



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

[Zoning Board of Appeals] OPEN SESSION Meeting Minutes

Date / Time / Location of Meeting

Thursday, June 16, 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 and Secretary Toby Goldstein

Members NOT Present

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

Invited Guests

Atty. Carolyn Murray, Town Counsel, K-P Law

Welcome – Call to Order

Time: 7:00 p.m. (Open Session); 7:15 p.m. (Executive Session); 8:26-8:28 p.m. (Open Session)

Approval of Previous Minutes May 19, 2022

Motion Originator Mr. Femia

Motion Seconded Mr. Rajeshkumar

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 (Open Session) to order. Mr. Olson announced the names of the members present (Barur Rajeshkumar, David Femia and Mr. Olson himself) and audience members present (only George Tignor, Building Inspector, Carolyn Murray, Town Counsel, and Secretary Toby Goldstein).

Minutes of May 19, 2022 Meeting:

After review of the draft minutes by the board members, Mr. Olson made a change to page 2 of the minutes. Mr. Femia then made a motion to accept the minutes as amended. 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. Olson – “yes”

The vote was 3 “yes”, 0 “no” and 0 “abstain”, therefore the minutes were accepted as amended.

Reorganization of ZBA Board:

Mr. Femia suggested that the board wait until September to do this, so that there will be a full board present. Mr. Olson and Mr. Rajeshkumar responded that they would be fine with waiting but it is customary to reorganize after Town Meeting in May; they also suggested that the board could go back and amend the board assignments at a later time if need be. They all agreed to reorganize this evening. Mr. Femia made a motion to nominate Mr. Olson to be re-appointed as Chair. Mr. Rajeshkumar seconded. Mr. Olson stated that he was fine with that, and called for a voice vote to re-appoint himself as Chair:

Mr. Femia – “yes”

Mr. Rajeshkumar – “yes”

Mr. Olson – “yes”

The vote was 3 “yes”, 0 “no”, therefore Mr. Olson was re-appointed Chair for 12 months.

Mr. Femia then made a motion to nominate Mr. Rajeshkumar to be re-appointed as Vice-Chair and to nominate himself to be re-appointed as Clerk. Mr. Olson seconded. Mr. Olson then took a voice vote:

Mr. Rajeshkumar – “yes”

Mr. Femia – “yes”

Mr. Olson – “yes”

The vote was 3 “yes”, 0 “no”, therefore Mr. Rajeshkumar was re-appointed Vice-Chair and Mr. Femia was re-appointed Clerk, both for 12 months.

Next Scheduled ZBA Meeting: July 21, 2022: Mr. Olson commented that the board may not need a meeting, as there have not been any public hearings scheduled and it will depend on how this evening’s Executive Session topics progress. Regarding whether or not the State’s remote meeting legislation will be extended past the July end date, Atty. Murray commented that legislation was pending to extend remote meetings through December. Mr. Rajeshkumar asked her about the possibility of hybrid meetings? She responded that the board can do so if they want but the problem would be if the remote option was not extended to all of the public, so it might be better to have the meetings totally in person or totally remote.

With no further discussion required in Open Session, Mr. Olson announced that he would make a motion to enter Executive Session (it was verified with Town Counsel that the board will need to re-enter Open Session only to adjourn the meeting as a courtesy to the public but they do not need to discuss anything else):

7:15 pm ZBA will motion and vote to move into Executive Session:

EXECUTIVE SESSION: Pursuant to G.L. c. 30A, Section 21 (a)(3): “To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the Chair so declares.” The Board will discuss, deliberate and advise counsel of action to be taken with respect to WB General 1,

LLC vs. Town of West Boylston Zoning Board of Appeals, et al, Land Court C.A. No. 22 MISC000210 (DRR). AND:

-Pursuant to G.L. c. 30A, Section 21 (a)(3): “To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the Chair so declares.” The Board will discuss, deliberate and advise counsel of action to be taken with respect to PINECROFT DEVELOPMENT, INC. vs. Zoning Board of Appeals of West Boylston, MA Appeals Court No. 21-P-523.

(Mr. Olson made the Executive Session motion as was written on the agenda):

EXECUTIVE SESSION - MOTION BY CHAIR: I MOVE TO ENTER INTO EXECUTIVE SESSION UNDER THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS, CHAPTER 30A, SECTION 21(A), PART 3, TO DISCUSS STRATEGY WITH RESPECT TO LITIGATION IN THE MATTER OF WB GENERAL 1, LLC V. TOWN OF WEST BOYLSTON ZONING BOARD OF APPEALS, LAND COURT C.A. NO. 22 MISC-000210 (DRR), AS HAVING THIS DISCUSSION IN OPEN SESSION WOULD HAVE A DETRIMENTAL EFFECT ON THE TOWN’S LITIGATING POSITION, AND PINECROFT DEVELOPMENT, INC. vs. Zoning Board of Appeals of West Boylston, MA Appeals Court No. 21-P-523, AS HAVING THESE DISCUSSIONS IN OPEN SESSION WOULD HAVE A DETRIMENTAL EFFECT ON THE TOWN’S LITIGATING POSITION.

Mr. Femia seconded the motion. A roll call vote was taken to enter Executive Session:

Mr. Rajeshkumar – “yes”

Mr. Femia – “yes”

Mr. Olson – “yes”

The vote was 3 “yes” to 0 “no”, therefore the board entered Executive Session.

(For the Executive Session, those present were allowed to enter break-out rooms on Zoom, and recording for the general public stopped; no other persons were allowed to enter the Executive Session).

The board exited the Executive Session at 8:26 p.m.

The Board then re-entered Open Session AT 8:26 p.m. Mr. Femia made a motion to adjourn the meeting. Mr. Rajeshkumar seconded. A voice vote was taken:

Mr. Femia – “yes”

Mr. Rajeshkumar – “yes”

Mr. Olson – “yes”

The vote was 3 “yes”, 0 “no”, and the board adjourned at 8:28 p.m.

Submitted by: _____

Date: _____

Reviewed by: _____

