



# PLANNING BOARD MEETING

Tuesday, November 14, 2023 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 via telephone or computer.

### A. Call to Order - Roll Call

Chairman called the meeting to order at 6:05pm.

#### PRESENT

Alexandra Alexopoulos  
Tony Plizga  
Peter Taveira  
Lou Sahlu

#### ABSENT

Nereyda Santos-Pina

### B. Chairperson Comments

### C. Approval of Minutes

#### 1. Minutes of 10-24-23

Motion made by Sahlu, Seconded by Taveira to approve the meeting minutes of October 24, 2023.

Voting Yea: Alexopoulos, Plizga, Taveira, Sahlu

### D. Public Speaks

Hearing and seeing no public comments, Chairman Plizga closed the Public Speaks portion of the meeting.

### E. New Business

#### 1. ANR - Van Beal Road

Chairman Plizga asked Planner Tyler to provide the Board with an overview of the proposed ANR for Van Beal Road. The Board received an application, fee and plans and had the opportunity to review the plans electronically which shows: lot A-1, lot B-1 and parcel B-2. According to the plans, parcel B-1 will become attached to lot A-1 to adjust the lot lines between 5 and 6 Van Beal Road. The proposed changes meet all of the zoning requirements.

Motion made by Plizga, Seconded by Sahlu to approve the ANR for lot number 5 and 6 Van Beal Road on drawing number PR-0001 dated 10/18/2023 prepared by Don Rosa, surveyor, based on the drawing presented and previously noted.  
Voting Yea: Alexopoulos, Plizga, Taveira, Sahlu

## 2. Subdivision Rules & Regulations: Discussion of potential edits regarding release of lots

Earlier this year, the Board discussed making some modifications to the Subdivision Rules & Regulations in an effort to minimize potential problems related to construction requirements and the impact that has on the potential sale/release of lots based on the type of performance guarantee. The two main issues for review are lot releases and performance guarantees.

### Lot Release

Upon reviewing the existing language, Planner Tyler and Chairman Plizga felt the requirements were very clear. Planner felt the creation of a *General Process for the Subdivision of Land* would be a helpful guide for potential subdividers to indicate what they should anticipate when they apply for a subdivision. Planner Tyler also felt it might be helpful to have the landowner attend the meetings with the developer to ensure they fully understand their responsibility under the performance guarantee, since covenants run with the land, not the developer. As in the case with Cherry Circle, the landowner was prevented from selling their land due to a covenant that remained on the subdivision as a result of work not completed by the developer. The Board is looking at ways to guard against this in the future.

Chairman Plizga feels it would be helpful to add a checklist to the *Lot Release Form* as a reminder of what is required for a lot release. The checklist should have four bullets with a box labeled yes or no for the following requirements: underground utilities, gravel and base course, base course sidewalks and associated lighting (listed on page 61 under D-1A, D-1B, D-1C and D-1D). Chairman Plizga recommended adding "associated" to roadways and sidewalks in the case of larger subdivisions where the roads may be done in stages. All underground utilities would need to be in, but "associated" roads, sidewalks and lighting would mean what is in front of that lot (to be released). Planner Tyler suggested leaving the language as-is for roadways, requiring gravel binder and base course so that emergency vehicles can access to the site during construction. Chairman Plizga agreed.

Mrs. Alexopoulos agrees that a checklist on *Form L - Request for Lot Release* would be helpful and easier than changing the language in the Rules & Regulations and recommended looking at all Planning Board forms to see where improvements could

be made. Planner Tyler has a recommendation for the Covenant Form based on the experience with Cherry Circle.

### Performance Guarantees

Performance guarantee criteria are set forth in Mass General Law so the Board would only be discussing ways to make the language clearer on the form. Chairman Plizga feels even with additional language, it still might not have prevented what happened in the case of Cherry Circle/Orchard Estates, where lots were release, sold and mortgaged while a covenant was in place, and only caught on the last lot. Chairman feels the banks only looking at the drawings and wondered if the Board added a statement about the covenant to the mylar if it would help? Planner Tyler noted the only caveat with that is that performance guarantees can change at any time in exchange for a different method, so she isn't sure how that would work if it gets switched. The only method of performance guarantee that really impacts a lender is a covenant. Chairman Plizga feels a notation near the signature line would flag a lender to look for the recorded covenant. Mrs. Alexopoulos wonders if the bank will even look at the Covenant Agreement? Chairman Plizga feels they would at least look at the drawing. The Board had a discussion about what documentation the lenders/banks may be looking at to mortgage a property. Planner would like to do some research on what has worked successfully for other communities and report back to the Board.

The Board will review the lot release form at the next meeting and the performance guarantee recommendation at a future meeting once the appropriate research is complete.

## **F. Staff Report**

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

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

### **\*Upcoming Projects**

### **Active Subdivision Review**

#### Mill Street

The Public Hearing for Mill Street is scheduled for November 28, 2023. The applicant has until the 22nd to get Board information for the hearing. If they are not prepared, Planner Tyler is going to ask that it be continued until January. Chairman Plizga agreed.

Winter road maintenance letters went out to any streets still under subdivision control law - meaning any subdivisions that are incomplete.

