

Members present: Kevin M. McCormick Michael J. Kittredge, Jr.  
Christopher A. Rucho Siobhan M. Bohnson  
John W. Hadley

Mr. McCormick convened the meeting at 7:02 p.m.

**Read and Acceptance of Minutes from Previous Meeting**

Motion Mr. Hadley to approve the regular session meeting minutes from April 16, 2014, seconded by Ms. Bohnson, all in favor.

Motion Ms. Bohnson to approve the executive session meeting minutes from April 23, 2014, seconded by Mr. Hadley, all in favor.

Motion Mr. Rucho to reconsider the vote on the April 16, 2014 minutes as under the discussion with Mr. Sylvia about the baseball field, the fourth sentence refers to the basketball field and it should be baseball, seconded by Ms. Bohnson, all in favor.

Motion Mr. Rucho to approve the minutes by amending the fourth sentence to reflect baseball field, seconded by Mr. Hadley, all in favor.

**Don Jacobs, Update on Wage and Classification Project**

Mr. Gaumond reports that last year we established this as a goal, went out to bid, and hired consultant Don Jacobs for the project. Mr. Jacobs explained that he is the principal owner of D.I Jacobs and has been doing this type of work for 15 years. The process will lead to a proposed Wage and Classification Plan being presented to the Board of Selectmen and will help them understand the plan we are developing. Understanding the process you will understand how the Town of West Boylston wants to pay employees. A while back the Board received the Classification and Compensation Study sheet. The goal or purpose of the Classification and Compensation Study is to classify positions and compensate employees in a fair, consistent and equitable competitive manner both internally within the town and externally on a position by position basis in comparison to the market place. Everything we do needs to meet the two standards, being consistent and being competitive and the three objectives will be accomplished, which are create a job description, Classification Plan and Compensation Plan. If you write a job description it is a communication vehicle to explain a position and how that will be classified. It describes the knowledge, ability and skill level to carry out that job level. Mr. Jacobs has completed the first objective, which is written job descriptions. Employees told him what they do and department heads and boards and committees have weighed in on those job descriptions. Based on that document they developed a draft classification plan. What remains to be completed is the third objective. He will collect salary data from the comparison communities we used in the past, about 12-15 towns, most in central Massachusetts, all comparable to the Town of West Boylston. The town previously had ten grade levels in their plan and he is proposing 5 levels.

Mr. Jacobs met with Mr. Gaumond and they defined the characteristics of the grade levels and then they went back and assigned the position. A Grade 1 position minimum education is a high school diploma and it doesn't mean that every position has every single characteristic. There are over 13 different rating criteria. Grade 1 position would be an entry level of education, high school or equivalent, works under direct supervision of a department head, job duties would be routine and they have no supervisory experience. Grade 2 requires general supervision, anything unusual or out of the ordinary the employee must check with supervisory before proceeding, no regular level of supervisory responsibility, a higher level of independence. Grade 3 requires an associates degree, work leader

level of supervisory responsibility and they may be required to give direction and guidance. With Grade 5 you see a managerial level of responsibility. They are responsible for the entire department and Grade 6 are department heads for major departments, more complex department to manage. You can use the characteristic chart as a guide. If you have questions use the characteristic chart as the characteristic comes from the job description. This may not be the plan you think is accurate. Mr. Jacobs will show the dollars and cents when we meet the next time. What is driving compensation is in the market date. It is important but what is more important is what you require employees to do. It is the reason why the job description is the most important document. He is recommending 6 levels as we now have 10.

In terms of the compensation plan, Mr. Jacobs reports that he is collecting quite a bit of data. He was here doing this study 7 years ago and having done the study before he has a good understanding of the town. Whatever changes you make from a management standpoint the classification process will give you the ability to react to that change to retain a classification and compensation plan that is equitable. When the study is completed he will provide a set of administrative policies that says how he conducted the study. When the study is completed he will ask the Board to approve them and they should be included in the policy document. It ultimately is the determination if this study is successful or not. From a continuity standpoint going forward you will know how the decisions are made. It is to establish an open line of communication between all of the stakeholders. Everyone should agree with the process. The purpose of the study was not to pay anybody more money.

Mr. Rucho asked about the Fire Department. Mr. Jacobs explained that he has had several meetings with the Fire Chief and that will be submitted as a separate document unique to the Fire Department. There will be the same process but has nothing to do general government versus public safety. He plans to meet with the Board again and will give the Board an opportunity to understand the Classification Plan. He is doing the same thing with the employees. The next step is he will give the information to the employees and give them an opportunity to voice their concerns. He will respond to those concerns and he may or may not agree or disagree. He might recommend some adjustments. He is collecting salary data and that needs to be completed so he can develop a compensation plan. He will need to know as soon as possible if the Board is comfortable with the six grade levels as by the end of May he will have a draft Classification and Compensation Plan with salary ranges. It is important that employees have an opportunity to understand this. There are no question at this time.

#### **Police Chief Dennis Minnich, DPW Director Anthony Sylvia and the Transportation Committee Members - Intersection Improvements**

Mr. Gaumond explained that in recently months he has been talking about looking critically at some of the intersections in town. He has been meeting with the Police Chief and DPW Director on things we can do moving forward to improve some intersections. Mr. Sylvia has been reviewing activity at ten intersections throughout town. They have recommendation improvements at two of them that have a great occurrence of accidents, Goodale Street at Crescent Street and Prospect Street and Woodland Street. Goodale Street at Crescent Street is becoming notorious for accidents. They have worked with the Transportation Committee and discussed ways of improving it. It is close to Goodale Park and within the school zone. They recommend making the street one-way between Crescent to Prospect. It would eliminate the traffic coming into the intersection and accidents are prevalent because of the line of site and excessive speeds. All traffic that would go up Goodale Street would go up Prospect and turn right onto Crescent. Mr. McCormick stated that he finds it difficult to come out of the intersection. Chief Minnich added that they would also make north of the Goodale/Prospect

Street intersection a no parking zone to improve pedestrian visibility and safety in that area. They would allow parking on the westbound side of Goodale from Crescent going down. In the future they would like to look at how it would affect Prospect/Crescent Street. Mr. Sylvia feels the additional traffic at that intersection would be turning right so for those cars the line of site is unimpeded. Mr. Rucho asked if this was voted on by the Transportation Committee. Mr. Gaumond advised that when they last met with the Transportation Committee they told the Committee they would be putting something together on this. Mr. Rucho asked if the Board would be getting input from the Transportation Committee. Mr. McCormick, who serves on the Committee, reported that they have discussed this intersection for quite some time. If everyone will be taking a right at the Prospect/Crescent intersection he doesn't think it would be an issue. Chief Minnich noted that the area is a very short distance, with very few houses, however, the residents have called him about this. Mr. Rucho feels that the road is the busiest pedestrian crossing traffic road and he doesn't think it will slow down the traffic. Chief Minnich feels it would eliminate some of the traffic going up Goodale Street. It is also impossible to make it a safe four-way stop at that location. Mr. Rucho asked if that was discussed at the Transportation Committee meeting. Mr. McCormick advised that it was discussed and the Committee went with the Police Chief's expertise.

Mr. Rucho asked if there is something we can do about slowing down the cars. Chief Minnich explained that one of the things they were looking at was a permanent solar powered school zone sign and another proposal was to take from Newton Street down and make it one-way. People park up and down that road. Mr. Sylvia added that the proposal will be to make the intersection safe, not to slow it down. Mr. Rucho voiced concern at the speed of vehicles on Goodale and Crescent Streets. Mr. Sylvia suggested looking at traffic calming improvements. Ms. Bohnson asked what direction on Goodale Street. Chief Minnich would like to eliminate traffic going down Goodale Street. Ms. Bohnson asked about extending the school zone area to begin down near the Light Plant. The Chief advised that it would need two sets of zones and he thinks Goodale Street should be part of the school zone. Ms. Bohnson also feels the high school merging section is very dangerous and would like to look at that as well. Chief Minnich added that he is working on signals all over town and one of the capital funds he is requesting are the flashing signs with speeds showing.

Mr. Hadley asked if anyone looked into solar powered flashing stop signs for some of the intersections in town. Mr. McCormick questioned whether we could groove the road in front of the school. Mr. Sylvia believes that would create noise in the neighborhood. Mr. McCormick suggested some sort of mechanism to lower traffic speed from the Light Department to the Lutheran Church.

The second intersection being looked at is Prospect at Woodland. There have been quite a few accidents at this location. They recommend changing the area to a single four-way stop. They will eliminate the west side of the intersection, which surrounds Gleason Square to bring all the traffic into the intersection. They will eliminate the stop sign in front of Pinecroft Dairy and in front of the medical building. They will also increase signage for advanced warning to motorists coming down from Holden to be aware of the upcoming intersection and stop sign, which will be one lane. They will also change the radius of the island to accommodate trucks turning onto Prospect Street.

Mr. Hadley asked about the stop sign coming up Woodland to Prospect Street. Chief Minnich explained that they would have to make some improvements there because of the fence. Ms. Bohnson asked if people coming down from Holden would be apt to come down Woodland Street to access I-190. Chief Minnich feels they will go down Brattle Street in Holden to get to I-190. Mr. Sylvia intends to close off both sides of the streets by setting up barriers and signage to make sure it will work properly before we invest in a permanent solution. There is one piece of property off the west side of Gleason Square, which will need to have its driveway extended across the square.

