



**TOWN OF WEST BOYLSTON PLANNING BOARD** [planningboard@westboylston-ma.gov](mailto:planningboard@westboylston-ma.gov)  
140 Worcester Street \*\* West Boylston MA 01583 \*\* Phone 774-261-4073

## **ZOOM MEETING MINUTES**

### **December 7, 2022**

Members Present: Sarah Miles (Chair), Marc Frieden, Vincent Vignaly, Barur Rajeshkumar

Members Absent: Francesco Lopriore

Others Present: Jennifer Warren-Dyment (Town Administrator), Trish Settles (CMRPC), George Tignor (Building Inspector), Paul Lenkarski,

**All documents referenced in these Minutes are stored and available for public inspection in the Planning Board Office located at 140 Worcester Street.**

The Chair opened the Zoom meeting at 7:00 p.m.

Pursuant with Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency signed into law July 16, 2022, the West Boylston Planning Board is being conducted remotely. Members of the public who wished to view the live stream of this meeting could do so via the link listed on the agenda.

Members Present: Vincent Vignaly, Barur Rajeshkumar, Marc Frieden, Sarah Miles

Citizens' Comments – None tonight.

### **New Business:**

MBTA Communities Zoning Discussion with Central Mass Regional Planning Commission (CMRPC)  
– Trish Settles was in attendance and gave a presentation of the new requirements from the state or lose qualification for many state grant programs. The town has been defined as an MBTA adjacent community and is subject to the requirement that a certain amount of high density housing (15 units per acre more) be zoned. The 2020 Census has 3,052 units of housing, the minimum capacity will be 587 units; the minimum land area would be 39 acres. The town has until 12/31/2024 to implement the zoning change. The next milestone is to submit an action plan on how to get into compliance by 12/31/2024. There is a compliance model and there are official maps for the town. CMRPC also developed a checklist; once we decide on the location, we need to meet the numbers in the checklist. The Mass Housing Program offers technical help as well as CMRPC. Ms. Settles reviewed the Interim Compliance Action Plan Form that needs to be filled out. The board has limited interest to zone any areas in town to allow 15 units per acre. Ms. Settles said it does not have to be affordable. Suggested areas near Walmart and off Shrewsbury Street/Briar Lane on the Worcester Country Club property and abutting lots would be close to a bus line. More thought will be given for the location. It should fit with the Master Plan and Housing Production Plan. Ms. Settles will prepare a draft and send it to Ms. Miles.

The vote for the zoning change will be targeted for the 2023 Fall Town Meeting. Mr. Vignaly asked what grants and how much risk would there be if we didn't do it. The Town Administrator said the

state is making it intentionally difficult to not buy into, and the town does have many projects and needs on the horizon. Ms. Settles also said that the Housing Authority would be affected if the town is not in compliance.

Ms. Settles asked if we wanted help with a Master Plan update. She also explained that CMRPC received a grant to hire a shared Housing Coordinator who would work specifically on housing production plans, potential development proposals, and site plan review if needed. The first year is free; after that it would be a scaled sharing of the cost.

