



TOWN OF WEST BOYLSTON ZONING BOARD OF APPEALS

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

MEETING MINUTES

April 22, 2013

Chairman: John Benson

Members Present: Jon Meindersma (Vice-Chair), Francis Cahill (Clerk), Kristina Pedone and Charles Witkus.

Others Present: David Femia (Associate Member) and Secretary Toby Goldstein.

Members Absent: Aaron Goodale, III (Associate Member) and Paul Hennessy (Associate Member)

The meeting was called to order at 7:05 p.m. by Mr. Benson. He read the names of members present and absent.

Discussion of Project Roundtable, Proposed Cumberland Farms, 114 Worcester Street:

(David Femia attended the above meeting on April 18 and shared his experience with the board). Mr. Femia discussed that the main concern of those involved in the roundtable was the size of the lot of the proposed work. It is supposed to be greater than 1 acre, but according to the building inspector, it is not a problem that it is smaller, due to pre-existing, non-conforming use. He said that the applicants need to obtain a Special Permit for fuel tanks. Mr. Femia had told them that they need to appear before the ZBA regarding this.

Mr. Benson asked Mr. Femia about the timeline of the project, and he replied about 4 to 7 months from when all of the necessary filings are done. Mr. Benson then asked about where the entrances to the building would be, and Mr. Femia replied one entrance would open to Route 12, the other to Route 140. Showing the board a drawing, one entrance to Route 140 would be for a tanker only. There would be 2 public entrances in total for the building. He added that the site plan must be approved by the Planning Board. Some other comments brought up by the board were regarding proximity of the project to the property line, the building being of non-conforming use, and lighting to be used.

Scheduling of Public Hearing for Sunshine Sign Co., Petition for Variance, 306 West Boylston Street:

(This petition is for the installation of an internally-illuminated roof sign at Clinton Savings Bank, which is now at the above address). Due to the Town Meeting being held on May 20, the originally planned date for the above public hearing must be changed. The board agreed upon Tuesday, May 28, at 7:00 (due to Memorial Day on May 27). The Secretary will contact Gary Cunningham, contact person for Sunshine Sign, to verify that this is acceptable to him.

Consultation with Dick Heaton Regarding Comprehensive Permit Rules and Regulations:

(Mr. Heaton is West Boylston's new Affordable Housing Advisor). Mr. Femia attended a meeting that took place on May 14 at which Mr. Heaton recommended that the Town adopt rules for 40B projects. Mr. Benson discussed that according to Mass. General Laws, the board does not need a public hearing to adopt rules, only a public meeting where the board can take questions and/or comments from the public. Mr. Heaton said that the Town is in compliance with 40B regulations (this includes the project in Oakdale). Mr. Femia told Mr. Heaton that he would speak to the ZBA about having him attend a meeting.

Ms. Pedone then asked about the Oakdale project, that, as it has no structures built on it as yet, does it count? Mr. Femia replied that, according to Mr. Heaton, since the project has 57+ acreage, and only needs 54+ acres, that the criteria is met.

Mr. Meindersma then stated the law 760CMR56.03 #B, which states, that if the property is occupied, available for occupancy, or under permit, it counts under the 40B rules also.

Mr. Benson discussed the importance of adoption of rules for these projects, to protect the Town's interests. He voiced a concern regarding funding of Mr. Heaton, as he is not a Town employee. Mr. Femia suggested speaking with Leon Gaumond and the Town Accountant regarding what is available to the ZBA with regards to funding. Mr. Benson said that he would e-mail Mr. Gaumond about having Mr. Heaton attend a meeting. The Secretary was instructed to add ZBA adoption of Comprehensive Permit Rules and Regulations discussion to the May agenda.

After a question from Mr. Femia regarding the subject brought up at the March 18 meeting, of a request for extension of the Comprehensive Permit for 94 North Main Street by Attorney Patricia Gates because of the Permit Extension Law, Mr. Benson said that Town Counsel opined that the act does not apply in this situation, and that Ms. Gates needs to appear before the ZBA to discuss the matter. Mr. Benson will contact Ms. Gates, and the Secretary will place this subject on the May agenda also.

Minutes of 3/18/13 Meeting:

The board reviewed the submitted draft minutes. Mr. Benson asked the members if there were any comments, at which time he recognized Mr. Meindersma, who suggested some revisions. Mr. Meindersma then moved to accept the minutes as amended. Ms. Pedone seconded. All in favor.

Following review of mail received, Mr. Benson asked the members if there were any other matters to be discussed. As there were not, Mr. Meindersma moved to adjourn the meeting at 8:05 pm. Ms. Pedone seconded. All in favor.

Respectfully submitted,

Toby S. Goldstein, Secretary

Date Accepted: _____ By: _____