



Town of West Boylston
140 Worcester Street, West Boylston, Massachusetts 01583

[Zoning Board of Appeals] Meeting Minutes

**Date / Time / Location of
Meeting**

Thursday, April 19, 2018/7:00 p.m./Selectmen's Meeting Room

Members Present

**David Femia (Chair), Christopher Olson (Vice-Chair), Charles Witkus, and
Toby Goldstein (Secretary)**

Members NOT Present

**Nathaniel Orciani; Barur Rajeshkumar; Andrew Feland (Associate Member),
John Benson (Associate Member), and Daniel Cronin (Associate Member)**

Invited Guests

**Bentley Herget, Building Inspector; Iqbal Ali, Developer, 92 North Main
Street**

Welcome – Call to Order

Time: 7:20 p.m. (by Mr. Femia)

Approval of Previous Minutes 2/15/18 and 3/15/18

Motion Originator Mr. Olson (2/15 and 3/15 minutes)

Motion Seconded Mr. Witkus (2/15 and 3/15 minutes)

Treasurer – Financial Report

**Mr. Femia reviewed the accounts and balances on statement dated 3/31/18
(latest one)**

Motion to Accept N/A

Seconded N/A

Minutes of February 15, 2018 Meeting:

After review of the draft minutes by the board, Mr. Olson made a motion to accept the minutes as submitted. Mr. Witkus seconded. All in favor.

Minutes of March 15, 2018:

After review of the draft minutes by the board, Mr. Olson made a motion to accept the minutes as submitted. Mr. Witkus seconded. All in favor.

Update by Building Inspector on 92 North Main Street (Including Update on Correction of Deficiencies and Update on Solar Panels):

(Mr. Herget and Mr. Ali addressed the ZBA members). Mr. Herget informed the board that the fence in the rear of the property was completed, the fence at the dumpster was completed, and the fence at the play area was completed. Mr. Ali continued that he wanted to finish everything by next week. Mr. Femia asked him about looming and seeding, and Mr. Ali said that he had nowhere to put the trees. Mr. Femia responded that Mr. Ali should tell the Building Inspector when he is finished so that he can make a report. Mr. Femia asked about the reflecting white line that VHB said that he needed? Mr. Ali replied that the plan says it needs to be six feet-he will add a foot. Mr. Ali also discussed a stone berm.

Mr. Herget then asked Mr. Ali about the solar panels that he had installed. Mr. Ali said that they were running, and were producing about 4,000 watts, amounting to \$120 per month difference in electrical cost; he added that it runs during the daytime because of the offices and other activities in the building.

Mr. Femia then asked Mr. Ali about the amount of occupancy in the development. Mr. Ali replied that all of the market value units were rented. He then discussed the affordable units-85 applications were in the lottery, 45 of them qualified, 25 submitted paperwork. He asserted that Peabody Properties did not process on time, taking about 3 to 4 weeks to process an application. They are now processing the applications here rather than at the main office. Mr. Ali added that, since that happened, seven affordable units were rented, and two are in the process. In response to a question from Mr. Femia, Mr. Ali replied that 7 affordable units out of 20 were rented; the twenty included four one-bedroom, two three-bedroom, and 14 two-bedroom. He thought that, by the end of this month, he would have another 5 or 6 approved.

Mr. Femia then asked if there was a Peabody Properties kiosk in the Solomon Pond Mall advertising this development? Mr. Ali replied that there was such a kiosk, and he explained that he pushed the company to finish renting the affordable units, and he wanted them to lower the market rate. He mentioned that four marketing people from Peabody quit, and they had to talk to MHP, and ended up lowering the rent on all the units. Mr. Femia asked Mr. Ali to send the board an update on the affordable unit rates. (Mr. Femia and Mr. Olson discussed whether or not to discuss the bond situation with Mr. Ali this evening, but as Mr. Ali was working on the list of deficiencies and the Building Inspector was going to look at it afterwards (Mr. Femia added that they could have VHB look at it after the Building Inspector), they decided to wait until seeing where the project is by the next meeting).

