



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, January 3, 2022

CHAIRMAN: Kim Ames
MEMBERS PRESENT: Richard Baker, Assoc. Member, Peter Caruso,
Corinna Javier, Mark Johnson
OTHER ATTENDEES: Stephen Madaus, Town Counsel
MEMBERS ABSENT: Homaira Naseem, Paul Dell'Aquila, Town Planner
RECORDER: Nina Gardner

Ms. Ames called the meeting to order at 6:37 p.m.

Barnard Hill-Mr. Chehade was unable to attend the meeting. The board passed over this agenda item.

219 Sewall Street-ANR-Steven Venincasa, the applicant, was present with an ANR for this property showing 8 lots. The plan calls for 8 two-family units. The application states 9 lots. There is a back lot. Ms. Ames asked about inclusionary zoning bylaw as it relates to this project. The applicant and his engineer were unaware they needed to have units for inclusionary zoning. Town Counsel recommended a letter be sent to the Building Inspector stating 10% (2 of the 16 units) would be required to be affordable. Town Counsel discussed making changes to the inclusionary zoning bylaw. After reviewing the plan and noting that the plan meets the requirements for an ANR, Ms. Javier motioned to approve the ANR for 219 Sewall Street. Mr. Caruso seconded; all voted in favor by roll call vote:

Mr. Johnson-yes
Ms. Javier-yes
Mr. Caruso-yes
Ms. Ames-yes
Mr. Baker-yes

Mr. Caruso motioned to authorize the Clerk to sign the ANR and Mr. Johnson seconded; all voted in favor.

8 Gulf Street Decision-A draft of a Decision was provided along with an alternate Denial Decision based on discussion at the last Planning Board meeting. There are standards that need to be met under the Senior Residential Bylaw. Town Counsel stated there are six standards for consideration as follows and gave an overview as to what the Board can take into consideration of each criterion:

1. Social, economic, or community needs which are served by the proposal
2. **Traffic flow and safety, including parking and loading;**
3. Adequacy of utilities and other public services;
4. **Neighborhood character and social structures;**
5. **Impacts on the natural environment;** and
6. Potential fiscal impact, including impact on Town services, tax base and employment.

Town Counsel reviewed the criteria for Senior Residential Development as follows:

Under Section 5.04.07 (A) of the Zoning Bylaw, entitled “Planning Board Action”, lists five considerations the Planning Board must apply when evaluating a proposed SRD and based on those determinations the Board can deny or approve the Special Permit. The following are the criteria for SRD:

1. The general purpose and objectives of this by-law;
2. **The existing and probable future development of surrounding areas;**
3. **The appropriateness of the proposed layout of streets, ways, lots and structures;**
4. **The proposed layout and use of the Common Land in relation to the proposed dwelling units in the SRD, the topography, soils and other characteristics of the tract of land in question;** and
5. The degree to which the proposed development would contribute to the supply of affordable housing in the Town.

Town Counsel requested the Board vote on specific findings relative to the above-highlighted criteria: The Board agreed to review findings and deliberate. The deadline is 90 days from the close of the public hearing for a decision to be issued. The public hearing was closed on November 15, 2021.

The Board agreed to review each of the findings in the draft presented by Town Counsel and deliberate as to their applicability. Board may find items that need to be clarified or corrected.

Mr. Johnson asked for confirmation and clarification of yellow highlighted area in the draft on page 8 which states “In addition, the Planning Board found that the Applicant failed to demonstrate that the proposed common land does not contain a greater percentage of wetlands, as defined in MGL Chapter 131, Section 40, or 100-year floodplains, than the percentage of wetlands or floodplains found in the over tract of land on which the proposed SRD will be located (as required by Section 5.03.05 (A) (1) of the Zoning Bylaw)” Mr. Baker explained that this issue was mentioned in the Graves Engineering Review #1 dated January 29, 2021.

Applicant responded that there was sufficient space because half of it was wet and contained enough of the minimum requirements. Mr. Baker found it on the layout plan, which is the full sheet of the plan. He states that all of the calculations are laid out on page 3 of the plan and since

the plan is signed by a licensed engineer, the Board should accept that as fact. Town Counsel confirmed that the above highlighted paragraph should be stricken from the decision. The Board discussed having a new plan showing the open space as it would look.

