



TOWN OF WEST BOYLSTON ZONING BOARD OF APPEALS

140 Worcester Street * West Boylston MA 01583 * zba@westboylston-ma.gov

MEETING MINUTES

July 16, 2015

Chair: Kristina Pedone

Members Present: Kristina Pedone (Chair), John Benson (Vice-Chair), David Femia (Clerk), and Jon Meindersma.

Others Present: Barur Rajeshkumar (Associate Member) and Secretary Toby Goldstein.

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

At 7:22 pm, Mrs. Pedone opened the meeting. She read aloud the names of those full board members and associate members present; Mr. Rajeshkumar was designated as a full board member for that evening.

Mrs. Pedone called for a moment of silence due to the death of former ZBA member Aaron Goodale. Mrs. Pedone mentioned that he was a ZBA member and that he did much for the Town.

Review of Previous Meeting Minutes:

Mrs. Pedone stated that the minutes of the 4/30, 5/14, 5/28 and 6/11 meetings had been circulated through the board for review, and asked for motions for approval:

6/11: Mr. Rajeshkumar moved to approve the minutes as submitted. Mr. Benson seconded. All in favor.

5/28: Mr. Rajeshkumar moved to approve the minutes as submitted. Mr. Benson seconded. All in favor.

5/14: Mr. Rajeshkumar moved to approve the minutes as submitted. Mr. Benson seconded. All in favor.

4/30: Mrs. Pedone requested several changes to the draft minutes. Mr. Benson then moved to accept the minutes as amended. Mr. Rajeshkumar seconded. All in favor.

Status of 53G Account and Invoice for Payment to Richard Heaton for Services Rendered:

Mr. Femia announced that the board received an invoice from H & H Associates (Richard Heaton) for services as our 40B consultant for \$1,706.25. It was decided at the previous AHT (Affordable Housing Trust) meeting that the ZBA should pay this bill. Payment will come from the appropriate Oakdale account. Mr. Femia moved to approve payment of this invoice. Mr. Benson seconded. All in favor.

Review of Comprehensive Permit for Village at North Main Street:

(Mrs. Pedone acknowledged that Mr. Meindersma was in attendance at 7:30 p.m.). Mrs. Pedone began the discussion by asking all those present to be respectful of everyone else, to speak loud enough and, when speaking, to give their name and address first for the minutes. She added that Dean Harrison (representing Mr. Ali) will present a new proposal, then public comment will be taken.

First to speak was Dean Harrison, 76 Newfield Ave., Warwick, RI, consultant for the applicant. (Mrs. Pedone informed those present that the discussion was only informational now). He read aloud a letter addressed to Mrs. Pedone (on file), in which it is stated that the applicant proposes to reduce the total number of units in the 94 North Main Street project from 96 to 80.

Mr. Harrison continued that, on page 2 of the letter mentioned above, is a summary to compare pertinent information from the original comprehensive permit. In the land use summary, he stated that the total area has not changed. One building will have 14 units, the second will have 28, and the third will have 38 units instead of the proposed 54 units; the third floor will be eliminated. There will be a total of 187 bedrooms, with 25% of the units affordable.

Mrs. Pedone mentioned to Mr. Harrison that one previous issue was that of people seeing the buildings from the road. Mr. Harrison replied that he will address that. Mr. Benson, referring to page 2 of the letter, asked, regarding building A, if the bedrooms will be reduced from 42 to 36? Mr. Harrison replied "yes" and that the overall bedrooms will decrease from 187 to 154, a 17% change. He explained that, for the subsidizing agency, there need to be 10% bedrooms.

Referring to the next page of the letter, Mr. Harrison summarized that there was a decrease from 19 to 14 one-bedroom units, 63 to 58 two-bedroom units, and 14 to 8 three-bedroom units; regarding parking, originally there were 190 spaces, 160 is the minimum required, and

the new site plan has 172. Mr. Femia asked if the two-bedroom units still have two baths? Mr. Harrison replied “yes”.

(Mrs. Pedone passed around a copy of the letter for everyone to look at). Mr. Benson noted to Mr. Harrison that, regarding the parking, per the comprehensive permit, there are no more than two spaces/unit allowed, and asked, with 80 units planned, wouldn't the total be 160 parking spaces rather than 172? Mr. Harrison replied that there are additional spaces for handicapped access and the playground and recreation areas. (Mr. Harrison showed the board the current site layout before the changes). He continued that buildings A, B and C have parking with their playgrounds and access from North Main Street. He asserted that the parking is basically the same with the fewer units, and nothing will be closer to the property line. Mr. Harrison wanted to point out North Main Street, and addressed the concern of many about seeing a large three-story building if they were driving past it; not only will the third floor be eliminated on that building (C), but most of the trees will be mature and with foliage so the height will not be seen.

