



TOWN OF WEST BOYLSTON ZONING BOARD OF APPEALS

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

MEETING MINUTES

June 16, 2016

Chair: Kristina Pedone

Members Present: Kristina Pedone (Chair), David Femia (Clerk), Barur Rajeshkumar, Will Turner and Charles Witkus .

Others Present: Daniel Cronin (Associate Member), Robin Mellecker (Associate Member) and Secretary Toby Goldstein. (Ms. Mellecker was appointed an Associate Member on 6/1/16)

Members Absent: None

Mrs. Pedone called the meeting to order at 7:15 p.m., and read aloud the names of the members that were present. Mrs. Pedone then read from the agenda that the first item was to be an informal discussion regarding 94 North Main Street; she asked all present if anyone representing them was there to come forward, and with no response, she said that the board would either allow a few minutes for a representative to arrive, or move on to the next agenda item. Mr. Femia asked Mr. Rajeshkumar if he had seen the property lately and how it appeared? Mr. Rajeshkumar opined that it looked okay, like a usual construction area. (Mrs. Pedone then instructed Ms. Goldstein to note for the minutes that no one attended to discuss that subject, and to send a letter to Dean Harrison asking why the board did not know that they would not attend the meeting and asking him to call Mrs. Pedone). Mrs. Pedone then asked the board if they would feel comfortable moving on to the informational discussion regarding 90 Sterling Street? Mr. Femia recused himself as he was an abutter, so Mrs. Pedone designated Ms. Mellecker as a full member to step in for Mr. Femia in the discussion.

Informational Discussion of 90 Sterling Street, Big Daddy Realty Trust:

(Craig and Mark Wambolt represented). Mrs. Pedone asked Mr. C. Wambolt to give the board the background of the discussion. He discussed the history of the property, a 42-unit former hotel, and that he bought the property in the spring and is looking to convert it to a 24-unit condominium complex. He noted that the engineer from Hancock was not present this evening. Mr. C. Wambolt continued that he understood that the existing buildings were of non-

conforming use, and explained that he wants to change the units to multi-dwelling units. He wants to expand the non-conforming use or alter it, according to section 1.4 of the Zoning Bylaws, but in character with the neighborhood. Mr. C. Wambolt mentioned that he met with Planning Board, and now wants to obtain input from ZBA regarding their plan, which will include six buildings, cluster housing, and townhomes. (Mr. M. Wambolt added that it would be similar to the complex behind Town Hall). In response to a question from Mrs. Pedone, Mr. C. Wambolt responded that the buildings will have two floors. Mrs. Pedone asked if the units to be built will be rentals? Mr. C. Wambolt replied that he intends to sell them as condominium units. Mr. M. Wambolt added that they want feedback on their plan and how to go through the process. He mentioned that, at their meeting with Planning Board, they came out with a list of things needing to be done, and asked if they needed to go through ZBA first?

In response to a question from Mr. Witkus, Mrs. Pedone replied that the proposed project would be similar to the development behind the Town Hall. Mr. M. Wambolt added that they will try to keep the topography similar to what is there now, and added that they would develop an association responsible for all maintenance.

Mrs. Pedone next asked Marc Frieden of Planning Board, who was asked to attend the meeting, to address those present regarding Planning Board's meeting with the applicants. Mr. Frieden explained that a special permit and site plan analysis will be handled by Planning Board, but asserted that rules regarding non-conforming plots and modification of them would be a ZBA matter where they would determine if there would be a negative impact upon the neighborhood. (Mr. M. Wambolt said that, specifically, they would see if this was or was not detrimental to the neighborhood). Mr. Frieden opined that the project would be an improvement over the existing hotel, and asked if the board could just approve the application and the Planning Board would grant the special permit? Mr. M. Wambolt added that it was their understanding that the ZBA just needed to approve it and Planning Board would give the special permit. Mrs. Pedone responded that this would be a change of use, and ZBA had already advertised the public hearing so they believe that there should be a public hearing. She recommended that they have the public hearing at the July 21 meeting so that the board would have the chance to look at any information, as well as to read the Mass. General Laws, Section 6, 40A.

Mr. Rajeshkumar then commented that there are 42 existing rooms and clarified that they propose 24 units? Mr. M. Wambolt responded that the units are now efficiencies, and they are proposing 24-two or three bedroom units. Mr. Rajeshkumar thought that there would be too much congestion for 24 units. Mr. M. Wambolt commented that, at the Planning Board meeting previously, Mr. Rajeshkumar suggested the same number of buildings but a different

configuration and the engineer took note of that. Mr. Rajeshkumar responded that, considering the neighborhood, the number of units seemed to be too many.

