

Minutes of the Meeting
And
Public Hearings on the Petitions of
1) FWC Charitable Enterprise Franklin Street 40-B Comprehensive Permit Continuation
2) Ned and Mary Barakat Special Permit

September 21, 2006

Present: Matthew Colangelo, Chairman Philippe W. Chevalier, Vice Chairman, Charles C. Witkus, Clerk, Barbara M. Deschenes, and Associate members Paul W. Hennessey, Linda Ann Isgro, and Town Counsel Jeanne McKnight

Mr. Chevalier called the meeting to order at 7:35pm in the Selectman's Meeting Room and asked that the Franklin Street matter be held over until the Barakat petition was heard. Mr. Hennessey 2nd the motion with all in favor. Mr. Colangelo then introduced Board Members and explained the public hearing procedure.

Ned and Mary Barakat – Special Permit

It was stated that due to the marriage of the son, Mr. and Mrs. Barakat would like to build an addition over the garage where the old chicken coop was torn down, giving them more room, and accessibility to the husband and wife. Mr. Barakat said it would be approximately 5,800 square feet.

Mr. Colangelo opened the meeting to the public.

Barbara Wyatt introduced herself as a neighbor and stated that she had no problem with it.

Ms. Isgro asked if it was zoned for general residence.

Ms. Wyatt asked why the Barakats had to come before the ZBA. Mr. Colangelo and Mr. Chevalier were also wondering. Ms. Isgro gave an explanation of general residence.

Mr. Chevalier stated that without seeing the plans, an accessory apartment has to meet two criteria; no greater than 700' and should not increase structure by 10 %.

Mr. Barakat stated that he had applied but not as an accessory and the building inspector told him to apply for a special permit.

After further discussion, the Barakats were advised to seek interpretation by the building inspector.

Mr. Chevalier move to continue the hearing to October 26th. Ms. Isgro 2nd the motion. All were in favor.

Franklin Street 40-B Continuation

The meeting was reopened at 8 pm. The Team and Lawyers for Franklin Street started discussions with Jean McKnight on presenting plans to make a decision.

Plans as follows, Engineer changes from 9/7/06:

- Duplex unit has been eliminated with revised pricing due to concern to neighborhood and wetlands;
- Move to keep to natural state, leave open space as is;
- Remove fencing from wetlands and deletion of footbridge and install fencing to cut down on cut thru traffic;
- Few adjustments to drainage area;
- Catch basin added to corner;
- Storm catch basin resolved (15' longer) and raising of driveway;
- Revisited higher end of trench;
- Latest report of testing to storm systems;
- Spill way moved to cut off;
- By removing duplex, reduction down to 29 units with 71% open space.

Mr. Mark Beaudry of Meridian Associates referred to comments in the letter of having 55 parking spaces. Need 2 per unit, has 3 extra. The fire hydrant was also added. Plans stamped by surveyor to reflect such. Comments were addressed with exception to spillway; snow storage area being deferred to conservation; would prefer to have it go back to avoid contamination. He also gave an explanation of water and sewer; the model has not been changed to reflect the changes in units.

Mr. Witkus: don't think we can make a decision until it's been in front of DCR which was advised last meeting and feels misled. MEPA needs DCR approval.

Mr. Beaudry stated that there is a hardship in the midst of funding, a great financial hardship.

Ms. Isgro: concern of substantial building going up in secondary zone. Referred to letter from DCR that it is in a water zone. She expressed that she is not feeling comfortable with approval.

Mr. Beaudry stated that this is a long complicated process asking to approve zoning so they can ask the other departments for their approval.

Mr. Chevalier: vote will not be held up and other issues will be dealt with.

Mr. Witkus: DCR can review the plans, it only takes a couple of weeks. You guys complicate matters.

Ms. Isgro: concerns regarding the water quality.

Ms. McKnight: drafted clause; result in decisions with DCR or Conservation Commission with ZBA having final result/approved plans. If substantial change ZBA has full power to hold another hearing. Both legal sides agreed.

Ms. Isgro questioned funding with approved plans – homes being built – problems arise.

Mr. Hennessey read clause “shall be obtained prior to permit”.

Mr. Witkus: dropped down to 26 still too dense. 8 – 12 units per acre, 16 at most, just received new plans today, not fair.

Mr. Hennessey: looked at changes since beginning, the wetland area has been addresses, units too close, variance; like the duplex removal and fencing concerns with Hancock’s analysis. Restore drain, add stipulation also height of water level – decision to be made by DCR.

Mr. Chevalier does not oppose clean drinking water issue with Watershed for land taking.

Open to town officials:

John Baker, member of Planning Board: applauds changes to plans and ZBA for process but said don’t get steam rolled. Ask for another 30 days. Town officials need to be reviewed as well as water and sewer. You have the leverage to have this continued to solve issues. He expressed date points; 2-3 children per unit, protect 78 children, still unsafe project. 26 units on 2 acres, calculations based on wetlands, 60-70% impervious, big numbers, should be concerned.

Mr. Colangelo questioned sewer issue.

Mr. Beaudry: no luck to complete analysis as of yet. The project is designed for 1800 connections which shouldn’t be a problem. Will obtain in writing, will be a condition.

Ms. McKnight: Addressed all issues/concerns; other than too many units, feels the number of children is inflated.

