



**TOWN OF WEST BOYLSTON PLANNING BOARD** [planningboard@westboylston-ma.gov](mailto:planningboard@westboylston-ma.gov)  
140 Worcester Street \*\* West Boylston MA 01583 \*\* Telephone 774.261.4073 \*\* Fax 508.835.3807

## **MEETING MINUTES**

### **October 8, 2014**

Chairman: Marc Frieden

Members Present: Christopher Olson, Cheryl Carlson, Vincent Vignaly, Mark Brodeur

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 7:00 p.m.

**Status of Village Zoning Bylaw Grant with CMRPC** – Mr. Olson said he is reviewing the bylaws for the towns that have or are in the process of enacting a Village Zoning Bylaw and will report back at our next meeting.

**Crescent Builders Definitive Subdivision Plan Submittal (Nuha Circle) 223 Prescott Street** – Mr. Ali was present and submitted the Definitive Subdivision Plan for Nuha Circle on Prescott Street. The fee for the project was calculated and he submitted \$10,300. Mr. Frieden asked about the issue with the Fire Department and the installation of residential sprinklers systems due to the fact there is inadequate municipal water supply on Prescott Street. Mr. Frieden said that the board will follow the Fire Chief's recommendations. Mr. Ali was asked if this is an issue and, if so, does he want to continue the process. Mr. Ali said his argument would be that there is a fire hydrant within 750' of the road and that the sprinklers will not work if there is no power. The Fire Chief does not want cisterns because of the maintenance to the town. Mr. Vignaly said there will be a Homeowner's Association for the drainage and suggested that perhaps the Fire Chief would be agreeable to having funds set aside for the maintenance of the cistern, but Mr. Vignaly agreed with the Chairman that he will follow the Fire Chief's recommendations. Mr. Ali felt that would make the project more feasible. Mr. Brodeur told Mr. Ali that he will have to work it out with the Fire and Building Departments. Mr. Vignaly asked if he submitted a letter with the application requesting waivers; Mr. Ali did not. It was suggested that he have his engineer request waivers from the items generally not of issue with this size project, such as fire safety and traffic and economic impact. Mr. Ali was also reminded that he needs to file the application package with the Board of Health, forward a copy to VHB for their review and do the public notice for the hearing. The hearing is scheduled for November 12<sup>th</sup> at 7:00 p.m.

**21 Franklin Street Project Review of Amended Site Plan Review** – Lori Carvalho (17 Franklin Street) was present. The Amended Site Plan Review was received today. Ms. Carvalho said that this is the second time the applicant or a representative has not shown up for the meeting. After a brief review of the plan, Mr. Frieden said a 6' section of fence to cover Ms. Carvalho's view of the shed was added. Ms. Carvalho said there have been bags placed outside of the shed. She asked if the definition of the dry swale had changed and expressed again how the weeds were cleared from the front, the back was weed-wacked, debris was left there, the front was hydroseeded, and the rest was ignored. She is concerned that if no maintenance is being done at this stage, what can she, as an abutter, expect in the future? Mr. Vignaly explained that there is a water quality swale on the back of her property which is a dry swale. On the side of her property is a forebay and infiltration basin. It was her understanding that the swales were to be maintained with 3"-6" of grass. Mr. Vignaly said the amended plan shows what was originally approved and he does not see that changing. The slope stabilization will be 2:1. She said the black plastic (silt fence) is still there. She was told that final seeding has not been done and when grass grows and the site is stable it will be removed. Ms. Carvalho asked if they could receive their approval. Mr. Vignaly said they could get approval for the Amended Site Plan for the changes to the fence and shed, but that does not mean that all the work on the site is completed. The recourse for the Planning Board is not to issue a Certificate of Completion.

Another concern of Ms. Carvalho's was the basin emergency overflow. She said it appears to be the same height as the curb and wanted to know how the water would be diverted into the road. She said it does not look like that in reality and would like someone to look at it. Mr. Vignaly said the plan shows it sloping away and VHB will inspect the site and verify that it is in compliance with the plan that was submitted.

The application fee was discussed. The applicant is asking to waive the \$600 filing fee. Ms. Carlson made a motion to waive \$300 of the \$600 application fee; Mr. Brodeur seconded the motion; all voted in favor; motion approved.

