

**Tuesday, September 5, 2017 – 6:00 P.M.**

GAR Room- City Hall

**Meeting Minutes**

Members present: David Wheeler, Robert Pelaggi, Gary Keith, Reggie Thomas and Craig Pina; also present were City Planner Rob May, Staff Planner Shane O'Brien and secretary Pamela Gurley.

Chairman Wheeler said that Gary Keith asked to make a statement for the record. Gary Keith said that as everyone knows he is currently running for councilor at large and feels that it would be best for the board if he abstained from voting until after election.

*Acceptance of Minutes*

The minutes from 8-1-17 & 8-3-17 were accepted unanimously as presented.

*Endorsement of ANR Plans, Subdivision Plans and/or Lot Releases*

The board endorsed the definitive plan for 33 Mulberry St.

The secretary requested that the board consider the release of the existing home at 33 Mulberry St. She said that she would hold the release until the plan and surety went on record.

Motion to release #33 Mulberry St. (Pina), second (Thomas) all voting in favor with one abstention.

The board endorsed the Oakland St. definitive subdivision plan. The secretary said there will be no surety and no releases necessary as the partials are already off street and there is no work within the ROW.

The secretary said that they have a request from Briarwood Realty to release lots 2-1 & 3-1 Westbury Road; 5-1, 4-1 & 8-1 Kelly Lane of the Chilton Road subdivision. She said they have been provided with a preliminary as built and inspection information from the DPW.

The secretary said they have a request to release #350 Rockland and lots 3 & 4 Rockland. She said that per the terms of approval lots 3 & 4 need to be transferred to the adjacent property owners before a building permit for the new house can be issued. She said that #350 is the existing single family home. The board will continue to hold the new lot as surety until either the work in the street is completed and inspected or cash surety is placed.

Motion to release #350 Rockland St. and lots 3 & 4 Rockland St. (Pina), second (Pelaggi) all voting in favor with one abstention.

The secretary said that a request for return of the cash surety for 17 Waverly St. was received. The necessary inspection letters from DPW have been received.

Motion to release cash surety for 17 Waverly St. (Pina), second (Thomas) all voting in favor with one abstention.

1. Street Acceptances

Blueberry Circle from Dudley Ave. to Dudley Ave.

Dudley Ave. from Parker Ave. northerly

Brookville Ave. from Boundary to N. Quincy St.

Gary Road from Boundary Ave. to Brookville Ave.

Randolph Ave. from Boundary Ave. to Brookville Ave.

Councillor Jack Lally said that the residents that are living on private ways pay same taxes as those living on public streets. He said that the city does not have to patch or plow these streets

because they are private, however they do and they are not eligible for chapter 90 funding from the state because they are private. He said he cannot promise that the road will be re-paved but they will at least be eligible now.

Paul Martino (no address given) said he has lived on the street for 50 years and does not remember the road being paved; he said they are not getting the same service.

Michael Merrian, 7 Gary Road, said he has never seen the road paved; he said that the water main has broken three times and there are three patches on the road.

Shelia Keene, 15 Randolph Ave., said she moved here in 1978 and has watched the road deteriorate.

David Wheeler wanted the public to understand that the board is making a non binding recommendation to City Council...that this vote does not mean that the road will be paved.

Decision: Motion to recommend favorably to the City Council.

Motion by: Thomas

Second: Pina

In favor: 4

Opposed: 0

Abstained: 1

## 2. Request for Permission to Return to ZBA

Property: 166 East Ashland Street

Applicant: 166 East Ashland Street LLC

Representative: Attorney James Burke

Attorney James Burke and Scott Faria from JKH made a presentation.

Attorney Burke said he represented the developer before the ZBA and that the motion to approve failed to pass by 3-2 vote. He said the proposal was for 63 incubator type units. He said that the developer was the successful bidder at a city auction. He said that the city determined that the parcel could not be used as entertainment/sports facility as it is currently zoned.

Attorney Burke said that they reduced the density to 62 units, made several units smaller, added a buffer and greenspace, changed the traffic pattern and there are now two exterior parking spaces to each unit.

Scott Faria said that they added additional roadway providing easier access for emergency vehicles; the end units were made smaller to allow for better turning radius and there is additional buffer and landscape plantings. He said there will be a gate across the front to prohibit access unless you have a key card.

Rob May reminded those present that the board is not voting on the project just whether or not there has been a substantial change to the plan.

Michelle Dubois, State Rep. 10<sup>th</sup> District, said the parcel is zoned C-5 sports complex; she said this zoning change was not for just one buyer; it was rezoned with the mind set to have a sports complex in that area. She said that the area is de- industrializing and. She said a lot of effort and thought went into the zoning change. She said that this buyer has chosen chose to seek a variance instead of going before City Council to ask for a zoning change. She said this is the same plan...there are still safety issues. She said there is also an issue with the state as they invested a lot of money into this clean up with the idea that the site would be used for a greenway. She said she hopes that this is denied and said that the area is residential at heart.

Ward 6 Councillor Jack Lally said not many residents were able to attend the ZBA meeting and he said he wants to make sure the process is done properly.

Nicholas Mele, 150 E. Ashland St., asked if there will there be a lot of noise/disturbance. Attorney Burk said that it is a commercial use with normal hourly use; he said there will be no repair facilities allowed; he anticipates that the incubator will be used for local plumbers, electricians, etc.

