



TOWN OF WEST BOYLSTON PLANNING BOARD planningboard@westboylston-ma.gov
127 Hartwell Street, Suite 100 * West Boylston MA 01583 * Phone 508-835-3490 * Fax 508-835-4102

MEETING MINUTES

March 12, 2014

Chairman: Christopher Olson

Members Present: Marc Frieden, Vincent Vignaly, Patrick McKeon

Members Absent: James Kaufman

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 7:10 p.m.

Master Plan Rewrite (review of updated drafts)

Mr. Olson spoke with the Town Administrator and discussed his opinion regarding the role of the Town Wide Planning Committee. Mr. Gaumond said he thought West Boylston was the only town in the state of Massachusetts that does not have the Planning Board in charge of Town Wide Planning. Mr. Olson said we have to have the mechanism to make important decisions with regard to Open Space, Recreation, etc., who does make the decision, and how do we create a planning process. Mr. Gaumond agreed that we should look at a third party consultant who is more familiar with this type of issue and recommended using someone from the CMRPC and/or Elaine Wijnja from the DHCD. We need someone who is an expert that we can use as a resource for guidance and direction. Mr. Frieden said working with Dick Heaton has worked out flawlessly in the Affordable Housing Trust. He said Mr. Heaton has moved them along head and shoulders above where they would have been. Mr. Gaumond was told that other towns not only update the Master Plan by chapter, but it is not uncommon for updates to be done page by page within a single chapter. The Planning Board would like to figure out the best way to achieve strategic planning. Mr. Olson asked if we could send the Historical, Financial and Economic Development chapters to the state. An email with the chapters will be sent to the members and it will be discussed at the next meeting.

Board of Selectmen's Business License Comment Clarifications – Edits were made and Mr. Olson will forward it to the Selectmen.

Zoning Bylaw Change to Section 4.2C (Special Permits for the reduction of the minimum residential lot frontage requirements) – Mr. Olson spoke with John Benson (ZBA Chair). Initially, Mr. Benson did not have any significant views or opinions as to whether or not the

change made sense. He said it was the Planning Board's purview to change bylaws and if he had any issues personally, he would talk about it at town meeting. He likes to think of the ZBA as a quasi-judicial body in reviewing bylaws as opposed to giving input as to what the actual bylaws are. He would, however, like to understand better what the nature of the problem was that is trying to be addressed with the possible bylaw change. Mr. Olson discussed the inconsistencies between 4.2.C and 4.1.E. Mr. Benson did not seem to think there was a lot of confusion between the two sections. Mr. Benson said he is not in favor of having the board that that is responsible for writing the bylaws being the same board that is responsible for saying when it is ok to make an exception in a particular case. Mr. Femia asked why the Planning Board couldn't conditionally approve it first. Mr. Frieden replied that the Planning Board cannot approve something that does not meet the Zoning Bylaws. Proponents are required to go to the ZBA for other issues, and they could still get denied by the ZBA. Mr. Vignaly said suggested a solution could be that we change the Special Permit granting authority within the zoning bylaws from the ZBA to the Planning Board. Further investigation of the specifics of this change is needed.

There was brief discussion concerning the "U" shaped lot on Lost Oak Road that was discussed at the last meeting. Mr. Frieden suggested changing the setbacks rather than the acreage, but the current proposal for 50' setbacks seems to do what he intended. Mr. Femia asked about covenants and was told if it is specified on the deed it wouldn't matter what changes the Planning Board makes. More research is needed.

ANR Plan (Hosmer & Keyes Streets) Andrew Beardsley & Robert Armstrong – Ron Thunberg (Hub Survey Associates) was in attendance. The plan meets the required frontage (120') and the required area (40,000 square feet). Mr. Vignaly made a motion to approve the ANR Plan of Land located in West Boylston MA, owned by Andrew A. Beardsley & Robert Armstrong, Assessors Reference is Map 108 Lot 11 (Keyes & Hosmer Streets), prepared by Hub Survey Associates, Inc. dated February 17, 2014; Mr. Frieden seconded the motion; all voted in favor; motion approved and the board signed the mylar and 6 copies of the plan.

