



MEETING MINUTES
July 12, 2023

Members Present: Barur Rajeshkumar, Marc Frieden, Vincent Vignaly, Francesco Lopriore, Kevin LaClaire

Members Absent: None

Others Present: Iqbal Ali, Linette Roche, David Sadowski, Nick Markopulis

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 meeting at 7:02 p.m.

Citizens' Comments – None tonight.

The board returned to its regular meeting at 8:10 p.m.

Nuha Circle Update – Mr. Ali was present. He said he emailed the updates. Mr. Rajeshkumar said there was a list for Nuha Circle dated May 29, 2022. He inspected the site with Mr. Ali, DPW, VHB, and the Town Administrator. It was inspected, comments were made, and the problems need to be rectified. Mr. Ali said it was the same list as 2022, but it didn't have the updates from the June 1, 2023 site visit. He said the Homeowners Association was taken care of today. He spoke with Vanessa Kuzmanovski (6 Nuha Circle); she will be a Trustee along with the 3 Nuha Circle homeowner. He said every item on the punch list except for cleaning of the catch basins and detention pond were done. #1 and #2 Nuha Circle will not participate in the HOA.

Mr. Vignaly asked if everything complied with ADA requirements. Mr. Ali said they changed the ramp in Nuha Circle per VHB's recommendation; the aprons for #4, #6, #8 and #10 are all done. Mr. Vignaly explained that when the board does a roadway acceptance there is a roadway acceptance process in the bylaw and asked if he had everything done. Mr. Ali said he has most of it done. Mr. Vignaly said that's the checklist the board is looking for. There is a construction checklist which the board is reviewing tonight, but the preparation for town meeting starts six months in advance. Mr. Rajeshkumar said if he wants to put it to the town meeting, the board needs the complete package before the August 9th meeting. Mr. Ali said he received revised comments from the Water Department; that's being taken care of. The board will require a signed copy of the HOA; Mr. Ali said he would provide it. Mr. Frieden commented that the letter from DC Engineering & Survey only surveyed and put in the stone bounds; it says nothing about the as-builts. Mr. Ali said he signed an as-built plan previously. Mr. Vignaly said the DC plan certifies the bounds so that when the town accepts the roadway, we either accept a fee or a right-of-way based on the bounds. Mr. Ali will be submitting a complete application that the board will send to VHB to review. Mr. Ali was reminded that the board will want the information at least one week before the meeting.

Westland Circle Update – Regarding VHB’s letter dated March 17, 2023, Mr. Ali said #2-the trees were not planted within the right-of-way. He said the Tree Warden didn’t want any there; he wanted them on private property, which he did. Mr. Vignaly asked if he received a waiver from the Planning Board for the change to the subdivision plan. The approved subdivision plan has trees in the right-of-way. He was told if he wanted to make any changes, he had to go through the approval process. Mr. Ali said the approval says he has to consult the Tree Warden which he did and was told to plant them on private property; he will request a waiver from the Tree Warden. #3-Mr. Ali said the surveyor will shoot it. #8-Mr. Ali will take care of the trees growing in the detention basin.

Westland Circle Request to Amend the Requirement for the Walking Trail – Mr. Ali is proposing to eliminate the walkway on the private property. Mr. Rajeshkumar said there was discussion on the sidewalk as well as the walkway; the original developer and Planning Board agreed to the walkway instead of a sidewalk; and that the homeowners association would be maintaining it. He told Mr. Ali that it was his responsibility, not the town’s. Mr. Ali said he’s not asking the town to take over the obligation; the neighbors don’t see a need for a path because it’s not used much and he is asking that the approval be amended and it be removed from the approval. He was told to amend the approval there is a process; a public hearing is needed and he would have to notify abutters within 300-feet. The neighbors he spoke with were the property owners in the subdivision. The residents on Lawrence Street had input at the public hearing and wanted to have access to Woodland Park. In lieu of a sidewalk, the board approved the pathway. Mr. Vignaly said if we did make a change to the subdivision approval, we would look for something financial to offset the savings from not installing the required sidewalk that was traded for the pathway; the intent was to have connectivity. The homeowners don’t want the liability, but the easement was in place when they purchased their homes. Mr. Lopriore said if the Water Department needs to repair the waterline, they will do what they need to, regardless of if the public is allowed to walk on the property or not.

Mr. Frieden said if Mr. Ali plans to make the request to amend the approval for the walkway, he should also include a change to the language for the sewer and to locate the trees outside of the right-of-way.

