



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

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

**Date / Time / Location of  
Meeting**

**Thursday, March 15, 2018/7:00 p.m./Selectmen's Meeting Room**

**Members Present**

**David Femia (Chair), Christopher Olson (Vice-Chair), Barur Rajeshkumar (Clerk), Charles Witkus, Andrew Feland (Associate Member)(Mr. Feland arrived at 7:05 p.m.) and Toby Goldstein (Secretary)**

**Members NOT Present**

**Nathaniel Orciani; John Benson (Associate Member), and Daniel Cronin (Associate Member)**

**Invited Guests**

**Bentley Herget, Building Inspector; Natasha Maunsell, re: 62 Central Street; Iqbal Ali, Developer, 92 North Main Street**

**Welcome – Call to Order**

**Time: 7:00 p.m. (by Mr. Femia)**

**Approval of Previous Minutes**

**Continued to April 19 meeting, as some members did not receive e-mail to review draft minutes prior to meeting.**

**Motion Originator N/A**

**Motion Seconded N/A**

**Treasurer – Financial Report**

**Mr. Femia reviewed the accounts and balances on statement dated 2/28/18 (latest one)**

**Motion to Accept N/A**

**Seconded N/A**

### **Minutes of February 5, 2018 Meeting:**

The minutes were put on hold until the April meeting, as some members said that they did not receive the draft minutes by e-mail to review prior to the meeting.

**Continuation of Informal Discussion, Natasha Maunsell, Regarding Her Property at 62 Central Street:**

(Mr. Femia called up Ms. Maunsell and Bentley Herget, Building Inspector, to the front)(He also acknowledged realtor Sue Meola as present, representing Ms. Maunsell). Mr. Femia summarized that Ms. Maunsell was at the February 15, 2018 ZBA meeting. He informed those present that he and Mr. Herget had done some research on her property, which she had purchased in 2010 upon the Building Inspector at that time, Mark Brodeur, informing her that the property was in a business district; she had planned to put a business there. In 2013, she applied for a building permit, and could obtain one as it was to be for less than four units (three). However, she was recently informed by Mr. Herget that her property was, in fact, zoned for general residence, rather than business, so she could not put her security business there. Mr. Femia said that, being general residence, she could apply for a special permit for home occupation from ZBA. In response to a question from Ms. Maunsell regarding how the zoning could be “general residence” when an old zoning map said it was zoned for business, he replied that, on the GIS map, and since 1978 when the bylaws were developed, it is “general residence” property and has never been changed. He suggested that she work with the Building Inspector concerning making the barn structurally safe, and that she read the chapter of the zoning bylaws regarding what she will need to apply for a Home Occupation special permit; she would have to see Mr. Herget first, he would give her a determination, then send her to the ZBA with his determination, and Ms. Goldstein can tell her about the forms she will need. (There were no further questions or comments).

**Update by Building Inspector on 92 North Main Street (Construction, Lottery, Possible Cash Bond-Needed Before Final Certificate of Occupancy Can Be Issued, and Deficiencies Needing to be Remedied) and Iqbal Ali (Regarding Bond):**

(Mr. Femia also called up Mr. Ali to the front, with Mr. Herget). Mr. Femia informed those present that the Final Occupancy Permit had not been issued yet, as Mr. Herget had given the board and Mr. Ali a list of deficiencies which needed to be remedied before the final Occupancy Permit could be issued. Also, Mr. Herget had mentioned in that letter that the Comprehensive Permit allowed a bond to be collected from the developer (Mr. Ali). VHB looked at the list of deficiencies, as the ZBA requested that they suggest the cost to remedy the deficiencies and the bond would be determined using that amount. Mr. Femia said that John Lydon from VHB went to the site, walked the site with Mr. Ali, spent about two hours there, and reported his observations and comments (e-mail on file). Mr. Lydon recommended they talk with the Building Inspector about constructing a four-foot chain link fence at the bottom of the slope as a safety issue, even though Mr. Ali had previously expressed not wanting to do so due to the ledge present. Some of the other items discussed by Mr. Lydon were (Mr. Femia read the letter aloud):

Play areas (2), crosswalks at the playgrounds; advance “crosswalk” signs; “no parking” signs; street sign; hoods in CB’s required; manhole inverts; crushed stone berms; cleaning of drainage structures; six-foot stockade fence along the northerly side of the driveway; loom and seeding; recharge manholes; propane tanks (none are needed, though, because electric is being used); gazebo; retaining wall; trees and plantings (changes made due to stone swales and steep slopes).

