



**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

## **MEETING MINUTES**

### **March 13, 2024**

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

Members Absent: None

Others Present: Iqbal Ali, Attorney Stephen Madaus (Mirick O'Connell) Patrick Healy (Thompson-Liston), Paul Lamoureaux, Rob Para, Mike Williams (LPA Architects), Tim McMann (Catholic Charities)

**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 7:00 p.m.

Citizens' Comments – None tonight.

The board returned to regular session at 8:00 p.m. after the Public Hearing for 216 West Boylston Street-Catholic Charities.

Westland Circle Bond Reduction Request – Mr. Vignaly said the as-built plan Mr. Ali submitted showed incorrect drainage that was not the way the plan was approved. If he is required to change the drainage to put it the way it was approved, there will be a lot of cost associated with it. He did not think reducing the bond made a lot of sense and would recommend not reducing it. He said Mr. Ali needs to have an engineer look at the plan that was approved, compare it to the as-built plan that was done to determine what the drainage changes that weren't constructed the way it was approved. Mr. Ali didn't think he changed the drainage and asked what we wanted him to do. Mr. Vignaly repeated himself. Mr. Ali said every time he comes to a meeting there is a new wrench in it. He said VHB said the as-built is all set; everything meets the requirements. Mr. Vignaly said there was an email from Wayne Amico following the recent submittal saying they reviewed whether you made the changes noted in the prior stuff from last fall and had corrected them. VHB didn't look at the overall plan because they hadn't received the full package for acceptance. Mr. Ali said the as-built plan was for the acceptance of the road. Mr. Ali wants to change the engineer. He said he has been dealing with this engineering firm and it costs him more money so he had to go to a 40B project at Afra Terrace years ago. The town is hiring an engineer from Boston to do a review and Mr. Ali paid them to review everything for the Planning Board for acceptance and make a punch list. Back in 2022, Sarah Miles compiled it. Same thing happened at Nuha Circle and at 92 North Main. He said VHB reviewed the plan and had everything they needed. Mr. Vignaly said VHB reviewed the pieces that Mr. Ali sent which is why the cost is higher than normal. Mr. Ali was told he needed to hire an engineer to put together a complete package and send it in, but that has still not been done. Mr. Ali said he had a PE sign it but was told that's different than having a PE prepare a complete package according to the acceptance policy. Mr. Ali said the board needs to make a decision; it can't go on. He said he paid money for the punch list to be finished for the Select Board and they agreed he finished it. He said there are other engineering companies. Mr. Ali is disappointed with how the board is treating him. Mr.

Frieden said anything that is different than the approved plan has to be pointed out on the as-built. Mr. Ali said as far as the as-built, he feels that as long as everything is working that is all that counts. Mr. Ali said they need a town planner or someone to help but he does appreciate what the board does by themselves. Mr. Vignaly disagreed and said it was poor management by Mr. Ali; he would not reduce the bond. Mr. Ali said it's not about the bond. He's working diligently to finish the project. He said he sent a copy of the package to the Select Board and the Planning Board. It was sent to Town Counsel and VHB to review. Mr. Ali said his attorney and engineer put the package together and gave it to the Town Administrator and the board, but Mr. Vignaly has not seen it. Mr. Rajeshkumar will contact VHB. Mr. LaClaire noted that on 2/9/2024 there were still some outstanding questions. He asked for bond reduction in 2023. VHB recommended \$50K based on the current conditions at that time, before the wrong drainage was noticed. Mr. Vignaly made a motion to deny the bond reduction request for Westland Circle Extension because the costs are not clearly defined; Mr. Lopriore seconded. Mr. Frieden asked if anyone had been to the site to see that the drainage was working properly. Mr. Ali said he was there over the weekend and it was functioning properly and there were no neighbor complaints. Mr. LaClaire said we thought the bond was \$120K. Mr. Ali would like it to be \$24K. Voted: Vignaly yes; Rajeshkumar yes; Frieden yes; Lopriore no; LaClaire no; motion approved to deny the bond reduction. Mr. LaClaire made a motion to rescind the denial and reduce the bond amount to \$75K; Mr. Lopriore seconded. Mr. Vignaly asked where Mr. LaClaire came up with \$75,000 and Mr. LaClaire said it was between what is recommended and what was asked; no real basis. Voted: Frieden yes; LaClaire yes; Rajeshkumar no; Lopriore yes; Vignaly no; motion approved to reduce the bond.

Request for Acceptance of Westland Circle – Mr. Ali said there are two things pending: the letter regarding the easement and the sewer letter. Mr. Frieden is working on the amended approval. Mr. Vignaly asked if we want to send it to the attorney to review it. Mr. Rajeshkumar said one of the residents is not accepting the HOA and how was he going to deal with it. Mr. Ali didn't know that and said everyone signed for the acceptance of the road work. Mr. Frieden said the Homeowners Association has to be applied to include all of the lots off the roadway. Mr. Ali said it is on all the properties now. Mr. Rajeshkumar said he will send it to Town Counsel for review.

### **New Business:**

Comments to 2 ZBA Petitions (Evangelista and Brunelle) for Lot 1R, 0 Shrine Ave: (1) Administrative Appeal and (2) Variance – Mr. Rajeshkumar explained that the Planning Board is only giving comments to the ZBA. Mr. Vignaly's draft comments recommends that the variance be denied and to support the Building Inspector and Town Counsel interpretations of the Zoning Bylaw. The bylaw was changed last year for these situations and a variance is not warranted.

In this case, Site Plan Review approval is required under Zoning Bylaw Section 3.6.B.2.) "The construction or enlargement of any multi-family dwelling containing more than four (4) units, or buildings accessory to such dwellings, including such dwellings on contiguous lots under the same ownership.", since this lot is contiguous to the 4-unit condo development constructed by the same petitioners a few years ago. The members had no issues. Mr. Frieden made a motion to send the letter to the ZBA; Mr. LaClaire seconded; all voted in favor; motion approved.

Proposed Zoning Modifications – RJF Commercial Properties, LLC – Safe N Secure Self-Storage Shrewsbury & Hartwell Street – Patrick McCarty (McCarty Engineering) was present. He explained that Mr. Fuller owns the parcels impacted. Currently, the Commercial Zoning District parallels

Shrewsbury Street only a portion of the way into his site. He felt it would make sense if it was all zoned as one rather than bisecting it. The uses that are there are compatible in either district. He will be submitting a site plan application and Conservation application for an expansion of Safe N Secure Storage. They went through a long process with DCR to determine the historic uses when it was a Shell terminal and the impervious area and was resolved in October of last year. They want to develop the remaining land and part of DCR's condition is that the baseball field has to be removed because it's in the 200' Primary Protection zone. Despite repeated arguments, DCR doesn't want anything in the 200'; they want trees planted, the fence is gone. He said it makes more sense to have everything on one side of the tracks. Mr. LaClaire asked what difference it makes since the uses can be in both districts. Mr. McCarty said the biggest difference is frontage and area. He hopes the board will support extending Safe N Secure. Mr. Vignaly thought the zoning would work but questioned whether Safe N Secure Storage every received a Certificate of Completion. They would have to close out the existing Site Plan Approval. Mr. Vignaly said they if they want to make it all business up to the railroad tracks and felt that he can get more development, do more business, and increase the tax base for the town, he was all for it; all members agreed. Mr. Rajeshkumar will send an email to the Select Board in support of this warrant article request.

18 Malden Street – ANR Plan – Thomas & Shelia Ebert – The ANR submitted shows a division of the property into three lots. They have frontage off Malden Street with 120', 120' and 132' frontages for each lot and there is access. Mr. Vignaly said they have the wrong language in the signature note as required in the subdivision regulations. Mr. Vignaly said he asked the clerk to email the surveyor asking to address this and the issue that the town Assessor maps only show about 100' of frontage for both lots shown on Newton Street. The surveyor never responded. Mr. Vignaly said we could approve the plan since it shows lots with frontage and access, but he does not believe they are "buildable". Mr. Frieden made a motion to endorse the ANR plan from Thomas and Sheila Ebert for 18 Malden Street; Mr. LaClaire seconded; all voted in favor; motion approved.

Use CMRPC Local Technical Assistance (LTA) Hours for the Open Space and Recreation Plan Update – There was a request from the Town Administrator to use to the LTA hours for the update to the Open Space and Recreation plans. Having no issues, Mr. Frieden made a motion to use the LTA hours for the update to the maps and Open Space Recreation plans; Mr. Lopriore seconded; all vote in favor; motion approved.

### **Correspondence/Emails:**

CPTC Annual Conference 2024 – It happens in 3 days. Just a reminder of the annual conference.

DCR Letter re: 1 Lee Street – A neighbor asked if they had to get it approved before it was built. She was told not from the Planning Board. It would require a Building Permit. Mr. Vignaly explained he heard that it is an agricultural sales building. We were made aware by the letter from DCR. The question is whether a Site Plan Review is needed. Mr. Rajeshkumar will email the Building Inspector and ask for a zoning interpretation.

Mr. Rajeshkumar commented that we omitted the MBTA zoning for this meeting agenda so a Zoom meeting was scheduled for this Friday, March 15th at 7:00 p.m. The board needs to vote to send it to the Select Board.

**Reports from Other Boards:** Mr. Frieden said there will be an Earth Removal meeting next Tuesday at 6:00 p.m. regarding the Century Drive project. He also asked the Select Board to refer the request to the Planning Board to make an inclusionary zoning bylaw which would require affordable units in all residential construction.

Invoices were approved for payment. Mr. Frieden made a motion to accept the draft February 14, 2024 Regular Meeting Minutes; Mr. Lopriore seconded; all voted in favor; motion approved.

April 10, 2024 at 7:00 p.m. was 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 9:50 p.m.

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

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

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