



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

MEETING MINUTES
May 12, 2021

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

Members Absent: Paul Anderson (Chair)

Attendees Remote: George Tignor & Sheryl Keddy (Building Department); Mr. Ali, Attorney Jonathan Finkelstein

The Chair opened the remote meeting at 7:02 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 – None tonight.

The regular meeting resumed at 7:50 p.m. following the public hearing to consider Amending Zoning Bylaw to DELETE Section 5.6a 5iii.

Old Business:

Westland Circle & Nuha Circle Updates – Mr. Ali and Attorney Jonathan Finkelstein were present. With regard to Nuha Circle, an email was received from the DPW Director that the shed was acceptable along with the legal document approved by Town Counsel. The plan shows the wider easement; there is access and possible passage for the town's equipment. The board was hoping it would be ready for town meeting but it is not; the Subdivision Approval for Nuha Circle had been extended to June 30, 2021. The board will need a written request from Mr. Ali to extend the approval to December 31, 2021.

Maura Agnelli submitted a list of neighborhood concerns regarding Westland Circle. Attorney Finkelstein reviewed the list with Mr. Ali today and were addressed as follows: Item #1, the retention pond located between 30 and 32 and fencing—Attorney Finkelstein said Mr. Ali is willing to put up appropriate fencing possibly with a locked gate to be able to get inside to maintain. Ms. Miles thought that would solve the problem for the homeowners. Item #2—the fire hydrant located at the top of the road not being operational. Mr. Ali said it is completely working now. Item #3—the walking path. Attorney Finkelstein believes the concerns have been addressed as to who is responsible for the path. He said the board stated at the 4/14/21 meeting that the town would take it over; he would like to see that in writing. He said the plan identifies an easement to be deeded to the town and hoped it would be done concurrent with the taking the road. Mr. Vignaly said there appears to be a misunderstanding of that from the last meeting. He stated that it the Homeowners Association (HOA) will be responsible for the walking pathway because he thought the HOA would be accepting it and maintaining it in perpetuity. When he checked the Subdivision Approval letter that's posted on the town's website for this subdivision, it indicates that the HOA will be maintaining it in perpetuity; the town is not accepting it. Attorney Finkelstein thought it would be in the best of the town if it's supposed to be a public walkway. He said it was the intent as shown on the plan that was approved that it was to be deeded to the town. Mr. Vignaly said it was not. The plan shows an easement to the town, just like there's an easement going to the town for access to the stormwater treatment basins so that in the event that the HOA does not maintain them, the town will then have the right to go in, do the work, and back charge the HOA for the work that gets done in those easements. The town is not accepting the stormwater basins on Westland Circle. Details will need to be presented before

the road acceptance; the board will want to know how much money should be in that trust, how much needs to be there to start with, and which lots are included. Mr. Vignaly told Attorney Finkelstein that there is one lot in this subdivision that was not originally included in the subdivision and may not be included in the HOA agreement, but it would make sense that it is included so it is fair and equitably distributed. Attorney Finkelstein asked if the purpose of the walking path was to be open to the public and was told yes; it was purposely there to make a connection for people to go from Lawrence Street all the way down through to Woodland Park and Route 12. The board granted the waiver on the requirement for sidewalks within the subdivision. In lieu of the sidewalks, the board wanted to have the pathway connection because it's a dead-end street; not a lot of traffic was expected so walking on the shoulder on the side of the street would be fine. Mr. Vignaly was at the site recently and said it looks like the construction needs to be improved to comply with the design plan. There are loose stones and it is not passable at the entry way by the cul-de-sac lot; it needs to be brought up to the standard that was committed to in the subdivision regulations. Piping needs to be done between 34 and 36. Diane (#32 Westland Circle) commented that the water runs down onto the cart path and said she shattered her wrist after falling on black ice; what is the Association to be responsible for? Mr. Vignaly said that would be a legal question. Mr. Agnelli said it should be clarified who is responsible for maintaining the walking path. Mr. Vignaly said the plan does not show it being deeded to the town, the plan shows it has an easement to the town. He agreed they do have an issue and it needs to be addressed.

