



# PLANNING BOARD MEETING

Tuesday, March 14, 2023 at 6:00 PM

Town Hall - 41 South Main Street Randolph, MA 02368

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## MINUTES

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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 6:00 by the chairman

#### PRESENT

Alexandra Alexopoulos  
Tony Plizga  
Nereyda Santos-Pina  
Lou Sahu

#### ABSENT

Peter Taveira

### B. Chairperson Comments

Chairman Plizga stated in the event of a power outage, he reserves the right to cancel the meeting and reconvene at a later date.

### C. Approval of Minutes

No minutes were provided for review. The item was tabled until the next meeting.

### D. Public Speaks

None

### E. Public Hearings

1. Modification of a Subdivision (Braintreeville Manor) -Discontinuance of paper street(s)  
- off of North Street/Randolph Road

Chair Plizga opened the hearing as a continuation of a public hearing for a Modification of a Subdivision (Braintreeville Manor) – Discontinuance of paper street(s) – off of North Street/Randolph Road. This hearing was opened on February 28, 2023

and continues this evening per the request of the applicant. The public notice was read into the record.

Planner Tyler gave an overview of the project on the Town's behalf. This request was placed by the attorney for the owner of the properties off of Randolph Road and North Street. These are industrial zoned properties. Braintreeville Manor Subdivision is a recorded subdivision with roads that have never been constructed. The owner of the property is asking the Board to discontinue those laid out roads (paper streets) that have not been constructed with the exception of roads that provide access to parcels not owned by Mr. Lally.

The applicant's attorney, Robert Buckley, and Kristine Hung are present as well as Greg Burnett, the engineer. Mr. Buckley described the original lotting plan as a collection of 100 small parcels put in place in 1925 with laid out roads that were never built. The lots do not comply with current zoning. What they are trying to accomplish by consolidating these lots is pursuant to the Subdivision Control Act. Unlike the prior hearing, we are not creating roads we are eliminating roads. He explained by operation of law the title to abandoned roadways rests in the abutting property owners and the result will be to create one lot out of a number of lots. Mr. Buckley would then hope to be before the Board in the near future with something to discuss for future action.

Engineer, Gregg Burnett of DiPrete was asked to share the plan. Mr. Buckley pointed out that the new lot would consist of some frontage on Randolph Road, then it would run down Garfield Road and then on the other side North Street. There is a common property line with a development that fronts on to North Street. That would become one major lot with all roadways being eliminated. Those who have remaining lots will have access to North Street preserved through Garfield up to Randolph Road. The consolidation is to eliminate the numerous small lots that are in existence there.

Chair Plizga asked Mr. Buckley if they would end up with two lots when they are done. Mr. Buckley explained that basically, there will be one large consolidated lot for our ownership group. Mr. Burnett clarified that by leaving the Garfield Road access, there essentially would be two separate lots.

Chair Plizga opened the hearing up for public comment noting that the public notice was read into the record at the previous meeting. No public comments were made. Chair Plizga closed the public comment portion of the meeting and moved to the Board for discussion.

Chair Plizga asked Mr. Burnett to go over some minor changes to the plan, specifically summarizing the clouded areas on the plan and what each change means. Mr. Burnett explained that the majority of the revisions were editorial. For instance, to represent the correct parcel ID and to make sure they are coordinated properly with the lot that they would be joining. He noted the green text represents the portions of the roadway that will be collapsed and brought into each of the lots. One note clarified and corrected an engineering error related to the area and square footage of the roadway and how it translated to this parcel.

Chair Plizga asked Mr. Burnett to discuss Note 2.4 which talks about parcel ID 17-K-2. Mr. Buckley responded for Mr. Burnett explaining that the Town took the parcel through tax title a number of years ago and recently held an auction. One of the parties of interest in the validation plan was a successful bidder and signed a purchase and sale agreement on the parcel.

