



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

[Zoning Board of Appeals] Meeting Minutes

**Date / Time / Location of
Meeting**

Thursday, October 18, 2018/7:00 p.m./Selectmen's Meeting Room

Members Present

Chris Olson (Chair), Barur Rajeshkumar (Vice-Chair), David Femia, Charles Witkus and Secretary Toby Goldstein

Members NOT Present

Nathaniel Orciani, John Benson (Associate Member), Daniel Cronin (Associate Member) and Andrew Feland (Associate Member)

Invited Guests

Iqbal Ali

Welcome – Call to Order

Time: 7:00 p.m. (by Mr. Olson)

Approval of Previous Minutes 9/20/18

Motion Originator Mr. Femia

Motion Seconded Mr. Rajeshkumar

Treasurer – Financial Report Mr. Olson reviewed the latest financial statement, dated 9/30/18

Motion to Accept N/A

Seconded N/A

At 7:00 pm, Mr. Olson called the meeting to order; he announced that Mr. Orciani was absent this evening, otherwise the rest of the Full Members were present.

Minutes of September 20, 2018 Meeting (Executive Session):

After review of the draft minutes by the board, Mr. Femia made a motion to accept the minutes as written. Mr. Rajeshkumar seconded. All in favor.

Continuation of Request for Modification at 92 North Main Street and Consideration of Amended Comprehensive Permit (Vote May Be Taken):

(Iqbal Ali represented). Mr. Olson noted to Mr. Ali that the board received the updated Building C plans for 92 North Main Street after the September 20, 2018 meeting, and according to Mr. Olson's count of one-bedroom, two-bedroom and one-bedroom w/den units, the rooms shown on the updated plans made sense to him. Mr. Ali added that, on every floor, all the units were marked. He also had for the board this evening key plans for Buildings A, B and C, and he included the maintenance room and office that was discussed at the last ZBA meeting. (In response to a question from Mr. Femia, Mr. Ali replied that the rent for one-bedroom w/den units was the same as for one-bedroom units w/o dens. Mr. Femia noted that Mr. Ali filed with the Building Department, and asked him if Unit C101, a one-bedroom w/den unit, still had two baths? Mr. Ali replied that it still had two baths. He replied to another question from Mr. Femia that some of the one-bedroom w/den units have two baths, and some have only one. Mr. Ali replied to Mr. Femia that a one-bedroom unit with a den has 100 square feet of area more than a one-bedroom w/o den (which is 964 square feet). Looking over information that Mr. Ali gave to the board regarding rents, Mr. Femia noted that Mr. Ali said that the rent will stay the same for one-bedroom and one-bedroom w/den units, but asked if the minimum incomes required would be the same? Mr. Rajeshkumar responded that the board was not involved with that. Mr. Ali replied that a one-bedroom with den is considered a one-bedroom, so the rent and income limit are the same for the affordable units. Mr. Femia asked Mr. Ali if they were close to having the first one-bedroom w/den unit become affordable? Mr. Ali responded that, for Unit C215, someone wants to move in there in December, so their vacated unit will become affordable.

(Next, Mr. Femia wanted to clarify the number of bedrooms and number of units). Mr. Ali replied, in the basement, were three one-bedroom (one with den), on the first floor, eight one-bedroom (6 with dens), and on the upper level, three one-bedroom (two with dens), totaling 38 units (5 + 9 + 24).

Mr. Ali also discussed the gate which was supposed to be fixed which was up the road, to the left side, in back where the driveway was, and said that it was fixed. (Looking at maps from Mr. Ali showing it, Mr. Femia told Mr. Olson that he had no problem with this, the fence was completed, and he verified with Mr. Ali that the fence around the retention pond where a tree fell on a fence was fixed also-by Peabody Properties, according to Mr. Ali).

In response to a question from Mr. Femia, Mr. Ali replied that Buildings C and A will be 100% occupied in December. Mr. Femia asked Mr. Ali if a maintenance person will have to be hired? Mr. Ali responded that he would have to come back to the ZBA if this needs to be done.

Mr. Olson then reminded Mr. Ali that there are 80 units, not 81. He then asked Mr. Ali how things were going with the development? Mr. Ali opined that the project had been very successful, remarking that it was built in 12 months and almost all the units were leased within six months. He opined that other facilities in Worcester and Shrewsbury were not up to the progress of Sajda Gardens.

Mr. Ali replied to Mr. Femia, that once the board votes, MHP does an appraisal, finances it, and puts it on the affordable list.

Next, Mr. Witkus asked Mr. Ali about storage units. Mr. Ali explained that the storage units are not included in the rent but have been offered as part of a package with the apartment. Mr. Witkus asked him if they could be turned into apartments? Mr. Ali replied that they could not, as they are only 4' by 8' in size. (Mr. Ali and

Mr. Rajeshkumar responded that this could not be done, as there are no windows in the storage areas, and Mr. Olson responded that there are only 80 units allowed in the Amended Restated Comp. Permit).

(Next, a resident had a comment). Robert Holden of 12 Stillwater Heights Drive asked, if the board approves the modifications, what could he do about it? (He had no questions, just this comment).

