



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

[Zoning Board of Appeals] Meeting Minutes

Date / Time / Location of Meeting	Thursday, September 23, 2021/7:00 p.m./ <u>Pursuant to Chapter 20 of the Acts of 2021, this meeting/public hearing was conducted via remote means (Zoom). No in-person attendance of members of the public was permitted, and public participation in any public hearing conducted during this meeting was by remote means only.</u>
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Members Present	Christopher Olson (Chair), Barur Rajeshkumar (Vice-Chair), John Benson, David Femia (he joined the meeting at 7:20 due to technical difficulties), Andrew Feland (Associate Member) and Secretary Toby Goldstein
Members NOT Present	Nathaniel Orciani and Mark Wyatt (Associate Member)
Invited Guests	N/A

Welcome – Call to Order **Time: 7:02 p.m. (by Mr.Olson)**

Approval of Previous Minutes **Minutes of August 19, 2021**

Motion Originator: **Mr. Rajeshkumar (as amended)**

Motion Seconded: **Mr. Benson**

Treasurer – Financial Report **N/A**

Motion to Accept **N/A**

Seconded **N/A**

At 7:02 p.m., Mr. Olson called the meeting to order. Mr. Olson noted that Mr. Feland was sitting on the board to replace Mr. Orciani. He also read aloud the statement regarding remote meetings that was on the agenda. Ms. Goldstein and Mr. Olson asked the public to give their names and addresses for the record if they joined the meeting.

Minutes of August 19, 2021 Meeting:

After review of the draft minutes by the board, Mr. Olson corrected an item, then Mr. Rajeshkumar made a motion to approve the minutes as amended. Mr. Benson seconded. Mr. Olson took a roll call vote:

Mr. Rajeshkumar – “yes”

Mr. Feland – “yes”

Mr. Benson – “yes”

Mr. Olson – “yes”

The vote was 4 “yes”, 0 “no” and 0 “abstain”, therefore the minutes were approved as amended.

Public Hearing, Diane M. Hogue for Special Permit for Home Occupation related to an online sales business, pursuant to Section 3.5.B of the Zoning Bylaws, at 29 Scarlett Street, West Boylston, MA:

Mr. Olson explained to Ms. Hogue that it would be ideal to have a fifth board member present, because granting a special permit requires a supermajority of the board (4 out of 5 members) to vote in favor of granting it, and if five members are not present (Mr. Femia had not arrived yet), then all four that are present need to agree. He deferred to Ms. Hogue to decide if she wants to go ahead with the public hearing this evening anyway or continue to the next meeting. He noted that she may be successful with four members but wanted to give her the choice. Mr. Benson opined that the decision was up to Ms. Hogue’s discretion. Mr. Rajeshkumar asked Mr. Olson if Ms. Hogue could decide at the end of the hearing or if the board could continue to the next meeting? Mr. Olson responded that if they open the hearing with four members and a fifth joins later, there could be a problem if he is not present for all of the hearing, unless changes in the Town regulations regarding this were ruled upon recently. Mr. Rajeshkumar opined that there was one case that happened before, where the member was allowed to watch the video then vote. Mr. Olson responded that the fifth member could not then vote this evening and it would have to wait until the next meeting. Ms. Hogue asked, if all four members present do not vote in favor this evening, how would she appeal the decision? Mr. Olson replied that she would have to go to district court, and that is why he wanted her to think about the situation with four members. Ms. Hogue responded that she wanted to move forward.

Mr. Olson then said that they will open the public hearing (he put up the public hearing notice on the screen); Mr. Rajeshkumar read the notice aloud. Mr. Olson explained to Ms. Hogue the procedure for the public hearing; the petitioner would be allowed to make her presentation of what she is requesting, then when the board is done asking questions the public and Building Inspector can ask questions and make comments (the Building Inspector did not attend the meeting this evening). Ms. Hogue introduced herself and explained that she has been making soap and bath and body products for over a year at her home as a hobby, giving these items to friends and neighbors. She would like to continue to do this with an online sales business and have the ability to go to places such as vendor fairs and farmers’ markets to sell her products. She noted that there would be no retail storefront at her home; she asserted that the house will maintain a fully residential appearance on the outside. Ms. Hogue explained that a very small portion of the inside of her home will be used for keeping her equipment and stock of items and that nothing would be kept outside. Referring to an opinion given by the Conservation Commission prior to the meeting (on file) which made comments regarding concerns about traffic and delivery vehicles due to her business, Ms. Hogue asserted that delivery vehicles come every day up her street anyway, and that they already come to her home. Mr. Benson mentioned that he thought he saw a Conservation Commission concern about quantity of materials and if there are any hazardous ingredients in the items that she’s making, and asked if

