

Permitting Board Chairs Sub-committee

Meeting Date and Time: April 18, 2018 – 5:30 p.m.

Meeting Location: Town Offices, 140 Worcester Street, Room 210

Members Present: John Hadley, Chair, Vinny Vignaly, Bob Barrell, David Femia

Members Not Present: Bill Chase

Also Present: Anita Scheipers, Town Administrator and Bentley Herget, Building Commissioner

Call to Order: Mr. Hadley called the meeting to order at 5:35pm.

- 1. Review of legal opinions from KP Law:** The members reviewed and discussed the written opinions received from Atty. Laughman of KP Law regarding how to address businesses who have failed to properly receive full site plan approval by the Planning Board. The key guidance provided was that moving forward, the Planning Board should attempt to modify the site plan approval portion of the zoning bylaw to require that site plan approvals must require a filing of the site plan approval and conditions at the registry of deeds to allow a “cloud” to follow the owner. Proof of the registry filing must be obtained and provided to the Building Department in order to be issued a building permit. This cloud will be visible any time a property owner has not fulfilled the site plan requirements, and attempts to sell the property or finance any related project on the property. This will be clear incentive to the owner to complete the site plan work as required. Vinny Vignaly stated he would bring this to the Planning Board for possible vote at the 2018 fall town meeting. Additionally, Bentley Herget presented a new property check list which will be added to the building permit card, which requires sign-off from all permitting boards, so that he can be assured all permitting has been approved by the necessary board prior to his issuance of a certificate of occupancy.
- 2. Review of existing non-compliant sites:** The list previously prepared by Bentley was reviewed. The status of the sites are as follows:

 - a. Mass Materials, 1500 Century Drive: This site appears to be all set and the site plan review can likely be closed out.
 - b. Finders Restaurant, 171 West Boylston Street: Vinny stated this site still needs parking lot

improvements to correct the safety hazards. There are reports of vehicle collisions in the parking lot. Anita will request of the police department a report of any collisions that have occurred in the past two years. If no collisions are occurring, this site plan review may be able to be considered for closure.

- c. Medical center, 242 Woodland St: Vinny stated this site also had safety issues in that the wooden guardrail at the top of the steep slope down to the road is undersized and would not stop a car that might slide across the parking lot. Bentley will send the property owner a letter informing him of the ongoing violation.
- d. Wachusett Liquors, 21 Franklin Street: Ninny stated that as long as the required trees are planted this spring, they will be in full compliance and the site Plan review can be closed out.
- e. UPS, 99 Hartwell Street: A letter has already been sent to the owner regarding the non-compliance with the work done on the front of the building.

Vinny asked the BoS to be careful moving forward when approving license for cars sales, etc. The approval given by the Selectmen as to layout of cars, etc. on the applicant property does not substitute for a site plan review which may be needed via the Planning Board. Vinny Vignaly left the meeting at this point.

- f. Cumberland Farms, 184 West Boylston Street: The final site plan has been received and will be copied to the Planning Board. This should lead to close out of the site plan review.
- g. Holy Cross, 1000 Goodale: Bentley stated he has sent several letters to the builder and has no response. Anita suggested he give her a copy of the correspondence which she can send to her contact at Holy Cross to ensure their administration is aware of the non-compliance issue.
- h. Flagg RV, 66/76 West Boylston Street: Bentley stated that the owners are now before the Planning Board to work on obtaining site plan approval.
- i. Surabian commercial plaza. 186 West Boylston Street: It was the groups understanding that this site has submitted the as-built plan and letter of certification form the engineer stating it is built as required. The remaining members agreed this is a good example of a site that should be approved for closeout by the Planning Board.

j. Storage Facility, 137 Shrewsbury Street: It appears there is a wall that is being constructed that is not approved under the site plan. Bentley will contact them about this. It is still in construction and not technically in violation at this time.

The members agreed that the next meeting should be used to develop a list of suggested recommendations to be given to the Planning Board regarding close-out of several of the above stated sites.

It was also agreed that the Town Administrator should seek town counsel opinion as to whether the Building Commissioner was correct in approving the front of property work at 99 Hartwell without a site plan process prior to the next meeting. The key question is: Was this within his rights as Zoning Enforcement Officer to make this judgment?

3. Next Meeting: The next regular meeting is set for Thursday, May 10, 2018 at 5:30pm.

4. Motion to Adjourn: David Femia moved and Bob Barrell seconded to adjourn. Vote: All yes. Motion Passed.

Vote – All yes. Meeting adjourned at 6:25pm.

Respectfully submitted: Anita M. Scheipers, Town Administrator

Minutes approved on May 10, 2018