



Town of Boylston Planning Board planning@boylston-ma.gov

221 Main Street, Boylston MA 01505 ** Telephone (508) 869-6019 ** Fax (508) 869-6210

MEETING MINUTES Monday, September 12, 2016

CHAIRMAN: Richard Baker
MEMBERS PRESENT: Kim Ames, Laurie Levy, William Manter, Judith White
ASSOCIATE MEMBER: Ralph Viscomi
RECORDER: Nina Gardner

Mr. Baker called the meeting to order at 7:00 p.m.

The Board reviewed the meeting minutes of August 1, 2016. Ms. Levy motioned to approve the minutes as amended. Ms. White seconded; all voted in favor. Ms. Ames abstained.

Flagg Street – Mr. and Mrs. Katz were present to provide an update on their one-lot subdivision. They have cleared the lot and would like to discuss obtaining a building permit. The bond estimate from Graves Engineering is \$135,000. Mr. Katz proposed putting in writing not to obtain a Certificate of Occupancy until the road is completely finished. The Board informed them that per Town Counsel that is not an acceptable form of surety. There are only three forms: cash deposit held in escrow by the treasurer, a bond, or a bank line of credit. As soon as work is completed, the surety can be reduced. For example, the site work is \$16,900 so when completed, that amount would be returned. Bob Clark is doing the road, and he will work on obtaining a bond. Ms. Levy can endorse necessary documents for the Board as Clerk once the bond is in place, so they don't have to wait for the next meeting. Mr. Manter motioned to accept surety in the amount of Graves' estimate in a form approved by Town Counsel, with the Clerk authorized to sign. Ms. Levy seconded, and all voted in favor.

19 Scar Hill Road-ANR-Mr. Kennedy was present with an ANR plan for 25 Scar Hill Rd. Mr. Kennedy is purchasing less than ¼ acre of land from John Stowe. Both lots are non-conforming. The Board reviewed the plan and questioned approving the ANR since both lots lacked sufficient frontage. Members also questioned whether recording a new plan would result in the lots losing their vested preexisting nonconforming status. They recommended that Mr. Kennedy seek Zoning Board approval. They asked him to withdraw his application, and they will consult with Town Counsel. Mr. Kennedy voluntarily withdrew his application to allow the board to seek Counsel's opinion and possibly go to the Zoning Board. They will report to Mr. Kennedy after they hear from Town Counsel.

Cottonwood Place- Dick Prince owns 18 acres of land that has been in his wife's family since 1860. He is seeking opinion of the board as to what he can do with the property. He discussed developing as many as 4 lots and as few as 2. The Board discussed the location of the property, some of which is in the Heritage District and some in Rural Residential. The plan would separate the main lot from its frontage on Scar Hill Rd., and there was discussion of an easement which has been used for as long as Mr. Prince can remember. Mr. Manter stated he would inspect the property, and Mr. Baker stated his preference for the 2-lot option as opposed to the 4-lot option. The Board discussed the Grimley house and where the driveway is located. The Board stated Mr. Aspero should seek the Building Inspector's opinion as to whether he will accept the existing road as the access.

Compass Pointe-lot release-Jim Haynes was present to discuss options and procedures for additional lot releases in Phase 2B of the subdivision. Presently, there are cul de sacs on both sides, 8 houses on the left and 6 on the right. Both stubs are in excess of 500 feet. Bonding is in place to complete both of them. All utilities are installed, and grading is completed. They are awaiting the paving contractor. Mr. Haynes has made substantial progress and is not seeking a bond reduction. He is asking for lots 44, 47, 63, 7B, and 8B to be released, since those lots are covered by the existing surety. He has Purchase and Sales agreements for all 5 lots. Mr. Baker discussed worst case scenarios, and pointed out that there was no surety in place to guarantee completion of the road connecting the two cul de sacs if developer were to abandon the project. Mr. Baker stated that he and Mr. Manter met with Mr. Haynes previously to discuss possibilities. Mr. Haynes stated he will agree to continue road construction and not seek to reduce the bond, if the Board agrees to the lot releases. Mr. Viscomi reminded the Board that in the past, the Board of Selectmen criticized the Planning Board's previous handling of surety procedures, suggesting the Town was exposed to financial risk.

Mr. Baker addressed the residents in the audience and advised them that the road must be accepted by the Town in order to have it plowed by the Highway Department. He asked their opinion of the additional lot releases proposed. Elaine Jones, Sewall Street, stated residents would not be happy if the road is not finished. There are only enough funds to finish the current cul de sacs. The Board discussed mechanisms to switch existing surety to cover other lots. Mr. Manter motioned that the Board release lots 6B, 7B, 8B, 44, and 47 from the covenant once binder paving is completed for the complete roadway loop, and further that the Board waive the subdivision rule limiting the length and number of lots allowed on a temporary dead end street. Ms. Levy seconded; all in favor, none opposed. When the Board receives confirmation from Mike Andrade that the binder paving has been completed, they will execute the lot release document.