Non-Conforming Signs under Town Bylaw Section 5.6.A.5.e – Mr. Olson spoke with the Town Administrator. He brought up the provision of the updated sign bylaw. Mr. Gaumond questioned how that would work in practice because you are requiring a business to invest money and doing research to try to figure out if it is grandfathered and that would be expensive for the applicant. There is a choice; they can invest and try to substantiate the grandfather claim, or they can abide by the bylaw. Mr. Vignaly asked why that concern was not brought up when the bylaw was being proposed. They have the time prior to their sign permit renewal to compile the information and determine if there is a real claim. Mr. Olson said as far as grandfathering is concerned and updating the sign bylaw, or any other bylaw when it comes to grandfathering; the only mechanism we have as a town is to update land, laws, and requirements and get new businesses to abide by what the new bylaws are as opposed to what they were 20-30 years ago. Mr. Frieden said we received a lot of input when we had the public hearing on what types of signs the town wanted and that's why we want them to conform. The enforcement is under his authority, so Mr. Gaumond should investigate and ensure that it occurs.

Mr. Olson said Mr. Gaumond mentioned that in previous towns he worked for, the Planning Board had regular meeting with the Building Inspector to go over issues and get his feedback to

improve communication. It would build the groundwork for any future Building Inspector. This is something the board is in favor of and will contact Mr. Gaumond to follow up.

Status of Village Zoning Bylaw Grant with CMRPC – Mr. Frieden spoke with Trish Settles, CMRPC, who said there are 20 hours of their services left. She suggested she and Chris Ryan attend one of our meetings to discuss what we are trying to do and what help we would like. Mr. Vignaly reminded him of the email forwarded by the Town Administrator from the CMRPC for technical assistance to communities that specifically noted its applicability to drafting Village Zoning Bylaws. Mr. Frieden will follow-up.

Proposed Borrego Solar Project on Tivnan Drive – Mr. Olson had a discussion with the Town Administrator to obtain more details on whether a Site Plan Review will be required. He pointed out to Mr. Gaumond that Section 3.6 requires a Site Plan Review when there is new construction of a non-residential building. The existing solar field has a building on it, but no Site Plan Review was required by the Building Inspector, and the new field will be much larger. Mr. Gaumond said that according to their preliminary plan (which has not been finalized), no building is being proposed, but there may be a 3' x 5' building to cover the panel connection to the power lines. The Town Administrator said he expects that the Building Inspector will be issuing a building permit. The question is then, is that building being proposed a non-residential building. Mr. Vignaly said that in the past, if a building permit is issued and it is a non-residential use, then Section 3.6 applies and a Site Plan Review is needed. When the preliminary plan is ready, Mr. Gaumond will let us know, and Jared Connell, the proponent, has said they would come before the board. Mr. Olson asked to see the plan before a building permit is issued. If a Site Plan Review is required and conditions are acceptable, the applicant can add to their cover letter requests that certain items be waived during the Site Plan Review. They will have to go before the ZBA for a Special Permit for the use. We need to hear from Mark Brodeur who is the enforcement authority. Mr. Olson will follow up with Mr. Gaumond and Mr. Brodeur.

Amend January 22, 2014 Meeting Minutes regarding College of the Holy Cross Retreat on Goodale Street – Mr. Vignaly made a motion to amend the January 22, 2014 Meeting Minutes to correct the stated tax revenue amount from \$32,000 to \$18,000 per Mr. Gaumond's email; Mr. Frieden seconded the motion; all voted in favor; motion approved.

CMMPO Letter regarding Annual Development 2015-2018 TIP Project – This is statewide funding for large projects. The town currently has nothing on the TIP. At the Transportation Committee Meeting, Mr. Vignaly reported that Anthony Sylvia (DPW Director) suggested that we start thinking about putting projects on the list and suggested the reconstruction of Newton Street (adding in a sidewalk and reconstructing the road) and Hartwell Street down to Route 140 area. The process is ongoing, but usually takes 8-12 years for it to happen. No action needed.