Mrs. Pedone informed those present that the board requested Mr. Ali's permission to walk the site; he gave his permission, and a few ZBA members did so with the Building Inspector, Chris Lund, on June 14. She explained that they walked the site to see what it looked like, including the trees that were removed and the landscaping; she thought they might want to see how the tree line would appear to abutters in the fall when the leaves fall from trees that helped keep the buildings from view.

Mr. Benson then asked Mr. Harrison why they thought 172 parking spaces would be desirable? Mr. Harrison replied that 1 ½ spaces per unit is more typical, but that 2 spaces per unit would be over-paving. Mr. Benson asked him if it has been his experience that some spaces go unused, and does that detract from the aesthetics of the area? Mr. Harrison replied that it does affect the aesthetics and drainage. Mr. Benson asked why there are parking spaces for the playgrounds? Mr. Harrison replied that they want two separate playgrounds, at opposite ends of the development; he gave as an example that a caregiver might drive to get closer to the playground, but not get out of the car. Also, he explained that two additional spots would be handicapped accessible. Thus, the total number of spaces would be 172. Mr. Benson was concerned that extra spaces might make the buildings less attractive; Mr. Harrison responded that people like to be closer to doors. Mr. Benson asked him if the landscaping can be done to make it more attractive, or can less parking spaces be made? Mr. Harrison responded that two spaces per unit are allowed in the permit, with no more than two. Chris Lund spoke next, reiterating that the number of spaces went from 192 down to 172 now; 192 were originally in the permit, with every space accounted for; with (8) handicapped spaces and (2) satellite, it met the requirement for 96 units. He continued that now, any type of resident could live in the

80 units and there might be or might not be any handicapped residents. Mr. Benson noted that, with 172 units, with every unit having two spaces, there are 12 spaces extra. Mr. Lund pointed out that the 12 are made up of 8 handicapped and 2 spaces at each of two playgrounds. Mr. Harrison thought that, as the original units were only to be sold, that might have been why there were two spaces given per unit.

Next was a question from Bob Barrell, 13 Bowen Street. He asked where visitors would park at the property? Mr. Harrison replied that there would be enough spaces with 172 to handle the residents. Mr. Barrell discussed his past work in public and private housing, and said that residents generally like to have their own assigned spaces, and have visitors assigned separate spaces. Mr. Benson mentioned that there could be no more than two per unit in the permit, and Mrs. Pedone asked Mr. Barrell if he thought that there needed to be more than two per unit? Mr. Barrell responded that they should look at it, and brought up the fact that often spaces are lost in the winter due to snow and ice. Mr. Harrison responded that they reduced the units from 96 to 80 and propose 172 spaces; it is up to the board if that's too much or too little. He believed that, even with visitors, that is appropriate, but they are open to discussion of changing to 1 ½ spaces per unit if the board wants, but he repeated that, according to the HAC decision and amended decision, they cannot have more than 2 per unit.

Next to speak was Linda Isgro of 58 Scarlett Street, formerly a ZBA chair and member who was involved with issuing of the original comprehensive permit. She discussed that, with the original comprehensive permit, the amount of parking spaces was, according to her understanding, on the high side, due to the area being quite suburban with no public transportation so that anyone would need a car to get back and forth from the development. She thought that this should be taken into account.

Mr. Lund next mentioned two facts for those present to know. One was that, according to the Town's bylaws, two parking areas per dwelling are required with multifamily housing, and second, the town's Building Inspector is the enforcement officer for the Architectural Access Board, the State entity that governs requirements for the disabled with regard to buildings and parking spaces-he reviews any questions regarding this. Mrs. Pedone asked Mr. Lund if there is an issue where if they need an extra space, can they be kept from doing so? Mr. Lund replied that it must be the minimum required by bylaw. Mr. Harrison added that, they are not asking for a waiver, they want at least two. He continued, referring to the landscaping plan, showing more detail of plants and their locations, and said that they added snow storage to the plan. He pointed out the existing tree line, with both deciduous and evergreen trees.

Mrs. Pedone wanted to be sure that there were no more questions regarding the landscaping plan before moving on. Russell White of 45 Waushacum Street voiced a concern with drainage. He mentioned having a water problem many years ago, and that he now has water again in his

cellar. Mr. Harrison responded that the applicants are not changing the drainage, and the number of units will not affect runoff; also, a stormwater management report will be submitted.

