



TOWN OF WEST BOYLSTON PLANNING BOARD planningboard@westboylston-ma.gov
140 Worcester Street ** West Boylston MA 01583 ** Phone 774-261-4073

MEETING MINUTES
September 14, 2016

Chairman: Christopher Olson

Members Present: Marc Frieden, Cheryl Carlson, Vincent Vignaly, 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 meeting at 7:04 p.m.

Angell Brook Village (O&M Plan, Certificate of Completion and Bond Release) – The site work is complete. The check dam in the west end of Detention Pond 1 was there but not shown on the as-built plan. The Homeowners Association requested that the Planning Board's concurrence be included in the minutes for the record to show that it is there and is accepted. Mike Staiti said it was a very successful project for himself and he believed for the town. Ms. Carlson made a motion to accept the Operation & Maintenance plan, issue a Certificate of Completion and release the Performance Agreement; Mr. Frieden seconded; all voted in favor; motion approved.

Police Station Design Discussion – John MacMillan, Joseph DiCarlo (Reinhardt Associates) and Tony Diluzio (Cardinal Construction) were in attendance. Mr. Olson thanked them for coming in to discuss the design process in order to address any potential issues before the actual Site Plan Review. Mr. MacMillan said they are working on a condensed time frame; the plans will be out to bid tomorrow. Mr. DiCarlo said the site is mostly open meadow. They will be disturbing approximately two-thirds of the site; the rear portion will be untouched. They will use the same opening to the highway as the driveway to the private residences, but will widen it for public two-way traffic. All of the drainage will be collected, treated and will go into a detention basin. The Conservation Commission said no filing is needed because they are not within jurisdiction of any resource area. Mr. MacMillan said in order to keep the costs low, the building design will follow the site. It is a tri-level building, wood frame building. Mr. DiCarlo explained the contract documents, layout and dimensions. They are sensitive to the fact that there are abutting residences. There will be minimal tree clearing because there are few trees on the property. The proposed sign will be double-faced with 40 square feet per side. The DPW will do some of the site work to connect the site drainage to an existing culvert. Mr. DiCarlo explained the grading plan and the drainage pattern. It is designed to drain within 72 hours or less. Much of the utility work will be done by the DPW to reduce costs. The detail plan, construction details, landscaping and photometric plans were briefly discussed.

Ms. Carlson asked the maximum occupancy. Mr. MacMillan said approximately 30. Two handicap spaces are included in the design. The sidewalks are concrete; the driveways are asphalt. Mr. Vignaly asked how they calculated the parking spaces. Mr. DiCarlo said the Zoning Regulations don't have anything specific to this project so they based it on a gathering place. There is a total of 38 spaces; 20 for the public and 18 for the staff. Mr. Vignaly asked how they plan to screen to comply with the Zoning requirement when next to residential properties. Mr. DiCarlo said there are evergreen plantings across the north side. There is not enough room to plant there but they are leaving the vegetation undisturbed. Mr. Vignaly said if they are in compliance with Zoning, the SPR will work, if not, you may have to go to the

ZBA for a variance. They could use another person's property; they would have to get an easement from that abutter to make sure everything stays or additional planting is added when needed. Mr. MacMillan asked would the existing vegetation be satisfactory. Mr. Vignaly said it would have to comply with the bylaws. The bylaw also requires the design to meet DEP Stormwater Management standards. Mr. DiCarlo said the areas were designed for that and they will supply stormwater calculations. They were told to check the bylaws to comply and a variance with regard to lighting may be needed or they may have to put a shield on the lights to keep from shining toward the abutting residences. The Site Plan Review incorporates review of all of the bylaws. When asked about storage, Mr. MacMillan explained the levels of the building. Mr. Frieden asked if there was a generator. Mr. MacMillan said they are an essential facility and an emergency generator has to be on site with a fuel source for 72 hours. Mr. Vignaly said that a documented requested use for the property was included in the 2009 Open Space and Recreation Plan for a playground area to service the Horseshoe Drive neighborhood. He wasn't sure if that's why they left the western portion of the property open. Mr. DiCarlo said the area slopes; Mr. MacMillan said they were not asked to create that and have no design plans for it.