Mr. Rucho noted that the school zone sign is turned off when school is not in session. Chief Minnich advised that they could lower the speed limit and put up other signs, however, the problem becomes when it is an unrealistic speed. Mr. Gaumond stated that if the Board is satisfied with the recommended changes, they will begin to move forward with the implementation. Chief Minnich will include no parking signs from Prospect to Goodale.

Mr. Sylvia intends to use a combination of funds from Chapter 90 and his DPW operating budget to fund the improvements. Ms. Bohnson asked for a ballpark figure. He estimated the Goodale/Crescent project to be in the \$5,000 range between stripping and signage and Prospect/Woodland to be over \$20,000, but less than \$30,000. Mr. McCormick noted that he has been on the Transportation Committee for many years and they have been discussing these intersections for many years. Mr. Gaumond feels it is a good time to tinker with this and see if it works.

Motion Mr. Hadley to accept the recommendations of the Police Chief and the DPW Director. Seconded by Ms. Bohnson. Mr. Hadley would like the flashing stops signs looked into as well. Vote on the motion - all in favor.

Mr. Gaumond will investigate whether we could get a MIIA grant to purchase the stop signs.

## **NEW BUSINESS**

1. Discussion of Memorial Day weekend activities and consider granting permission to the Celebration Committee for a bon fire

Mr. McCormick recused himself and joined the Board as a participant on the Celebration Committee. Fire Chief Welsh, Police Chief Minnich and DPW Director Sylvia joined Mr. McCormick for the discussion. Chief Welsh explained that he received a request from the Celebration Committee to have a bon fire for the Memorial Day celebration. According to Commonwealth of Mass Regulation 10.23, it states, Ceremonial Bonfires: The city council of a city with the approval of its mayor, or the board of selectman or town council of a town, may authorize the fire department of such city or town to issue not more than one permit in any one year for a ceremonial bonfire. He asked if the town would support partnering with the Celebration Committee for a bon fire.

Mr. Gaumond explained that we did this last year and it does have some impact on our departments. Chief Welsh added that he attended a class and it was brought to his attention that he was required to ask for permission. From the Fire Department standpoint it uses town resources and personnel to cover the event. On top of the bon fire there has also been a fireworks permit. That event will require fire department personnel to be involved the entire day. He understands the concept of the Celebrations Committee, however, his concern is that next week another organization would come to him with the same request and he would be spending resources to accommodate them. In talking with Chief Minnich his personnel have similar time commitments. Mr. Sylvia added that the DPW will spend time preparing for and cleaning up after the event. They should be able to get a donation from the trash hauler for temporary trash bins. His concern deals with set up and clean up.

Mr. Rucho asked if there was a dollar figure for all the departments. Mr. McCormick explained that the only thing the Celebrations Committee paid for was an insurance policy because they are not part of the town. They are trying to create the old town celebration. They did not pay for anything last year and in the old days it was a private organization that did it. If it is a cost and they have to pay, he is willing to pay. They do pay for portable toilets. This year they will also have a road race in the morning starting at Edwards School 5K around the Reservoir. There is nothing until 7:00 that night when they will have music. At this time, they do not know if they will have any food, and they will have electricity brought in.

Ms. Bohnson thinks it is a great idea and we can't put a dollar figure on everything we do in

town. The more we do attracts people to come to the town. Mr. McCormick noted that this all begin because it was a goal of the Board of Selectmen to have more celebrations and get people out. They kept it separate from the town so every time they had to write a check they didn't have to come to the town for money. Years ago the Civic Club ran the celebration. Mr. Rucho stated that we do have the concerns of the Fire Chief should other groups come forward. We are opening the door to other private organizations, however, he agrees that as long as they can fit it into their current budget he is all set. Chief Welsh stated that he is all set with this year. Mr. Gaumond suggested having a discussion on this and having an application process. Mr. Sylvia believes the town has one through the Parks Commission who grants facilities use requests. Mr. McCormick plans to meet with the Parks Commission on the 12<sup>th</sup> of May. Mr. Rucho noted that when it comes to the parks, all the other groups pay a fee to use the services. Mr. McCormick advised that his group did not pay a fee. This year they have a rain date and they need as many palates as they can get.

Motion Mr. Kittredge to authorize the Fire Chief to issue a permit for a ceremonial bon fire for the event on May 24<sup>th</sup> with a rain date of May 25<sup>th</sup>, seconded by Mr. Hadley, all in favor.

2. Concurrence on the appointment of John Owanisian, 8 Stillwater Heights Drive to the Town-wide Planning Committee effective May 8, 2014 for a term to expire on June 30, 2016

Motion Mr. Rucho to concur with the appointment, seconded by Mr. Hadley, all in favor.

3. Concurrence on the appointment of Fred Hatstat as a Special Police Officer to be used for detail assignments for the period covering May 1, 2014 through June 30, 2014 at a rate of \$42.00 per hour

Motion Mr. Rucho to concur with the appointment, seconded by Mr. Hadley, all in favor.

4. Consider accepting a donation in the amount of \$250 for the Bandstand Fund from Clinton Savings Bank on behalf of the town

Motion Ms. Bohnson to accept the donations, seconded by Mr. Kittredge, all in favor.

5. Update on 40B Project

Mr. Gaumond issued the following blog update on the project, which he read into the record. The West Boylston Building Inspector, Mark Brodeur, issued a 'cease & desist' on the building permit for the Oakdale 40b project last month. As many of you may recall, the building permit was issued with conditions and thus far these conditions have not been met by the developer. Since then, the Town received an update on these conditions by the developer. The letter is attached. Town Counsel and the Town Administrator have reviewed the response from the developer and are both recommending that the Building Inspector revoke the building permit at the expiration of the 45 day period unless we receive anything differently. Currently the 45 day period is slated to expire at the end of this week. They have provided notice to the Building Inspector of our input into the decision. He will continue to update the Town as things continue to develop.

Mr. Hadley asked what would happen when the building permit is rescinded. Mr. Gaumond advised that if rescinded, the developer will have to apply for a new building permit. He is still able to remove trees as any other resident in town could on do on their own property. Mr. McCormick announced that this is not a forum on the 40B project, which is out of our hands at this point. However, he will allow one or two questions from those in attendance.

Ben Hebert, 12 High Street would like to read a statement into the record. Rather than typing in the entire letter with its Exhibits, it will be permanently appended to these meeting minutes.

5. Review and consider signing the Intermunicipal Agreement for Board of Health service  
This item will be passed over this evening.

6. Announce that the town, as part of a 30-town coalition for Stormwater Management just received a 3<sup>rd</sup> consecutive year of grant funding in the amount of \$80,000 and consider voting to sign Intermunicipal Agreement with the Town of Spencer

Mr. Gaumond explained that for the last three years the town has partnered with the Town of Spencer and a great deal of other communities to manage the new changes in the stormwater management laws. Spencer is the lead community. Both he and the DPW Director recommends the Board accept the grant and sign the agreement.

Motion Mr. Rucho to sign the Intermunicipal Agreement with the Town of Spencer, seconded by Mr. Hadley, all in favor.

On agenda item #5, Review and consider signing the Intermunicipal Agreement for Board of Health service, Mr. Rucho asked if we are passing over the item because we don't have the agreement. Mr. Gaumond explained that he sent the Board a draft agreement from the City of Worcester. Both he and Town Counsel had a conversation and have an issue with the indemnification language and why those changes were necessary in the agreement.

7. Review and consider signing Agreement for Financial Management Services with FAA (Financial Advisory Associates, Inc.)

One of the goals of the Board was to bring this issue to resolution. We issued a Request for Proposals, and he has negotiated a contract with FAA for these services. As the end of the fiscal year is the busiest time of year, in the FAA proposal he did indicate that he would be willing to commit to a 1-1/2 year contract. This will cover FY15 at a cost of \$118,000 and the first six months of FY16 in the amount of \$60,000.

Motion Mr. Rucho to sign the contract with FAA, seconded by Mr. Hadley, all in favor. Mr. Gaumond noted that the town has been well served by FAA and they have helped up develop polices and improve our bond rating.

Mr. Rucho asked when we will begin our discussion on what we should do next for these services. Mr. Gaumond feels the options are still the options minus using FAA. Two other firms did respond to the RFP we issued. He thinks we should look at this 12 months from now. We could go out to bid or move away from a firm and have a municipal employee. We did include a town accountant position in the wage and classification plan, which gives us a vehicle and mechanism to hire somebody. Mr. Rucho noted that one of the concerns was we thought there were no other companies who provided this service. We found there are some and perhaps they know Mr. Daley is retiring.

## **MEETINGS, INVITATIONS AND ANNOUNCEMENTS**

1. May 19, 2014, 6:00 p.m. Board Special Meeting in Cafeteria Prior to Semi-Annual Town Meeting
2. May 19, 2014, 7:00 p.m. Semi-Annual Town Meeting at Middle/High School Auditorium
3. June 6, 8:00 a.m., CMRPC Spring Legislative Breakfast at Union Station

Mr. Gaumond serves as a member of the CMRPC legislative affairs committee and this year they will do an economic development project bringing in state officials to talk about the kinds of programs available to promote economic development.

Mr. McCormick reminded everyone that May 18<sup>th</sup> is Mother's Day.

**FUTURE AGENDA ITEMS**

Ms. Bohnson advised that since offering to assist Mr. Gaumond review the RFPs for Town Counsel services she found that she cannot as one of the counsels sits on her board and will be unable to serve. Mr. Rucho offered to serve in that role.

Mr. Hadley would like the DPW to come in and talk about issues townspeople have with the parks and the streets. Mr. Kittredge noted that Mr. Sylvia is hiring one person and asked if we are going to get a part-time person for the parks. Mr. Gaumond replied yes, we advertised for that.

Mr. Rucho asked if we had a plan for Chapter 90 with a priority list of projects. Mr. Gaumond advised that on the next agenda for the Transportation Committee they have that as an agenda item. They are still working on the previous list of Chapter 90 projects. We also need to have a plan for the new monies which will need to be spent by the end of the fiscal year. Mr. Rucho would like the Malden Street issue on the next meeting.

Mr. McCormick reminded everyone that as we get closer to Memorial Day, this year you can march for a veteran in your family.

With no further business to come before the Board, motion Mr. Rucho at 9:00 p.m. to adjourn, seconded by Mr. Kittredge, all in favor.

Respectfully submitted,

Approved: May 21, 2014

\_\_\_\_\_  
Nancy E. Lucier, Municipal Assistant

\_\_\_\_\_  
Kevin M. McCormick, Chairman

\_\_\_\_\_  
Christopher A. Rucho, Vice Chairman

\_\_\_\_\_  
John W. Hadley, Clerk

\_\_\_\_\_  
Michael J. Kittredge, Jr., Selectman

\_\_\_\_\_  
Siobhan M. Bohnson, Selectman

April 23, 2014

West Boylston Zoning Board of Appeals  
Town of West Boylston  
127 Hartwell Street  
West Boylston, MA 01583

**Re: Petition of Appeal Pursuant to M.G.L. c. 40A, § 8**

Dear Members of the Zoning Board of Appeals:

The undersigned residents of North Main Street and Still Water Heights Drive, West Boylston, Massachusetts being persons aggrieved under the terms of M.G.L. c. 40A by reason of our inability to obtain an enforcement action from Mark E. Brodeur, Zoning Enforcement Officer, Town of West Boylston to enforce the Zoning By-Laws of the Town of West Boylston ("the By-Law") as they apply to the use of the property and structures located at 94 North Main Street presently owned by Iqbal Ali of Crescent Builders, Inc., hereby Appeal to the West Boylston Zoning Board of Appeals pursuant to M.G.L. Chapter 40A, Section 8.

As you are aware, by letter dated April 3, 2014, a copy of which is attached as Exhibit A, and amended as Exhibit B, the undersigned corresponded with Mark E. Brodeur as the Zoning Enforcement Officer of the Town of West Boylston pursuant to Section 6.1 of the By-Law to have Mr. Brodeur enforce the By-Law as it applies to the use of the property and structures at 94 North Main Street which is located in a Single Residence District. Based on the observations of some or all of the undersigned it appeared (and continues to appear) that two of three structures with historical significance were demolished. In addition, the property continues to be clear cut of its timber and removal within an Asian Longhorn Beetle District without proper approval and oversight. According to Marchionda & Associates Plan Set, sheet 16, a copy of which a portion is attached as Exhibit C, "Lot 3 is proposed to be gifted to the Town of West Boylston to be held forever in Charitable Trust for Conservation Purposes, in its open and natural state, with no access by the general public." However, of this date this lot has yet to be surveyed and clearly staked off from Lots 1 and 2, leaving us to believe that trees which were to remain in this area have already been cut and removed. Demand was, therefore, made pursuant to Section 6.1 of the By-Law that Mr. Brodeur enforce the By-Law concerning the illegal use of the 94 North Main Street property by ordering the owner thereof to cease and desist all activity on the property.

---

By letter dated April 9, 2014, a copy of which is attached as Exhibit D, Mr. Brodeur denied the undersigned's request for enforcement of the By-Law. Mr. Brodeur's letter asserts that an appeal should have been filed at some indeterminate prior time and seems to assert that the use of the property issued for Building Permit 2014-135, Building C, with up to 54 units of housing was issued within his authority somehow under the Comprehensive Permit issued for this site and that it supersedes all those concerns raised. Mr. Brodeur's assertions are ill founded.

On the timeliness issue, Mr. Brodeur makes no assertion that any of the undersigned had actual knowledge of the issuance of the building permit. All that he can assert is that a permit was, at



one point, issued and that when he received the enforcement request on April 7, 2014, it was well outside the 30 day appeal time frame in accordance with M.G.L. Chapter 40A, Section 15. This factor alone does not constitute the type of timely, actual knowledge of the building permit's issuance that has been found to compel a challenge within thirty days of the permit's issuance date. The first and only type of notice abutters had to the issuance of a building permit was with "constructive notice" when witnessing trees being cut, buildings demolished, and construction type vehicles used on the property. There was certainly no posting of the permit visible from the street or otherwise. Mr. Brodeur offers no facts that would support a reasonable argument that the undersigned's thirty day rights of appeal commenced at any time prior to April 3, 2014. In fact, no actual notice was received by abutters regarding any recent permit issuance on the site. This appeal is timely under Massachusetts General Laws, Chapter 40A, Section 15.

The property is located in a Single Residence (SR) District and also lies within the Aquifer and Watershed Protection Overlay District. Specifically, development in which more than fifteen percent of a building lot is rendered impervious is prohibited in the Aquifer/Watershed Protection Districts and Zones (Section 2.6, F, 2). Yet, Mr. Brodeur denies this enforcement request stating that he finds no basis in law and that the Comprehensive Permit issued for this site supersedes concerns raised. Both of Mr. Brodeur's assertions are ill founded.

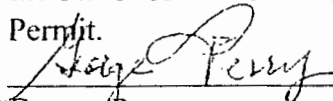
To the best of the undersigned's knowledge, Mr. Brodeur acting as the Building Inspector exceeded his authority when issuing Building Permit No. 2014-135 (See copy in Exhibit E), as the original Applicant, "Lever" and his Comprehensive Permit had lapsed and upon issuance necessary conditions failed to be met. First, it is stated on the Building Permit that "the ZBA waived the \$20,000.00 Building Permit fee because this is a 40B project". This premise remains unsupported by Public Record, and/or pursuant to M.G.L. Chapter 40B, and Comprehensive Permits. Lever's Amended Comprehensive Permit was issued on October 3, 2008, pursuant to litigation settlement with terms of the permit originally issued on April 16, 2004, with Brian Lever, as the "Applicant" under Lever Development, LLC/Village at Oakdale Associates, LLC, ("Lever/Developer"). "Lever" as the "Applicant" was allowed to request a one three year extension from the Zoning Board of Appeals ("ZBA") as stated in Paragraph 25 of the Amended (albeit an amended permit is not a final permit) Comprehensive Permit dated October 3, 2008; however, he never exercised this right. Even using this premise, Lever's permit lapsed on October 3, 2011. Certainly on December 3, 2013, when 20 days had lapsed since the ZBA's decision was filed on November 5, 2013, to grant a three year extension to a different owner/developer other than the "Applicant" with the Comprehensive Permit and the Town Clerk issued a Certificate of No Appeal, a copy of which is attached as Exhibit E, the Comprehensive Permit had lapsed. Because we as the foregoing abutters never received proper Notice regarding a request from Lever (or any other Applicant) for an extension to the original Comprehensive Permit we regard the Permit as having already lapsed on January 29, 2014, when Mr. Brodeur issued the Building Permit. Therefore, any decision granted to extend the Comprehensive

Permit under the Permit Extension Act should be rescinded as the Act does not apply to Comprehensive Permits under M.G.L. c. 40B. Second, the Building Permit Mr. Brodeur issued was without the ZBA's approval of ownership, or approval of the owner/developer by a Subsidizing Agency, Site Eligibility Letter, Agreement with the West Boylston Water Department, and without the requirements of certain fees to be appropriated to the ZBA account for services, sewer privilege fee payments, and water connection fees for each unit (See letter attached in Exhibit E). More specifically, we requested that he order a Cease and Desist Order to the owner of 94 North Main Street and rescind the Building Permit immediately and enforce the appropriate zoning. Mr. Brodeur has denied that request.

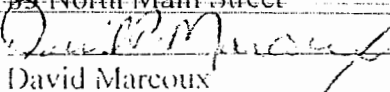
Pursuant to the By-Law, the Town of West Boylston is divided into six zones or districts, one of which is a "Single Residence District" (See Section 2.1). The property at 94 North Main Street is located in a Single Residence District.

Under Section 3, of the By-Laws provides for Use Regulations. Under Section 3.2B the only Residential Use Permitted in a Single Residence District, absent a Special or Comprehensive Permit, is a Detached One- Family Dwelling. The Residential Uses permitted in a Single Residence District with a Special Permit issued by the Zoning Board of Appeals and Accessory Apartments subject of Special Conditions 3.4. Multi-family use (4 units or less) is a prohibited use under Sections 3.2.B of the By-Laws.

Section 3.2B of the By-Law clearly prohibits the use of the proposed building with 54 units of housing, and the undersigned continue to seek an order enforcing the By-Law and an order that the owner of 94 North Main Street cease and desist all work, along with rescinding the Building Permit.



