



TOWN OF WEST BOYLSTON PLANNING BOARD planningboard@westboylston-ma.gov
140 Worcester Street ** West Boylston MA 01583 ** Phone 774-261-4073

PUBLIC HEARING MEETING MINUTES
216 West Boylston Street
Catholic Charities
March 13, 2024

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

Members Absent: None

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

The public hearing opened at 7:05 p.m. Mr. Frieden read the hearing notice into the record. Attorney Stephen Madaus (Mirick O'Connell), Tim McMann (Catholic Charities), LPA Architects, and Patrick Healy (Thompson-Liston) were present. Catholic Charities is proposing to move into a portion of 216 West Boylston Street which is owned by Checker Real Estate. Atty. Madaus said there was confusion about the nature of the relief that's required. He said a letter was sent by the Building Inspector dated March 4, 2024 that stated that he determined that the proposed changes for the tenancy by Catholic Charities are relatively minor and would not require a Special Permit but only approval from the Planning Board. The Planning Board never received a copy of that letter. Atty. Madaus said in 2015 the owner applied, and attained from the Planning Board, Site Plan Review Approval and Special Permit for a Business Center Use. A Business Center Use is defined in the Schedule of Use Regulations as 3 or more business uses which share a common parking area up to a maximum of 100,000 square feet of floor space; this property does not exceed that. The board's decision in 2015 included Condition #11 that stated that the approved site plans shall not be changed, amended, or modified without approval of the Planning Board. Any significant changes to the approved site plans shall require a formal resubmittal of the proposed changes to the board prior to implementation. He is interpreting "formal submittal" as another Site Plan application, but by Condition #11, the Planning Board reserved for itself the authority to approve minor changes to the site plans. It is their position that the addition of a tenant to the existing vacant space within the Business Center with a few minor alterations which include a new canopy for an entrance way, an expanded play area which leads to a slight reduction in the impervious surface of the existing parking area, new fencing and striping of the parking lot are minor amendments to the approved Site Plan requiring approval of this board but not a formal Site Plan or Special Permit. The Town's Building Inspector, who is the Zoning Enforcement Officer and interpreter of the Zoning Bylaws, agreed with that determination under Section 6 of the Bylaw. They respectfully requested that the Planning Board issue an approval to the modifications of the Site Plan. If that is agreeable, they will request to withdraw the application for the Special Permit.

Mr. Frieden asked Atty. Madaus for clarification of Condition #11. Did he believe that the board is allowed to approve minor changes? Atty. Madaus said the sentence says, "approved site plans shall not be changed, amended or modified without approval of the board" and then goes on to "any significant changes..." He interprets it to mean that those changes that are not significant and would be subject to approval of the board in an informal process. Mr. Frieden questioned the "informal process", and wanted to make sure it was under the board's ability. He said we have a formal process, an amending process, but is not aware of an informal approval. Atty. Madaus said it's not a statutory approval. Atty.

Madaus said the board could review the plan that shows the proposed changes to the approved site plan of 2015 and if acceptable, vote to approve the changes and inform the Building Inspector.

Mr. Vignaly asked for clarification of their comment that they are relocating their operations and asked what location they are moving operations from and where they are going to end up at this location. Atty. Madaus said Catholic Charities is going to become a tenant of 27,000 square feet with office space and programming space for their Mercy Center use. Mr. Vignaly asked where is Mercy Center now and what is the change of use that is coming in. Atty. Madaus said it is a non-profit charitable educational use. Mr. Vignaly asked how they calculated the parking. Atty. Madaus said by applying the business standards in the Zoning Bylaws as a place of assembly. He said there is an excess of parking available on the site for their parking demands. Mr. Para said the initial calculations shown on the drawing were based on the zoning using a table similar to the one in 2015 and in 2017 when they added a parking lot. They also did calculations on how many people are actually using the building and the actual use of parking they need is less than the parking required by zoning by approximately 20 spaces. Parking and circulation are what the board is interested in.

Patrick Healy showed the floor plan and explained how the calculations were done. Catholic Charities would have approximately 5,000 square feet of office space for 11 required spaces. The Mercy Center would have program space which was based on population at 1 space per 5 people, 184 people proposed in those spaces, for a total of 37 parking spaces required. The office space, 14,790 at 1 space per 500 for a total of 30 parking spaces required. When combined with the other tenants on the site, the overall number of spaces required was 185. There are currently 246 spaces on the site. With the proposed changes on the north end of the site, in the proposed condition there would be 236 spaces overall. There is an overall excess of spaces. Mr. Frieden asked how the parking requirement of 78 spaces compared to the current location in Worcester. Mr. Para said it does. He said currently the clients ride by van. He said there is approximately 36 staff. Atty. Madaus assured the board that the parking requirement is in excess of what they need. Mr. Healy said most of the clients come in by vans. Mr. Healy wanted to point out that different uses in the complex have different peak hours of operation.

