



MEETING MINUTES

August 19, 2020

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

Members Absent: None

Attendees Remote: Wayne Amico (VHB); George Tignor (Building Inspector); Nehar Patel; Paul Lenkarski, Sr.; Paul Lenkarski, Jr.; Dave Femia

The chair opened the remote meeting at 7:00 p.m. and announced that due to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, the meeting is being conducted via remote participation.

Citizen Comments – No comments tonight.

The regular meeting resumed at 8:30 p.m. following the continued public hearing for 20 Holt Street condominium Site Plan Review.

Mr. Lenkarski, Jr. requested a foundation only permit for the 8-unit multi-family housing project at 20 Holt Street with the support of the Building Inspector. Mr. Amico suggested a letter from the Chairman saying the current status of the Planning Board Site Plan Approval, the Planning Board does not object to the issuance of an at-risk foundation only permit for the subject property. Mr. Rajeshkumar does not think we should be sending anything; it is at their own risk; they are dealing with the Building Inspector. The Planning Board is not recommending or approving it. Mr. Frieden said we work with the Building Inspector and it is against the rules for him to issue a full building permit for something that is not approved, so we have to acknowledge that we are aware that he came to us and the applicant asked for it, there are provisions in the Building Codes to do it. As a Planning Board member, Mr. Rajeshkumar is not in favor of it. Ms. Miles said if it is in the regulations that the Building Inspector can do this one particular thing, it could be approved but the applicant takes it on at their own risk. Mr. Vignaly said Mr. Tignor explained that it is allowed within Building Code so he is allowed to issue the foundation only permit. He is coming before the board asking what does the board think; he will not do it if we don't agree, but he wants feedback. Mr. Tignor said this is sufficient enough. He doesn't want to be put in a position of issuing a foundation only permit and it comes back to him that he issued a permit without approval from the Planning Board. Mr. Tignor said he will issue the permit but it is totally at their own risk; there is no liability on anyone's part. Mr. Lenkarski, Jr. acknowledged the risk and understands the implications.

Old Business:

Authorized Signatures for Payables for FY21 (Vote) – Mr. Rajeshkumar made a motion to approve one member (any one member) to sign for payables in FY21; Ms. Miles seconded; roll

call vote: Frieden-yes; Miles-yes; Rajeshkumar-yes; Anderson-yes; Vignaly-yes; motion approved.

There was discussion about listing all hearings to begin at 7:00 p.m. All were in favor and it will begin any upcoming hearings.

Village Center Zoning District Bylaw Article – Mr. Vignaly said the board is close to bringing it to a town meeting, but would want to notify the residents and abutters who are impacted for their input. Mr. Rajeshkumar said at this point with so many uncertainties because of the pandemic, we should postpone it from October to the next town meeting.

Ms. Miles said if we want to do the Village District Zoning, we should determine a public hearing date and should set it for March if the town meeting is in May. We will need to have an abutters list by the end of February, but if by February we are not going to have any in-person meetings anytime soon, we will plan for the October town meeting. Mr. Vignaly said if we want to do it, we need a plan, time frame and schedule; if we are not going to do it, don't waste time doing any of it. It will be discussed again in February.

Zoning Bylaw Updates/Revisions for October Town Meeting – Mr. Anderson asked if there were any specific changes. Mr. Vignaly said in the past we would have a list of changes we would consider changing, such as the apartment bylaw that Dave Femia was working on; one habitable building per lot and if one full foundation is allowable; it should be in the bylaws so people would know for the future. Mr. Anderson felt it was too late now and suggested deferring it due to the pandemic.

New Business/Review of Correspondence/Emails:

ANR Plan (274 Prospect Street) David Brossi – Jeff Stefanik (Guerriere & Halnon, Inc.) attended remotely for the applicant. Mr. Brossi owns 7.6 acres on the west side of Prospect Street opposite Applewood Drive. The plan shows four lots, all of which meet zoning requirements, and is before the board for endorsement of the ANR plan. Mr. Vignaly recused himself since DCR abuts the back of the property. Mr. Stefanik said the lots all have sufficient frontage and access. Having no issues, Mr. Frieden made a motion to endorse the ANR Plan of Land for four lots at 274 Prospect Street dated July 10, 2020; Ms. Miles seconded; roll call vote: Frieden-yes; Miles-yes; Rajeshkumar-yes; Anderson-yes; Vignaly-recused; motion approved.

215 Shrewsbury Street Site Plan Approval Extension Request – Mr. Vignaly made a motion to extend the approval for the work at 215 Shrewsbury Street for an additional year due to unforeseen delays; Ms. Miles seconded. Wayne Amico commented that they have been very proactive and diligent. They reached out to him to set up a preconstruction meeting. They brought up the extension in an email. Mr. Vignaly will draft the extension. Roll call vote: Frieden-yes; Miles-yes; Rajeshkumar-yes; Anderson-yes; Vignaly-yes; motion approved.

65 WB Street (Ganesh) Construction Monitoring Status – Wayne Amico emailed the applicant to remind them to keep the Planning Board informed of the status. He said the site contractor contacted him and said all the site work was completed per the plan; he will have it inspected within a week and will notify the board. Nehar Patel attended remotely and said they just had an inspection and was hoping to be on the Cannabis Control Commission's September 10th agenda.

The opening date could be in September but is dependent on a path at the state. Mr. Vignaly asked if he notified VHB for an inspection because there were some changes to handicap spaces, work on the stormwater basin and more work on the site. He asked if any of that occurred because it has to be done before they get an Occupancy Permit. Mr. Patel said they already have the Occupancy Permit. Mr. Amico said they were not formally notified that the work was happening or completed, but when he reminded them, they immediately said VHB could visit the site. Mr. Vignaly asked if they had a Certificate of Occupancy without the Site Plan Approval being completed. The Building Inspector said he may have mistakenly given him one before ahead of time because they were under the pressure of the CCC for their inspections. He gave them a temporary Building Permit and when they corrected the problems with the building construction, gave them an Occupancy Permit for the Building Construction. He thought they were in line with the requirements of the Planning Board and stands corrected if he jumped the gun by doing that. Mr. Vignaly said better coordination is needed. They didn't notify VHB that they were doing any work and didn't notify the Planning Board. He was responsive when he did get the email, but there were a few months where there was nothing. Mr. Tignor said his objective was to make sure the building was safe; he thought everything was being coordinated around him, but it wasn't. Mr. Anderson asked what permit did they have from the Building Inspector. Mr. Tignor said they have an Occupancy Permit for the safety of the building. He thought that everything else was moving along parallel and apologized if it was his call to call the Planning Board. Mr. Anderson asked if the CCC had to have the Occupancy Permit. Mr. Tignor said in order to get on the CCC agenda they had to have an Occupancy Permit to show the property was built was up to code and safety. Mr. Frieden would like to think we were helping move the process along with the state. Mr. Tignor said that was his objective and they did everything they were asked to do. Mr. Vignaly said it is not a bad situation and there is very little site work but told Mr. Patel to make sure he reviews the approval letter and does everything that is on the conditional approval letter and the proposed site plan so the board can get an as-built plan to be able to recommend a Certificate of Completion. Mr. Patel agreed to do that.

Reports from Other Boards: The Conservation Commission has been meeting about Shrine Avenue. Nothing has been forwarded to the Planning Board.

Mr. Rajeshkumar said early voting is August 22-28. A dedicated mailbox will be installed this week for ballots.

Mr. Vignaly said the Board of Health is monitoring COVID results. There is a list on the website with dates and case numbers. Contact tracing is done by the state.

Invoices were approved for payment.

Mr. Rajeshkumar made a motion to approve the draft July 22, 2020 Regular Meeting Minutes and July 22, 2020 20 Holt Street Public Hearing Meeting Minutes; Ms. Miles seconded; roll call vote: Rajeshkumar-yes; Frieden-yes; Vignaly-yes; Miles-yes; Anderson-yes; motion approved.

Confirm September 23rd as the next regular meeting date and time.

Mr. Rajeshkumar made a motion to adjourn; Mr. Frieden seconded; roll call vote: Anderson-yes; Rajeshkumar-yes; Frieden-yes; Vignaly-yes; Miles-yes; motion approved. The meeting was adjourned at 9:01p.m.

Date Accepted: _____

By: _____
Vincent P. Vignaly, Clerk

Submitted by: _____
Melanie Rich