



MEETING MINUTES
April 12, 2023

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

Members Absent: None

Others Present: Paul Lenkarski, Attorney Russell Chernin

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 meeting at 7:00 p.m. Members Present: Vincent Vignaly, Barur Rajeshkumar, Marc Frieden, Francesco Lopriore, Sarah Miles.

Citizens' Comments – None tonight

Public Hearing: Shrine Avenue – Site Plan Review, Special Permit, and Stormwater Management Permit applications submitted by S.J. Mullaney Engineering, Inc. for David Brunelle and Joseph Evangelista for the proposed construction of a 9-unit multi-family development at 0 Shrine Avenue (West of #63)

The application was withdrawn by the applicant but the board did listen to residents' comments. Lynn Harding (4 Cavour Circle) asked if it meant he could not build. Mr. Vignaly explained that at this time he cannot build anything other than 4 units or less without coming before the Planning Board. There is no timeframe for him to come back. Sean Norton (31 Helen Drive) asked about designating an area for low income housing and was told this proposed project was not an affordable development project. Because any changes to the proposed project will need an amended Order of Conditions, it was suggested they check the Conservation Commission website for postings and hearing notices for a change to the plan as well as talking to the Building Inspector. They could build something smaller and not be required to come before the Planning Board.

Public Hearing: Consider amending West Boylston's Zoning Bylaws – The hearing notice was read into record.

1. Section 1.4.A. Continuation of Non-Conforming Uses – increase period of allowed discontinued use to two (2) years to comply with state law.

The intent is to make a correction to be in line with state law. No issues.

2. Section 2.4- Lots in Two Districts – no longer allow more restrictive uses to extend into a less restrictive zoning district.

The intent is to keep the character of the single-residence district by not allowing multi-family or business uses to extend 30' into a more restrictive lot. No issues.

3. Section 3.6.C.2.a) Submittal of Site Plan – clarify plan scale and digital file, and reduce number of hard copies needed.

Changing the plan scale to 1"=20' and number of copies to 6. Discussion of whether 6 copies was enough and it was decided to change it to 8.

4. Section 3.6.E.8.) Stormwater Management (Grading and Drainage) – clarify reference to MassDEP and NOAA rainfall data to be used in analysis.

Since the time the bylaws were written, the MassDEP guidelines are now standards; this is a change of the wording to meet that. The rainfall intensity values data was from 1960; it now reflects the National Oceanic and Atmospheric Administration Atlas-14. No issues.

5. Section 5.1- Accessory Use – limit the footprint of an accessory structure to be no more than 80% of the footprint of the primary structure on the lot; and prohibit storage container use (non-temporary) in Residential Districts and by permit in other districts.

Mr. Tignor was not comfortable with the language and wanted an upper limit and percentage. Language will be revised to read generally "All accessory uses shall have a footprint less than or equal to the primary use structure on the lot, or larger with a special permit from the ZBA, and shall comply with the dimensional requirements for the primary use to which they are an accessory....."

6. Section 4.3.G. Habitable Buildings Per Lot – clarify the definition of a habitable building to note that a trellis, roof line, buried foundation, or similar connection between two buildings do not make it one building.

The intent was to define a habitable building. The sentence "The shape of the exterior walls of a habitable building must form a single polygon." will be removed.

Mr. Frieden made a motion to close the public hearing; Mr. Lopriore seconded; all voted in favor; motion approved. It will be reworded and placed on the warrant.

New Business:

Planning Board Meetings (frequency) – Years ago, Planning Board meetings were twice a month. During COVID the board started meeting once a month. The State of Emergency is ending on May 11, 2023. The Chair asked if members wanted to go back to meeting more frequently. The board agreed on meeting once a month on the second Wednesday; an additional meeting could be scheduled if necessary.

Old Business:

Nuha Circle and Westland Circle Updates regarding Outstanding Issues – Mr. Ali was present. Ms. Miles prepared a punch list in September 2022 using VHB and DPW comments up to that time. At the October meeting Mr. Ali agreed to do everything on the list and do anything else that came up in the

field. Mr. Vignaly said the punch list was complete as of last year; we can't assume that that punch list is final; we need DPW, Fire Department and VHB to review the site. Ms. Miles said we are not doing street acceptance right now; what we are doing is helping the Selectboard. Mr. Frieden said we are establishing a requirement so Mr. Ali can move forward with other projects. Ms. Miles said there should be a caveat in the Selectboard's requirements that states that street acceptance procedures will need to be followed and any issues that may come up will also have to be addressed. Mr. Frieden said it does not exclude him from street acceptance. Mr. Ali said street acceptance is from the town; the only thing the Planning Board is requiring right now is that he satisfies VHB's concern. He said it is the board's responsibility to accept VHB as the work has been done. He said the DPW is saying that they don't want to take any responsibility; it is the board's responsibility and the board's consulting engineer to say to accept the road or not. Mr. Vignaly said VHB is an advisor; it has to be a vote by the board. Ms. Miles will revise the punch list with the new comments from VHB and will send it to all parties that need to provide input; street acceptance will follow independently. Mr. Ali said with the exception of the paving, everything on the punch list has been taken care of; the as-built is done; he has the letter from the engineer; he said Town Counsel looked at it previously. He would like to finish the new punch list within two weeks on Nuha Circle.

