



# PLANNING BOARD MEETING

Tuesday, October 08, 2024 at 6:00 PM

Town Hall - 41 South Main Street Randolph, MA 02368

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## MINUTES

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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. The public is invited to participate in the meeting in person, via telephone or computer.

### A. Call to Order - Roll Call

Chairman Plizga opened the meeting at 6:03pm.

#### PRESENT

Alexandra Alexopoulos - joined the meeting at 6:09pm

Araba Adjei-Koranteng

Tony Plizga

Peter Taveira

#### ABSENT

Lou Sahl

### B. Chairperson Comments

Chairman Plizga explained the format of the public hearing to the audience members.

### C. Approval of Minutes

#### 1. Minutes of 9/24/2024

The Board approved the meeting minutes of September 24, 2024 as presented.

Motion made by Adjei-Koranteng, Seconded by Taveira to approve the minutes of September 24, 2024 as presented.

Voting Yea: Adjei-Koranteng, Taveira, Plizga

### D. Public Speaks

Klilton Rapi, owner of 35-39 North Main Street is concerned with the construction on Short Street. Mr. \_\_\_ wonders how they were able to proceed with the construction of the

retaining wall without endorsement from the Planning Board. Chairman Plizga stated that the construction for the retaining wall was completed before they came to the Planning Board for approval. Planning Director, Michelle Tyler, initially denied the first set of plans presented to her for a dumpster enclosure. After the denial, the applicant came back with a revised set of plans that was reviewed and approved by the Planning Board excluding the retaining wall. The retaining wall work was reviewed by the Building Commissioner and Town Engineer. Mr. Rapi asked about the 6 foot buffer. Planner Tyler stated that there is zero buffer in this zoning district.

Chairman Plizga stated that this is ultimately a civil matter between the properties owners. The Planning Board did not approve the work for the retaining wall and cannot rule on it. Chairman Plizga closed the Public Speaks portion of the meeting.

## **E. Public Hearings**

### **1. 6:15 PM - Powers Drive Subdivision**

Chairman Plizga opened the public hearing by reading the public hearing notice into the record.

Chairman Plizga asked the Planning Director to provide an overview and history for the Powers Drive subdivision. The Planning Director stated that it is a two-lot subdivision approved by the Planning Board in 1980 and recorded at the Norfolk County Registry of Deeds. It was created by a division of 29 Collins Avenue with an existing dwelling on it. The lots are approximately 14,000 and 15,000 square feet. There is an existing 10 foot wide private right of way that would be extended with a hammerhead. The performance guarantee was recorded by a covenant of restriction in 1981.

Planning Director, Michelle Tyler, greeted the owner of the subdivision, Dean Guo and members of the the Dacey family. The Planning Director advised the parties to seek legal counsel on the ownership of the lot. There are some inconsistencies with the records with the Town Assessor, which has the property listed as one parcel. In 2020, 29 Collins Avenue was sold as a single lot, as opposed to the entire subdivision, which the Planning Director believes the covenant should have restricted. The Planning Director has not been able to find a deed for the parcel that was subdivided, but that is not to say it doesn't exist. The current owner, Dean Guo's, deed shows ownership of 15,000 square feet. The current road layout is not consistent with the current Planning Board standards. The Planning Board would need to review that and consider a revision for public safety needs. It would also require stormwater review and resubmission for drainage calculations.

Chairman Plizga asked Mr. Guo to present what he would like for the Planning Board to do. Mr. Guo explained that he has been advised to seek legal counsel and needs more time to decide how to proceed.

John Dacey of 23 Collins Avenue would like to keep the subdivision active and find out what would need to be done to bring the subdivision up to current standards. Like Mr. Guo, the Dacey's need more time to seek legal counsel. Mr. Dacey does not want the subdivision rescinded as he believes starting from square one will require more capital. Mr. Dacey feels the closing attorney may have made an error when he sold

the property to Mr. Guo. They would like additional time to get the records straightened out.

Chairman Plizga opened the public hearing up to public for comments. Jessica Steele of 35 Collins Avenue asked if the permit remains in place, will two properties be constructed on the lots. Chairman Plizga felt it was premature to answer at this point and will wait until the property attorney's take up the matter. Mr. Dacey stated that if construction were to take place it would be for one new home not two, since 29 Collins Ave already has a structure on it. The Planning Director clarified that if the road went in and brought up to current standards, then only one additional single family could be constructed, since the other parcel already has a structure on it.