Marc Frieden of Planning Board was also present at the meeting; he asked Mr. Harrison, given the layout of the lot, could a bus enter and drop off people? Mr. Harrison replied that it is designed for a fire truck to enter and go around, so a bus should be able to do that. Mr. Frieden asked if that would be in the front of the buildings, and Mr. Harrison replied that most pull into the handicapped spots, or pull up to doors for pick-up or drop-off, and added that the layout meets fire safety requirements, and that a shuttle-type of bus could probably pull in front of the buildings.

Mrs. Pedone then asked if Mr. Harrison would be submitting drainage information later? Mr. Harrison replied that the Building Inspector has requested a package for VHB to review and asserted that he and Mr. Ali are doing what is asked of them and that Mr. Ali has sign-offs from certain parties already.

Mr. Rajeshkumar said that he thought that visitor parking would be a good idea. Mr. Harrison responded that the management company would come in and identify spots for the visitors. Mr. Rajeshkumar asked if every unit would have two parking spaces? Mr. Harrison replied that he was suggesting that each unit could have 1 ½ spaces, and the rest would go to visitors.

Next, Mr. Harrison and Mr. Ali discussed the new elevation of Building C that will have the third floor eliminated. One side will be about 27-29 feet high, and the other side about 37 feet high. John Hadley of the Board of Selectmen and Conservation Commission, who attended the meeting, asked what the height restriction is for buildings in West Boylston? Mr. Lund replied that he did not know off hand. Mr. Hadley asked Mr. Ali what the height was from the eaves to the top of the roof? Mr. Ali replied that it is 8 feet. Mr. Hadley then surmised, with a 30-foot building height, 8 feet above that would be 38 feet to the top of the roof. Mr. Harrison responded that, by zoning bylaw, 35 feet is the maximum height; they are reducing it from the original presentation, and that is the only building affected.

(Mrs. Pedone stated that they would proceed through the rest of the applicants' presentation, then open the meeting to public comment). Mr. Harrison continued, discussing Building B, with 14 units. This has not changed, but some elevation details are being worked on. Mr. Benson asked if buildings A and B are reconfigured inside? Mr. Harrison replied "yes, basically." Mr. Femia asked if the square footage of each unit will remain the same? Mr. Ali responded "yes." Mr. Harrison added that they are submitting a package of items to be reviewed by VHB. Mrs. Pedone asked for them to provide ZBA with a copy of that information. Mr. Ali continued that they are submitting architectural plans, utility plans, lighting plans, landscaping plans and site

plans, the new parking layout, drainage plan and stormwater report to the Building Inspector for VHB review, and then they will come back before ZBA. Mr. Harrison added that they are submitting what they would consider the "Building Permit" set, which is complete from their standpoint; the Town can then tell them if anything else is needed, and then ZBA can approve it or say if it is missing anything. Mrs. Pedone verified with Mr. Harrison that these plans will go to Mr. Lund tonight, and once reviewed, they will provide the proposed changes to ZBA in writing; tonight is only informational.

Mr. Harrison responded that they want the board to acknowledge that they are entertaining the applicants' requests. They believe that they are moving in the right direction. Mr. Meindersma responded that this is informational, therefore the board cannot entertain it. Mr. Harrison responded that the ZBA has the authority to grant a permit. Mr. Ali continued that the Board of Selectmen said that it would be helpful if ZBA can acknowledge the applicant's intention to decrease project and he believed that they should be satisfied that it is less, which is an improvement, instead of delaying progress of the project. Mr. Harrison continued that it is their intent to submit a full application to reduce the number of units from 96 to 80. Mrs. Pedone replied that this would be taken up at the next public meeting. Mr. Ali continued that they would have a review of plans by all boards by the next meeting, by VHB and Building Inspector. Mrs. Pedone replied that the boards need 30 days to review and respond.

Regarding sewer and water, Mr. Ali asserted that the sewer capacity is more than enough, and that there is no problem with the water capacity. Mrs. Pedone responded that she realizes Mr. Ali's frustration, and he has made modifications, but the board cannot act this evening. Mr. Harrison added that they are presenting a final set of plans to the Town, and if there are no issues, they will ask ZBA to approve. Mr. Rajeshkumar asked if the board is assuming that they have approved the change in number of units? Mr. Benson and Mrs. Pedone explained that they need the engineer to review the plans to help the board to decide if they can approve.

Mrs. Pedone asked Mr. Lund what the next step will be? He replied that he is comfortable with obtaining VHB's services; their task is to review the final set of plans. The concern is that VHB estimates approximately 80 hours of service, 40 on the set of plans, and 40 on working with the applicant; VHB is waiting to get the set of plans released to them. Mrs. Pedone asked Mr. Lund if it was reasonable to assume that within two weeks he will have the materials with Wayne at VHB? Mr. Lund replied "yes."