Mr. Vignaly had a question about the hours of operation. Mr. Para said the Mercy Center opens at 7:30A-3:00P for staff; 8:00A-3:00P clients. Catholic Charities is a 9AM-5PM operation. Vans are staggered. There are 15 vans and a few taxis; 16 volunteers; 10 families drop off. Mr. Vignaly asked if it would be a residential facility and was told that it would not. Mr. Healy explained that the Fire Chief had concerns about bringing a firetruck in and turning it around and asked them to improve the truck maneuvering aisles. They propose changes to two rows of parking which gives a larger turning radius for the firetruck. It does eliminate 10 parking spaces. They have 246 and are going to 236. They will repaint to include some van accessible spaces. There is a canopy coming out to the drop-off lane and spaces are added at the current loading dock, which is connected to the space being retained by Checker. It's a reduction of impervious area. The only build is the walkway and canopy of the building. Mr. Healy said they will landscape the northeast corner.

Mr. Vignaly thought it would be best to continue the hearing and review the information before we make the final decision at our next meeting. The applicant can withdraw the Site Plan application at any time. Atty. Madaus wanted the board to vote on the revisions to the approved Site Plan, notify the Building Inspector, and file the decision with the Town Clerk. Mr. Vignaly wanted to review everything and check with the Building Inspector and determine why his decision changed from a month ago. Mr. Healy said in his speaking with the Building Inspector he was not provided with a

copy of the 2015 Site Plan Approval. After he reviewed that and the subsequent permits that were granted by the previous Building Inspector for occupancy of the other spaces, he came to the conclusion that this was a minor change that did not warrant submission of a Site Plan Review application. Mr. Vignaly said the only question he would have for him is that the Site Plan Review standard is specific. It says if it's a change of use and it has changes to 15 or more parking spaces, which they admit to trigger both of those, then it requires a Site Plan Review. But if the Building Inspector is saying he understands that and he makes the decision that it's not requiring a Site Plan Review, he is the one that makes the decision and we just have to live with it. Mr. Vignaly just wants to get clarification that he is aware of everything. The 2015 Site Plan Review received a Certificate of Completion, so unless there were perpetual conditions noted in the Certificate, that permit is no longer applicable.

Mr. Healy said at the last meeting the Chair required that we provide something in writing from the Building Inspector and they have. His initial opinion was not in writing and advised them to file for a Site Plan Review based upon what Mr. Vignaly said, the change of use and 15 spaces. The Building Inspector was not aware that there was a previous Site Plan Review Approval. Atty. Madaus said he thinks they're in compliance with the 2015 decision, the Business Center Use by definition allows for multiple uses. When tenants change in the Business Center, he didn't think it was intended to trigger a Site Plan Review every time but the Planning Board saw it necessary to say that if a tenancy change made some changes to the plan, then they either have to come before us if it's not so significant. The informal approval under the decision does not require a hearing so he thinks the board could vote to approve the changes to the approve Site Plan, leave the Special Permit hearing open and they can withdraw it at the next meeting. Mr. Frieden read part of the Building Inspector's March 4th letter and felt he brought up his last decision. There was no public comment.

Condition #11 reads "construction shall conform to the approved Site Plans and specifications submitted to the Planning Board and be in conformance with good industry practices. The approved Site Plan shall not be changed, amended, or modified without approval of the Planning Board. Any significant changes to the approved Site Plan shall require a formal resubmittal of proposed changes to the Planning Board prior to implementation. Failure to abide by this requirement may result in the board rescinding its Site Plan Approval."

Mr. Frieden made a motion to approve the minor modifications to the Site Plan as originally approved in 2015 entitled Certificate of Site Plan Approval and Special Permit for Business Center Stormwater Management Approval dated July 8, 2015 for Checker Real Estate, 216 West Boylston Street, as shown on the plan entitled Parking Lot Site Plan for 216 West Boylston Street prepared for Catholic Charities of Worcester County dated February 2, 2024, including the March 7, 2024 letter from the Building Inspector/Zoning Enforcement Officer; Mr. LaClaire seconded; all voted in favor; motion approved.

Mr. Frieden made a motion to continue the public hearing for Catholic Charities to April 10, 2024 at 7:05 p.m.; Mr. LaClaire seconded; all voted in favor; motion approved.

Date Accepted: _____

By: _____

Marc Frieden, Clerk

Submitted by: _____

Melanie Rich