



**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**

### **February 11, 2015**

Chairman: Marc Frieden

Members Present: Christopher Olson, Cheryl Carlson, Vincent Vignaly

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 7:00 p.m.

Discussion of Written Decision for Crescent Builders, Inc., 223 Prescott Street) – Mr. Ali has not yet submitted the documentation for the bond but said he will be using a tri-partite agreement. He said the construction meeting with VHB went well. The approval letter will be signed at the February 25<sup>th</sup> meeting.

#### **Old Business/Outstanding Issues/Follow-Ups:**

CMRPC FY15 Assessment Invoice – Mr. Olson spoke with Chris Ryan who confirmed that the 2010 federal census was used to determine the assessment, but did not say whether or not the jail inmate population can be excluded when calculating the assessment. Mr. Olson will follow-up.

#### **New Business/Review of Correspondence/Emails Received:**

- 1) Eric Pearson (Pinecroft Dairy, 555 Prospect Street) to discuss Site Plan Review requirements for a Farmer's Market – Eric Pearson (Pinecroft Dairy) and Jennifer Baum (The Weaving Shed) were present. Ms. Baum would like to bring a Sunday morning Farmer's Market into the town and utilize the park area where the concert series are held. The area could accommodate 9-10 vendors using 10' x 10' tents. It would be a twelve week event running Sunday mornings from 9:30 to 12:00 from mid-June to mid-October. She met with the Board of Health and received a seasonal permit. Each vendor would be responsible to acquire their own permit from the appropriate town agency. There is, however, an issue with the Building Inspector regarding the use of the business and it qualifying as a business center.

Mr. Pearson spoke with Chris Lund and received a letter saying that a business center is defined as three or more businesses that share a common parking area. A business center is not allowed by right in the Business District; it is only allowed by a Special Permit issued from the Planning Board through a Site Plan Review. It further said that there are currently 5 or 6 businesses operating out of 543 Prospect Street, and a search of the Town Clerk records

show no Special Permit was approved for the current center. The Special Permit is required to be rectified. Further, the shared parking lot will be used for the Farmer's Market, but the other businesses are closed during market times.

Mr. Pearson submitted a letter stating in part that since approximately 1996 there have been tenants in the building. For approximately 18 years there have been a minimum of three businesses. Town inspections were conducted annually and he was never made aware that the classification changed in 1990. He said there is more than ample parking on the property (currently 67 parking spaces), and the Farmer's Market would occur when the other businesses are closed. There will be no new buildings or permanent structures. Ms. Baum said there are three points of egress to the grassy knoll. Fire lane requirements of an open space every 15' will be included in the plan per the Fire Department. It is not handicap accessible, but Mr. Pearson said he does plan to improve that this year.

Mr. Vignaly said the Planning Board does not have any issues with the Farmer's Market, but the Building Inspector as the Zoning Enforcement officer regarding the enforcement of all the zoning bylaws does. Mr. Frieden will email the Building Inspector and give him a history of the property and to let him know that the parking, lighting, drainage and sight distance does not trigger a Site Plan Review and ask if he would consider the business center and the Farmer's Market separate issues and allow the Farmer's Market to proceed.

- 2) Olde Century Farm Development Detention Pond Maintenance – Joe Oyer (8 Garside Drive) spoke on behalf of the residents. He summarized that in the fall of 2014, DCR sent the residents of Olde Century Farm Road and Garside Drive a letter requesting that the detention ponds be cleaned. A group of residents did clean out the four basins. Mr. Oyer spoke with Dave Getman (DCR) several weeks later and was told the work was done well. The developer went bankrupt before the Homeowner's Association was formed and there had been no maintenance ever completed on the basins. The issue now is that some residents understandably, were not aware that there was a HOA and do not want to participate in or pay insurance premiums to a non-existent association for the maintenance of the detention ponds. Mr. Oyer said he is requesting on behalf of the residents that the town find a way to help remedy the situation.

Mr. Vignaly explained that a Homeowner's Association is typically established after the developer has sold a majority of the lots. In this particular case, the developer went bankrupt before the majority of house lots were sold. The deeds on the houses that were sold resulting from the bankruptcy should reflect that there is a HOA requirement since the HOA is required on the entire property and deed restrictions existed before people bought the homes. Mr. Oyer asked if the town could be of assistance by sending a letter to the residents telling them that a HOA is required. Mr. Vignaly said it was a legal issue and may be more involved than that, but the board could draft a letter to Town Counsel stating the HOA was never formed and ask what the next step is for the residents and town. He said that Mr. Perkins agreed at town meeting and, as part of the town's vote to accept it as a town road, the town committed to doing the maintenance of the work in the road only and the HOA would do the maintenance off street. Supervision and maintenance of the basins is the responsibility of the HOA. It was asked what would happen if the residents did not follow the HOA and perform the maintenance. They were told that the town may perform the

maintenance, but would likely charge the cost to the homeowners along with a penalty fee. If the basins are cleaned and maintained regularly, they could last many years, but without maintenance can fail quickly. Insurance premiums would be based on the cost of a major repair. Mr. Oyer asked if there could be a middle ground with the town. Mr. Vignaly said it could be possible to hire the town to do the work once the HOA is established, but that would be between the HOA and the DPW or Selectmen. Mr. Frieden will send an email to the Town Administrator letting him know that there is a problem with instituting the Homeowners Association and ask for Town Counsel's advice and direction on how to proceed to get it established and to get the work completed.

- 3) An inquiry email was received from Pat McKeon. A customer would like to purchase the former Luxtec building on 99 Hartwell Street, take out the second floor in the rear building, cut in ten overhead garage doors, and frame in ten contractor bays of approximately 1,500 square feet each. No expansion of the building is proposed. Mr. Olson noted Zoning Bylaw 3.2.F.12 notes that Business Centers are not allowed in Industrial zones, but 3.2.G.10 does allow Industrial Parks for two or more uses with a Site Plan Review from the Planning Board. Also, Section 3.2.G.6 requires construction contractors' uses only after obtaining a special permit from the ZBA. Mr. Vignaly will research and contact Mr. McKeon.

**Reports from Other Boards:**

Ms. Carlson said the Community Preservation Committee has not met.

Mr. Frieden said the Affordable Housing Trust is moving forward and has compiled the information needed to send to the DHCD to get the back land at Orchard Knoll transferred back to the town. The paperwork now needs to go before the Housing Authority and Selectmen for their signatures.

Mr. Vignaly asked the status of the TWPC update on the Population & Housing chapter. Mr. Olson said the chapter was to be updated by CMRPC. He will follow up and report back.

**Citizens' Comments** – None tonight.

Invoices were approved for payment. Mr. Vignaly made a motion to approve the draft Meeting Minutes of January 28, 2015; Ms. Carlson seconded the motion; all voted in favor; motion approved.

Ms. Carlson made a motion to approve both draft Public Hearing Minutes of January 28, 2015; Mr. Olson seconded the motion; all voted in favor; motion approved.

A motion was made by Mr. Olson to adjourn. Ms. Carlson seconded the motion; 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