Chairman Plizga asked if the parties would be willing to continue the hearing until the end of January. Mr. Dacey and Mr. Guo were agreeable. Chairman Plizga stated they could have additional time, if necessary.

Motion made by Plizga, Seconded by Alexopoulos to continue the public hearing for Powers Drive Subdivision to January 28, 2025 at 6:15pm.

Voting Yea: Alexopoulos, Adjei-Koranteng, Plizga, Taveira

## 2. 6:30 PM - Ledgeview Terrace Subdivision

Chairman Plizga opened the public hearing by reading the public hearing notice into the record.

The Planning Director, Michelle Tyler, provided an overview and history for the Ledgeview Terrace Subdivision. The subdivision was approved in 2006 with a covenant on file for the performance guarantee. The subdivider is RKS Realty. The Planning Director has a large file including many legal actions. There is a road layout for 4 conforming lots. If the subdivision is not rescinded, it will need stormwater review. The plan outlines the installation of a water line to Nightingale Terrace, presumable for looping, but it shows a dry line, so there is a question about whether or not that connection would be to a hydrant on Nightingale. There is also reference to a number of easements that may or may not been memorialized, if not, the Planning Director recommends that they be memorialized moving forward.

The Planning Director has had numerous conversations with the owner, Mr. Saccone and his attorney. They are requesting an extension. The Planning Director has had conversations with the Clemenses of 53 Mark Terrace regarding some conditions that impact their property that are memorialized in the decision for the subdivision.

Chairman Plizga turned it over to Michael Gibril representative for the applicant RKS Realty, LLC. Mr. Gibril introduced Rich Saccone, one of the manager members of the LLC.. Mr. Gibril requested an extension due to the new stormwater regulations. Mr. Gibril stated they are happy to revise the plans and bring back the modifications to show the upgrades to the stormwater management. The property was under agreement for sale, but the buyer passed away. The owners are looking to bring the

subdivision to fruition. Mr. Gibril sent a letter with an agreement they will adhere to if the subdivision remains in force.

Chairman Plizga opened the hearing up to the public. Mr. Clemens of 53 Mark Terrace stated he still has concerns about drainage. When Mr. Clemens property was built the contractor put the pipe at the rear of his property and leads to the subdivider's property. Mr. Clemens wants to ensure the drainage is addressed. Chairman Plizga stated that there would be a full stormwater review as part of the process. Mr. Clemens stated that part of the agreement is that their existing driveway removed and seeded over and moved to another location. There is a PVC drainage pipe under the driveway that Mr. Clemens wants to ensure will remain in place. Mr. Gibril stated his clients are very familiar with site construction.

There was a brief discussion about the process for stormwater management. The Planning Director stated that if there is a modification to the subdivision it will require a public hearing.

Mr. Clemens asked who would be responsible if the road was damaged in the process of building the subdivision. Chairman Plizga replied that the contractor has to maintain the road - they can't damage them.

Cathy Clemens of 53 Mark Terrace stated that the sump pump drain was installed afterwards and the subdivider is not even aware that it's even there. It runs the length of the driveway and hugs the radius of the wall and is connected to the storm drain out front. It runs continuously all year long. There are also a couple of houses on the street that are constantly pumping. Mrs. Clemens stated they are not opposed to the project, they are just concerned with the drainage.

Chairman Plizga opened the hearing up to Board comments and questions. Member Adjei-Koranteng asked how long of an extension the owner feels they'll need. Mr. Gibril stated they may need 6 months, possibly longer to allow time for the engineering to be done and to go before the DPW for stormwater, then filing for a modification with the Planning Board. Mr. Gibril stated that a year would give them enough time to get through the process.

Mr. Hackle of 48 Mark Terrace inquired about the timeline for initial groundbreaking. Chairman Plizga stated that the extension of 9 to 12 months would get them through stormwater approval process then back to Planning Board for a modification which could take up to 18 months or so to actually break ground. Mr. Hackle is not looking forward to construction noise and blasting. Chairman Plizga stated the blasting is regulated by the Fire Department. There was a brief discussion about the water line.

\_\_\_\_\_ of 31 Nightingale noticed there is a proposed utility easement behind the neighbor's house. Chairman Plizga stated that the subdivision is approved, so the utility easement already exists. The Planning Director explained the purpose of utility easements. Ms. asked if once construction starts will they be using Nightingale for access. The Planning Director stated she could not say at this point.

The Planning Director noted that there was an extension filed for endorsement to extend the discussion. Chairman Plizga agreed to endorse the form.

