



PLANNING BOARD MEETING

Tuesday, April 11, 2023 at 6:00 PM

Town Hall - 41 South Main Street Randolph, MA 02368

MINUTES

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 6:02pm

Member Alexopoulos arrived at 6:05pm after roll call

PRESENT

Alexandra Alexopoulos

Tony Plizga

Nereyda Santos-Pina

Peter Taveira

Lou Sahl

B. Chairperson Comments

None

C. Approval of Minutes

Minutes reviewed and approved as amended.

Motion made by Alexopoulos, Seconded by Santos-Pina to approve the (notes) minutes as amended.

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

1. Minutes of 3/28/23

Minutes reviewed and approved as amended.

Motion made by Alexopoulos, Seconded by Santos-Pina to approve the notes as amended.

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

D. Public Speaks

Barbara Coppola of 1 Orchard Street requested information about 13 Clark Street. Chairman Plizga to respond once the hearing is open.

1. Request for In-Law Apartment 13 Clark Street

Planner Tyler read the legal notice into the record and provided an overview of the proposed project.

Abutters notices were mailed out and date stamped by the U.S. Postal Service on March 15, 2023. The Board received from the petitioner an application, application fee and a set of plans reviewed by the Building Commissioner for an in-law apartment and 2-car garage.

Applicants Melanie Kwong and Brandon Dyer were present. Mr. Dyer explained that the addition will add roughly 800 square feet of living space to the left side of the house with an in-law apartment on the top floor and a 2-car garage on the bottom. The in-law will include a kitchen, living room, bedroom, office and full bathroom with a pass-thru to existing dining room. They also plan to rebuild the deck and add a sunroom off the back of the house.

Chairman Plizga asked about proposed driveways. Mr. Dyer outlined the proposal to pave the area next to the garage as shown on the plan and to reclaim an access point from Orchard Street which requires some tree clearing. The applicant proposes a permeable surface such as crushed stone for the portion of the driveway accessed from Orchard Street.

Chairman Plizga opened the hearing to the public.

Barbara Coppola of 1 Orchard Street is concerned with driveway access from Orchard Street and snow removal. Mr. Dyer explained that the access point would be used semi-seasonally for their trailer of motorsports equipment. During the winter months the Clark Street access would be used. Ms. Coppola asked if there would be chain at the end of the driveway. Mr. Dyer replied yes.

Joseph Coppola of 1 Orchard Street is concerned the area is too tight for a trailer to come in and out of. He believes the area between his fence and the neighbors' is only about 10 feet apart and worries his dog may get hurt with cars coming into an area where cars have never been since he has lived there. Chairman Plizga asked Mr. Dyer the width of the area. He said the property width along that access is about 16 feet wide. The driveway would be 10 feet wide, centered.

Chairman Plizga closed the public comment portion of the hearing.

Chairman Plizga gave an overview of the Zoning Ordinance as it relates to in-law apartments noting that the applicant meets the criteria. The Board discussed in detail the access point from Orchard Street described as a "seasonal drive".

Ms. Alexopoulos inquired about the type of recreational vehicles and the size of the trailer. The applicant did not have dimensions but noted it holds one vehicle. Ms. Alexopoulos noted the average trailer is about 8 feet wide and believes they could

maneuver the trailer without any damage to the neighbors' property.

Chairman Plizga clarified for the Board that the proposed pad next to the garage will be paved, the seasonal drive will be crushed stone.

Mr. Taveira asked if the stone pillar shown in the photo of the Orchard Street access point is on their property? They believe it could be a boundary marker on 1 Orchard Street. Chairman Plizga asked if the pieces of concrete slab visible in the photos would be removed and covered with crushed stone? Mr. Dyer said he could remove them. Chairman Plizga thinks it will look more presentable.

Mr. Taveira asked if an additional electrical box would be run to the house. Mr. Dyer said he would like a separate meter and would discuss that with the builder. Chairman Plizga asked if they had any intention to bring in a utility pole? Mr. Dyer replied no.

Ms. Santos-Pina pointed out there is no annotation on the plan of what materials will be used on the exterior and would like to know if it will match the existing home? She would like the applicant to add notes specifying the existing materials and what is being used to match. Mr. Dyer replied that the Town specifies that it has to look like one unit, so the plan is to match the existing materials.

Chairman Plizga, preparing to make a motion, noted the Board will be addressing the in-law and garage under, drawing dates December 11, 2022 with the only condition being that the new driveway from Orchard Street be a maximum of 10 feet wide and of crushed stone or other suitable permeable material. The only asphalt area to be added will be at the garage entrance as shown on the drawings.

Mr. Taveira pointed out that the Town's interactive maps of the land show abutters have outbuildings along the property line. He asked if there will be any additional fencing added especially on the side of the house that is being extended. Planner Tyler said the maps showing structures are outdated and should not be used for accuracy. Applicant has no plans to put up fencing at this time.