Wachusett Plaza (184-186 West Boylston Street) Amended Site Plan Review – Mr. Surabian provided photos of the newly renovated rain gardens. Patrick Healy (Thompson-Liston) discussed the amended site plan and said they prefer to align the entry. VHB prefers to keep it in the pre-approved condition. Both the Fire and Police Chiefs prefer it to be realigned. They believe it to be better suited for emergency vehicles as well as the safest plan for the business entrance/exit and that a U-turn would be impossible for both an ambulance and a fire truck to execute. A "Keep Right" sign will be put up as well as two "Do Not Enter" signs. Mr. Frieden said we should go with the recommendation of the Police and Fire. Mr. Vignaly asked if we have received a follow-up from VHB, but nothing was sent to them. The board would like a revised plan to be voted on at the next meeting, but Mr. Surabian said the site work is being delayed until they have a layout for the driveway. The board's consensus was to agree with the Fire and Police Chief's recommendation. Mr. Surabian was asked what he is doing with the sidewalk. He said he will extend it and have a crossing to Cumberland Farms. Mr. Healy will provide a full site plan to the board and a copy will be sent to VHB. Mr. Frieden said we do not want to downplay VHB's concern and feels they are 100% correct, but we have to make compromises at times. Ms. Carlson made a motion to approve the amended site plan proposal to be signed at the next meeting as approved tonight; Mr. Frieden seconded; all voted in favor; motion approved. Mr. Vignaly reminded them that they need to coordinate construction inspections with VHB.

Village Zoning – Mr. Olson spoke with Jeff Bagg the new CMRPC DLTA project person. He gave him the feedback and concerns/issues (parking and noise) and told him where we left off with Eric Smith. Mr. Bagg does have the materials from Eric Smith. Mr. Olson asked if you can restrict the base zone using an overlay district or do we have to change the underlying zoning. Mr. Bagg said it can be done with an overlay. The DLTA funding for Village Zoning is almost depleted. They are going to try and renew it for early 2017. Mr. Olson would like to see more progress between now and the end of the year because we are talking about a possible presentation at the spring town meeting. We have 14 LTA hours. Dave Femia suggested using the grant writer that the town has hired. Mr. Rajeshkumar felt we should use CMRPC. Mr. Vignaly would like to finish the process to be able to say we have a document that we reviewed and the reasons to move forward with it or not, but felt there is no rush to get on the spring town meeting warrant. The hours could be used for transportation (traffic study for Franklin Street and Route 12). Mr. Vignaly will contact Mary Ellen Blunt to see what can be done with our local hours.

ZBA Training – A Planning Board agenda was posted in the event there was a quorum, but no quorum was realized. Mr. Olson said it was a good session. Another training session will be held on Thursday, September 22nd at 6:30PM. An agenda will be posted.

Staff Meeting – Mr. Rajeshkumar attended. The next one will be held on September 28th.

99 Hartwell Street (Status of As-Built Plan) – Mr. Olson emailed the Diverdi's. They are having some issues with the preparation of the as-built plan. The first plan did not include everything typically included. Mrs. Diverdi or her engineer was not sure what particular details were missing. Mr. Olson contacted VHB with their questions and forwarded that email to them. He will contact them and/or the engineer for an update.

New Business and Review of Correspondence/Emails:

1. ANR Plan (263 Maple Street) – Mr. Vignaly recused himself. Two plans were presented; one will be endorsed and the other withdrawn. The existing lot is over three acres with two portions of frontage, one is 66' and the second is 40' frontage. The bylaw requires 120' of frontage for a buildable lot. Mr. Thunberg said the lot was created with the middle parcel divided years ago prior to subdivision control regulations. Mr. Olson said if the ANR is endorsed, and thereby creates two contiguous lots owned by the same party, they will be legally merged. Mr. Thunberg said by approving it he doesn't think you are increasing the non-conformity with respect to frontage, it is a legal non-conforming lot with 66' of legal frontage, 66' of legal access and an additional 40' of frontage. Mr. Olson has never seen a situation like this except when a related plan of the same lot came before us last year. The issue he has is that the way our frontage is defined in the bylaw, it does not say continuous frontage. He said at the time he understood that to mean adding the two together. He feels uncomfortable with the board saying it is 66' of frontage when a year ago he was considering it 106' of frontage. He is struggling with pulling the frontage down to 66' based on what the bylaw says, given that the minimum frontage requirement is 120' and our bylaws contemplate as little as 100' of frontage. Our subdivision regulations allow the Planning Board to waive strict compliance when it comes to the frontage requirement in the context of ANRs. In order to waive strict compliance, we have to look at two factors, the public interest, and whether the proposal is not inconsistent with the intended purpose of the subdivision control. With respect to the previous ANR involving this property, while it did not have 120' of frontage, it was fairly close when you added the two together and it had a definite strong public interest given the DCR. Mr. Olson doesn't know how many lots with two sections of frontage there are in town, but likely not very many. Mr. Thunberg said the board has an option if they don't want to set precedence, they can let it go the 21 days and let the town clerk endorse it. Mr. Olson said subdivision control's concern is to make sure there is sufficient access for municipal safety vehicles, etc. He is in agreement that if we endorse it they would still have equal access to the house. Ms. Carlson said it would not have an impact on the neighborhood. She would say it is a huge exception to that type of frontage only because it is already divided in a terrible way along Maple Street. Mr. Frieden said the reason it ended up this way is because we endorsed the previous ANR with two portions of frontage; now we are trying to address what the ANR created. Mr. Olson said if that original plan had come before us with just the 66' he doesn't think he would have signed it. He is uncomfortable with it. Mr. Rajeshkumar asked if it would become a buildable lot; no. Mr. Thunberg said if you look at the second plan (maintaining 106' of frontage with a narrow strip of access to the main portion of the lot) it does not make good sense. Mr. Olson said the two factors in his view that we are supposed to be looking at is frontage and access. Ms. Carlson said she is looking at it as far as common sense and content. She doesn't think making a decision on this will set a harmful precedent. Ms. Carlson made a motion to endorse the ANR Plan of Land located at 263 Maple Street in West Boylston MA, owned by Eastern Brightside, Inc., Assessor's Map 169, Lot 13, prepared by Hub Survey Associates, Inc. dated July 6, 2016; Mr. Frieden seconded; voted: Mr. Frieden aye, Ms. Carlson aye, Mr. Rajeshkumar aye, Mr. Olson nay. The Mylar and six copies were signed. The second plan was officially withdrawn.
2. ZBA Petition for Special Permit, Reduce Frontage/Width (76 Maple Street) – Dave Femia said the Building Inspector denied it because of the frontage, but said they do meet the frontage. Mr. Vignaly said they meet the frontage but they don't meet the minimum lot width requirement that the building inspector noted. The width of the lot has to be 120'. Section 4.1.e does not allow you to

