



MEETING MINUTES
March 27, 2019

Members Present: Paul Anderson (Chair), Vincent Vignaly, Marc Frieden, Barur Rajeshkumar, Sarah Miles

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 7:05 p.m.

Citizens' Comments – None tonight.

Old Business:

Jamie Hoag (Holy Cross Contemplative Center) to discuss the parking – Mr. Anderson said the board became aware of the parking problem when VHB conducted an inspection. Mr. Hoag said it was a fluke and that typically there is a place to shuttle people from the Campus to the Contemplative Center. That particular day they did not shuttle the people; it was a mistake. Measures have been implemented and it should not happen again. It was a one-time incident and they will work hard to make sure it does not happen again. Mr. Rajeshkumar said the board questioned the parking at the Site Plan Review public hearing when only 22 parking spaces were designed for a building with 60 bedrooms and was told that they would be bussing people. Mr. Vignaly asked if Mr. Hoag could provide the board with a schedule of the conferences/activities so the parking could be checked. Mr. Hoag didn't think that was required with private property owners. Mr. Vignaly said private property owners provide parking that is adequate; there was one inspection at Holy Cross and the previously-promised process wasn't being followed. He asked how can the board verify that it will be followed in the future. Mr. Hoag said all he can give is his word that there is a policy in place and that it will not happen again; people will be shuttled from the Campus to the Contemplative Center.

Mr. Hoag was told that before the board finishes the Site Plan Review there is the opportunity to add more parking by amending the application. Mr. Rajeshkumar commented that fire safety is a real concern. Mr. Vignaly said the conditions were approved based on a promise that it would not be abused. He would like to see something in writing that shows what the policy was and how it was changed. Mr. Hoag said the policy was not changed; it works when it is implemented, but this one time it was not implemented. He said there were 42 overnight retreats, 28 day retreats, and 34 evening programs from August through July. The board requested a copy of the language that was provided to people stating that they will be shuttled. After the board receives the information from Mr. Hoag, Mr. Frieden suggested writing a letter to the effect that the board understands it was a one-time thing, but should it happen again the board will want to investigate

the need for more parking. Mr. Hoag will forward the policy and communication that took place to Mr. Anderson. He again apologized and understands that it is important to be good neighbors.

Mr. Hoag was reminded that the board is still waiting for a Site Plan As-Built Plan and Certification from the engineer. He will inform Scott Merrill, the Chief of Facilities.

Fynder's Pub (Status of As-Built Certification) – No response has been received as yet. They have not been issued their liquor license.

Village Center Zoning Update – Mr. Vignaly summarized what the board is looking for and trying to match it to current zoning. He is still in the process of editing and hopes to have it ready to send to Eli Goldman (CMRPC) soon. There will be more discussion at the April 10th meeting.

Site Plan Review Spreadsheet/Site Plan Review Project Status Review – Mr. Anderson will provide a copy of the list to the Building Inspector (George Tignor) and invite him to attend the April 24th meeting for discussion.

New Business/Review of Correspondence/Emails:

Site Plan Review Application: 111-113 Shrewsbury Street (RJF Commercial Properties) (Accept Application and Set Public Hearing Date) – Patrick McCarty and Rob Fuller were present. The address will be 111 Shrewsbury Street. The project will need a Stormwater Permit in addition to the Site Plan Review and Special Permit (the application was corrected and signed by Mr. McCarty). The board will also require stamped survey documentation. The public hearing is scheduled for May 8, 2019 at 7:00 p.m.

Fletcher Tilton Letter regarding ZBA Denial of Frontage Variance for JH Energy USA, LLC – Patrick McCarty, Rob Fuller and Attorney Jess Oyer were present. The land in question is on Hartwell Street. The applicant's first application to the ZBA was for a frontage variance. The lot would be developed for two industrial/commercial use buildings resulting in over 100,000 square feet. The ZBA voted 3-2 to deny it. They are before the board tonight because the Planning Board is the gatekeeper to get them back before the ZBA. Mr. McCarty feels this lot is a good case for a frontage variance and is asking for an opportunity to go before the ZBA for a second discussion.