Mr. Femia asked Mr. Ali about solar panels shown on Building A. Mr. Ali responded that the solar panels are located at the back side, on the roof, facing towards the DCR land, and the purpose is to support the general uses of the gym, office building and clubhouse that are there so that the tenants do not have to pay extra in electricity. He also responded to Mr. Femia that the solar panels were not on the original plan, but he said that he had a building permit for them. Mr. Femia continued to read from Mr. Lydon’s letter. He explained that itemized on the last page of the letter are the estimated costs of what still needs to be remedied (Mr. Femia read aloud what each item’s estimated cost would be from the letter; VHB estimated a cost of \$69,098.00, or, with 8%

contingency, a bond of \$75,000.00). Mr. Femia asked the board how they felt about this, and commented that he did not remember the solar panels being mentioned. Mr. Femia and Mr. Rajeshkumar discussed whether or not this was a minor or major change. Mr. Ali described that the panels are on the back of Building A, towards DCR land, there are 28 panels, and asserted that they take up less than ½ of the roof. In response to a question from Mr. Femia regarding if the panels would be a deterrence, Mr. Herget said that he had not seen them yet, but opined that they probably were hardly visible, if at all. Mr. Rajeshkumar expressed the desire that Mr. Ali came to the board first; Mr. Ali responded that the building plans had not been decided, only the site plans, and he opined that the use of solar panels would be good for occupancy and constructive. Mr. Olson agreed that they would not be noticed from the street or Stillwater Heights. Mr. Ali replied to Mr. Witkus that no radiation would come from the panels. Mr. Feland had no objections, but commented that he should have gone to the board first. Mr. Rajeshkumar asked if the neighbors need to know about this? Mr. Femia asked Mr. Herget to go out at the beginning of the next week and give the ZBA a report on his findings and thoughts, and perhaps put this information on the Town website. Mr. Femia told Mr. Ali that he did not have a chance to discuss the VHB report with the Town Administrator, as she was out of the office.

Mr. Ali then discussed issues that he had with the fence that VHB wants him to install. First of all, Mr. Ali asserted that it would be difficult to place the fence on the slope that is there and have it stay up. He said that he met with Mr. Herget today, and he proposes to place the fence ten feet away from the parking lot (a five-foot chain link fence), and asserted that 25 feet away would not be sensible, and that this would be a minor change. Mr. Herget explained to Mr. Femia, that the fence on the original plan varied all along its length, from ten feet away to twenty feet, to thirty feet, so he did not think that ten feet would be a problem. In response to a question from Mr. Rajeshkumar about why VHB differed in their recommendations, Mr. Femia replied that they recommended that Mr. Ali meet with Mr. Herget to coordinate a suitable location for a four-foot chain link fence at the bottom of the slope. Mr. Feland added that VHB just recommended a fence. Mr. Herget and Mr. Ali said that the fence will be now just closer to the parking, and will be five-feet high rather than four (it was five-feet high on the plan)(Mr. Femia read the description of the fence, which will be with a pipe-top rail and vinyl coating).