(Mrs. Pedone then opened the meeting to public comment). Linda Isgro spoke first. She said that Mr. Heaton's analysis stopped with the 2008 decision, but believed that they must all consider the amended decisions after 2008, and noted that the amended decision of 2010 allowed for rental or ownership of units and had more latitude than the original decision. She also believed that the decrease to 80 units is a good idea. Ms. Isgro added that there was

previously concern with the original one bath/unit amount, but now Mr. Ali must put in two baths. She did not think that the change to 80 will make the project that much smaller, however. She suggested being sure that water and sewer capacity are determined prior to the second baths being added to the units. Ms. Isgro also noted that, in the original plans, the side profile showed three units in the front, and four in the back; the side profile and front showed three stories, and the back had four. So, she questioned whether or not his removal of the third story on Building C is really a big concession, as the appearance depends on the profile shown. Ms. Isgro also discussed the concern about solar panels being planned for the open space area, and explained that the Zoning Board made it contingent that this open space area was to be untouched and left in perpetuity to the Town. She added that there have been claims of clear cutting of trees in that area.

Mrs. Pedone responded that this issue concerned the ZBA members on their site walk on June 14. She reported that lot 3 appeared untouched. Mr. Lund continued that the area is largely untouched, and said that at the limit of clearing for the site there is maybe a fringe issue, but, looking at the topography and contour lines on the map, the peak of the lot is still largely behind a tree line.

Mrs. Pedone then referred to Ms. Isgro's mention of the increase in amount of baths, and asked if a study on water and sewer need will be done? Mr. Harrison responded that the water and sewer are related to the number of bedrooms, not baths. He stated that 110 gallons of water is required per bedroom, and with a decrease in number of units, there is a decrease in number of bedrooms and decrease in overall water and sewer water usage per day. He continued that, after 2008, rental and ownership were both options, and that has been the case since Mr. Ali acquired the property.

Ms. Isgro then asked about the solar possibility. Mr. Harrison replied that this has not been finalized and will not be presented this evening.

Next to speak was John Owanisian of 8 Stillwater Heights Drive. He was of the opinion that the development is disproportionately large, even with a 16% reduction in height. He also believed that the development is not pedestrian-friendly due to the number of parking spaces, number of children living there, and no sidewalks. Mr. Owanisian also asked the board about the request at the previous ZBA meeting for Mr. Ali to bring in a chronology of the project and the suggestion from Mr. Heaton that the Town hire a specialist; he wanted to know what happened regarding these two matters?

Mr. Benson asked Mr. Owanisian for his opinion regarding the parking and if there should be more or less parking spaces? Mr. Owanisian responded that, although he is not an abutter, he will see the property when the leaves fall in Autumn, and he believes that two spaces per unit is

sufficient but his concern is that the area is not pedestrian-friendly, and that the density changes the character of the area and he would like to see more of a size reduction of the project.

Mrs. Pedone responded to Mr. Owanisian's comments. She said, as a resident coming from a very wooded area, she lives off of Woodland Street, and she believed the Town to be full of sidewalks, although she mentioned that her children cannot walk down Woodland Street safely due to a bend in the street. Mrs. Pedone continued that the Town does not have many areas that will allow long sidewalks, and the area where Mr. Owanisian lives is more secluded. She asked him if there is some kind of change that he would want? He responded only that the 16% reduction is small and that 80 units is disproportionately large for that area.

Ethel Manahan of 39 High Street next commented that the grounds behind where she lives are in terrible condition, and asked Mr. Harrison what he proposes so that this does not happen to this project? Behind her, she described how the neighbors have planted trees, but there are 13 parking spaces at the facility there with people parking on the lawns and she wanted to know what he proposes to do so that this development does not look like that? Mr. Harrison replied to her that he cannot change her opinion, but Mr. Ali came into the project later after it was allowed for 96 units; he discussed how there are 25% affordable units there and Mr. Ali is making an investment and has a mortgage from MHP so this property must be maintained in order for Mr. Ali to be able to keep it. He then mentioned that Peabody Properties will be the management company that will deal with upkeep of the property. Mrs. Pedone asked Mr. Harrison if he would provide that information for the public? He replied that he would, with all marketing information. Ms. Manahan then asked Mr. Ali where he would rather live? Mr. Harrison responded to her with the assertion that Mr. Ali will provide high quality accommodations in his development, and that the permit has already been approved and they are trying to make compromises.