Craig then commented that they discussed some portion of the units being affordable. Mr. Rajeshkumar asked again if they would consider a lower number of units? Mr. Frieden then asked him what his concerns were? Mr. Rajeshkumar replied that he was concerned about that many units relative to the land area. Ms. Mellecker said that the proposal seemed like an improvement, but seemed to be a substantial change. Mr. Frieden suggested comparing the units per acre, or density, to the development up the street. Mr. M. Wambolt responded that the engineer did research, which included other complexes' densities, along with drainage and parking. Mr. Frieden asked him how much more work needs to be done before the public hearing? Mr. M. Wambolt replied that the engineer will go through the requirements for the public hearing. Mr. C. Wambolt then questioned if the best equity is in the current use, or what they are proposing, or something different? In response to a question from Mrs. Pedone regarding some units being low income, Mr. Frieden explained that Planning Board asked the applicants to do so.

Next, Richard Buron of 114 Sterling Street, commented that his concern was that there was a fence between the existing motel and his house, and that he wants there to be a fence there. Mr. C. Wambolt responded that it would be part of the plan. Mr. M. Wambolt discussed possibly berming up the soil and making a more natural barrier.

David Femia, as an abutter living at 86 Sterling Street, said that he lives in the condominiums abutting the property, and opined that anything that can be done to improve the area was agreeable to him, and asserted that condos in his complex have not been sold because of the hotel. (Mr. C. Wambolt then, for the record, explained where the name of Big Daddy Realty originated; it was an old nickname for him, not a disrespectful term). Mr. Femia continued that he would agree with whatever can be done to improve the property, and that it would not be detrimental to the neighborhood but would improve property values.

Mrs. Pedone asked Mr. C. Wambolt what he would do if the proposal is not accepted? Mr. M. Wambolt continued that they looked at taking the existing structure and taking every two apartments and converting them into one large one; they would cut down the number of units but all existing structures would remain. In response to a question from Mrs. Pedone, Mr. Femia said that there would be eight condos in one building. In response to a question from Mr. Frieden, Mr. Femia discussed the number of acres.

Mrs. Pedone then said that she did not want the motel there as it is anymore, and asserted that it is an eyesore to the area. She agreed that there would be a lot of buildings, but believed that if one is taken out, it would not really help the situation and she did not want to see another

rectangular complex built. Mr. Frieden responded that an architect can do things to make the appearance more aesthetically pleasing. Mr. M. Wambolt continued that there will be a natural slope downward, more subtle than what is there now, they will reduce the pavement by 40% and they can landscape. Mr. Witkus asked if there would be a maintenance person living on site? Mr. M. Wambolt replied that they had not really planned that yet, but there will be a maintenance firm. Mr. Frieden added that usually the homeowners' association generally is responsible for that. Mr. Witkus also asked if there would be a community center there? Mr. replied that it would be a good idea and they will think about it. Mrs. Pedone commented to Mr. Frieden that usually the board sees plans before making a decision but now they need to go by the zoning bylaws and determine if the project will be an improvement for the community; Mr. Frieden agreed that they are doing this rather than going through the entire process of designing it first as it may not be accepted.

Next to speak was Christopher Olson of 74 Newton Street, also of Planning Board. (Mrs. Pedone commented that there were three Planning Board members present-Mr. Olson, Mr. Frieden and Mr. Rajeshkumar-and therefore technically a meeting of Planning Board was taking place and this would violate Open Meeting Law; Mr. Frieden left while Mr. Olson spoke). Mr. Olson discussed some things from the meeting of the applicants with Planning Board. One item was use; current use of the property is non-conforming according to use bylaw, but property use of greater than four units, multifamily use, is allowed and they need to obtain a Planning Board special permit. The next item he discussed involved the structures on the property, and Section 4.3 of the bylaws, especially 4.3A and G (number of habitable buildings per lot allowed), are relevant to this. Section 4.3A refers to modification to dimensional requirements, multifamily dwellings; the current structure is non-conforming, and the applicants are suggesting something non-conforming, so the board must decide if it will be a better non-conforming situation than what is there now. Ms. Mellecker opined that it could be an improvement. Mr. Olson continued that it is within ZBA jurisdiction to decide this. Mrs. Pedone said to Mr. Olson that the ZBA had not experienced a situation where Planning Board would issue a special permit without being before the ZBA. Mr. Olson responded that, under schedule of use, section 3.2, general residence district, a multifamily dwelling greater than four units and under section 3.1, site plan review, a Planning Board special permit is required. He gave the example of Cumberland Farms, where they needed to obtain a special permit from ZBA, but because of site plan review had to appear before Planning Board also.