Mr. Ali next discussed the shrubs issue; on the back side, he did not plant them because it would be on ledge, and he said that he explained this to VHB (he showed the board the plan of the shrub plantings). Mr. Herget noted that there would be no effect on the privacy of Stillwater Heights. (Mr. Herget clarified the shrubs, and Mr. Ali pointed them out on the plan). Mr. Femia asked Mr. Herget if moving the fence back ten feet would be a problem for the shrubs? Mr. Herget replied that there is shale in there. (Mr. Ali and the board then discussed where he will put the fence and shrubs). Mr. Femia noted that there will be seven shrubs, and a stockade fence for privacy, and no trees. He suggested they wait until spring when everything blooms to decide, and reiterated that the fence will be ten feet from the parking, along with the specified shrubs, and stockade fence. Mr. Rajeshkumar responded that he was alright with this plan, but wanted to know if they find that they need trees, if they can be planted? (The board members then discussed that the shrubs were only three to three and one-half inches high when first planted, Mr. Ali said that there are four to five trees at the gazebo, and Mr. Femia noted that the fence will be behind the gazebo). Mr. Feland and Mr. Rajeshkumar asked where the red maple trees will be planted? Mr. Herget responded that he did not see them, and Mr. Rajeshkumar suggested that they obtain clarification from VHB. Mr. Ali told Mr. Femia that there are spruce trees on the plan. Mr. Femia told Mr. Rajeshkumar that he did not see how they would fit in red maple trees. Mr. Ali pointed out on the plan the tree line and detention pond and snow storage, and Mr. Femia responded that they cannot put trees there. Mr. Herget commented that he only saw ledge going up. Mr. Ali asserted that they cannot do anything about the slope. (He pointed out to Mr. Witkus where the trees are planted). Mr. Femia said that he will contact VHB about the supposed red maples in

the back of the property. Mr. Ali opined that the board could tell VHB what would be and not be practical. Mr. Femia asked Mr. Herget to go with VHB and report back to him about the maples.

Mr. Ali next discussed the issue of occupancy of the buildings, and commented that, if anything is considered not safe, that final occupancy will be held back. He said that, when the weather is good, the fence and shrubs will be done. He asked if he could install a vinyl stockade fence? He will price it and do what is feasible. Mr. Rajeshkumar asserted that vinyl would be alright, and Mr. Olson replied to Mr. Femia that it would not be a significant change. Mr. Femia said that he will talk with the Town Administrator about the bond, and added that, once all deficiencies on the list are corrected, he will call VHB and they will go with the Building Inspector and check on it. Mr. Ali suggested that it would be helpful to have recommendations for the next meeting.

Next, Mr. Ali discussed with the board numbers of units in each building that have been leased, including numbers of affordable and market rate units, and according to how many bedrooms; he agreed to send Ms. Goldstein a sheet with this information so that she can have it for the record, as she found the discussion rather confusing.

**Public Hearing, Helen and Bradford Shaw, 339 Maple Street, Petition for Special Permit:**

(Rob O'Neill, Mark Tomaiolo and Bradford Shaw represented). (Mr. Femia told all present the procedure of the public hearing-the representatives would speak, then the board, then the public, and he instructed everyone to state their names and addresses). Mr. O'Neill informed those present that the applicant was looking for relief for frontage; he is looking to subdivide a four-acre parcel into three buildable lots with reduced frontage. He explained that each lot would have over the minimum square footage (40,000 is required, and each lot would have 60,000), but regarding frontage, 120 feet is required in the bylaws but these lots would have 102 ½ feet of frontage per lot. He described the parcel as relatively flat, slightly sloping up in back, with an existing home and garage which will be taken down to accommodate the three buildings. Their plan is to build three single-family homes of 2,500 square feet each, with three or four bedrooms and two car garages. He said that the front and side setbacks would be greater than what is required in the bylaws. He explained that the applicant needs relief because of the configuration of the property, which would make it difficult to create three buildable lots. Mr. O'Neill continued that DCR was notified of the application, and DCR gave them a negative determination, as the project was not in DCR's purview (Mr. Femia asked for a copy of this). The applicant will seek a negative determination from the Conservation Commission; he asserted that there are no wetlands on the site and that Concomm would have no jurisdiction there. Mr. Femia discussed the e-mailed opinion from the Commission on this project, and the Chair stated that he wanted to see what the applicant would do with the water, and he said that the ZBA can approve the special permit but the applicant must still file with the Concomm. Mr. Tomaiolo responded that Scott Morrison tried to talk to Chair William Chase of Concomm to clarify what he meant by the water; Ms. Goldstein noted that there was an e-mail from Scott stating that he did speak with Mr. Chase, but the e-mail did not have details.

