



TOWN OF WEST BOYLSTON PLANNING BOARD planningboard@westboylston-ma.gov
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PUBLIC HEARING MEETING MINUTES
1000 Goodale Street – Holy Cross
June 11, 2014

Chairman: Christopher Olson

Members Present: Marc Frieden, Vincent Vignaly, Mark Brodeur, Cheryl Carlson

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.

The Chair opened the Public Hearing at 7:10 p.m. The hearing is to consider the Site Plan Review application submitted by College of The Holy Cross for a Contemplative Center at 1000 Goodale Street. Mr. Olson asked the applicant for copies of the notice from the Telegram and green card abutter notification. The applicant did not have them but will provide them. Present were Robert Longden (Attorney from Bowditch & Dewey) representing the College, John Lapomardo and Scott Merrill (Holy Cross), Mary Beth Kearns Barret (Director of Chaplain Services at Holy Cross), Joshua Lee Smith (Bowditch & Dewey), Michael Pagano (Lamoureux Pagano Architects), Matt Brassard (Engineer), and Dan Mills (Traffic Engineer).

The property consists of approximately 51½ acres. Attorney Longden showed the existing conditions on an aerial photo. 48.3 acres are located in West Boylston with 3.3 acres being located in Holden. No part of the project in Holden will be affected. Currently existing on the site is a large single family home, a small cottage, swimming pool and parking area. There is a small area for the cottage with a garage and small outbuildings (storage buildings). It is a single family residence on a large piece of property. The improvements will be very difficult to see from Goodale Street or abutting properties because it is heavily wooded and the property is at a high elevation. It is located within the Single Residential District, with half of the property being located within the Aquifer Watershed Protection District. The main house is proposed to be torn down. The cottage will remain but will be converted from residence to a meeting building. The kitchen in the cottage will be removed and it will be used only for meetings. What is proposed in its place is a contemplative center (retreat center) for students, faculty, staff and alumni for religious retreats. It will be a new building where the current main house is located and will be approximately 31,463 square feet with an average height of less than 35'. It will contain a small chapel, dining room, kitchen, meeting rooms (contemplative space) and 50 bedrooms to accommodate 60 beds. A first floor plan has also been submitted. It will be designed as a place of quiet prayer, reflection and contemplation. In addition to the contemplative center, there will be a 20 space parking area. The access will be through the existing driveway. There will be

installation of various utilities on the site. The main building and cottage are presently served by cesspools that will be discontinued and replaced with a new septic system. The new contemplative center will be rated for occupancy of 70 people. The existing building and cottage are currently being served by a private well which will be discontinued and replaced with a new well. They have had meeting with the abutters to discuss the project on December 7, 2013 and April 26, 2014. The grounds and buildings are for religious use and educational use. Currently, chaplains at Holy Cross conduct 15 off-campus retreats during the academic year. They vary in length from one day to six day programs. They have 46 days out of the year of off-campus retreats and hope to increase that number with the new building. The facility will not be used every day. It is designed for a retreat, not a business or conference center. At this time, it is not intended for anybody to live in it. College/maintenance staff will be visiting the site. It will be wired for security and connected to the college's main security station. There will be a gate at the base of the driveway in addition to the electronic security system. There will be a key box arrangement for the Fire Department and Police Department. Larger retreats can consist of 60 students participating. They will come to site in college vans. Chaplains and staff may use private vehicles. Traffic will be minimal. Smaller retreats will consist of 6-8 people who will carpool.

Because this is a religious and educational use, it is Dover Amendment protected in Massachusetts (MGL Chapter 40A, Section 3) which reads "No zoning ordinance or by-law shall prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land by a religious sector denomination or by a non-profit educational corporation provided however that the land or structures can be subject to reasonable regulations by the town concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements." Attorney Longden said this use is allowed by right in every zoning district within the town because it is a protected religious use.

With regard to dimensional requirements, it is a large site with approximately 3.4 acres to be developed on the top of the hill and easy to comply with setback requirements. Attorney Longden said that it complies with all other zoning bylaw requirements. Concerning the parking, the Building Inspector determined that this use would be classified as a "place of assembly" under the zoning bylaws. The bylaw requires one parking space for every five people who can be accommodated in a place of assembly, including religious uses. This facility is being designed to accommodate a maximum of 70 people which would require 14 parking spaces. The applicant is putting in 20 parking spaces with two additional handicap parking spaces for a total of 22 parking spaces. There will be one loading space at the front of the building.