Mr. Baker motioned to adopt 11.04.06 (B)(ii) on the denial draft for roadway width supplied by Town Planner. Mr. Johnson seconded; all voted in favor 5-0 by roll call vote:

Mr. Johnson-yes

Ms. Javier-yes

Mr. Caruso-yes

Ms. Ames-yes

Mr. Baker-yes

See Below:

11.04.06 (B) (ii): *TRAFFIC FLOW AND SAFETY INCLUDING PARKING AND LOAD*

The Planning Board found, by a vote of 5 in favor and 0 opposed, as follows:

The Locus is served by a roadway network made up primarily of Gulf Street, Mill Street, and South Sewall Street, which consists of narrow roadways (the paved width of Gulf Street narrows to 18' at a point, within the 35' right of way; the paved width of Mill Street narrows to 20' at a point, within the 30' right of way; and the paved width of South Sewall Street narrows to 22' at a point, within the 40' right of way). In addition, as shown on the locus plan, the roadways meet at an unusual, geometric, four-way intersection adjacent to the project site. The Board determined that permitting a Senior Residential Development, with a density of residential units greater than otherwise available pursuant to a conventional residential subdivision, to house residents age 55 or older, would cause adverse effects relative to traffic flow and safety. In addition, relative to parking and loading, the driveway network within the proposed development shows three driveways to serve the residential units, each ending in a dead-end, with no turnaround bulb or "hammer head" area to provide a turning radius for delivery trucks and/or emergency vehicles. The absence of turnaround areas at the end of each driveway will hinder snow removal operations, as well, which could result in limited or obstructed access to residential units during winter conditions. For these reasons, the Planning Board determined that the adverse effects of the project, relative to traffic flow and safety, including parking and loading, outweigh the beneficial impacts the project may bring to the Town or the neighborhood.

Based on this determination, the Planning Board could not make the determination required by 11.04.06(B) (ii) of the Zoning Bylaw, to allow the grant of the special permit.

After discussion regarding neighborhood character, Mr. Johnson motioned to accept Finding Section 11.04.06B and Mr. Baker seconded; all voted in favor by roll call vote:

Mr. Johnson-yes
Ms. Javier-yes
Mr. Caruso-yes
Ms. Ames-yes
Mr. Baker-yes

See Below:

11.04.06 (B) (iv): NEIGHBORHOOD CHARACTER AND SOCIAL STRUCTURES.

The Planning Board found, by a vote of 5 in favor and 0 opposed, as follows:

The neighborhood surrounding the Locus consists predominately of single-family homes. The Planning Board finds that the scale and density of the proposed development is inconsistent with the character of the surrounding neighborhood. For example, the Plans show a massing of structures near abutting residential properties, providing no transition from the neighborhood of single-family homes to the dense cluster of units. It appears there was little or no effort to design a development consistent or compatible with the surrounding neighborhood (by providing spacing for transition and in the design of structures, for instance).

Relative to social structures, the open space proposed by the applicant to satisfy the requirement in Section 5.03.05 of the Zoning Bylaw to provide “Common Land” is piecemeal, appears to include land areas best described as the backyards of the residential units, and would not be suitable for active or passive recreational opportunities. Therefore, the proposed Common Land does not satisfy the social utility intended by Section 5.03.05 of obtaining meaningful open space in exchange for a senior residential development with a greater density of units than otherwise allowed under the Zoning Bylaw.

Based on these determinations, the Planning Board could not make the determination required by 11.04.06(B) (iv) of the Zoning Bylaw, to allow the grant of the special permit.

After discussion of impact on environment, Mr. Caruso motioned to accept Finding Section 11.04.06 (B) (v). Mr. Baker seconded; the Board voted by roll call vote:

Mr. Johnson-yes
Ms. Javier-yes
Mr. Caruso-yes
Ms. Ames-no
Mr. Baker-yes

See Below:

11.04.06 (B) (v): IMPACTS ON THE NATURAL ENVIRONMENT.