Item #4—the Association. Mr. Vignaly thought the Association paperwork was recorded before any building permits were issued. The approval said they had to be recorded and a copy sent to the building department before there were any building permits issued. Ms. Miles agreed. Attorney Finkelstein said there was no HOA documentation recorded; he drafted it and it was recorded in December 2020. Mr. Vignaly said his biggest concern is that the sewers that are in the road were noted by the DPW at the time of approval that the town is not going to maintain them. The town will only maintain and operate up to the manhole that is at Davidson and Westland Circle. He did not know if that's changed by the Selectboard acting as the Sewer Commission, but that's one of the big issues that needs to be addressed. Attorney Finkelstein's understanding was that the infrastructure (water and sewer) is routinely taken by the town. He plans to address the concerns before meeting again. Mr. Vignaly commented on the item on the list that notes catch basins and assumed he meant the stormwater treatment basins. The catch basins will be cleaned by Mr. Ali before the site work is completed. Mr. Ali still needs to clean stormwater treatment basins to remove the sediment that's accumulated and knows he needs to do that in both of those basins before the town accepts the road.

Mr. Rajeshkumar addressed a question that was raised by a resident about the newly purchased lot. Kenneth Quist had a concern about the lot line and said the survey poles and markers were moved when he sold the property and asked if Mr. Ali could resolve the issue. Diane (Lot 32) said the surveying company was there today and said it looked like one pin is off; it was moved to the correction location; house; she believes the lot is compliant.

Mr. Ali was reminded that the highest priority for him is to provide an extension request for Nuha Circle, otherwise it will have to go through the whole subdivision process again. As far as the bond reduction, Mr. Vignaly sees a lot of issues that have been raised that are not included in the bond estimate which would be additional charges that need to be addressed. Ms. Miles agreed and said the HOA is a big issue, not having one in existence and not having any money in it. Mr. Ali said \$200 was put in from the company. Mr. Vignaly said according to the approval, that the HOA will be responsible for the walkway, sewers and drainage so we should get an engineered estimate. Mr. Ali is not looking for a bond reduction right now; it is a separate issue. Mr. Vignaly would like to get an estimate for the HOA and Trust; the board also wants to have VHB review it. Mr. Ali will work on it.

Review Draft Approval for Kidoodles Child Care Center of Holden at about 275 Woodland Street – Mr. Rajeshkumar made a motion to approve Site Plan Approval and Stormwater Management Approval for

Kiddoodles Child Care Center, 275 Woodland Street, West Boylston; AKA-659 Shrewsbury Street, Holden; Mr. Frieden seconded; roll call vote: Frieden-yes; Rajeshkumar-no; Vignaly-yes; Miles-yes; motion approved.

Review Draft Approval for Evergreen Strategies at 166 Hartwell Street – Mr. Vignaly recused himself from the matter. The draft was not ready tonight; the board is still waiting for plans. Patrick McCarty and Anthony Parrinello attended. Mr. McCarty said the only open issue was a difference in opinion between them and VHB on how to reconfigure the front driveway which has now been addressed. Ms. Miles apologized for not having the draft approval ready and said it will be ready for the June meeting. Mr. McCarty asked if it could be expedited so the approval goes to the Town Clerk by June 18th to start the appeal process. Mr. Rajeshkumar suggested he contact the Chair to make him aware that the decision is needed for June.

New Business/Review of Correspondence/Emails:

Site Plan Review and Stormwater Management Permit Applications for Bethlehem Bible Church (307 Lancaster Street) – Accept application and set public hearing date – The application as accepted and a public hearing scheduled for June 16, 2021 at 7:05 p.m.

