



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

## **[Zoning Board of Appeals] Meeting Minutes**

**Date / Time / Location of Meeting**

Thursday, December 15, 2022/7:00 p.m./THIS MEETING WAS HELD REMOTELY, VIA ZOOM; NO IN-PERSON PARTICIPATION WAS ALLOWED.

**Members Present**

Christopher Olson (Chair), Barur Rajeshkumar (Vice-Chair), David Femia (Clerk), Nathaniel Orciani, Andrew Feland (Associate Member) and Secretary Toby Goldstein

**Members NOT Present**

John Benson and Mark Wyatt (Associate Member)

**Invited Guests**

**Welcome – Call to Order**

**Time: 7:00 p.m.**

**Approval of Previous Minutes**

**November 17, 2022**

**Motion Originator**

**Mr. Femia (Open Session); Mr. Femia (Executive Session)**

**Motion Seconded**

**Mr. Rajeshkumar (Open Session); Mr. Rajeshkumar (Executive Session)**

**Treasurer – Financial Report**

**Not done at this meeting.**

**Motion to Accept**

**N/A**

**Seconded**

**N/A**

At 7:00 p.m., Mr. Olson called the meeting to order. Mr. Olson introduced himself, the board members present and the Secretary.

### **Minutes of November 17, 2022 Meeting (Open Session and Executive Session):**

After review of the draft minutes of the Open Session by the board members, no changes were suggested. Mr. Femia then made a motion to approve the minutes as written. Mr. Rajeshkumar seconded. After there were no other comments made on the minutes, Mr. Olson took a roll call vote:

Mr. Rajeshkumar – “yes”

Mr. Femia – “yes”

Mr. Orciani – “yes”

Mr. Feland – “yes”

Mr. Olson – “yes”

The vote was 5 “yes” and 0 “no”, therefore the minutes were approved as written.

After review of the draft minutes of the Executive Session by the board members, no changes were suggested. Mr. Femia then made a motion to approve the minutes as written. Mr. Rajeshkumari seconded. After there were no other comments made on the minutes, Mr. Olson took a roll call vote:

Mr. Rajeshkumar – “yes”

Mr. Femia – “yes”

Mr. Orciani – “yes”

Mr. Feland – “yes”

Mr. Olson – yes”

The vote was 5 “yes” and 0 “no”, therefore the minutes were approved as written.

**Continued Public Hearing, to act on the petition of Carol McAdam, General Manager, CAM Hospitality, LLC, for Special Permit under zoning bylaws Section 3.2.F.4, to open a coffee shop restaurant with a drive-through and tables for indoor and outdoor seating at 181 West Boylston Street:**

Mr. Olson explained that, in previous emails sent to the board today, the attorney for the applicant requested a continuance of the public hearing to the January meeting. He reminded those present that the public hearing was previously opened (at the November 17 meeting) but the board did not discuss any evidence relating to the subject; the applicant was granted a continuance of the public hearing to the December 15 meeting (this evening’s meeting). Mr. Olson informed the board that the reason for the continuance was that the applicant was still working on an amended site plan because of a recent traffic study that was done. He said that he was comfortable granting them a continuance, and confirmed with Ms. Goldstein that the next ZBA meeting is scheduled for January 19, 2023.

Mr. Femia expressed concern about whether the applicant knows when the revised plan will be ready. Mr. Olson replied that the attorney hopes within the next week or two but cannot commit to that with the holidays approaching. Mr. Femia explained that he was concerned that they should have the plan as soon as possible as he would like the board to receive a copy and he would like to send a copy to VHB to review; he opined that the board members are not well-versed in traffic studies and he would like VHB to review and explain in layman’s terms their findings so that the board could discuss the information in an intelligent manner. Mr. Olson responded that it is still up in the air as to how the Town will review the plans on an engineering level, such as through the Building Inspector or Site Plan Review by Planning Board, so he cannot answer those questions. Mr. Femia continued that he was concerned because he opined that the board did not know anything and was frustrated that applicants come before the board without all of the necessary information; Mr. Olson responded that the public hearing had not even started yet. Mr. Femia suggested that the board should send a checklist to people when they file with the board to make sure that they have everything that they need, and noted that he will motion to not approve the special permit if the applicant asks for a continuance again in January.

