



PLANNING BOARD MEETING

Tuesday, February 07, 2023 at 6:00 PM

Town Hall - 41 South Main Street Randolph, MA 02368

MINUTES

In accordance with Governor Baker's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 COVID 19 emergency, the Planning Board shall meet remotely to avoid group congregation.

A. Call to Order - Roll Call

Called to order at 6:01pm

PRESENT

Alexandra Alexopoulos
Tony Plizga
Nereyda Santos-Pina
Peter Taveira
Lou Sahlu

B. Chairperson Comments

Chairman Plizga welcomed new member Mr. Lou Sahlu to the Planning Board.

C. Approval of Minutes

1. Minutes of 1-24-2023

Board reviewed and proposed edits on typographical errors

Motion made by Alexopoulos, Seconded by Santos-Pina to accept the minutes as amended.

Voting Yea: Alexopoulos, Plizga, Santos-Pina, Taveira

Voting Abstaining: Sahlu

D. Public Speaks

Keri Windsor at 821 North Street asked for clarification about which agenda item would discuss the "North Street" project. The chairman specified the item on the agenda. Ms. Windsor indicated that she'd speak then.

E. Public Hearings

1. Definitive Subdivision - 358/360 North Street

Chairman Plizga read the legal notice into the record.

Applicant Debby Stein-Sharpe, her agent Mike Khoury, and engineer Steve Bouley of TetraTech were present on screen.

Planner Tyler advised the Board that an application, plan set, hearing fee and peer review fee were received from the applicant. Abutters notices were mailed postmarked January 13, 2023. Plans were submitted to Nitsch Engineering for Peer Review for the Planning Board.

The Planner provided a brief summary of the project which is to take 2 lots that have frontage on North Street that are currently non-conforming for frontage to adjust the lot lines and create a paper street without construction that would afford both lots to have conforming frontage. There is no new construction plan on the lots currently. This is to lay out the roads on paper only to obtain conforming frontage and allow the parcels to do some lot line adjustments not currently permitted.

Planner indicates that the Board received a report from Nitsch Engineering only this afternoon at 4:24pm and neither the Board nor the applicant has had an opportunity to review it due to its late submission. The Chairman directs the report to be forward to the applicant's team and the Board the next work day.

Mike Khoury spoke on behalf of the applicant reminds the Board that this proposal has been discussed with the Board twice previously: once in an informal discussion and then second with a preliminary subdivision plan filing.

The lots at 358 and 360 North Street were created by an ANR in 1989 and the access at North Street was compliant with zoning at the time. The access was 90 feet wide split between the two lots at 45 feet each lot. The two properties have had a parking agreement between them and wanted to actually do a land swap between them and move lot lines so that their current parking usage would be on the lots under their respective ownership. The applicant learned that the frontage requirement was changed in 2005 requiring a larger area for each lot and more than the combined 90 feet currently shared by the two parcels (which was legally conforming in 1989). The Planner was approached with questions about how to accomplish the land swap possibly through a variance. A variance would require the properties to receive approval for every subsequent change so the subdivision was contemplated. This would create conforming frontage for each of the impacted lots at 358 and 360 North Street and provide vehicle and pedestrian access. The preliminary plan was prepared and submitted to the Board and received approval. The engineer has since prepared a Definitive Plan and submitted for review.

Debby Stein Sharpe, Steinsharpe LLC tells the Board that some years ago the abutting property owner constructed an addition on the building that brought the structure almost to the lot line and the part of the parcel involved in this proposed realignment of lots will give them some room on the side of their building so there is a benefit to both parcels.

Chairman Plizga opened the hearing to public comments. Frank on Allen Street was given an opportunity to speak but declined and indicated he would merely listen to the meeting.

Debby Stein Sharpe stated she had heard from Ron Brenner, an abutter who told her he had no issue with the proposal.

