

# APPROVED

## MEETING MINUTES

Tuesday, June 28, 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 Cassidy to call the roll.

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

**1. HIGHVIEW ESTATES SUBDIVISION: Discussion of status of court case and expiration of construction completion date / Michael Santullo, Santullo Construction**

Cassidy stated construction of this subdivision has been delayed due in part to ongoing litigation between the property developer and NSTAR over planned construction in a utility easement. As of September of 2021, a blasting company had been hired and was in the process of finalizing blasting and grading plans for submission to NSTAR for approval.

Attorney Roshan Jain, of Burns Jain Law, representing Santullo Construction provided an update on the litigation status with NSTAR. Jain stated the parties are very close to resolving their differences revolving around whether or not Eversource will approve the blasting plan. Jain expects the litigation will resolve itself by way of the parties working together to settle the blasting plan issues. The parties will meet back in court in mid-September. Jain stated Mr. Santullo feels Maine Drilling, the company that will be blasting at the site, will meet Eversource's requirements and blasting will commence in the fall upon which will allow the project to proceed forward with utility installations, home construction, etc. Jain stated his client requests a continuation of the construction completion date as set forth last summer.

Callahan requested clarification on the projected construction timeline. Jain responded the plan is to begin blasting Fall of 2022 once the litigation issue is resolved followed by utility installation commencing fall of 2023 and lasting through the spring of 2024. Home construction will occur between May 2025 and May 2026 followed by the submission of as-built and acceptance plans in October 2026. Callahan noted most items are detailed in the timeline and pointed out the timeline exceeds the typical two-year limitation for construction while admitting he appreciates it being concise. Callahan stated the economy should be considered in terms of the schedule moving forward. Jain noted his client feels the deadlines in the timeline are reachable and they will be certain to update the Board if there comes a time his client feels the timeline is unattainable.

Ventresca inquired as to the certainty of the Eversource approval of the blasting plan. Jain stated Eversource's counsel, Michael Callahan, has provided them a letter stating as long as Sanco Builders and Maine Drilling can agree to the additional requirements and conditions Eversource has set forth an agreement will be finalized. Jain feels confident in the resolution.

Turner asked for additional clarification on the timeline regarding the blasting start date noting the timeline states blasting would start in the fall of 2022 with utility work not beginning until the fall of 2023. Jain stated the blasting may possibly take one year and noted winter conditions may interfere and delay the timeline.

Cassidy asked Jain for clarification on the timeline, specifically, what construction will occur between May 2024 and May 2025. According to the most recent timeline submitted, utility installation will occur between October 2023 and May 2024 with home construction taking place from May 2025 through May 2026. Jain responded he would like to confer with his client for clarification, suggesting it may be a typographical error and will update the Board later this week with clarification for the record.

Cassidy stated she was prepared to recommend and support an extension to 2026 which the submitted timeline seems to require, however she recommends modifying the extension to 2025 if in fact there is a typographical error. She also recommended the Board impose the following four conditions that were previously attached to earlier extensions of the completion dates:

Potential conditions for extension of completion date for the Highview Estates subdivision from June 30, 2022 to October 31, 2026:

1. That the developer and/or his legal counsel provide an update to the Board every six (6) months, which update apprises Board members of the status and progress of the on-going litigation with Eversource;
2. That the developer and/or his legal counsel provide the Board with at least sixty (60) days written notice of resumption/initiation of any work on site;
3. That the developer maintains, in good repair, all aspects of the Stormwater Pollution Prevention Plan (SWPPP), including period inspection of the site and SWPPP measures in the field to ensure their continued good maintenance;
4. That the developer maintains, in good repair, signage and road control access measures (e.g. stacked hay bales) that discourage and prevent access to the site by unauthorized persons or vehicles.

Attorney Jain said they agree with those conditions.

