

PLANNING BOARD MINUTES SEPTEMBER 13TH, 2023

The meeting of the Planning Board of the Borough of Somerville was called to order by Chairman Bernard Navatto at 7:00 PM and stated that adequate notice of this meeting had been provided in accordance with the “Open Public Meetings Act”.

Board Members Present: Bernard Navatto, Deidre Rosinski, Councilman Roger Vroom, Andrea Adair, Jason Kraska, Al Kerestes, Larry Cleveland, Christopher Adickes, Lisa Werner

Board Members Absent: Arthur Akins and Mayor Dennis Sullivan

Professional Present: Kara Kaczynski, Esq. Board Attorney and Michael Cole, Board Planner and Engineer

Approval Minutes

Upon a motion by Jason Kraska, seconded by Councilman Roger Vroom, the minutes of August 23rd, 2023, were approved upon a roll call vote.

Roll Call Aye: Bernard Navatto, Councilman Roger Vroom, Jason Kraska, Al Kerestes, Larry Cleveland, Christopher Adickes, Lisa Werner

Nay: None

Abstain: Deidre Rosinski, Andrea Adair

See transcript.

Chairman’s Comments

Chairman Bernie Navatto addressed the board to inform them that he had has a conversation with Kara Kaczynski, Esq. Board Attorney earlier that day and explained that he felt it was very important for the full board to understand what the procedure needs to be if they are going to vote “yes” or “no” on an application and what needs to go into support of the voting decision.

Kara Kaczynski, Esq. Board Attorney explained that she felt the best way to go about this would be to circulate through the board secretary the requirements for what an applicant must show in order to get approvals for both types of C variances, subdivision, and site plan as well as the Boroughs requirements that are separate from what is already stated in the land use law. Kara Kaczynski, Esq. Board Attorney stated that she can then explain that information at the next meeting and address any questions that arise. Ms. Kaczynski also stated that the board refreshing themselves is something that should be reviewed annually as it can get lost in the shuffle, especially in situations where there is a lot of public comment. She commented further that if the procedure is not being followed correctly and if the board is or is not considering things that they should or should not be considering that it exposes the board to litigation.

Kara Kaczynski, Esq. Board Attorney stated that another thing that they should start doing is making sure that everyone is stating their reasons behind their vote on every application and that it is important to get these comments, positive or negative on the record.

Councilman Roger Vroom joined the discussion stating that the other piece that he and Board Member Jason Kraska had talked about was the need to educate the public on what variances the board is voting on for each of the hearings so that they have an understanding of what the board responsibility is. He mentioned that he thinks the public is under the impression that they as a board have the ability to stop these applications. Not understand that the board is voting on the specific variances that brought the application before them, not the big picture or project as a whole.

Kara Kaczynski, Esq. Board Attorney responded to Councilman Rodger Vroom stating that what might be helpful to his point would to have a copy of that information available to the public so that everyone can see what the board is required to do.

Board Member Jason Kraska stated that perhaps we pull from Michaels Cole report as a separate item available to the public to clearly state what the variances are in each particular application and why they are seeking relief as a way to help the public understand that the board is not here to consider things outside of those items.

Kara Kaczynski, Esq. Board Attorney stated that in other municipalities that she has represented that they place that information right on the agenda under each hearing.

Chairman Bernie Navatto added that it was not just the variances, it's the whole application as if someone has a concern about traffic and we have a traffic report from an expert they need to understand that the board can't just disagree with that.

Board Member Jason Kraska agreed with the Chairmans statement adding that if the applicant is conforming the board can't just say that they are lying and deny an application based on that. See Transcript.

Kara Kaczynski, Esq. Board Attorney stated that she could provide some additional information covering that as well and questioned if the Board had adopted any bylaws or rules of citizen input from the public.

Several members confirmed that the board had.

Kara Kaczynski, Esq. Board Attorney had additionally stated that there may be members of the public or board members that do not like a particular use that is being proposed however if it is before the planning board because the use is permitted and as long as they are conforming with everything else that is required and the board is satisfied with what an applicant has provided the board cannot say that the use is not appropriate for that site as it is not within their purview to do. That would be the jurisdiction of the Zoning Board, and if a member of the public did have a problem with the use being permitted that would be directed to the governing body.

Chairman Bernie Navatto stated that it all goes back to Karas point that all board members should be voicing their reasoning behind their votes as it not only open them up to exposure from the applicants but also from third parties that may not like the decision that was made.

Kara Kaczynski, Esq. Board Attorney agreed and explained to the board that they have the deference of the courts that the right decision was made. The court assumes that the board members as residents know the town, the zoning, and are voting the proper way that you think is best and it's a high standard to overturn that if anyone was to appeal. Mrs. Kaczynski stated with that being said it does need to be justified through their comments and discussion of why they voted the way they did as supporting testimony from the board.

Board Member Deirdre Rosinski expressed that she has been seeing a recurring theme of projects and applications are coming before the board and it is the first time the public is getting the opportunity to see it, and this is where they are voicing all their opinions because they haven't had the opportunity to do so prior especially within the special improvement district. Mrs. Rosinski stated that there needs to be a look at the system so that there is a place where the public gets to have a say or gets to see it before it comes to the planning board.

Councilman Roger Vroom added that in redevelopment situations, when council approves a developer for the redevelopment area that the developer does come in and present their project to the council at a council meeting where the concept is approved.

Mrs. Rosinski responded that she felt the issue lies in the public not being notified when a developer is presenting their concepts to the council because they do not get noticed in the same way that the 200FT list gets noticed on planning board applications.

Councilman Roger Vroom responded that the notification would be the agenda and the developer presenting their concept isn't mandated but requested as a way for the public to have input.

Additional discussion was had amongst the board members in regard to requesting that the redevelopment plan be reopened with community concerns and public needs revisited to look and see if the wants and needs of Somerville today are being addressed. The topic of concept plans was also discussed as they were successful when they were implemented in the past as well as what the options may be for future redevelopment plans and input.

Board Member Larry Cleveland questioned why as of late was the board receiving invoices for ongoing projects. Chairman Bernie Navatto explained that it was being done at the request of a council member and the finance office to keep the board informed and that the board was no longer going to be signing off on purchase orders. Additional conversation was had surrounding the budget of the planning board itself and the want to be more involved in the budgeting decisions as well.

Michael Cole, Board Planner and Engineer confirmed with the board that they would rather receive a revised report instead of an addendum to the original for applications that are amended for whatever reason. Several members confirmed that a revised report would be their preference as his reports are comprehensive and clear on what the changes are.

Meeting Open to the Public

No comments.

Adjourn

Upon a motion by Deidre Rosinski, seconded by Jason Kraska, the adjournment of the planning board meeting of September 13th, 2023, was unanimously approved upon a roll call vote.

Roll Call Bernard Navatto, Deidre Rosinski, Councilman Roger Vroom, Andrea Adair,
Jason Kraska, Al Kerestes, Larry Cleveland, Christopher Adickes, Lisa Werner

Nay: None

Abstain: None

The meeting was adjourned at 7:35 p.m.