Consider recommending a Certificate of Completion for the Harmony Retail Marijuana Site at 111 Shrewsbury Street – Patrick McCarty said he met Larry Galkowski (VHB) on May 4th; the board has not received a report. He addressed the information on the items Mr. Vignaly highlighted on the Site Plan Review decision. Regarding lighting for the overflow parking area, Mr. McCarty drafted a letter that is going to the board requesting the discontinuance of the overflow parking area since the parking frenzy has subsided with the numerous dispensaries that are now open; the board will need a letter from the Police Chief. They have submitted a copy of the CCC license, and the applicant's attorney drafted the parking easement between 111 Holdings (who owns the property that Harmony is on), and RJF Commercial Properties (that owns the driveway into the LFR building), along with the easement exhibit. Mr. Vignaly said that the Approval stated that it will have to be reviewed by Town Counsel. Regarding condition #16 to provide adequate documentation that the site complies with the required 500-foot buffer requirements specifically noting that the adjacent baseball field is not considered a park, he felt that comment was addressed with Town Counsel saying it was not a park and asked if the board needed anything further on it. Mr. Vignaly said the board was only looking for a copy of that information. Mr. Rajeshkumar asked when the opening day was; Mr. McCarty did not know a definite date, but said it should be soon.

ANR Plan (David Pare) 14 Bowen Street – Mr. Pare was present. The property was purchased in 2019. They want to split the parcel and live on lot 1A, and looking to create lots 2 & 3. He said they have approval from both the Conservation Commission and DCR. Ms. Miles noted that lot 1A is short of the frontage requirement; Mr. Pare said it always was. Mr. Frieden said when he spoke with him, he did not think his lot would be part of the ANR. Ms. Miles asked if the two lots were buildable. Mr. Pare said the lots have been engineered; there is sewer and water on Franklin Street and on Prospect Street there is water but the sewer connection would be going toward the center of town. The driveway will belong to lot 3. Mr. Frieden asked if on paper to give him the frontage could the board suggest keeping a sliver of land going down on Franklin and accumulate the frontage even though it is on two different streets. Mr. Vignaly thought that applied only for continuous frontage. This one does not appear to have the minimum zoning frontage requirement of 120-feet; the old lot had adequate frontage on both Franklin and Prospect Street. By dividing it this way, there is not enough frontage for the board to sign off on an ANR. Mr. Pare said according to Section 4.2.C there are three or four properties in the neighborhood that are the same prior to the zoning requirements. Mr. Vignaly said there is an allowance to reduce the frontage to less than the required amount but no less than 100-feet, which requires a Special Permit from the Zoning Board of Appeals. Once he has the Special Permit, he would come back before the board and it could be signed off on. George Tignor thought the board could approve the ANR and have the ZBA put conditions

on the frontage. Mr. Vignaly said the only conditions the board has on an ANR is to have access and frontage. Mr. Pare wasn't sure if lot 1 would be grandfathered because the house was there so long. The board cannot sign the ANR without the required frontage or additional documentation showing special conditions. Ms. Miles Sarah said their next step is to work with the ZBA. Mr. Pare withdrew his application.

Water Treatment Facility – No information was provided for discussion.

Reports from Other Boards: Mr. Rajeshkumar said the Town Meeting is Monday at 6:00 p.m. at the High School baseball field; the warrant is posted on the town website and Facebook. Mr. Vignaly said the Open Space Implementation Committee met and discussed the property on Lee Street and Goodale Street; the name may be changed from Blueberry Hill to Huckleberry Hill; the gravel parking area is constructed. Ms. Miles said CPC met and recommended for approval an allocation of \$250,000 for improvements to Pride Park. Mr. Rajeshkumar said the town administrator obtained money from the schools to do an engineering study to do a phased Universal Access plan for the park where the town could do work in phases.

Invoices were approved for payment. Mr. Vignaly made a motion to approve the draft April 14, 2021 Regular Meeting Minutes and draft Public Hearing Meeting Minutes for Kidoodles Child Care; Mr. Frieden seconded; roll call vote: Frieden-yes; Vignaly-yes; Rajeshkumar-yes; Miles-yes; motion approved. Mr. Rajeshkumar made a motion to approve the draft April 14th Public Hearing Meeting Minutes for Evergreen Strategies; Mr. Frieden seconded; roll call vote: Frieden-yes; Rajeshkumar-yes; Miles-yes; Vignaly-abstained; motion approved.

June 16, 2021 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; roll call vote: Frieden-yes; Vignaly-yes; Rajeshkumar-yes; Miles-yes; motion approved.

The meeting was adjourned at 9:23 p.m.

Date Accepted: _____

By: _____
Vincent P. Vignaly, Clerk

Submitted by: _____
Melanie Rich