Mrs. Pedone then asked Mr. Harrison, before moving on in the conversation, to address Mr. Owanisian's previous question regarding matters brought up at the previous meeting. He replied that he has met with the Building Inspector and has a comprehensive list of what they presented in the past and believes that what they are submitting now has everything necessary to be reviewed from the past and present.

Next to speak was Donna Holden of 12 Stillwater Heights Drive. She described that, when the leaves on the trees are down, she can see the property, down as far as the peak of a church nearby, and she feels that the land abutting the project has been demolished. She also asked if the Watershed Protection Act is involved in any way?

In response to that question, Ms. Isgro stated that the comprehensive permit must comply with all state laws, and she explained that the neighbors want to know that the state agencies are aware of the project and if the density of it is allowed. Mrs. Pedone asked if DCR has signed off on the project? Mr. Ali replied that DCR sent a letter to ZBA stating that they are satisfied. Ms. Isgro acknowledged this. Mr. Harrison continued that it is the Building Inspector's role to review the project along with the engineer, and that the project is not exempt by the state. Mrs. Pedone added that the Building Inspector will review all items and if anything is missing, will notify the board.

Ms. Holden also mentioned that there are drainage pools and said that there is quite a bit of silt and stones piled up on North Main Street. Mr. Harrison responded that the overall drainage system needs to be in place, and the Building Inspector and engineer will review that. Mrs. Pedone asked Mr. Lund, because it is not put in, could they have issues? Mr. Lund replied that on the site, there are three open catch basins on the lower edge of the property, and a fourth one proposed on the drainage plan is not in place yet. Erosion controls on the lower sections of the property are aged and may all have to be replaced before construction can begin. Also, he continued, the entrance for construction access has a scrubber pad and stones in place; Mr. Lund said that he has been monitoring it and has not seen sloughing off of materials off of the property. He added that, at the North Main Street entrance, some driveways around the pre-existing building have minor issues with runoff. Mr. Lund also said that David Getman of DCR gave him a SWPP plan, and there was no comment from DCR, and Mr. Getman will be part of the team to monitor the project regarding stormwater control.

Next, Mr. Barrell asked Mr. Lund about groundwater and stormwater, and mentioned that there is shale in that area and the water under the ground is moving and believes that this is causing a drainage problem on his property. Mr. Lund replied that tests have been done and it was found that the soil is sandy gravel. Soil surveys have been done. Regarding water, he said that the drainage plan approved previously has catch basins and subsurface water management systems. Mr. Lund added that the SWPP and 18-page site plan with drainage are available in his office to look at.

Next to speak was Rolinda White of 45 Waushacum Street. She asked if, in five or ten years, the development would be like that of Orchard Knoll, of which she was of the opinion is suffering with a drug problem? Mrs. Pedone commented that there is a substantial mortgage on the North Main Street property. Mr. Ali mentioned property of his in Westboro and Shrewsbury. Ms. White asked if they are all well-maintained? Mr. Ali replied that they are, and added that they are 75% regular-priced units as well. Mr. Harrison continued that, if Mr. Ali does not perform, people will not rent the units and MHP will take over the property; he said

that one cannot predict what will happen, but the applicant and the financing have been successful so far.

Mr. Frieden next asked about the construction and grading; he noted that the front is 3-story but asked if the back is walk-in second story, and are there two level entrances? Mr. Ali and Mr. Harrison replied "yes." Mr. Frieden also asked if the requirement is the same that stormwater from the site must be contained on the site? Mr. Harrison replied that it is the same. Mr. Frieden also asked if operation and maintenance will be part of the submittal package? Mr. Harrison replied that, in the past, that is usually done when starting to rent, by rental management. Mr. Frieden explained that the resident, Ms. White, was concerned with upkeep. Mr. Harrison said that will provide copies of the resident selection plan, marketing plan, leases and residents' handbook with regulations for the residents. Mr. Frieden added that he thought that the hip roof will not be as obtrusive as a regular roof.

With no further comments or questions, Mrs. Pedone announced the end of public comment, and instructed the Secretary to place on the August 20 meeting agenda, at 7:15, that Mr. Lund will present his findings in view of the information presented by Mr. Ali. Mr. Lund added that it will either be an update or comments on the complete review.

Mr. Femia then asked Mr. Harrison if trash disposal and snow storage are on the site plan? Mr. Harrison replied that snow storage is identified on the plan (11 areas are identified), and trash areas are located towards the back of the property.

With no further business to discuss, Mr. Femia moved to adjourn the meeting at 9:05 p.m. Mr. Benson seconded. All in favor.

Respectfully submitted,

Toby S. Goldstein, Secretary

Date Accepted: _____

By: _____

