



PLANNING BOARD MEETING

Tuesday, August 15, 2023 at 6:00 PM

Town Hall - 41 South Main Street Randolph, MA 02368

MINUTES

Pursuant to the temporary provisions pertaining to the Open Meeting Law, public bodies may continue holding meetings remotely without a quorum of the public body physically present at a meeting location until March 31, 2025.

A. Call to Order - Roll Call

PRESENT

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

B. Chairperson Comments

None

C. Approval of Minutes

Motion made by Alexopoulos, Seconded by Santos-Pina to approve the meeting minutes of July 25, 2023 as presented.

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

D. Public Speaks

None

E. New Business

1. 19 Highland Avenue - Parking layout review

The applicant and engineer for 19 Highland Avenue were not present this evening as they have retracted their request to remove some granite curbing at the Highland Avenue entrance.

Chairman Plizga wanted to clarify an issue discussed at the previous meeting regarding the road upgrades to Diauto Drive. Mitigation measures were to include road striping and general road upgrades. There has been some back and forth about what specifically

"general road upgrades" includes. After referring to the meeting minutes and recordings, Chairman Plizga concluded that nothing more specific was mentioned, but understood it to mean milling and resurfacing approximately 200-300 feet of Diauto Drive where it meets Highland Avenue. Chairman Plizga entertained a motion to provide clarification by the Board. The Board had a brief discussion before the vote and agreed with the Chairman's assessment.

Motion made by Plizga, Seconded by Taveira to clarify one of the original conditions/mitigation measures, that Diauto Drive general road upgrades, under the direction of the DPW, is to mill the surface and repave.

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

Chairman Plizga asked Planner Tyler to document the change for the Board's records and clearly state that it is a clarification of an original mitigation measure based on the applicant's request for clarification.

2. Orchard Estates - comments by landowner

Planner Tyler provided the Board with a general overview of what has transpired at Orchard Estates. The Board approved a four lot subdivision that created Cherry Circle. The original subdivision was secured with a performance guarantee in the form of cash surety by the developer/applicant, 1928 LLC, which represents Todd Sandler and Mike Kmito. Subsequently, the applicant came before the Board to request for Lot 1 to be released since it had frontage on Orchard Street and also to change the type of performance guarantee from cash surety to a covenant, which the Board approved.

The challenge that Mr. Hannigan faces is that a covenant runs with the property owner, not the applicant. At the time, 1928 LLC did not own the land, but was acting on behalf of the landowner as the applicant for this project. The applicant still has work to complete in order for the covenant to be released. Over the course of construction, two lots were sold off and mortgaged despite the subdivision covenant which runs with the land which should have prevented the sale.

The remaining lot, owned by Mr. Hannigan, is currently restricted from sale and cannot be released until the outstanding roadwork is completed. According to the peer review by Niche Engineering back in 2019, the estimate to complete the work is \$23,222.77, which includes the top course, driveway aprons, monument survey and concrete bounds. Planner Tyler has been in touch with 1928 LLC regarding the outstanding items. They are reported to be on the list for paving with T. L. Edwards, but also still need to complete the bounds and as-builts.

M.G.L requires a performance guarantee remain in place until the subdivision is complete. There is an opportunity to change the type of performance guarantee to lift the covenant and secure the unfinished items by a different method such as cash surety or bond which would allow Mr. Hannigan to sell his property.

Chairman Plizga felt the cleanest way to correct this issue, would be for 1928 LLC to post a \$25,000 cash surety so that Mr. Hannigan could be released from the covenant. Chairman Plizga requested that Planner Tyler send a letter signed by the Planning Board to 1928 LLC asking them to consider making the cash surety or expedite

the work to be done. Planner Tyler noted that she had proposed that to Mr. Sandler early on and it was declined.

Mr. Hannigan's real estate broker, Barbara Ubowski, was present. She said that Mr. Hannigan's attorney has sent a letter referring to the developer and is awaiting a response. They are trying to put pressure on them as much as they can but would like help from the Planning Board. Mr. Hannigan's property is scheduled to close August 28, 2023.