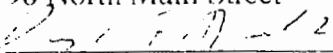
George Perry  
85 North Main Street



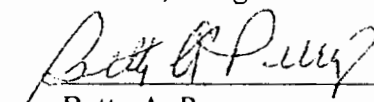
David Marcoux  
95 North Main Street



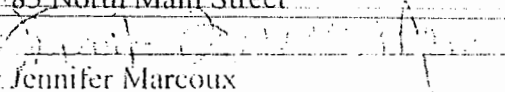
David Hutchins  
98 North Main Street



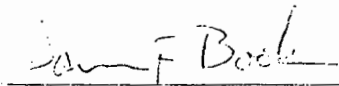
Douglas Book  
83 North Main Street



Betty A. Perry  
85 North Main Street



Jennifer Marcoux  
95 North Main Street

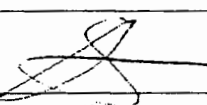


Janice Book  
83 North Main Street

West Boylston Zoning Board of Appeals

April 23, 2014

Page 4 of 5

  
Andrew Castellana

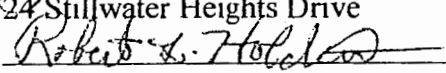
118 North Main Street

  
Lewis C. Hanseom, Jr.

16 Stillwater Heights Drive

  
Donald J. Dill

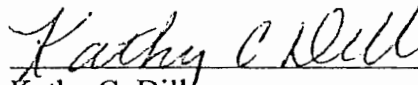
24 Stillwater Heights Drive

  
Robert Holden

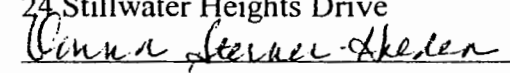
12 Stillwater Heights Drive

  
Russell White

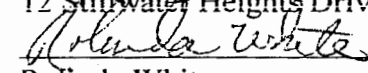
45 Waushacum Street

  
Kathy C. Dill

24 Stillwater Heights Drive

  
Donna Sterner-Holden

12 Stillwater Heights Drive

  
Rolinda White

45 Waushacum Street

Cc: Iqbal Ali, Crescent Builders, Inc.  
Mark E. Brodeur, Zoning Enforcement Officer  
Leon Gaumond, Town Administrator

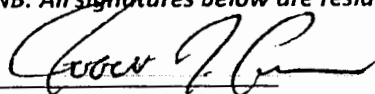
# Petition to Appeal

to the

## West Boylston ZBA

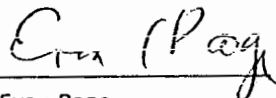
We, the undersigned, hereby appeal the decision by Mark Brodeur stated in a letter  
to West Boylston, MA residents and dated April 9, 2014

NB: All signatures below are residents of West Boylston, MA

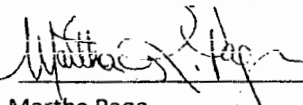


Robert Caron  
4 Stillwater Heights Drive

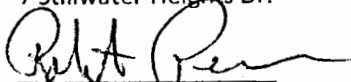
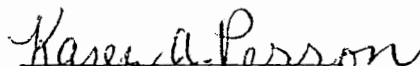

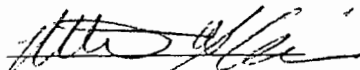
Jennifer Caron  
4 Stillwater Heights Dr.



Evan Page  
7 Stillwater Heights Dr.



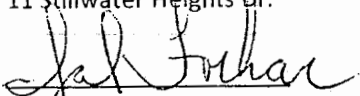
Martha Page  
7 Stillwater Heights Dr.

  
Robert Perron  
79 N. Main St  
Karen Perron  
79 N. Main St  
Travis Perron  
79 N. Main St.  
Matthew Claise

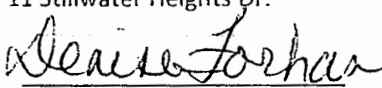
11 Stillwater Heights Dr.



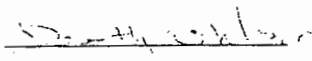
Bronwyn Claise  
11 Stillwater Heights Dr.



John Forhan  
121 North Main St.



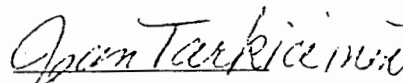
Denise Forhan  
121 North Main St.

  
Dorothy Ohlson

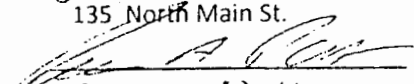
105 North Main St.

  
Stanley Phillips

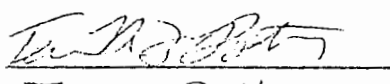
122 North Main St.



Jean Tarkainen  
135 North Main St.



James Potts  
71 N. Main St.



Tera Potts  
71 N. Main St.

# EXHIBIT A

April 3, 2014

**HAND DELIVERED AND FIRST CLASS MAIL**

Mark E. Brodeur, Zoning Enforcement Officer  
Town of West Boylston  
127 Hartwell Street, Suite 100  
West Boylston, MA 01583

RE: Oakdale 40B Building and Comprehensive Permit Issuance  
94 North Main Street, West Boylston, Massachusetts

Dear Mr. Brodeur:

This correspondence is being sent to you in your capacity as the Zoning Enforcement Officer of the Town of West Boylston pursuant to the provisions of Section 6.1 of the Zoning By-Laws of the Town of West Boylston (hereinafter "the By-Law"). The purpose of this correspondence is to request that you issue a Cease and Desist Order to the owner of 94 North Main Street and rescind the Building Permit Number 2014-135, issued for Building C, with 1-54 units on January 29, 2014. We also request that you enforce the applicable By-Law as it applies to the use of the property and structures located at 94 North Main Street.

George J. Perry and Betty A. Perry own the property at 85 North Main Street which is directly across the street from the property at 94 North Main Street. David Marcoux and Jennifer Marcoux own the property located at 95 North Main Street which is directly across North Main Street from 94 North Main Street. Douglas and Janice Book own the property at 83 North Main Street which is directly across the street from the property from the property at North Main Street. David and Michelle Hutchins own the property at 98 North Main Street and which directly abuts the property at 94 North Main Street. Donald and Kathleen Dill own the property located at 24 Stillwater Heights Drive which directly abuts the back portion of the lot at 94 North Main Street. Lewis C. Hanscom Jr. owns the property located at 16 Stillwater Heights Drive which directly abuts the property at 94 North Main Street. Andrew Castellana owns the property at 118 North Main Street which abuts and is within 300 feet of 94 North Main Street. Robert and Donna Sterner Holden own the property at 12 Stillwater Heights Drive which directly abuts the property at 94 North Main Street. Russell White and Rolinda White own 45 Waushacum Street which abuts the abutters property located at 94 North Main Street.

On January 29, 2014, we believe you exceeded your authority when you issued the building permit for the so-called Oakdale multi-family housing development without the West Boylston Zoning Board of Appeals (ZBA) approval of ownership, or approval of the owner/developer by a Subsidizing Agency, Site Eligibility Letter, Agreement with the West Boylston Water Department, and without the requirements of certain fees to be appropriated to the ZBA account for services, sewer privilege fee payments, and water connection fees for each unit.

Mark Brodeur, Zoning Enforcement Officer  
Town of West Boylston  
April 3, 2014  
Page 2 of 4

---

On April 16, 2004, the ZBA issued the original Comprehensive Permit as it applies to the use of the property and structures located at 94 North Main Street owned by Lever Development, LLC and Village at Oakdale Associates, LLC. The ZBA issued an amended comprehensive permit on October 3, 2008, pursuant to settlement of litigation and terms of the 2004 comprehensive permit which limited development to 96 rental units. Lever was allowed a one three year extension as stated in the Final Comprehensive Permit (as of 11/15/2007); however, he never exercised his right to request this extension from the ZBA. Because we, the foregoing abutters, never received proper Notice from the ZBA regarding a request from Lever (or any other Applicant) for an extension to the original Comprehensive Permit we regard the Permit as having already expired on January 29, 2014, when you issued the Building Permit. Under 40 B Massachusetts General Law, any Comprehensive Permit that was extended under the Permit Extension Act was not properly extended because the Act does not apply to Comprehensive Permits. More specifically, we are requesting that you order a Cease and Desist Order to the owner of 94 North Main Street, rescind the Building Permit immediately, and enforce the appropriate zoning.

Pursuant to the By-Law, the Town of West Boylston is divided into six zones or districts, one of which is a "Single Residence District" (See Section 2.1). The property at 94 North Main Street is located in a Single Residence District and also lies within the Aquifer and Watershed Protection Overlay Districts. Development in which more than 15 percent of a building lot is rendered impervious is prohibited in the Aquifer/Watershed Protection districts and zones (Section 2.6 (F) (2)).

Section 3, of the By-Laws provides for Use Regulations. Under Section 3.2B the only Residential Use Permitted in a Single Residence District, absent a Special or Comprehensive Permit, is a Detached One-Family Dwelling.