Planner indicates that two abutters presented questions to her directly. Mr. Ed Robichaud at 251 Allen Street asked about the project on January 27 and received an explanation. He stated he had no problem.

Jasmin Davis-Shearer of 171 Allen Street called the Planner and asked about the project. Planner provided the plan and was told she had no issue.

Chairman Plizga closed the public comments section of the hearing and opened to the Board for discussion.

Chairman Plizga initiates discussion regarding granite curbing and a request to have the project install it at the radius only of where the proposed way intersects with North Street. A lengthy discussion was had between Board members and the applicant regarding where granite curbing does and does not exist along North Street currently, including an online view of the area via Google maps. Discussion included whether there would be an impact to the abutting property to the south that currently has an opening onto proposed Trim Way. The Planner reminds the Board and applicant that the driveway at 356 North Street opens onto and uses private property and not a street. Not sure if there is a formal agreement for that or how it might change with the layout of proposed Trim Way and the addition of any curbing. Additional discussion was how to transition the granite where there is no existing curbing at that radius or section of North Street.

Debby Stein Sharpe indicates that there is no formal agreement between 356 and 358 North Street but there has never been an issue. Further, she doesn't think it makes sense to install granite at that location as it would not connect to any existing curbing that is granite, concrete or asphalt. Instead, she suggests that if the Town were to install curbing along North Street on the west side, she would take responsibility for the granite curbing at the radius to proposed Trim Way.

Chairman Plizga asks the Planner about any plans the Town may have to repair or repave North Street. He also asks that if the Town does install curbing on North Street in the future, could the Board request the owner to install the curbing at the radius. The Planner indicates that she would have to review that prospect with DPW to understand what the process would be.

Member Alexopoulos indicates that she believes the discussion about curbing at this point isn't necessary since there is no construction planned. If, however, the applicant were to construct Trim Way, then curbing would be required. There was additional discussion and clarification of the distinction between a private way and a public way. The applicant intends Trim Way to remain a private way.

The Board had further discussion about the impact of curbing at the radius to adjacent vegetation, traffic (especially truck) turning. Chairman Plizga withdrew his request for granite curbing at the intersection of proposed Trim Way and North Street.

Board members had no additional questions or comments. Chairman Plizga asked the Planner to forward the peer review report from Nitsch Engineering to the applicant's team and the Board for review before the next meeting suggested to take place on February 28.

Member Taveira indicates concerns that the abutters at 356 North Street are not in attendance at this hearing and they are the most impacted by this proposal due to their existing driveway into the parcel at 358 North Street which would become Trim Way. The Planner indicates that all abutter notices were mailed by certified mail. Taveira asks if there can be additional outreach to that abutter prior to the next meeting.

Motion made by Alexopoulos, Seconded by Taveira to continue the public hearing to February 28 at 6:30pm

Voting Yea: Alexopoulos, Plizga, Santos-Pina, Taveira, Sahl

2. Modification of Subdivision (Braintreeville Manor)- Discontinuance of unimproved roads

Legal notice read into the record by Chairman Plizga.

The Planner provided a summary of the proposal before the Board stating that the request is for a modification of a subdivision with unimproved and unconstructed industrially zoned parcels on the east side of North Street. The request is by the property owner who owns all or most of the adjacent parcels to discontinue the roads that have been laid out and recorded at the Norfolk Registry of Deeds as Braintreeville Manor but never constructed. This would allow him to come before the Board in the future to combine the small parcels into larger conforming parcels suitable for construction. Any development on the parcel would be subject to zoning regulations which currently specify the land is zoned for industrial use. The applicant does not own all of the parcels on the impacted paper streets and, as such, the proposed discontinuance cannot restrict access to those parcels by those owners. The plan references discontinuance of only a portion of those streets.

The Planner indicates that the applicant sent a letter to the Planner via email and by Federal Express on February 1 which was presented on screen. Chairman Plizga read the letter into the record which requested a continuance of the public hearing without their presentation to the meeting of March 14, 2023. The chairman informs any members of the public that comments will be accepted at the next meeting after the applicant has made any presentation and before the Board takes up deliberation.

