



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

September 23, 2015

Chairman: Marc Frieden

Members Present: Vincent Vignaly, Christopher Olson, Cheryl Carlson, Barur Rajeshkumar

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 7:05 p.m.

Nuha Circle Bond/Homeowners Association – Mr. Ali provided the board with signed and notarized Homeowners Association and Performance Agreement documents. The members, with the exception of Mr. Vignaly whose employer is an abutter, signed both documents. They will be forwarded to Town Counsel for review and acceptability. Mr. Ali agreed to make any changes recommended by Town Counsel.

Electronic Sign & Sign Bylaw – The Selectmen changed the Zoning Bylaw change requested by the Planning Board from a 10 second minimum time between messages to zero. It appears that the town sign is currently changing more frequently than the 60 second minimum required in the Zoning Bylaw and it should be in compliance. When the town violates its own bylaws, it is difficult to justify enforcing it on others. The Planning Board suggested the time change every 10 seconds. An explanation and back-up to support the change to zero is needed. Mr. Vignaly sent an email to Nancy Lucier informing her that the board will hold off on the amendment until May since the change made by the Selectmen confused the issue of public notice requirements before zoning changes can occur. Mr. Olson read the law, and as far as being more or less restrictive found that the common understanding of can it be less or can it be more is an oversimplification of the law; the law is more flexible; in many situations it can be amended to go in either direction. What is important from a legal perspective is that the public is on notice of the issue that is being discussed about reducing the time that a message can be up. They need to be made aware of the fact before Town Meeting that what we are trying to do is reduce the time. He further said that at Town Meeting the board should be prepared to defend the requested change. The board needs to contact the Selectmen to start the process for the spring Town Meeting consideration.

Bylaw Governing Illicit Discharge – Mr. Vignaly sent an email to the Board of Selectmen. Nancy Lucier forwarded it to the DPW Director and has not yet received a response. Mr. Vignaly will follow-up with him.

Old Century Farm Homeowners Association Draft Letter – Mr. Olson drafted, and the members revised a letter requesting that property owners establish the Homeowners Association as required in their deeds and listed Dr. Oyer as the contact person. Dr. Oyer emailed Mr. Olson and said he would be out of town frequently and suggested asking Bob Reilly and/or Christopher Souza if they would be willing to be the contact person. Mr. Olson will reach out to them.

Meola Sign (165 West Boylston Street) – Ms. Carlson will follow up with the Building Inspector.

308 West Boylston Street (Building Inspector Inquiry) – Ms. Carlson will follow up with the Building Inspector, but this is more of a question of the need for a Site Plan Review for Kevin's Automotive because the photos sent by the Building Inspector showed significantly more than fifteen cars parked at his property where the board has no record of a SPR being authorized.

CMRPC Low Impact Development Grant Application – The deadline date has been extended two weeks. The application will be filled out and submitted.

Application Form Review – Revisions were made. Mr. Rajeshkumar will incorporate them into another draft of the Site Plan Review application for review at the next meeting.

New Business/Review of Correspondence/Emails:

Flag Lots (Estate Lot) Zoning Bylaws Change – There is currently a conflict with the Zoning Bylaws that should be corrected. Section 4.2.C allows someone to request a Special Permit from the ZBA to reduce their frontage to 100', but Section 4.1.E requires that they need a variance to reduce the width of the lot below the minimum 120' or 150'. They are allowed to get a Special Permit from the ZBA for the frontage reduction, but the standard to obtain a variance for the width reduction is not reasonably attainable. Creating "Flag lots" is proposed to replace the frontage reduction language with language to allow a larger lot area but with a narrow access way of about 50' wide frontage. The town will benefit by getting bigger lots and won't have to plow or maintain small dead-end roads in the future. Mr. Vignaly said we could alternatively amend the wording in the width bylaw, but that does not address larger lots that might otherwise require these small cul-de-sacs.

Proposed Cumberland Farm Roundtable Update – Mr. Vignaly and Mr. Rajeshkumar recounted the discussion of concerns with the plan provided: the northern access should be shaped to make it a one way entry from the north only; seating should be included in the parking requirement calculations; a new standing sign is proposed while only one is allowed per lot and there is already an oversized sign for the mall (they talked about an additional standing sign but they may create another lot); sidewalks and crosswalks are needed; and they reminded the applicant that drainage calculations will be required. The site location was good. Mr. Femia said they have requested to be on the November ZBA agenda.

An email was received from the Fire Chief regarding Checker Real Estate who said they will no longer have an entrance door going to the proposed tenant #2 and requested the Chief's input in removing the sidewalk to Shrine Ave. Mr. Frieden will email the Chief telling him that nothing has been submitted to the Planning Board yet.

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An email was received from CMRPC regarding the fall training workshops. Members will attend if available.

Reports from Other Boards – Mr. Frieden talked briefly about the Appeals Court that turned down a Chapter 40B Comprehensive Permit in the Town of Stow because of the proximity of the septic system to private drinking water wells. This opens up the opportunity to look at other environmental issues.

Mr. Rajeshkumar asked about the progress with the intersection at Woodland/Prospect Street. Mr. Vignaly said the work is proceeding, but waiting for the cable company to remove a line before the pole can be removed. Mr. Rajeshkumar also informed the board that at 247 Goodale Street there was a big hole and the owner said he would give the town some land if they need it to fix it. Mr. Vignaly said it is a DPW matter.

Regarding Pierce Street Truck Complaint, Mr. Rajeshkumar asked if we would be sending comments to the Board of Selectmen. Truck exclusion will be an agenda item for discussion at the next meeting.

Citizens' Comments – None tonight.

Review and Approve Invoices and Review of Draft Meeting Minutes of September 9, 2015

– There were no invoices for approval tonight. Ms. Carlson made a motion to approve the September 9, 2015 Meeting Minutes as amended; Mr. Olson seconded the motion; all voted in favor; motion approved.

A motion was made by Ms. Carlson to adjourn; Mr. Vignaly seconded the motion; all voted in favor; motion approved. The meeting adjourned at 9:05 p.m.

Date Accepted: _____

By: _____
Christopher E. Olson, Clerk

Submitted by: _____
Melanie Rich