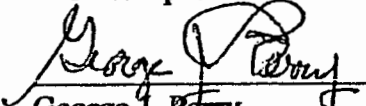
The property at 94 North Main Street had three structures. Based on the observations of some or all of the undersigned in recent weeks it appears that two of the three structures were demolished and most of the property wooded acreage was clear cut of its timber. In addition, according to Marchionda & Associates, of the ZBA Plan Set dated April 30, 2009, (Sheet 6 of 18) Lot 3 was proposed to be gifted to the Town of West Boylston to be held forever in Charitable Trust for Conservation Purposes in its open and natural state, with no access to the general public. Yet, it appears that this area is not identifiable nor surveyed and staked off from Lots 1 and 2. Therefore, we believe trees which were to remain in this area may have already been cut and removed. Specifically, we request that you order the owner of 94 North Main Street to cease from clear cutting and/or removing any more timber from the site.

Mark Brodeur, Zoning Enforcement Officer  
Town of West Boylston  
March 31, 2014  
Page 3 of 4

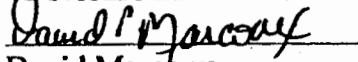
---

Per the provisions of said Chapter 40A and/or Section 6.1 of the By-Laws, you as the Zoning Enforcement Officer of the Town of West Boylston "shall notify, in writing, the party (ies) requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen days of receipt of such request." Therefore, we await your written response within that fourteen (14) day period.

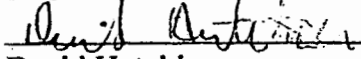
We anticipate and would appreciate prompt enforcement of the By-Laws.

  
George J. Perry

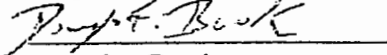
85 North Main Street

  
David Marcoux

95 North Main Street

  
David Hutchins

98 North Main Street

  
Douglas Book

83 North Main Street

  
Andrew Castellana

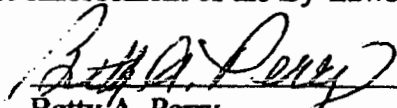
118 North Main Street

  
Lewis C. Hanscom, Jr.

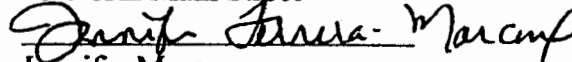
16 Stillwater Heights Drive

  
Donald J. Dill


24 Stillwater Heights

  
Betty A. Perry

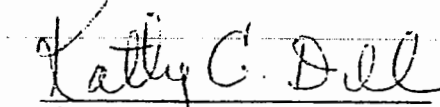
85 North Main Street

  
Jennifer Marcoux

95 North Main Street

  
Jennite Book

93 North Main Street

  
Kathy Dill

24 Stillwater Heights



Mark Brodeur, Zoning Enforcement Officer  
Town of West Boylston  
April 3, 2014  
Page 4 of 4

---

*Robert L. Holden*  
Robert Holden  
12 Stillwater Heights Drive

---

*Russell White*  
Russell White  
45 Waushacum Street

---

*Donna Sterner Holden*  
Donna Sterner-Holden  
12 Stillwater Heights Drive

---

*Rolinda White*  
Rolinda White  
45 Waushacum Street

Cc: Iqbal Ali, Crescent Builders, Inc.  
Town of West Boylston Zoning Board of Appeals  
Leon Gaumond, Town Administrator

# EXHIBIT B

April 21, 2014

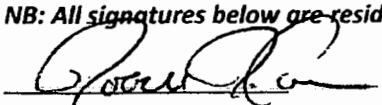
Page 5 of 5

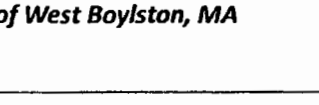
**Addendum to Cease and Desist Request Letter of April 3, 2014**

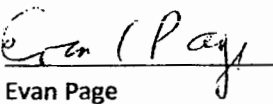
(From Page 1...) To: Mark E. Brodeur, Zoning Enforcement Office


(From Page 1...) RE: 40B Comprehensive Permit Issued for 94 North Main St, West Boylston, MA

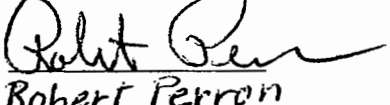
**NB: All signatures below are residents of West Boylston, MA**

  
Robert Caron  
4 Stillwater Heights Drive

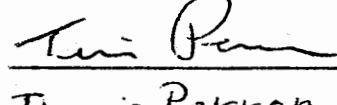
  
Jennifer Caron  
4 Stillwater Heights Dr.

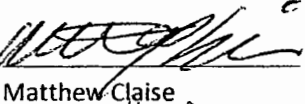
  
Evan Page  
7 Stillwater Heights Dr.

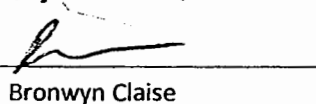
  
Martha Page  
7 Stillwater Heights Dr.

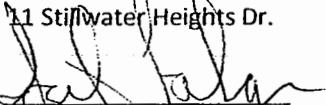
  
Robert Perron  
79 N. Main St.

  
Karen Perron  
79 N. Main St.

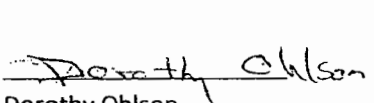
  
Travis Perron  
79 N. Main St.

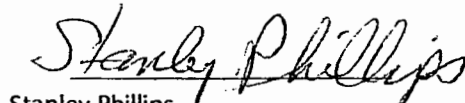
  
Matthew Claise  
11 Stillwater Heights Dr.


  
Bronwyn Claise  
11 Stillwater Heights Dr.

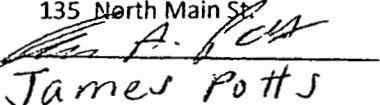
  
John Forhan  
121 North Main St.

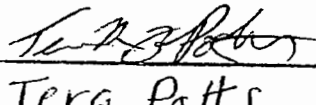
  
Denise Forhan  
121 North Main St.

  
Dorothy Ohlson  
105 North Main St.

  
Stanley Phillips  
122 North Main St.

  
Jean Tarkainen  
135 North Main St.

  
James Potts  
71 North Main St.

  
Tera Potts  
71 North Main St.

# EXHIBIT C

April 25, 2014

**HAND DELIVERED ANAD FIRST CLASS MAIL**

Mark E. Brodeur, Zoning Enforcement Officer  
Town of west Boylston  
127 Hartwell Street, Suite 100  
West Boylston, MA 01583

RE: Addendum to Cease and Desist Request Letter of April 3, 2014  
94 North Main Street, West Boylston, Massachusetts

Dear Mr. Brodeur:

Attached you will find an Addendum to the Enforcement letter sent to you in your capacity as the Zoning Enforcement Officer of the Town of West Boylston pursuant to the provisions of Section 6.1 of the Zoning By-Laws of the Town of West Boylston. The following list represents the signatories of abutters to abutters at 94 North Main Street and attached as page five.

Robert Caron owns the property at 4 Stillwater Heights Drive and is an abutter to an abutter at 94 North Main Street. Evan and Martha Page own the property at 7 Stillwater Heights Drive and are abutters to abutters at 94 North Main Street. Robert and Karen Perron are owners of the property at 79 North Main Street and are abutters to abutters at 94 North Main Street. Matthew and Bronwyn Claise own the property at 11 Stillwater Heights Drive and are abutters to abutters to the property at 94 North Main Street. John and Denise Forhan own the property at 121 North Main Street and are abutters to abutters at 94 North Main Street. Dorothy Ohlson owns the property at 105 North Main Street and is an abutter to an abutter at 94 North Main Street. Stanley Phillips owns the property at 122 North Main Street and is an abutter to an abutter at 94 North Main Street. Jean Tarkiainen owns the property at 135 North Main Street and is an abutter to an abutter at 94 North Main Street. James and Tera Potts own the property at 71 North Main Street and are abutters to abutters at 94 North Main Street.

Per the provisions of said Chapter 40A and/or Section 6.1 of the By-Laws, you as the Zoning Enforcement officer shall notify the parties in writing requesting such enforcement of any action or refusal to act and the reasons therefore, within fourteen days of such request. Therefore, we await your written response to the abutters of abutters and signatories on page five.

The foregoing listed residents anticipate and appreciate prompt enforcement of the By-Laws.

April 3, 2014

**HAND DELIVERED AND FIRST CLASS MAIL**

Mark E. Brodeur, Zoning Enforcement Officer  
Town of West Boylston  
127 Hartwell Street, Suite 100  
West Boylston, MA 01583

RE: Oakdale 40B Building and Comprehensive Permit Issuance  
94 North Main Street, West Boylston, Massachusetts

Dear Mr. Brodeur:

This correspondence is being sent to you in your capacity as the Zoning Enforcement Officer of the Town of West Boylston pursuant to the provisions of Section 6.1 of the Zoning By-Laws of the Town of West Boylston (hereinafter "the By-Law"). The purpose of this correspondence is to request that you issue a Cease and Desist Order to the owner of 94 North Main Street and rescind the Building Permit Number 2014-135, issued for Building C, with 1-54 units on January 29, 2014. We also request that you enforce the applicable By-Law as it applies to the use of the property and structures located at 94 North Main Street.