Mr. Baker: Not off-hand; 2 – 3 children per unit is a number which must be thought about having an impact on the schools, he urged the Board to move forward with a continuance. This is not high quality modular construction; there is an issue in the market place, but the quality is not there.

Mr. John DiPetro: what decision was made by the water department?

Ms. McKnight: Tator & Howard performed a float test.

Mr. DiPetro: Booster station will have to undergo \$198K renovation along with Afra Terrace – Big Money.

Mr. Hennessey: orders of conditions read from Water, Fire, and Police etc. which have not been met.

Mr. Baker: The minute you take this vote all conditions are gone; you've lost your leverage – take your time – get the boards / people involved.

Wayne LeBlanc, Chairman, Wachusett Estates: stated he saw the revised plans. He expressed concern with 20' height issue. He also stated that the unit holders, as abutters has concerns regarding the playground and wetlands, but now feels better with the new plans. It appears the relocation of playgrounds the unit holders and trust has been satisfied.

Neighbor, at 178 Worcester Street: density is a concern. He questioned the chain link fence and would prefer a better looking fence rather than a "detention center".

P. McCabe at 148 Worcester Street: same concerns with fencing and recreational area, "throw together, just put fence around it". Suggests a thoughtful designed area and less density issue. Questions units / modules. Feels they too are thrown together and does not foster community growth.

Mr. Colangelo: ZBA did request play area with open space, and grass, not asphalt. Questioned dimensions of Wachusett Estates. 3 building cluster; density. Suggested 21 units with larger acreage.

Mrs. Barbara Wyatt: drove thru Heritage Lane; too many children riding bikes. Where will the Frankling Street children ride bikes?

Neighbor at 15 Moreland Green Drive: They're in the process of building 4 condos for \$279,000.

Jane Shoyz, 180 Worcester Street: new to town, please be careful, she's afraid West Boylston will become another Worcester. Referred to Noble Project.

Mr. Witkus: cut down units to 16 with larger housing 2 stories high. Will not vote until MDC approves the plans.

Ms. Elizabeth Dowlin, 180 Worcester Street: regarding the chain link fencing, cover it a arbor vitae.

P. McCabe: given the historic character, have fencing accommodate a pleasing sight. Go to MA.gov 148 Worcester Street is on the web-site. Make it a bare minimum; has made historic state and federal recognition and may have impact if registered.

Ms. Deschenes: state lists photos?

Mr. Colangelo: Let the records show black chain link fence.

Ms. McKnight: conditions as per outline.

Mr. Beaudry: Consider larger impact on West Boylston, can't stop affordable housing. It's better to put it here than having it shoved down our throat; brings housing to 1%. Children should not be an issue. ½ dozen would go into development without children. A third of people, not low income, affordable, a lot of people.

P. McCabe: has an issue with the number of children. Build fewer bedrooms.

Mr. Chevalier asked how many children.

Mr. Baker: think about it from school side; think about it from safety side.

Ms. McKnight: Number options; review draft conditions which would be open for voting, has read report, can begin or vote to close hearing with decision being made within 45 days.

Mr. Colangelo: what is decision of vote?

Mr. Witkus: study decisions.

Ms. Isgro and Ms. Deschenes stated they are not ready to vote.

Mr. Chevalier requested clarification.

Mr. Beaudry: request the hearing be closed, there has been plenty of opportunity to be heard. He's responded to all and feels it is time to move on for decisions.

Ms. Isgro: abutters weren't all notified.

Mr. P. McCabe: reconfirms fencing issues.

Mr. Chevalier: clarifies public hearing process and board's final decision. Move to close the public hearing.

Ms. Isgro: does not want to close.

Mr. Hennessey moves to close.

Ms. Deschenes mentions new discoveries during deliberations.

Ms. Isgro expressed concerns with sewer and water.

Mr. Chevalier states separate issues.

Ms. Isgro: they've had ample time to obtain; the process is the burden to meet the supporting documents for the project.

Mr. Witkus: go to DCR and bring back info.

Ms. Deschenes: the outcome of the vote; project will not go if water and sewer isn't approved.

Mr. Witkus: wait till DCR gets back to them

Ms. McKnight: confirms 40 days to vote, not 45 days; at this point there doesn't appear to be engineering issues.

Mr. Hennessey: has received reports from Fire and Police in accordance.

Mr. Chevalier: vote on all changes; Ms. Deschenes – yes, Ms. Isgro – no, Mr. Chevalier – yes, Mr. Hennessey – yes, Mr. Colangelo – yes. Public Hearing closed a 9:40 p.m.

Ms. Isgro: difference between this and Oakdale, appealed all exceptions.

Mr. Chevalier: 60 units voted; discussions can change – only closed public hearing.

Ms. Isgro: concerned with exceptions not being met, not addressing issues, stuck with project.

Ms. McKnight: can have hearing if significant changes.

Ms. Isgro: Low affordable housing requires costly structure on municipality/water district.

Board to meet on October 5th at 7:15 p.m.

Respectfully submitted:

Donna Jean Ramonas, Secretary

Matthew P. Colangelo, Chairman

Phillippe W. Chevalier, Vice Chairman

Charles C. Witkus, Clerk

Barbara M. Deschenes

Linda Ann Isgro

Paul W. Hennessey, Associate Member

Minutes accepted on _____