Chairman Plizga entertained a motion seconded by Mrs. Alexopoulos to recommend Planner Tyler send a letter to 1928 LLC requesting they post cash surety to release the covenant. The Board had a discussion regarding potential solutions prior to taking a vote. The Board agreed that waiting for the work to be completed at this point would take too long. Planner Tyler noted that Mr. Sandler asked if the Planning Board would be willing to release the covenant with an expectation of receiving the \$25,000 cash surety to the Town of Randolph after the closing on Mr. Hannigan's home. The Board discussed the legal ramifications. Mrs. Alexopoulos feels that could be a viable option if they had a legal document drawn up to earmark \$25,000 to the Town of Randolph at closing and recommended that the Board consult the Town's attorney to see if it can be done. Mrs. Santos-Pina feels this route will take longer than if the 1928, LLC just posts the \$25,000 cash surety. Chairman Plizga would like to start by sending a letter requesting the applicant provide cash surety with 5 business days before entertaining alternatives.

Motion made by Plizga, Seconded by Alexopoulos to recommend that the Planning Director send a letter to the original 1928 LLC asking if they would reconsider a cash surety or equivalent under M.G.L. such that Joe Hannigan would be released from the covenant, requesting a response within 5 business days.

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

Planner Tyler will provide Mr. Hannigan's real estate broker and attorney with a copy of the letter sent to 1928, LLC.

F. Staff Report

Active Subdivision Review

Trim Way - Mr. Khoury was present to have the Board sign off on some minor changes that were discovered on the plans for Trim Way prior to recording at the Registry of Deeds. The new plan will relabel Lot 5 B4, as Parcel B4 and a minor administrative correction to note 3.

Motion made by Plizga, Seconded by Taveira to approve a revised Tetra Tech Drawing C-201 dated August 2, 2023 which includes some minor editorial changes and revisions to the document previously signed.

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

Lafayette Estates - There are still no light poles installed. Planner feels that street lights should perhaps be tied to the release of lots as with sidewalks to ensure they are installed by the developer in a timely fashion. She has left a message with Joe Marotta for follow

up. Chairman Plizga agrees that they should be added to the draft proposed subdivision regulation changes.

Active Project Review

Popeyes (Mazzeo Drive) - The gate has been installed at the Popeyes. The dumpster enclosure has not been repaired. The jersey barriers and bollards have not been removed. She felt there was more trash and debris than necessary on site. The 90 days for completion was up in June. Planner Tyler has sent a letter to the two attorneys involved.

Splash Car Wash (Mazzeo Drive) - Moving along with site work as well as interior work.

Step Ahead Day Care (30 South Main Street) - Took down their temporary sign and installed a permanent sign.

Taj Estates (19 Highland Avenue) - Landscaping is installed. The trellis has not be installed. Handrails were installed but no pavers yet. Bollards have been put up around where the compressor units will go. Rear curbing has been installed along the fence line. There seems to be a 5' gap of curbing that falls short of the sidewalk on the Warren Street side Chairman Plizga would like to see filled in. Planner Tyler noticed construction workers exiting the property using the Warren Street entrance, so she sent an email making it known that the only exit from the property is on Highland Avenue.

Yankee Bus Lines (34 Scanlon Drive) - The stormwater report is being reviewed by the interim DPW Superintendent. The contractor for the site met with the Building Commissioner to review the construction plans and to start scheduling demo. The applicant is no longer moving the building location after learning it would need to go through several Boards for approval.

Randolph Road - They will be back before the Town Council for their special permit for 24hr operation Monday night. Their Conservation Commission hearing was also continued.

Mill Street Subdivision - They will be back before the Board on September 12. Chairman Plizga may consider closing the hearing to set off a definitive clock (90 days from close) for a decision to be rendered by the Board.

Pham Estates (Mary Lee Way) - The pole is in and the powerline has been run over. No other utilities have been run to the pole.

Upcoming Projects

Upcoming signage permits applications for a new Bubble Tea/fast food shop going in where Fred's Fish was and a boutique/salon going in where the Ken's space was. The Planner worked with the owner of the small strip mall on N. Main Street to the left of America's Food Basket, to get all of the signs on the building revised, many of which never had permits. Planner feels the adjustments will provide a more unified look.

Planner anticipates that the Board will receive plans mid-fall for site plan in design review for a project in the High/Billings/Scanlon area potentially at the Lantana

location. Chairman Plizga asked if Lantana and Lombardo's was all one parcel. Planner Tyler said it is two separate parcels under the same ownership.

G. Board Comments

None

H. Adjournment

Notification of Upcoming Meeting Dates

September 12

September 26

October 10

October 24

Motion made by Taveira, Seconded by Santos-Pina to adjourn the meeting at 7:12pm.

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