Mr. O'Neill then discussed with the board members the depths of the proposed lots, and exact frontage of the lots, showing where they are parallel. Mr. Femia then referred to Planning Board's opinion on the project (on file), and Mr. O'Neill responded that there would be no frontage smaller than 102.56 feet. In response to questions from Mr. Olson regarding bylaw requirement of reasonable access from all three lots, Mr. O'Neill replied that there would be no problem putting in driveways and no problem with ingress and egress for the lots; Mr. Femia noted that there need to be three separate driveways for the three lots. Mr. Olson then summarized that the applicant plans to put up three residences, one on each lot, in this single-residence district. He discussed with Mr. Femia that there is sewer on the street, which Board of Health noted; as single residences there will not be

excess noise, vibration, glare, or dust, there will be refuse disposal as in the rest of the neighborhood, and the lots will have the required setbacks. He asked the applicant to describe the neighborhood; Mr. Tomaiolo replied that there are cape and ranch homes mainly, and no new ones. Mr. O'Neill added that they want colonial, two-story homes. Mr. Olson noted that they must be all residential use. Mr. Tomaiolo told Mr. Feland that the size of the existing house was 984 square feet. Mr. Witkus asked Mr. Shaw about a plan for one driveway for the lot that was requested previously? Mr. Shaw replied that the ZBA voted that down.

Mr. Femia then asked about the water connections to the lots, noting that there need to be three separate connections; he asked if they would be split off from the main one? Mr. Tomaiolo replied that there would be three separate ones; water and sewer will be separate, ten feet apart. Mr. Shaw replied to Mr. Femia that the water and sewer are connected to Lot 2. He added that clay pipe may need replacement and they will need to reach out to the Water and Sewer Depts. about that. Mr. Tomaiolo replied to Mr. Witkus that they have not met with Planning Board with this plan yet. Mr. Femia informed him that they need an ANR plan, but Planning Board wants ZBA approval before issuing the ANR. In response to Mr. Rajeshkumar, Mr. Tomaiolo replied that the garage is on Lot 1, and the main house on Lot 2.

(With no further questions from the board, Mr. Femia opened the hearing to public comment). Doug Ketchum of 335 Maple Street asked if there would be any green buffer zone on the property line, as it is close to his property, and he opined that the house would be on top of his house? Mr. O'Neill replied that Mr. Tomaiolo (who is looking to buy the property) is agreeable to putting in a green buffer. Mr. Femia suggested that Mr. Tomaiolo meet with Mr. Ketchum to discuss this, and he said that he would. The board noted where it should be on the map. MR. Olson asked if he would be agreeable if there is a condition of a green buffer if the special permit is granted? Mr. Tomaiolo was agreeable to that.

Next to speak was Greg Christo, 31 Hartwell Street. Mr. Christo asked how far back the property would be from Maple Street? Mr. Tomaiolo replied that the front of the house would be between 50 and 70 feet back, the house would be about 30 feet deep, and the backyard would be about 50 feet (although there is no exact plan yet for that). Mr. Christo asked about a water easement that goes to Scarlett Brook and Mr. Tomaiolo replied to Mr. Christo that they are not near it.

Next to speak was Neal Howard, 12 Bonnie View Drive. He commented that there is a lot of ledge in the area, and asked if construction will compromise the foundations in the neighborhood? Mr. Rajeshkumar responded that fire marshals are contacted before any blasting is done, and explained that they come, take photos, and if there is any damage from the blasting the resident will not be liable. Mr. O'Neill said that the existing house has a full foundation and Mr. Tomaiolo said that they never hit the ledge. Mr. Femia instructed them to call the Fire Dept. before any blasting is done.

