



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

### **September 24, 2014**

Chairman: Marc Frieden

Members Present: Christopher Olson, Cheryl Carlson, Vincent Vignaly (7:35 p.m. arrival)

Members Absent: Mark Brodeur

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 7:03 p.m.

**Status of Village Zoning Bylaw Grant with CMRPC** – Mr. Olson met with Eric Smith and Chris Ryan last week to discuss the board's thoughts on drafting a Village Zoning Bylaw. There are several grants available: District Local Technical Assistance (DLTA), PATH program and Chapter 40R. Mr. Olson felt the DLTA grant would be the best option that more closely fits our needs. He will follow-up with CMRPC since the grant discusses multi-family housing and transient oriented development locations and not sure how well that will fit into what we are trying to accomplish. The application process would require a letter of support from the Town Administrator and/or Board of Selectmen. We may be able to complete the application process ourselves which may move it along faster. The deadline for applying is early February. There are three towns that have recently enacted or are currently working on enacting a Village Zoning Bylaw. Mr. Femia asked if there was a specific part of town we are proposing this for. Mr. Frieden said the board is not creating village zoning, but where it is currently zoned for business, would allow residents options should they want to have a business on the first floor and continue to live on the second floor. Mr. Femia suggested visiting the other towns when their bylaw is in place. Mr. Olson noted that creating village zoning has been one of the goals of the Land Use in the Master Plan.

**Crescent Builders Definitive Plan Submittal (Nuha Circle) Prospect Street** – The applicant was not present nor was a complete application and plans submitted. Melanie returned a call to Bertin Engineering but was unable to connect with the caller before the meeting. With anticipation of a plan being submitted tonight, the Fire Chief sent an email to Mr. Ali (with a copy to the Planning Board) addressing his concerns for the safety and well-being of the future residents and firefighters responding to the proposed project. The board supported the chief in protecting the town's interest.

**RFP Discussion for Engineering Services** – At the last meeting, Mr. Brodeur's concern was the expense for potential developers to build in West Boylston. Mr. Frieden asked if there was a threshold to make people happy because some will still feel it is too expensive. Before the meeting, Mr. Frieden asked Mr. Brodeur if he was prepared to discuss it, but Mr. Brodeur said he had more follow-up to do. Mr. Frieden feels our current engineer, VHB, does good work and protects the town. Mr. Vignaly said if we request an RFP from VHB, their rates will be higher. We may find something better, but if we select VHB again, people will be charged even more money. VHB knows the regulations very well, they have extensive knowledge, they are leaders in the field, have a range of good quality professionals, and since they have represented the Planning Board there have been no lawsuits against the town. Having no lawsuits saves the town thousands of dollars. Mr. Vignaly feels the protection is worth it for applicants to pay what may be a little more.

**21 Franklin Street Project Review of Amended Site Plan Review** – Lori Carvalho (17 Franklin Street) was present and asked if the Amended Site Plan Review was submitted and said that no one being present spoke volumes. At the last meeting it was noted that they did not have a sign permit and she was surprised when the next day they were open for business. Since the last meeting, they cleared the weeds from the front, weed-wacked the back and left the debris there, hydroseeded the front and ignored the rest. They made it look good where it needed to be. She said Mr. Brodeur clearly knew they would be opening the next day, because he issued the temporary occupancy permit, but never said anything. She said they had to hire an attorney to address the fence issue. Mr. Frieden told her that at the last meeting he instructed Attorney Sushchuk to talk with his client's engineer to address the shed and come up with a solution when they file an Amended Site Plan Review for the signs. Ms. Carvalho asked what her recourse was. Mr. Olson explained that the leverage the Planning Board has is that the Site Plan Review Bylaw says they need to come before the board to receive a final Certificate of Completion before they are entitled to an Occupancy Permit. Currently they have a Temporary Occupancy Permit which has a limited term. If the new building inspector enforces the bylaw, and they want to remain open, they would need to come before us again. Mr. Frieden said that unfortunately we can't address it tonight because no one for the applicant is present. She was encouraged to speak with the Assistant Building Inspector about the Temporary Occupancy Permit because it is not within the Planning Board's jurisdiction. Mr. Olson also said she could also contact the Town Administrator or Board of Selectmen since they are the hiring/appointing authority for the building inspector.

**Preliminary Site Plan Review (CLT Park, LLC – 137 Shrewsbury Street)** – Mark Tomaiolo was in attendance, presented a conceptual plan for Site Plan Review, and asked for the board's input before submitting a Site Plan Review application package. He said he is conforming to all setbacks and area and no variances will be needed. Before finalizing the ANR lots in order to comply with the DCR's Watershed Protection Act, he has to create the lot lines such that there is no more than 10% proposed to be impervious (roof, walkways and pavement). He will then sell the remaining back land to DCR (approximately 60 acres). He asked where he needs to start and Mr. Frieden said he would begin with the Building Inspector. Mr. Tomaiolo said he did speak him and was told the use is allowed in the Business District. One building will be constructed (20,000 square feet) to assemble and retail specialty race cars and racing paraphernalia (suits, helmets, etc.). Mr. Tomaiolo said there will be no manufacturing; parts will be assembled (documented with cameras for the owners to see it being done). It is a non-residential building