George J. Perry and Betty A. Perry own the property at 85 North Main Street which is directly across the street from the property at 94 North Main Street. David Marcoux and Jennifer Marcoux own the property located at 95 North Main Street which is directly across North Main Street from 94 North Main Street. Douglas and Janice Book own the property at 83 North Main Street which is directly across the street from the property from the property at North Main Street. David and Michelle Hutchins own the property at 98 North Main Street and which directly abuts the property at 94 North Main Street. Donald and Kathleen Dill own the property located at 24 Stillwater Heights Drive which directly abuts the back portion of the lot at 94 North Main Street. Lewis C. Hanscom Jr. owns the property located at 16 Stillwater Heights Drive which directly abuts the property at 94 North Main Street. Andrew Castellana owns the property at 118 North Main Street which abuts and is within 300 feet of 94 North Main Street. Robert and Donna Sterner Holden own the property at 12 Stillwater Heights Drive which directly abuts the property at 94 North Main Street. Russell White and Rolinda White own 45 Waushacum Street which abuts the abutters property located at 94 North Main Street.

On January 29, 2014, we believe you exceeded your authority when you issued the building permit for the so-called Oakdale multi-family housing development without the West Boylston Zoning Board of Appeals (ZBA) approval of ownership, or approval of the owner/developer by a Subsidizing Agency, Site Eligibility Letter, Agreement with the West Boylston Water Department, and without the requirements of certain fees to be appropriated to the ZBA account for services, sewer privilege fee payments, and water connection fees for each unit.

Mark Brodeur, Zoning Enforcement Officer  
Town of West Boylston  
April 3, 2014  
Page 2 of 4

---

On April 16, 2004, the ZBA issued the original Comprehensive Permit as it applies to the use of the property and structures located at 94 North Main Street owned by Lever Development, LLC and Village at Oakdale Associates, LLC. The ZBA issued an amended comprehensive permit on October 3, 2008, pursuant to settlement of litigation and terms of the 2004 comprehensive permit which limited development to 96 rental units. Lever was allowed a one three year extension as stated in the Final Comprehensive Permit (as of 11/15/2007); however, he never exercised his right to request this extension from the ZBA. Because we, the foregoing abutters, never received proper Notice from the ZBA regarding a request from Lever (or any other Applicant) for an extension to the original Comprehensive Permit we regard the Permit as having already expired on January 29, 2014, when you issued the Building Permit. Under 40 B Massachusetts General Law, any Comprehensive Permit that was extended under the Permit Extension Act was not properly extended because the Act does not apply to Comprehensive Permits. More specifically, we are requesting that you order a Cease and Desist Order to the owner of 94 North Main Street, rescind the Building Permit immediately, and enforce the appropriate zoning.

Pursuant to the By-Law, the Town of West Boylston is divided into six zones or districts, one of which is a "Single Residence District" (See Section 2.1). The property at 94 North Main Street is located in a Single Residence District and also lies within the Aquifer and Watershed Protection Overlay Districts. Development in which more than 15 percent of a building lot is rendered impervious is prohibited in the Aquifer/Watershed Protection districts and zones (Section 2.6 (F) (2)).

Section 3, of the By-Laws provides for Use Regulations. Under Section 3.2B the only Residential Use Permitted in a Single Residence District, absent a Special or Comprehensive Permit, is a Detached One-Family Dwelling.

---

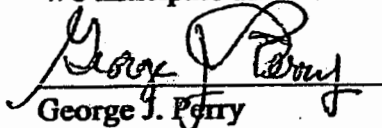
The property at 94 North Main Street had three structures. Based on the observations of some or all of the undersigned in recent weeks it appears that two of the three structures were demolished and most of the property wooded acreage was clear cut of its timber. In addition, according to Marchionda & Associates, of the ZBA Plan Set dated April 30, 2009, (Sheet 6 of 18) Lot 3 was proposed to be gifted to the Town of West Boylston to be held forever in Charitable Trust for Conservation Purposes in its open and natural state, with no access to the general public. Yet, it appears that this area is not identifiable nor surveyed and staked off from Lots 1 and 2. Therefore, we believe trees which were to remain in this area may have already been cut and removed. Specifically, we request that you order the owner of 94 North Main Street to cease from clear cutting and/or removing any more timber from the site.

Mark Brodeur, Zoning Enforcement Officer  
Town of West Boylston  
March 31, 2014  
Page 3 of 4

---

Per the provisions of said Chapter 40A and/or Section 6.1 of the By-Laws, you as the Zoning Enforcement Officer of the Town of West Boylston "shall notify, in writing, the party (ies) requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen days of receipt of such request." Therefore, we await your written response within that fourteen (14) day period.

We anticipate and would appreciate prompt enforcement of the By-Laws.

  
George J. Perry

85 North Main Street

  
David Marcoux

95 North Main Street

  
David Hutchins

98 North Main Street

  
Douglas Book

83 North Main Street

  
Andrew Castellana

118 North Main Street

  
Lewis C. Hanscom, Jr.

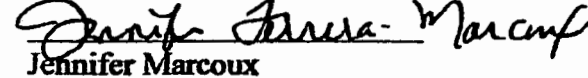
16 Stillwater Heights Drive

  
Donald J. Dill

24 Stillwater Heights

  
Betty A. Perry

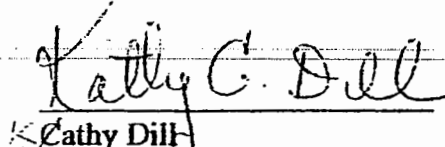
85 North Main Street

  
Jennifer Marcoux

95 North Main Street

  
Jennite Book

83 North Main Street

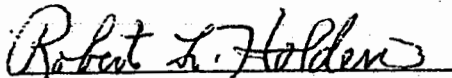
  
Kathy C. Dill

24 Stillwater Heights



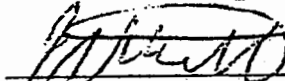
Mark Brodeur, Zoning Enforcement Officer  
Town of West Boylston  
April 3, 2014  
Page 4 of 4

---



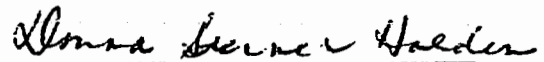
Robert Holden  
12 Stillwater Heights Drive

---



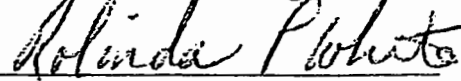
Russell White  
45 Waushacum Street

---



Donna Sterner-Holden  
12 Stillwater Heights Drive

---



Rolinda White  
45 Waushacum Street

Cc: Iqbal Ali, Crescent Builders, Inc.  
Town of West Boylston Zoning Board of Appeals  
Leon Gaumond, Town Administrator

N/F  
MITCHELL C. SANDERS

## GRADING & DRAINAGE PLAN

## CONSTRUCTION PLAN

for

THE VILLAGE AT NORTH MAIN STREET

in

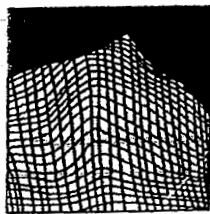
WEST BOYLSTON, MASSACHUSETTS

Prepared For

**LEVER DEVELOPMENT, LLC**

58 RHODES ROAD  
PRINCETON, MASSACHUSETTS 01541

# Marchionda



& Associates, L.P.

Engineering and  
Planning Consultants

62 Montvale Avenue  
Suite I

Stoneham, MA 02180

TEL: (781) 438-6121

FAX: (781) 438-9654

Email: [engineering@marchionda.com](mailto:engineering@marchionda.com)

Website: [www.marchionda.com](http://www.marchionda.com)

