



Town of Boylston Planning Board planning@boylston-ma.gov

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MEETING MINUTES January 5, 2015

CHAIRMAN: Ralph Viscomi

MEMBERS PRESENT: Richard Baker, Bill Manter

ASSOCIATE MEMBER: Judith White

MEMBERS ABSENT: Kim Ames, Laurie Levy

RECORDER: Nina Gardner

Mr. Viscomi called the meeting to order at 7:03 p.m. The Board reviewed the meeting minutes of December 1, 2014. Mr. Manter motioned to accept the minutes as amended. Mr. Baker seconded and all voted in favor.

ANR Discussion – Heywood and Mill Roads: Karen and James Casey of 3 Heywood Road were present with their Attorney Stephen McNerney. The Caseys are objecting to the ANR application because the application states that Heywood is a public street and the Caseys maintain that it is private. Mr. McNerney stated that the Caseys were entitled to be informed of the ANR which was approved on December 1, 2014. He also stated that because the road is private, the residents of the road owned to the center of the road and, therefore, no one could get approvals without all owners being informed. Mr. Viscomi informed him that according the ANR Handbook, Massachusetts law does not require notification of an ANR application to abutters. Property owners may show up the day of a Planning Board meeting to apply for an ANR and the Board is required to render a decision within 21 days of receipt. Mr. Viscomi went on to explain that unless there are deed restrictions in place, the abutting land owners cannot deny road access to other property owners. Also, a landowner can divide their land if the parcels meet the requirements of having adequate road frontage, square footage and adequate access.

The discussion then revolved around whether there was adequate access for the approved lots. It was stated that since the town currently plows the road and large vehicles, such as oil delivery trucks did routinely use the road, the Board determined that adequate access was present. It was also stated by the Board that since Heywood Street was a private road, Town Counsel did not agree that the Town should be expending public funds to plow it.

The Board reviewed the plan with Attorney McNerney, the Caseys and Mrs. Phillips of #3 Heywood. The residents stated that they are very concerned about safety and the narrow roadway. It is difficult now with a few homes on the street and they feel it will only be worse when more homes are added. Attorney McNerney referred to meetings that took place with the Planning Board in 1986 and that an ANR to create lots on that property was presented to the Planning Board. It was recommended that a proper road and sidewalks be installed and the owner withdrew his application. Mr. Viscomi explained that every Board has the right to make a decision that may be different from prior Boards. It was stated by another Board member that this decision was based upon the Board's interpretation of the law as well as cited case law that has been documented since the original decision. Mr. Viscomi went on to state that the Board cannot and will not reverse their decision on this ANR. If the Caseys still did not agree with the Board's decision, their option was to appeal the decision with the State's Land Court.

Mrs. Phillips expressed concern over emergency vehicles reaching her home and how to go about widening the street. It was stated that the addition of these lots did not have any increased adverse impact to current access by emergency vehicles to the existing homes. Also, since it was a private road, the residents would collectively be responsible for any improvements made to it. Mr. Manter felt that, in all likelihood, the builder of any new homes would improve the current road to increase the marketability and value of any homes that are developed on those lots.

Compass Pointe: Mr. Michael Venincasa was present to discuss the letter sent by the Planning Board to Signature Homes on December 8, 2014 to address the issues regarding the status of Compass Pointe.

Mr. Venincasa stated they were unable to complete the project due to lack of funds and that they were in negotiations with a new investor. Mr. Viscomi confirmed with Mr. Venincasa that he was referring to The Capitol Group. Mr. Venincasa stated that Country Bank was also involved.

The agreement was originally scheduled to be finalized by the end of December, but is now scheduled to finalize by the end of January. Mr. Viscomi stated that Mr. Bill Depietri, President of The Capitol Group, has requested to meet with the Planning Board next week to review his plans for investing in the Compass Pointe Project and how he intends to get it back on track. At that time, he will also review all of the issues that the Board cited in the letter dated December 8th, a copy of which he has received. Mr. Viscomi informed the residents present, the Espositos and Mr. Alexadidas, that Mr. Depietri would also like the residents of Compass Pointe to attend the meeting.

A question was raised from the floor about the adequacy of the current bond with respect to Phase 2. The Board stated that when Phase 2 is started, a new bond will be

required. The Board agreed to meet on Monday, January 12, 2015 at 7:00 p.m. at Town Hall. The Board also agreed not to vote to call in the subdivisions performance bond at this time in light of this new development. They discussed that, if necessary, they could vote to call in the bond in February if the agreement between The Capitol Group and Signature Homes was not finalized.

Mr. Viscomi will email Jim Venincasa and Bill Depietri regarding the January 12th Meeting.

Solar Panel Bylaw: Mr. Manter presented a corrected draft of the bylaw. He noted that he changed the wording in the section pertaining to Ms. Levy's concern about aesthetics. He also made changes that would provide some flexibility to the Building Inspector in approving applications. Ms. Gardner will consolidate the drafts for large scale and small scale installations into a single bylaw which the Board will review and send to Town Counsel for review. A brief discussion regarding the numbering of the Article ensued. It was decided that a public hearing could be held in April so the article presented in May at Town Meeting.

Mr. Manter motioned to adjourn at 8:20. Mr. Baker seconded; all voted in favor.

Meeting Materials:

- Letter to Signature Homes dated December 8, 2014 (on file in PB office)
- ANR dated December 1, 2014 – Eric Tobiesen for Heywood/Mill Road (on file in PB Office)
- Solar Panel bylaw Draft dated January 4, 2015 (on file in PB Office)
- Solar Panel bylaw Draft dated January 5, 2015 (on file in PB Office)