



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

APRIL 28, 2014

CHAIRMAN: William Manter

MEMBERS PRESENT: Kim Ames- 6:14 arrival Richard Baker, Laurie Levy, Ralph Viscomi

MEMBERS ABSENT: None

RECORDER: Nina Gardner

CONSULTANTS: Stephen Madaus, Town Counsel

Public Hearing-Amendment to the Zoning Bylaws Industrial Park Zoning

Mr. Manter called the meeting to order at 6:10 p.m. and read the hearing notice. Town Counsel, Stephen Madaus, reviewed the circumstances leading to the Selectmen's petition. It is proposed that the 2007 version of the dimensional table for the IP District be restored to the Bylaw. However, upon further review, Mr. Madaus discovered that the proposed table includes uses not allowed in the IP District. Additional time would be needed to establish dimensions for uses that have been added since 2007. He suggested adding "all other permitted uses" at the bottom of the dimensional table along with the maximum dimensional requirements set forth for the other allowed uses. Attorney Madaus would not oppose passing over the article at Town Meeting.

There was discussion over whether the Board should try to correct the dimensional table or recommend passing over. They reviewed the table and removed gasoline station, motor vehicle repair, building trade supply, light manufacturing or light assembly facility, and self-storage facility uses from the table. It was agreed that the Board will recommend the Board of Selectmen present the article with amendments at Town Meeting. The Board will work on correcting the table at a later date. Mr. Baker motioned to close the public hearing and Ms. Levy seconded. All voted in favor.

Mr. Baker motioned to recommend approval of the article contingent upon removal of the items in the table listed above and with the dimensions set forth. Mr. Viscomi seconded; all voted in favor.

Public Hearing - Registered Medical Marijuana Dispensaries

Mr. Manter opened the hearing at 6:45 p.m. and read the notice. Attorney Madaus explained that Massachusetts has legalized dispensaries, and the Attorney General's Office has ruled that Towns cannot ban them. However, Towns may regulate the use by special permit. The proposed bylaw is drawn from the Attorney General's model bylaw.

Dennis Costello, Health Agent, stated he feels the allowed locations proposed are too restrictive. While he had not looked at the zoning map in detail, he was concerned that the 500-foot distance requirement would disqualify virtually all property along Rt. 140. There was discussion regarding land on Rt. 140 and frontage for a facility to be located. Mr. Viscomi felt there would be land available on route 140 if frontage requirements were changed. Attorney Madaus stated the Board could propose reducing the setback from 500 feet. The Board agreed it would be better to recommend the article at Town Meeting rather than not having a medical marijuana bylaw in place. The bylaw could be amended later if needed. Sara Sheinfein, Board of Health Chairman, stated the Board of Health has an obligation to the residents to insure availability of medical marijuana going forward.

Mr. Baker motioned to close the public hearing. Ms. Levy seconded; all voted in favor. Ms. Levy motioned to recommend approval of the article as written at Town Meeting. Mr. Baker seconded. There was brief discussion regarding Rt. 140 as a potential location for a facility and further study of every lot. Ms. Levy is not in favor of lessening the 500-foot restriction. The Board voted unanimously on the motion to recommend the article at Town Meeting.

Barnard Hill – Jim Tetreault, Thompson- Liston and Richard Chehade were present. Mr. Tetreault presented a request for waivers from requirements of the 2006 approval. He is seeking waivers for the following:

1. Allow one sidewalk on all three subdivision streets (Section 6.2.9.a of the Boylston Subdivision Rules);
2. Waiver for Perry Road width to be 24 foot based on it being a local street and referring to Section 2.1.24 of the Rules. Section 6.2.4.b of the Rules calls for 28 feet on collector streets and 24 feet on local streets. If the Board does not grant the waiver for 24 feet, Mr. Tetrault requested it be 26 feet, which would satisfy the National Heritage Commission.
- 3, Waiver to allow the developer to reduce the width and eliminate one sidewalk on Perry Road road at the wetland crossing, stations 2+15 to 2+60, in order to meet the agreement it has with the Massachusetts Natural Heritage Endangered Species Program.

There was discussion regarding fees and peer review by Graves Engineering. There was also discussion about intersection improvement at the "Y" intersection on Cross St., and Mr. Manter feels input should be obtained from the Police Chief, Fire Chief and Highway Superintendent. The applicant will return on June 2, 2014 for a public hearing which is required to amend the subdivision plan.

183 Main Street – Jim and Sharon Ricciardi – ANR – at 7:36, Mr. Manter recused himself from the proceedings as he is an abutter to the subject property. Mr. Baker presided as Chairman.

Attorney Henry Lane, representing the Ricciardis was present. The Ricciardis reviewed the history of the property and its buildings. There are various deeds dated to the 1800's. Attorney Madaus asked if Lot 3 was conforming, and it is not. Lot 2 has adequate frontage, and Lot 1 has adequate frontage and area. Attorney Madaus stated there is an exception to the subdivision law when you have separate structures, and he cited case law. He also referred to the definition of subdivision meaning under section 2.1.25 of the Town of Boylston Subdivision Rules. If a lot predating the operation of Subdivision Law contains separate buildings, it's division does not constitute a subdivision. Mr. Baker commented on the lot width requirement in the Zoning Bylaw under section 1.04. Attorney Lane prefers the Board approve and sign the ANR to create the 3rd lot, and Mr. Ricciardi will file a subsequent ANR plan to modify the lot dimensions if necessary. Attorney Madaus recommended wording be added to the ANR Plan regarding the buildings as follows: "*The Planning Board determined that the buildings on Lots 1 and 2 were standing when Subdivision Control Law went into effect in Boylston.*"

Mr. Viscomi motioned to accept the ANR Plan dated March 14, 2014 with the aforementioned notation on the plan. Ms. Levy seconded, and all voted in favor, none opposed. After Mr. Viscomi added the notation, all members endorsed the mylar.

Mr. Manter resumed as Chairman at 8:00 p.m.

Mr. Manter informed the Board that they have been invited to attend the School Committee meeting on May 7, 2014 to discuss sidewalks from Compass Pointe. Mr. Manter and Mr. Viscomi will attend the meeting.

Mr. Viscomi motioned to adjourn at 8:05 p.m. and Ms. Levy seconded; all voted in favor.

Meeting Materials:

Page 3, section 2.1.25 Subdivision definition (on file in PB office)

Thompson Liston Outline regarding waivers for Barnard Hill (on file in PB office)

Email from Stephen Madaus dated April 23, 2014 regarding 183 Main Street (on file in PB office)

Article – Industrial Park Zoning – (on file in PB office)

Article – Medical Marijuana Dispensary (on file in PB office)

Public Hearing Notices (on file in PB office)

Data regarding 183 Main Street and structures (on file in PB office)