275 Woodland Street (Kadoodles Update) – Linette Roche was present. They are planning to put in a well instead of connecting to town water across the street if possible. Mr. Vignaly said there is an existing building on the lot, and the board approved a daycare for the front; now they are building a residence. He asked if it’s going to be a daycare. Ms. Roche said it would be a residential daycare. The building in Holden is in the Single Residence District; is it a residence? She said no one is living there but was told that doesn’t matter because it’s a single residence and asked when it changed? George Tignor (Building Inspector) was asked how he would interpret it as a residence. Mr. Tignor said he always identified it as a single residence; he said he could call Holden. He sees it as a commercial daycare center. Mr. Vignaly asked if the building in Holden was sprinkled for a commercial daycare center and was told it was not. He asked how then could it be a commercial daycare center. Mr. Tignor said he didn’t know anything about that particular property. Mr. Vignaly asked, if the existing building is a residence with a daycare center and she’s putting another residence with a daycare center, how do you not have two residences on the lot that only has frontage in West Boylston? Mr. Frieden said there will be a home daycare on it and a business in the Single Residence District.

Mr. LaClaire asked if there is an issue with the building in Holden. Mr. Vignaly said the only issue is that in the West Boylston bylaw you are only allowed to have one habitable dwelling on a lot. It doesn’t say the lot has to be all in West Boylston; the lot is the whole lot. It is the Building Inspector

who interprets the zoning. The board issued a Site Plan Review approval for a daycare because they received an application for a non-residential building construction with more than 15 parking spaces. If the building is single residence and they don't need 15 or more parking spaces, they don't need Site Plan Review. Mr. Rajeshkumar said they came in as a business daycare and it was approved; they changed it and dealt with the Building Inspector as a single family; now they are coming back again, what does the board do? There are 21 parking spaces; 5 were existing. Mr. Vignaly said we have an approved Site Plan Review; they are adjusting 3 parking spaces. Mr. Tignor doesn't see any problem with it. Mr. Vignaly asked about the drainage. He said the approval included a drainage system. They now plan to do the same project without a detention basin which will cause water to go onto the neighbors' property. Mr. Rajeshkumar commented that the neighbors came to the public hearing and had concerns. Mr. Vignaly said it's not clearly triggering Site Plan Review. If the board can get a zoning interpretation from the Building Inspector that he doesn't see it as two habitable dwellings and doesn't see it as requiring Site Plan Review, they can submit a request to withdraw the Site Plan Review approval. Mr. Tignor will contact the Holden Building Department and report back at the next meeting. Mr. Tignor asked if she does go with this plan, will it be an accessory to the other building; because of the recent bylaw approved at town meeting, it will have to comply with that new accessory use definition.

Informal Discussions:

543 Prospect Street – David Sadowski – Discuss expanding the Business Zone – David Sadowski and Nicholas Markopulis were present. He asked about changing the zoning and where in town it was approved so Mr. Markopulis could review the paperwork to figure out the best way to proceed. He was told he could review the information for recent zoning changes at 20 Holt Street and at 2 Goodale Street. Mr. Vignaly said the process to change zoning is defined in the State Law. The applicant has to decide what they want to do, request something from the Planning Board that the board can consider, send it to the Selectboard who asks the Planning Board to hold a public hearing, make a recommendation for town meeting, and it's then voted on by the residents. Mr. Markopulis' attorney in Peabody interpreted the Zoning Bylaws as allowing a special permit to change a section of property into something that would support the garages. Mr. Vignaly said he would have to go to the ZBA for a special permit. The Building Inspector gave him a denial. Mr. Markopulis said the hours of operation would be dusk to dawn and he would plant additional arborvitaes. Mr. Rajeshkumar said storage units are not allowed in the Business District; only in the Industrial District. Mr. Tignor said it has to go to the ZBA. Mr. Vignaly said the difficulty is that he wants to extend the current business zone, but the Business District doesn't allow the use either. He needs to have an Industrial District in the middle of a Single Residence and a Business District, which would be defined as "spot zoning"; it is not allowed and would not be approved. He was directed to find an experienced attorney to consider his options.

Reports from Other Boards: None tonight.

There were no invoices for payment tonight.

Mr. Frieden made a motion to approve the draft June 14, 2023 Meeting Minutes; Mr. Lopriore seconded; all voted in favor; motion approved.

August 9, 2023 at 7:00 p.m. as confirmed as the next regular meeting date and time.

Mr. LaClaire made a motion to adjourn; Mr. Frieden seconded; all voted in favor; motion approved.

The meeting was adjourned at 8:44 p.m.

Date Accepted: _____

By: _____
Marc Frieden, Clerk

Submitted by: _____
Melanie Rich