Next was Jeff Amelin, 20 Bonnie View Drive. He asked, instead of three lots, why do they not have two lots of 150-foot frontage each? He commented that West Boylston is a nice, quaint town, and he opined that there would be too much in a small area. Mr. Femia responded that, according to the bylaws, for a single, general residence, there must be 120 feet of frontage, 40,000 square feet area, 20-foot setback in the front and 10 feet on each side; if there is not 120 feet of frontage, one can request a special permit, but for not less than 100 feet. He commented that the applicant has all the minimums met except 120 foot frontage. (Mr. Femia explained to Mr. Feland that, according to the bylaws, which he read aloud, the ZBA can issue a special permit to reduce width and frontage so long as the width is not less than the minimum required lot frontage. He said that the Planning Board had asked about that in their opinion letter, and the board answered it now). Regarding two lots only, Mr. Tomaiolo responded that, if they made two lots at 120-feet each, they would still maintain one acre for two lots,

and one lot would have a very long driveway into the back of the lot, which would be even closer to the abutting property. Mr. O'Neill asserted that, if they try to widen the lots, they would have to build further back. Mr. Feland agreed with Planning Board's opinion that they can give relief on the frontage, but not the minimum lot width (Section 4.2.c). Mr. Olson's interpretation was that, according to 4.2C, minimum lot width, the ZBA has the authority to decrease the minimum frontage from below 120 feet down to 100 feet. to 102 ½ feet, which is greater than 100 feet. Mr. Howard then asked if these would be "spec" houses? Mr. Tomaiolo replied that some would be. Mr. Howard then asked if they really needed to build three of them, and why, instead of two houses with wider frontage? Mr. Tomaiolo replied that they are allowed to apply to the ZBA for the reduced frontage. The board and the applicant then discussed what the total frontage would be, and Mr. O'Neill pointed out that each lot would have well over 40,000 square feet of area.

Next was Patty Amelin, 20 Bonnie View Drive. She said that they bought their home because the neighborhood had smaller houses, nice lots, and wooded area behind it; she commented that all the homes were on flat land. She asked how they were going to develop the property, as there is a large hill and she opined that a lot of excavation would be needed? Mr. Tomaiolo asserted that the driveway area was flat, back to the fire road, and the driveway would be 50 feet off the road (he showed the abutters the plan, and looked at their homes and the area to be developed). She opined that the three houses would be very close to each other; someone else commented that as well.

With no further comments from the public, Mr. Olson continued that the issue now was that the lot is large enough for two houses by right, and the applicant can clear, without permission, including in the back of the property. But, if they grant a special permit, the board would have the ability to put conditions upon it, especially regarding the wooded area, where there would have to be a buffer. But, if the applicant builds two houses, there would be no guaranty that the wooded area would remain. Mr. Tomaiolo (pointing out on the map) suggested that they could make a 200-foot buffer and pointed out a suggested location for it. Mr. Femia asked about how far from the front the house would be? Mr. Tomaiolo replied the size of the house would be 2,300 to 2,500 square feet, 60-feet long, and 30-feet deep. Mr. Femia estimated a sizable back yard. After discussion of the property size, Mr. Femia opined that a 200-foot buffer to the back of the property line, with nothing being destroyed, would be a good idea. Mr. Tomaiolo said that they could do more, and the board suggested to the audience 250 feet of buffer, where all vegetation would remain, and asked if they were satisfied with that. Mr. Ketchum replied that that would be alright. Mr. Femia asked Mr. Tomaiolo to reach out to Mr. and Mrs. Mullins (other abutters) about that and to work with Mr. Ketchum on this. Mr. Femia also suggested that this condition be added to the deed. After discussion with Mr. Ketchum and the other board members, they decided to go with a 300 foot buffer for the abutter directly in back, Mr. Ketchum, and a 175-225-foot buffer for their neighbors (Mr. and Mrs. Mullins). Mr. Femia replied to Mr. Rajeshkumar that they will make those buffers part of the conditions for the special permit.

To Patty Amelin, Mr. Femia assured that Mr. Tomaiolo would contact the Fire Dept. before any blasting would take place, and they will assess the work and go to the surrounding properties. Mr. O'Neill added that the Fire Dept. usually will go to all the abutters and will take pictures if they are in the blasting area. Mr. Femia added that Mr. Tomaiolo will work with Mr. Ketchum and Mr. Mullins.