Mr. Ali then presented key plans of the buildings. Mr. Olson said to him that the board wants the amended permit to cite the new key plans. Mr. Femia then asked Mr. Ali when the board would obtain an “as-built” plan of the completed work? Mr. Ali responded to Mr. Olson, asserting that the permit explains what is there, and nothing else is needed. Mr. Olson replied that, since the request for modification mentioned the key plan for Bldgs. A, B and C, Town Counsel asked for them; Mr. Ali said that he sent them to her, but Mr. Olson replied that she did not have them. (The board then discussed how to add the changes to the amended permit and what to add and where to add it). Mr. Olson explained that the board will approve the modifications, sign the last page of the permit, and send Mr. Ali a final copy when the amending is done.

With no further comments or questions, Mr. Femia made a motion to approve the request for modifications of nine one-bedroom units to nine one-bedroom w/den units, and that the Buildings A, B and C key plans are to be added to the Amended Comprehensive Permit, and that these are not considered substantial changes (Mr. Ali added, that the board should add “21 affordable units” also, along with the updated plans; the board agreed). Mr. Witkus seconded. Before a vote, Mr. Femia asked Mr. Ali how soon the “as-built” and cost certifications will be done? Mr. Ali replied that the cost certification was almost done; Mr. Rajeshkumar explained the “as-built” to Mr. Ali, and Mr. Femia reminded him that he should make sure that the catch basins are designated on the “as-built”. The vote was taken, and was 4 “yes”, 0 “no” and 0 “abstain”. Mr. Olson explained to Mr. Ali that he will scan a tentative updated permit to Town Counsel for her approval and/or changes, and thought that she should send it back to the board sometime next week; Mr. Olson also instructed Ms. Goldstein to send the e-mail with the key plans from Mr. Ali to him, and he will send it to Town Counsel. (There were no further comments).

Public Hearing, Justin Gabriel, Petition for Administrative Appeal, 57 Goodale Street – WITHDRAWAL OF THIS PETITION HAS BEEN REQUESTED BY APPLICANT (Vote May Be Taken):

Mr. Olson explained to the board that this request for Administrative Appeal of the Interim Building Inspector’s decision was requested to be withdrawn without prejudice by the applicant earlier in the week, and asked the board if they wanted to accept the request with or without prejudice? Mr. Rajeshkumar explained to an abutter of the property, who was present in the audience (Barbara Bernardin, 78 Newton St.), that Mr. Gabriel went back to the Interim Building Inspector (George Tignor) with a plan different from the one rejected by the previous Building Inspector; Mr. Tignor reviewed it, and approved the modified plan, and through his attorneys, Mr. Gabriel withdrew the petition and is moving forward with the modified plan. Mr. Rajeshkumar said that Mr. Tignor would have all the details if the abutter was interested in more information (she responded that she only wanted to know what was going on). Mr. Olson added that Mr. Gabriel would now be in compliance, according to Mr. Tignor. (Mr. Rajeshkumar then explained the background of the appeal to Mr. Witkus, but noted that he could not discuss it any further as the subject was not before the board anymore).

With no further questions or comments, Mr. Femia made a motion to accept Justin Gabriel’s withdrawal of the petition for Administrative Appeal at 57 Goodale Street without prejudice. Mr. Rajeshkumar seconded. All in favor; the vote was 4 “yes”, 0 “no”, and 0 “abstain”. The board then discussed what to do with Mr. Gabriel’s fee payment; they discussed the fact that the board, Secretary, and Town did a good amount of work, and that the petition was withdrawn shortly before the meeting; Mr. Rajeshkumar thought that the board should keep the

payment, but Mr. Femia thought that that they should keep part of the payment for the newspaper advertisement bill and the Secretary's hours. Mr. Olson decided that Ms. Goldstein should hold on to the payment, pending the amount of the newspaper's invoice, and she should make note of her time spent on the filing.

Miscellaneous Mail and Paperwork Needing Signatures/ Future Agenda Items/ZBA Reports:

1. **249 West Boylston Street:** Mr. Femia discussed the fact that that a variance may be needed for this property. He discussed the history of this property; he explained that, a couple of years ago, the owner tore down a house on the property, which was a non-conforming lot. The owner now wants to build on the property but was supposed to do that within two years and he did not, so he is seeking a variance to build a multi-use building on the property. Mr. Olson responded that, since there had been no filing yet, that they will wait to discuss this matter further.
2. Mr. Femia discussed an issue that he discussed with the Building Inspector involving a water tower belonging to the Town of Boylston, but it is on West Boylston property. The Town of Boylston is looking to tear it down and build a new one in the same location. Mr. Femia asserted that they needed a special permit from the ZBA (Ms. Goldstein asserted that the e-mail from the Building Dept. only asked the board to advise), but Mr. Olson asked what, if anything, is in the bylaws to give the ZBA authority involving water tanks? The board discussed this, and whether they should talk to Mike Coveney from West Boylston Water District about this. Mr. Rajeshkumar read that Boylston is looking to replace the tank with something of a different composition. Mr. Olson said that he would look through the bylaws again, and then told Ms. Goldstein that he could then respond through e-mail to the Building Inspector's question. Mr. Femia noted that the Zoning Interpretation Request Form had nothing specific written in the "Comment" area. Mr. Femia and Mr. Rajeshkumar commented that this matter went from one building inspector to another, from Bentley Herget to Chris Lund to George Tignor, presently the Interim Building Inspector.