waive the lot width; it allows you to waive the frontage. An interpretation could be that the lot would have to qualify for a variance. They could interpret Section 4.1.e. to also apply to lot width. The board's comments will be sent to the ZBA Chair.

3. FY18 Capital Request Form – The board has no requests at this time.
4. Complete Streets Plan – Mr. Rajeshkumar said no responses to the Requests for Proposals have been received yet. The MassDOT project specifies that money has to be spent and then the town will get reimbursed. No action needed.
5. Environmental Notification Form (301 Sterling Road) – The Balderelli property on Route 12 next to the wetland. He wants to put in an access road to the property and build a culvert to cross the brook. Mr. Frieden noted that the Planning Board made comments in the past that the entrance should be large enough to service their anticipated project needs. Do it once and be done. No action needed.
6. Volunteer Grant Writer – Discussed earlier.
7. VHB Construction Report (Nuha Circle) – The report notes that the subdivision drainage system is working as designed. The water problem the neighbor was having is believed to be coming from the street. The report was forwarded to the Town Administrator and DPW Director. No action needed.
8. Graves Site Visit Report (Cumberland Farms) – The board previously asked about the northern curb cut to limit left turn entrances from Route 12 northbound. Graves said they won't know until they get the final as-built. The August 31st report commented that the DPW should inspect the manhole and connection for acceptance and/or requirements for modifications. The report will be forwarded to DPW Director, Butch Jackson.
9. OSIC update regarding Open Space and Recreation Plan – Mr. Vignaly said they are working to get a draft out to town boards for comments. The Selectmen and the Planning Board have to approve the Open Space and Recreation Plan update so member comments are important on the forthcoming draft. There will be a public forum; the PB and Selectmen will be invited for comments/changes they may want. Hopefully it will be approved and submitted to the state in order to apply for grants and other state funding. The timetable is to try to get the public draft out before October.
10. A letter was received from the Fire Department regarding parking at 339 West Boylston Street (Gerardos). The Planning Board met with the owner and requested that a site plan review was needed three years ago. Mr. Olson will contact the Building Inspector to ask him to encourage this.

Reports from Other Boards – Ms. Carlson said the Community Preservation Committee met. The warrant articles were reviewed. They are working with the Greater Worcester Land Trust to purchase the private property at the top of Goodale Street. The Greater Worcester Land Trust now owns the property because the original owner had a limited timeframe. They buy property to help the process move more quickly. The town has to vote to purchase it from them. It is not for building on; it will be used for trails. They also reviewed the expenditures for the Housing Authority and Parks & Rec.

Mr. Rajeshkumar said FISP met. There are several meetings planned for discussion of the Police Station proposal at town meeting and encouraged people to attend if they have questions.

Mr. Olson attended the quarterly CMRPC meeting. Mr. Rajeshkumar was also present as the BOS alternate. State auditors were there and talked about how they audit other state agencies; it was interesting.

Citizens' Comments – Dave Femia said the ZBA will meet on Thursday regarding the extension of the Comprehensive Permit for 94 North Main Street.

Review/Approve Payment of Invoices and Review Draft August 10, 2016 Regular Meeting Minutes
– Invoices were approved. Ms. Carlson made a motion to approve the August 10, 2016 regular Meeting Minutes as amended; Mr. Rajeshkumar seconded; all voted in favor; motion approved.

A motion was made by Mr. Rajeshkumar to adjourn; Mr. Frieden seconded the motion; all voted in favor; motion approved. The meeting adjourned at 10:17 p.m.

Date Accepted: _____

By: _____
Vincent Vignaly, Clerk

Submitted by: _____
Melanie Rich