



TOWN OF WEST BOYLSTON PLANNING BOARD planningboard@westboylston-ma.gov
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MEETING MINUTES

February 12, 2014

Chairman: Christopher Olson

Members Present: Marc Frieden, Vincent Vignaly, James Kaufman

Members Absent: Patrick McKeon

Others Present: See Attached Sign-In Sheet

All documents referenced in these Minutes are stored and available for public inspection in the Planning Board Office located at 127 Hartwell Street.

The meeting was called to order at 7:08 p.m.

Master Plan Rewrite (review of updated drafts)

An email was received from the Town Wide Planning Committee as to the three chapters that were forwarded. Most of the changes were made, but not the change to the Economic Development chapter. The TWPC rejected “the Planning Board recommends changing the intent of the business survey to indicate that business people feel that town office support their needs.” Mr. Vignaly thought we were going to have a meeting with the TWPC to discuss the process. How do the comments that are incorporated apply to the Master Plan? Mr. Kaufman said the committee wants to update the Plan in sections because the last update took five years. Mr. Vignaly is hesitant to send it in in pieces because the point of the Master Plan is to coordinate all the different interests in town and prioritize actions. It is the Planning Board who approves and decides whether it is a Master Plan. Until the board agrees and sends it in, it is not part of the Master Plan. Mr. Kaufman will express our concerns to the Town Administrator and will have an update for the next meeting.

21 Franklin Street (construction concerns) – The draft letter was reviewed, revised and will be updated by Mr. Frieden then Mr. Olson will forward to Mr. Faucher.

“Grandfather” Clarification – The draft letter was reviewed, revised and will be forwarded to the Building Inspector.

Board of Selectmen’s Business License Comment Clarifications – Mr. Vignaly will draft a letter for review at the next meeting.

Common Issues Related to Site Plan Review process and ZBA's Special Permit Granting Authority – Mr. Olson spoke with John Benson. Mr. Benson told Cumberland Farms to present amended plans no later than two weeks before the next ZBA meeting. Dave Femia said no plans were received as yet. Regarding the language in the Variance and Special Permit, Mr. Benson told Mr. Olson that it was his recollection that the applicant was withdrawing the Variance request regarding the signs, and may also be withdrawing the Special Permit request for 24 hour operation. The only remaining issues are the use for vehicle fuel dispensing and parking. Mr. Benson said the ZBA would consider including language to the effect that it would be contingent upon Planning Board review if a Special Permit were to be granted. Mr. Vignaly's outstanding concern is with the queuing spaces for the gas island. He will draft a letter to the ZBA with our comments so the applicant will be ready for when they come before us.

Zoning Bylaw Change to Section 4.2C (Special Permits for the reduction of the minimum residential lot frontage requirements) – Mr. Vignaly prepared a draft change that removed the existing language allowing frontage to be reduced to 100', and proposed in its place wording for what are known as "Estate Lots", "Flag Lots", "Hammerhead Lots", or "Pork Chop Lots". He included suggested wording for discussion, as well as various existing bylaws from other towns. He said the question has come up in the past that if a person has a large lot with limited frontage, why can't they be allowed to build on an oversized lot with reduced frontage. This would allow these lots "by right". An example given was for a parcel that has 200' of frontage and is 7 acres located where there is a requirement of 120' of frontage, currently construction of subdivision road would be required to create one additional lot, which is an expensive condition, and the town would likely be asked to maintain it in the future. This proposed bylaw would maintain the feel of the town along the streets, and provide flexibility for large lots to be developed by landowners. In this example, this bylaw would allow division of a large lot into one typical size (40,000 square feet) lot with a little more than 120' of frontage, and a second lot with a more narrow frontage (maybe 60'-80'), but with a large (6 acres) area for a house in the rear that also would have minimum yard setbacks of 50' all the way around. We want to make that property in the back be large enough with a big enough buffer so that there is not any encroachment into the personal space of the frontage lot owners. He has not had a chance to research the town's GIS mapping system to see how many lots have 4 acres or more to estimate how many properties may use this bylaw. He proposed 3 acres since it is about double the area requirement in the Aquifer Protection District.

Mr. Olson said what is being proposed is removing 4.2C and replacing it with the Estate Lot draft. Mr. Vignaly said 4.2.C currently allows the ZBA to issue a Special Permit to reduce frontage to 100' but does not have any minimum area requirement. It currently is a Special Permit process; whereas what is proposed is a "by right" process. If certain standards are met, they may be issued a building permit. It would be less costly and provide an option for property owners. If an applicant wants to make smaller lots, they can still use the Open Space Residential Development bylaw and/or the Incentive Bylaw as an alternative.

Mr. Olson also said that currently 4.2.C talks about residential lots that include both single and general resident districts; whereas the draft talks just about single residences. Mr. Vignaly said he did not include general residences because general residences are typically on the highways (Route 140, Route 12) and he was trying to minimize curb cuts which are noted in the Master Plan to be problematic when too frequent along the numbered highways.

Mr. Olson pointed out that owners in the General Residence districts now have the option to apply for a Special Permit, but will lose this option if the bylaw is changed. The minimum area of the current bylaw is 40,000 square feet; whereas the draft is three acres, therefore lots having less than 4 acres will not be divisible unless they have the full frontage requirement. In the past they could apply for a Special Permit to reduce the frontage to 100’.

The discussion draft allows a “by right” reduction of the frontage to as little as 40’ from what is now currently 120’ (which could be reduced to 100’). We are essentially going from 120’ to 40’ in certain situations where the lot is big enough and not close to another flag lot. The section of the bylaw showing the graph/chart with the minimum frontage with the change will need to be reviewed and possibly changed for consistency.

Medical Marijuana Draft Bylaw (schedule Public Hearing) – A public hearing was scheduled for March 26th at 7:00 p.m.

ANR Plan – 223 Prescott Street (Allison Smith) – The applicant was not in attendance. The plan meets the required frontage (120’) and the required area (40,000 square feet); however, the application is incomplete. Signatures of all owners are required, with proof of authorization by Riedl Place is needed; and an additional fee of \$100 due (there are two lots being divided from the remaining large lot, meaning three lots are involved). Mr. Frieden made a motion to conditionally approve the ANR Plan located at 223 Prescott Street, West Boylston MA for Allison Smith by Land Planning, Inc. until all requirements are completed; Mr. Kaufman seconded the motion; Mr. Olson; Mr. Frieden; and Mr. Kaufman all voted in favor. Mr. Vignaly abstained from voting because the property abuts DCR land for which he is an employee.

CMRPC (DLTA funding application) – Request assistance in preparing the Village Zoning District Bylaw – Mr. Frieden will contact Christopher Ryan, Community Development Manager (CMRPC) and let him know we are interested in their assistance with the preparation of a Village Zoning District bylaw. We could possibly submit it for the fall Town Meeting.

Building Inspector informational letter regarding 94 North Main Street, Village at North Main Street – The building permit was issued with conditions.

ZBA informational letter regarding Planet Fitness variance – The ZBA denied the request for a variance.

Proposed Solar Project – Mr. Olson did not receive a response from the Town Administrator with regard to the details; location, size. Mr. Gaumond scheduled a meeting for Friday, February 14th at 3:00 p.m. to talk about it. Mr. Olson will inform Mr. Gaumond that he is unable to attend. The proponent (Borrego Solar Systems) will not be in attendance.

Reports from Other Boards – Mr. Frieden said the Affordable Housing Trust is holding a Community Housing Forum on February 22nd.

Open Space Implementation Committee – Mr. Vignaly said an emergency meeting was held. The 26 acre property surrounding Carroll’s Pond was purchased at auction. It was under Chapter 61A (agricultural exemption). The new owner proposes to take out 2 acres from Chapter 61A to

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build houses. The town has 120 days to evaluate the option for right of first refusal and can buy it at fair market value. The Open Space Committee wants to know what the process is to set a value on what the town would have to buy, and can the town buy it after it has already been sold through bankruptcy. Mr. Vignaly is not clear on whether the town has any rights. The 26 acre property was sold for \$101,000. If they are saying it's worth \$100,000 for two acres, which is possible because the other 24 acres has a restriction for no building, the Committee did not believe that would be worth it. They didn't think it was worth going forward on the acquisition at the high price, but had some questions on the specifics of what would be acquired and at what price. Mr. Vignaly to speak with the Town Administrator to see if a legal opinion could be received, and if the town needs to take a little more time out of that 120 days to do some investigation before a decision is reached.

Community Preservation – Mr. Kaufman said he spoke with Mr. Hadley regarding coordinating the needs of the Senior Center and Holy Cross (Goodale Street) use for the elderly. Mr. Hadley thought it was not an option, but wasn't sure. Mr. Kaufman will follow-up.

Mr. Kaufman said that because of the extensive changes and legal issues involved, the Community Preservation Committee denied the request regarding funding for repairs to the stained glass windows in the Mason Lodge on Church Street. The windows are from the Old Stone Church. The Committee said they could reapply.

Other Topics – A WPI student studying a Land Use Development and Controls course attended the meeting to observe and obtain information on the planning side of development (how the board collaborates and makes decisions).

Approve Payment of Invoices/Review Draft Meeting Minutes of January 22, 2014 – Mr. Vignaly made a motion to approve the January 22, 2014 Meeting Minutes with changes noted; Mr. Frieden seconded; all voted in favor; motion approved.

A motion was made by Mr. Frieden to adjourn; Mr. Kaufman seconded; all voted in favor; motion approved. The meeting adjourned at 9:30 p.m.

Date Accepted: _____

By: _____
James Kaufman, Clerk

Submitted by: _____
Melanie Rich