

# **Zoning Board of Appeals**

## **Minutes of the Meeting**

October 15, 2009

Present: Philippe W. Chevalier, Chairman, Barbara Deschenes, Clerk, and Charles Witkus

Late: Matthew Colangelo, Vice-Chairman, Linda Ann Isgro, and Paul Hennessey

Absent: John O'Brien and Paul Trippi

The meeting was opened at 7:00 p.m. Mr. Witkus motioned to approve September 2, 2009 minutes. Ms. Deschenes 2<sup>nd</sup> the motion. Mr. Chevalier, yes, Mr. Witkus, yes, Ms. Deschenes, yes.

### **Ernie's Car Wash – Review**

At 7:05 p.m., Mr. Chevalier read into the minutes, an e-mail from Police Chief Minnich, stating that the West Boylston Police Department had not experienced any issues with Ernie's. Mr. Pallotta stated he had no issues either. After further discussion, Mr. Witkus motioned to approve Ernie's 24 hour operation. Ms. Deschenes 2<sup>nd</sup> the motion. Mr. Chevalier, yes, Mr. Witkus, yes, Ms. Deschenes, yes.

Ms. Isgro arrived at 7:10 p.m. and Mr. Hennessey arrived at 7:15 p.m.

### **21 Franklin Street – Informal Presentation**

At 7:20 p.m., Mr. John Grenier, Engineer, as well as Mr. Joe Evangelista, presented plans for a coffee / deli store, and a gas station drive thru for the above referenced property; requesting feedback from the board. Mr. Grenier explained the curb layouts and the board discussed the traffic on Route 12 and Franklin Street. Ms. Isgro had questions regarding the watershed areas. (Mr. Colangelo arrived at 7:35 p.m.) Suggestions were given and discussions continued until 7:50 p.m.

### **Honey Farms – Special Permit**

At 7:55 p.m., Mr. Chevalier recused himself. Mr. Colangelo explained the procedure of the meeting and read the petition into the minutes. Mr. Vern Johnson, V.P., introduced himself and explained the need to be open for 24 hours. Ms. Isgro asked if there had been any complaints from the West Boylston Police; none had been reported. Mr. Colangelo read into the minutes an e-mail from Police Chief Minnich. Mr. Witkus asked how the property is managed whereas the owner is from Greece. Ms. Isgro expressed concern regarding the abutters with lighting and noise. Mr. Witkus suggested a 6 month trial period, delivery hours to be negotiated, and no change to lighting or configuration of parking lot. The meeting was opened to the public at 8:05

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p.m. Mr. Jack McCormick expressed concerns of customers after hours and requested a 6 month trial and Mr. Colangelo agreed to a letter of review after 6 months. Mr. Johnson asked what conflicts may arise and Ms. Isgro explained case by case and residents rights and by-laws. Mr. Colangelo asked for any other thoughts from the board. Mr. Chevalier of 26 Church Street supports the 24 hours. Closed to the public at 8:10 p.m. Mr. Hennessey mentioned Shell's 24 hours and favored Honey Farms as well. Ms. Deschenes motioned to grant a special permit to change the hours of operation to 24 hours subject to a review in 6 months, and to add 2 conditions; deliveries 5 a.m. to 5 p.m. only and no additional parking or outside lighting. Ms. Isgro 2<sup>nd</sup> the motion. Mr. Hennessey, yes, Mr. Witkus, yes, Ms. Isgro, yes Ms. Deschenes, yes, Mr. Colangelo, yes. Mr. Colangelo stated that the applicant would be notified for a 6 month review in Mid-April, 2010. The hearing was closed at 8:14 p.m.

**Franklin Street 40-B – Extension Request**

SMOCK, Adam Zimlicki, and Pastor McKinnon, of FWC, explained the issues with obtaining financing and history of the financial collapse, and applying for tax credit programs. He presented documentation that they have approved today for 4 million dollars, and passed out literature referring to page 3. Attorney Jonathan Klein arrived at 8:20 p.m. Mr. Hennessey expressed concern with the delay of construction. Attorney Klein explained the difficulty due to lack of financing and reiterated the process and stated that now is was just a matter of paperwork. Mr. Chevalier asked what the federal involvement will effect the project. Attorney explained that is was under the same rules originally, the landmark, structures, and contractors. Ms. Isgro confirmed 26 townhouses and had questions of 2-3 bedrooms and asked for clarification of plans. Mr. Witkus had questions for the new Pastor regarding Rev. Teague and Ms. Isgro asked about Rev. Teague's whereabouts. The Board was told he had moved out of town. Ms. Isgro expressed concerns of the financing amount. Attorney Klein explained the commitments and funding. There was discussion of the extension for the permit. Mr. Witkus questioned when the letter requesting the extension was received and confirmed that Pastor did not want to make any changes. Mr. Colangelo motioned to grant a 1 year extension. Ms. Deschenes 2<sup>nd</sup> the motion. Mr. Witkus, no, Ms. Isgro, no, Mr. Colangelo, yes, Ms. Deschenes, yes, Mr. Chevalier, yes.

The meeting was closed at 8:50 p.m.

Respectfully submitted:

Donna Jean Ramonas, Secretary

Minutes approved and accepted on February 25, 2010

Barbara M. Deschenes  
Barbara Deschenes, Clerk