



ZOOM MEETING MINUTES

August 10, 2022

Members Present: Sarah Miles (Chair), Marc Frieden, Vincent Vignaly, Francesco Lopriore, Barur Rajeshkumar

Members Absent: None

Others Present: Igbal Ali, Vanessa Kuzmanovski, Leslie Wilson, Tony Topi, Bob Gallo

All documents referenced in these Minutes are stored and available for public inspection in the Planning Board Office located at 140 Worcester Street.

The Chair opened the Zoom meeting at 7:00 p.m. Pursuant to Chapter 20 of the Acts of 2021, this meeting was conducted via remote means (Zoom). No in-person attendance of members of the public was permitted, and public participation during this meeting was by remote means only.

Citizens' Comments – None tonight.

Public Hearing (continued): 73 West Boylston Street – Site Plan Review, Special Permit, and Stormwater Management Permit applications submitted by Crescent Builders, Inc. for a proposed ten-unit townhouse development.

Mr. Ali requested a continuance. Mr. Frieden made a motion to continue the public hearing for 73 West Boylston Street to November 9, 2022 at 7:05 p.m.; Mr. Rajeshkumar seconded; roll call vote: Rajeshkumar-yes; Lopriore-yes; Frieden-yes; Vignaly-yes; Miles-yes; motion approved.

Old Business:

Nuha Circle Request for Street Acceptance Update – Mr. Ali was present to ask for a continuance to the next meeting. Vanessa Kuzmanovski said she would not be available next month and was hoping to talk about the HOA. She said now that the homeowners have their attorney involved, they found they do not have to have an HOA because they are past the allotted time needed to establish one; the town has to take it over or not take ownership of the road. She said they open to paving the driveway and the circle if they can agree to have a different company do it; Mr. Ali has done it multiple times and none of them are happy with it. Mr. Vignaly said if they are still working to get it established and the homeowners want it, it can continue on. Mr. Ali said he talked to his attorney, George Kiritsy, and he said the HOA was established before any of the houses were sold; it is in place, but no one will take it. He said his interest was gone when he sold the last house and said it's up to the board and the neighbors if they want to take over the HOA because his interest will be gone if he finishes the road. Mr. Vignaly said he needs to get a different attorney if that's what he is being told. He needs someone who is experienced in this and going to give him proper information. It does not appear to match what is in the actual document. Mr. Vignaly said he also needs to bring the sidewalks into compliance and be ADA accessible. Ms. Kuzmanovski said she had no problem with that if another company does it, not the one that has done it twice already. Mr. Ali said Amorello Paving and Lynch have done the

work. Ms. Kuzmanovski said they are requesting at least a one week notice before it starts. Mr. Ali will have more information next month.

Westland Circle Outstanding Issues (Fencing, HOA and Pathway) – Mr. Ali will have more information next month.

New Business/Review of Correspondence/Emails:

118 Maple Street – ANR (Hugo Lima) – The plan has frontage and access. It is one lot being divided into three lots. Mr. Frieden made a motion to endorse the ANR for the plan of land located at 118 Maple Street for Hugo Lima, prepared by Jarvis Land Survey, Inc. dated 11/29/21; Mr. Lopriore seconded; roll call vote: Rajeshkumar-yes; Lopriore-yes; Frieden-yes; Vignaly-yes; Miles-yes; motion approved.

181 West Boylston Street (Preliminary Site Plan Review for a proposed coffee shop with a drive-thru) – Leslie Wilson (designer), Tony Topi, and Bob Gallo were present. Ms. Wilson said they don't believe they need a permit for the parking because they don't meet any of the criteria in the Zoning Bylaws. Tony Topi, who operates the Mill next door, said Classic Suites & Inn is on the property; himself and his business partner are hoping to lease the property and manage it. A coffee shop associated with the hotel is proposed; 14 parking spaces are assigned for the coffee shop. Mr. Vignaly asked how they calculated the 14 parking spaces. Ms. Wilson said the attorney used the square footage of the interior and the number of patio seating. Mr. Frieden asked if there was a change of use would it trigger site plan review. Ms. Wilson said according to the attorney's letter, if it is deemed a restaurant and the use changed from office to coffee shop/restaurant it doesn't automatically trigger site plan review. Mr. Vignaly said the interpretation that has been used over the years is that in the Table of Uses listed in the Zoning Bylaws, if you change the use in that table, it's a change of use. Ms. Wilson said it doesn't fall under any of those uses. Bob Gallo, (31 Galliar Circle, Holden), owner of the properties (Mill, Classic Suites & Table 12), said they read the bylaws and under the site plan review, the only one that even remotely relates to the current proposed project the regarding the parking spaces. They are not creating parking spaces, only designating them for the use of the coffee shop.

