



## TOWN OF WEST BOYLSTON ZONING BOARD OF APPEALS

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

### MEETING MINUTES

**October 27, 2014**

Chairman: John Benson

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

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

Members Absent: John Benson (Elected Chair) and Paul Hennessey (Associate Member).

At 7:15 p.m., Mr. Meindersma called the meeting to order, reading aloud the date, time, and the names of full members and associate members present and absent. Associate Member David Femia was designated as a full member for this meeting. Mr. Meindersma also read aloud the items on the meeting agenda.

**Public Hearing, Eva Chojnacki, Pojani, Hurley and Ritter, on Behalf of Anthony Meola and Sons, Inc., Petition for Modification of Variance/Special Permit Decision, 256 and 272 West Boylston Street:**

Mr. Meindersma asked for a motion to open the public hearing. Mr. Cahill moved to open the public hearing. Mrs. Pedone seconded. All in favor. Mr. Meindersma offered to swear in all in attendance who intended to give testimony at one time, instructing them to rise and raise their right hands while swearing in.

First to speak was Dennis Pojani, Special Counsel to Anthony A. Meola and Sons, Inc., stating that he has been retained to assist them in connection with their plan of reorganization in order to achieve a tax-free transfer of three sets of properties that are within the corporation now to three families that are now owning the corporation as a whole; he added that Wayne LeBlanc was present at the meeting to represent Anthony A. Meola, Jr., the president of the corporation, who was at the meeting personally, as well as several other family members who held positions within the corporation. Mr. Pojani clarified that this petition is to modify an 1999

Variance, whereby properties owned by Meola Dairy and Anthony A. Meola and Sons were re-divided on West Boylston Street into new lots; they are now looking to transfer Lot F to one corporation or one set of family members, and Lots C and D to another group of family members. Mr. Pojani showed to the board members the Planning Board-approved survey plan which shows all of the lots from the approved configuration under the 1999 Variance. The petitioners would like to convey Lot F and the apartment building upon it to one new corporation, and Lots C and D, with another apartment building, conveyed to a separate corporation. He mentioned that, in 1999, the above configuration was approved by ZBA and Planning Board, and in ZBA's decision and Planning Board's plan, Lots E and B, owned by Meola's Dairy, were to remain as one lot, and C and D, owned by Meola, were to remain as one lot, and there was no restriction in either ZBA's Variance or Planning Board's plan, to Lot F being conveyed separately from C and D; however, one attorney wanted clarification that no restriction was implied by virtue of the recording of this plan. Mr. Pojani added that Lot F is comprised of 3.16 acres, and Lots C and D 2.73 acres in total. He assured the board that, if they approve the request, conditions will be basically no different from in 1999, but this will be just to confirm that they will have the ability to convey the one apartment building with the same property on Lot F to a separate corporation from the corporation that owns Lots C and D.

Wayne LeBlanc (on behalf of Anthony Meola) spoke next, added that they want to clarify that they are able to divide the two lots; they are not changing anything so far as location of the building, and they are not planning any additional buildings or units.

Next, the attorneys took questions from the board. Mr. Meindersma asked if Lots C, D, and F were ever part of the same parcel or have they always been separate parcels? Mr. Pojani replied that they were separate since the reconfiguration in 1999, and there have been no changes in boundaries, buildings or uses since then and they are not proposing any changes. Mr. Witkus then asked, to clarify, if the lots will be owned by the family, but by different brothers? Mr. Pojani replied that Lot F will be transferred to one brother's corporation, and Lots C and D to the corporation controlled by another brother's family. Mr. Witkus then asked about ownership of Meola's Dairy, and Mr. Pojani replied that there will be no change in ownership of the dairy and they are not requesting any change to that. Mr. Witkus also asked why they are breaking up the property, and Mr. Pojani replied that, presently, the corporation of all three brothers owns all three properties, but now the family wants to divide the property for the next generation.

Mr. Meindersma then asked for any public comment and there was none; he then asked for a motion to close the public hearing. Mr. Cahill moved to close the public hearing. Mr. Witkus seconded. There was no discussion. All voted in favor.

Next, the board deliberated. Mr. Cahill and Mr. Femia said that they saw no problems with the requests in the petition. Mr. Meindersma said that he saw nothing in the plan or former decision suggesting that Lots F and C/D need to have common ownership. Mr. Witkus opined that the board should allow the petitioners to do as they requested.

With no further comments by the board members, Mr. Meindersma asked for a motion to confirm that Parcel F need not stay in common ownership with Parcels C and D, and that this accurately reflects what the February 10, 1999 permit states. Mr. Cahill moved to accept this request. Mr. Femia seconded. There was no discussion. All voted in favor.

**Minutes of May 19 Meeting:**

Mr. Meindersma explained that these minutes had not been approved yet because previously, there have not been enough members present at the meetings who were also present at the May 19 meeting; however, as the majority of those present at the May 19 meeting were present at this evening's meeting (Mr. Cahill, Mrs. Pedone and Mr. Witkus), these minutes could be voted upon this evening. Mr. Cahill moved to accept the minutes as written. Mrs. Pedone seconded. No discussion was necessary. All voted in favor.

**Minutes of September 29 Meeting:**

After review of the minutes by the board members, Mr. Cahill moved to accept the minutes as submitted. Mrs. Pedone seconded. There was no discussion. All voted in favor.

Mr. Meindersma then asked if there was any other business to discuss. He announced that the date for the next meeting would be November 17, 2014. The Secretary distributed copies of petitions for a new filing that was submitted, and the board agreed to schedule the public hearing for November 17 at 7:30 p.m. (the continued public hearing of 94 North Main Street is scheduled for 7:15 p.m.).

With no other business to discuss, Mr. Witkus moved to adjourn the meeting at 7:42 p.m. Mr. Femia seconded. All in favor.

Respectfully submitted,

\_\_\_\_\_

Toby S. Goldstein, Secretary

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

By: \_\_\_\_\_

