that the Board should impose the following four conditions:

1. The regulatory signage relative to parking and private way status must be erected only in the locations shown on the approved plan. The text of each such sign shall be compliant with the Manual on Uniform Traffic Control Devices (MUTCD), and a rendering of each sign, along with MUTCD citations, shall be submitted to the City's Engineering Department for review and approval prior to installation;
2. No barriers or obstructions of any kind that restrict the 24' pavement width of the travel way known as Legacy Lane can be erected. The layout of Legacy Lane shall be as depicted in the City of Woburn's GIS system;

3. No changes or revisions to the layout or construction of Legacy Lane can be made without the Planning Board's prior approval; and
4. Revised confirmatory documents (including Confirmatory Declaration of the Legacy Lane Homeowners' Association, Bylaws of the Legacy Lane Homeowners' Association, and Confirmatory Drainage and Access Easement Agreement and Quitclaim Deeds) shall be executed and recorded at the Registry of Deeds. These documents shall make the Homeowners' Association responsible for snow and ice removal and the upkeep, maintenance and repair of all roadway and utility improvements shown on the approved subdivision plan, including but not limited to components of the stormwater management and drainage systems, sewer and water systems, street lights, curbing, sidewalks, and pavement.

Motion by Edmonds to close the Public Hearing on the modification request for Legacy Lane;  
Seconded by Donovan;  
Motion carried, 5-0-1 (Ventresca abstained).

Motion by Edmonds to accept the Director's recommendation on the Modification to the Legacy Lane Subdivision with the four specific conditions as listed above;  
Seconded by Donovan;  
Motion carried, 5-0-1 (Ventresca abstained).

Bolgen suggested taking the next Agenda item out of order for convenience of the applicant and his attorney.

**LEGACY LANE SUBDIVISION: REQUEST FOR EXTENSION OF CONSTRUCTION COMPLETION DATE**

Cassidy recommended the Board extend the construction completion date for the Legacy Lane subdivision from April 30, 2021 to May 1, 2022 for the Legacy Lane Subdivision.

Motion to accept the Director's recommendation made by Edmonds;  
Seconded by Donovan;  
Motion carried, 6-0-0.

**PUBLIC HEARING (CONTINUED): ROADWAY IMPROVEMENT PLAN VILLAGE ST / Frederick J. Gonsalves**

Attorney Mark Salvati, 57 Arlington Road, Woburn, MA, representing the applicant, apologized for the lack of progress on the petition as they have faced several delays and explained the developer is requesting the public hearing be continued to the March 22, 2022 Board meeting with the promise there will be progress in the interim. Salvati has met with DPW Superintendent Jay Duran, the applicant's engineer, and several Village Street area neighbors. They are still trying to resolve issues and concerns such as drainage, the proposed turnaround, and the issue of the potential for a retaining wall within the private way right-of-way, to name a few.

Bolgen opened the PUBLIC HEARING and asked if any audience members wished to be heard. No audience members chose to be heard.

Salvati acknowledged that the applicant knows what needs to be accomplished to proceed with the application and if the issues are unable to be resolved before the March 22<sup>nd</sup> meeting they will withdraw the petition.

Motion by Edmonds to continue the Public Hearing on the Roadway Improvement plan for Village Street to March 22, 2022 at 7:00pm;  
Seconded by Turner;  
Motion carried, 6-0-0.

**ROBERTSON WAY SUBDIVISION: REQUEST FOR EXTENSION OF CONSTRUCTION COMPLETION DATE**

Representing developer Bryan Melanson, Attorney Salvati stated the draft As-Built plan was reviewed by the city's Engineering Department and is waiting on edits from the developer's engineer. The only outstanding item is the certification from the engineer confirming the subdivision was completed in substantial conformance with the

approved plan. Cassidy recommended extending the construction completion date from February 15, 2022 to March 21, 2022.

Motion by Turner to accept the Director's recommendation;

Seconded by Ventresca;

Motion carried, 6-0-0.

**ALAN R. GERRISH DRIVE (88-92 PEARL STREET) SUBDIVISION: REQUEST FOR EXTENSION OF CONSTRUCTION COMPLETION DATE**

Cassidy summarized the developer is waiting for a response from Eversource regarding the possibility of installing a streetlight on an existing pole. To recap, while reviewing the subdivision, the Engineering Department noted a street light depicted on the approved plan had not been installed. Several Board members visited the site and felt the existing lighting was insufficient so the additional light should in fact be required. The developer is waiting for spring weather as he still needs to install some fencing which needs to be shown on the As-Built per the Conservation Commission's Order of Conditions.

Edmonds recused himself noting he is an abutter.

Motion by Turner to extend the construction completion date for the Gerrish Drive subdivision, from December 31, 2021 to May 15, 2022;

Seconded by Ventresca;

Motion carried, 5-0-1 (Edmonds abstained).

**PLANNING DIRECTOR UPDATE**

The Board concluded the March 8, 2022 meeting will be virtual and discussed the idea of using a hybrid-type model for meetings depending on particular agenda items and the need to meet virtually or in-person as the State Legislature has granted authorization of virtual public meetings through July 15, 2022. Potential items on that agenda will include Russo Estates Subdivision expiration of completion date, a discussion on Planning Board fees, and a discussion on the new Housing Choice law.

The Board also considered whether to authorize two of its members to endorse - or not to endorse - ANR's and definitive subdivision plans that may be approved by the Board.

Motion by Edmonds to authorize Chair Bolgen and Vice-Chair Ventresca to endorse - or not to endorse - on the Board's behalf plans purported not to require approval under the Subdivision Control Law and to authorize the Chair and Vice-Chair to endorse, on the Board's behalf, any definitive subdivision plan that may be approved by the Board during the period. This authorization is in effect from February 22, 2022, and shall last until the next election of Planning Board Chair and Vice-Chair;

Seconded by Donovan;

Bolgen noted the Registry will receive a copy of the new authorization.

Motion carried, 6-0-1.

**APPROVAL OF MINUTES: FEBRUARY 8, 2022 MEETING**

Motion by Callahan to accept the February 8, 2022 Planning Board minutes as drafted;

Seconded by Turner;

Motion carried, 4-0-2 (Donovan and Ventresca abstained).

**ADJOURNMENT**

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, Ventresca made a motion to adjourn the February 22, 2022 Planning Board meeting at 7:55 p.m.;

Seconded by Callahan;

Motion carried, 6-0-0.

The meeting adjourned at 7:55 p.m.

*Table of Documents Used and/or Referenced at Meeting*

**PUBLIC HEARING (Continued): Legacy Lane Modification:** Memorandum dated February 8, 2022 from Ellen Callahan Doucette regarding Abutters Rights in Private Ways – Legacy Lane – Supplemental; email from Joseph Tarby dated January 26, 2022 showing unauthorized trucks parked on Legacy Lane.

**PUBLIC HEARING (Continued): Village Street Roadway Improvement Plan: Attorney Mark** Salvati letter dated February 22, 2022 requesting continuance; Jay Duran comment letter dated September 12, 2019 (Revised 1-20-22); Greg Rheume comment letter dated 1-11-22; Theresa Murphy comment letter dated 1-11-22; Joseph Foley comment letter dated 1-11-22; Robert Rufo comment letter dated 1-19-22;

**LEGACY LANE SUBDIVISION:** Attorney Tarby letter dated January 6, 2022; Greg Rheume email dated January 6, 2022.

**ROBERTSON WAY SUBDIVISION:** Developer Bryan Melanson emails dated February 18, 2022 and January 19, 2022; Greg Rheume email dated January 20, 2022

**ALAN R. GERRISH DRIVE (88-92 PEARL STREET) DEFINITIVE SUBIVISION:** Doug Ahern/Cattle Crossing letter dated February 4, 2022 providing update and requesting continuance.

**Draft MEETING MINUTES:** February 8, 2022 virtual meeting

Respectfully submitted,

*Karen Smith*

Karen Smith  
Planner