and will require a Site Plan Review. Mr. Tomaiolo was referred to Section 3.6 of the Subdivision Rules & Regulations. Bob O'Neil and Jim Malley will be the engineers for the project. The site plan fee is based on the lot area and, with the acreage of the ANR lots being 4.2, will fall in the 3-10 acres category. ANR lots will need to be created once the site design moves forward. There is a 10% impervious maximum. Under the Watershed Protection Act he is allowed to make only 10% of the area within 200' of a stream to be impervious where water can't go into the ground. He is proposing a common driveway area. Mr. Tomaiolo wants it on one side which will reduce the impervious area and was referred to the Off Street Parking & Loading, Section 5.2 a.1.e. He has spoken with the Building Inspector about the retail aspect. The car is the retail finished product; nothing being manufactured so the use would be F1, Business Use. Regarding pre- and post-drainage plans that were submitted, there is a storm water treatment pond and catch basins in the parking lot. The calculations have been prepared for that. Under Zoning, DEP Stormwater standards must be met and the Planning Board is the reviewer for compliance with this under the town's Stormwater Bylaw. It was suggested he talk to both the Fire and Police Departments to address the traffic issue and internal circulation needs. The land where the horseshoe pits are located will be donated to the American Legion with the rest being sold to the DCR. He was told to consider lighting (it can be mounted on the building but cannot have glare beyond the property line, and a lighting plan is needed to show that the illumination cones do not extend beyond the property lines). Mr. Tomaiolo said signs would be minimal and was told he should include a sign layout as part of the SPR. The SPR must also show truck deliveries (need accessible area); trees (one tree for every ten parking spaces); sight distances and screening (because there is a house nearby). It was suggested he speak with the abutters for their input to make the public hearing less surprising.

Mr. Tomaiolo asked if he could complete the project in phases and was told he should request in a cover letter a longer period of construction time because he plans to phase the job. The approval letter has standard wording that states that construction must be started within one year from the date of Final Site Plan Approval and may be extended for one year at the board's discretion. He was reminded that if the approval has lapsed and Zoning regulations have changed, it would require another review.

### **Reports from Other Boards:**

Mr. Olson said the Town Wide Planning Committee met. The Town Administrator gave a tour of the facility. The updated chapter on Municipal Facilities was discussed and may be ready to send to the Planning Board for review after the next meeting. Chris Ryan (CMRPC) gave a presentation. He is working on updating the Land Use Zoning chapter as well as the Housing Population chapter. Mr. Vignaly asked Mr. Frieden if the Housing Section has been before the Affordable Housing Trust. He wants to be sure that the Master Plan agrees with the Housing Production Plan. Mr. Frieden will make sure it is reviewed when the draft is ready. The AHT and Housing Authority put together the Housing Production Plan and it should agree. Mr. Olson will bring that up at the next TWPC.

Mr. Frieden said the Affordable Housing Trust is moving forward with the Maple Street, Orchard Knoll property, attempting to acquire town control rather than state control so affordable housing can be built. DHCD sent out a survey to audit the town's performance relative to the

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Housing Production Plan. Dick Heaton suggested completing it and using it as a reference or, if it is in the town's best interest, send it back to DHCD.

405 Prospect Street Property – Mr. Vignaly said the Board of Selectmen voted to not move forward with the investigation of town acquisition of this property even though the Planning Board, Open Space Committee, Conservation Commission and the Affordable Housing Trust recommended that it go to town meeting. The Open Space Implementation Committee wrote a letter to the BOS asking the basis for their decision. The OSIC asked that the AHT and Planning Board write similar letters and ask why we never received a response from the recommendation; what was the justification for going opposite of the recommendation; how can we work together in the future to support the town's interest when we think something is worthwhile and the BOS does not; and is there a way to improve the communication to work better with the town in the future? Mr. Frieden also mentioned that the Planning Board never received a response to the board's letter almost a year ago regarding the Selectmen's comments in the December 26<sup>th</sup> Banner article. Ms. Carlson said it may discourage residents from participating on the boards and committees. Mr. Olson will prepare a draft letter for the next meeting. Mr. Frieden said that Pat Halpin will speak with the BOS rather than write a letter.

Mr. Vignaly said the Open Space Implementation Committee met and received three proposals to update the Open Space and Recreation plan. They recommended CMRPC at \$14,500; but are awaiting Mr. Gaumond's direction on how to proceed.

Citizens' Comments – Dave Femia said there is a ZBA meeting on Monday regarding 94 North Main Street.

Correspondence Received – An email was received listing the CPTC Workshops Fall Courses.

Approve Payment of Invoices/Review Draft Meeting Minutes of September 10, 2014 – There were no vouchers for approval. Mr. Olson made a motion to approve the September 10, 2014 Meeting Minutes; Ms. Carlson seconded the motion; all voted in favor; motion approved.

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

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

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

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