



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

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

**Date / Time / Location of  
Meeting**

Thursday, June 15, 2023/7:00 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), John Benson and Secretary Toby Goldstein

**Members NOT Present**

Nathaniel Orciani, and Andrew Feland and Mark Wyatt (Associate  
Members)

**Invited Guests**

**Welcome – Call to Order**

**Time: 7:12 p.m.**

**Approval of Previous Minutes**

**April 20, 2023**

**Motion Originator: Mr. Rajeshkumar**

**Motion Seconded: Mr. Femia**

**Executive Session, March 1, 2023**

**Motion Originator: Mr. Femia; Motion Seconded: Mr. Rajeshkumar**

**Executive Session, March 6, 2023**

**Motion Originator: Mr. Femia; Motion Seconded: Mr. Rajeshkumar**

**Treasurer – Financial Report**

**Not discussed at this meeting.**

**Motion to Accept N/A**

**Seconded N/A**

At 7:12 p.m., Mr. Olson called the June 15, 2023 ZBA meeting to order.

**Minutes of April 20, 2023 Meeting:**

After review of the draft minutes 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 voice vote:

Mr. Rajeshkumar – “yes”

Mr. Femia – “yes”

Mr. Benson – “yes”

Mr. Olson – “yes”

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

#### **Minutes of Executive Session, March 1, 2023:**

After review of the draft minutes by board members who had attended this Executive Session (Mr. Olson had recused himself), no changes were suggested. Mr. Femia then made a motion to approve the minutes as written. Mr. Rajeshkumar seconded. After no other comments were made on the minutes, Mr. Olson took a voice vote:

Mr. Rajeshkumar – “yes”

Mr. Femia – “yes”

Mr. Benson – “yes”

Mr. Olson – “abstain”

The vote was 3 “yes”, 0 “no” and 1 “abstain”, therefore the minutes were approved as written.

#### **Minutes of Executive Session, March 6, 2023:**

After review of the draft minutes by board members who had attended this Executive Session (Mr. Olson had recused himself), no changes were suggested. Mr. Femia then made a motion to approve the minutes as written. Mr. Rajeshkumar seconded. After no other comments were made on the minutes, Mr. Olson took a voice vote:

Mr. Rajeshkumar – “yes”

Mr. Femia – “yes”

Mr. Benson – “yes”

Mr. Olson – “abstain”

The vote was 3 “yes”, 0 “no” and 1 “abstain”, 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 informed the board that he had received an email from Attorney Jennifer Kurzon, explaining that the petitioner is awaiting completion of Site Plan Review with Planning Board in July and was looking for a continuance of the public hearing until the ZBA’s July 20 meeting. Mr. Olson said that he was comfortable with this.

Mr. Benson opined that the board owed it to the petitioner to accept the continuance since it was suggested by the ZBA that the applicant should go through the Site Plan Review process with Planning Board. Mr. Rajeshkumar responded that, as far as he knew, there was no public hearing scheduled with Planning Board for the applicant coming up in July and he suggested maybe a continuance to later than July. The board discussed dates of upcoming ZBA meetings, and Mr. Olson responded that he felt comfortable with August 17, as Mr. Benson opined that they should not wait until after August as he opined that it could be said that the board failed to act on this matter.

Mr. Femia then expressed that he was getting frustrated by the applicant’s continuances (he gave a history of the continuances that the board gave to the applicant). He mentioned that the applicant had not been

before the Planning Board since August of 2022, and reiterated that they will not be on the Planning Board's July agenda. Mr. Femia opined that the applicant needs a representative to come before the ZBA so that the board can ask questions, and opined that it did not make sense that there were so many delays. He said that he was going to vote "no" on the continuance.

Mr. Rajeshkumar continued, opining that he agreed with Mr. Femia's comments, and he would agree with the continuance if the Planning Board delays a decision but reiterated that there is nothing coming up with Planning Board yet for the applicant. Mr. Olson responded that the applicant is still showing the intent to pursue Site Plan Review and thought that maybe they had not filed yet. Returning to Mr. Benson's comments, Mr. Olson said that he made it clear to the applicant that the board wants to see the Planning Board process take place, and opined that delaying this is not causing hardship for the board. Mr. Benson agreed, and opined that the board could grant the continuance to August, but should notify the applicant that the board expects the hearing to take place in August or the applicant must explain the status and if the board is not satisfied, they can decide whether to proceed.

Mr. Rajeshkumar said that he agreed with both opinions. He noted that the applicant had not gone to Planning Board yet and the ZBA does not need to hold a meeting if there are no other petitions filed. He opined that, if the board sees that the applicant is actively pursuing the Site Plan Review process or has a good reason for the delay, he will be willing to give them a chance in August.