Motion made by Chairman Plizga, seconded by Santos-Pina to approve the in-law apartment 13 Clark Street as presented on the drawing package by T. Design, LLC dated 12/11/2022 subject to the condition that the new driveway from Orchard Street be constructed of crushed stone or other permeable material, that a gate be included at the Orchard Street entrance and that the driveway is to be used only during the non-winter season, i.e. it is not going to be plowed. The other conditions that go with the special permit: the proposed use will be in harmony with the general purpose and intent of the zoning ordinance; the specific site is an appropriate location for such use; the specific site has adequate public sewage and water facilities, or suitable soil for on lot sewerage and water system; the proposed used, as developed will not adversely affect the neighborhood; there will not be a nuisance or serious hazard to vehicles or pedestrians presented or caused by the proposed use and the proposed change will not be substantially more detrimental to the neighborhood.

On discussion, a motion was made by Taveira, seconded by Chairman Plizga to amend the main motion and instead of reading *"to not use the impervious driveway during the winter months"*, to be read, *to not plow snow on the impervious driveway*

Voted Yea: Plizga, Taveira

Voted Nay: Alexopoulos, Santos-Pina, Sahl

(2-3-0) FAILED

Vote on the main motion:

Voted Yea: Santos-Pina, Plizga, Sahl, Alexopoulos

Voted Nay: Taveira

(4-1-0) PASSES

Chairman Plizga read the following:

Any person aggrieved by a decision of the special permit granting authority concerning this application may appeal to the Land Court Department, the Superior Court of Norfolk County, or to the division of Norfolk District Court by bringing in action within 20 days after the decision has been filed in the office of a Town Clerk. Decisions are filed at the Town Clerk's office within 14 days following the vote of the planning board.

Planner Tyler will file the decision with the 14 day appeal period and the applicant will get a copy of that and there will be 20 days for the appeal period.

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

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

E. Public Hearings

1. Site Plan and Design Review - 34 Scanlon Drive

Chairman Plizga read the hearing notice into the record.

Planner Tyler received a completed application from the property owner for the proposed transportation hub located at 34 Scanlon Drive. Abutters notices were date stamped by the U.S. Postal Service on March 20, 2023, and mailed to abutters within 300 feet of the property. The Board received a set of civil plans that were sent to the Department of Public Works and Fire Department for review. The Planning Board received a letter from the applicant addressed to Chairman Plizga on April 7, 2023 requesting a continuation. Planner Tyler read it into the record.

Motion made by Alexopoulos, Seconded by Sahl to continue the Public Hearing on April 25 at 6:15 pm.

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

Chairman Plizga noted in order to continue the Hearing for that date and time the Board would need to receive the entire drawing package by the Thursday or Friday before the meeting. Planner Tyler has been working with the applicant's team regarding changes they need to make which includes a letter of map amendment from FEMA and some additional civil plan changes.

F. Old/Unfinished Business

1. Trim Way Subdivision - Performance Guarantee

Planner Tyler gave a brief overview of the Trim Way subdivision noting that the Board cursorily agreed to adopt the subdivision of land under the Subdivision Control Law. One of the requirements of the Subdivision Control Law is that a performance guarantee must be established before the Board can approve plans. Mass General Law provides the methods that are acceptable and the applicant chooses which type they will use. There has been a lot of discussion between the applicant's agent and the Town's attorney as to what qualifies as a suitable performance guarantee. The applicant does not intend to construct the road, so there is no work actually being done to guarantee. The last set of information received by the Town related to proposed language in the decision referencing the performance guarantee is not yet solid enough to protect the Town's interest.

Planner Tyler introduced Mike Khoury, the agent for the applicant. Mr. Khoury summarized the additional language they requested for the performance guarantee.

At Planner Tyler's suggestion, he added a new Item 12 which mirrors the language of the statutes, saying that except where it's expressly stated otherwise in deeds, by such owners acquiring title to lots, the rights and obligations of the owners of the lots abutting Trim Way shall be defined as set forth in Mass General Laws including Chapter 183, Section 58 *Real Estate Abutting a Way* and Mass General Laws 187, Section 5, *Installation of Public Utilities*. In summation, everybody who has property touching this way would have a right of access to it and would own it halfway. Because the road is not going to be constructed in this case, and this effort is in order to allow a land swap of unbuildable parcels between Ms. Stein Sharpe and her neighbor, they wanted to clarify that there is no financial or other obligation as long as Trim Way remains private. He added language to the first condition on page 5 of the language that Planner Tyler drew up: the subdivision plan approved hereunder, and the land swap to be undertaken by the applicant and the owner of 398 North Street do not propose any construction or improvement to the roadways, the utilities, sidewalks or all other elements there on or there of, to the extent any roadway construction, of any degree to Trim Way, proposed now or in the future, the proponent seeking to undertake such roadway construction shall provide security by one of the methods described in the subdivision rules and regulations, and in accordance with Mass General Laws Chapter 41, Section 81U. Mr. Khoury also added the language: it being understood that the Town of note shall have no obligation or liability with regard to improvement, maintenance, or repair of Trim Way or so long as Trim Way remains a private way.