#### Morton Road Extension

There is a cash surety (passbook) on file for Morton Road Extension. The applicant has requested that the funds be returned. This project predates the current Board. Planner cannot justify holding these funds any longer. Chairman Plizga feels the Board should take a vote this evening to release the funds. Mr. Sahlu asked Planner about withdrawals that have been made on this passbook account. Planner explained that the owner of the account was able to, without the Town's knowledge or authorization, withdraw some of the funds on the account. The Treasurer was able to ensure that no further deductions be released without the Town's authorization.

Chairman Plizga made a motion to release, for the Morton Road Extension Project, the cash surety being held by the Town of Randolph back to the original owner, including any calculated interest accrued and provide it to the owner.

Discussion on the motion - Mr. Sahlu asked what the implication of releasing the full amount is, knowing that there has been a withdrawal? Planner responded that it wasn't in good form for the joint holder of the passbook to do that and the bank should have required two authorized signatures for withdrawal. The Board discussed the motion wanting to ensure it reflected the release of the remaining balance - not the original balance.

Chairman Plizga withdrew the previous motion.

Motion made by Plizga, Seconded by Alexopoulos, to release the cash surety for the Morton Road Extension Project and return any remaining cash surety being held by the Town of Randolph including calculated interest accrued and release that to the owner. Voting Yea: Alexopoulos, Plizga, Taveira, Sahlu

Mrs. Alexopoulos asked what the process is for returning these funds? How are they notified? Planner responded that once it gets to this stage it is typically anticipated by the applicant that the funds will be returned.

#### Wilmarth Road

This may come before the Board for a proposed improvement to a paper street. The way it is laid out there is not enough room for a turnaround, so this would potentially be a hammerhead for a one-lot subdivision.

#### Upcoming

Possibly some ANR's coming up in the new year.

#### **Active Project Review**

##### 33 Mazzeo (Splash Car Wash)

Wrapping up, no targeted opening date yet.

##### 259 Allen Street (Convenience Store)

Proceeding with interior work. No word on possible sale.

##### 647 North Main Street (Daycare)

Daycare requested a banner for their opening. No word from Mass DOT on the signal. Their opening is contingent on that light being activated.

##### 19 Highland Street (Taj Estates, Apartment Complex)

They are working with the Building Commissioner to get a partial certificate of occupancy for the upper two floors. Planner and Chairman did a walk-through to review the site items which were minimal related to signage and curbing and those were to be completed prior to sign off for occupancy. Mrs. Alexopoulos has heard that folks are exiting onto Warren

Street where it is enter only. Planner said there is signage that says Stop, No Exit to Warren Street.

#### 34 Scanlon Drive (Yankee Buslines)

They have approval for the demolition of the existing small building. Site work has begun. Stormwater response is back and will be forwarded to the peer reviewer. If there are any adjustments to the civil plan the Planning Board will review them.

### **Upcoming Project Review**

#### 0 Randolph Road

Vacant parcel next to the proposed warehouse that has already been approved. They have filed a plan for administrative review for some grading and paving as well as the addition of a stormwater system for the storage of cranes that currently exist on the property. The plans will go to the stormwater peer reviewer.

#### 300 Pond Street (Emerson Swan)

They are looking to modify the building to reduce the administrative offices in order to expand manufacturing which is an allowed use in that area. They have a preliminary sketch that has been under review by Conservation and Engineering. The majority of the property sits in a surface drinking water zone which limits how they can impact the site. They have had to totally relocate their stormwater utility to the rear. They will be coming to the Board for a hearing soon.

#### Short Street (former Rocco's Bar/Manu Bar and Grill)

Submitted some tentative plans for some renovations to the exterior of the structure. The plans are incomplete. Planner sent notes to their counsel, Kevin O'Reilly outlining things that are missing. The property is under new ownership and will be called Manu Bar and Grill.

#### Lombardos/Lantana

Need to have some roads discontinued and adjust some lot lines before they will coming to Board.

### **Planning Board News**

Planner noted that Planning Board Member Nereyda Santos-Pina will be resigning in January. The Board was sorry to hear this news. The Town Manager is aware that the Board will be seeking another member.

#### 1. Recommendation for Zoning Recodification

After the last meeting, the Board agreed to send a letter to Town Council seeking their support and potential funding source for zoning recodification. Planner identified a funding via an earmark received about a year ago under economic development. The

use of these funds has been verified with the Town Manager and Town's Attorney. An RFP for the zoning recodification is done and is with the Town's Attorney for review. This will be filed with the Central Register tomorrow and will be available on November 27th with responses due in January. It is an 18-month process which requires a zoning recodification committee consisting of members of the Planning Board, ZBA, Town Council and the Building Commissioner working with the consultant to assess, evaluate and make recommendations

#### **G. Board Comments**

Mr. Taveria inquired if the Board is meeting their targets regarding the MBTA Communities Zoning? Planner Tyler said that they have until December of 2024 to have an ordinance and maps that pass the compliance model with EOHLC approved and enacted by the Town's legislative body. Currently, they have twelve different maps the consultant will need to combine to identify where the overlaps are. Next steps will be late winter.

#### **H. Adjournment**

Notification of Upcoming Meeting Dates

November 28, 2023

December 12, 2023

January 9, 2024

January 23, 2024

Motion made by Taveira, Seconded by Sahlu to adjourn the meeting at 7:18pm.  
Voting Yea: Alexopoulos, Plizga, Taveira, Sahlu