20 Holt Street Project – Mr. Lenkarski, Sr. and Mr. Lenkarski, Jr. were in attendance. The Homeowner Association documents were required in the Special Permit and Site Plan Review Approval to be reviewed by Town Counsel prior to the issuance of a building permit. This was not implemented by the Building Inspector. They were asked to send the board the complete HOA package, the board will make sure it's all there, and will forward it to Town Counsel for review. Mr. Lenkarski, Jr. said they have come up with an agreeable solution with the Building Inspector on the pavement that was required to be removed on the abutting property, but they don't have the as-built plan yet. It is a zoning violation and cannot be waived by the Planning Board. They met and had onsite visits with the Fire Chief who had concerns with the turnaround area. The board hasn't received anything from the Chief. Mr. Lenkarski, Jr. said the Fire Chief came up and took measurements and agreed to a hard surface; he thought it was a better solution, so those issues have been worked out with the Chief. They made it the size, shape and position as proposed so that issue has been resolved. Mr. Vignaly asked if they were going to pave it now. Mr. Lenkarski, Jr. said that's what they agreed to with the Chief who said that was the best surface for his vehicles. Mr. Vignaly noted it is a change to the approved plan if he paved it. Mr. Lenkarski, Jr. said they would only need certification by the engineer that there is enough capacity in the drainage system. Mr. Vignaly said once they send the drainage calculations, the board will have it reviewed by VHB. Mr. Lenkarski, Jr. said all that is needed is a letter. He said VHB said there was enough capacity to pave it so why not just pave it because that's what everybody wants. They decided paving was the best surface for a large vehicle to turn around in that space. Mr. Vignaly asked who he meant by "they". The Planning Board has not reviewed any of those changes. Mr. Lenkarski, Jr. was reminded that any changes need to be requested from the board and not just assume they will be ok. Mr. Lenkarski, Jr. said they asked the person who was going to be using it and he said it was ok.

The drainage needs to be reviewed by VHB, not just reflected on the as-built plan. The plan would have to be revised for the new area of impervious. We need a letter from the Fire Chief and the drainage calculations sent to VHB to review. Mr. Lenkarski, Jr. said they are basically done with the project and just looking to tie up the loose ends.

Mr. Lenkarski, Jr. said the Decision states only six temporary occupancy permits will be issued before the final certifications. He didn't know where that came from because they have eight units. He was told they don't get the final two Certificates of Occupancy until the Planning Board says it's completed and the as-builts are received; it's a condition in the approval letter; they had 21 days to appeal it when it was approved. Mr. Lenkarski, Sr. said the temporary occupancy needs to be on all of the units and asked how to rectify it; he felt the town is protected. Mr. Vignaly suggested Mr. Lenkarski, Sr. have an attorney review it and contact the board if he doesn't believe that condition is allowed. Mr. Rajeshkumar asked what was holding them up and why don't they complete it quickly. There are other projects near completion that are still lingering and items pending which is why there is a stipulation. Mr. Lenkarski, Jr. said the HOA documents are recorded at the Registry but do not include stormwater

documents. He was told the HOA documents were supposed to be reviewed and approved prior to issuance of any building permits, but they have received Certificates of Occupancy when they shouldn't even have a building permit.

Mr. Lenkarski, Sr. suggested a bond. Mr. Vignaly said that could possibly be done and for their engineer to put a bond estimate together that the board can send to VHB for review. Mr. Lenkarski, Sr. said they will come up with a bond that they think is reasonable to see if they can get eight temporary permits. Mr. Frieden said a bond estimate is for all the outstanding issues. Mr. Lenkarski, Sr. was told to provide the as-built plan, the Fire Chief letter and the calculations that the engineer submits that will be reviewed by VHB. Mr. Frieden would rather have VHB prepare the bond estimate. Mr. Lenkarski, Jr. said they are not getting responses from his engineer. Mr. Rajeshkumar says they're paying for a company that's not doing the job and wants the Planning Board to pick up the slack. Ms. Miles said they should try and get the job completed. Outstanding issues are: pavement needs to be removed on the plaza side in the back-10' setback issue, wall in front, turnaround size and being paved, drainage calculations, trash (Mr. Lenkarski said that was all set, the DPW met with the trash haulers and they made an agreement.) Mr. Vignaly said trash is not supposed to be picked up by the town and the trash cannot be put out on Holt Street according to the approval. They need to show how it will be addressed. Mr. Lenkarski, Jr. said they are going to pick up on private property. The Lenkarskis said they were not involved in the conversation. The town will pick up trash on four condominiums or less. Mr. Vignaly asked the Town Administrator if she could find out. They will submit a request for a bond to release Condition #16 and the board will send that to VHB. It may take them a month to review. Mr. Lenkarski, Sr. said he could post of \$25K bond tomorrow with condo documents and maintenance agreement. He was told that can't happen because VHB has to review the bond estimate to make sure it's enough for any remaining work to be done. The board needs an estimate for what the bond is going to cover. Mr. Lenkarski, Sr. wanted to read the bylaw. Mr. Vignaly explained that it's not the bylaw; the bylaw is applicable to most things, but once you go through the process, the approval is what the condition is specific to your site. The conditions in the approval supersede the bylaw. Mr. Rajeshkumar said if they would produce the as-built, and the HOA is already submitted, it would be quicker. Ms. Miles will contact Town Counsel. She said try to get it done instead of waiting for estimates and a bond. Mr. Tignor said he issued temporary Certificates of Compliance and a final Certificate of Compliance for Mr. Lenkarski's unit. He has held back two per the Planning Board agreement. The board will have no issue with Mr. Lenkarski, Sr. coordinating with VHB, but was told it will be a cost because he would be doing the work that Lenkarski's engineer should be doing to provide a bond estimate. Mr. Frieden said they could also talk with their attorney. Ms. Miles will contact Town Counsel and question the decision we made, are we allowed to do that. She will also ask if the board can accept a bond in lieu of Condition #16 of the approval letter. The Lenarskis can move forward with the bond estimate if they choose to; the board will entertain it.

