



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

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 meeting was opened at 7:03 p.m.

Before opening the Public Hearing for 1000 Goodale Street, Mr. Olson welcomed the new members, Mark Brodeur and Cheryl Carlson, to the board. Mr. Olson spoke with Attorney Robert Longden and asked if there were any documents he would be submitting in writing regarding the quorum issue. Attorney Longden said the applicant's position is that provided Mr. Brodeur and Mr. Vignaly feel they can judge this matter fairly, and knowing that Mr. Vignaly is employed by DCR and will not affect his judgment, and Mr. Brodeur's position as the Zoning Enforcement Officer for the town, they are prepared to go forward and request both of them sit on the board for this hearing and submitted waivers saying that the applicant waives any claim of conflict of interest regarding Mr. Vignaly's employment with the DCR and Mr. Brodeur's position as Building Inspector and Zoning Enforcement Officer for the town. Mr. Brodeur had no issues nor did Mr. Vignaly.

The regular meeting was called to order at 9:00 p.m.

Wayne Amico (VHB) asked about the 21 Franklin Street project. He was aware they had issues but he hasn't been called for an inspection. Inspections have been an issue. Mark Brodeur said there is a disconnect because the town doesn't have their own planner. Mr. Vignaly said he did not like the idea of a town planner or town engineer because the residents would be paying taxes for development. It is the developer who should be paying the costs for inspections. The disconnect is that the developer is not calling VHB when he should. Mr. Amico said that in the past when things were booming in town VHB would inspect every 2-4 weeks on an active project, but the developers were coming to the board and complaining that their deposits were all used up, and wanted to know why. Mr. Amico said if they had called to postpone the inspections, they would not have been conducted. Now VHB is not getting calls to inspect sites until portions of the work are already completed and inspection is not realistic. There is no easy way to solve it. Mr. Brodeur said maybe we should consider a change to the fee structure for engineering purposes to try to force the applicant to get the engineering reviews. We need a

mechanism in place because it is a problem. Mr. Amico suggested possibly having the developer post a performance bond when they pay the inspection fee. The performance bond would be posted with a certain amount, and when the board and their engineer is satisfied that the project was constructed in conformance with the plans and they have satisfactorily applied and received a certificate of completion from the Planning Board, they get the bond back. There should also be an option so the board has the ability to reduce it. Mr. Amico said that would deal with two issues: (1) inspections, because nobody ever calls, and (2) the fact that no one ever applies for a certificate of completion. Mr. Vignaly suggested a 5% bond (or an agreed amount with the board for larger projects) in addition to the SPR fee before they start construction. Mr. Brodeur asked does the bylaw have to be changed. Mr. Vignaly said he thinks the wording in the Zoning Bylaw allows the PB to establish charges for SPR as well as construction review and as-built plan review. We would be adding a new charge, but the law needs to be reviewed to confirm this. He thinks we would have to advertise it and vote on it as a board. Mr. Vignaly said the fee schedule for site plan reviews is similar to the fees for a subdivision where it talks about preliminary plans, definitive plans, re-submittals, and advertisements, so we may be able to add another one. Draft wording could be “a performance bond of 5%, or an agreed upon amount for larger projects, shall be submitted and held by the Planning Board until a Certificate of Completion is issued”. Mr. Vignaly will draft something. It will be sent to Mr. Amico before sending to the Town Administrator.

Non-Conforming Signs under Town Bylaw Section 5.6.A.5.e – Mr. Olson sent an email to the Town Administrator asking for Town Counsel assistance. Mr. Gaumond said he is happy to help, but for budget purposes, asked if it could be part of the next fiscal year. He did say, however, that if we needed an answer sooner, he would assist. The board noted that after July 1 would not be a problem, and Mr. Olson will notify Mr. Gaumond.

Mr. Brodeur said in the future he would like the Planning Board to consider including requirements for paying mitigation money as a change to the bylaws for projects in town. Mr. Vignaly agreed to that idea, but the issues will be in the specifics of the language proposed. Mr. Brodeur will investigate this for a future board discussion.

