



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, November 17, 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), John Benson, Nathaniel Orciani and Secretary Toby Goldstein

Members NOT Present

Andrew Feland and Mark Wyatt (Associate Members)

Invited Guests

Attys. Carolyn Murray (Town Counsel), and Connor Mullen, K-P Law

Welcome – Call to Order

Time: 7:01 p.m. (Open Session); 7:19 p.m. (Executive Session); 7:35 p.m. (Open Session)

Approval of Previous Minutes August 18, 2022

Motion Originator Mr. Rajeshkumar

Motion Seconded Mr. Benson

Treasurer – Financial Report Not done at this meeting.

Motion to Accept N/A

Seconded N/A

At 7:01 p.m., Mr. Olson called the meeting (Open Session) to order. Mr. Olson announced the date, himself and names of the board members present; he mentioned that Attys. Carolyn Murray (Town Counsel) and Connor Mullen were invited and present.

Minutes of August 18, 2022 Meeting:

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

Mr. Orciani – “yes”

Mr. Rajeshkumar – “yes”

Mr. Benson – “yes”

Mr. Olson – “yes”

The vote was 4 “yes”, 0 “no” and 0 “abstain”, therefore the minutes were approved as written (Mr. Femia had not arrived yet)

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 opened the public hearing; Mr. Rajeshkumar read aloud the public hearing notice). Mr. Olson made all present aware that, earlier today, counsel for the applicant requested a continuance of the public hearing. Mr. Olson opined that he did not see any reason not to do so, and would continue it to the next scheduled ZBA meeting on December 15, 2022 meeting at 7:05 p.m. Mr. Benson made a motion to continue the public hearing to the next scheduled meeting. Mr. Rajeshkumar seconded. Mr. Olson took a voice vote:

Mr. Orciani – “yes”

Mr. Rajeshkumar – “yes”

Mr. Benson – “yes”

Mr. Olson – “yes”

The vote was 4 “yes” and 0 “no” (Mr. Femia had not arrived yet), therefore the public hearing was continued to December 15, 2022 at 7:05 p.m.

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):

7:19 pm ZBA will motion and vote to move into 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 discovery responses and strategy with respect to WB General 1, LLC vs. ZBA, Land Court C.A. 22 MISC 000210 (DRR) regarding 45 and 49 Central Street.

(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 DISCOVERY RESPONSES AND STRATEGY WITH RESPECT TO WB GENERAL 1, LLC vs. ZBA, LAND COURT C.A. 22 MISC-000210 (DRR) REGARDING 45 AND 49 CENTRAL STREET, AS HAVING THESE DISCUSSIONS IN OPEN SESSION WOULD HAVE A DETRIMENTAL EFFECT ON THE TOWN’S LITIGATING POSITION.

Mr. Femia seconded the motion (he had arrived at the meeting). Mr. Olson stated that the board will reconvene in Open Session later to adjourn the meeting. A roll call vote was taken to enter Executive Session:

Mr. Orciani – “yes”

Mr. Rajeshkumar – “yes”

Mr. Benson – “yes”

Mr. Femia – “yes”

Mr. Olson – “yes”

The vote was 5 “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).

At 7:35 p.m., Mr. Rajeshkumar then made a motion to come out of Executive Session. Mr. Orciani seconded. Mr. Olson took a voice vote:

Mr. Orciani – “yes”

Mr. Femia – “yes”

Mr. Rajeshkumar – “yes”

Mr. Benson – “yes”

Mr. Olson – “yes”

The vote was 5 “yes” to 0 “no”, and the board exited the Executive Session at 7:35 p.m. and left the breakroom.

The Board then re-entered Open Session at 7:35 p.m. Mr. Femia made a motion to adjourn the meeting. Mr. Rajeshkumar seconded. A voice vote was taken:

Mr. Femia – “yes”

Mr. Orciani – “yes”

Mr. Rajeshkumar – “yes”

Mr. Benson – “yes”

Mr. Olson – “yes”

The vote was 5 “yes”, 0 “no”, and the board adjourned at 7:36 p.m.

Submitted by: _____

Date: _____

Reviewed by: _____