Mr. Buckley said they would agree not to record the plan pending performance under the purchase and sale agreement. He believes it has a 30-day performance criteria. Chair Plizga noted that eventually note 2-4 (related to parcel ID 17-K-2) would have to be deleted from the plan to make the drawing correct. Mr. Blakely disagreed, noting that anyone looking at the title would be able to trace the changes to the plan. Once the deed is recorded for the parcel, it would eliminate the validity of that note.

Chair Plizga asked if Board members had questions. Feedback was that the information was straightforward. Chair Plizga wanted to hold off on a vote until everything is in Mr. Buckley's ownership and completed. Mr. Buckley asked how it would hurt the Town's position if they were willing to wait until ownership was complete to record the plan. Chair Plizga asked Planner Tyler if the Board could approve this subject to the sale being completed. The parties agreed it was acceptable. There was a discussion as to how the motion should be worded. Planner Tyler read the motion.

Motion made by Alexopoulos, Seconded by Plizga to approve the discontinuance of the roads under the subdivision Braintreeville Manor on the plans dated January 6, 2023 with the latest revisions dated January 17, 2023 pursuant to the execution of the purchase and sale agreement from parcel 17-K-2

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

Planner Tyler said she will record the decision for appeal with the Town Clerk. She will advise when it is posted to initiate the 20-day appeal period, after which the Board may endorse the mylar.

Motion made by Chair Plizga, Seconded by Santos-Pina to close the public hearing on the discontinuance of paper streets and the modification of a subdivision off of North Street and Randolph Road.

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

## **F. Old/Unfinished Business**

### **1. Subdivision: Trim Way Definitive Plan REVISIONS (continuation)**

Chairman Plizga introduced Mike Khoury, agent for the owner and applicant, Debby Stein Sharpe. Chairman Plizga noted at the meeting on February 28 the Board discussed everything that needed to be gone through relative to the plans with two or three open items left to be discussed.

Planner Tyler discussed which items potentially could be eliminated from the decision, with the understanding that no construction take place. Planner Tyler noted while construction could not take place now, it potentially could so it should be documented as such and recorded in the decision for current owners and for future owner's reference.

The applicant inquired if the existing legal/mailling address of 358 and 360 North Street could be retained. Planner Tyler consulted the Town Engineer on the matter. According to the Town's ordinance for addresses on a new street, the addresses would need to be changed. The new addresses will be 2 and 3 Trim Way, as reflected in the Decision.

There was discussion regarding the requirement of a performance guarantee. The Town's Attorney was consulted on the matter. Subdivision control falls under MGL, not a local ordinance. MGL specifically states that the Board may not endorse a subdivision plan unless there is a performance guarantee. The applicant for the property owner may choose the type of performance guarantee whether it is a bond, a tri party agreement, a covenant, or a cash surety. But there would need to be something in place for Planning Board's endorsement and for the plan to be duly recorded. Planner Tyler left the performance guarantee in the decision along with some standard, ordinance related, conditions applicable to future construction.

Mike Khoury noted that at the Board's request, they have submitted a revised lotting plan that addressed questions from the Peer Review Engineer. He noted that mylars were presented to Planner Tyler for the Board's signatures.

Planner Tyler provided the Board with a summary of changes to the decision for the Board's review. Alexopoulos had a few questions regarding item 8, under "Note", and item 8F. The Board discussed and made some typographical edits to the decision. Planner Tyler noted that the Board would not be endorsing anything until they have the performance guarantee in place.

Debby Stein Sharpe has a concern with the bond or any other performance guarantee and how they will prove that they have actually performed since no construction will take place. Planner Tyler suggested Stein Sharpe consult an attorney for a legal opinion that could be reviewed by the Town's Attorney, as the Planning Board cannot overrule state law. Mr. Khoury sent over language related to the performance guarantee for review. He proposed adding language to the decision that would trigger the requirement of a performance guarantee in the event that construction is undertaken at Trim Way. The applicant would then be required to obtain a performance guarantee. He believes as it stands now, the performance guarantee is merely a legal formality, as there is nothing at this time for a security to ensure. Planner Tyler noted she does not have concurrence from the Town's attorney to accept the proposed language. She will establish a meeting with the Town Attorney for review. Planner Tyler recommended that the Board refrain from signing the plans or decision until the performance guarantee is established. Mike Khoury agreed that the language should be finalized prior to the Board signing off.