any of these things need special handling? Ms. Hogue referred to Sec. 3.5.B of the zoning bylaws and its reference to another section of the bylaws regarding hazardous materials, and she asserted that nothing that she uses is included in those sections of the bylaws. She explained that sodium hydroxide (or lye) is used in making soap, which she said is a common household chemical which is also used to make pretzels and drain cleaner; she explained that she buys 20 pounds at a time and it is kept locked in the basement, only accessed by her when she makes soap. She asserted that only a little of it goes down into the drain, comparing it to drain cleaner. She responded to Mr. Benson that she has sewer at her home. Mr. Feland added that Ms. Hogue is correct about the sodium hydroxide and this chemical is the same as drain cleaner. Ms. Hogue noted that she buys food grade material; she and Mr. Feland opined that this is probably less concentrated than what is in drain cleaner. Mr. Olson noted that this is made to go down the drain if it is in soap. Ms. Hogue added that when she uses lye and oils together it is not caustic anymore, so once it goes into soap it is perfectly safe. In response to Mr. Benson, Ms. Hogue replied that there will be no signage or outside storage. Mr. Benson asked her if she would object to conditions on the special permit, such as no sales in the home and no signage associated with the business? She replied that she would not have objections to that. In response to Mr. Olson, Ms. Hogue replied that there is no outside storage of materials, and it is all stored in the home, in closets and cabinets. In response to a question from Mr. Olson regarding trash disposal and whether or not there would be anything out of the usual, Ms. Hogue replied that there may be a little more recycling than usual (due to bottles or jugs from olive oil and coconut oil) but not much more than what they usually have. Mr. Olson then referred to supplemental information that Ms. Hogue provided to the board, where she mentioned that she was aware that, if the board grants the special permit, it will expire if the title changes hands, and that she must complete and record a Declaration of Covenant document and provide proof to the board that it is recorded. In response to questions from Mr. Rajeshkumar and Mr. Olson regarding fire or temperature from the materials, Ms. Hogue explained that, when one combines lye and oil, it heats up to around 200 degrees, but it is kept in containers during that time. Mr. Olson opined that the reaction releases heat, and Mr. Feland asserted that it would be well below the smoking point of the oil.

At this point, Mr. Olson noted that he did not see any public present at the hearing, so he offered the board a chance to ask any further questions (there were none). He suggested that the board discuss the conditions to be included with the special permit, such as no signage on the property or sales directly from the home (other than online, by mail or elsewhere such as farmers' markets or vendor fairs). Mr. Benson proposed that the conditions be included to allay any concerns from the public or the Conservation Commission that the business might significantly impact vehicle traffic or traffic in and out of the home. Mr. Rajeshkumar opined that if the amount of business increases, the petitioner might have to get another location. Ms. Hogue responded that, if the business "takes off", she would get outside space. Mr. Olson commented that it sounded like the principal use of the home is residential, but if the business becomes larger, she would have to look for space in a business district area as opposed to residential. He asserted that they addressed the issues brought up by the Conservation Commission. He mentioned the Board of Health's opinion, and asserted that the only question that they had (regarding hazardous chemicals) was covered this evening (this opinion is also on file). Mr. Olson then mentioned Planning Board's opinion (on file also) which had no strong issues except for the petitioner to include all required information that the zoning bylaws ask for and Mr. Olson thought that she addressed them.

With no further comments or questions, Mr. Feland made a motion to close the public hearing. Mr. Rajeshkumar seconded. Mr. Olson took a roll call vote:

Mr. Rajeshkumar – "yes"

Mr. Feland – "yes"

Mr. Benson – "yes"

Mr. Olson – "yes"

The vote was 4 "yes" to 0 "no", therefore the public hearing was closed. Mr. Olson then announced that the board would deliberate. Mr. Benson explained that he recommended adding the conditions to the special permit to preserve the character of the neighborhood and minimize traffic, and to reassure the abutters of minimal impact

on the residential character of the neighborhood and vehicle traffic. Mr. Benson then made a motion to grant the special permit with the conditions that there be no in-home sales and no signage on the property relative to the business. Mr. Rajeshkumar seconded. Mr. Olson took a roll call vote (he noted that they needed all four board members to vote “yes” to grant the permit):

Mr. Rajeshkumar – “yes”
Mr. Feland – “yes”
Mr. Benson – “yes” (with the
conditions given in the motion)
Mr. Olson – “yes”

The vote was 4 “yes”, 0 “no” and 0 “abstain”, therefore the special permit with conditions was approved.

Mr. Olson explained to Ms. Hogue that a written decision will be filed within 14 days with the Town Clerk, after which there will be a 20-day appeal period; if this expires with no appeals given, the Town Clerk will issue a Certificate of No Appeal; the Declaration of Covenant will be signed by the board and by Ms. Hogue, and she will go to the Registry of Deeds and register the decision, Certificate of No Appeal, and Declaration of Covenant, and bring proof of this back to the ZBA. (At this point, Mr. Femia joined the meeting).

Treasurer’s/Financial Report: Mr. Olson reviewed the report himself prior to the meeting and commented that everything looked alright regarding the board’s financial status.

Miscellaneous Mail and/or Paperwork: Mr. Olson asked the board members if they received the emails from the Town Administrator regarding required training concerning Open Meeting Law and Conflict of Interest, and instructed them to let him know if they had any questions about these trainings.

Next ZBA Meeting: The next ZBA meeting will be held on **Thursday, October 21, 2021**, at 7:00 p.m., and this will be a remote meeting; Mr. Olson mentioned that, at this point, the only public hearing matter will be the withdrawal without prejudice of the petition for special permit for Lynn Fallavollita for accessory apartment.

With no further discussion taking place, Mr. Rajeshkumar made a motion to adjourn the meeting at 7:36 p.m. Mr. Benson seconded. Mr. Olson took a roll call vote:

Mr. Rajeshkumar – “yes”
Mr. Feland – “yes”
Mr. Benson – “yes”
Mr. Femia – “yes”
Mr. Olson – “yes”

The vote was 5 “yes” to 0 “no”, therefore the meeting was adjourned at 7:36 p.m.

Submitted by: _____

Date submitted: _____

Approved by: _____