Mike Khoury also added language to Sections 1 & 2 conditions prior to issuance of a Certificate of Completion, Release of Bond, Release of Covenants: the performance guarantees are needed under Mass General Laws Chapter 41, Section 81U that if any

work touching the roadway is proposed or any construction involving the roadway of whatever nature and degree, by any owner of lots adjoining Trim Way or other parties, the applicant needs to submit complete as-built plans at time of completion.

In section 2 of *Conditions Prior to Issuance of Certificate of Completion* – that section labeled *Final Release of Performance* – Mr. Khoury wanted to clarify the requirements to be obtained from the Planning Board that a release of any performance guarantees would be necessary in the event to any roadway construction of any degree or nature is undertaken.

Ms. Stein Sharpe commented that since no construction will take place, she finds it hard to imagine how one would construct a performance guarantee – what would it say, what would it guarantee and how do you value it. She is hopeful that the Board will agree to the proposed language that says if in the future, or if any actual construction is to happen they are committed to a performance guarantee of that construction.

Chairman Plizga does not feel comfortable with the agreement if the Town Planner and Town Attorney haven't blessed it. He is hopeful that an agreement will be reached by way of covenant. There was a discussion about the recording of the covenant and decision and how future owners would be impacted by it.

Ms. Alexopoulos asked Planner Tyler if the Town Attorney has reviewed the proposed language. She replied not specifically the covenant form but she has looked at the recommendations and requests by the applicant to see if they comply with the law. She continues to have concerns with the word “proponent” and that the obligation for providing security doesn’t kick in until and unless someone wants to do work on the road which could be anytime in the future. Noting it is hard to see that a residential abutter on the road, or someone other than the applicant would know enough to provide security on the proposed road.

Mr. Khoury thanked Planner Tyler for her creativity and ingenuity during this process.

Ms. Alexopoulos wanted to confirm that once this language is ironed out they will be set to go? Planner Tyler replied yes, the Board has expressed a willingness to approve once the performance guaranteed is ironed out.

Mr. Khoury asked Planner Tyler if she has a form for the covenant for him to follow. She sent the covenant form to him via email during the meeting.

Chairman Plizga noted once they have the covenant and it has been reviewed by the Town’s Attorney and Planner Tyler they will schedule a time to meet with the Board.

Chairman Plizga closed the discussion on Trim Way.

G. New Business

1. 19 Highland Avenue - commercial section facade color

Planner Tyler and Chairman Plizga met with the owner to review possible colors for the facade on the commercial section of the building. Planner Tyler showed a rendering of 19 Highland Avenue that was approved to the Board in July 2020 and

explained that when the hearing took place, it was during Covid and one of the first meetings done via remote participation. After the Board approved the plan in concept, the owner provided samples for the façade. Planner Tyler took the samples house to house to each member so that they could make selections. The Board members chose each option for each façade, color and texture. The selections were marked and given back to the property owner. The colors were not recorded as the samples did not have names on them.

During the installation of the siding on the residential sections of the building, the Board discovered that the orientation and product was not what was approved. The samples approved were a hardie plank type product with a texture to them. Instead of that product being installed, the color was matched by the owner and applied over a different product.

The sample that was reviewed and approved for the commercial property was a hardy plank with a stone-faced stippled texture. The commercial product currently installed is that of a flat panel, scored to mimic brick. During the recent site visit, and in follow-up email, the Planner asked the owner to provide the feasibility of installing a type of stone veneer over the existing facade in addition to providing samples of the existing surface painted using 4-6 different colors recommended by her. Planner Tyler showed the Board paint samples on a piece of siding that is currently installed. The owner did not provide a stoneface sample or information on the feasibility of such an installation.

Chairman Plizga feels they should stick with what was originally approved, which is a stone looking veneer or material equivalent to that.

Ms. Santos-Pina discussed with the Board the possibility of stamped concrete as a less expensive option to a full veneer.

Planner Tyler showed the Board a few samples she researched for a stone-face.

Owner, Miraj Ahmed joined the meeting.

Chairman Plizga took a poll of the Board and the consensus was in favor of stone veneer over what is currently installed. Chairman Plizga requested the owner provide the Board with actual vendor samples of proposed products so the Board can make a selection. Once the Board has the samples, they can have a discussion and take a vote.

