



TOWN OF WEST BOYLSTON ZONING BOARD OF APPEALS

127 Hartwell Street * West Boylston MA 01583 * zba@westboylston-ma.gov

MEETING MINUTES

September 22, 2011

Chairman: Linda Isgro

Members Present: **Matthew Colangelo**, Barbara Deschenes, Charles Witkus, Philippe Chevalier

Members Absent: Paul Hennessey, Paul Trippi (Associate Members)

Others Present: Stephen Hart (Associate Member), Sign-In Sheet

The meeting was called to order at 7:04 p.m.

Ms. Isgro introduced and welcomed the new secretary, Melanie Rich, to the board.

The current Zoning Bylaws (as amended May 16, 2011) were distributed to the members.

Ms. Isgro stated that the Meeting Minutes will now be reviewed as the last Agenda item.

Members were reminded to bring to the meeting any correspondence they received, along with the bylaws, to eliminate the need for additional copies being made.

Ms. Isgro announced to those present that the meeting was being taped for the sole purpose to be used as an aid for the secretary to accurately prepare the meeting minutes.

Five voting members were present. Stephen Hart was in attendance as an associate member.

To make the secretary's transition easier to the board, Ms. Isgro suggested that during the hearing process, the members keep discussions and relevant comments on the present topic to a minimum and also reminded them that hearings are addressed through the Chair.

Public Hearing – Cathy & John Hadley (151 Malden Street) – Special Permit Application – The hearing notice was read by the Chair. Mr. Hadley was present. He stated that he plans to construct an accessory apartment (693 square feet) for his elderly mother-in-law who also has financial problems. He presented plans to the board. Mr. Colangelo asked if Mr. Hadley would be attaching the breezeway to the apartment, to which Mr. Hadley replied yes. Mr. Chevalier asked if there was anything above the garage and Mr. Hadley stated no. The breezeway is approximately 12' in length to the corner of the house. The existing house is 6,000 square feet. Mr. Colangelo read Section 3.4 of the bylaw. The applicant is under the 700 square foot condition for the apartment. Ms. Isgro read that "the accessory apartment shall be clearly a subordinate part of the single-family dwelling and any additions shall not increase the square footage of the original structure by more than 10%". The garage and breezeway can be included as part of the house. Asked why it was not put over the garage, Mr. Hadley replied that there are trusses there and his mother-in-law is elderly. Ms. Isgro asked if it was handicap accessible. Mr. Hadley said that everything will be on ground level. Mr. Chevalier stated that it appears to meet the criteria of the bylaw. All concerns from the boards were addressed to the board's satisfaction. Ms. Isgro said that the process is

that when a decision is written, it will contain conditions. Recommendations would include that the new accessory apartment garage clearly has to be as presented with the revised building plan with the breezeway. This will address the insufficiencies of the original plans. Mr. Hadley will also need to obtain a Title 5 as the capacity is five-bedrooms, they currently use three, and the apartment will add another. All criteria of the Building Inspector must be met. A condition of the Accessory Apartment Bylaw is that he has to live there. Mr. Hadley submitted a letter indicating he would. Feedback and comments were received from the Building Inspector, Planning Board and the Conservation Commission. Their responses were read by the Chair. Under Special Permit criteria, "the board may grant permits after a public hearing after a determination that such granting would not be detrimental to the public health, safety, welfare, comfort or convenience of the community, and would not be adverse to the town's economy and environment, and is in harmony and intent of the bylaw." She said this is exactly the intent and purpose of granting relief under the Special Permit. It is to add an accessory apartment for a family member to accommodate. Mr. Hadley has met all the criteria under Section B (providing an opportunity for others who may be physically or financially unable to maintain their own home, and that he has provided for the neighbor's financial properties. The public hearing was then closed. After board discussion, Mr. Chevalier made a motion that the board grant relief to John & Cathy Hadley of 151 Malden Street, West Boylston MA, seeking a Special Permit under Section 3.4 of West Boylston's Zoning Bylaws, "Accessory Apartment", to construct an accessory apartment as shown on the plans submitted by the applicant at the Public Hearing dated July 26, 2011 and revised September 22, 2011 upon the property located at 151 Malden Street, West Boylston, with the following conditions: (1) the applicant receives approval from the Board of Health to add an additional bedroom, and (2) standard Zoning Board of Appeal conditions. Mr. Colangelo seconded. The vote was as follows: Matthew Colangelo – yes; Barbara Deschenes – yes; Charles Witkus – yes; Linda Isgro – yes; Philippe Chevalier – yes.