The Planning Board found, by a vote of 4 in favor and 1 opposed (Ames), as follows:

As shown on the Plan, significant grading and clearing of trees is required to construct the project as proposed on the Locus. A significant portion of the site is proposed to be cleared of existing trees, which is not in keeping with the intent of the SRD bylaw. As provided in Section 5.03.05(A), "Common land shall be planned as large, contiguous parcels, whenever possible." The large contiguous parcel for the proposed project will be developed with dwelling units and driveways; the common land is a collection of odd shape land areas, which will be of little or no benefit relative to the intended uses of common land as set forth in Section 5.03.05. In light of the portion of the project site to be developed and the failure to provide common land consistent with the intent of the SRD bylaw, the Planning Board determined that the adverse effects of the proposed development would outweigh the beneficial impacts to the Town and the neighborhood, relative to the impacts on the natural environment.

Based on these determinations, the Planning Board could not make the determination required by 11.04.06(B) (v) of the Zoning Bylaw, to allow the grant of the special permit.

After discussion of appropriateness of layout, Ms. Javier motioned to accept finding Section 5.04.07 and Mr. Baker seconded; all voted by roll call vote:

Mr. Johnson-yes
Ms. Javier-yes
Mr. Caruso-yes
Ms. Ames-no
Mr. Baker-yes

See Below:

5.04.07 (A) (iii): THE APPROPRIATENESS OF THE PROPOSED LAYOUT OF STREETS, WAYS, LOTS AND STRUCTURES.

The Planning Board found, by a vote of 4 in favor and 1 opposed (Ames), as follows:

The proposed layout of driveways within the development would each have a dead-end with no turnaround area provided. The Planning Board determined this layout would result in inconvenient and even unsafe travels conditions, particularly during snow events. The Planning Board also found that the proposed layout of the structures was inconsistent with the surrounding neighborhood. The proposed layout of the lots and structures failed to demonstrate any consideration for making the development compatible with the neighborhood, relative to massing of units and design of structures. In addition, the layout of the driveways, lots and structures results in a proposal for common land which is inconsistent with the intent and purpose of the common land requirement in the SRD bylaw. Based on the design of the development, the Planning Board determined that the proposed common land would have little or no benefit to the Town, the neighborhood, or the residents of the SRD as conservation land, recreation land, land available for park

purposes, outdoor education, agriculture, horticulture or forestry use, or for any combination of such uses, as required by Section 5.03.05(B) of the Zoning Bylaw.

Based on these findings, the Planning Board determined that the Application does not meet the requirements for a special permit for an SRD.

After discussion regarding proposed layout of common land, Mr. Baker motioned to accept finding Section 5.04.07 (A)(iv) and Mr. Caruso seconded. All voted by roll call vote:

Mr. Johnson-yes
Ms. Javier-yes
Mr. Caruso-yes
Ms. Ames-yes
Mr. Baker-yes

See Below:

5.04.07 (A) (iv): THE PROPOSED LAYOUT AND USE OF THE COMMON LAND IN RELATION TO THE PROPOSED DWELLING UNITS IN THE SRD, THE TOPOGRAPHY, SOILS, AND OTHER CHARACTERISTICS OF THE TRACT OF LAND IN QUESTION.

The Planning Board found, by a vote of 5 in favor and 0 opposed, as follows:

The common land is not sufficiently separated or distinct from the developed area containing the residential units and driveways, such that the proposed common land would have little or no benefit serving as conservation land, recreation land, land available for park purposes, outdoor education, agriculture, horticulture or forestry use, or for any combination of such uses, as required by Section 5.03.05(B) of the Zoning Bylaw. Essentially, the proposed common land would not benefit the Town, the neighborhood, or the residents of the proposed development as intended by, and one of the primary purposes of, the SRD bylaw.

The Planning Board unanimously found that the Applicant did not and would not provide a narrative to confirm or reveal the dedication of the common land, as required by Section 5.03.05 (B) of the Zoning Bylaw.

Based on these findings, the Planning Board determined that the Application does not meet the requirements for a special permit for an SRD.