DATE: APRIL 30, 2009

...548-09\CONSTRUCTION\ZBA PLAN SET\SITE BASE.DWG

M. & A. NO. 548-09

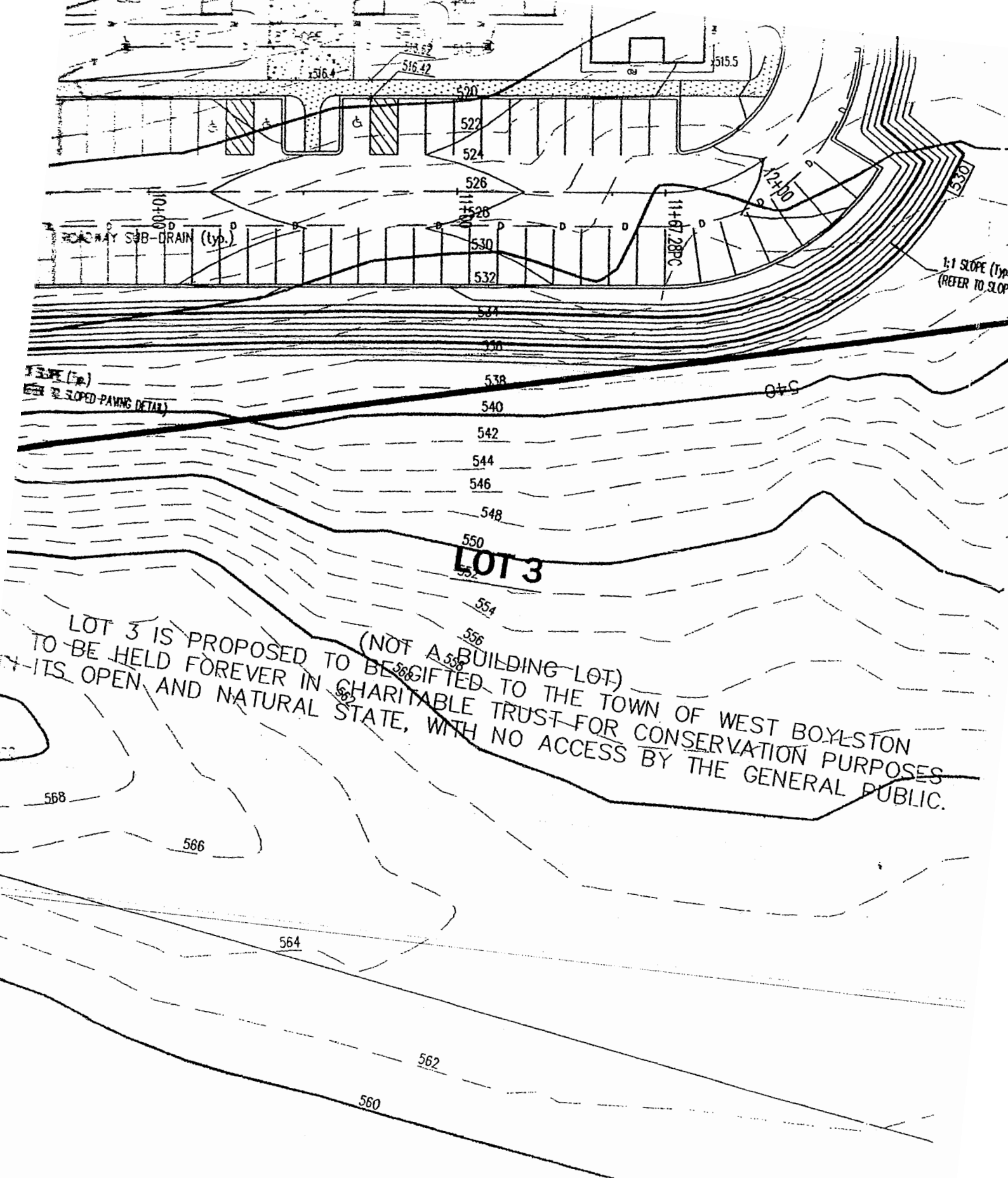
SCALE: 1"=40'

1"=40'

80

120





**LOT 3**

(NOT A BUILDING LOT)

LOT 3 IS PROPOSED TO BE GIFTED TO THE TOWN OF WEST BOYLSTON  
TO BE HELD FOREVER IN CHARITABLE TRUST FOR CONSERVATION PURPOSES  
+ ITS OPEN AND NATURAL STATE, WITH NO ACCESS BY THE GENERAL PUBLIC.

40 20 0 HORIZONTAL

# EXHIBIT D

Mark E. Brodeur, CBO  
Sheryl Keddy, Secretary



Telephone 508-835-6091  
Fax 508-835-6572

## Office of the Inspector of Buildings

Town of West Boylston  
127 Hartwell Street, Suite 100  
West Boylston, MA 01583

April 9, 2014

Listed residents  
West Boylston, MA. 01583

RE: 94 North Main Street, Village at Oakdale

Dear Residents,

As the Inspector of Buildings for the Town of West Boylston and its Zoning Enforcement Officer I recently received a request for enforcement of the Town of West Boylston Zoning By-laws and specifically under Section 2.6, F, 2, as regards the amount of non-pervious surface per lot and Section 3.2.B, Residential Use as regards the multi-family type construction project at 94 North Main Street.

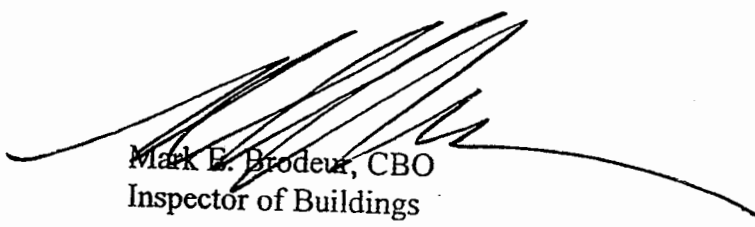
That request is hereby denied as we see no basis in law for your request. The Comprehensive Permit issued for this site supersedes those concerns raised.

Further, your request to have the Building Permit rescinded is also denied. In accordance with MGL, Chapter 40 A, 15, an appeal of the issuance of a building permit must be taken within 30 days of the permit being issued. Your request was received in this office 4-7-14 which date is well outside that time frame.

In addition, your form of appeal does not meet the criteria established in the statute as it was not filed with the Town Clerk of the Town of West Boylston in a timely manner.

While we appreciate your concerns we find no basis in law to further your appeal at this time.

Respectfully,



Mark E. Brodeur, CBO  
Inspector of Buildings

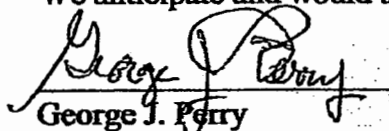
CC: File, TA, ZBA

Mark Brodeur, Zoning Enforcement Officer  
Town of West Boylston  
March 31, 2014  
Page 3 of 4

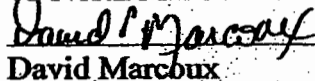
---

Per the provisions of said Chapter 40A and/or Section 6.1 of the By-Laws, you as the Zoning Enforcement Officer of the Town of West Boylston "shall notify, in writing, the party (ies) requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen days of receipt of such request." Therefore, we await your written response within that fourteen (14) day period.

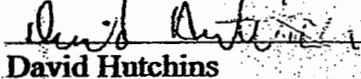
We anticipate and would appreciate prompt enforcement of the By-Laws.

  
George J. Perry

85 North Main Street

  
David Marcoux

95 North Main Street

  
David Hutchins

98 North Main Street

  
Douglas Book

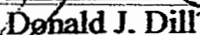
83 North Main Street

  
Andrew Castellana

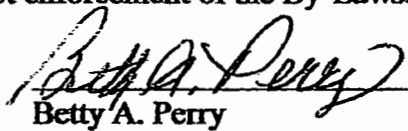
118 North Main Street

  
Lewis C. Hanscom, Jr.

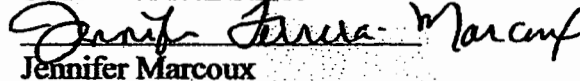
16 Stillwater Heights Drive

  
Donald J. Dill

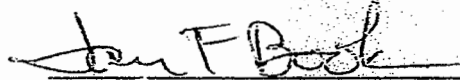
24 Stillwater Heights

  
Betty A. Perry

85 North Main Street

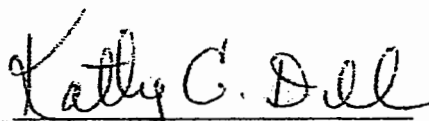
  
Jennifer Marcoux

95 North Main Street

  
Jennife Book

93 North Main Street

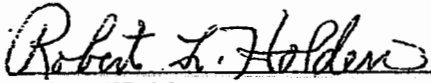
93 North Main Street

  
Kathy Dill

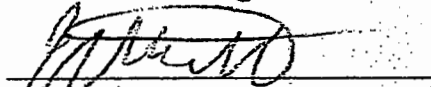
24 Stillwater Heights

24 Stillwater Heights

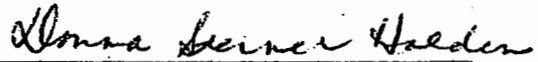
Mark Brodeur, Zoning Enforcement Officer  
Town of West Boylston  
April 3, 2014  
Page 4 of 4




Robert Holden  
12 Stillwater Heights Drive



Russell White  
45 Waushacum Street



Donna Sterner-Holden  
12 Stillwater Heights Drive



Rolinda White  
45 Waushacum Street

Cc: Iqbal Ali, Crescent Builders, Inc.  
Town of West Boylston Zoning Board of Appeals  
Leon Gaumond, Town Administrator



# EXHIBIT E

Mark E. Brodeur, CBO  
Sheryl Keddy, Secretary



Telephone 508-835-6091  
Fax 508-835-6572

**Office of the Inspector of Buildings**

Town of West Boylston  
127 Hartwell Street, Suite 100  
West Boylston, MA 01583

January 29, 2014

Mary Orciuch, Esquire  
Adams & Associates  
11 Foster Street  
Worcester, MA. 01608

Crescent Builders  
85 Chestnut Street  
Shrewsbury, MA. 01545

**Re: 94 North Main Street, Village at North Main Street**

Dear Ms. Orciuch,

With this letter we are prepared to issue the Building Permit for 94 North Main Street, Building C, and Units 1 through 54. That permit will be ready to be picked up on 1-30-2014 at the Building Department.

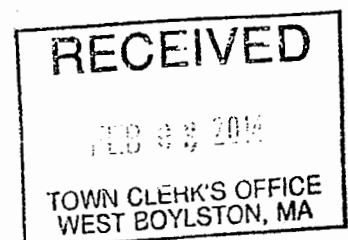
However, certain issues remain unresolved and of some concern. Therefore, the permit is being conditioned upon the following being completed on a timely basis:

1. Approval of the change of ownership by the ZBA.
2. Approval of the owner/developer by the subsidizing agency. (Project Eligibility Letter)
3. Depositing of a sum of money into the ZBA account for engineering services in order to inspect, as needed, ongoing site construction and compliance with the Comprehensive Permit.
4. Agreement with the West Boylston Water District for the purposes of water supply.