Mr. Olson continued that they could address this before the site plan review, when they have definite plans. Mr. M. Wambolt said their engineer is familiar with that. Mr. Witkus continued that if they built cluster housing, they would need more land, and suggested buying land with horses that is in that area.

Mrs. Pedone then asked the board if there were any additional questions; there were none. (At this point, Mr. Frieden returned and Mr. Olson left). Mrs. Pedone then asked Mr. Frieden about aforementioned affordable housing in some of the proposed units, mentioning that they would have to go through a special process. Mr. Frieden responded that they would only have to go through that process for a 40B project. In this case, the affordable units would just be entered into a lottery and buyer qualifications would be looked at; just because they are affordable units does not mean they have to be part of a 40B project. He added that Planning Board asks most developers if they will do that.

Mrs. Pedone then asked Mr. Frieden what he believed will be before the ZBA? He replied that the board must review the project based on the plans. He suggested that they could vary the number of units. Mr. M. Wambolt responded that, comparing to existing use, they are proposing about half; so they would be reducing the number of units, thus altering the pre-existing non-conforming use for 42 units. The public hearing purpose would be as follows: "Public Hearing for alteration of existing, non-conforming use of a 42-unit complex to a 24 condominium-unit complex."

Mr. Frieden continued that, under regular zoning, they could not allow the applicants to propose such density of structures there. Mr. Rajeshkumar asked if the board could ask the applicants to reduce the number of units? Mr. M. Wambolt responded that it is their desire to be able to sell units, mentioning that he builds high-end value homes, and their goal is to sell the units quickly to good buyers. Mr. C. Wambolt added that possibly they could consider Mr. Witkus' idea of a community center.

Mr. M. Wambolt continued that the applicant spaced the structures to create a neighborhood feeling. Mrs. Pedone responded that she did not want a block of rectangular structures there. She then thanked the applicants for their information and presentation, and next the board needs a conceptual plan for the public hearing. (Mrs. Pedone instructed Ms. Goldstein that Ms. Mellecker will need to serve as a full board member at the July 21 meeting for this public hearing).

Minutes of May 19 Meeting:

After review of the minutes by the board members, Mr. Femia moved to accept the minutes as submitted. Mr. Rajeshkumar seconded. All in favor. (Mrs. Pedone then confirmed that 94 North Main Street would not be called forward to speak even if they appeared now).

Reorganization of ZBA Board:

Mr. Femia said to Mrs. Pedone that he would feel comfortable with Mrs. Pedone remaining as Chair until the 90 Sterling Street public hearing is completed, then have a reorganization of the

board; the other board members agreed. Mrs. Pedone asked if they could still have the election now; Mr. Rajeshkumar replied that they cannot have the election now and still have her be Chair at the next meeting. Mr. Witkus made a motion that Mrs. Pedone stay on as Chair until this public hearing is completed. Mr. Femia seconded. All in favor. (Mrs. Pedone instructed Ms. Goldstein to place this item on all agendas to follow until it is completed).

Miscellaneous Mail and Paperwork:

The main item was a list of authorized ZBA signatures required by the Accounting Office yearly; whoever signs is permitted to sign invoices and timesheets required by the Accounting Office from Ms. Goldstein. **In the minutes, the vote must be included to accept any of the written signatures on the list as authorized and the approved minutes will be submitted to the Accounting Office with the list. Mr. Femia made a motion to accept any of the written signatures. Mr. Rajeshkumar seconded. All in favor.**

July 21 Meeting Agenda:

The board agreed that the following would be on the next meeting's agenda:

Public Hearing for 90 Sterling Street
Other petition filing public hearing (101 Goodale Street)
Informational discussion for 94 North Main Street (must be verified with Mr. Harrison)

With no other business to discuss, Mr. Rajeshkumar moved to adjourn the meeting at 8:20 p.m. Mr. Femia seconded. All in favor.

Respectfully submitted,

Toby S. Goldstein, Secretary

Date Accepted: _____ By: _____