Regarding 249 West Boylston Street, Mr. Femia explained that the owner tore down a house on this lot, and the lot is non-conforming, but did not do anything with the lot within two years, so he asserted that the owner needs to file for a variance. Mr. Femia wanted to discuss this subject just for informational purposes, not to act upon it; Mr. Olson opined that, as it could be a potential matter for the board, that they should not discuss it at this time.

3. **(2) Variances filed for Woodland Street:** Mr. Femia discussed these two variance filings by Gary and Kenneth DeWolfe and Joseph Evangelista. Mr. Femia explained that the ZBA approved a special permit for reduction in frontage for Lot 4 previously, and now the applicants want variances for Lots 5 and 6 as they want to build on them but push the buildings back on the property. (Ms. Goldstein told the board that the fee paid by the applicants was not the updated fee, but the old fee, because the old fee was listed in one place in the ZBA filing instructions that are on the Town website. Mr. Olson asked her to work on fixing that situation).

Mr. Femia then suggested that Ms. Goldstein prepare for the next meeting a tentative ZBA meeting schedule for 2019 that the board can approve so that it can be submitted to Nancy Lucier.

Mr. Femia then mentioned to the board that the Planning Board and Board of Selectmen have on their agendas "Citizens' Comments" and he asked the board members if they wanted to do that? They replied that they did not want to do that.

Mr. Femia also reminded the board about previous discussion of revising of ZBA filing forms, and the Comprehensive Permit Rules and Regulations. Mr. Olson thought that the Town Administrator had someone doing that. Mr. Femia mentioned the Town's allotment of funds in the budget for technical assistance, and opined that the Board of Selectmen did not want to pay for that work, but the technical assistance funds would take care of that. Mr. Femia also mentioned a suggestion of Mr. Rajeshkumar that the petitioners could fill in the forms online instead of having to print them out and write them out. Mr. Rajeshkumar will look at the forms and fees before the next meeting; he asked Ms. Goldstein to send him the Word Documents for these items.

Mr. Femia then mentioned to the board that, when Mr. Ali gives his final "as-built" for Sajda Gardens to them, and they give it to VHB to verify, hopefully this will be the last VHB bill; if it is, he said that the Accounting Office has to refund whatever is left in the Escrow Account for VHB to Mr. Ali.

Next Scheduled ZBA Meeting: Thursday, November 15, 2018, at 7:00 p.m.

ZBA Monthly Financial Report:

Mr. Olson read over the latest report, dated 9/30/18.

With no further business to discuss, Mr. Femia made a motion to adjourn at 8:00 p.m. Mr. Rajeshkumar seconded. All in favor.

NEXT MEETING **Thursday, November 15, 2018, 7:00 p.m.**

MOTION TO ADJOURN

Motion Originator **Mr. Femia**

Motion Seconded **Mr. Rajeshkumar**

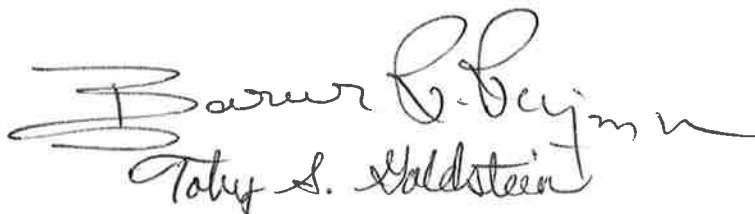
Time of Adjournment **8:00 p.m.**

Signatures

Nathaniel Orciani

Submitted by: **Toby S. Goldstein**

Date Submitted: **12/6/18**

Handwritten signatures of Nathaniel Orciani and Toby S. Goldstein. The signature of Nathaniel Orciani is written above the signature of Toby S. Goldstein.

The first part of the paper discusses the importance of the research and the objectives of the study. It then presents a literature review of the existing research on the topic. The second part of the paper describes the methodology used in the study, including the data collection and analysis techniques. The third part of the paper presents the results of the study and discusses the implications of the findings. The final part of the paper concludes the study and provides recommendations for future research.

The results of the study show that there is a significant positive relationship between the variables studied. This finding is consistent with the previous research on the topic. The study also found that the relationship between the variables is stronger in certain contexts than in others. These findings have important implications for the understanding of the phenomenon being studied.

The study has several limitations that should be taken into account when interpreting the results. First, the sample size was relatively small, which may limit the generalizability of the findings. Second, the study was cross-sectional, which means that it only captures a single point in time. Future research should address these limitations by conducting a larger, longitudinal study.

In conclusion, the study provides valuable insights into the relationship between the variables studied. The findings suggest that there is a positive relationship between the variables, and this relationship is stronger in certain contexts. These findings have important implications for the understanding of the phenomenon being studied and for future research.