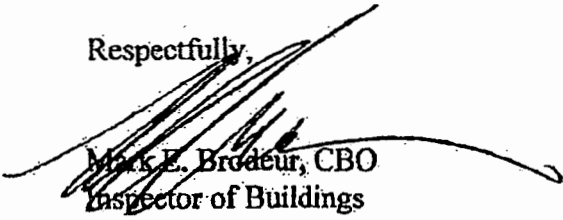
Further, please be aware that upon completion of each building, the developer is responsible to provide this department with "As Built" plans for all phases of the project. Those plans must include final as built drawings for not only the site work but the building itself, including all mechanical aspects of the project as well.

During construction a full set of documents must be available on site for our inspectors to review and sign off as work proceeds.

Attest True Copy  
Kim D. Hopewell  
Town Clerk



Respectfully,



Mark E. Brodeur, CBO  
Inspector of Buildings

CC: File, FD, TA, DPW, Water District, Light Board, BOH

Attest True Copy  
Kim D. Hopewell  
Town Clerk



# Town of West Boylston

127 Hartwell Street Suite 100

## BUILDING PERMIT

THIS PERMIT MUST BE DISPLAYED AT THE JOB SITE

This is to certify that permission is hereby granted for:

Owner: BARRE SAVINGS BANK  
Located At: 94 NORTH MAIN STREET  
Applicant Information  
CRESCENT BUILDERS  
85 Chestnut Street  
SHREWSBURY MA 01545

Parcel I. 108-56  
Building Permit #: 2014-135  
Permit Type: New Residential Building  
Date: 1/29/2014  
Expiration Date: 1/29/2015  
Cost of Construction: \$1612000.00  
Application Date: 1/23/2014

All work shall be executed in strict compliance with the permit application, the provisions of the Town of West Boylston Zoning Bylaws, any and all Bylaws of the Board of Selectmen of the Town of West Boylston, approved plans, the State Building Codes, and all other laws, rules and regulations which apply. The building permit does not constitute authority to build in violation of any federal, state, or local law other rule or regulation.

**Construction Supervisor**

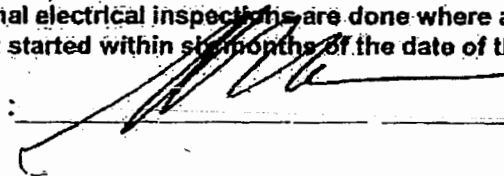
Iqbal Ali  
85 Chestnut Street  
Shrewsbury MA 01545

Fees:	Check #	Amount
Res - Building Permit	n/a	\$0.00
Residential Building Permit - ZBA waived \$20,000 fee because this is a 40B project		
<b>Total:</b>		<b>\$0.00</b>

**Do not proceed beyond these points below until signed and dated by the inspector.**

_____ HVAC Final _____ Date	_____ Electrical - Final _____ Date	_____ Plumbing - Final _____ Date
_____ Fire Dept. Inspection _____ Date	_____ Building - Final _____ Date	

Permission hereby granted to proceed with the work as set forth in the specification, plans or statements now on file in this Department. Any amendments made to the original plans or specifications must be submitted for approval. Final inspection will not be done until final plumbing and final electrical inspections are done where applicable. Permit will become null and void if construction work is not started within six months of the date of the permit is issued as noted.

  
\_\_\_\_\_

Attest True Copy  
Kim D. Hopewell  
Town Clerk

Kim D. Hopewell, Town Clerk  
Elaine Novia, Asst. Town Clerk



Telephone (508) 835-6240  
Fax (508) 835-4102

**Town Clerk's Office**  
Town of West Boylston  
127 Hartwell Street  
West Boylston, Massachusetts 01583

Dec. 3, 2013

**Certificate of No Appeal**

The Zoning Board of Appeals  
Extension of Comprehensive Permit

Barre Savings Bank

Re: Request for a Three (3) Year Extension of the Comprehensive Permit for the development of a parcel of land located at:

94 North Main Street  
West Boylston, MA 01583

The undersigned, being the Town Clerk of the Town of West Boylston, hereby certifies that the foregoing decision was filed with the Town Clerk on Nov. 5, 2013. Over twenty (20) days have elapsed after filing of the decision, and no notice of any action appealing the decision has been filed with the office of the Town Clerk during this twenty day period.

Certified this 3rd day of December 2013.

Kim D. Hopewell  
Town Clerk

Attest True Copy  
Kim D. Hopewell  
Town Clerk



# TOWN OF WEST BOYLSTON

## ZONING BOARD OF APPEALS

127 Hartwell Street  
West Boylston, MA 01583

**[THIS IS AN AMENDED DECISION OF THE ZONING BOARD OF APPEALS FILED AT THE REQUEST OF THE PETITIONER. THE CHANGES TO THE ORIGINAL DECISION ARE UNDERLINED.]**

Re: Request for a Three (3) Year Extension of the Comprehensive Permit Issued for 94 North Main Street, West Boylston, MA 01583

On May 28, 2013, the Zoning Board of Appeals of the Town of West Boylston, Massachusetts conducted a public hearing on a request from Barre Savings Bank to extend the Comprehensive Permit, previously issued by the Zoning Board of Appeals, for the development of a parcel of land located at 94 North Main Street, Assessor's Map 108, Parcel 56. The Zoning Board of Appeals, having reviewed the petition and evidence submitted, as well hearing testimony at the public hearing, finds as follows.

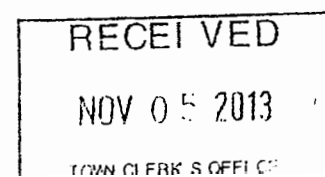
### Findings:

1. In a decision dated October 3, 2008, recorded at the Worcester District Registry of Deeds Book 45632 Page 252, as affected by a Vote dated April 9, 2009 recorded at the Worcester District Registry of Deeds Book 45632 Page 226, as affected by a Decision on Notice of Project Change dated January 12, 2010 recorded at the Worcester District Registry of Deeds Book 45632 Page 269, the Town of West Boylston Zoning Board of Appeals ("Board") approved and issued an amended comprehensive permit for a 96-unit affordable rental housing project located on a 9.82 acre parcel of land at 94 North Main Street, West Boylston, MA. The Board's decision was signed by Board Chairman Philippe Chevalier.

2. Paragraph 25 of the October 3, 2008 decision states:

~~If construction authorized by this Comprehensive Permit has not begun~~  
within five (5) years of the date on which the permit becomes final except for good cause, the permit shall lapse. The time period shall be tolled for the time required to pursue or await the determination on any appeal on any other state or federal permit or approval required for the Project. Applicant shall be entitled to request one three-year extension from the Board, which extension shall not be unreasonably denied or denied due to other Projects built or approved in the interim.

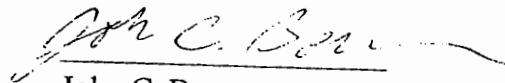
Attest True Copy -  
Kim D. Hopewell  
Town Clerk



3. The owner of the property at the time the above Comprehensive Permit was issued was Oakdale Development, LLC.
4. Subsequent to the issuing of the Permit discussed above, Barre Savings Bank foreclosed on the property and took title to the property by a Foreclosure Deed.
5. Subsequent to taking title to the property identified above, Barre Savings Bank requested that the Board approve a three (3) year extension to the Comprehensive Permit, pursuant to Paragraph 25 of the October 3, 2008 decision.
6. By unanimous vote, the Board approved the request for an extension to the Comprehensive Permit for a period of three (3) years, to October 3, 2016.

Decision:

The Board finds and so votes that the pursuant to the request from Barre Savings Bank, the Comprehensive Permit, issued in the Board's October 3, 2008 decision, is extended for a period of three years, to October 3, 2016.



John C. Benson  
Chairman  
Zoning Board of Appeals





Commonwealth of Massachusetts  
**DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT**

Mitt Romney, Governor ♦ Kerry Healey, Lt. Governor ♦ Jane Wallis Gumble, Director

April 24, 2003

Mr. Kevin McCormick, Chairman  
West Boylston Board of Selectmen  
Mixer Municipal Office Building  
120 Prescott Street  
West Boylston, MA 01583

RE: Chapter 40B Comprehensive Permit

Project Name:	The Village at Oakdale Apartments
Location:	94 North Main Street (Route 140), West Boylston, MA
Number of Units:	124
Subsidizing Agency:	Department of Housing and Community Development
Applicant:	Lever Development, LLC

Dear Mr. McCormick:

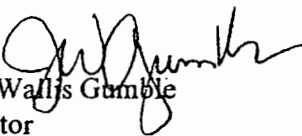
This will serve to notify you, pursuant to 760 CMR 31.01 (2) (d), that the above named applicant has applied to the above named subsidizing agency under the Low Income Housing Tax Credit program for preliminary approval of the above referenced project. The project is a rental project, with a total of 124 units, of which 76 (61%) are low income under 40B.

Enclosed, please find a copy of the application for your review. The review period for comments ends 30 days from the date of this letter. Any comments will be considered prior to issuing a determination of Project Eligibility. Please address comments to:

Catherine Racer  
Division of Housing Development  
DHCD  
One Congress Street, 10th Floor  
Boston, MA 02113

If you have any questions regarding this letter, please feel free to call Kate Racer at 617-727-7824.

Sincerely,

  
Jane Wallis Gumble  
Director

Cc: Brian P. Lever