



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, April 6, 2015

CHAIRMAN: Ralph Viscomi
MEMBERS PRESENT: Kim Ames, Richard Baker, Laurie Levy, William Manter, Judith White-Assoc. Member
MEMBERS ABSENT: None
RECORDER: Nina Gardner

Mr. Viscomi called the meeting to order at 7:00 p.m. The Board reviewed the meeting minutes of March 2, 2015. Mr. Manter motioned to accept as amended and Ms. Ames seconded; all voted in favor except Mr. Baker, who abstained.

Bonnie LeFrak – Fitness Asylum, 65 Shrewsbury Street – Site Plan Review – Ms. LeFrak and her husband, Douglas Nix were present. They are seeking a second location for their business to be located in the center of the building at 65 Shrewsbury Street, the former location of Gray's Limousine. The majority of the parking for clients will be in the back of the building. Only a certain number, a max of 20, can attend class at one time.

After a brief discussion of where the parking would be, including handicap and staff, the board reviewed the requirements for Site Plan Review in Section 10.03. Mr. Viscomi wanted to be sure there is adequate lighting in the rear of the building for parking. Ms. LeFrak stated they would make it adequate if it was not.

There was a brief discussion regarding entering and exiting of the lot and signage. Mr. Baker wanted to settle the parking space issue now rather than encounter any problems later on. A decision has to be filed with the plan indicating the parking spaces. Ms. LeFrak will indicate on the plan exactly where cars will be parking. There should be 25 spaces shown on the sketch, plus handicap. They should measure 8 ½ feet by 18 feet for each space. Ms. LeFrak will bring the plan to Town Hall on Thursday and the board can approve the site plan review for change of use conditionally and Mr. Viscomi will approve the parking plan.

Mr. Baker motioned to approve the Site Plan with 25 parking spaces, excluding the handicap and allow Mr. Viscomi to approve; and the rest of the requirements would be waived. Ms. Ames seconded; all voted in favor. Mr. Baker will write a decision and Ms. LeFrak will bring the plan to Town Hall.

Compass Pointe – After the last meeting, Mr. Viscomi spoke with Town Counsel as well as Steve Venincasa who informed him he was planning to purchase the note and then foreclose on the project which would be uncontested. He felt it would be a quick process and the road would be done quickly. The purchase and sales had some items that Mr. S. Venincasa's attorneys told him not to accept and he asked that Town Counsel not contact his attorneys because he felt it would disrupt the process.

Mr. Viscomi subsequently spoke with another attorney at Mirick O'Connell who specializes in banking and foreclosures. He felt the total purchase process should have been completed within 60 days. He was skeptical of the information that Mr. S. Venincasa provided to Mr. Viscomi. He felt there may be underlying problems with the deal, and that an uncontested foreclosure normally takes a minimum of 30 days. Based on Steve Venincasa's conversation with Mr. Viscomi, Town Counsel felt it was time to call the bond.

Mr. Viscomi then told the Board and those present that he received a call from Steve Venincasa today at 2:30 p.m. and was informed that the deal fell through with the bank. The bank told Mr. S. Venincasa that they were putting the note out to bid, and that there were three parties in bidding; Casa Builders, The Capitol Group, and an unidentified party. The process will take approximately 30-40 days. Steve Venincasa stated the bank said they are allowing 15 days for due diligence, negotiations and closing. Then foreclosure will take place.

Mr. Viscomi stated Town Counsel informed him that since the Board found Signature Homes in default in January and the developer has not cured on defaults outlined in its January 12th letter, the board only has to reaffirm authorization for the Chairman and Town Counsel to make a claim on the Bond.

Mr. Manter suggested the board schedule a joint meeting with the Board of Selectmen on April 13th where town counsel would be available. The Public Works department has concerns about finishing the road and the infrastructure. The Water Department, Conservation Commission and Light Department should also attend. There is concern about what is underground and what the town will be taking on. Mr. Manter stated he had checked earlier with Ms. Gardner and there is still a few thousand dollars in the 53G account. Ms. Levy felt it would make no difference to meet with the other departments since the Planning Board has already followed all the procedures. Mr. Manter felt that by having a joint meeting other boards would be backing the decision. He suggested the Planning Board hold a special meeting after meeting with the Selectmen and call the Bond at that time if necessary. Ms. Levy felt if the outcome was going to change she would agree, but the Conservation Commission is already aware of the situation.

Mr. Viscomi stated that Steve Venincasa is not closing on the deal. There is no other deal in the works. It could take two to three months for another deal to close and input from other boards should not affect the decision of the Planning Board to call the bond. Ms. Levy feels everything that has taken place has been well documented and other boards are aware of the situation. Mr. Baker agreed with Ms. Levy that it won't change the decision. It is the Planning

Board's responsibility to see that the street gets finished and accepted. Ms. Ames refrained from commenting.

Mr. Baker motioned that the developer has not cured the defaults and the Board will authorize the Chairman and Town Counsel to make a claim on the Bond. Ms. Levy seconded; all voted in favor and Ms. Ames abstained.

Mr. Viscomi will request to be on the Agenda for the Board of Selectmen meeting on April 13th to inform them of the board's decision.

Ms. Levy thanked the residents of Compass Pointe for their patience. Mr. Viscomi advised the owner of Lot 30 to speak to his attorney regarding a lien on the property and also advised the other residents to speak to their attorneys regarding their individual situations.

Public Hearing Continued – Solar Panel Bylaw – At 7:59 Mr. Viscomi opened the public hearing on the solar bylaw which was continued from March 30th. Mr. Manter thanked everyone for the work on the bylaw. Mr. Manter requested that copies of the bylaw be available at Town Meeting. Ms. Gardner will speak with the Town Clerk.

The public hearing was closed at 8:05. Mr. Baker motioned that the draft, as modified by the Fire Chief's recommended addition, to the draft solar bylaw be recommended for approval at Town Meeting and Mr. Manter seconded; all voted in favor.

Mr. Manter motioned to adjourn at 8:10 p.m. and Ms. Levy seconded; all voted in favor.

Meeting Materials:

Solar Panel Bylaw draft (on file in PB office)

Site Plan Review Fitness Asylum (on file in PB Office)