Bolgen suggested, in regards to Condition #1, recommending frequent updates on construction progress after litigation is completed. Callahan suggested a September 2022 update with an accurate timeline assuming resolution with Eversource. Members also recommended Mr. Santullo be present for the September meeting to answer more detailed construction questions, specifically related to blasting. Members discussed truck traffic relating to the blasting,

Motion by Callahan to grant the construction completion date extension to September 15, 2022 to resolve the differences between the developer and Eversource at which point we can format a detailed schedule and timeline moving forward and that the applicant be present at the meeting to address questions from the Board to address potential issues that result from this type of development. After a discussion, Callahan modified his motion to grant the extension date to September 30, 2022 and place the matter on the September 13<sup>th</sup> agenda for discussion.

Seconded by Doherty;

Roll call vote on the aforementioned motion:

Callahan-Aye  
Doherty - Aye  
Donovan - Aye

Turner-Aye  
Ventresca-Aye  
Bolgen-Aye

Cassidy confirmed Edmonds' absence.

The motion carried, 6-0-0.

### **PLANNING BOARD DIRECTOR UPDATE**

Cassidy stated the July 26th meeting will include a continued public hearing on the 216 New Boston Street Special Permit Site Plan review application; a public hearing on the request for a modification to the Baker Way definitive subdivision plan to eliminate a portion of grass strip; and a discussion of the expiration of the construction completion date for the legacy lane subdivision. Cassidy stated there may also be a public hearing for a zoning text and map amendment for the creation of a life science overlay district for the property adjacent to the Showcase Cinema on Middlesex Canal Park Drive.

Cassidy mentioned the authorization to hold remote meetings for public bodies expires on July 15<sup>th</sup> and there is legislation pending but no extension has been finalized at this time. The Board discussed asked Cassidy to go on the record on their behalf to advocate to the City's Legislators (Haggerty, Ciccolo, and Friedman) to move favorably on proposals to continue remote meetings. The Board spoke favorably of remote participation with the public's consideration and best interests in mind to meet in person if preferred.

### **APPROVAL OF MINUTES: MAY 24, 2022 MEETING**

Motion by Turner to accept the May 24, 2022 Planning Board minutes as drafted;  
Seconded by Ventresca;

#### **Roll call vote on the aforementioned motion:**

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

The motion carried, 5-0-1 (Doherty absent on 5/24/22).

### **APPROVAL OF MINUTES: JUNE 14, 2022 MEETING**

Motion by Doherty to accept the June 14, 2022 Planning Board minutes as drafted;  
Seconded by Turner;

#### **Roll call vote on the aforementioned motion:**

Doherty-Aye  
Callahan-Aye  
Donovan-Aye

Turner-Aye  
Ventresca-Aye  
Bolgen-Aye

The motion carried, 6-0-0.

**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, Doherty made a motion to adjourn the June 26, 2022 Planning Board meeting at 7:36 p.m.;

Seconded by Ventresca;

**Roll call vote on the aforementioned motion:**

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

The motion carried, 6-0-0.

The meeting adjourned at 7:36 p.m.

***Table of Documents Used and/or Referenced at June 28, 2022 Planning Board Meeting:***

<b><u>HIGHVIEW ESTATES SUBDIVISION:</u></b> Email from Attorney Jain dated 9/14/21; Grading Plan of Highview Estates from Sullivan Engineering Group dated 11/23/21; Highview Estates updated timeline; Planning Board letters filed with City Clerk's Office granting extensions of completion dates dated 2017 through 2019; Litigation update from Attorney Jain dated 2/17/21, 5/7/2020, 2/10/2020; Highview Excel Timeline with completion date October 2026; Attorney Jain letter dated 6/27/2022;
<b><u>DRAFT MEETING MINUTES:</u></b> May 24, 2022 meeting
<b><u>DRAFT MEETING MINUTES:</u></b> June 14, 2022 meeting

Respectfully submitted,

*Karen Smith*

Karen Smith  
Planner