After discussion of proposed SRD is in harmony with the area, Mr. Baker motioned to accept finding Section 5.04.07 (B)(iv) and Ms. Javier seconded. All voted by roll call vote:

Mr. Johnson-yes
Ms. Javier-yes
Mr. Caruso-yes
Ms. Ames-no
Mr. Baker-yes

See Below:

5.04.07 (B) (iv): WHETHER THE PROPOSED SRD IS IN HARMONY WITH THE EXISTING AND PROBABLY FUTURE USES OF THE AREA AND WITH THE CHARACTER OF THE SURROUNDING AREA AND NEIGHBORHOOD.

The Planning Board found, by a vote of 4 in favor and 1 opposed (Ames), as follows:

The neighborhood surrounding the Locus consists predominately of single-family homes. Section 5.03.07 (E) of the Zoning Bylaw provides in relevant part: “In the vicinity of...public roads, new buildings may be sited in clusters close to the road...Such roadside clusters shall be compatible with the scale of the surrounding neighborhood and shall maintain at least 75% of the existing undeveloped frontage in conservation.” The Planning Board found that the scale and density of the proposed development to be inconsistent and incompatible with the character of the surrounding neighborhood, due to a failure to provide any open space for a transition from the existing neighborhood to the cluster of new buildings or to design structures compatible with the residential neighborhood. The Plans show a massing of structures near abutting residential properties, providing no transition from the neighborhood of single-family homes to the dense cluster of units. The Planning Board also found that the proposed development failed to provide the required conservation area within the frontage, as described in the Additional Finding, below.

Based on these determinations, the Planning Board may not grant a special permit for an SRD because the Planning Board did not make the requisite finding required by Section 5.04.07(B) (iv) that the proposed development is in harmony with existing and probably future uses of the area and with the character of the surrounding area and neighborhood.

The Board discussed Section 5.03.07(E) as additional design criteria and if it complies with the preservation of the frontage as set forth in that section.

After discussion of Section 5.03.07 regarding design criteria, Mr. Baker motioned to accept additional finding and Mr. Caruso seconded; all voted by roll call vote:

Mr. Johnson-no
Ms. Javier-yes
Mr. Caruso-yes
Ms. Ames-no
Mr. Baker-yes

See Below:

ADDITIONAL FINDING

The Planning Board also found, by a vote of 3 in favor and 2 opposed (Ames and Johnson), that the Plans did not comply with the Additional Design Criteria set forth in Section 5.03.07 (E) of the Zoning Bylaw. Subsection (E) provides in part that “roadside clusters” of building shall be compatible with the scale of the surrounding neighborhood and “shall

maintain at least 75% of the existing undeveloped road frontage in conservation.” The Plans do not show conservation of the frontage land area on Gulf Street.

The Board discussed common land and open space. They feel the applicant is not setting aside and showing enough common land. Ms. Javier does not think it is appropriate for the homeowners to determine the use of the common land which was mentioned as an option. She felt owners won’t want to do anything with common land if their land abuts other neighbors.

The Board discussed how they felt about approving or denying the application. It was the sense of the Board to deny this permit.

Mr. Johnson motioned to deny the permit for 8 Gulf Street based on the findings listed above and Mr. Baker seconded; all voted by roll call vote:

Mr. Johnson-yes
Ms. Javier-yes
Mr. Caruso-yes
Ms. Ames-no
Mr. Baker-yes

The vote to approve denial was 4-1.

Mr. Johnson motioned to authorize the Clerk to sign the Final Denial Decision for 8 Gulf Street and Mr. Baker seconded; all voted in favor.

LPA hours of credits were discussed. Ms. Javier motioned to approve use of the 6 hours of CMRPC to calculate GIS numbers for comprehensive permit applicability standard. Mr. Caruso seconded; all voted in favor by roll call vote:

Mr. Johnson-yes
Ms. Javier-yes
Mr. Caruso-yes
Ms. Ames-no
Mr. Baker-yes

Mr. Caruso motioned to adjourn at 8:05 p.m. Ms. Javier seconded; all voted in favor.

Meeting Materials:

ANR Sewall Street (on file in PB office)

8 Gulf Street draft approval and denial decisions (on file in PB Office)