Shane O'Brian asked the garage bays require council approval; Attorney Burke said he is unsure right now.

Ward 5 Councillor Anne Beauregard said she is a proponent of economic development, but that another location may be more advantageous; she said this property was cleaned up to be more residentially appealing.

Attorney Benjamin Albanese said that as the real estate custodian for the city he is in charge of all tax foreclosed properties. He said this property has been in the tax foreclosure inventory for 24 years. He said he was here to clarify any questions about the process. He said that they city had a study done of the property and it states that a sports facility cannot be built there. He said they should have had the study before changing the zoning. He said there is no other way for city to dispose of the property and the bidders were aware they would have to go to zoning.

David Wheeler reminded everyone that the board was not voting on the project, just whether or not there was a substantial change to allow them to return to zoning.

Bob Pelaggi asked Attorney Burke if his client was aware of the challenges when he bid on the property and was told he was. He said he had JK Holmgren do a map of commercial/industrial properties in area and said that the only issue tonight is if there was a substantial change.

Motion to grant permission to return to the ZBA; new and different information has been submitted which may address the ZBA concerns.

Motion: Pina

Second: Pelaggi

In favor: 4

Opposed: 0

Abstained: 1

### 3. Site Plan Approval

Property: Plots 42 & 43 West Chestnut Street

Proposal: Roadway

Owner/Representative: Meadow Wood LLC/Gallagher Engineering

Continued to October 3, 2017 by agreement of the parties.

Councillor Sullivan asked if there was a limit on how many continuances the board can grant and asked that they seek an answer from the law department.

### 4. Definitive Subdivision

Property: Plots 19 & 21 Melrose Ave.

Lots: Four

Owner/Representative: Land Surveys

Continued to October 3, 2017 by agreement of the parties.

### 5. Definitive Subdivision

Property: Plot 2 Belgravia Ave.

Lots: 4

Owner/Representative: Bill Self, Curley & Hansen

Bill Self said this is a four lot subdivision; he said that the proposal includes roadway improvements, sidewalk on one side and a turning stub for emergency vehicles. He said this end of Belgravia is a paper street. He said they are proposing to improve the roadway up to the last house. The existing roadway is full of gullies that fill with water and all drainage flows across to Winter St. He said they intend to intercept the existing run off.

Bob Pelaggi asked about ZBA concerns and was told they were minimal, but they listed to the concerns of the neighbors.

Shane O'Brien said the office had received a communication from group of abutters who had their own engineering report done which has been passed out.

Charles Townsead, 8 Belgravia, asked how much wider the street will be; Bill Self said that the street will be a paved width of 24' and said all roadway improvements are within the ROW. Charles Townsead said the road is not wide enough for that pavement and said he already gets water. He said that his septic tank is in the front of his property and wants to make sure that it is not disturbed. He was told that all work proposed is within the road layout and he had no right to work on private property.

Bill Self said that all the houses are on septic and they are leaving provisions for existing homeowners to tie in to sewer at a later date.

Paul Maliawco, 35 Herman, said he is concerned with the possible impact of water flowing onto his property. He said he hired the environmental firm and is concerned with their findings; he said there is so much impermeable surface being added and the water is just being re-directed to one point. He said that he does not believe that this plan addresses the increase in stormwater; he said he would like to see granite curbing. He showed the board pictures of the neighbor's home at 41 Herman.

Donna Tillson, 19 Belgravia, said the neighbors were here a few years back and the developer made promises to them at that time and has not come through. She said she has eight cars in her yard and needs access to the road.

Bob Pelaggi attempted to explain paved width of road vs layout of the road to the abutters.

Aristides Centeio, 29 Herman, said his backyard floods.

Bob Pelaggi said that the applicant still needs to refine the plan and it is unlikely that it will be approved tonight. He was asked who is responsible if they flood and was told that the developer is responsible.

David Wheeler said that it looks like the developer is attempting to address the water problem. Bill Self said that the resident's basements are in the water table and some of their "yards" are on Mr. Kulle's property.

A resident said that there is a difference in the property lines from last survey to this and said Mr. Kulle should meet with the neighbors.

Danielle Collins, 33 Welsford, said she is worried about the increase in stormwater.

Bill Self said he submitted drainage calcs to the board and met with the city engineer today to address his comments. He said because the ditch carries water, there is an area that is BVW

and requires a review by Com-Com. Attorney John McCluskey said that this will improve the area.

Rob May said that the board may want to consider an outside peer review. He said that he would suggest NAA as they will be reviewing the conservation portion and storm water improvements.

Bob Pelaggi said that Todd Pilling does a good job and does not believe that this scope requires an outside review at this time.

Bill Self asked for a continuance to the next meeting.

Motion to continue to October 3, 2017.

Motion: Pina

Second: Thomas

In favor: 4

Opposed: 0

Abstained: 1

#### 6. Definitive Subdivision

Property: 20 Charlotte Street

Lots: 3

Owner/Representative: Attorney John F. Creedon

Continued to October 3, 2017 by agreement of the parties.

#### *Other Business*

Correspondence

Shane O'Brien spoke with the members about the Campello Plan meeting scheduled for Wednesday the 13<sup>th</sup>.

Updates from Board Members

**The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.**