In response to Mr. Femia, Mr. Olson replied that he had no contact with the attorney (other than the email asking for the continuance). Mr. Femia opined that this email seemed to blame the Planning Board for the Site Plan Review process not being completed; he noted that Planning Board sets a date for Site Plan Review at their meeting and the applicant was not listed on the agenda. Mr. Femia said that he would make a motion to continue the public hearing to the September 21 meeting so that the applicant can get on the Planning Board's schedule. He suggested that Mr. Olson contact the attorney and tell her these things that were discussed.

Mr. Benson responded that he agreed with the sentiment, but feared that if the time is beyond what the applicant asked for, it would reflect negatively on the board. Mr. Femia responded that the applicant has not reached out to Planning Board, and if they reach out in July, they will not be on the Planning Board agenda until August, so he wanted to make sure Mr. Olson reaches out to the attorney and suggest that either the board will proceed or the applicant should withdraw his application. Mr. Femia made a new motion to continue the public hearing to the August 17 meeting. Mr. Rajeshkumar seconded. Mr. Olson agreed with Mr. Femia and Mr. Benson to extend the public hearing to August. He noted that, if the applicant is not ready, they might seek to come in September, but said that he will reach out to the attorney to either continue or give the board reasons if they are not ready. Mr. Femia opined that there needs to be a limit at some point, as the process has been going on for nine months.

Mr. Olson then took a voice vote, with no further comments made:

Mr. Rajeshkumar – "yes"

Mr. Femia – "yes"

Mr. Benson – "yes"

Mr. Olson – "yes"

The vote was 4 "yes" and 0 "no", therefore the public hearing was continued to August 17, 2023 at 7:05 p.m. (The board members then discussed whether future meetings will be held via Zoom, in-person, or hybrid. Mr. Olson opined that there should not be a decision on that yet for future meetings, but anything controversial should be held in-person).

#### **Other Business:**

**Reorganization of ZBA Board:** Mr. Rajeshkumar made a motion to re-elect Mr. Olson as Chair for another one-year term. Mr. Benson seconded. No further suggestions were made and Mr. Olson took a voice vote:

Mr. Rajeshkumar – “yes”

Mr. Femia – “yes”

Mr. Benson – “yes”

Mr. Olson – “yes”

The vote was 4 “yes”, 0 “no”, therefore Mr. Olson was re-elected Chair for another one-year term.

Mr. Femia then made a motion to elect John Benson as Vice-Chair. Mr. Rajeshkumar seconded. No further suggestions were made and Mr. Olson took a voice vote:

Mr. Rajeshkumar – “yes”

Mr. Femia – “yes”

Mr. Benson – “yes”

Mr. Olson – “yes”

The vote was 4 “yes”, 0 “no”, therefore Mr. Benson was elected Vice-Chair for a one-year term.

Mr. Rajeshkumar then made a motion to re-elect Mr. Femia as Clerk for another one-year term. Mr. Benson seconded. No further suggestions were made and Mr. Olson took a voice vote:

Mr. Rajeshkumar – “yes”

Mr. Femia – “yes”

Mr. Benson – “yes”

Mr. Olson – “yes”

The vote was 4 “yes”, 0 “no”, therefore Mr. Femia was re-elected Clerk for a one-year term.

Mr. Femia noted to Mr. Olson and Mr. Benson that Mr. Benson would have to be the acting Chair for a scheduled Administrative Appeal at the July 20 meeting, as Mr. Olson will recuse himself, and suggested that they reach out to Mr. Orciani and the Associate members to try to be sure to have a full board attend that meeting. Mr. Olson added that the ZBA has a new Associate Member.

**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 Reports** – Mr. Olson and Ms. Goldstein informed the board that there was nothing that needed to be discussed at the meeting.

**Next Scheduled ZBA Meeting – Thursday, July 20, 2023:** The board discussed whether to hold this meeting in-person, hybrid or via Zoom, and decided that, at least for the July meeting with its scheduled public hearing, it would be best to have a hybrid meeting.

With no further business to discuss, Mr. Femia made a motion to adjourn the meeting at 7:48 p.m. Mr. Rajeshkumar seconded. A voice vote was taken by Mr. Olson:

Mr. Rajeshkumar – “yes”

Mr. Femia – “yes”

Mr. Benson – “yes”

Mr. Olson – “yes”

The vote was 4 “yes”, 0 “no”, and the board adjourned at 7:48 p.m.

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

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

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







