



MEETING MINUTES August 10, 2016

Chairman: Christopher Olson

Members Present: Marc Frieden, Cheryl Carlson, Vincent Vignaly, Barur Rajeshkumar
(arrived 9:13 p.m.)

Members Absent: None

Others Present: See Attached Sign-In Sheet

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.

99 Hartwell Street (Discharge Pipe) – An email was received from Steve Migridichian with a statement from Waste Management’s Senior Real Estate Executive (who has the authority to make the statement), that the issue has been brought to a conclusion, and “the restoration work that was recently completed to the retention area that services our parking lot is acceptable to us.” Mr. Olson will reach out to see when the process will be completed and when the Planning Board can expect to receive the as-built plans.

184 West Boylston Street (Cumberland Farms) – Mr. Olson said the Building Inspector contacted him regarding Cumberland Farms. The Building Inspector felt that Cumberland Farms was near completion and would be seeking an Occupancy Permit soon; he wanted to know if there were any outstanding issues before the board. Mr. Olson reached out to Graves Engineering for an update. Mike Andrade submitted his August 8, 2016 Site Report Visit which indicated that the work was substantially completed and included a punch list of items to be completed: the pavement markings on the exit lane of the existing plaza driveway have not yet been painted, the air tower has not yet been installed, the outlet pipe of catch basin CB-3 needs to be cut back to near flush with the interior face of the structure and the hood reset such that it is accessible by cleaning equipment, drain manhole poured concrete inverts have not yet been constructed, loam and seeding of the reconfigured existing plaza driveway island needs to be completed, the connection of the new site sewer service to the existing sewer manhole near West Boylston Street needs to be modified, and the utility line testing reports (water, sewer, etc.) need to be submitted to the appropriate Town Departments if not already submitted. None of the comments mention the left hand turn that needs to be addressed. The board does not want to hold them up with regard to an Occupancy Permit; perhaps the Building Inspector could issue a Temporary Occupancy Permit since they need a Certificate of Completion. Mr. Olson will follow up.

186 West Boylston Street (Wachusett Plaza update regarding Site Plan Approval status, construction inspection, and changed site work review on the front southerly portion) – Andy Surabian and Andrew Liston (Thompson-Liston) were present. Mr. Surabian said the only issues

are the parking (driveway) and rain gardens. Mr. Frieden wanted to make sure all the underground connections were put back where they were originally. Mr. Surabian stated that they were. He had conversations with Tracy Roll (T.M. Crowley & Associates) and received an email from her asking for his DCR approval because they were concerned why their application, which was for the Cumberland Farms (CF) area only, would affect this southern pad. Mr. Vignaly said that at the CF public hearing, the board asked about the total site drainage and the response from CF was that their Site Plan application only reflected their lease area and not the whole site. Therefore, one of the conditions of the PB approval letter was that the Site Plan Approval previously issued for the southern portion was null and void. He said Mr. Surabian was cc'd and his representative (CF) was before the Planning Board. Cumberland Farms' approval letter #9 states that "the approved stormwater treatment system is designed only for the Leased Area north of the entrance driveway, therefore a new Site Plan Review for the area south of the entrance driveway is needed prior to creation of any impervious surfaces or issuance of a building permit in this area of the property. The work associated with the previously-approved Site Plan Review was not completed." Mr. Surabian said that he allowed CF to do what they wanted as long as it did not affect what he did or planned to do. CF came back and amended the plan to tie Mr. Surabian's pipe into the new system, but did not request or mention that they wanted to include this area, so condition #9 remained.

Mr. Vignaly said when he looked at the 2009 drainage design approved for when the liquor store was to be the lease for the CF site, and compared it to what is in the field, they didn't match. The board has never seen anything that shows that they do match. Mr. Vignaly felt some of the confusion was because some inspections were done by Mr. Surabian's engineer. VHB did not do all of the inspections. The drainage portion was done by Thompson-Liston and the board did not receive any documentation that the drainage was built according to the design. Mr. Surabian believes VHB was copied on the documentation. The plan calls for two proposed rain gardens. Mr. Surabian they were completed and had functioned at the time. Over the course of the years, the large rain garden rounded and eroded but still worked. Mr. Vignaly questioned the rain garden on the left and asked if they could supply documentation from an engineer that it was designed correctly. Mr. Surabian is currently operating on the southern side without a Site Plan Review. The Building Inspector did issue a Building Permit after speaking with Mr. Surabian, but did not contact the board.