With no further questions or comments from the public or the applicant, Mr. Rajeshkumar made a motion to close the public hearing. Mr. Feland seconded. All in favor. (The board now deliberated). Mr. Feland commented that he liked the fact that they all came up with a compromise, but he thought that two lots would be better. Mr. Femia said that Section 4.1.E was the biggest concern of Planning Board, but asserted that the board answered that. Mr. Rajeshkumar commented that the board can allow the reduced frontage to create more lots, but opined that two lots would be better, as the neighbors thought. Mr. Olson commented that he was thankful

for the feedback, and glad that people were in agreement-the buffers in back and on the sides would be important to granting the special permit. Mr. Rajeshkumar commented that he did not see any hardship that would make the relief necessary. Mr. Femia commented that Mr. Tomaiolo had been cordial and upfront with everyone, and was willing to work with them. He mentioned Mr. Olson's comment that the applicant can build two house without ZBA approval, only Building Permit; the applicant would not need a buffer, and he could tear down trees if he wanted to do so. By making three lots, the ZBA would have influence. In his opinion, it would be to the public's benefit to have the buffer in the back and sides, he did not see any problems, and the applicant had been cordial and worked together with everyone and he opined that Mr. Tomaiolo went about it the right way. He added that the ZBA had opinions from the other boards also so this is not a hasty decision, and there would be nothing to gain by denying the request.

With no further discussion, Mr. Rajeshkumar made a motion to approve the special permit for subdivision of the property into three lots with reduced frontage; Mr. Olson added the conditions, of a buffer to the north side of Lot 1, to the south side of Lot 3, and the 300-foot buffer in the back that was discussed). Mr. Olson seconded. The vote was as follows:

Mr. Rajeshkumar – "no"

Mr. Olson – "yes"

Mr. Femia – "yes"

Mr. Feland – "no"

Mr. Witkus – "no"

The vote was three "yes" to two "no"; Mr. Femia explained that a super majority was needed to pass the motion, therefore the request did not pass. (Mr. Femia commented to the representatives that they could build two lots if they want).

**Public Hearing, Louis and Kathleen Drew, 107 Central Street, Petition for Special Permit for Accessory Apt. (Building Inspector Report):**

(Mr. Rajeshkumar read aloud the public hearing posting). (Louis and Kathleen Drew represented). Mr. Femia repeated the procedure to be followed for the public hearing. Mr. and Mrs. Drew both gave their names and address. Mrs. Drew explained that they were petitioning for the special permit to make use of an accessory apartment that had existed in their home since the 1940's. The Drews want to start renting it, explaining that they had lived there many years and were now retired, and the rent would help with their expenses. In response to Mr. Witkus, Mrs. Drew replied that the accessory apt. had been vacant since they lived there, approximately since 2002, but she did not know if it was prior to that. In response to Mr. Olson, Mrs. Drew replied that they were planning no structural changes. (Mr. Feland then recused himself from the hearing, as he is an abutter to the property-Mr. Rajeshkumar asked him about this). Mr. Femia explained to the board that he asked the Building Inspector to go out and inspect the accessory apartment; he sent a note, dated 3/6/18, stating that the apartment is within the existing swelling and meets the specifications in the current zoning bylaws for an accessory apartment. Mr. Femia then told Mrs. Drew that the board needs a notarized letter as proof that she and her husband will live in the home. Mr. Olson explained that the owners have to live on-site while renting, and the special permit will not be valid if they move (he read the section of the bylaws pertaining to this). Mr. Herget told Mr. Femia that the entrances met building code. Mr. Femia then read aloud the requirements from the bylaws for

an accessory apartment and noted that the Drew's apartment met all the criteria. He continued that, if they grant the special permit, the board has 14 days to write a decision, and there is a 21-day (actually 20-day) appeal period, after which they will obtain the decision from Ms. Goldstein (actually the No Appeal Certificate, from the Town Clerk). Ms. Goldstein will give them a form for Declaration of Covenant for Accessory Apartment, which they will fill out and take to the Registry of Deeds, and it will become a part of the deed for the property. He reiterated that, if they decide to move or sell the house, the special permit will be null and void, and they must contact the Building Inspector within 30 days; the new owner will have to obtain a new special permit.

In response to Mr. Rajeshkumar, Mr. Drew replied that they have a colonial-style home, and on the second floor of the house is the accessory apartment. Also in response to him, Mrs. Drew replied that there are separate entrances. She described that there are two egresses to the home, one in the front and one on the left side; for the apartment, further back is the entrance, and the apartment has its own stairs and hallway. She added that there is no garage, and the barn is in the back of the property. In response to Mr. Femia, Mrs. Drew replied that there is enough parking for the required three spaces (for the Drews and the tenant).

