



TOWN OF WEST BOYLSTON ZONING BOARD OF APPEALS

140 Worcester Street * West Boylston MA 01583 * zba@westboylston-ma.gov

MEETING MINUTES

October 27, 2016

Chair: David Femia

Members Present: David Femia (Chair), Barur Rajeshkumar (Clerk), Christopher Olson and Charles Witkus (Mr. Olson was voted in as a ZBA board member by the Board of Selectmen, 10/19/16).

Others Present: Secretary Toby Goldstein.

Members Absent: Nate Orciani and Daniel Cronin (Associate Member).

Mr. Femia called the meeting to order at 7:15 p.m. He stated that all members were present except for Mr. Orciani and Mr. Cronin. (He introduced Mr. Olson as the board's newest member and thanked him for his service with the board. Mr. Olson thanked Mr. Femia and said he looked forward to the opportunity). He discussed the business on the agenda which was to be addressed at the beginning of the meeting:

- a. **Minutes of July 21, 2016 Executive Session:** Mr. Rajeshkumar had emailed to the Secretary, who forwarded it to the board, a copy of the draft minutes submitted by the Secretary, with suggested changes highlighted by Mr. Rajeshkumar (Mr. Olson stated that he received that). After review of the minutes and changes, Mr. Rajeshkumar made a motion to approve the minutes as revised. Mr. Witkus seconded. All in favor (Mr. Olson recused himself as he was not present at that meeting).
- b. **Minutes of 9/15/16 Meeting:** After review of the minutes by the board members, Mr. Rajeshkumar made a motion to accept the minutes as submitted. Mr. Witkus seconded. All in favor (Mr. Olson recused himself).
- c. **Minutes of 9/22/16 Training Session with Town Counsel:** After review of the draft minutes by the board members, Mr. Rajeshkumar made a motion to accept the

minutes as submitted. Mr. Witkus seconded. All in favor (Mr. Olson recused himself).

- d. **Minutes of 9/22/16 Special Meeting:** After review of the draft minutes by the board members, Mr. Rajeshkumar made a motion to accept the minutes as submitted. Mr. Witkus seconded. All in favor (Mr. Olson recused himself).
- e. **Minutes of 9/29/16 Special Meeting:** After review of the draft minutes by the board members, Mr. Rajeshkumar made a motion to accept the minutes as submitted. Mr. Witkus seconded. All in favor (Mr. Olson recused himself).
- f. **Minutes of 10/6/16 Special Meeting:** After review of the draft minutes by the board members, Mr. Rajeshkumar made a motion to accept the minutes as submitted. Mr. Witkus seconded. All in favor (Mr. Olson recused himself).
- g. **Vote on Step Increase and Retroactive Pay Increase for Secretary:** Mr. Rajeshkumar made a motion to vote in favor of the step increase in pay and retroactive pay increase for Ms. Goldstein. Mr. Witkus seconded. All voted in favor (including Mr. Olson). A vote sheet was signed by all members (the vote sheet, along with the approved minutes of this meeting, were requested by the Town Accountant).
- h. **Tentative Schedule of ZBA Meeting Dates for 2017:** Mr. Femia asked the board members if they all had looked at the list of dates (the Secretary emailed this to the board prior to the meeting). Mr. Femia reminded everyone that the meetings will take place on the third Thursday of each month, unless specified (due to a holiday), but noted that he would like to eliminate a December meeting in 2017. The entire board approved the list of meeting dates, including the lack of December meeting, and the Secretary will submit it to Nancy Lucier for next year's Town calendar.
- i. **Possible Cancellation of December 15, 2016 Meeting:** Mr. Femia suggested this due to the holiday season. Mr. Rajeshkumar responded that he had no problem with this unless something came up that needed to be addressed by the board. Mr. Femia decided that the board will wait until the November 17, 2016 meeting to make a final decision about holding the December meeting, in the event that issues come up requiring them to meet in December.
- j. **Miscellaneous Mail and Paperwork:** Mr. Femia mentioned that Wayne Amico of VHB had sent an email discussing a problem with the storm detention/filtration system at Building A of the 94 North Main Street project. Mr. Femia continued that he spoke to the Town Administrator, Anita Scheipers, and no final approval had

been received as yet from MHP for the 94 North Main Street project. Mr. Femia decided that, if nothing is received by November 1, he would reach out to MHP. He mentioned that the project is approved for a Building Permit, MHP instructed the board that the Building Inspector cannot issue one until final approval is issued.

- k. **Request by Marino et al (Flagg RV) to Withdraw their Petition for Special Permit Without Prejudice:** Mr. Femia informed those present that the ZBA received a letter requesting to withdraw the petition on 10/2/16, and the board would vote at this time to accept the withdrawal without prejudice. Mr. Rajeshkumar made a motion to accept the withdrawal without prejudice. Mr. Witkus seconded. The vote was as follows:

Mr. Rajeshkumar – “yes”
Mr. Olson – “yes”
Mr. Femia – “yes”
Mr. Witkus – “yes”

(Mr. Femia next announced that the next agenda item was a public hearing scheduled for 7:45 p.m., and the board would recess until 7:45 p.m.).

(At 7:45 p.m., Mr. Femia announced that the board was back in session).

Public Hearing, Worcester Behavioral Innovations Realty, LLC, Request for Special Permit, 0 West Mountain Street/100 Century Drive:

(Brian Falk and Patrick Healy represented). Mr. Femia asked the representatives for the petitioner if they still wanted to have the public hearing this evening, explaining to them that (4) “yes” votes would be required to grant their permit, but they would have to be unanimous because only (4) members were present rather than the usual (5). Mr. Falk said to the board that he consulted with his client, and he wanted a full (5) member panel to conduct the hearing, and asked the board to not open the public hearing this evening. Mr. Femia informed them that they needed to send a letter to the Secretary requesting this. (The next ZBA meeting will be Thursday, November 17; Mr. Femia informed all present that the petitioner is scheduled to meet with Planning Board on November 9). Mr. Olson then said that, if there were (5) other board members present, he planned to recuse himself from the hearing because he is also Chair of Planning Board; he told Mr. Falk that he would be willing to be one of the five members if needed, if the petitioner would be comfortable with that. Mr. Falk responded that he did not believe that the Planning Board issue would be disqualifying for Mr. Olson. In summary, Mr. Femia reminded Mr. Falk that the petitioner is meeting with Planning Board on November 9, and will return to ZBA on November 17; Mr. Femia reminded him to be sure to send the

request to continue to the Secretary; he also apologized for any inconvenience caused to the petitioner and offered to have the continued public hearing at 8:00 p.m. instead of 7:45 if that would be easier for the petitioner, who comes in from New York. Mr. Falk agreed to the time of 8:00 for the hearing.

Other Business:

Mr. Femia asked the board if there was anything else to discuss. Mr. Witkus made the comment that he believed the ZBA needed to recruit more members. Mr. Rajeshkumar suggested that they reach out to the associate members.

With nothing further to discuss, Mr. Rajeshkumar made a motion to adjourn the meeting at 7:55 p.m. Mr. Witkus seconded. All in favor.

Respectfully submitted,

Toby S. Goldstein, Secretary

Date Accepted: _____ By: _____