With regard to the parking layout changes proposed for the southern area, Mr. Surabian said the driveways were originally aligned across from CF, but during their Site Plan Review they proposed changes to the islands. He believes the expired plan layout for the south lot now is dangerous. He sent sketches to VHB who noted concerns with this traffic flow in the parking area. The sketches show an easement for Verizon and Mass Highway at the intersection. Mr. Liston said there are differences the way the state looks at rights-of-way. The board was told by CF during their public hearing that the standing sign is on the state property and therefore did not need a variance or permission for a second standing sign on their leased portion of Mr. Surabian's property. Only one standing sign is allowed per lot and it appears that is not the case. Cumberland Farms did not tell the board the whole truth; there are now two standing signs on the one property which is not allowed. There was discussion on different alternatives to fix the parking. The board would like feedback from both the Fire Chief and Police Chief. Mr. Vignaly would like to see a sidewalk; Mr. Surabian said that was not possible. SPR is required before a Building Permit is obtained, but they already have a permit. Better cooperation with the Building Inspector is needed to stop these issues before they occur. Mr. Olson said to amend the

Site Plan for the parking we would want feedback from the Police Chief, Fire Chief and VHB. Mr. Liston asked if he could submit the plan he presented tonight; agreed. It was suggested to check with VHB before submitting a final plan. Mr. Liston said they will forward the plan to the Police and Fire Chiefs independent of the PB and will send a request for an Amended Site Plan Review letter to the PB to start the process. Mr. Surabian will be requested to submit \$4,000 to cover the cost of the Amended Site Plan Review.

Village Zoning – Feedback was received from the Town Clerk, Jon Meindersma (Bylaws Committee), Mike Peckar (OSIC), the Police Chief, and Brenda Bowman. Ms. Carlson said that appropriate businesses that would not bring excessive noise and would not negatively impact the area need to be defined. Mr. Olson said one way to deal with that would be to put something in the proposed bylaw about the type of business that would be allowed. He said if we get a draft to town meeting, we can at least say we tried to be open. Mr. Vignaly said we looked at this years ago and it wasn't a good fit then; maybe that will happen again. Mr. Frieden said one of the things we could take advantage of with a Village Zoning Bylaw is to increase the control in those areas. Mr. Olson said we would have to come up with a way to deal with the parking issues since the area is already congested. Traffic flow, parking and noise will need to be discussed with CMRPC. Mr. Olson said in the center of town area there are some areas that are zoned business, residential and general residential. He was not sure if you can restrict the base zone using an overlay district. He also said the CMRPC cautioned with regard to changing the underlying zoning district, that in general they are much more difficult to get through at town meeting.

Angell Brook Village – Sharyn Beauregard said the site work was done and agreed to. The Association would like the PB to be sure the basins are in the right places. They are very pleased with the progress. The O&M was updated. The board will walk the site on Wednesday, August 17th at 6PM meeting at the clubhouse.

ZBA Petition for Variance/Special Permit for accessory apartment at 101 Goodale Street – The Variance was withdrawn and the application resubmitted for a Special Permit. Mr. Olson said the information appears to be the same. The PB comment letter to the ZBA was reviewed and will be revised to include stronger language concerning the use of petition date rather than the structure in existence prior to the recent garage addition. It will also note that according to the bylaws, what is being proposed could be considered a duplex.

New Business/Review of Correspondence/Emails Received:

1. ANR Plan (25 Fairbanks Street) – After discussion and the board being satisfied, Ms. Carlson made a motion to endorse the Plan of Land located in West Boylston MA owned by Lisa A. Bilotta-Kunkel, Assessors Reference is Map 126, Lot 10, dated August 8, 2016; Mr. Frieden seconded the motion; all voted in favor; motion approved. The Mylar and six copies were signed.
2. Planning Board representative for the Economic Development Task Force – Mr. Rajeshkumar is the PB's representative. There are currently two members of the BOS on the Task Force; having Mr. Rajeshkumar would make a quorum of the Selectmen. Mr. Frieden agreed to be the board's representative.

3. CMRPC Community Development Block Grant – The board will not be applying at this time.
4. August 8th Special Town Meeting (TIF Request) – Mr. Olson, Mr. Frieden, Mr. Rajeshkumar and Mr. Vignaly attended. The Article was passed.
5. ZBA Special Permit (RV Sales & Storage, 0 West Boylston Street) – An email was received from a neighbor asking about the ongoing tree clearing. Mr. Olson responded and informed her of the upcoming ZBA meeting. Mr. Vignaly said people are allowed to cut the trees on their property and this was why the town’s drainage design requires that a “wooded condition” be used to analyze the pre-development condition so that increased runoff from a site is not allowed onto abutting properties during Site Plan Review.