Mr. Rajeshkumar responded that he understood Mr. Femia’s concerns, but he thought it was alright to give the extension to the applicant as they are looking for an amended traffic study. He questioned who would pay for a VHB review? He explained that, if the board has questions when the applicant comes before them, then they could have an engineer look at it further but opined that the board cannot impose a VHB review upon the applicant without starting the public hearing (he added that he would be agreeable to continuing the public hearing to February if necessary). Mr. Olson reiterated that he did not have an issue with continuing to January and noted that they had not had a substantial discussion yet; he suggested that, if the applicant is still not ready, then they can discuss it.

Mr. Rajeshkumar then referred again to Mr. Femia's suggestions, and asked Mr. Olson how the board can ask VHB to review the traffic study even before holding the public hearing? Mr. Olson responded that there would be a question of who would pay for it, and he did not believe that the board has the authority to require the applicant to pay for VHB's time before the public hearing begins. Mr. Rajeshkumar agreed with Mr. Femia's frustration but also opined that the ZBA cannot impose as a board upon the applicant to pay for a review before the public hearing. Mr. Femia agreed with Mr. Rajeshkumar but expressed his frustration; he believed that, when an applicant comes before the board, he/she should have all of the necessary information with them.

With no further comments, Mr. Femia made a motion to continue the public hearing for CAM Hospitality, LLC, to January 19, 2023 at 7:05 p.m. Mr. Rajeshkumar seconded. Mr. Olson took a voice vote:

Mr. Rajeshkumar – "yes"

Mr. Femia - :yes:

Mr. Orciani – "yes"

Mr. Feland – "yes"

Mr. Olson – "yes"

The vote was 5 "yes" to 0 "no", therefore the public hearing was continued to January 19, 2023 at 7:05 p.m.

Mr. Femia suggested to Mr. Olson that there should be a better checklist for the petitioners of what they need to do than what is on the Town website; they should be able to get the necessary information and have it for the public hearing so that they do not have to continue. He suggested that the board should look at the forms that are on the Town website. Mr. Olson responded, asserting that the applicants have not requested continuances because they have not filled out the required forms properly, but because they have had to revise plans because of comments from other Town boards, and this is out of the board's control no matter what procedure the board has in place. He opined that the only remedy is to refuse to continue a hearing or not and this is the board's choice. Mr. Femia opined that the petitioner needs to be better prepared. Mr. Feland responded that the petitioners brought all that the board required, but the site plans needed to be revised because of Planning Board's findings and if the applicant brought the plans as they were, the ZBA probably would have rejected them. (Mr. Femia asserted that he never saw the letter from Planning Board explaining their findings, and he asked Ms. Goldstein to email it to him).

**Other Business:**

**2023 ZBA Meeting Schedule:**

This was previously emailed to the board, but Ms. Goldstein said that she will put copies in the ZBA mailbox in case anyone did not receive it, because some emails were returned to her undelivered.

**ZBA Treasurer's Report** – Mr. Olson had seen it prior to the meeting; it was not discussed this evening.

**Miscellaneous Mail and Paperwork Needing Signatures/Future Agenda Items/ZBA Report** – There was nothing that needed to be discussed at the meeting.

**Next Scheduled ZBA Meeting – Thursday, January 19, 2023**

With no further business to discuss, Mr. Femia made a motion to adjourn the meeting at 7:23 p.m. Mr. Feland seconded. A roll call vote was taken by Mr. Olson:

Mr. Rajeshkumar – "yes"

Mr. Femia – "yes"

Mr. Orciani – "yes"

Mr. Feland – "yes"

Mr. Olson – “yes”

The vote was 5 “yes”, 0 “no”, and the board adjourned at 7:23 p.m.

**Submitted by:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Reviewed by:** \_\_\_\_\_





