

Zoning Board of Appeals

Minutes of the Meeting

January 12, 2010

Present: Philippe W. Chevalier, Chairman, Barbara Deschenes, Clerk, Linda Ann Isgro, John O'Brien and Charles Witkus

Absent: Matthew Colangelo, Paul Hennessey, and Paul Trippi

Also present: Brian Lever and Marc Goldstein

Lever Development, LLC/Village at Oakdale Associates, LLC

Mr. Chevalier called the meeting to order at 7:05 p.m. Language was discussed in regards to revising the comprehensive permit to include home ownership. Mr. Chevalier submitted a draft which was approved by Town Counsel Jeanne McKnight. The decision also expands local preference to include persons employed in West Boylston, which was a question raised by Mr. David Oriol at the last meeting. Mr. Witkus had questions regarding the original meeting with homeownership vs. rental. Mr. Lever explained that with the federal government involved in the tax credits due to the economy, he doesn't want to be limited to only a rental project. He would prefer home ownership. He also stated that the only changes to the draft decision are what Ms. McKnight changed.

Mr. O'Brien had questions regarding financing and down payments. Ms. Deschenes questioned if the only difference between a rental project, and home ownership, would be the number of subsidized units. Mr. Lever explained that with home ownership 25% of the units would be affordable.

Ms. Isgro had a question on the decision, and felt that a 5 day window to respond regarding the Monitoring Agent on page 6 may not be enough time. Mr. O'Brien pointed out that it had already been approved by Town Counsel on the original decision. Mr. Witkus asked if Ms. Isgro was satisfied and Ms. Isgro responded that she had read it enough and that this does suggest different funding, sources, and requirements, and feels that low income would be a problem for the town.

Mr. Witkus motioned to accept the amended decision dated January 12, 2010. Ms. Isgro 2nd the motion. Ms. Deschenes yes, Mr. O'Brien yes, Mr. Chevalier yes, Mr. Witkus yes, Ms. Isgro yes. Motion carried at 7:30 p.m.

Hanioti Properties, LLC

Mr. Matthew Brassard, of Brassard Engineering and Design, representative for Hanioti Properties, came before the board to discuss the property located at 328 West Boylston Street. Originally they had planned to construct a Honey Dew Donuts, and now they would like to construct a Dairy Queen.

Mr. Chevalier explained that the original decision did not specify the name of the business only the type of business. Ms. Deschenes asked about the hours of operation and Mr. Witkus questioned the exact location of the property. Mr. Brassard explained that it would be the same footprint as the original project, and described the building. Mr. O'Brien had concerns with the number of parking spaces. Mr. Brassard said they would have enough parking.

Ms. Isgro questioned the name of the applicant, and Mr. Chevalier stated that the original permit was issued to Hanioti Properties, not Honey Dew. Mr. Brassard stated that they are looking for an advisory opinion before applying for a building permit. They wanted to run it by the ZBA to make sure the change to Dairy Queen is appropriate. Mr. Chevalier stated that the decision was not specific to any trade name. Ms. Isgro stated that this was not a name change and that applicant could exercise his variance. Mr. Brassard explained he had site plan approval from the planning board.

Mr. Chevalier asked the board if action should be taken or not, as the original permit was issued for a fast food restaurant, and that no determination was made for a specific type of restaurant. Mr. O'Brien motioned that the use is consistent to what was previously voted. Ms. Deschenes 2nd the motion. All in favor.

The meeting was adjourned at 7:59 p.m.

Respectfully submitted:

Donna Jean Ramonas, Secretary

Minutes approved and accepted on

Feb 25, 2010

Barbara M Deschenes

Barbara Deschenes, Clerk