



Town of West Boylston
140 Worcester Street, West Boylston, Massachusetts 01583

[Zoning Board of Appeals] Meeting Minutes

Date / Time / Location of Meeting	Thursday, November 16, 2017/7:00 p.m./Land Use Meeting Room, #120/131
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Members Present	David Femia (Chair), Christopher Olson (Vice-Chair), Barur Rajeshkumar (Clerk), Nathaniel Orciani, Charles Witkus, and Toby Goldstein (Secretary); Andrew Feland (Associate Member), who was appointed October 18, 2017
Members NOT Present	John Benson (Associate Member) and Daniel Cronin (Associate Member)
Invited Guests	Bentley Herget, Building Inspector

Welcome – Call to Order Time: 7:00

Approval of Previous Minutes September 28, 2017

Motion Originator Mr. Rajeshkumar

Motion Seconded Mr. Olson

Treasurer – Financial Report Mr. Femia reviewed the accounts and balances on statement dated 9/30/17 (latest one)

Motion to Accept N/A

Seconded N/A

Update from Building Inspector Regarding 92 North Main Street:

Mr. Femia informed those present that Bentley Herget was going to give his monthly report on the progress of construction and of the lottery at the development. Mr. Herget said that he went to the property today, and opined that the construction was moving at an incredible pace. He reported that the sidewalks were in, the grass had been planted, a gazebo in the rear was installed, as were street lights and shrubs and trees and the final paving was completed. He said that he took a tour of the model apartment (with two bedrooms and two baths), which is open daily. Mr. Herget said, however, that the playgrounds were not done yet. In Building C, ten units were rented; Building B was essentially done, but details were being finished; he thought that Building A would be complete in about one month.

Mr. Herget continued that he and the Fire Dept. chief inspected the fire alarms and smoke detectors. Two 3-bedroom units are reserved in A Building; Mr. Herget responded to Mr. Femia that he thought they were market value units. Mr. Orciani asked him about the shrubs that were supposed to be planted between Stillwater Heights and the development to give privacy to the residents; Mr. Herget replied that they were not in yet, and they were going to be taller trees. Mr. Herget mentioned that a resident from Stillwater Heights said that trash blew onto his property from the development, and Mr. Herget explained that this was because there was not a fence around the dumpster, and he (Mr. Herget) told developer Iqbal Ali and he took care of it.

Mr. Witkus then asked Mr. Herget about the rent. Mr. Herget and Mr. Femia replied that it varied; Mr. Femia and Mr. Rajeshkumar discussed the rents depending on number of bedrooms in the units. Mr. Herget continued that the first round of the lottery was done. In response to a question from Mr. Femia, Mr. Herget replied that he did not know the breakdown of the ten units occupied in Bldg. C, and replied to Mr. Rajeshkumar that he did not know if they were market value or affordable.

Mr. Femia continued, stating that he thought the trees for Stillwater Heights were supposed to be done by 10/31, and asked if the ones on the ground were planted yet? Mr. Herget replied that the ones on the ground were planted, and most of the shrubs were planted. Mr. Orciani added that he thought Mr. Ali said they would be done, as the fall would be the better planting season and the residents of Stillwater Heights did not want to see the construction. Mr. Rajeshkumar instructed Ms. Goldstein to send an e-mail to Mr. Ali regarding the larger trees that would block Stillwater Heights and to give his own update on the progress of Buildings A, B and C. Mr. Femia suggested that Peabody Properties could give that information also. Mr. Herget said that he talked to the rental company and also said that Bldg. B would have a final occupancy permit shortly and Bldg. A would have a final occupancy permit upon approval of all the Town Departments.

Mr. Herget also gave an update on 90 Sterling Street construction. He said that all foundations were in. He said that they were working on the yard, grading, and the paving they are hoping to complete before the bad weather; one building (with two units) was all done outside; but the yards and landscaping won't be ready for a while. In response to a question from Mr. Feland, Mr. Femia replied that there will be 16 total units (8 duplex), over 1.45 acres. In response to a question from Mr. Rajeshkumar, Mr. Herget replied that it takes about one day for one modular building to be done, and he replied to Mr. Femia that they are constructing one building at a time, rather than having a timetable for all the buildings to be done.

In response to a question from Mr. Rajeshkumar about the sign at 92 North Main Street, Mr. Herget replied that actually a larger size sign was approved in the original Comprehensive Permit.

Mr. Femia then mentioned an e-mail regarding 62 Central Street, where there was zoning confusion. He discussed a meeting about land use, including how the Town boards can communicate better and inform each other better; the chairs of the ZBA, Planning Board, Concomm, Board of Health, Board of Selectmen, and the Building Inspector attended this meeting. They decided that they will e-mail all the other boards with their agendas along with posting them so that the boards can know what is coming up at the meetings in case they might want to attend. Mr. Femia then explained to Mr. Feland the situation with 62 Central Street. He explained that someone purchased the property and was told it was zoned for business, but it was general residential property, and the buyer wanted a business there. Mr. Orciani mentioned a 2015 e-mail stating that it was business

zoned. Mr. Femia mentioned that on the Assessor's property card, that the property is shown as business zoned but it is not, according to GIS, which the Town uses. Mr. Feland mentioned that the property owner made a lot of improvements to it, as he lives nearby to it; Mr. Femia responded that the owner wanted to fix the garage, but Mr. Herget told him it was a general residence zone and they are still trying to work it out.

