



## MEETING MINUTES January 22, 2020

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

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 7:02 p.m.

Citizens' Comments – John Farnsworth (Farnsworth Engineering) along with Ed and Robin Baldarelli were present asking for guidance regarding Mr. Baldarelli's property at 301 Sterling Street. The restoration of the entrance access is near completion and Mr. Baldarelli would like to reestablish the material handling operation. The Building Inspector visited the site said he should come to the Planning Board and also the Earth Removal Board. Mr. Farnsworth asked if they could stockpile material on site and was told by the Building Inspector that they could bring material onto the site, but not remove it from the site; they would need an Earth Removal permit now that there is a new entrance. It is zoned Residential; there has been no recent activity for the years it has taken to get approval for the access construction. Mr. Vignaly said if there has been no use for two years, they would lose their grandfathering status. It could be argued that it was in legal limbo while working to get the new access, but Mr. Baldarelli would still be required to go before the Earth Removal Board. The issue is that they have not been operating for the past few years. Ms. Miles will contact the Building Inspector and explain the situation that they were working to get the new access because they lost the old access; therefore, it could be said that it is still grandfathered. She will contact Mr. Farnsworth after speaking with the Building Inspector.

At 7:15 p.m. the Chair opened the continued public hearing for Site Plan Review at 249 West Boylston Street. The applicant did not have the responses to comments ready and requested a continuance via email. Mr. Frieden made motion to continue the public hearing to February 26<sup>th</sup> in the Select Board's meeting room; Mr. Anderson seconded; all voted in favor; motion approved.

At 7:17 p.m. the board returned to the regular meeting after the continued public hearing for Site Plan Review at 249 West Boylston Street.

### **Old Business:**

Nuha Circle Subdivision Time Extension – Mr. Iqbal Ali was in attendance. The board has still not received a written request for an extension and he did not provide comments before the meeting on the latest draft of the Performance Agreement for the board to approve. Mr. Vignaly

had questions about #1 and #2 Nuha Circle and whether they should be part of Nuha Circle's Homeowners Association. Mr. Ali said the approved subdivision was for 8 lots, not 10; #1 and #2 Nuha Circle are not part of the subdivision. He expected to have the Performance Agreement signed tonight and asked why is he being penalized. Ms. Miles reminded him that Mr. Vignaly's January 15<sup>th</sup> email asked if he could send a corrected version back by Tuesday next week (January 21<sup>st</sup>) the board would be able to discuss it at the meeting the following day. Nothing had been received before the meeting.

VHB reviewed the as-built plan and provided comments in a 1/13/2020 report. Mr. Ali said some of the issues were corrected but VHB was unable to inspect them because of the snow. He said the sidewalks are repaired but there are a few sections where they are a couple of inches out of the right-of-way. Mr. Ali's engineer said it did not matter and said a previous letter from VHB also said it did not matter. Mr. Vignaly said he would have to have an easement on the property for acceptance at town meeting; the town will only accept what is within the right-of-way and any easements. With regard to the shed on the easement, Mr. Ali said the customer is asking for it to remain. Mr. Vignaly said it would have to be removed before the road is accepted at town meeting.

Ari's Tavern (Review As-Built Plan and Certification) – Ms. Saarinen submitted a plan (to remedy the parking problem) and a letter from Patrick Healy (Thompson-Liston Associates) dated January 22, 2020. Line striping will be done in the spring because they don't stripe in the winter. Two parking spaces are being removed to make it a two way. She is losing spaces but still meets the zoning requirements for the number of spaces. She is required to have 38 parking spaces; she will have 51 (included are 6 parking spaces that can be used after 4PM at Orciani's Welding). The board liked the idea but was waiting for certification from Mr. Healy of what was done and not done and what does not comply with zoning; he has not provided what the board asked. The board is also waiting for the Fire Chief to contact them. Having only received the information tonight, the board did not have adequate time to review anything and she has still not submitted the proposed as-built plan to compare it to the approved plan. Ms. Saarinen was upset and said she has approvals from the Building Inspector and Fire Chief and had done everything the board asked her to and did not understand what the Planning Board needs. Mr. Vignaly spoke with Mr. Healy last week and said the issue is to bring the site into compliance with zoning. Ms. Saarinen said she did not propose the original plan; she bought it from a trustee because it was seized. Mr. Rajeshkumar explained that typically the engineer comes in to answer any questions; it would have been beneficial if Mr. Healy attended either this meeting or the last meeting. He recommended allowing her six months to complete the project. Mr. Vignaly asked for Mr. Healy to submit an as-built and certification letter with what specifically, not generally, does not meet zoning.

Jim Sarra attended the last two meetings and asked if the parking spaces comply with the business, why does the previous plan matter. Mr. Vignaly explained that the plan that was submitted by Mr. McCormick is what was approved and complied with zoning at the time. The board is looking for Mr. Healy to note all the zoning issues and state that they are all addressed in the new plan and they comply with zoning; he has not done that. Ms. Saarinen asked if the board could approve the plan presented tonight so she could open her business. Mr. Vignaly was agreeable to something temporarily, but between now and the time the work is done, the board will need the certified as-built plan and a list of what does and does not meet zoning from Mr. Healy. Mr. Rajeshkumar made a motion to issue the license on the condition that the parking will

be fixed within a six-month period; Mr. Frieden seconded; all voted in favor; motion approved. Ms. Miles will forward a letter to the Town Administrator.

Village Center Zoning District Bylaw and Boundaries Review – Claire Bayler sent an email reminder to review the information discussed at the last meeting and submit changes so she can attend the February 12<sup>th</sup> meeting with revisions. The information was reviewed and the Use Table was revised.

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

Select Board to discuss the number of Handicap Spaces at the Senior Center Parking Lot – Selectman John Hadley explained that the parking lot striping was done incorrectly and the contractor has agreed to grind and restripe it in the spring. The Select Board along with the FISP Committee would like to change the number of handicap parking spaces from twelve to four which meets ADA requirements.

Selectman Hadley also discussed the evergreen trees abutting 20 & 26 Shady Lane; the DPW will be planting trees in front of their property for screening which he said is not part of the site plan. The board thought screening was part of the dumpster and loading areas on the plan; Selectman Hadley said that is where they will go. Regarding the bollards on Horseshoe Drive, the DPW is requesting boulders be placed to limit access instead. The board considered the changes to be minor and agreed they could be incorporated on the as-built plan. The contractor, RAC, is requesting a letter from the board stating that the changes are acceptable before they begin their work. Mr. Frieden made a motion to send a letter saying that replacing the bollards with boulders and reducing the handicap spaces are considered acceptable minor changes and will be incorporated on the as-built plan; Mr. Rajeshkumar seconded; all voted in favor; motion approved.

**Reports from Other Boards:** Ms. Miles said the Bylaw Committee and they are continuing to review the General Bylaws.

Invoices were approved for payment.

Mr. Rajeshkumar made a motion to approve the draft January 8, 2020 Regular Meeting Minutes as amended; Mr. Anderson seconded; all voted in favor; motion approved.

February 12, 2020 at 7:00 p.m. was confirmed as the next regular meeting date and time.

Mr. Rajeshkumar made a motion to adjourn; Mr. Frieden seconded; all voted in favor; motion approved. The meeting was adjourned at 9:30 p.m.

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

By: \_\_\_\_\_  
Vincent P. Vignaly, Clerk

Submitted by: \_\_\_\_\_  
Melanie Rich