First Right of Refusal for 152 & 152A Prospect Street – The Town Administrator sent notification back to the individual that they did not meet the requirement of providing a Purchase & Sale Agreement. They don't have a prospective purchaser; they thought it would be a mechanism to get the potential sale of the land before the town. No action needed.

Nuha Circle Bond Amount and Remaining Work Estimate – The bond estimate received from VHB (\$48,278.50) to complete the outstanding work items is more than the bond (\$40,100).

Subdivision Rules and Regulations – Discuss Potential Changes – Tabled to the next meeting.

**Old Business:**

Zoning Changes Discussion Update – Mr. Frieden asked about proposing an incentive zoning requirement where any housing development must include a percentage of Subsidized-Affordable Housing units. He did not have anything drafted so this was not included

The 12/4/2022 draft was reviewed.

3. Mr. Vignaly recommended Section 3.4 of the Zoning Bylaw for Accessory Apartments be deleted because it causes problems until the state provides more information. The current bylaw restricts the use to last only until the property is sold, but it is difficult to remove the “apartment” once the construction improvements are completed. This essentially makes the property violate the “single residence” district definition. Dave Femia was against it being deleted.

6. Section 5.1-Accessory Use. The Town Administrator didn’t think “smaller footprint” was sufficiently defined. She thought possibly saying “x percentage smaller than” may be more helpful. It will be changed to “shall have a footprint smaller than 80% of the primary use”. In Section 4.2 Swimming pools and racquet courts..., accessory “structures” will be replaced with accessory “uses”. In the Use definition for truck box, Conex box, or steel storage unit, they shall not be deemed as a permissible accessory structure or use in any residential district.

7. Section 4.3.G Habitable Buildings Per Lot. To better implement the idea of a single habitable building, an additional sentence was suggested: “The exterior walls of a habitable building must form a single polygon” which is any number of walls or angles that has to be a closed loop. Mr. Tignor did not agree with the wording. He thought it would have to be better defined to be enforceable. Walls/”doors” will be added.

The draft will be sent to other boards for comments.

**Reports from Other Boards:** None tonight.

Invoices were approved for payment. Mr. Frieden made a motion to accept the November 9, 2022 Meeting Minutes; Mr. Vignaly seconded; roll call vote: Frieden-yes; Vignaly-yes; Miles-yes; motion approved.

January 11, 2023 at 7:00 p.m. was confirmed as the next regular meeting date and time. It will be a zoom meeting.

Mr. Frieden made a motion to adjourn; Mr. Vignaly seconded; roll call vote: Rajeshkumar-yes; Frieden-yes; Vignaly-yes; Miles-yes; motion approved.

The meeting was adjourned at 9:30 p.m.

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

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

Marc Frieden, Clerk

Submitted by: \_\_\_\_\_

Melanie Rich