Mr. Femia asked Mr. Herget to let the board know if there are any problems with 92 North Main Street, and they can ask VHB to go out there. He then asked Mr. Herget if there was anything new regarding Dr. Tashjian and his violations regarding removing vehicles and storage from 363 Prospect Street? Mr. Herget replied that Dr. Tashjian came in to Town Hall, and had documents stating that he had a federal lawsuit against the Town, Governor and others, so he asserted that the Town violations would not apply to him. Mr. Herget replied to him that the Town will send this situation to Worcester Court because he had not paid any fines. Mr. Femia mentioned that Dr. Tashjian's home was up for auction, but that was cancelled due to the lawsuit; he asked if the sale of the house could be applied to the fines? Mr. Herget replied that he would let the Housing Court in Worcester decide but thought that would probably be the case. He discussed with Mr. Rajeshkumar why the case would be in the Worcester court, as he questioned that. Mr. Femia suggested that Mr. Herget speak with the Town Administrator about obtaining another opinion from Town Counsel before sending the case to Worcester Land Court; other board members agreed with this. The board also asked Mr. Herget to keep them informed, as there are residents asking about this.

Tentative Meeting Calendar for 2018:

(Ms. Goldstein had e-mailed the board members a tentative calendar for 2018 ZBA meetings; Mr. Femia mentioned that Nancy Lucier had wanted this information by mid-December, along with other 2018 dates of Town events taking place). He asked the board members if there were any issues with dates? He also explained to Mr. Feland that the meetings all take place on the third Thursday of each month. He also explained that, if it gets close to a meeting date and no public hearings are scheduled or important business to discuss, the meeting can be cancelled for that month. Mr. Femia instructed Ms. Goldstein to e-mail out a final, approved calendar to the board members.

Discussion of Declaration of Covenant for Home Occupation:

Mr. Femia informed the board that there have been no appeals on the last two petition decisions. But, he said that a Declaration of Covenant for Home Occupation needs to be filed by the petitioner from 22 Lee Street, and explained that, when the bylaws were put into effect, this document was mentioned but never created. The Town Administrator asked Town Counsel about this, and Town Counsel sent to the board an example of this document, from the town of Sherborn, MA. Mr. Olson agreed to review this and try to make changes so that the form would apply to West Boylston's bylaws, and send it out to the board for approval. Mr. Dumas will have to go to the Registry of Deeds with the form. Mr. Rajeshkumar added that the form will need to be notarized. (Ms. Goldstein will e-mail to Mr. Olson the Sherborn document).

Discussion of Land Use Meeting:

Mr. Femia attended this meeting (mentioned previously in the minutes). He discussed that an email from Diane Peterson, the Town assessor, was sent out to the Town boards and the Town Administrator; she will also be contacted with agendas from the other Town boards. One main point is that everyone has to be sure that they are using the same information, because of the differences in zoning for 62 Central Street between the Assessor's records and the GIS; he said that Planning Board asserted that GIS should be used. Mr. Olson added that the Town goes by the GIS. He said that, at some point, there will need to be an analysis of each of the lots to see what the Assessor has for zoning for the Town's lots and what is on GIS. Mr. Femia said that Ms. Peterson assured them at

the meeting that whatever corrections need to be made should be provided to the Assessor's office and they will make the changes.

Miscellaneous Mail and Paperwork:

There was nothing to be signed; Ms. Lucier had sent the Town boards a list of businesses with licenses to be renewed, and asked for the boards to note any outstanding issues with any of these businesses; no one on the ZBA knew of any; Mr. Femia asked Mr. Rajeshkumar about the sign for 92 North Main Street-he described it; the board members discussed how it looks at night in terms of brightness, and they discussed size also. Mr. Femia said that he would look at it. Mr. Femia instructed Ms. Goldstein to look in the Comprehensive Permit for instructions regarding signage, as Mr. Herget said that it was discussed in the permit.

Future ZBA Items:

Mr. Femia verified with Ms. Goldstein that any filings had to be in by December 1, in order to hold a meeting on December 16.

Any Items Not Received Prior to 48 Hours Before Meeting:

There were none.

Next Scheduled ZBA Meeting:

Thursday, January 18, 2018 will be the next ZBA meeting unless a filing comes in by Dec. 1, in which case there will be a December meeting.

Motion to Adjourn:

Mr. Rajeshkumar made the motion at 7:45 p.m. Mr. Orciani seconded. All in favor.

NEXT MEETING

Thursday, January 18, 2018 (unless required sooner)

MOTION TO ADJOURN

Motion Originator Mr. Rajeshkumar

Motion Seconded Mr. Orciani

Time of Adjournment 7:45 p.m.

Signatures

Barur Rajeshkumar

Submitted by: Toby S. Goldstein

Date Submitted: