



**TOWN OF WEST BOYLSTON PLANNING BOARD** [planningboard@westboylston-ma.gov](mailto:planningboard@westboylston-ma.gov)  
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## **MEETING MINUTES**

**July 9, 2014**

Chairman: Marc Frieden

Members Present: Christopher Olson, 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 140 Worcester Street.**

The meeting was called to order at 7:05 p.m.

**Review and Sign Holy Cross College (1000 Goodale Street) Approval Letter** – The Site Plan Approval was reviewed and signed along with the plans. Mr. Brassard will make six copies of the signed original and deliver them to the Town Clerk in the next week.

**Status of Village Zoning Bylaw Grant with CMRPC** – No progress made to report tonight. Mr. Frieden will forward contact information to Mr. Olson who will take over this project.

**Comment on Conservation Commission Proposed Wetland Bylaw** – The draft letter was reviewed. Mr. Frieden suggested making note that the issue we want to address is that it is more restrictive to people's property. Mr. Vignaly said it does not mean that work cannot be done, but that they will have to go to the Conservation Commission to obtain a permit. The proposed bylaw is making certain areas near protected resources that are not currently protected under the Wetland Regulations into "protected" resource areas and can then decide if the proposed work is allowed. They are increasing their jurisdiction. Mr. Vignaly said there is justification for it, but the rationale should be improved and be made more convincing in their cover letter. Ms. Carlson will revise the letter and will invite them to come to a Planning Board meeting if they want more feedback on the issue.

**165 Shrewsbury Street (Central Coating) Follow-Up Regarding Expansion** – Mr. Brodeur said there are no issues or violations. The "10,000" listed on the Assessors' documents refers to cost, not square footage. The earlier software that the Assessors used was unable to make the distinction; the current permitting software has more flexibility.

**MEPA Filing (Edward Baldarelli Project at Route 12)** – A letter was drafted asking Mr. Baldarelli to consider widening the proposed crossing to provide space for at least 24' of

pavement and a 5' wide sidewalk, along with installing utilities for future anticipated uses. The intent is to complete all the work at once while conditions are dry and stable. Mr. Frieden will send the letter to Mr. Baldarelli.

**Jungle Jim's Garden Center (130 West Boylston Street) – Possible Expansion** – Jim Pisarczyk (owner) was present. He was before the board tonight to discuss the possibility of obtaining a Special Permit for a recreational use and was looking for the board's input. He is proposing to put in an "air soft course". It will be 6,000 square feet with 10-40 people at a time in the play area and be enclosed with nets. The proposed area is gravel. There will not be a building. He intends to keep it completely separate from the Garden Center. Mr. Pisarczyk met with the Police Department and discussed sight lines and traffic flows and it was looked upon favorably. Mr. Frieden asked about the parking requirements. Mr. Pisarczyk said the Garden Center has 69 spaces and he wants to keep a separate parking area for 20-25 cars. It would operate from the spring through the fall with typical play time being Friday through Sunday. Access would be made through the upper gate. Mr. Vignaly said the board would have to review the previous filing because he thought the gate had to remain closed except for deliveries. Mr. Pisarczyk said the area would be closed when not in operation. He showed a plan and explained that there will be no pavement; they will use the existing gravel, the area will be fenced in, and the closest neighbor is more than 100' away. Mr. Vignaly said the parking would trigger SPR and they would have to meet all setbacks for parking. He further said it is up to them to make enough for their own use, since in many cases the minimum number required by zoning is not adequate for sites such as Gerardo's and others. The prior filing should be reviewed for compliance with drainage concerns. Changes to the impervious areas in the back probably occurred and may require some drainage work. It was suggested the parking be porous paving. Mr. Vignaly informed Mr. Pisarczyk that there is now a town Stormwater Bylaw in place which requires that he meet DEP standards. He also told him he can ask for waivers from the Site Plan Review section of the bylaws and they should be included in the cover letter submitted. Mr. Pisarczyk asked if the board had any other concerns. Mr. Frieden asked about bathrooms and Mr. Pisarczyk said they would use an outdoor port-a-potty. Mr. Vignaly said Mr. Pisarczyk should plan for future use and include what they would anticipate in 3-5 years because it would be simpler than to come back before the board for an amendment where bylaws might change.

**405 Prospect Street – Scott Goddard Presentation** – Mr. Goddard, Goddard Consulting, introduced himself and said he is a Professional Wetland Scientist and land use consultant. He is also a Deacon at Bethlehem Bible Church. The property has come before the Board of Selectmen (BOS) for consideration to remove the land from Chapter 61A. The 40 acres is currently owned by Malden Brook Farms LLC which went bankrupt and the court is selling the properties. There is an existing house (405 Prospect Street) with an acre that has no restrictions. The entire 40 acres includes various restrictions. Thirty acres have a DCR deed restriction overlay on it. Two portions were left outside of DCR coverage; the first is the one acre piece around the existing house; the second is an eleven acre piece off the back corner off Westland Circle. Mr. Goddard has a Purchase & Sale agreement and wants to remove the Chapter 61A restriction from agricultural to residential. The only access is off Westland Circle, but Mr. Vignaly noted that there is not adequate frontage for a building lot. The primary concern was there was a rumor that there was going to be a 40B housing project with eighty units and residents did not want that. He said he understands that the town has met its 1.5% land area standard for Subsidized Housing Inventory (SHI). His intention is to use the property for

