



# PLANNING BOARD MEETING

Tuesday, July 12, 2022 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 6:04pm by the chair

#### PRESENT

Alexandra Alexopoulos  
Steve Monteiro  
Tony Plizga  
Nereyda Santos  
Peter Taveira

### B. Chairperson Comments

None made

### C. Approval of Minutes

#### 1. Minutes of 6-14-22

amendments for typographical errors

#### 2. Minutes of 6-28-22

Amended to correct typographical errors

Motion made by Alexopoulos, Seconded by Taveira.  
Voting Yea: Alexopoulos, Plizga, Santos, Taveira  
Voting Abstaining: Monteiro

### D. Public Speaks

none

### E. Old/Unfinished Business

1. Preliminary subdivision review of 186 Canton Street

Joined by Robert Nichols, applicant.

Discussion about the proposed subdivision and revisions.

Planner reviewed updated plan dated 7/3/2022. Submitted to the Fire Department for review related to access by emergency services vehicle. Feedback provided from RFD indicates that that a turnaround is required that is of a size adequate to accommodate the turning radius of the largest vehicle. Subdivision rules and regulations call out the specific requirements. Chairman Plizga inquires about the adequacy of a turning radius in consideration of the proposed layout. Potential concern with the bumper of the apparatus being able to clear any vertical curbing. Additionally, based on the proposed layout, turning may further be impeded if an adjacent parcel chose to install a fence.

Robert Nichols - reviewed the proposed changes he made based on the feedback received at prior meetings. Believes the modifications make the proposal more neighborhood friendly and suggests installation of signage that would identify a FIRE LANE for no parking.

Plizga asks about existing lot and conformance with current zoning. Planner confirms and provides dimensions for conformity.

Plizga points out that proposed plans seem to have the road cul-de-sac included in the calculation of the lot sizes. So eliminating the road layout from those calculations (rough estimate) leaves both lots non-conforming. Asks planner about any additional non-conforming items.

Planner - existing structure and potential new structure may not meet additional dimensional requirements for the lot; frontage and depth requirements would not be met .

Plizga - discusses lot dimensions on the plan and points out that 2 lots would be non-conforming. Notes concern about the lack of boundary for the road and how it hugs the abutting parcels.

Alexopoulos - discusses the lot dimensions and creating non-conforming lots. Believes the project isn't feasible.

Taveira- agrees that there is an issue with the turnaround and how close it is to the abutting properties. Seems that the project isn't feasible.

Depina-Santos - thinks that the Town might be trying to increase density eventually so the non-conforming lot sizes may become a moot point. Not concerned with the non-conformity but does have concerns with the road layout and closeness to the adjacent parcels. Wouldn't have a problem with the lot size if the road layout were changed.

Plizga understands work on Master Plan that could happen but the Board must abide by the laws/requirements in place now.

Plizga makes a motion to deny the preliminary subdivision plan dated July 3, 2022 for 186 Canton Street as it proposes a change to a conforming lot to make it a non-conforming lot.

Planner explains infectious invalidity: A property owner cannot create a conforming lot at the expense of a nonconforming lot; the nonconformity "infects" the conforming lot. Infectious Invalidity, is a common-law principle where a property owner may not (without additional zoning relief) create a valid building lot by dividing it from another parcel that would thereby itself be rendered non-conforming. This has been upheld in case law.

Plizga adds discussion and asks what options the applicant has. Planner indicates the applicant can seek relief from Zoning Board of Appeals to create a substandard lot. If ZBA approves, then can bring to Planning Board for subdivision review. The ZBA would only provide relief for lot depth and area. The Planning Board would then have to approve the road layout. Additionally, under MGL, the Board could dictate the size of the structure on an undersized lot.

Nichols - wonders if there is precedent or place to review prior decisions. Also asked Town Hall for referrals to land use attorneys.

Planner - not aware of lots that have been approved for non-conforming laws but applicant can research that. Can provide case law regarding infectious invalidity if interested. Not sure what ZBA has voted in the past.

## **F. New Business**

### **1. Proposed Amendment to Ordinance 200-14.3 Union Crossing Transit District**

Introduced by Chairman Plizga as a recommendation to modify zoning for the Union Crossing Transit District. Current zoning language does not take into consideration any existing wetlands on a parcel. As such, the lot area used for calculation of density is not the true "buildable" area.

Discussion by the board and agreement to forward to Town Council to initiate the public process.

Motion made by Plizga, Seconded by Monteiro.

Voting Yea: Alexopoulos, Monteiro, Plizga, Santos, Taveira

## **G. Staff Report**

Plizga notes that the Town Council project at 502 South Main (Wells/Whynott) has 2 foundations in and started some framing.

Still waiting a decision from the state on extending the remote meeting participation set to expire July 15, 2022.

19 Highland Ave - need an exhaust fan for the roof because one of their tenants is a taquiera and, as a food service provider, they need a fan. The project doesn't have a flat

roof for placement so are considering options on the structure (roof or side of building). Asked for detailed plans for review. If it's significant, will bring to the Board for review. Preliminary information about the size of the unit ....Also reminded the owner that he still owes plans on extending the retaining wall around the manhole. Planner also suggested working with him on revising the landscaping plan.

Warren Ave - reviewed concept for a potential drive through for Harbor One that is relocated to the former Cafe Bella site in the plaza on Warren Ave. They had a preliminary drawing for a pneumatic tube, they spoke with Ron Lum who thought it was okay and directed them to Planning. Planner reviewed and spoke with the chairman but then realized that, as a drive through, it's subject to a special permit by Town Council. Project won't come to Planning Board unless Town Council asks for a review/report.

Lyons School Project - project team still considering access to the parcel. If they choose to use Mitchell/Dow, it could come to the Planning Board for the improvement to Dow Street which is currently a paper street.

Mexicali Grill - still has not painted; restaurant owner hasn't responded. Spoke with the property owner and since he was the applicant and received the decision he is responsible. Reviewed the deadline dates and advised that zoning fines were possible. Plizga asks Planner to see if they can get it painted before next meeting of the Board and, if not, have an agenda item for their non-compliance.

33 Mazzeo Drive - car wash approved in February. Owners expect to submit requests for building permits by end of August.

Subdivision responses to request for status

Orchard Estates - need final asphalt and bounds then applicable paperwork

Country Way Lane - need final as-builts

Pham Estates - previously asked for an extension to July 31, 2022 waiting for a curb cut. As of this date, no curb-cut so no way the project can be complete in 2.5 weeks. Sent applicant a notice that they must request an additional extension.

Hampton Court - developer indicates the project is "complete" in October 2021. Planner sent a letter with outstanding items such as as-builts, request for completion.

## **H. Board Comments**

Reminder that next meeting is August 23. If there is a specific need for a meeting prior to 8/23/22 chair will reach out to the Board. Not likely there will be a need for one.

Monteiro asks about Envision Bank dumpster. Planner provided the follow-up

Santos - asks about 8/23/22 meeting (in person or virtual). Planner explains waiting for decision by Governor. Will be virtual unless the law changes. Chair confirms that meeting will be at 6pm for virtual. If in person then chair will poll members for start time.

**I. Adjournment**

Notification of Upcoming Meeting Dates

August 23

September 13

September 27

Adjourned at 6:51pm

Motion made by Alexopoulos, Seconded by Taveira.

Voting Yea: Alexopoulos, Monteiro, Plizga, Santos, Taveira