



Planning Board
November 25th, 2024
3:45 PM
In Person &
Virtual (Zoom)

Planning Board members present: Jon Cappetta, Patricia Clifford, Sam Bajwa, James Fuccione, and Ron Beck

Also present: Kristen Guichard, Planning Director; Jonathan Silverstein, Counsel for the Applicant; Nina Pickering-Cook, Town Counsel; Mark Gallagher, Seal Harbor

Planning Board members absent: Michaela Moran

Jon Cappetta read the guidelines for the virtual meeting.

Jon Cappetta called the meeting to order at 3:50 PM

Sam Bajwa called the roll: Jon Cappetta- Aye, Patricia Clifford-Aye, Sam Bajwa-Aye, Ron Beck-Aye, James Fuccione-Aye

I. Regular Business

- 1. Residents' Comments: None**
- 2. Approve previous meeting minutes: None**
- 3. Board Members' Reports: None**
- 4. Administrative Updates & Reports: None**

II. New/Special Business

1. 46 High Street (Bumblebee Way) Bond Reduction

Jonathan Silverstein, counsel for the Applicant, stated that he had submitted the original request for release of the bond and requested that the Board vote to reduce the bond. He stated that the law requires that once work is completed, a bond or other

subdivision surety needs to be reduced to reflect the cost of only the remaining work. The cost of the remaining work (stabilizing the slope on basin 1) was valued at \$2,500. Silverstein stated that it is not necessary for the Board to require GCG to confirm the stabilization again as per their request at the last Planning Board meeting. He submitted that it would be appropriate for the Board to release the bond in its entirety at this time, especially given the lot owners' repeated refusal to allow inspection. At a minimum, he is requesting that the Board reduce the bond to \$2,500.

Nina clarified that the only remaining item under the Board's purview is the stabilization of basin 1.

Ron raised concerns about the responsibility for maintaining the stormwater system after the bond release, and the potential for future disputes. Nina clarified that the responsibility for maintaining the system would transfer to the landowners, and that the Town's role was to ensure that the construction met the required standards.

Nina clarified concerns from abutters for the Board. She also stated that it is within the Board's right to require that the drainage system be dug up to be inspected, however she would not recommend it unless the Board had a valid, factual basis for doing so. The Board did not have any evidence that the system was currently not functioning as it was designed.

Jon asked Jeff Aveni, representing the homeowners of Bumblebee Way, if he has been able to set a date for the final GCG inspection.

Jeff asked how the bond can be reduced or released when the as-built plan is different from the original plan. Nina responded that as-built plans often differ from the original plans, and unless there are significant inconsistencies like lot line differences, it is not a problem.

James Fuccione made a motion at 5:25 PM to vote on reducing the bond to \$2,500. Sam Bajwa seconded. Roll call vote: Sam Bajwa-Aye, Patricia Clifford-Aye, Jon Cappetta-Aye, James Fuccione-Aye

Patricia Clifford moved to adjourn the meeting at 5:26 PM. James Fuccione seconded. Roll call vote: Sam Bajwa-Aye, Patricia Clifford-Aye, Jon Cappetta-Aye, James Fuccione-Aye

Materials used at this meeting:

Planning Board Agenda

46 High Street (Bumblebee Way) application materials as follows:

100924 – Bumble Bee Summary Letter – reduced size.pdf

Acton Planning Board Letter 11.19.2024.pdf

Bumble Bee 11.18.24 Letter Planning Board.pdf
Bumblebee Basin Ltr.pdf
Bumble Bee Letter.pdf
Preserve at Audubon Bond Release Request – Exhibit 1.pdf
Preserve at Audubon Bond Release Request – Exhibit 2A.pdf
Preserve at Audubon Bond Release Request – Exhibit 2B.pdf
Preserve at Audubon Bond Release Request – Exhibit 3.pdf
Preserve at Audubon Bond Release Request – Exhibit 4.pdf
Preserve at Audubon Bond Release Request.pdf
-PB23-10 Continued Public Hearing On 07.16.2024.pdf
BBW Operational Failures w Signed Declaration_07.15.2024.pdf
PB23-10 Continued Public Hearing On 10.16.2024.pdf
Updating Public Comments On BBW Operational Failures and PB23-10.pdf