



**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**

### **September 9, 2015**

Chairman: Marc Frieden

Members Present: Vincent Vignaly, Christopher Olson, Barur Rajeshkumar

Members Absent: Cheryl Carlson

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.

**Village Zoning Bylaw Presentation (Eric Smith)** – Mr. Smith gave an informative PowerPoint presentation and explained the many aspects involved with implementing a Village Zoning Bylaw. Phase I was the development of the model bylaw; Phase II is to customize the model bylaw specific to West Boylston. There is funding available through the end of year; DLTA is calendar year based. The members agreed it will be good for the town and is happy that the CMRPC is assisting. Mr. Smith will assess the areas (Oakdale, Pinecroft and West Boylston Center) with existing conditions analysis, review the Master Plan and existing zoning, and schedule a site visit for September or early October; he will email available times.

**Nuha Circle Covenant** – Mr. Ali felt the ANR lot building permits should not be held up. He said the road was graveled today and will be paved next week. He said he is not looking for an Occupancy Permit; he is looking for a Building Permit. Mr. Vignaly said after the bond is reviewed, the Building Inspector will be notified. The board has been waiting for the documents since January. Mr. Ali said he needs the Building Permit inspections to get the work done. He was told that there is no covenant in place and should he walk away from the project, the town has no way to clean it up; there is no bond and no covenant. Mr. Ali said legally the board cannot hold up the permits and felt like he was being blackmailed. Mr. Vignaly said he is in violation of the subdivision approval conditions. He is asking for inspections on one lot (#2 Nuha Circle) which is already built. The board agreed to allow inspections for that one lot and Mr. Frieden will inform the Building Inspector. VHB is currently reviewing the bond.

**242 Woodland Street/Pinecroft Intersection** – Mr. Vignaly spoke with the Mike Kittredge (DPW Interim Director). Lane marking will be done and jersey barriers installed before winter. There will also be a police presence.

**Maple Street/Pierce Street (18 Wheeler Complaint)** – Mr. Rajeshkumar will inform the inquirer that the Planning Board does not have jurisdiction. The Planning Board will forward to the Board of Selectmen.

**Conservation Meeting Update (Proposed Local Wetland Bylaw)** – The Conservation Commission notified the board that the local bylaw will not be ready for the fall town meeting.

**Illicit Discharge Bylaw from Anthony Sylvia** – Discussion of Nancy Lucier’s request for an update on the bylaw governing illicit discharges to the municipal storm drain system noted that no reply was ever received from Mr. Sylvia last spring. Mr. Vignaly will follow up.

**Angell Brook Certificate of Compliance** – The Homeowner’s Association is in place; the project is substantially complete, and the developer has requested a Certificate of Completion. VHB needs to visit the site to make certain compliance has been met before the board can issue a Certificate of Completion.

**Old Century Farm Homeowners Association Draft Letter** – Mr. Olson will draft a letter requesting that property owners establish the Homeowners Association as required in their deeds for the next meeting.

**DCR Route 140 Improvements Project Letter Update** – Mr. Olson forwarded a letter to the MassDOT with the board’s feedback.

**Electronic Sign & Sign Bylaw** – The deadline for an article on the October Town Meeting warrant has passed. Mr. Frieden will email the Board of Selectmen informing them we are now considering it for the May meeting.

**Meola Sign (165 West Boylston Street)** – Ms. Carlson will report at the next meeting.

**308 West Boylston Street (Building Inspector Inquiry)** – Ms. Carlson will report at the next meeting.

**Application Form Revisions** – Mr. Rajeshkumar revised the Site Plan Review application and created a workable pdf document. Board members were asked to review and edit for the next meeting, but agreed it was a good beginning.

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

**Gerardo Sarli (339 West Boylston Street)** – Mr. Sarli, Julian Votruba (NEED, LLC) and John Oliveri (Oli’s Italian Eatery) were present. Mr. Votruba owns a consulting firm; the registered engineer could be James Kalloch. Ownership of the adjacent paper streets has been determined to be assigned to abutting lots according the letter from Gould & Ettenberg, PC dated May 6, 2015. They presented a plan and explained that they intend to pave a connection from the parking lot to the driveway to the south and inquired if that is allowed by the Planning Board. A Site Plan Review is not required for paving; parking for 15 or more cars will trigger it and it is determined by the Building Inspector who is the Zoning Enforcement Officer. The parking on the gravel areas to the north and south of the site has been in violation for years, but the board has been patient in pursuing enforcement to let the business get off the ground. It requires approval from the Conservation Commission. There is a previously approved drainage analysis that will need to confirm that there is capacity, but the board wants to see the full parking improvement implemented soon. Mr. Sarli said he will be back before the board in the fall.

**Reports from Other Boards** – No board reports tonight.

**Citizens' Comments** – Jeff Marsh (158 Prospect Street) asked for guidance for the right-of-way issues with the property adjacent to his and questioned the legality of Mr. Grunber's deed where reference to the right-of-way was crossed out. He was advised to contact Attorney Wayne LeBlanc since his name is on the paperwork. With regard to the land transfer to Mr. Howe, he was advised to have a survey completed.

Dave Femia (ZBA) was looking for the May 22, 1989 Planning Board Public Hearing Minutes regarding accessory apartments. He would like to know the reason for creating the bylaw. Mr. Vignaly will follow-up with Elise Wellington and respond to Mr. Femia.

Mr. Vignaly made a motion to approve and endorse the Certificate of Site Plan Review Approval and Special Permit for a Business Center at 539, 541, 543, 555 Prospect Street (Pearson Realty Trust); Mr. Olson seconded the motion; all voted in favor; motion approved.

Information from CMRPC regarding Cost-Effective Low Impact Development Projects was received. It will be an item for discussion on the September 23<sup>rd</sup> agenda.

Roundtable discussions for the proposed Cumberland Farms at 184 West Boylston Street will take place on Monday, September 14<sup>th</sup> at 1:00 p.m. in the Board of Selectmen's room. Mr. Vignaly and Mr. Rajeshkumar will attend to discuss Planning Board concerns: entry way, sign setback, two standing signs on a lot, queuing needed for each island, no video or music on gas pumps, parking behind the building, sidewalks, parking needed for café seating, and edge of pavement adjustments to reduce confusion at southwest corner. Members will forward any other concerns to Mr. Vignaly before the meeting.

**Approval of Invoices and Review of Draft Meeting Minutes/Public Hearing Minutes of August 12, 2015 and Draft Joint Selectmen/Planning Board Meeting Minutes of July 22, 2015** – Invoices were approved. Mr. Olson made a motion to approve the August 12, 2015 Meeting Minutes and Public Hearing Minutes and the July 22, 2015 Joint Selectmen/Planning Board Meeting Minutes; Mr. Rajeshkumar seconded the motion; all voted in favor; motion approved.

A motion was made by Mr. Olson to adjourn; Mr. Vignaly seconded the motion; all voted in favor; motion approved. The meeting adjourned at 10:15 p.m.

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

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

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