



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

May 28, 2014

Chairman: Christopher Olson

Members Present: Marc Frieden, Vincent Vignaly, Patrick McKeon, James Kaufman

Members Absent: None

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.

Before the hearing was opened, Mr. Olson disclosed to the applicants that there is a potential quorum issue should the hearing, if opened tonight, be continued.

Mr. Vignaly has a conflict because his employer, DCR, owns abutting property and he has to recuse himself and cannot participate tonight or at a continued hearing unless “the rule of necessity” is invoked. On Tuesday, June 3rd, town elections will be held and there will be two new members of the board as of that election. The current board of five members, four of whom can participate, will be down to two who will have the ability to sit on the board during both hearings. That being the case, Mr. Olson told the applicants there were two options they could choose from: (1) they could continue the public hearing to June 11th when the Planning Board has a full board, or (2) being informed of potential conflict issue and what the nature of that conflict is, proceed with the remaining three members who would be present if the public hearing is continued.

Mr. Vignaly said that we could open the public hearing tonight and close it without having any evidence submitted and then reopen it in two weeks so the new members who will be elected will make a five member board and he will be able to recuse himself, leaving four members still sitting on the board to act on the application. Mr. Olson said that one of the two new members is currently our building inspector and he might be in conflict.

Attorney Burgoyne asked Mr. Olson if the applicant does proceed, do the board’s rules prohibit the two new members from sitting on this matter with consent. Mr. Olson said there is a state law that allows that; however, he is not aware that the Town of West Boylston had enacted that via town meeting, so he does not think that is a possibility. Mr. Vignaly said they were invited, but are not here. Dr. Robert Welch (332 Goodale Street) asked to remind people that this is a public forum so one should speak clearly and loudly. At this point, Attorney Burgoyne left to speak with his clients.

After returning, Attorney Burgoyne said that based on client discussion and the board's information, the applicant would like to continue this matter until the meeting on June 11th and go forward with the new board at that time.

Dr. Welch said other parties may have other plans and felt that if we are going to delay it we should announce it. Mr. Olson said it will be posted timely and that we are under a time constraint and must open the public hearing within 65 days of when they filed. Mr. Vignaly said that if people cannot attend that they may submit comments and questions; we would read them into the minutes of the meeting at the public hearing and respond to them at that time. He also said they could attend or call and that we are trying to make it as open as possible.

The regular meeting was called to order at 7:30 p.m.

Town Meeting Results – The Marijuana Overlay District Bylaw passed. It will now be sent to the Attorney General for review and approval. Mr. Frieden said that Mr. Olson gave an excellent presentation. All agreed.

21 Franklin Street Update – Wayne Amico (VHB) was present. He forwarded his Construction Report to the Building Inspector and the DPW Director Anthony Sylvia. He will also forward it to the contractor and the project engineer. Mr. Amico thought the construction had stalled because the foundation had to be replaced, but Mr. Frieden said the foundation is now in. Mr. Amico reminded the board that if they see the site needs attention, to contact him. He also said that a sign package has not been received yet. Chris Olson will contact the Building Inspector to let him know that the Site Plan Review did not include signs, so the sign that is there now is in violation.

Master Plan Rewrite (review of updated drafts) – Mr. Olson sent the updated chapters to Elaine Wijnja (DCHD) via email. Ms. Wijnja called to thank Mr. Olson for sending the chapters via email and to confirm receipt. She said that according to the statutes, we have fulfilled our obligation. There is one more chapter almost ready to be updated (Open Space & Recreation) which was sent to the Parks Commission and hopefully it will be discussed at the July meeting.

Non-Conforming Signs under Town Bylaw Section 5.6.A.5.e – The draft letter to the Town Administrator asking for Town Counsel assistance was discussed and members may comment in the next couple of days before it is sent.