Reports from Other Boards – Mr. Frieden said the Affordable Housing Trust held their forum on senior housing and input was reviewed. Some items on the "wish list" included leasing town land instead of selling land, building on property of the Housing Authority, building where there is sewer available, possibly incorporate senior center and public facilities, project operated by the Housing Authority, senior housing with the senior center age restricted to over sixty years, financial aspect, lower rent, public transportation, maximize the number of units at 80% of AMI, 36-60 units for the Orchard Knoll expansion project, mixed age groups are not currently working and segregating by age is anticipated preference should be for housing for veterans and WB

Planning Board Meeting Minutes – March 12, 2014

residents. The architectural design was reviewed and the location was discussed. Mr. Frieden asked if DCR land could be built on. Mr. Vignaly said he cannot speak for DCR, but for the town to acquire land from DCR, it would take a 2/3 vote of the legislature to release the land because it is in Chapter 90. Mr. Frieden will contact Jim French of the DCR. Costs for the town to draft the conceptual plan would come out of CPC money, then pay over 30 years for approximately a \$10 million project.

Mr. Vignaly asked if they discussed how this expansion at Orchard Knoll should be adjusted based on the impacts to the town budget for the 96 apartments that will be coming on North Main Street, Oakdale. Mr. Frieden said they didn't talk about the other costs. Mr. Vignaly said there is a concern having more people there than the town's facilities can handle. Mr. Femia said that the ZBA is receiving emails because there have been no public hearings on the changes in ownership. Mr. Femia noted that Mr. Gaumond said there does not need to be notification for change of ownership, while Mr. Heaton suggested that it be discussed. Mr. Frieden said possibly a presentation should be held, not a public hearing because nothing is being changed. Mr. Femia said the builder has not petitioned to meet with the ZBA. He said they were issued a conditional building permit on January 29, 2014. The ZBA was informed that Crescent Builders now owns the property, will be starting construction on the site and would like to meet with the ZBA. Mr. Vignaly suggested to Mr. Femia that this request to meet with the ZBA should be responded to. He is not certain of ZBA protocols, but the ZBA could possibly be missing some statutory timeframes if they don't reply. Mr. Frieden said that Dick Heaton said he will help with the law. Mr. Gaumond said he will be putting something on the web to inform the public. It was suggested to have Pat Halpin and Dick Heaton attend the ZBA meeting on Monday, 3/17/14. The town did not have the Housing Production Plan in place when the original permit was granted, so providing that as a guide to the proponent for what the town would like to see might ease some of the fears. Now is the time to ask for things to be changed or we will lose the opportunity. They may agree to some of the suggestions even if there is no legal standing by the town. The key is to protect the town.

The **Housing Production Plan** was approved by the Department of Housing & Community Development.

Mr. Vignaly said he met with the Parks Committee to discuss future plans and their focus right now is for Goodale Park. The current football field is in need of repair, as well as the outfield in the high school baseball field, adding another practice field by the pool, and adding parking and handicapped parking near the fields for grandparents of athletes. Mr. Vignaly was trying to coordinate for Open Space needs and what the Parks Committee saw as their greatest needs right now (gym space, parking for the field and football field, improved football field, additional practice field, etc.). Those are the priorities that will be incorporated into the Open Space and Recreation plan.

The Annual Report is due April 18th. Mr. McKeon will forward last year's report so Mr. Kaufman can work on it at our next meeting.

Approve Payment of Invoices/Review Draft Meeting Minutes of February 26, 2014 – Mr. Frieden made a motion to approve the February 26, 2014 Meeting Minutes; Mr. McKeon seconded; all voted in favor; motion approved.

Planning Board Meeting Minutes – March 12, 2014

A motion was made by Mr. McKeon to adjourn; Mr. Frieden 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