



## MEETING MINUTES August 23, 2017

Members Present: Vincent Vignaly (Chair), Marc Frieden, Cheryl Carlson, Paul Anderson, Barur Rajeshkumar

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 regular meeting at 7:00 p.m.

Public Hearing Continued (307 Lancaster Street, Bethlehem Bible Church) – Goddard Consulting on behalf of Bethlehem Bible Church requested a continuance to the next scheduled Planning Board meeting to address comments/questions from the Town's Review Engineer, VHB. Mr. Rajeshkumar made a motion to continue the Public Hearing to September 13, 2017 at 7:00 p.m.; Mr. Anderson seconded; all voted in favor; motion approved.

Vehicle Weight Zoning Bylaw and Zoning Bylaw Discussion – There was conversation as to whether it would benefit the town to become involved in the vehicle weight of the truck discussion. The Maplewood Drive case is still being appealed in the court. When it is settled, we can revisit the bylaw, if needed. The Building Inspector was to provide information and, if warranted, a public hearing would have been scheduled to see about changing the bylaw but no information was received from him. In May a letter was sent to the Selectmen, ZBA, Building Commissioner and various other departments for feedback/input on needed zoning changes. No feedback or comments were received. It would be difficult to schedule hearings now to include changes to the Zoning Bylaw for the fall town meeting; therefore, the board will not be presenting changes for the October town meeting.

Update on Meeting with Building Inspector regarding Zoning Violations – Mr. Vignaly met with the Building Inspector, Town Administrator and John Hadley and reviewed the eleven issues that were outlined in the July 23<sup>rd</sup> email. Mr. Herget was to send letters to those on the list. Flagg RV contacted the office and will be attending tonight. Ms. Carlson was told by Wachusett Liquors that they wanted to be at tonight's meeting but is having difficulty with the engineer not providing the documentation. Mr. Herget will continue to pursue and follow up with the people/businesses in violation. It will be discussed again at the September 13<sup>th</sup> meeting.

Police Station SPR Discussion – Mr. Vignaly said we have received some electronic notifications. They are working and getting things done. They are not asking for final review at this time. He spoke with the Building Inspector, Town Administrator and John Hadley about the required reports. There had been a previous agreement that construction/field reports would be sent to the board separate from the email attachments; that hasn't happened. Mr. Rajeshkumar said the work will be completed in September. Mr. Frieden commented that he was surprised to see how close the police station is to the

houses. Mr. Rajeshkumar said there will be a fence and more tree plantings to shield the view of the police station from the houses.

**New Business and Review of Correspondence/Emails Received:**

1. Briarwood Community Senior Living Campus Expansion – John Gelcich (Beals & Thomas) and Sara Masiello (Cutler Design) were present. The site currently consists of independent and assisted living apartments. New apartments for independent living as well as a wellness/memory care portion of the facility is proposed. Mr. Gelcich said there will be changes to the parking. The proposed project will be in West Boylston; no crossing of the border to Worcester. He asked if a new Special Permit is needed or would it be an amendment to the existing permit. Mr. Vignaly said a Certificate of Completion was previously issued for the work done. They did provide a master plan, but the board did not approve it as a Site Plan Review, it was only a guide of what was coming. It is in a Continuing Care Retirement Community zone so they will need a Special Permit and Site Plan Review. Ms. Masiello said there are 24 independent living apartments, as well as 12 memory care apartments. Mr. Frieden asked if they intend to include any affordable housing. Mr. Gelcich and Ms. Masiello did not know the answer to that but will check. Forty parking spaces below the apartments are proposed. Mr. Vignaly said because it is a self-contained area, if they have justification of having less parking spaces than required under our bylaw, to provide it.

Mr. Gelcich could not find any record of the required deeded 25% dedicated open space at the Registry of Deeds as required in previous town permits. He wants to work with the board to find the best place to have the 25% designated. Mr. Vignaly said because it is deeded open space, it has to go through the same process for protection as was done with Angell Brook's and Hillside Village's Conservation Restriction.

Mr. Vignaly suggested that the plan include everything that was proposed for the future and said the board could approve the plan work in phases (Phase 1 and Phase 2). The approval would state that it was good for a period for the first phase and would have to be extended after that. Mr. Gelcich was told they would have the opportunity to make changes to the draft approval letter. He was asked if the stormwater system was an underground system. Mr. Gelcich was told there would be no infiltration because it is all bedrock. He was reminded that he will have to meet the DEP requirements for stormwater standards that are part of SPR. Mr. Gelcich was encouraged to make a list of waivers when submitting the Site Plan Review package so our engineer knows not to spend a lot of time on these items because he reviews our bylaws in detail.