Ms. Carvalho inquired about the time frame and whether or not they could be granted an extension. Mr. Brodeur said because the bylaw allows Temporary Occupancy Permits for up to one year, they could be given another Temporary Occupancy Permit. Mr. Vignaly said a building permit should not be issued until compliance with zoning is demonstrated. Mr. Brodeur said a Certificate of Occupancy is not a building permit. Mr. Vignaly said the applicant is required to finish the work to be in compliance with zoning. The Building Inspector has the right to issue a Temporary Occupancy Permit if he feels the work is satisfactory. The Planning Board will not issue a Certificate of Completion until they are in compliance with the plan that was submitted. Mr. Vignaly said the applicant has one year to do the work, but it is in the best interest of the applicant to stabilize the area before the winter.

**ANR Plan (CLT Park, LLC – 137 Shrewsbury Street)** – Mr. Vignaly recused himself from the matter. Mr. Tomaiolo said two lots are being proposed along Hartwell Street. One lot is being donated to the DCR, and one lot where the Legion's horseshoe pits are located is being given to the American Legion. The lots were determined to have adequate access and frontage. Because the lots are charitable contributions and will not result in buildable lots, Mr. Brodeur made a motion to waive the filing and review fees; Ms. Carlson seconded the motion; Mr.

Frieden, Mr. Olson, Mr. Brodeur and Ms. Carlson voted in favor; motion approved. Mr. Brodeur made a motion to accept the ANR Plan of Land located on Shrewsbury Street in West Boylston, owned by CLT Park, LLC, prepared by Robert D. O’Neil Jr., dated October 5, 2014; Mr. Frieden, Mr. Olson, Mr. Brodeur and Ms. Carlson voted in favor; motion approved and the board signed the mylar and six copies.

**Review of Proposed Job Description for Planning Board Secretary** – The draft job description was reviewed and the members had no changes. Ms. Carlson made a motion to accept the draft job description as written; Mr. Olson seconded the motion; all voted in favor; motion approved.

**Reports from Other Boards** – The draft letter regarding the Right of First Refusal on behalf of the Planning Board was reviewed. Mr. Frieden spoke with the Town Administrator who explained the discussions when the Board of Selectmen received the letter from the Open Space Implementation Committee. Mr. Frieden felt that the BOS did not understand the letter to state that the OSIC felt their suggestions were ignored. Mr. Frieden asked if it made sense to send a letter on behalf of the Planning Board or speak with Mr. Gaumond directly to tell him it would be helpful to receive a response from the Selectmen when letters or inquiries are made directly to them. Mr. Olson suggested asking the BOS in the future to notify the board with a response when we comment on a matter.

**Citizens’ Comments** – Dennis Minnich attended (as a citizen) to ask for the board’s opinion as to whether or not he could put a cemetery on his property. He explained that he has twenty-six acres that is currently under agreement with a developer for a residential development. The developer would rescind his agreement if Mr. Minnich is allowed to go ahead with his project of putting a cemetery on the property. He wants to keep the trees and feels it would be less invasive to the neighbors than having a development that would have no buffer. It would be a non-profit private cemetery. Mr. Brodeur said it is not an allowed use in a residential area and would need approval from the ZBA. Mr. Minnich showed a plot plan and explained to the members where it would be located. Mr. Vignaly said it is in the Aquifer Protection District but is not a prohibited use or requires a special permit. Mr. Minnich asked and was told the next step would be to submit a plan to the Building Inspector who would then issue a denial letter directing that the ZBA be involved. The ZBA will need to review an engineered site plan which will include stormwater management practices and traffic circulation. The board agreed that the intent sounds reasonable and seems feasible.

**Correspondence Received:**

1. *Email:* Mr. Vignaly forwarded an email regarding the DHCD request for a Housing Production Plan survey. It will be worked on by the AHT.
2. *Email:* The Town Administrator invited boards and the general public to the next Town Wide Planning Committee meeting on October 28<sup>th</sup> at 7:00 p.m. in the town hall. Mr. Olson said he spoke with Mr. Gaumond about the importance of keeping the updates to the Housing Population and Land Use Zoning chapters consistent with the Housing Production Plan.

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3. *Email:* The Community Stormwater Workshop will be held in Leominster on Friday, October 17<sup>th</sup>, 9:00-11:00 a.m. at the Leominster Public Library.
4. *Memo:* Town Administrator is asking for 2015 Town Goals and Objectives. More discussion is needed and will be placed on the October 22<sup>nd</sup> Agenda.

**Approve Payment of Invoices/Review Draft Meeting Minutes of September 24, 2014** – There were no vouchers for approval. Mr. Olson made a motion to approve the September 24, 2014 Meeting Minutes; Ms. Carlson seconded the motion; all voted in favor; motion approved.

A motion was made by Mr. Vignaly to adjourn. Mr. Brodeur seconded the motion to adjourn; all voted in favor; motion approved. The meeting adjourned at 8:35 p.m.

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

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

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