Barnard Hill-lot release-Rich Chehade and Nick Sivieri were present to request the release of 5 additional lots in the Barnard Hill subdivision. They are closing on three homes this month and have three others under agreement. The original bonds were for \$550,000 and \$441,000. They have only asked for a reduction on the cash bond. They discussed their project with the Board and the hurdles they have tried to overcome. They have a gate at the Shrewsbury end of the road. They are working with another lender to obtain additional bonding. Mr. Baker stated if the Board grants their request, they will have 12 houses on a 1500-ft cul de sac. That is the issue. There was discussion about completing as much road as possible. Mr. Sivieri stated they have buyers for lots 5, 14 and 10. They are trying to work with neighbors from Shrewsbury. The developer will continue work on the roadway to reduce the outstanding bond. Mr. Manter motioned to waive the subdivision rule limiting lots on a temporary cul de sac and to release lots 3, 5 and 14. Ms. Levy seconded; all voted in favor. None opposed. The Board will execute a Release of Covenant for lots 3, 5, and 14.

Scannell Properties-Attorney Mark Donohue and Patrick Healy were present to discuss time frames and to update progress on the proposed development on route 140. The access road of 1,000 feet will be through the Triboro Cranes property. The building will be 360,000 square feet on 106 acres. It will have 200 parking spaces and 50 loading and unloading docks. The Dipilatos are retaining 50-60 acres. Thompson Liston has been working with the traffic engineer, VHB, to have a draft this week for Jennifer Conley to review. Patrick and Mike Andrade will also meet to discuss the project. They plan to file applications the week of September 19th and they hope to close on the property by December. They requested a Public Hearing in October with a continuation to November, with a decision at that session. The appeal period should end by Thanksgiving. It is expected that issues regarding traffic, appearance, noise, and technical engineering issues will arise at the October session, and the design engineers and peer reviewers will work to resolve them before the November meeting. Mr. Baker requested that Attorney Donohue draft a decision to expedite the process. He agreed. Ms. Gardner will coordinate with members for a hearing the week of October 17th and notify Attorney Donohue. Public Hearings are required for both Subdivision Approval

and a Special Permit. Site Plan approval will be required for the special permit. Attorney Donohue will prepare the public hearing notices.

Camp Harrington-Mike May and Jim Ricciardi were present with a preliminary plan for the YMCA property. Mr. May discussed the project with other developers after Mr. Kent backed out of the plan for the over-55 development on Pine Street. The present plan is for duplexes on 6 lots. He will propose a low impact development. Pine Street is a private way with two existing homes. Ms. Johnson, one of the residents, is on board with the plan. Mr. Ricciardi will be the developer. The new homes will be priced at \$275,000 to \$300,000 per unit. This fills a need and is less than other new construction in the neighborhood. In addition to the new residential construction, plans are to have ball parks and to rehabilitate the other structures on the property. Sewall Pond was discussed. The project will be of great benefit to the community. Mr. May stated that he and Mr. Ricciardi along with the Fuller Foundation are very committed to complete this project.

There was discussion regarding inclusionary zoning, and Mr. Baker referred to Section 3, 16.03.03. They will also require a waiver for 8 lots on a dead end street. There was discussion among the Board regarding whether granting the waiver would make it difficult to deny the waiver to future developers. Mr. Viscomi suggested consulting Town Counsel as to whether, given this special case, the Board would have a defensible position to deny such a waiver in the future. Mr. May needs to work expeditiously due to the risk that the YMCA will put the land on the open market. Mr. Baker will contact Town Counsel regarding the waiver and forward the response to Mr. May. Mr. May has to resolve the inclusionary zoning issue. He was advised to speak with Tony Zahariadis, Building Inspector, for his advice on the inclusionary zoning formula. Attorney Donohue, who represents the YMCA, informed the Board that if Mr. May cannot come to agreement with the YMCA by next week, the property will likely be put onto the open market. The YMCA wants the legacy to remain with the Town. Twenty acres will be set aside for use by the Town to be managed by Parks and Recreation. Mr. May asked for a sense of the Board regarding the design and waiver. There was consensus among the Board regarding the design and approving the waiver, provided Town Counsel advises that it would not lead to an indefensible position in the future.

315 Main Street-Mike May presented a concept plan for property off of Elmwood Place. The State Senate has not yet approved the transaction allowing his purchase of an adjacent parcel, which was approved at Town Meeting. The property will be developed in two phases. A software business will be relocating from Sterling. Operating hours will be Monday-Friday from 8-5. It will not be used by the public. The building will be a steel structure, and he will apply for a Special Permit following the same procedures as Turf Links and Phoenix previously. Mr. May stated the tenant is a resident of town.

ANR-357 Sewall-An ANR was presented for Jim Goulet's property to create a parcel that is not a building lot. The Board reviewed the plan and Ms. Levy motioned to approve the ANR for James and Carol Goulet of 357 Sewall Street and to authorize the Clerk to endorse. Mr. Manter seconded; all voted in favor.

Ms. Ames motioned to adjourn at 9:46 p.m. and Ms. White seconded; all voted in favor.

Meeting Materials

Graves Engineering Bond Estimate Flagg Street (on file in PB office)

ANR 19 Scar Hill Road (on file in PB office)

Cottonwood Place plan (on file in PB office)

ANR 357 Sewall Street (on file in PB office)

Camp Harrington Plan (on file in PB office)

315 Main Street Plan (on file in PB office)