Motion made by Plizga, Seconded by Adjei-Koranteng to continue the public hearing for Ledgeview Terrace Subdivision to September 23 2025 at 6:15pm. .  
Voting Yea: Alexopoulos, Adjei-Koranteng, Plizga, Taveira

3. 6:45 PM - Roel Court Subdivision

Chairman Plizga opened the public hearing by reading the public hearing notice into the record.

The Planning Director, Michelle Tyler, provided an overview and history for the Roel Court Subdivision. Roel Court was approved by the Planning Board in 2007 with a covenant of restriction recorded on file. The plans call for the demolition of the current structure for the four lot subdivision to go in. The Planning Director could not find a NOI with Conservation for the road which would be required along with an updated wetland delineation and stormwater review. The home is over 100 years old so would require approval by the Historic Commission for demolition.

The Planning Director met with the owner over the summer for a discussion and he indicated that he wanted an opportunity to speak with his wife and then come to the Planning Board. The owner was not present at the September 10 meeting and is not present this evening in person or online.

Chairman Plizga stated that this hearing is in an effort to clean up the Planning Board's paperwork. The Chairman is inclined to continue the hearing to allow Mr. Obazee the opportunity for a discussion.

Linnea McGuirk of 66 Allen Street and lives across from Belcher Park. There is runoff into Belcher Pond. Ms. Burke stated there is a lot of street trash that is blocking the flow into the pond. The Planning Director referred Ms. Burke to the Conservation Commission.

66 Allen Street is concerned the project was approved considering the wetlands. Chairman Plizga stated that if they decide to proceed it would require a stormwater review. The Planning Director stated that they also would need to go before the Conservation Commission for an NOI for the road and then separately for each lot.

George Berdos of 43 Roel Street - a direct abutter and a builder - stated the footprint for construction falls with the border of wetlands and wonders if the lots are even buildable. The Planning Director stated that is an accurate statement. Mr. Brutus recalls that in the past subdivisions not started within two years, had the Planning Board's endorsement become invalid, but can no longer find language to support that. The Planning Director stated that the current regulations do not have that restriction. Chairman Plizga stated that when applicants come before the Board they typically put an end date on the decision.

Member Alexopoulos asked the Planning Director about the recent communication with the current owner. The Planning Director stated that he received a certified letter in August and came in for a meeting at Town Hall. After the discussion, the Planner believed he would appear at the September 10 meeting. A notification was sent out by certified mail on September 19 asking for his participation, which he did receive. We

also sent the abutter's notification by certified mail. Mr. Obazee was notified twice since the in-person meeting and was aware of the Board's intent to possibly rescind the subdivision. Members Alexopoulos and Taveira feel they should rescind the subdivision today considering that he was aware of the Board's proposal and asked to attend the meetings.

Member Alexopoulos made a motion, seconded by Member Taveira to rescind the Roel Court subdivision.

Discussion on the motion to rescind the subdivision - Member Alexopoulos feels that the owner should have communicated their intentions if they needed more time. Member Adjei-Koranteng asked if the owner was notified that the Board could possibly rescind the subdivision at tonight's meeting. The Planning Director stated yes.

Motion made by Alexopoulos, Seconded by Taveira to rescind Roel Court subdivision.

Voting Yea: Alexopoulos, Adjei-Koranteng, Plizga, Taveira

Hearing no further discussion, Chairman Plizga made a motion to close the public hearing. Chairman Plizga thanked the neighbors that participated this evening.

Motion made by Plizga, Seconded by Alexopoulos to close the public hearing.

Voting Yea: Alexopoulos, Adjei-Koranteng, Plizga, Taveira

## **F. New Business**

### **1. Subdivision: Druid Estates (Pett Acres Dr)**

The Planning Director, Michelle Tyler, provided an overview and history for the Druid Estates - Pett Acres Drive Subdivision. The subdivision was approved in 1991 off of East Druid Hill Road. Part of the subdivision is in Holbrook, so there was an approval by Randolph Planning Board and the Holbrook Planning Board. This is a six lot subdivision. The cul-de-sac and lot 3 completely in Holbrook. There are significant wetlands which would need to be re-delineated and a stormwater review would be required. The individual house lots would need an NOI from the Conservation Commission.

The current owner, George Karakostas, was present for the meeting and stated that he would like to keep the subdivision as he is making an effort to potentially sell it to a developer, but he needs more time. The Planning Director explained that if they rescind the subdivision, the property would become a single parcel again and the owner or new owner would have to start from scratch. Chairman Plizga asked what the owner's preference would be. Mr. Karakostas would like it to remain as it is.