The draft letter was reviewed. No plan was submitted to the ZBA for review of compliance with submittal requirements. The Planning Board notes that such a petition for a Special Permit from the ZBA is to be reviewed under the standards set forth in Section 6.2.E.1 and 6.2.E.4 of the Zoning Bylaws. The petition also does not clearly indicate that the petitioner has the authority to request a Special Permit since they are not the owner, and that should be established before proceeding. The letter will be revised and forwarded to the ZBA Chair.

6. ZBA Special Permit (Reduced Frontage, 263 Maple Street) – Mr. Vignaly recused himself from the matter. The draft letter was reviewed. The bylaw can be interpreted as (1) the frontage will be below 100’ and you are not entitled to a Special Permit, or (2) this is atypical situation and is not functionally affecting access at all. The ZBA has the responsibility to enforce the bylaw. They may want to consider whether the petitioner has met the standard for a Special Permit as detailed in Section 4.2.C. If the ZBA finds the standard for a Special Permit has not been met, another possible path forward could be to consider whether a Variance, under Section 6.2.F of the Zoning Bylaws is appropriate.

An email was received from Julie Holston (265 Maple Street) asking for information on 263 Maple Street. The PB discussed her questions as to whether the property to the south referred to the above property, had it been accepted by the town, and did the town have any plans. Melanie will respond to let her know that the property to the southeast of 263 Maple Street has been accepted by the Conservation Commission with the purpose being Open Space (most likely trails).

7. A letter was received from MassDOT saying that given the nature of the scope of improvements, it was determined that the Route 140 South Bay Stormwater Improvements and the Route 140 (Beaman Street) Stormwater Improvements were not subject to MassDOT’s Healthy Transportation Policy.
8. A memo from the Town Administrator was received listing the deadlines for the October 17th Semi-Annual Town Meeting. No articles will be submitted. Mr. Olson said we may want to possibly consider zoning bylaw amendments or at least address typos/duplications we have noticed over the years.

Reports from Other Boards – Ms. Carlson said the Community Preservation Committee met. They are working with the Greater Worcester Land Trust to purchase the Goodale Street

property at the town line they are calling “Malden Hill South” (Dennis Minnich property). They are interested in purchasing the West Boylston portion only (12 acres). The use and responsibility for maintenance has not been determined. Ms. Carlson said they will be submitting an application to CPC to purchase the property with Community Preservation money. She also said \$25K for the Affordable Housing Trust was approved to continue to look for affordable housing for seniors.

Mr. Vignaly asked the status of the Subsidized Housing Inventory update and if the land area amounts have been added. Mr. Frieden said the consultant to the Affordable Housing Trust is working on confirming that sites are still included, especially on Heritage Lane. She said there are 8 units we were credited for but can only find 4. She is also working on the rentals. The land area has not been done. Mr. Vignaly wants to be sure that the town still meets the alternative minimum criteria of 1.5% Land in Subsidized Housing so we do not need to meet the typical 10% standard, which will allow the town ZBA to deny proposals that do not reflect the will of the town.

Mr. Frieden said the Housing Authority met to discuss appointing the Affordable Housing Trust as the controller of the land for the senior housing project. They decided against it and want to maintain control until we have more bids/proposals in hand.

Mr. Rajeshkumar said FISP met regarding the Police Station. They plan to get bids before town meeting. The plan is 30% completed. Mr. Vignaly asked when they will be coming to the PB; we have asked numerous times. We could review the bid documents for compliance with Zoning before they spend more money and before it's too late. Mr. Olson will send an email to the Town Administrator letting her know that the plan is 30% complete and have her formally invite them to our September meeting.

Mr. Rajeshkumar said they have sent out requests for proposals for the conceptual plan for the senior center. Three architects will be coming to the FISP meeting and one will be chosen. He also said the BOS would like to make a policy on the procedures for building. Mr. Vignaly asked if there is a process included for review by other town boards. He does not want the Planning Board viewed as adversarial if they neglect to comply with Zoning that requires Site Plan Review of all non-residential development proposals. Mr. Rajeshkumar said there was no policy in place.

Mr. Olson said the ZBA is having an instructional session on Monday night. A notice will be posted tomorrow so PB members can attend.

The next staff meeting is August 24th if any member can attend.

Citizens' Comments – None tonight.

Review/Approve Payment of Invoices and Review Draft July 13, 2016 Regular Meeting Minutes – Invoices were approved. Ms. Carlson made a motion to approve the July 13, 2016 regular Meeting Minutes as amended; Mr. Frieden seconded; all voted in favor; motion approved.

A motion was made by Ms. Carlson to adjourn; Mr. Frieden seconded the motion; all voted in favor; motion approved. The meeting adjourned at 10:40 p.m.

Date Accepted: _____

By: _____

Vincent Vignaly, Clerk

Submitted by: _____

Melanie Rich