Mr. Ali next discussed needing an occupancy permit for Building A in 15 days. Mr. Ali said that 100% of the market value units were rented in that building, and two affordable, making about 90% capacity. Mr. Femia asked Mr. Herget if he was comfortable with the percentage rented to issue the final Certificate of Occupancy for Building A? Mr. Herget replied that, in the special permit that was granted, the Building Inspector was allowed to issue the occupancy permit after all safety items were completed, and since the amount of items is minimal now, he feels comfortable issuing it. Mr. Femia told Mr. Herget that he can issue the permit if he's comfortable with the safety issues being addressed. (Mr. Femia thanked Mr. Ali for his appearance).

(Mr. Femia then asked Mr. Herget about an email regarding the changing of a sign at Stone Cobbler, 317 West Boylston Street, although there was question of the address being Chapman Ave - Mr. Herget replied that he thought nothing was going to be done with the sign, and no one has contacted him further).

16 Edward Street Request to Subdivide Property:

(Eddie Kooyomjian had made this request, and received a Zoning Interpretation Form from Mr. Herget, of which he gave a copy to the ZBA). Mr. Femia asked Mr. Herget about this, and Mr. Herget replied that he told Mr. Kooyomjian that he would not approve it and Mr. Kooyomjian would have to go to the ZBA with this request; as the lot is non-conforming, he told Mr. Kooyomjian that it was doubtful that the request would be granted.

Any Further Discussion of 92 North Main Street:

In response to questions from Mr. Femia, Mr. Herget replied that the sign is smaller than what was allowed in the special permit; he said that the wavy flag was gone; and he said that the lighting of the sign was up to code regarding brightness. Regarding complaints from abutters to 92 North Main Street that live on Stillwater Drive, Mr. Herget talked to Mr. Ali about trash blowing, and Mr. Ali took care of it, and he said that since there is now a fence around the dumpsters, there has been no problems. In response to Mr. Femia, Mr. Herget also discussed the fence at the back of the parking lot, and opined that the fence looked good, and described it. He said that the other fence, between the road and the house, to be built will probably be done within two weeks, but the ground was frozen at that time. Mr. Femia reiterated that Mr. Ali should let Mr. Herget know when everything is done so that he can check everything off on the list of deficiencies (except for the trees and unit plants).

Letter from Louis Drew to ZBA:

Mr. Femia reminded those present that Mr. and Mrs. Drew appeared at the last ZBA meeting for a public hearing. Mr. Drew wrote a letter to the board, which Mr. Femia read aloud, and Mr. Drew praised the ZBA's meeting process. Mr. Femia wanted to thank Mr. Drew, and instructed the Secretary to include the letter in the record.

Update on Accessory Apartment Bylaw:

Mr. Femia informed those present that he wrote up a draft, gave it to the Building Inspector for opinions, and retyped the draft with some changes, and said he will get it to the ZBA members; he explained that the board will not vote on it, but he wants their opinions as the ZBA enforces it. After the ZBA gives their opinions, he said that he will submit it to Planning Board, and hopefully it will be on the warrant for the October Town Meeting (Mr. Olson responded that he thought the Board of Selectmen has to refer it to Planning Board).

Continuation of Changing Policy on Mailings to Abutters – Petitioner to be responsible for sending out notices to abutters by Certified Mail/Return Receipt:

Mr. Femia told the board that he talked with Ms. Goldstein about this and asked for her opinions. Mr. Femia explained that they thought that the petitioner should be responsible for sending notices to the abutters, by Certified Mail/Return Receipt, and Ms. Goldstein will send notices to the abutting towns' Planning Boards and mail out decisions to the abutters. The entire board agreed with that. Next, Mr. Femia discussed what Melanie Rich of Planning Board does regarding the public hearing notice appearing in the Telegram and Gazette, and opined that the board should continue to let Ms. Goldstein put the ad in the paper (Mr. Olson agreed with this). Mr. Femia also informed the board that a petitioner must submit all of the filing three weeks before the hearing date.