residential, but NOT for a 40B development. After the BOS meeting, an informational meeting was held and the abutters were invited. It was a very productive meeting. He wants the Planning Board to issue a letter of support to the BOS to allow the purchase of the property and not for the town to acquire it. He showed a rough sketch plan with single family house lots. He wants to work with the town for what the town wants to see and is consistent with the regulations. He talked about extending Westland Circle which could include eight new potential house lots. If cluster development was done, it could be shortened and there would be additional open space protected in the rear. He met with DPW and was told that sewer is accessible to the property. Mr. Goddard said he would allow an easement access for the town in order to get to the water tower. He also proposed that if the town needs assurances of him not doing a 40B project, he could do a deed restriction or covenant in advance of the sale taking place. He will be attending the Open Space Committee on the July 21<sup>st</sup>. The BOS will be holding a hearing on July 23<sup>rd</sup>. Ms. Carlson asked if his plan was to do a certain square foot home on each of the lots. Mr. Goddard said he doesn't have an answer yet; he said he needs to get ownership first, but wants to do something that is consistent with the neighborhood and what the market interest is for the area. Mr. Vignaly said the town potentially may not have the 9 ½ acres in Oakdale Village under SHI development. That acreage gives the town the 1.5% SHI area. If we lose the nine acres, we need to find that many acres again. This site would provide the town with the SHI area at a reasonable cost, and the town could put in their own very limited affordable development and take credit for the full amount of acres. Mr. Goddard said that if that was important to the town, there might be a way to work with the town to help meet the numbers. Mr. Vignaly & Mr. Frieden agreed that this was one of the concerns the Affordable Housing Trust had. Mr. Frieden said the market rate of houses in town sometimes coincides with sale price for the house to be considered "affordable". It might turn out that you would be selling the houses at the affordable rate anyway. Mr. Frieden asked if Mr. Goddard would consider making any affordable units. Mr. Goddard said yes. He wants to work with the town. The town would also gain access to the water tower if they bought the property. Mr. Vignaly said those were the issues (access to the water tower and cluster development to protect a large portion of the fields to the west). He would like the town to be protected from unfriendly 40B developments. The town needs to be sure it can meet the 1.5% land area standard. Mr. Frieden said the only way we could take credit for the whole thing if it is ownership and not rental units is if Mr. Goddard were to make all the units affordable. Mr. Goddard said if there is a friendly way to add some affordable units that will help meet the town's demands, allow the sale to go through and work together with everyone, then that would be a win win win situation. Mr. Brodeur said he would be looking at a LIP (Local Incentive Program). Mr. Vignaly said he is hesitant to sign off on a Right of First Refusal when we do not have any guarantees in writing. Mr. Goddard said he would be willing to put something in writing. The Open Space Implementation Committee is meeting on July 21<sup>st</sup>. Mr. Vignaly said they have the CPA money in town and have enough money to cover the costs. Mr. Goddard was encouraged to think about the concerns of the board and submit something before the BOS meeting on July 23<sup>rd</sup>.

**405 Prospect Street – ANR Plan** – Jim Smith (New England Land Survey, Inc.) was present. He stated that he is working for the Trustee who is taking over the bankruptcy, not Scott Goddard. The intent is to create an 11.2 acre parcel only, not a buildable lot, in order to sell it. The plan meets the required frontage (120') on Prospect Street and the required area (40,000 square feet) and appears to have adequate access. Mr. Vignaly made a motion to approve the ANR Plan of Land located at 405 Prospect Street in West Boylston MA, owned by Jonathan R.

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Goldsmith, Trustee in Bankruptcy for Malden Brook Farms, LLC, prepared by New England Land Survey, Inc. dated June 23, 2014; Mr. Brodeur seconded the motion; all voted in favor; motion approved and the board signed the mylar. Mr. Smith will submit 6 signed copies to the Town Clerk on Thursday.

**223 Prescott Street – ANR Plan (Allison Smith)** – Iqbal Ali (Crescent Builders) was present. After a review of the plan, it was determined that there was not sufficient frontage. Mr. Ali said there was enough available, but it was a clerical error. The plan could not be approved as is and Mr. Ali will be on the August 13<sup>th</sup> Agenda. He will be bringing a preliminary plan for review as well.

**Chapter Land Checklist for 2015** – Mr. Brodeur reviewed the list and said that it is accurate according to the Building Department.

**Reports from Other Boards** – Mr. Olson said the TWPC met where the Town Administrator gave an update on the Master Plan and said the Transportation chapter is in progress. The Open Space and Recreation chapter was also discussed. Mr. Vignaly said it was sent to the Parks & Recreation Committee, still needs review by the Parks Facilities Committee, and then goes back to the Open Space Implementation Committee before finalizing it.

Mr. Brodeur said the Board of Selectmen has accepted his resignation as Building Inspector. It will become effective on September 26<sup>th</sup>.

**Approve Payment of Invoices/Review Draft Meeting Minutes of June 25, 2014** – Mr. Brodeur made a motion to approve the June 25, 2014 Public Hearing Meeting Minutes and Regular Meeting Minutes; Ms. Carlson seconded the motion; all voted in favor; motion approved.

A motion was made by Mr. Brodeur to adjourn. Ms. Carlson seconded the motion to adjourn; all voted in favor; motion approved. The meeting adjourned at 9:35 p.m.

Date Accepted: \_\_\_\_\_

By: \_\_\_\_\_  
Christopher E. Olson, Clerk

Submitted by: \_\_\_\_\_  
Melanie Rich