The septic will be installed in accordance with Title 5 which requires approval from the Board of Health. As far as water and fire suppression, the center will be sprinkled. They are working with the fire chief on a fire suppression system. There will be three underground tanks adjacent to the building. The fire chief will determine where the underground storage tanks and hydrant will be located. Lighting – the applicant originally had planned no lighting except at the entrance to the contemplative center. This was done (1) because of the nature of the use, and (2) the neighbors did not want any light spillover onto any adjacent properties. VHB commented that there should be lighting in the area between the parking lot and the main building for safety purposes. The applicant agreed to incorporate that change. Bollard lighting will be used around the parking lot. There will no signage on the property.

With regard to drainage and stormwater management, Matt Brassard prepared a Site Engineering Report. Details on the site plan show there will be zero increase in the rate of runoff from the site. Attorney Longden said the project complies with stormwater management requirements. There will be greater impervious surface on the site because of the size of the building, but they propose to infiltrate the runoff, and they can comply with these requirements. The closest distance between the flared end structures in the drainage system and abutting property lines is in excess of 250' and they calculated no runoff flow on the site where it doesn't currently exist. They are not creating new runoff spots on the project. There are no wetlands in the area that are going to be developed. Appropriate erosion controls will be used during construction. Due to the area altered by the project, the contractor is required to file for a NPDES permit with the EPA. It will require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) which they will prepare and submit to the EPA for approval. The property is not located within any floodplains. It is located within the Aquifer Watershed Protection District, but the proposed use is not one of the prohibited uses within the District or one that requires a special permit. All trash is to be hauled off site by a rubbish removal company, but they want to preserve the possibility of having a dumpster on site in the future, so the revised plan will reflect a space for a dumpster adjacent to the building in an enclosed area.

Daniel Mills, Principal Traffic Engineer (Transportation Consultants, Inc.) provided copies of the traffic assessment. It involves traffic counts, driveway intersection sight distances, traffic generation/operation, and parking. For the traffic count/volume, they used an automated traffic recorder and found less than 2,000 vehicles/day traveled at speeds less than the posted speed of 30 mph. The alignment and poor condition of Goodale Street at the driveway opening slows traffic down. Currently the sight distance from the driveway has obstructions of a curve with heavy vegetation on both sides and a wall structure which limits the sight distance. They propose to remove the stone wall, clear vegetation and re-grade embankments for improvement. They recommend installing a warning sign in advance of the S curve (W1-10e). With the amount of traffic being generated, they are looking at approximately 15 vehicles per day not likely to occur at peak traffic hours coming to the site. They looked at the volume of traffic during the peak morning and said there is a very modest increase. The LOS (Level of Service) will remain the same: "A" Level. With regard to parking on site, the zoning regulations for a "place of assembly" require fourteen spaces. There will be a total of twenty-two spaces. Vans are not expected to park; they will drop off students and leave the site. Mr. Frieden asked if food would be provided and Ms. Barrett said there will be a kitchen and the van would bring food prior to their arrival. Mr. Frieden asked if equipment would be brought in for mowing. Mr. Pagano said that Holy Cross maintenance will maintain the property. He said there is storage area and they may store some equipment. Traffic is not being concentrated to one specific time; it will occur throughout the day.

Attorney Longden asked if the board had any questions. Mr. Olson asked if the applicant would be requesting any waivers. Attorney Longden said they would be requesting two waivers. The first is a waiver from Section 3.6.D.1) 1) of the Zoning Bylaws which requests submission of building elevations of the proposed structure. In lieu of building elevations they have submitted architectural renderings and would ask that the board accept them in place of the elevations that the bylaws might otherwise require. The second is a waiver from the filing fee that might be assessed for this property. Under the Filing Fee Schedule, it lists a \$600 fee for SPR for a property greater than 10 acres. If that fee is applied to this project (52 acres), the computation

would be \$600 x 52 acres plus \$1,500 for a total of \$32,700 for a filing fee. They requested a filing fee that was commensurate with a smaller size development because the actual development on this site is only 3.4 acres. The remainder of the property will be left in its natural state. The applicant paid the lesser fee (\$1,200) and is asking the board to accept the lesser fee and waive any fee that might be commensurate with a project with more than 10 acres. Mr. Vignaly thought the applicant would be requesting an additional waiver for the lighting requirements. Attorney Longden said a photometric plan was submitted, but it did not include or contemplate the bollard lighting they are now agreeing to install between the parking lot and the main house. The applicant is asking the board to accept that as part of the plan.

Mr. Olson read reports from various boards and town officials as follows: The Fire Department did approve with modifications; the Board of Health approved; the Municipal Light Plant approved; the Police Department approved, and the Building Department had no objections.