Westland Circle – Ms. Miles said she had old comments from VHB. She told Mr. Ali to address anything that comes up. Mr. Ali said he can't address the walking path; he is asking to waive it from the approval. Mr. Rajeshkumar said we waived the sidewalk when the proponent agreed to the walking path. It connects Lawrence Street area through this property to the Woodland Park area. Ms. Miles said the walking path has to be dealt with as well as the HOA; the Water Department has provided comments. On Westland Circle, he will need help on the walking trail. Mr. Vignaly repeated that it is currently required to be completed as approved and maintained by the HOA. Mr. Frieden wasn't sure of the level of detail that the Selectboard needs.

20 Holt Street Project Close Out – Paul Lenkarski and Attorney Chernin were present. Ms. Miles said we have final comments from VHB; they were satisfied with everything that was on their list, but the town hadn't looked at it. Mr. Lenkarski said they did their review, three items were left: the stop sign, the 2-foot extension of the asphalt along the driveway, and the removal of the asphalt on the abutting property. They have been reflected on the as-built and reviewed by the Building Inspector in the field who said everything was fine. Ms. Miles said the Fire Chief commented about adding the house number and also about snow storage in the fire lane area. Mr. Vignaly commented that they were going to submit a sketch for what is proposed in the area where the asphalt was cut and how it would be treated. Mr. Lenkarski said he didn't have any idea what they would be doing there. Mr. Vignaly was worried about the gravel; we don't want parking within the setback; he thought they would be adding 6" of loam and seed as was committed at the last meeting. Mr. Lenkarski thought we would be satisfied because the asphalt was removed. Mr. Vignaly wants to keep parking from happening there, but we haven't seen how he is going to do it. Mr. Lenkarski said he was to remove the asphalt because it was on the plan; he wasn't given any requirements. Mr. Rajeshkumar asked if he was going to turn it into a parking area. Mr. Lenkarski replied no that it was never a parking area all these years. Ms. Miles said the pavement is gone, the house number is there, VHB is satisfied and has the as-built. Mr. Lenkarski said he will mulch the area. His attorney said if he didn't put the mulch down he can be brought in for a violation. Mr. Frieden made a motion to recommend a Certificate of Completion for the 20 Holt Street project with the condition that they complete the mulch; Mr. Rajeshkumar seconded; Frieden-yes; Rajeshkumar-yes; Vignaly-yes; Lopriore-abstained; Miles-yes; motion approved.

Reports from Other Boards: None tonight.

Planning Board Comments regarding MWRA Removal of the Quinapoxet Dam – Mr. Frieden had asked questions about whether the town was getting the power generated at the River Road power station next to the Quinapoxet Dam. The Municipal Light Plant said it is operational, but for some reason whoever is selling the power to National Grid not to them, they are trying to get that back for the town. Mr. Vignaly said if the Selectboard wants to get involved it is the MWRA that operates it. Mr. Frieden said there was no good answer to his question...if they take down the dam does that raise or lower the level of the river. Mr. Vignaly said the dam along with the approaches are being taken out and the area will be regraded and planted. The river level will be raised and lowered along this stretch, but will tie into existing grades.

Mr. Frieden had asked questions about whether the town was getting the power generated at the River Road power station next to the Quinapoxet Dam. The Municipal Light Plant said it is operational, but for some reason whoever manages it is selling the power to National Grid not to them, they are trying to get that power back for the town. Mr. Vignaly said if the Selectboard wants to get involved he believes it is the MWRA that operates it. Mr. Frieden said there was no good answer to his question...if they take down the dam does that raise or lower the level of the river. Mr. Vignaly said the dam along with the approaches are being taken out and the area will be regraded and planted. The river level will be raised and lowered along this stretch, but will tie into existing grades.

Invoices were approved for payments.

Mr. Rajeshkumar made a motion to approve the March 8, 2023 Regular Meeting Minutes; Mr. Lopriore seconded; all voted in favor; motion approved.

May 10, 2023 at 7:00 p.m. was confirmed as the next regular meeting date and time.

Mr. Rajeshkumar made a motion to adjourn; Mr. Lopriore seconded; all voted in favor; motion approved.

The meeting was adjourned at 9:25 p.m.

Date Accepted: _____

By: _____
Marc Frieden, Clerk

Submitted by: _____
Melanie Rich