



## **ZOOM MEETING MINUTES**

### **January 11, 2023**

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

Members Absent: None

Others Present: Dave Femia, 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. Members Present: Vincent Vignaly, Barur Rajeshkumar, Marc Frieden, Francesco Lopriore, Sarah Miles.

Citizens' Comments – Dave Femia said the CPTC 2023 Conference will be held March 18, 2023 at Holy Cross.

#### **New Business:**

MBTA Communities Zoning Discussion – Mr. Vignaly sent information to Trish Settles (CMRPC) to complete the Interim Compliance Action Plan Form. She is compiling the paperwork and will submit it to the state. At the next meeting the board can discuss the process for rezoning location(s) for the high-density housing.

Appointment of Delegate and Alternate to the CMRPC Commission – Mr. Frieden made a motion for Mr. Rajeshkumar to be the Planning Board Delegate for FY23; Mr. Lopriore seconded; roll call vote: Rajeshkumar-yes; Vignaly-yes; Lopriore-yes; Frieden-yes; Miles-yes; motion approved. Mr. Frieden will be recommended as the Selectboard Delegate.

#### **Old Business:**

20 Holt Street Project Update – Paul Lenkarski, Jr. was in attendance. Ms. Miles apologized for not sending the HOA and stormwater documents to Town Counsel; she did forward them to the Town Administrator during this meeting. Ms. Miles did ask Town Counsel the question from the last meeting regarding the temporary Occupancy Permits; she has not yet received a response from Town Counsel. A revised as-built is needed. It needs to include the utilities, drainage, and easements; the board is waiting for VHB's review. Mr. Rajeshkumar asked about the wall. Mr. Vignaly said it appears to be on town property; it can be removed or an easement is needed from the town. Trash cannot be stored or picked up within 50 feet of Holt Street. Mr. Lenkarski said the pick-up has already started; the board needs to see the details. Mr. Lenkarski said the turnaround is finished and on the as-built plan. Mr. Vignaly noted that it was a change to the plan that was never requested, but VHB is reviewing it. Mr. Lenkarski said Brian from VHB was scheduled to visit the site but he never heard back from VHB. The board will contact VHB tomorrow to check on the status.

Regarding the parking requirements and regulations about setbacks under the Section 5.2c, Mr. Lenkarski said he spoke with George Tignor (Building Inspector) and Mr. Tignor didn't understand what is being portrayed by the board because there is no parking there yet he is being asked to tear up asphalt. He asked for clarification on that. Mr. Vignaly asked why the asphalt was there if there is no parking and noted that his plan approval said it would be removed. Mr. Lenkarski said the line on the plan was put there in error. Mr. Vignaly disagreed; zoning says no parking within 10 feet of the property line; it will be in violation of the zoning if it's not removed. Mr. Lenkarski said it was not his property and not part of the Holt Street project. It is the Building Inspector's interpretation; he will have to put something in writing that it is not a violation of zoning. The board is expecting Mr. Lenkarski to do what he proposed.

Mr. Lenkarski referred to Section 3.6J1 that says the board can waive strict compliance with their decision and is asking the board to do that. Mr. Vignaly said the board can only waive the Site Plan Review portion, not zoning compliance issues. Mr. Vignaly explained that what is on the plan is part of the review. The board requires certification from an engineer that it was constructed according to plan. He needs to send the board what is different from the plan that was submitted and approved by the board and the reasons for the differences. Mr. Lenkarski said his engineer is holding the final as-built plan until everything is completed. He said the intent of the Zoning Bylaw has nothing to do with what's on the plan; there is no parking there so it doesn't apply to him. He asked when he might hear from VHB and was told they have at least a four week lead time. Mr. Lenkarski complained that the HOA and stormwater documents were not submitted to Town Counsel, he hasn't heard back from VHB and has heard nothing about the bond documents. He was reminded that all of this should have been addressed before he received a Building Permit, not an Occupancy Permit. He was also reminded that the HOA didn't include stormwater, but the approval requires that it does.

Mr. Lenkarski asked why the board can't release another Temporary Occupancy Permit. Ms. Miles said the board is waiting for Town Counsel response. Mr. Lenkarski said the board can waive strict compliance with their own decision and felt the project was 98% complete; he feels he has done his part and is getting nothing in return; doesn't understand why he's running into roadblocks and feels the issues are not substantial. He wants the board to release one more Temporary Occupancy Permit. Ms. Miles said the board is trying to get everything to be completed according to the approval that Mr. Lenkarski was issued. It was suggested that if he wanted something specific he should put it in writing and the board will act on it at the next meeting. Mr. Lenkarski requested the Planning Board follow their rule of Section 3.6J1, "The Planning Board may adopt such rules and regulations for carrying out its duties under this section. The board may with such action allowed by the law under in the public interest and not inconsistent with the purpose and intent of this bylaw waive strict compliance with any requirement of this Site Plan Review Bylaw or its Rules and Regulations." He wanted the board to grant that request for another Temporary Occupancy Permit. Ms. Miles asked him to put his request in writing and the board will consider it. She understands he is desperate to get the units sold because he promised them to people, but it's not the board's problem; the approval set forth is not complete. Mr. Rajeshkumar asked why he doesn't just finish the work if the only remaining items are "not substantial"? The board does appreciate him working towards completion.

Zoning Changes Discussion Update – The changes were discussed previously. George Tignor will forward his changes tomorrow and it will be sent to all boards for their comments to be received before the next meeting.

Subdivision Rules and Regulations (Discuss Potential Changes) – Mr. Frieden will have documentation to review at the next meeting.

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

Invoices were approved for payment.

Mr. Rajeshkumar made a motion to approve the draft December 7, 2022 Meeting Minutes; Mr. Vignaly seconded; roll call vote: Rajeshkumar-yes; Vignaly-yes; Lopriore-yes; Frieden-yes; Miles-yes; motion approved.

February 8, 2023 at 7:00 p.m. was confirmed as the next regular meeting date and time. It will be a Zoom meeting.

Dave Femia commented they are still waiting for the Commonwealth to inform us about the accessory apartments and asked how we could get that information for discussion. He was told the state will send out notification.

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

The meeting was adjourned at 7:49 p.m.

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

By: \_\_\_\_\_  
Marc Frieden, Clerk

Submitted by: \_\_\_\_\_  
Melanie Rich