Mr. Olson asked the Planning Board's Review Engineer, Wayne Amico, of VHB, for his report. Mr. Amico said the applicant made an original submittal on April 22, 2014; VHB issued a first comment letter on May 21, 2014. The applicant's engineer responded on May 26, 2014 and VHB issued a supplemental comment letter on June 4, 2014. The applicant's engineer replied to the June 4th letter tonight; some of the questions/comments may have been addressed or may need to be addressed further. Mr. Amico said they have had significant coordination with the applicant and engineer and resolved most of the issues from the first comment letter dated May 21st. As regards the June 4th letter 3.6.d.2.c), discusses parking which the applicant's attorney has discussed and explained. Mr. Amico believes they made a valid argument for the amount of proposed parking based on their commitment to shuttle retreatants and staff. It is up to the board to recommend some type of condition be placed on the amount of use so that if the facility experiences more use in the future than what was explained, officials have some recourse to correct that. Mr. Amico said the board is not concerned with Holy Cross, but if something else happened, the board wants to have some type of recourse for potential future use so parking does not become a problem. The applicant did not accept that this was needed.

Mr. Vignaly spoke of the Calvary Retreat Center in Shrewsbury. It was similar to this project and had much more parking. Assuming Holy Cross went out of business or doesn't want to use this site; the allowed use as a "place of assembly" decision still exists on the property. The town wants to have some way of making sure we don't have a parking issue. Mr. Pagano said in the case of the Veteran's, Inc. that took over the Calvary Retreat Center, the project was subject to a change of use in occupancy so a building permit process, including Site Plan Review, was a matter of routine and that would be the same here. If there is a change in use of occupancy other than what is being petitioned, you would have the right to review anyone's proposal to make those changes.

Mr. Vignaly asked what is the change in use. It's a change in ownership and operation, but where is the change in use. Mr. Pagano said the Veteran's, Inc. facility has a number of different uses than what the Calvary Retreat Center originally had. It has a counseling program and the residents live there for up to six months. Because of that the project was subject to a building permit application as a change of use in occupancy which is discussed in the building code. Mr. Brodeur said the Dover Amendment gives a certain amount of latitude that we can comment on, some of which we can't. The parking is one item we have under our control and said the

assembly use of this building is 70 people, the requirement is 14 parking spaces; and they are providing 22 parking spaces. He said if the college goes out of business or change their mind, some sale of the property would occur and the Dover Amendment protection would disappear. Mr. Vignaly said the Veteran's, Inc. falls under the Dover amendment and the use could expand to every day instead of only 46 days per year and the retreatants may not be shuttled. Mr. Pagano said it doesn't change the fact that the building code, regardless who owns the building, is still in play. They would have to file for a building permit application under the change of use in occupancy and submit a site plan for review as part of that process. Mr. Vignaly was concerned with protecting the abutters. Mr. Vignaly said you call out the number of spaces for a place of assembly but don't include the 70 bedrooms and staff. People will be there while retreats are going on to clean, cook, serve food, etc. It is not a large number and may be included in the 22, but he would like to see that those numbers have been included. Ms. Barrett said the only other people that would be there would be one or two people who are involved in the food preparation. There will not be cleaning or maintenance staff there.

Mr. Amico said that after listening to all the discussions, does the board feel it is necessary to have a condition stating that at any time occupancy shall not be more than 22 vehicles. Mr. Vignaly said we can put a condition in the approval to say that any use or occupancy changes will require SPR. It is in the building code, we are repeating it to make it clear as a condition of approval. Attorney Longden replied that the ability to put a restriction on this use is limited due to the fact it is a religious use and any restriction that would restrict in some way the religious activity at the site would not be lawful. If it is in the building code, they don't want a restriction in the decision.

Mr. Vignaly said if there is going to be a change of use, it will require SPR. Attorney Longden said if it is already in the law, why does it have to be in the decision. Mr. Vignaly said he did not know it was in the Dover Amendment law. As a member of the board, he believes that a condition makes it clear to whoever reads this condition of approval. A condition that if there is to be a change or transfer of ownership, there will need to be a SPR application submitted, will put the buyer on notice right up front. Attorney Longden said that condition addresses items that are not in the bylaws at the present time. Mr. Frieden was concerned about the trigger for change of use. He thinks we should make sure it is captured and make sure the trigger occurs. We are protecting future owners who invoke the law and they come to the board. Attorney Longden said you could do that if it was a special permit, but this is a use that is allowed by right. Mr. Frieden said we are not trying to restrict them, but want to protect the town. Mr. Vignaly does not have an issue with the allowed use, but if there is a change in the parking, the owner will have to come back for SPR, which is allowed under the Dover Amendment. Attorney Longden said this is allowed and if they decide they want to change the parking, then they understand that they have to come back to the board. Mr. Vignaly suggested more research. Mr. Brodeur said they have exceeded the parking requirements. Ms. Barrett said this is the heart of the College's mission. Donors are giving money specifically for this use and it is a part of who they are. Mr. Amico is satisfied with the parking.

