



TOWN OF WEST BOYLSTON PLANNING BOARD planningboard@westboylston-ma.gov
140 Worcester Street ** West Boylston MA 01583 ** Telephone 774.261.4073 ** Fax 508.835.3807

MEETING MINUTES

May 13, 2015

Chairman: Marc Frieden

Members Present: Vincent Vignaly, Cheryl Carlson, Christopher Olson

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.

Discussion of Written Decision for CLT Park, 137 Shrewsbury Street – Ms. Carlson made a motion to sign the Certificate of Approval letter for CLT Park, 137 Shrewsbury Street; Mr. Olson seconded the motion; all voted in favor; motion approved. The original will be given to the Town Clerk for a 20-day appeal period and a copy sent to Mr. Tomaiolo.

Nuha Circle Covenant and Construction Problems – Mr. Vignaly is waiting for a reply to his May 6th email to Nancy Lucier requesting consultation with Town Counsel since Leon Gaumond's departure. Construction Reports dated 4/24/15 and 5/4/15 were received from VHB. They are closely monitoring the progress to ensure that the work is completed as approved.

Conservation Commission Update regarding Local Wetland Bylaws – Mr. Vignaly will prepare revisions for the May 27th meeting.

Town Counsel's Feedback regarding Olde Century Farm Homeowners Association Issue – Mr. Olson received feedback from Town Counsel who said they are of the opinion that all the lots in that subdivision are part of the Homeowners Association, and the Declaration of Trust creating the Association is still valid. Goodell Development recorded a mortgage shortly after it acquired the Olde Century Farm property. After that, Goodell recorded a Declaration of Trust in 2004 by which it created a Homeowners Association. Goodell conveyed a number of lots by deeds that expressly referenced the Homeowners Association. The bank then foreclosed on its mortgage and sold the remaining lots itself. As to the lots that were conveyed by Goodell before the foreclosure, it is Town Counsel's opinion that those lots are subject to the Declaration of Trust because the bank released each of their lots from the mortgage; a foreclosure of the mortgage did not affect those lots or the fact that those lots were subject to the Declaration of Trust. For the lots conveyed by the bank, those lots too are subject to the Declaration of Trust because the bank expressly stated in the auction notice, which is included in the deed, that the lots are subject to the Declaration; the bank clearly recognized that the Declaration was valid. The homeowners will need guidance on how to make the Homeowner's Association work. Mr.

Olson will follow-up with Town Counsel for guidance in moving forward, and will respond to the Building Inspector's email of April 27th.

Site Plan Review Application (216 West Boylston Street, Checker Real Estate) – Mr. Healy presented the photometric plan. VHB may have a scheduling issue reviewing the project before the May 27th public hearing. The board will prepare the approval letter before the June meeting in the event review has been completed. The hearing notice has been sent to the Telegram & Gazette. A traffic impact study was submitted along with a drainage report. Mr. Healy met with the Fire Chief and addressed his concerns as well as addressed the Building Inspector's concerns regarding retaining walls, free-standing sign and directional sign. The Police Department approved the project as submitted. An RDA has been filed as required by the Conservation Commission. Mr. Healy was advised to provide a list of all waivers they plan to ask for so they can be incorporated in the approval letter. The stormwater system Operation & Maintenance Plan needs to be incorporated on the plans. The hearing is scheduled for May 27th at 8:00 p.m.

Angell Brook Homeowners Association Inquiry (Private Inspection Report Review) – The homeowners are now the managing group. They hired an engineer, Noblin & Associates, LLC from Dover NH, to review the site conditions. The Association concerns with the report they received. Mr. Vignaly reviewed the report and found that most items were not relevant to the Planning Board but will forward relevant portions of the report to the developer (Mike Staiti), Wayne Amico (VHB), and the board to ensure that the issues noted will be corrected before the board completes its review for the Certificate of Completion.

Building Inspector's Email regarding Angell Brook – The email was a request from various departments as to what certifications are required before a final Certificate of Occupancy can be issued. The Planning Board responded that we require as-built plans and an engineer's certification along with the request for the board to review and issue a Certificate of Completion before a Certificate of Occupancy can be issued by the Building Inspector.

Surabian (184 West Boylston Street) – Expired SPR Approval – Patrick Healy said the Building Inspector denied them a Building Permit and said to contact the Planning Board. The approval may still be valid due to the Permit Extension Act. Mr. Healy was told to bring that document to the Building Inspector for a determination. Mr. Vignaly said all drainage must be in place; rain gardens need to be constructed as previously stated on the detail sheets, not mounds.

Asian Longhorn Beetle Eradication Project – The information received will be forwarded to Wayne Amico. It will be incorporated in the approval letters stating that "tree and vegetation removal must comply with the MA ALB Cooperative Eradication Program".

Reports from Other Boards – Mr. Olson will follow-up with the CMRPC 2015 Regional Bicycle and Pedestrian Count Program. He will request a count be conducted at the intersection of Route 12 and Route 140 at the triangle north of the reservoir.

Mr. Frieden said the Affordable Housing Trust (AHT) met and the attorney is continuing to work with them as well as the Board of Selectmen regarding the Oakdale project. David Femia said the ZBA is meeting Thursday and that Mr. Ali is looking to have an ANR signed at that meeting.

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Mr. Frieden will send a letter to MassDOT in support of the work being considered by them and Wachusett DCR along Route 140 at the Boylston town line as well as the area abutting the Wachusett Reservoir at Route 12 and north into Oakdale. A copy will also be sent to transportation-related town agents.

Citizens' Comments – None tonight.

Approval of Invoices and Review of Draft Meeting/Hearing Minutes of April 22, 2015 – Invoices were approved. Mr. Olson made a motion to approve the April 22nd Meeting Minutes as amended; Ms. Carlson seconded the motion; all voted in favor; motion approved. Ms. Carlson made a motion to approve the Public Hearing Minutes of April 22nd; Mr. Vignaly 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 9:21 p.m.

Date Accepted: _____

By: _____
Christopher E. Olson, Clerk

Submitted by: _____
Melanie Rich