New Business/Reports from Boards – None at this time.

Old Business – Ms. Isgro informed the members that letters were sent to the following:

1. Mark Brodeur, dated August 9, 2011, regarding Freedom Village.
2. Planning Board, dated August 9, 2011, stating the board voted not to support a regionally shared Housing Specialist.
3. Michael Comiskey, dated September 6, 2011, requesting payment for an outstanding bill for document review.

Feedback was received after the Planning Board letter was sent. Ms. Isgro reconsidered the overwhelming support for other boards to share services for a regional community housing specialist. A letter was received from the town administrator clearly stating that in response to our letter, the regional costs would not be a burden on the town because there are ways that he can find (and has found) funding. Ms. Isgro said there are more grants and funding available. She said the town administrator attended a regional municipal conference to understand regional housing needs. A model has been created with the tri-towns. Depending on the percentage of SHI units, the town will pay a percentage of the 100% of the total cost. Ms. Isgro said that there is a driving force to share regional services in the Commonwealth. Another advantage would be a liaison who would be the responsible party and the person we would go to with any questions. Mr. Chevalier asked why the plan has not been filed yet. Ms. Isgro said one consideration was the overwhelming tasks. The CMRPC needed to structure town unique goals and town unique housing components to the plan. In order to do that, it would have required additional work to be done. The DHCD letter received reflects the town's current SHI information. Updates are required by October 14th. Mr. Chevalier said the objective was to slow down additional applications for 40B housing.

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He feels very strongly that the plan should have been in place by now. He further said that it has been two years, money has been spent for people to write it, and it is still not completed. People don't realize that the board does not have a choice when it comes to 40B and that was a tool the board asked for. He said it needs to be sent to the state so it can be used as a tool.

Ms. Isgro said it is better for the development. The DHCD chart does not show Franklin Street and Afra Terrace on the SHI. She said that if it is not delegated, it is not going to get done. Mr. Chevalier feels it should be handled by the town administrator. Some members asked why there is a need to hire a specialist or have a volunteer do it when it could be part of someone earning a wage. Ms. Isgro stated that 40B is a complex process and knowing what tools are out there and what needs to be done regarding the new DHCD regulations require someone full-time. By the time some of comprehensive permits that were issued are built, the laws, rules and regulations have changed so conditions we wrote into the permit no longer apply. Mr. Chevalier talked about the new rules and units. A certain quota/percentage must be met each year. Ms. Isgro said the document has been written, but there are numerous parties involved (Planning Board, Building Inspector, Administrator, Board of Selectmen, Housing Partnership, Affordable Housing Trust, etc.). It should be specifically allocated to someone who knows the town's needs and what their town housing looks like and who can quickly assimilate the process that needs to be in place. The DHCD letter needs to be addressed (and changes made) by October 14th. Mr. Chevalier made a motion to write a letter to the town administrator with the corrections and recommend he submit the paperwork. Ms. Deschenes seconded. The vote was as follows: Matthew Colangelo – yes; Barbara Deschenes – yes; Charles Witkus – yes; Linda Isgro – no; Philippe Chevalier – yes.

Mr. Chevalier made a motion to accept the August 4, 2011 Meeting Minutes as amended; Mr. Colangelo seconded. The vote was as follows: Matthew Colangelo – yes; Barbara Deschenes – yes; Charles Witkus – yes; Linda Isgro – yes; Philippe Chevalier – yes.

Invoices were paid.

Ms. Isgro asked the board for an endorsement and support to pay for the nameplates that were purchased (\$144.00). All members were in agreement.

The members were reminded about emailing as a group because it would violate the Open Meeting Laws.

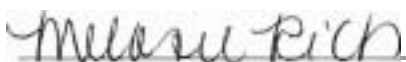
There was a brief discussion concerning the 471 Prospect Street petition and as that the paperwork was never completed. The members interpreted the emails from Mark Brodeur as not having to come before the board.

Ms. Isgro thanked the members for their efforts during the search for a secretary.

The next meeting is scheduled for November 3, 2011.

Mr. Chevalier made a motion to adjourn; Ms. Deschenes seconded; all in favor. The meeting was adjourned at 8:35 p.m.

Respectfully submitted,



Melanie Rich, Secretary

Date Accepted:

By:

