



## **MEETING MINUTES**

### **December 9, 2020**

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

Members Absent: None

Attendees Remote: Wayne Amico & Larry Galkowski (VHB); George Tignor (Building Inspector)

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.

**Public Hearing (continued):** Site Plan Review and Stormwater Management Permit application to construct a Dunkin' restaurant with drive-thru food service located at 262-264 West Boylston Street (Branded Realty II, LLC)

The applicant requested a continuance to have more time to respond to questions. Mr. Vignaly made a motion to continue the public hearing to January 13, 2021 at 7:05 p.m.; Mr. Rajeshkumar seconded; roll call vote: Frieden-yes; Rajeshkumar-yes; Vignaly-yes; Anderson-yes; motion approved.

Citizen Comments – Peter Shoreys (Wachusett Estate Condominiums) intended to comment on the trees that were planted as a buffer on their property, but held off not knowing the impact of the potential 40B project on the West Boylston Street parcel which was not before the board yet.

### **Old Business:**

Nuha Circle Subdivision Compliance Issues and Homeowners Association Update AND Westland Circle Subdivision Completion – The Board signed revised documents to extend the Nuha approval to June 30, 2021. There is a process for the road acceptance and establishment of the Homeowners Association on the Board's website; the board wants to make sure all outstanding information is received with adequate time to evaluate it. Mr. Ali commented that most of them have been taken care of. There was an inspection with Larry Galkowski (VHB) and one of the manholes that needed work which was done today. The Homeowners Association has been formed. Mr. Vignaly said the board is looking for an estimate for the escrow for long-term maintenance so the HOA is aware of what they accepted. Mr. Ali said there is \$1,000 in escrow which will be transferred to the new trustees. Mr. Vignaly asked if his engineer reviewed the Operation & Maintenance plan for the drainage system and determined an appropriate amount. Mr. Ali thought \$1,000 should be enough unless the board requests additional monies. He said the board should make a decision and ask him first because VHB comes from Boston to check on one thing and it is getting expensive for Planning Board decisions on behalf of the developers; he said the board should be more reasonable in spending developers' money. Mr.

Vignaly said the project has taken more than five years, it should have been done along with some other inspection. Larry Galkowski commented that he was out to Westland Circle regarding the grates. Prior to going out he contacted Mr. Ali for cut sheets on the grates so an inspection would not be needed, but he still hasn't seen them. Inspections are done at the request of the Planning Board and/or as directed by Wayne Amico. He does not go out to just do an inspection and raise the bills for the developer. Nuha Circle has a relatively small drainage system, 6-8 catch basins that go out to a detention pond. The detention pond is the biggest maintenance item (costs would include mowing the lawn, keeping the grass cut, removing trees so it doesn't overgrow and operates properly). Cleaning catch basins should be done on a regular basis; there is one stormceptor type unit on site which is costly to clean and maintain. \$1,000 is a good start on an annual basis, but maintaining the detention area will be most costly in the long-term. Mr. Vignaly said the HOA will be responsible for maintenance regardless of the amount in escrow; he wanted the homeowners to be aware. Mr. Ali said the association documents are done and sent to the board. If approved, he will transfer the documents to the association members. Mr. Vignaly asked if he reviewed the protocol for the road acceptance; Mr. Ali will be doing it this week; he is waiting for the as-built plan. Mr. Rajeshkumar asked if Nuha Circle was complete. Mr. Ali said most of the work is done; next week he will have it inspected by VHB; the trees were replaced.

Mr. Vignaly asked if there was an update on the issues with the easement and the shed. The Building Inspector said that he thought the zoning refers to the property line between parcels; this particular parcel is on two streets and the front yard setback is 25' from the roadway. He didn't think anything needed to be done with the shed. Mr. Vignaly said a front yard setback was 25' from the property line, not the roadway. Mr. Tignor said the bylaw clearly says from the road; he referenced Section 4.1B. Mr. Vignaly later read Section 4.1 and said it is street line and read it and said street line means property line. Mr. Tignor disagreed with that and said it is a special situation, that's why the second section is in there. If your house borders two streets it is the street; it has to be 25' from both streets. Mr. Vignaly disagreed, but the official interpretation of zoning is the authority of the Building Inspector, not a Planning Board member.

Water District, Thomas Street, ANR signed November 30, 2020 – The plan was signed on a different date from our last meeting when it was approved because of the need for the addition of the address; and COVID-19 meeting limitations.

20 Holt Street Site Plan Review/Special Permit/Stormwater Management Plan Approval was sent to Town Clerk on November 30, 2020 – It is now in the 20-day appeal period; if there are no issues, the final plans will be signed at the next meeting.

Shrewsbury Street Projects – Mr. Anderson said updates were received on the various projects; hopefully approvals will be received to move forward. Mr. Frieden asked how would they do the project off Hartwell Street behind the train tracks. Mr. Vignaly thought they would eventually do a subdivision, but in the short-term build it as an industrial park with two sites. But it is up to the owner/developer to decide what they will submit in an application.

0 Shrine Avenue Project Withdrawn Update – The process was started years ago and they never came back to the Planning Board; The project was denied without prejudice, but no decision was written. Mr. Tignor said he has not received any permit applications for that area, and there is a vernal pool they were was trying to get around but are getting pushback from the residents.

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

Detention Basin on 65 West Boylston Street – Trees were cut; it is up to the Campfire Project's engineer to decide about taking out the stumps left in the dam. Mr. Vignaly asked Mr. Tignor to keep an eye out for the engineer's as-built plan and certification. Mr. Tignor said Ganesh has been very cooperative. He brought up how the trees were cut by the transformer and they may have to plant something there; they are willing to do that in the spring when planting is possible.

ZBA Informational Petition (West Boylston Water District – Special Permit & Variance) – Mr. Anderson said they need a Special Permit from the ZBA for a public utility facility. Mr. Tignor said the ZBA can put conditions on the construction of the facility and since that was the case, thought the Planning Board could give suggestions for conditions, e.g., lighting, drainage, etc., for them to be able to construct the facility. After reading the zoning guidelines, Mr. Anderson will suggest they follow the appropriate sections of the Zoning Bylaw.

Westland Circle Bond Reduction Request –VHB reviewed the bond request and sent a letter to the board recommending a bond of \$36,120. Mr. Ali said most of the items are completed except for the as-built plan and some housekeeping items; he has been working with VHB; expects to be finished in a month. Mr. Galkowski summarized the outstanding issues and the reason to retain funds as outlined in VHB's 12/9/2020 email.

Mr. Galkowski said they feel the stop signs at the intersection of Westland Circle and Davidson Road are appropriate. If at some point the town feels the stop signs are overkill, the DPW can assess that in the future. Mr. Anderson thought that the stop sign on Davidson Road was a good thing. Mr. Vignaly noted that the board will leave it up to the DPW. Mr. Anderson will send the DPW Director a letter and let him know what is left with the bond to give him time to see if he sees anything the board is missing or if he has any concerns. Mr. Ali commented that both stop signs were done as per the plan. Mr. Vignaly said the approval superseded the plan and said the board was only looking for one on Davidson Road, but since it is there, leave it and let the DPW decide to leave it or use it somewhere else in town. Mr. Galkowski recommended a Westland Circle street sign. There is an existing sign owned by the town that it is very faded and cannot be read; there should be a street sign where the stop sign is. The bond reduction will be discussed at the next meeting.

**Public Hearing (continued):** Site Plan Review and Stormwater Management applications for the proposed construction of a 2,400 square foot building and the expansion of the parking lot on Woodland Street in West Boylston MA. It is an expansion of the Kidoodles Child Care Center of Holden at about 275 Woodland Street.

The applicant requested a continuance. Mr. Vignaly made a motion to continue the public hearing to January 13, 2021 at 7:30 p.m.; Mr. Rajeshkumar seconded; roll call vote: Frieden-yes; Rajeshkumar-yes; Vignaly-yes; Miles-yes; Anderson-yes; motion approved.

**Reports from Other Boards:** None tonight.

There were no invoices for approval tonight. Ms. Miles made a motion to approve the draft November 10, 2020 Regular Meeting Minutes; Mr. Frieden seconded; roll call vote: Frieden-yes; Rajeshkumar-yes; Vignaly-yes; Miles-yes; Anderson-yes; motion approved.

January 13, 2021 at 7:00 p.m. was confirmed as the next regular meeting date and time.

Mr. Rajeshkumar made a motion to adjourn; Ms. Miles seconded; roll call vote: Miles-yes; Rajeshkumar-yes; Frieden-yes; Vignaly-yes; Anderson-yes; motion approved.

The meeting was adjourned at 8:19 p.m.

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

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

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