



## TOWN OF WEST BOYLSTON ZONING BOARD OF APPEALS

127 Hartwell Street \* West Boylston MA 01583 \* [zba@westboylston-ma.gov](mailto:zba@westboylston-ma.gov)

### MEETING MINUTES

**September 29, 2014**

Chairman: John Benson

Members Present: John Benson (Chairman), Jon Meindersma (Vice-Chair)(he arrived at 7:17 p.m.), Francis Cahill (Clerk) and Kristina Pedone.

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

Members Absent: Charles Witkus and Paul Hennessey (Associate Member).

The meeting was called to order at 7:15 p.m. by Mr. Benson.

Mr. Benson then read aloud the names of the members of the Board who were present and absent, and others present. He stated that Mr. Meindersma had told him that he would attend the meeting, but he just had not arrived yet (Mr. Meindersma arrived at 7:17 p.m.).

Mr. Benson continued that the first matter of discussion was the continued public hearing regarding the 94 North Main Street Petition for Administrative Appeal. Mr. Benson discussed that, on Friday, 9/26, he sent an e-mail to Mr. Bobrowski, attorney for the petitioners, referring to an e-mail from Mr. Bobrowski to the ZBA Secretary on 9/18, informing Ms. Goldstein that the petitioners intend to submit a request to continue the continued public hearing to the November meeting. In this e-mail, Mr. Benson advised Mr. Bobrowski of several facts. Mr. Benson informed Mr. Bobrowski that he did not believe that the Board would obtain a quorum after September 29 until after at least November 10, and as the deadline for the Board to make a decision on the appeal was extended to November 1, Mr. Benson asserted that it was imperative for the hearing to take place on September 29. Mr. Benson said to Mr. Bobrowski that he was welcome to request an extension, but he should keep in mind the aforementioned facts regarding the Board's availability and their need to act by November 1. Also, Mr. Benson informed Mr. Bobrowski that the request for extension would have to be signed either by a representative for the petitioners, or by the petitioners themselves; previously, Linda Isgro signed a letter requesting an extension by the petitioners but she was not designated as their representative. In the e-mail, Mr. Benson also asked Mr. Bobrowski to inform him if there had

been any additional filings that more accurately reflect the action that the petitioners want to take, as he is not aware of any; and, Mr. Bobrowski should be aware that this e-mail sent by Mr. Benson does not express any opinion of his, or of the Board, or discussion regarding any pending matters, and is only for purposes of notifying him of matters relevant to the scheduling of future public hearings.

Mr. Benson and the Board received an e-mail today, September 29, from Mr. Bobrowski, on behalf of the petitioners, requesting a continuance of the continued public hearing to the November meeting. (Mr. Benson read the e-mail aloud; all aforementioned e-mails are on file). In the e-mail, Mr. Bobrowski stated that he was in contact with Paul Haverty, Counsel to Mr. Ali, the permittee, and they have agreed to consolidate their likely appeal to the ZBA with the administrative appeal filed in April; also, Mr. Bobrowski asserted that it would give the petitioners time to seek enforcement from the Building Inspector regarding the so-called defective transfer of ownership discussed at the June meeting and to amend the Administrative Appeal. In light of the filing of that request, Mr. Benson informed those present that the board will continue the public hearing to the November meeting (Mr. Meindersma joined the meeting at this time), and for the benefit of those present and anyone that might want to leave the meeting at this point, Mr. Benson announced that, at this time, the board was going to schedule the November meeting. The previously scheduled date was November 17; all those involved with the board were able to attend on that date, therefore the public hearing was continued to November 17.

Next, Ben Hebert of 12 High Street asked who was the acting Building Inspector for the Town, as Mark Brodeur's retirement had taken effect? Mrs. Pedone suggested that he defer to the Town Administrator at this time for that information. Another resident offered a name of a possible temporary Building Inspector. Mr. Benson responded that he had no information on it.

**Scheduling of Public Hearing, Anthony Meola and Sons, Inc., Petition for Modification of Special Permit and Variance, 256 and 272 Worcester Street:**

Mr. Benson announced that the next matter on the agenda was the scheduling of a date in October for the Public Hearing for 256 and 272 Worcester Street (see above). (Mr. Benson and Mr. Femia were discussing this scheduling between themselves, and a resident commented that the board was carrying on a discussion that the audience could not hear; Mr. Benson replied to the audience that Mr. Femia had asked him how long the board had to act on this petition, and Mr. Benson replied that, so long as it is done in October, it will be done in time). Mrs. Pedone asked Mr. Benson if the board could ask the petitioner for an extension? Mr. Benson replied that they need to have a date that evening because the petitioner was not

present at the meeting and the board needs a date in the event that the petitioner will not agree to continue the hearing.

Due to the fall Town Meeting taking place on October 20, the board decided to hold their meeting on October 27, and the public hearing would be at 7:15 p.m. However, the Secretary will reach out to the petitioner/representative and ask them for a continuance to the November 17 meeting. If they agree to continue to November, the board decided to place the 94 North Main Street continuance at 7:15 p.m., and 256/272 Worcester Street at 7:30.

#### **Meeting Minutes of April 28, Continued:**

Mr. Benson e-mailed to all the board members and the Secretary a copy of the minutes with his corrections from the August 26 meeting. After reviewing of the corrections, Mr. Meindersma moved to accept the minutes as amended. Mrs. Pedone seconded. All in favor. (Kevin McCormack, who was present at the meeting, spoke to Mr. Meindersma after he suggested another change, on page 5, paragraph 2, asking him why he wanted to remove words from the draft minutes, and Mr. Meindersma explained the reason).

#### **Meeting Minutes of May 19, Continued:**

Mrs. Pedone noted that no feedback was received on the minutes from any of the Board members, and therefore, according to the rule that the Board decided upon, the members present can vote in their place. Mr. Benson noted that several people present at the May meeting are not present this evening, and the Board did agree that if members do not notify the Board by e-mail if they want any changes to the minutes, their silence is assent. He continued that he did not know of any expression of errors in the minutes. Mr. Meindersma asked if there is any time limit? Mrs. Pedone replied that it should be by the next public hearing date. Mr. Benson, noting that only two people from the May meeting were present that evening, asked if only two people can vote to accept the minutes? Mr. Meindersma replied "no." Mr. Benson concluded that the board needs a quorum of those present at that particular meeting, so he said that he would send e-mails to Mr. Hennessey and Mr. Witkus, who attended the May meeting, to ask them to attend the next meeting so that they can vote on the May minutes; therefore, the May minutes will be continued.

#### **Minutes of August 26:**

After review of the minutes by the Board and suggestion of a change, Mrs. Pedone moved to accept the minutes as amended. Mr. Cahill seconded. All in favor.

At 7:54 p.m., Mrs. Pedone moved to adjourn the meeting. Mr. Meindersma seconded. All in favor.

Respectfully submitted,

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Toby S. Goldstein, Secretary

Date Accepted: \_\_\_\_\_ By: \_\_\_\_\_