Taveira references that members of the public have been posted on social media and may be confused. He begins to provide an overview of the proposal and Chairman Plizga joins the conversation. The Planner reminds the Board that this is a public hearing that the applicant is not present at and has asked for a continuation. The Planner provided a significant overview as the administrator since she is not a voting member of the Board and that should be sufficient to inform the public of the intent of the project. Since the applicant isn't present at the meeting, there should be no further discussion of the project without them having the benefit of participation.

Motion made by Plizga, Seconded by Santos-Pina to continue the public hearing to March 14 at 6:15pm

Voting Yea: Alexopoulos, Plizga, Santos-Pina, Taveira, Sahlu

3. Request to Amend Zoning - Historic Property Setbacks

Public notice read by Chairman Plizga.

Planner invited Henry Cooke, IV, chairman of the Historical Commission to the meeting. The Planner provided an overview reminding the Board that this item was recommended as part of the Comprehensive Master Plan in 2017 under the Natural and Historic Resources. The Planning Board met jointly with the Historic Commission to discuss the merits of the recommendation in the Master Plan. Additionally, the Historic Commission met on their own to discuss. The Board's concurred on the recommendation of the Master Plan and created language for a proposed zoning amendment. It was submitted to the Town Council in November for referral to the Planning Board.

The Planner reminded the Board that residential construction, not part of subdivision control, is implemented and enforced by the Building Commissioner so no items affected by this ordinance would come before the Planning Board.

Chairman Plizga opened the hearing to the public for comments. Frank at 53 Allen Street asked to make comments needing clarification believing that the topic was relative to the Trim Way subdivision. He was advised that the topic impacting Allen Street was at a later time.

Chairman Plizga proposed an amendment to the order to paragraph C inserting the words "as defined in section 87-2 of the Town of Randolph General Ordinance" and discussed the request for including such language and Planner Tyler provided the Board with the definition documented section 87-2 for reference.

Chairman Plizga makes a motion to amend the proposed language to insert in item C the words "as defined in section 87-2 of the Town of Randolph General Ordinance". Seconded by Santos-Pina.

Voting yea: Alexopoulos, Santos-Pina, Taveira, Plizga

Abstaining: Sahlu

Chairman Plizga makes a motion on the main motion to recommend the amendment to Town Council with revisions as voted. Seconded by Santos-Pina.

Voting Yea: Alexopoulos, Plizga, Santos-Pina, Taveira

Voting Abstaining: Sahlu Motion to close the public hearing made by Alexopoulos and seconded by Taveira. Voting Yea: Alexopoulos, Plizga, Santos-Pina, Sahlu, Taveira

F. Old/Unfinished Business

1. Perry Estates - receipt of covenant

Perry Estates is the subdivision that was approved early last summer, off of Chestnut Street. The subdivision was a one lot subdivision creating a a street out of an existing driveway. The Board finally received a performance guarantee by way of a covenant from the property owner. As such, the Board now needs to sign the mylar so it can be recorded at the Registry of Deeds. Planner asks Board members to coordinate with her to sign the required documents.

G. Staff Report

1. Subdivision Listing

Lafayette Estates - An FYI to the Board. The Planner received a call from a neighbor to the project concerned about one of the lots that abuts the retention area. The back of the lot has about a 10 foot drop to the detention area and there is no fencing installed. The question was whether the Board had required any such installation. The Planner reviewed the definitive plan set, and the Board's decision and conditions and found no requirement for fencing. Since the parcel abuts the detention basin, the Planner also reviewed the Conservation Commission Order of Conditions and spoke with Joe Dunn. The ConCom Order of Conditions for Lafayette Estates specifically states that it is for "road construction only" and that impacted house lots must have a separate NOI filed with ConCom. The lot in question has a residence constructed on it within the 100 foot buffer and is now occupied. There was no NOI filed with ConCom yet the home was constructed. While this isn't a Planning Board issue, the resident made the inquiry to Planning so the Planner is following up. Joe Dunn indicated that he would reach out to the regional representative to determine what actions can be taken after the fact and, specifically, so that the new homeowner understands the restrictions on that property due to their location in a wetland buffer.

Chairman Plizga inquires about an additional lot and wonders if it, too, is impacted. The Planner indicates that it is not within the wetland buffer.

There is an additional homeowner requesting a release of the covenant but, on review, the Planner indicates that a covenant cannot be released until the road construction is complete. However, the owner can ask for a release of covenant as long as an alternate type of performance guarantee is established to secure the remaining construction of the subdivision.

Ponkapoag Pond/DCR - The Planner advises the Board that DCR is conducting a public hearing on their proposed master plan for Ponkapoag Pond. Access to the pond is, in part, in Randolph so their proposal impacts the Town. Members should participate to understand what is being proposed. The Planner has participated in at least one of the public hearings as has Town Councilor Jesse Gordon.

Follow-up Grove Avenue/Cygnnet Lane - At the last meeting, the Board asked the Planner to speak with the Town's Attorney regarding a statement by Karl Wells (related to the development of Cygnnet Lane through subdivision control). Mr. Wells quoted a section of Mass General Law and suggested that the Planning Board was exceeding authority by requesting certain types of construction on roads - specifically granite curbing - where he believed the Town standard was not also granite. The Planner followed up with the Town's Attorney who followed up with the DPW

Superintendent. The DPW Superintendent indicated that the Town's standard for curbing is to use granite unless otherwise specified. The Planner believes that the Board can retain their existing rules and regulations.

647 North Main Street - Planner followed up with the owner about the status of the traffic signal required at the location. He indicated that everything was filed with MassDOT and he is still waiting on them.

19 Highland - presented a revised landscaping plan to the Planner in January. They should be coming back to the Board at one of the next meetings for review and approval. There are items on the project list that must be completed before a Certificate of Occupancy can be issued as stipulated in the Special Permit Decision and Conditions.

Zoning Audit/Analysis - At the next meeting, the Board will speak with Barrett Planning Group about the current zoning ordinance as it relates to usability, flow, consistency, etc. The consultant is not reviewing subjective content but rather does the content comply with state and federal statutes, is it in a format easily understood by end users including the Planning Board. The Planner previously provided links to the zoning ordinance and rules/regulations for the Board to review in advance of the meeting. The Planner has already spent about 45 minutes with the consultant outlining concerns with the zoning ordinance.

H. Board Comments

Chairman Plizga discusses the need for site visits to proposed projects by the Board to have a better understanding of the property and adjacent areas over and above looking at a set of plans. He will ask that of the Board going forward and reminds the Board that there can be no deliberation or discussion of the proposal during a site visit. The Board does not have to go together if times aren't convenient but each member should make an effort to see a proposed development site. Member Alexopoulos concurs that this is a good practice and provides a different perspective when viewing a proposed development site on the ground.

Chairman Plizga brings up the discussions previously held by the Board surrounding the development of proposed zoning regarding electric vehicle charging stations. Currently there is no guidance in zoning leaving the Town open for potential development with no oversight. Members Taveira and Santos-Pina had been trying to develop proposed language but have been unable to connect for collaboration. There was discussion around a working group to put together language and a reminder from the Planner that if 3 members are present it's a meeting that must be posted and open to the public. Lengthy discussion ensued about what should or should not be included in a zoning ordinance and what is best left to Building Code. The Board asked the Planner to work on developing draft language that could be considered at future meetings.

I. Adjournment

Notification of Upcoming Meeting Dates

2-28-23

3-14-23

3-28-23

4-11-23

4-25-23

Meeting adjourned at 7:35pm