Mr. Frieden said the decision also needs to get a determination by the Building Inspector. He was very concerned because it's going to be a drive-thru and the town already has a disaster at the Dairy Queen drive-thru. If they are going to put in a drive-thru and do the review another way, it has to have a review of the traffic pattern; we can't have more traffic into the street like Dairy Queen. Mr. Gallo said there is a traffic light on the property that they have access to; there is a 50-foot opening they are using; it will not be opened more and said there is a shopping plaza across the street. Mr. Frieden said complex traffic patterns are why we should do site plan review; we should have a traffic engineer to make sure it works. Mr. Gallo doesn't believe they are under site plan review; they are before the board as a courtesy; they are doing nothing to trigger site plan review.

Mr. Vignaly asked what was the determination made by the Building Inspector/Zoning Enforcement Officer. Mr. Gallo said they haven't gone to the Building Inspector, but he believes they are not triggering site plan review or stormwater. The only additional pavement they added is 30 square feet to the left to make sure they have a 20 foot in and out and for the hotel and also added a 12x60 for the lateral to make the crossover for the takeout window. Mr. Vignaly said the Building Inspector needs to determine if site plan review is needed. He will need to know how many parking spaces there are now, how many are being used for the current uses, how many are needed for the coffee shop. Ms. Wilson

said there are 50 parking spaces. The attorney should be submitting this the Building Inspector who is the Zoning Enforcement Officer. Ms. Wilson said she called and someone said they would talk to the Building Inspector but didn't see that they qualify to need a permit; she hasn't heard back as of this meeting. Mr. Vignaly said it is a preliminary discussion, but the first issue is if they only need 14 parking spaces, they don't trigger site plan review; it's a change of use, but you need 15 or more parking spaces to trigger Site Plan Review. It doesn't mean they don't have to comply with all the other zoning requirements, traffic patterns, circulation, landscaping, drainage, etc. If they do go through the review, the board will do the review for the town and protect the interest of the town. If it only goes to the Building Inspector, he is only one person reviewing it and not the oversight and multiple eyes that are on a project that a site plan review warrants. That's where the town would prefer to have it as a site plan but the board can't force them to do it if it doesn't trigger the requirement. Ms. Wilson said there is very minimal pavement added. Mr. Vignaly said it would be easy to show that they are not increasing the runoff from the site, but needs to be shown. He said there is a Stormwater Bylaw that requires certain things to be submitted to be in compliance with setbacks to parking and driveway and they can't be in the building setbacks which is only 10 feet in front and 10 feet on the side; there is also a lighting bylaw that it can't go into the street or on abutting properties; those are requirements for zoning. Site plan review is the process to do the review. Mr. Gallo said it is an existing parking lot since 1965. Ms. Miles said they still have to meet the zoning requirements even if they don't trigger site plan review. Mr. Rajeshkumar said to start with the Building Inspector first since he is the Zoning Enforcement Officer; they need a determination from him. Mr. Gallo said he would do that. Ms. Miles said the board will be happy to work with them should they need to come for a site plan review.

Reports from Other Boards: None tonight.

Invoices were approved for payment. Mr. Rajeshkumar made a motion to approve the draft July 13, 2022 Meeting Minutes; Mr. Frieden seconded; roll call vote: Rajeshkumar-yes; Lopriore-yes; Frieden-yes; Vignaly-yes; Miles-yes; motion approved.

September 14, 2022 at 7:00 p.m. was confirmed as the next regular meeting date and time. It will be a ZOOM meeting.

Mr. Lopriore made a motion to adjourn; Mr. Frieden seconded; roll call vote: Rajeshkumar-yes; Lopriore-yes; Frieden-yes; Vignaly-yes; Miles-yes; motion approved.

The meeting was adjourned at 8:00 p.m.

Date Accepted: _____

By: _____
Marc Frieden, Clerk

Submitted by: _____
Melanie Rich