Status of Village Zoning Bylaw Grant with CMRPC – Mr. Frieden said Chris Ryan did not show for the meeting to discuss the grant application. He will contact Mr. Ryan to set up another meeting.

Notice of Right of First Refusal Pursuant to Chapter 61A regarding Malden Brook Farm – Mr. Olson sent a letter to the Town Administrator with the Board’s thoughts as discussed at the last meeting. Mr. Vignaly said several residents attended the Open Space meeting asking for information. The Planning Board also received a letter from Christopher & Joan Dubeau (27 Westland Circle) expressing their concerns if the land is removed from Chapter 61A.

Review/Comment on Conservation Commission Proposed Wetland Bylaw – Tabled until the June 25th meeting due to the late hour.

ZBA Administrative Appeal (94 North Main Street – Dave Femia (ZBA) said it is on the ZBA agenda for Monday, June 16th at 7:15 p.m. Mark Brodeur said he, as the Building

Inspector, was advised by Town Counsel that he had no choice but to issue the Comprehensive Permit, but it was a conditional permit for one foundation only. He said the project has already been litigated and the time (20 days) has lapsed for appeal of the building permit. The Comprehensive Permit has since been rescinded.

New Business/Review of Correspondence/Emails Received:

Consider revising the Planning Board Fee Schedule “Form A” Lots Review Fee to clarify that applicants must include their existing lot in the fee – Mr. Vignaly will revise and provide sample language. Options may be to include an example (dividing an existing lot into two lots results in two lots, fee = \$400), or revise the Review Fee to add “newly-defined lot” with an example (existing lot = \$100 + \$100 per newly-define lot created).

Leon Gaumond’s Memo regarding Discussion on Mixer Property – The forum will take place on Tuesday, June 17th at 7:00 p.m. for those who can attend. Comments and suggestions can also be sent to the Selectmen.

The Town Administrator sent an email saying there is a vacancy on the TWPC for a member of the Planning Board. The board noted that the assignments to boards will occur at our next meeting.

The Town Administrator sent an email discussing the town goals to promote businesses in town. In particular, the email notes concerns regarding Site Plan Review requirements. The board will wait to hear what ideas and suggestions are made.

A memo was received from the Town Administrator regarding the July 14th Special Town Meeting.

Reports from Other Boards – Mr. Frieden said the Affordable Housing Trust will send a letter to the Town Administrator asking that the Selectmen further investigate the Right of First Refusal regarding Malden Brook Farm Chapter 61A property. They are also proceeding with the process to expand housing at the Maple Street property. They are attempting to acquire town ownership; currently it appears that the state owns it.

Mr. Vignaly said the Open Space Implementation Committee (OSIC) discussed 405 Prospect Street, Malden Brook Farm Chapter 61A property off Westland Circle being broken off. The Planning Board has not signed off on an ANR plan for the eleven acres they are referencing, so it may not yet be a legal lot. DCR has a Conservation Restriction on 30 of the 40 acres. There is 1 ¼ acres on Prospect Street that is not within the CR, but the rest of the property has limitations. The OSIC will send an email to the Town Administrator that they would like the town to acquire it with the intent that the town provide a small amount of 40B housing on the property in conformance with what the town wants. Mr. Vignaly said the Open Space & Rec plan needs to be updated. He will research the cost to have someone write it.

Mr. Vignaly said the Earth Removal Board will be meeting soon to update David Mecurio’s permit of Raymond Huntington Highway.

Planning Board Meeting Minutes – June 11, 2014

Approve Payment of Invoices/Review Draft Meeting Minutes of May 28, 2014 – Invoices were approved and signed. Mr. Frieden made a motion to approve the May 28, 2014 Meeting Minutes with changes noted; Mr. Vignaly seconded; all voted in favor; motion approved. Mr. Frieden made a motion to approve the May 28, 2014 Public Hearing Meeting Minutes; Ms. Carlson seconded; all voted in favor; motion approved.

A motion was made by Mr. Frieden to adjourn. Ms. Carlson seconded the motion to adjourn; all voted in favor; motion approved. The meeting adjourned at 10:30 p.m.

Date Accepted: _____

By: _____

Christopher E. Olson, Clerk

Submitted by: _____

Melanie Rich