2. Short Street exterior renovations

Planner Tyler gave the Board some history on the property. The Building Commissioner provided her a single plan page, not a full set, from the property owner asking for a review of the proposed location of the dumpster. The plan also contained notes about refrigeration units being installed. There had been work done at the rear of the property – trenching for a retaining wall that was not reviewed by the Board.

The Planner met with Joe Bouhaya of Keohane Company (owners) on site to review the proposal. She was not satisfied with the proposed location of the dumpster, as there would not be enough room for a truck to turn around without using adjacent property. The owner(s) have no agreement with the abutter to use their property for a turn around. The plan page provided had no detail on the cooler and there was a

notation on the plan about adding a covered porch or roof over a door and installing another door at the rear of the building. The Planner discussed the concerns and lack of information with Mr. Bouhya.

The property owner asked for another meeting on site this time with Denis Keohane of Keohane Company. Chairman Plizga accompanied. He concurred with Planner Tyler's denial and asked for more definitive plans so the Board would have something to look at. When the plan came in there were a series of changes from what was discussed regarding the dumpster location. The Planner provided a copy to the Building Commissioner who also hadn't seen the extent of what the owner was requesting. The Building Commissioner indicated that he will not approve permits for the work as he believes it will require a variance from the Zoning Board of Appeals. The proposed work is right up against the lot line - no set back. The building appears to be over 100 years old which would require Historical Commission review.

The proposed changes were initially only to look at the dumpster location which is located along an 11-foot-wide access and easement. The plan submitted shows additional work to be done including a new retaining wall and fence at the rear of the property. The owner has stated that the trash removal company will back down the access way, open the gate to the enclosure, wheel the dumpster out, pick it up and pull forward. Planner Tyler suggests that most drivers would use the abutting property to turn around. She suggested the owners seek an easement, but they do not believe the abutter would be willing to do that. Planner Tyler asked the owner of an abutting commercial property about any willingness to provide an easement to allow the dumpsters to be located on his property. He declined as it would impede his use of his parking area. Ms. Santos-Pina asked where the dumpster is located currently? Planner Tyler is unsure.

Chris Pelletteri, Superintendent of Public Works was present. He was contacted a while back by the applicant to see if they could make improvements to the sidewalks. Mr. Pelletteri instructed them that any work would need to be ADA compliant, and he would need to see a drawing before they got approval. Chairman Plizga asked if they would need to raise the curbing or not? Mr. Pelletteri said yes, the reveal is probably about 2 inches at best, to get a 6-inch reveal there is work to be done. Chairman Plizga noted that their sketch says nothing about raising the curbing, or materials for a ramp. Chairman Plizga feels what has been presented is an incomplete package for the Board.

Chairman Plizga has concerns that utilities are not shown on the plan. He wonders if the Fire Department will take issue with how close the equipment is to other buildings in such a congested area. Planner Tyler noted that the original plan was for the dumpster pad, so things halted after that. They would need to resubmit and at that point it would go through a more detailed process of having it reviewed by DPW, Engineering, Fire and Building Commissioner.

There was a discussion by the Board about the plans seeming to propose new windows on the front of the building that appear to swing out. Planner Tyler showed a rendering of a request to change their windows from about a year ago. Ms. Santos-Pina explained that the proposed windows are done a lot in restaurant to open the inside out. They are like a bifold window and that is why it shows a 3-foot clearing when the window is open. Chairman Plizga needs window details.

Planner Tyler and Chairman Plizga explained that most of the details on the plans are added changes not discussed at the site visit.

Ms. Alexopoulos asked if the site had been surveyed. Planner Tyler does not believe so, but pointed out there is a property marker at the edge of the easement/access point.

Mr. Sahlu asked if there is enough room for the dumpster truck? Planner Tyler said the owner says that one gets back there now. Chairman Plizga believes that there is room because there are currently dumpsters back there for other properties.

The Board had a lengthy discussion about the dumpster, the access point, proposed windows, drainage, sidewalk improvements and ADA compliance. The Board agrees the applicant needs to submit a full set of plans. Chairman Plizga would like Planner Tyler to get the Building Commissioner's input to see if Zoning Board of Appeals should be involved.

H. Staff Report

***Active Subdivision Review**

***Active Project Review**

***Upcoming Projects**

Allen Street - Contractor made a visit. He has cleaned up the site and secured it. He has been having issues with some unhoused people living in the basement. The contractor indicated there have been difficulties with the owner regarding payment which is why the work hasn't continued, but the property is at least secured.

647 North Main Street - the day care under construction. Planner Tyler sent out a request to the owner asking about Mass DOT and the status of a stop light.

I. Board Comments

J. Adjournment

Notification of Upcoming Meeting Dates

4/25/23

5/9/23

5/23/23

6/13/23

6/27/23

Adjourned at 8:29pm

Motion made by Taveira, Seconded by Sahlu.

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