Discussion Regarding Home Occupation Requirements:

Mr. Femia discussed with the board a question regarding whether or not a petitioner for a Home Occupation special permit has to physically reside in the home. Mr. Olson looked at the bylaw, and read the

language defining a Home Occupation-he said that those districts are intended to be residences. Mr. Femia interpreted that there could be a separate structure for the business. Mr. Olson responded that it was a hard question to answer, and needs to be looked at case by case. Mr. Femia suggested that they should leave it that way. Mr. Witkus opined that it should not be allowed if the petitioner does not live there. (It was not discussed any further this evening).

Affidavit of Residency Update:

Mr. Femia thanked Mr. Olson for submitting a revised Affidavit of Residency form; he said that the Town Clerk said she would have no objection to signing and sealing it, instead of having to go to a Notary Public. (Ms. Goldstein then asked if the Home Occupancy needs an Affidavit of Residency? Mr. Olson replied that, if it comes up at the public hearing, they will discuss it).

Continuation of Revision of ZBA Forms:

Mr. Femia addressed questions about funding of Judi Barrett to assist with these revisions (mentioned at a previous meeting); he said that the Town Administrator said that there is a line item on the budget for a Technical Assistant for \$5,000, and funds could come from that. He asserted that Ms. Barrett would not charge more than \$2,500 to revise the forms along with the 40B Rules and Regulations. (He explained that she was very experienced, and wrote the 40B bylaw).

Mr. Femia added that Ms. Goldstein reached out to Karen Pare to put documents for Declaration of Covenant (Home Occupation and Accessory Apartment) and Affidavit of Residency on the ZBA website, along with instructions for filling them out, so that petitioners would know that they need to complete them. He told the board about instructions for filling out the Accessory Apt. Declaration of Covenant, and said that he and Ms. Goldstein would adapt the form to Home Occupations and have both posted on the website.

Regarding Natasha Maunsell, 62 Central Street:

Mr. Femia notified the board that Ms. Maunsell, who has appeared at the past two ZBA meetings, may submit a petition for Special Permit. He said that the Building Inspector gave a Zoning Interpretation Form to her and that she had a question regarding whether or not she needs to pay a fee. Mr. Femia replied that she does have to do that. He said that the Building Office will contact the ZBA when they give her a Zoning Interpretation Form.

Other Business:

Miscellaneous Mail and Paperwork Needing Signatures:

Mr. Femia looked over the most recent financial report from Accounting (dated 3/31/18), and mail not before reviewed.

Future Agenda Items/ZBA Reports:

None so far.

Next Scheduled ZBA Meeting – Thursday, May 17, 2018, 7:00 p.m.:

Mr. Femia reminded the board that they need to watch the ZBA's funds; therefore, if there is no public hearing and nothing pressing, Ms. Goldstein will reach out to the rest of the board, they will think about it and

possible the upcoming meeting will be cancelled, 48 hours before the meeting when the agenda needs to be posted. He reminded them that, at this point, there will be no meeting in December.

Any Items Not Received Prior to 48 Hours Before Meeting:

There were none.

NEXT MEETING **Thursday, May 17, 2018, 7:00 p.m.**

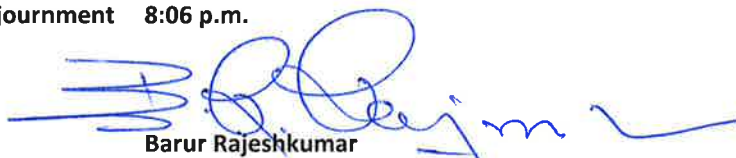
MOTION TO ADJOURN

Motion Originator **Mr. Olson**

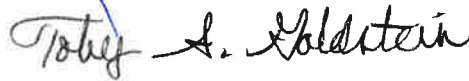
Motion Seconded **Mr. Witkus**

Time of Adjournment **8:06 p.m.**

Signatures


Barur Rajeshkumar

Submitted by: **Toby S. Goldstein**



Date Submitted: *7/19/18*

