



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

November 18, 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 7:00 p.m.

Non-Compliant Signs – Mr. Olson forwarded a link to an article on the differences between lawful and unlawful (but not enforceable) issues with respect to the Zoning Act; the article points out that there remains some uncertainty in this area of the law. He spoke with Elaine Wijnja (DCHD). She commented on when the statute of limitations begins and when the violation first occurs. She was of the opinion that a sign permit, because it is coming from the Building Department, could be considered a Building Permit. Based upon what Ms. Wijnja said and the article, there is uncertainty; so the Building Inspector's interpretation that enforcement is not allowed is not wrong. Members agreed he should ask for and keep proof of grandfathering in the file.

Conservation Meeting Update regarding Proposed Wetland Bylaw – The Conservation Commission agreed with the board's changes. Mark Archambault (Nashua River Watershed Association) wanted stronger regulations and stricter limitations. Our changes reduced some of the restrictions. Mr. Vignaly will send a copy to the Commission.

Application Form Review – Tabled to December.

New Business/Review of Correspondence/Emails:

99 Hartwell Street (Stormwater Permit and Modifications to the Special Permit) – Chris Keenan (Quinn Engineering) was present on behalf of Mr. Diverdi. He is proposing an approximate 15,000 square foot expansion of the rear paved area to accommodate a UPS driver training facility; a 200' x 200' area is needed. They have filed with the Conservation Commission. There will be an expansion of the pavement, retaining wall, and proposed catch basins will collect stormwater from the existing site behind the building and parking area. They could not provide recharge in that area so they are proposing a recharge area in another location. At the PB's SPR meeting, the neighbor was concerned about the flow of hydrocarbons from their

property onto his property. They are proposing catch basins with stormwater treatment units. Steve Migridichian (abutting property owner) has agreed with that. Ms. Carlson made a motion to accept the changes on the amended Site Plan and incorporate them on the As-Built Plans; a Stormwater Permit will be issued pending review and approval of the drainage calculations by VHB; Mr. Olson seconded the motion; all voted in favor; motion approved. Mr. Keenan will provide a letter from Mr. Steve Migridichian indicating that he is in agreement.

Graves Engineering (Special Reviewer for Cumberland Farms) SPR Application – Mr. Vignaly made a motion to authorize Marc Frieden to approve the Graves Engineering contract to review the Cumberland Farms project due to a conflict of interest with VHB and authorize him to sign for the board; Mr. Rajeshkumar seconded the motion; all voted in favor; motion approved. Melanie will forward the signed contract to Donald Graves and notify the applicant.

CMRPC 2016 DLTA Funding – Mr. Vignaly drafted a project for mapping trails and planned to forward it to Eric Smith but will wait until the spring funding round when we can possibly get a regional project. Cooperation with the towns of Holden, Sterling and Boylston Open Space Committees to request funding for a set of maps that are more extensive (regional map) may get more funding. He submitted a scope to compile and assess the zoning non-conformities in town. Mr. Smith said many of those items may be covered in the zoning review that is being done in the spring; possibly under the Village Zoning Bylaw. Mr. Smith will speak with Chris Ryan and Chris Olson will stay in touch with them.

Angell Brook Response to VHB As-Built Site Review – VHB has not yet completed their review. It will be on the December 9th agenda.

Electronic Sign & Sign Bylaw – Joint Meeting with Board of Selectmen – The Selectmen wanted to know why the proposed changes to the sign bylaw they forwarded to the Planning Board were not on the October special town meeting. Mr. Frieden replied that the Planning Board requested a 10 second change and when the BOS changed it to zero, making it more restrictive, the Planning Board was not sure of the rules to make changes to a Zoning Amendment article. Mr. Purcell said you can't amend zoning on the town floor to be more restrictive. Mr. McCormick said it was sent to the PB for a public hearing and he never received any reply. Mr. Frieden apologized for any miscommunication. Mr. Vignaly said we did not deny their request; there was not time for the research on amendments before posting a public hearing. Since the BOS changed the time, the PB had to review the issue of less or more restrictive and found there was not enough time. Ms. Bohnson said it appeared the PB avoided it. Mr. Vignaly said there were other changes to be made and incorporated, not the electronic sign timing. Mr. McCormick said why put a number in at the public hearing? Mr. Rucho said the PB has already made their decision. Mr. Purcell quoted a portion of MGL Chapter 40A, Section 5 states that "a public hearing shall be held within sixty-five days after the proposed zoning ordinance or by-law is submitted to the planning board by the city council or selectmen or if there is none, within sixty-five days after the proposed zoning ordinance or by-law is submitted to the city council or selectmen." The public hearing must be held within a certain time period before town meeting and the PB subsequently received that information from the Town Clerk. Mr. Purcell said the issue was a misunderstanding between the boards. Mr. Vignaly said the PB minutes reflect that the board has been in discussions since September and want to make all the changes with one article.

Planning Board Meeting Minutes – November 18, 2015

BOS Request for Goals and Objectives – The Planning Board reviewed the request and suggested that the Selectboard set improved communication between town boards and increased consideration of appointed boards and committee volunteers recommendations and suggestions.

Reports were received from Checker Real Estate.

Reports from Other Boards – Mr. Vignaly said that he was trying to update the 1 ½% SHI calculation should we lose Oakdale. DCR has acquired about 100 acres in town in 2015 which reduces the available land. The SHI numbers went from 55.4 acres to 53.9; reduced by more than an acre. We currently have 59.2, but part of that is the Village at Oakdale (9.8 acres). Angell Brook is listed but there are no units counted in the SHI table. There are two affordable units at Angell Brook that need to be added to the SHI and these will also add land value. We will still need another four acres, but with the acquisition of 263 Maple Street properties, the number will be reduced a little more. Mr. Frieden will update the figures and present it at the Affordable Housing Trust meeting.

Mr. Vignaly said Open Space met and the contract with CMRPC to do the Open Space and Rec plan update is now going forward. Historical information will be pulled together in December with a kickoff meeting in January.

Citizens' Comments – None tonight.

Review and Approve Invoices and Review of Draft Meeting Minutes of October 28, 2015 – Invoices were approved. Mr. Vignaly made a motion to approve the Meeting Minutes dated October 28, 2015; Ms. Carlson 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