State law requires information be directed to the Planning Board to make a determination that the second variance application contains specific and material changes that could change the outcome. Mr. McCarty said they are still 14 feet short of frontage to have two conforming lots. They have modified the reduced frontage request from the west lot to the east lot (150 and 136 is now changed to 134 and 150) and moved it away from the railroad bed; there will still be a common driveway.

Mr. Vignaly asked if it was possible to do a subdivision because proposing it as a subdivision could create frontage. Mr. Vignaly was looking for specific and substantial materials changes, but it was not there; it's basically the same, just switching the lots' frontages; there are no substantial changes. Attorney Oyer said there is a change in the parameter of the two lots and it better accommodates the wetlands; there are justifications to support it to warrant a second

review by the ZBA. Ms. Miles did not think it changes the argument and felt the ZBA won't see it as a specific change. The petitioner is asking the board to make a determination that the second variance application contains specific and material changes from the applicant's first variance application. Attorney Oyer said the board only has to find that the information submitted could lead the ZBA to find that there is a material change.

Ms. Miles said the two applications are almost identical except for the change in the two lots which were flip-flopped; she was trying to find a major difference in the petition. Ms. Miles noted that the frontages requested are changing from 150/136 to 134/150. Mr. Frieden did not want to hear the argument they will be giving the ZBA, but wanted to know if they felt they changed their argument enough to go back before the ZBA to get a different decision. Mr. McCarty said there was a valid and responsible argument for a variance on this particular parcel of land and how they meet the statute for granting a variance. They want another opportunity to go before the ZBA. Mr. Vignaly did not think there was enough change to warrant a changed decision from the ZBA.

Mr. Frieden said the first time they only had a certain level of preparation; they have now added more effort; he would like to vote to have them go for a second chance and make a complete argument again. Mr. Vignaly reminded Mr. McCarty that he works for the DCR. Mr. McCarty said he is comfortable with him voting. Mr. Frieden made a motion to approve the application to go forward with another ZBA petition for a frontage variance; Ms. Miles seconded. Mr. Frieden amended the motion that second variance application contains specific and material changes from the applicant's first variance application; Ms. Miles seconded; voted 4-1-0 with Mr. Vignaly opposed; motion passes.

Reports from Other Boards:

Mr. Frieden said the Affordable Housing Trust met. They are still looking to find other properties to build affordable senior housing. Mr. Rajeshkumar asked how affordable would it be since the town is not building it and felt the rent will be high. Mr. Frieden agreed that a reasonable price point is a huge consideration. He said the consultant is monitoring the SHI units in Afra Terrace (one owner is renting out their affordable unit at a market rate, and another is selling their affordable unit at a market rate). Mr. Frieden attended the annual ZBA/Planning Board training session at Holy Cross and found it very interesting and informative.

Mr. Rajeshkumar said there are two citizen petitions for the town meeting; one is for a zoning change. The Planning Board has not yet received the information from the Selectmen. The board is tentatively scheduling a public hearing for April 24 or May 9 (dependent on receiving the information from the Selectmen).

Westland Circle – The applicant needs to better coordinate his inspections with VHB.

Nuha Circle – An email was received from one of the residents about removing and replanting one of the dead trees and also a concern about the rear yards grading. Several homes had water in their basements. Mr. Amico (VHB) offered to meet with the residents to discuss the grading or non-compliant issues. Mr. Anderson agreed. No information was received for this meeting. Mr. Anderson will forward the email to Mr. Ali.

Invoices were approved for payment. Ms. Miles made a motion to approve the draft March 13, 2019 Regular Meeting Minutes; Mr. Frieden seconded; all voted in favor; motion approved.

April 10, 2019 at 7:00 p.m. was confirmed as the next regular meeting date and time.

Mr. Frieden made a motion to adjourn; Ms. Miles seconded; all voted in favor; motion approved. The meeting was adjourned at 8:58 p.m.

Date Accepted: _____

By: _____
Vincent P. Vignaly, Clerk

Submitted by: _____
Melanie Rich