The Planning Director stated that Holbrook Planning Board would need to formally approve the portion of the subdivision in Holbrook since it has expired. Once the Randolph Planning Board has confirmation from Holbrook that they would allow this cul-de-sac to go in, then the applicant can go from their in terms of modifications to the subdivision to meet today's standards.

Chairman Plizga asked Mr. Karakostas when he thought the subdivision might be sold. Mr. Karakostas said possibly by the Spring. The Planning Director explained that stormwater would need to be done and they would also need to file with the Conservation Commission.

Member Alexopoulos asked how much of the land is in Holbrook. Chairman Plizga replied about 40% of the overall size.

There was a discussion about the road. The Planning Director stated that Holbrook will need to endorse a plan for the road for things to move forward. The owner could sell the land and have the developer take up these outstanding issues.

Chairman Plizga stated that the Planning Board will note the file to check in with the owner to in the Spring for another update.

## **G. Staff Report**

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

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

### **\*Upcoming Projects**

#### MBTA Communities Zoning

The Planning Director stated that on September 30 the Town received confirmation of compliance from the Executive Office of Housing and Liveable Communities (EOHLC) for the MBTA zoning ordinance and maps. EOHLC came back with a comment about a definition in the Town's existing multifamily housing ordinance which the Planner stated will be reviewed during the re-codification process.

#### ADUs - Accessory Dwelling Units

The Planning Director wrote a draft Zoning Ordinance for ADUs. ADUs will be allowed by right as of February 2025. The draft language will be reviewed by Town Council on October 28, then referred back to the Planning Board for a vote on November 12. Once the Planning Board makes their recommendation, it will go back to the Town Council for approval on December 9th. Unlike in-law apartments, which are by special permit only and for family use only, ADUs will be allowed by right if they meet all the requirements. The Planner will develop a FAQ page for the website for interested property owner's to access information on ADUs.

#### Meeting Schedule/Calendar

The Planning Board will vote to approve the 2025 Meeting Calendar at the meeting of October 22.

#### 790 North Street

The Planning Director wrote the decision for 790 North Street that is on file at the Town Clerk's office. The Planner is seeking the Board's signatures confirming that the Board granted approval for the 2-family conversion.

#### Performance Guarantees by way of Cash/Passbooks

Some of the passbook funds have been turned over to the State for some of our older subdivisions due to inactive passbooks/bank accounts. The Planning Board was not staffed until 2009, prior to that it was an elected Board, so the record keeping was inconsistent. The Planner is working with the Town Attorney and the Treasurer to get these accounts cleared up.

#### Letter to ZBA - notification of public hearings or decisions

The Planner sent a letter to the Zoning Board of Appeals and received confirmation from their Clerk that they will send notifications of any public hearings and decisions to the Planning Board. The Planner has had no response from any of the ZBA Board members.

#### EV Charging Stations

The Planner had a conversation with the Building Commissioner on how best to stay abreast of any work for EV Charging Stations since they don't require a building permit - only an electrical permit. The Building Department has committed to having those requests come to the Planning Department for review by the Planning Director before the electrical permit is approved.

#### Shaw's Plaza Repaving

The owner began repaving the parking lot without permits, which should have been reviewed by the Planning Board for some adjustments such as some reconfiguration of parking, some islands and plantings, and stormwater management.

#### South Main Street Restaurant Signage - Sister's Restaurant

The signs were put up without review or permits. The Planning Director is requesting some modifications as they do not meet the aesthetic qualities required.

#### 21 Randolph Road

Planner is waiting for revisions to the landscape plan. There were minor modifications on the retaining wall at the rear which looked like it would include the removal of additional trees. The Planning Department asked them to increase the screening between the property and Meadow Lane.

#### 86 & 92 Union Street

The Historic Commission will make a determination on whether the structures may be demolished.

1. Open subdivisions

### **H. Board Comments**

### **I. Executive Session**

1. Executive Session



The Planning Board may vote to go into executive session pursuant to M.G.L. ch. 30A, section 21(a)(3) relative to potential litigation strategy concerning anticipated litigation. Section 21(a)(3) permits a public body to go into executive session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

Motion made by Plizga, Seconded by Alexopoulos to enter Executive Session regarding the release of some executive meeting notes.

Voting Yea: Alexopoulos, Adjei-Koranteng, Plizga, Taveira

The Planning Board entered Executive Session at 7:38pm.

## **J. Adjournment**

Notification of Upcoming Meeting Dates

11/12, 11/26, 12/10

Adjourned at 7:33pm after a vote to enter into Executive Session.