3.6.E.9) lighting – the applicant addressed this and the revised plan will include bollard lighting. A photometric analysis will no longer be needed.

3.6.F.2) site distance – most of the issues have been addressed by Mr. Mills. Mr. Vignaly asked if the applicant would consider paving Goodale Street within 50' on each side of the entrance to improve the crumbling pavement in the roadway even though it is not on their property and they are not required to do so.

5.4 earth removal – Mr. Amico requests a preliminary estimate be provided.

5.6 signs – Mr. Amico said if any signage is proposed, it has to go through the proper channels. Mr. Brodeur said a sign permit is required, but with the new bylaw, he is not sure if being in residential zoning they could get a sign. The applicant said they will comply with what the law requires. A condition can be put in that says if any sign is contemplated in the future, the applicant would follow the bylaws rather than specifically requiring filing for an amended SPR.

General Comments #10. Sediment Control – Mr. Amico recommends adding specific notes to the plans that talk about the contractor protecting erosion and sedimentation controls.

Stormwater Management:

1. Mr. Amico recommends that soil tests be conducted in the areas where infiltration is proposed and the stormwater design be updated if necessary prior to the board issuing a decision. Mr. Brassard said additional testing was recently done. Mr. Brassard said the only place they can't get to physically on site is on the southeasterly side because of steep slopes. Mr. Amico recommended putting a condition on the decision if everything can't be tested.

Mr. Olson asked the board for questions/comments. Mr. Vignaly made note that under SPR the Planning Board is the Stormwater Permitting Authority. He asked that the applicant provide the board and VHB with a copy of the SWPPP prior to construction. He also asked about the existing building and the proposed building elevations. How much, or is there a change in the height of the roof structure from what the building is now to what is proposed. Mr. Pagano said the building has an average height of 22'. There is a portion of the building which is the lodge which is three stories. The main floor is a one story section and the third story of the lodge building steps is at this level, then it drops down two floors below the main level. Ms. Carlson was concerned with safety within the building and that the Police Department and Fire Department have access to the building and have door numbers, etc. Mr. Olson said the plan is to use the facility 46 days of the year and did they have any thought on how much more that would increase over the next 5-10 years. Ms. Barrett could not answer that but said they could not double it. Mr. Olson asked if they plan to have retreats in the summer. Ms. Barrett said one in June, none in July and it picks back up in August with the beginning of the academic school year. Mr. Amico asked if the gate is spaced far enough back so entering vehicles would not be sticking in the road. Mr. Brassard said it is.

Mr. Olson asked the audience for comments. Douglas Harris (312 Goodale Street) said when the site is cleared and the shoulders of Goodale Street at the entrance is opened up, it will remove the hindrance to traffic from Holden and make a passage for Holden residents and traffic will increase and speed up. The applicant said they are not proposing to widen the road, just improve visibility. Mr. Brassard said the sight lines that are being improved are sight lines from travelers on the road to the dirt point of the driveway and from the driveway to the roadway. The actual roadway is not being affected.

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Steven Paige (299 Goodale Street) asked about the septic system and based on where the sewer is, was there any thought about tying into the sewers. He was told it was explored, but was very expensive. The reason the cost is so high (approximately \$800,000) is because they would have to improve all the pump stations. Mr. Brodeur told him septic systems are a Board of Health matter.

Mr. Harris was concerned with the future use because things change. Mr. Brodeur said if they want to use it for anything else, they need to come before the board.

Dave Femia (86 Sterling Street) asked when is it expected to be up and running. Mr. Pagano said possibly next spring at the earliest.

Mr. Harris asked what the recourse for drainage problems is. Mr. Vignaly said the recourse is to go to court. Mr. Brodeur said a stormwater management plan will be in place. Mr. Vignaly suggested abutters should take photos of their property and document the current conditions before the construction begins because the burden would be on him to show that any development of the site caused his problem. This is similar to a “pre-blast survey” that is done when blasting of ledge occurs on a project, which is not anticipated here.

The applicant will make revisions to the plan and forward them to Mr. Amico. Mr. Vignaly suggested the board draft the approval letter.

The applicant requested a continuance. Mr. Frieden made a motion to continue the public hearing to June 25, 2014 at 7:00 p.m.; Ms. Carlson seconded the motion; all voted in favor; motion approved. It will be on the June 25th agenda at 7:00 p.m.

Date Accepted: _____

By: _____
Christopher E. Olson, Clerk

Submitted by: _____
Melanie Rich