Status of Village Zoning Bylaw Grant with CMRPC and Discussion of Town Administrator's Use of CMRPC Hours – Mr. Frieden will be meeting with Chris Ryan tomorrow to discuss the grant application. Mr. Vignaly said the issues specific to West Boylston are the limited space for parking in the street (maybe that could be done), and the lots are small and will have difficulty accommodating parking. Maybe include brainstorming to improve the traffic flow and create space for parking along the streets or on a nearby open lot. Mr. Frieden said the CMRPC has a separate set of hours for graphics which does not affect our twenty hours of community service. He will contact the Town Administrator and let him know he can use the remaining Planning Board hours for writing the Housing Population section for the Master Plan instead of spending actual money.

Notice of Right of First Refusal Pursuant to Chapter 61A regarding Malden Brook Farm –

Mr. Vignaly provided an aerial photo from the town's website GIS and explained to the members that it is a 40 acre parcel in bankruptcy, with 30 acres in Conservation Restriction with the DCR. He said the water tower access road from Lawrence Street goes through DCR property. There could be access from Westland Circle with the parcel for sale. There are ten acres for sale at a cost of \$167,000. Mr. Vignaly said that there are possibilities for the Open Space Committee to work with the Water District and have them pay a small amount for a better access road. Off of that roadway there could be one or two driveways; possibly working with the Housing Trust to put in maybe a four-unit affordable housing unit that the town would coordinate, and designate the rest as open space, but not take it out of the parcel. If four units were put in, the ten acres would go toward the 1½% of land areas associated with SHI units, which would provide the required land area to maintain the town's right to deny unwanted 40B projects in the event we lose Oakdale. Mr. Vignaly feels the town should take the 180 days to evaluate it for the following reasons: it is a ten acre parcel for sale at \$167,000; we might be able to put housing for affordable housing; we might be able to get access for the town water tower, we might be able to get a portion of the ten acres of open space; and there are not many ten acre parcels of land that the town could purchase for \$167,000. Mr. Frieden said there may be money in the CPA funds. Mr. Vignaly suggested drafting an email to the Town Administrator to let him know that we think it is a good idea for the Selectmen to research it.

New Business/Review of Correspondence/Emails Received

CMRPC will be holding their Spring Legislative Breakfast on June 6th. No members are available to attend.

Informational various Zoning Decisions were received.

The Conservation Commission is asking for comments on their proposed bylaws by June 2nd. They were received May 25th. Mr. Olson will email the chair and let them know our next meeting is June 11th and we will review them at that time.

Reports from Other Boards – Mr. Olson attended a Bylaw Committee Meeting with Jon Meindersma and Kim Hopewell. Ms. Hopewell said the committee should be updating the bylaws from time to time. She made mention about possibly amending the leash law which is a general bylaw. The Planning Board does not handle general bylaws.

Other Topics – ANR Plan for Helen & Bradford Shaw (339 Maple Street) – The correct fee was not included; another \$100 is needed. Having the required frontage (120') and adequate access, Mr. McKeon made a motion to approve the ANR Plan of Land in West Boylston MA; owned by Helen M. Shaw & Bradford R. Shaw, prepared by Allen F. Paige, Registered Land Surveyor & Civil Engineer, dated May 19, 2014. Mr. Frieden seconded the motion; all voted in favor; motion approved and the board signed the mylar and 6 copies of the plan. It will be held pending correction for additional payment.

Approve Payment of Invoices/Review Draft Meeting Minutes of May 14, 2014 – Invoices were approved and signed. Mr. Frieden made a motion to approve the May 14, 2014 Meeting Minutes; Mr. Kaufman seconded; all voted in favor; motion approved.

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Mr. Vignaly thanked Mr. McKeon and Mr. Kaufman for their work and contribution while serving on the Planning Board. They were both welcomed back if the opportunity presents itself.

A motion was made by Mr. McKeon to adjourn. Mr. Kaufman seconded the motion to adjourn; all voted in favor; motion approved. The meeting adjourned at 9:00 p.m.

Date Accepted: _____

By: _____
James Kaufman, Clerk

Submitted by: _____
Melanie Rich