In response to Mr. Rajeshkumar, Mrs. Drew replied that electric and heat were separate when they bought the property. Mr. Drew also explained that there is one sewer, and the water bill will be included in the rent, along with the heat. Mr. Femia responded to Mr. Olson that the Board of Health had no issues with the project, and neither did Planning Board and Conservation Commission.

(The hearing was now open to public comment). Mr. Feland commented that, as an abutter, he was in favor of granting the special permit. Mr. Herget opined that this was a perfect example of the accessory apt. bylaw in effect, for example, regarding the structural and parking requirements.

To clarify, Mr. Drew asked to whom they would give the occupancy proof? Mr. Femia replied that it would be given to the board; Mr. Olson added, according to the bylaw, there needs to be a notarized letter from the owners that they will occupy the dwelling, and said that only a short letter was required.

With no further comments or questions, Mr. Rajeshkumar made a motion to close the public hearing. Mr. Olson seconded. All in favor. (The board now deliberated). Mr. Rajeshkumar and Mr. Olson had no comments. Mr. Witkus commented that the Drews paid the fee to apply for the special permit (but Mr. Femia noted that they had to do so to use the apartment). With no further comments, Mr. Rajeshkumar made a motion to approve the petition of Louis and Kathleen Drew for special permit for the use of an existing accessory apartment. Mr. Olson seconded. The vote was as follows:

Mr. Rajeshkumar – “yes”

Mr. Olson – “yes”

Mr. Femia – “yes”

Mr. Witkus – “yes”

Mr. Feland – “abstain”

(Mr. Olson will modify the current Affidavit of Residency for the Accessory Apt. and send it to Ms. Goldstein, and she will send that to Mrs. Drew).

**Other Business:**



**Miscellaneous Mail and Paperwork Needing Signatures:**

Mr. Femia looked over mail not before reviewed.

**Review of ZBA Forms:**

The board decided to continue this discussion to the April 19 meeting.

**Update on Aquifer Protection District Bylaw:**

Mr. Femia is waiting for feedback from the West Boylston Water District; therefore, the board will continue this discussion to the April meeting.

**Update on ZBA Policies Regarding Mailing of Public Hearing Notices and Decisions:**

Mr. Olson looked over the MA General Laws, to see what the requirements are for public hearing notices; it did not specify which party needed to send out the notices, and he said that there was also no specification in the general bylaws of West Boylston, just that the notice needs to take place. After some discussion among the board members, it was decided that the applicant will send out the notice of the public hearing to the abutters and abutting Planning Boards by certified mail/return receipt, and Ms. Goldstein will send out the decisions by regular mail. They also agreed that she should place the advertisement in the Telegram and Gazette. Ms. Goldstein was instructed to notify Karen Pare and ask her to add to the ZBA website, in the petition filing instructions, that the applicant will provide the board with the green return receipt cards prior to the public hearing, and the applicant will only need to provide (1) set of stamped, addressed envelopes to the board.

**Update on Cost Certification of 94 North Main Street:**

Mr. Femia notified the board that the Cost Certification was finalized, and MHP sent notification of this.

**Update on Possible Doggy Day Care on Lancaster Street:**

Mr. Femia notified the board that this activity is not authorized in a residential area, so it cannot qualify as a Home Occupation.

**Future Agenda Items/ZBA Reports:**

None.

**Next Scheduled ZBA Meeting – Thursday, April 19, 2018:**

(Mr. Feland said that he can attend).

**Any Items Not Received Prior to 48 Hours Before Meeting:**

There were none.

**NEXT MEETING**

**Thursday, April 19, 2018**

**MOTION TO ADJOURN**

**Motion Originator     Mr. Rajeshkumar**

**Motion Seconded     Mr. Feland**

**Time of Adjournment** 9:15 p.m.

**Signatures** **Barur Rajeshkumar**

Submitted by: **Toby S. Goldstein**

Date Submitted:



