



**MEETING MINUTES**  
**December 11, 2019**

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

Members Absent: None

Others Present: See Attached Sign-In Sheet

**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 regular meeting at 7:02 p.m.

At 7:07 p.m. the board returned to the regular meeting after the continued public hearing for Site Plan Review at 249 West Boylston Street.

Citizens' Comments – No comments tonight.

**Old Business:**

Review, Vote and Sign Certificate of Site Plan Review Approval for 65 West Boylston Street (Ganesh Wellness, Inc.) – Mr. Vignaly questioned the hours of operation. Mr. Rajeshkumar said the hours are noted in the Host Agreement. Mr. Pateel said the hours of operation in the approval were correct according to the bylaw. They will start with a soft opening (by appointment only). Mr. Frieden made a motion to approve the Site Plan Review for 65 West Boylston Street, Ganesh Wellness, Inc., and grant a Special Permit; Mr. Vignaly seconded; voted 4-0-1; motion approved (Mr. Anderson abstained). Mr. Frieden made a motion to grant waiver 3.13.E.12.i) “no Special Permit application shall be deemed complete by the Planning Board until this information (proof that the application to the Commission has been deemed complete pursuant to 935 CMR 500.102) is provided.” Mr. Rajeshkumar seconded; voted 4-0-1; motion approved (Mr. Anderson abstained).

Chris Herberger (R.A.C. Builders, Inc.) to discuss line striping and parking lot issues at the Senior Center – Mr. Herberger is the Project Manager. He said there are two issues: (1) the puddle in the back parking lot which they plan to fix next week (weather permitting), otherwise it will be done in the spring; and (2) line striping which will be done in the spring; the Site Contractor did not do a good job. He said that the handicap spaces shown on the as-built plan are incorrect. Mr. Herberger measured them tonight and said they are 8' handicap space, 8' unloading zone, 8' handicap space and a 6' unloading zone, which is per MA Code. R.A.C. would like to fix the back issue and, if the handicap spaces are correct meeting ADA and MA Code, they propose to leave them as is and give the town a credit of \$10,000 because of the spaces that are less than the 9'x 18' minimum zoning size. Mr. Vignaly said the Planning Board cannot waive zoning. If they don't meet the zoning, they have to get a variance from the Zoning Board of Appeals. Mr. Herberger asked the process for getting a variance. Mr. Vignaly

explained the project history; the designers came to the Planning Board for Site Plan Review Approval. The board approved 9'x 18' parking spaces and ADA compliant parking spaces. The proponents asked that the board not retain its typical engineer to review the design or the construction because the town had hired a construction project manager to protect the town's interests and to save money. The contractor should have noticed there was not adequate pavement in place. The Project Manager should have caught the problem shortly thereafter, and the FISP should have realized that they paid to have a job done that was not done. They built something that was not proposed or approved. Zoning requires parking spaces to be a minimum of 9'x 18'; the Planning Board can waive standards in the Site Plan Review, but not waive anything less than 9'x 18' because it is a Zoning Bylaw; only the Zoning Board of Appeals can approve it.

Mr. Rajeshkumar said it is a town project and it has to be held to a higher standard. It is a Senior Center; they do not want accidents to happen and the town to be sued; he said it should be fixed by R.A.C. Mr. Vignaly said the town hired an OPM to monitor the project; he didn't catch it, the FISP monitoring the OPM didn't catch it, and the Site Contractor didn't catch it. The Planning Board ends up being the bad guys and how do we make it right. The first three people who were monitoring the project should have caught it and fixed it. The board can't change zoning, but if they came back with a changed layout, the board could approve it. Mr. Vignaly put out an idea months ago but never heard back about sealcoating and restriping. He suggested to FISP that they hire a professional to tell the town what is the right way to do it. Mr. Herberger said they are talking with Amarello Paving. Mr. Rajeshkumar said FISP did not like that idea.

Mr. Vignaly asked about the drainage and if they had done any test pits where the infiltration will be. Mr. Herberger said that the proposal sent to the Planning Board for approval is no longer being considered. The plan was rejected by FISP and they are now taking out the pavement and regrading it to be as it was designed; it is less intrusive.

Regarding the Places Associates 11/4/2019 letter, Mr. Herberger said they were directed not to do items F (Seven Additional Screening Trees) and L (Bollards at Horseshoe Drive). Regarding G (Contamination Cell), the board asked confirmation, but did not receive certification from the LSP that this was ok; Mr. Herberger will get the paperwork. The board will also want justification for why the bollards were not put in. The original letter did not request a Certificate of Completion; it listed the project changes. The board will be responding to the requested changes. Once all the work is completed, they can request a recommendation for a Certificate of Completion.

Nuha Circle Performance Agreement – Mr. Ali was present. Ms. Miles asked him to address any outstanding issues. He said trees are an issue; the paving has been inspected by VHB for the sidewalks and roads. Mr. Ali sent VHB the as-built for the road yesterday for review. Mr. Vignaly said the Performance Agreement is due to expire. The board was waiting for an extension on the Performance Agreement because it expires December 31<sup>st</sup>; the bond reduction will not happen until the Performance Agreement is extended. Mr. Rajeshkumar visited the site; there are many unhappy residents; he asked why Mr. Ali doesn't just fix it and get the project done. There needs to be a Homeowners Association (HOA) for the drainage maintenance. The board's approval says it has to be in place when four houses are built, but we have not seen it. The Chair has asked for the HOA documentation along with the extension, trees, sidewalks within the right of ways and marking of the boundaries. Ms. Miles said we need a request for an

extension. Mr. Ali verbally requested it, but will send the bond estimate, request to extend the updated Performance Agreement along with the Homeowners Association; he will also send the Homeowners Association information to the residents.

Village Center Zoning District Bylaw and Boundaries Review – Claire Bayler (Assistant Planner, CMRPC) attended. She suggested additional amendments to the bylaw and submitted an updated version of the map and changes to the language for the town warrant article. The bylaw and boundaries were reviewed and revised as well as the language for the warrant article. Ms. Bayler will revise the lot area listing and be back in January.

**New Business/Review of Correspondence/Emails:**

ANR Plan (20 Holt Street) Paul Lenkarski – Mr. Lenkarski submitted a revised ANR plan along with the application and payment. Having adequate frontage and access, Mr. Rajeshkumar made a motion to endorse the ANR Plan of Land for Paul Lenkarski at 20 Holt Street, West Boylston MA dated November 12, 2019; Mr. Frieden seconded; all voted in favor; motion approved.

Mr. Lenkarski is preparing to submit a Site Plan Review and had some general questions which the board answered. He plans to come to the January 8<sup>th</sup> meeting with a preliminary plan.

Senior Center (120 Prescott Street) – Review As-Built Plan and Certification – The draft letter to Places Associates was revised. Ms. Miles will make the revisions and it will be forwarded to Places Associates, FISP and the Building Inspector.

**Reports from Other Boards:** Mr. Anderson said the Transportation Committee met. MassDOT will be at the next meeting to talk about the Route 12/Pierce & Woodland Street intersection (by CVS) to consider delayed turn signals.

Ms. Miles was unable to attend the Community Preservation Committee. Mr. Vignaly is drafting a CPC plan on how to evaluate proposals (the different criteria and the weighting of each criteria). Ms. Miles also attended the Bylaw Committee meeting; they are working on reviewing the General Bylaws.

Mr. Frieden attended the Economic Development meeting where they chose the winner for the gateway sign.

Mr. Rajeshkumar attended the CMRPC where solar panels were discussed.

Invoices were approved for payment.

Mr. Frieden made a motion to approve the draft November 13, 2019 Regular Meeting Minutes and draft Public Hearing Minutes for 249 West Boylston Street; Mr. Anderson seconded; all voted in favor; motion approved.

January 8, 2020 at 7:00 p.m. was confirmed as the next regular meeting date and time.

Mr. Rajeshkumar made a motion to adjourn; Mr. Frieden seconded; all voted in favor; motion approved. The meeting was adjourned at 9:22 p.m.

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

By: \_\_\_\_\_  
Vincent P. Vignaly, Clerk

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