Motion made by Chair Plizga, Seconded by Alexopoulos to continue discussion until March 28, 2023

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

Motion made by Chair Plizga, Seconded by Alexopoulos to close the public hearing on the discontinuance of paper streets and the modification of a subdivision off of North Street and Randolph Road.

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

## **G. Staff Report**

### **\*Active Subdivision Review**

### **\*Active Project Review**

### **\*Upcoming Project Review**

Going into Spring Planner Tyler will ask all of the subdividers with active subdivisions for their current status. Many have been asked numerous times for a status update in order to understand when these projects will be closed. Some just need as-builts. Reminders will go out at the beginning of April with a request for a response by the end of May. Lafayette Estates may require an extension due to a deadline that won't be met so she will reach out to Joe Marotta on that. For Mary Lee Estates, follow up is needed, as she does not have a plan for their electrical service and where the pole would be located. There is only temporary power service.

33 Mazzeo Drive, Splash Car wash - the foundation is poured and they have continued their site work. She spoke with the immediate residential abutters, the Milan's, in the rear to make sure that their property would be protected.

50 Thomas Patton – is a project that has not gone before the board. The owner has done some site work without any review or approval. Planner Tyler, the Town's engineer and the conservation agent, Joe Dunn met with the property owner a few years back about some ideas about revising the parking lot, doing some new paving, fixing a stone wall at the rear. The Conservation commission was involved because it abuts the Great Bear Swamp. No formal request was made to the Planning Board after that. The project would have required stormwater review due to the potential amount of land disturbance. The applicant went before the conservation commission to receive approval for some landscaping at the rear of the building in the Wetland buffer for a rain garden and to repair a stone wall. A few weeks ago, after a landscaper requested a building permit for a flagstone walkway, Planner Tyler and Chair Plizga went for a site visit. They discovered that much of the work discussed years ago had already been done without review by the Board or obtaining any permits including repaving the parking lot. She has concerns over stormwater management and requested for them to stop all work until she has a comprehensive plan that shows all that they want to do and that they receive approval from DPW/Engineering for stormwater management and grading.

Planner Tyler will be sending the Board a digital plan set for request for in-law apartment at 13 Clark Street. The civil plan is ready, but needs some updates per Building

Commissioner review. The architectural set is not ready yet. Abutters notices are going out for an April 11, 2023 hearing.

34 Scanlon Drive currently consists mostly of parking lot. It is a project for Yankee Bus Line to move their corporate headquarters from South Boston to Randolph. They will be constructing a new structure. They own 20 Scanlon Drive with an existing office building on it that will be repurposed. They will also be doing some minor site work such as reconfiguring the parking lot and landscaping, that would be subject to administrative review. The bus depot will be for bus maintenance, indoor washing and repair. This is subject to tier 4 review. One corner of the property is subject to conservation commission review. They have been working with them over the past few years to clean it up. Civil plans are on file. Architectural and landscaping plans will be available next week.

The hearing for the definitive subdivision for 217 Mill Street is scheduled for March 28, 2023. The Board has the plans. It has gone to the Fire Department for review and they have made some comments. Planner Tyler asked the engineer to prepare a plan for the revision for validation of turning radius at the rear for the Fire apparatus.

Planner Tyler is expecting a request, no time soon, for a request on East Druid Hill. There was a filing in 1991 where the land was subdivided and a new road Pett Acres Drive was approved but never constructed. There is a purchase and sale agreement on the property and she has been speaking with the buyer about coming before the Planning Board. She has gone over some of the requirements necessary to make the lots buildable. Wetlands on site will require conservation commission review and a storm water permit. The plan crosses over into Holbrook so it will need to be signed off by both Boards.

## **H. Adjournment**

Notification of Upcoming Meeting Dates

Adjourned at 7:04pm on a motion by Santos-Pina, seconded by Alexopoulos

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