2. Flagg RV (to discuss Site Plan Review) – Mike Flagg, Mike Himmer, Patty Erickson and Brigitte Flagg were in attendance. They were sent a letter by the Building Inspector suggesting they come before the Planning Board. The July 13, 2016 meeting minutes were reviewed which talk about the Site Plan Review requirements and that there was not going to be an expansion to the building. Since then, the building has expanded and a Site Plan Review was needed. The bylaw requires a Site Plan Review be completed when you enlarge your facility by 25% or more in a ten-year period. They were asked to provide justification if they had it that showed that SPR didn't apply.

Mr. Flagg said he went to the Building Inspector, showed him the plans, explained what they were doing, got his permit, went to Conservation, came to the PB and everyone said it was ok and now it's come up again; it makes no sense to them. Mr. Frieden asked what size the building was that was taken down. Mr. Flagg said the original was 50'x 60', it is now 50'x 120'. Mr. Flagg said the

Building Inspector should have known that SPR was needed when they showed him the plan. Mr. Vignaly said he does not disagree. It was an oversight in his part which is why the board is not going to push it and request fines. The Planning Board would like a plan showing that everything on that site is built the way it should be and it is in compliance with Zoning. Currently it is in violation of Zoning and it has been ongoing for months. Mr. Vignaly suggested they submit a SPR for everything they want at the site, so only one will be needed. Mr. Flagg said Flagg RV will be the only business there.

The building size is what triggered the SPR. The minutes say that you are not increasing it by more than 25%, but it is more than 25%. Mr. Vignaly said they could apply for a variance to the ZBA. The PB cannot grant a variance nor can the Building Inspector say you don't need it. The bylaw says it is required. The Building Inspector may have misinterpreted it and we let it go for a while, but the site is in violation of the Zoning and the only way to correct that is to either comply or get a variance. The Building Inspector knows he made a mistake, but they are still left with a Zoning violation. Mr. Flagg said there is a building there, it is over budget, drainage was done, everything is in compliance, and now Flagg RV suffers from it because of the Building Inspector's mistake. He said there are a lot of costs involved to get a Site Plan Review and have it accepted. Ms. Carlson said the Building Inspector made the mistake, he should pay for it; we can't make them responsible for his mistake. Ms. Carlson said there is a legality to it and it is our responsibility to make sure there are legal documents and to also protect you. Mr. Vignaly said they should consider applying with the ZBA for a hardship variance under Section 3.6B, Project Requirements for New Construction. They should get the actual costs and evaluate those costs, then evaluate which is the best way to go. He does not intend to initiate the mechanism or fine to punish them. The board appreciated them coming in and talking about it and reviewing all the issues. They were told to look at the SPR for Pincroft to see the list of waivers that were granted, and check with Eric Pearson and see who he used and what the cost was. They were also encouraged contact the Town Administrator.

There was brief discussion about repaving an area of their lot. Mr. Vignaly responded that they could if there is not a change to fifteen parking spaces.

Reports from Other Boards – Mr. Frieden said the Affordable Housing Trust has been very active. Recent discussions have been about the Maple Street Orchard Knoll housing complex. The AHT is researching the state-owned and West Boylston-owned property. They need a plan that designates a legal description for the back land where the work is proposed. Mr. Frieden also mentioned that there have been affordable housing applications for 92 North Main Street. The lottery will be held October 18<sup>th</sup>.

Mr. Rajeshkumar said FISP met and discussed the Senior Center. It will not go to the October town meeting. A special town meeting will be held in either January or February.

Mr. Anderson will report on Transportation at the next meeting.

Correspondence/Emails – A report from Tata & Howard regarding the 90 Sterling Street project was received. The Water District is requesting changes to the water services.

Citizens' Comments – None tonight.

Invoices were approved for payment. Mr. Rajeshkumar made a motion to approve the July 12, 2017 Regular Meeting Minutes; Mr. Frieden seconded; all voted in favor; motion approved.

Ms. Carlson made a motion to adjourn; Mr. Anderson seconded; all voted in favor; motion approved. The meeting was adjourned at 8:35 p.m.

Date Accepted: \_\_\_\_\_

By: \_\_\_\_\_  
Paul Anderson, Clerk

Submitted by: \_\_\_\_\_  
Cheryl Carlson, Vice Chair