



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

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MEETING MINUTES

July 7, 2014

CHAIRMAN: Ralph Viscomi

MEMBERS PRESENT: Kim Ames – 7:14 arrival, Richard Baker, Laurie Levy, William Manter

MEMBERS ABSENT: None

RECORDER: Nina Gardner

Mr. Viscomi called the meeting to order at 7:02 p.m. The Board reviewed the meeting minutes from June 2, 2014 and Ms. Levy motioned to approve. Mr. Manter seconded; all voted in favor.

Barnard Hill Subdivision Administrative Discussion – Mr. Baker had questions regarding the new Subdivision Plan presented by Thompson-Liston dated June 16, 2014. Mr. Tetreault, who was present for the public hearing, stated no changes had been made except for the elimination of a small parcel which was conveyed to an abutter. Mr. Baker wants the plan to be reviewed by Mike Andrade before final Board action. The only changes from the May 8, 2014 plan are that the creation of Parcel K, notation of the book and page information for recordation of the previous approved plan, and modifications to the layout of the proposed "Y" intersection at Cross and School Streets.

The Planning Board rescheduled their August 4, 2014 meeting to Monday, August 11, 2014 at 7:00 p.m.

Public Hearing - Lynda & Dennis Brophy, 524 Green Street – Accessory Apartment - Mr. Viscomi opened the public hearing, referring to the notice. Mr. Brophy was present and explained that the Brophys have applied for a building permit to finish an area over their garage, which was recently remodeled but left unfinished. It is separate from the house and meets all the accessory apartment requirements of the Zoning Bylaws. Dennis Costello, Health Agent, has confirmed that the septic system can support a one-bedroom accessory apartment on the property. After a brief discussion, Mr. Baker motioned to close the Public Hearing and Ms. Levy seconded; all voted in favor. After short deliberation, Mr. Baker motioned to approve the Special Permit for an Accessory Apartment. Ms. Levy seconded; all voted in favor. The Decision will be filed with the Town Clerk and sent to the applicant for recording at the Registry of Deeds after the 20 day appeal period has run.

Ms. Levy stated that she thought it would be a good idea for the Board to have some type of checklist for procedures for issuing Special Permits to facilitate the process. The Board agreed and will work on composing a generic Special Permit Checklist.

In the time remaining before the next scheduled public hearing, Mr. Manter updated the Board on appointment of the Associate Member. He suggests the Board delay until the September Selectmen's Meeting to have Judith White appointed as an Associate. Mr. Manter will contact Ms. White to confirm that she is still interested.

Barnard Hill Subdivision – Continued Public Hearing of Modification of Definitive Plan – The Public Hearing was reopened at 7:30 p.m. James Tetreault of Thompson-Liston represented the applicant, Dr. Chehade. At the last session, it was suggested that Parcel K may be considered a “spite strip” prohibiting access to the May property via Perry Road. As a result of discussions with Mr. May, Parcel K will be conveyed to Mr. May. The cover sheet of the plan now indicates the recording information for the previously approved plan. In addition, the suggestion for widening the pavement from 28 feet to 34 feet at the proposed “Y” intersection at Cross and School Streets has been accepted and the change made on the June 16, 2014 Plans. Mr. Tetreault requested approval of the following waivers:

1. *Allow construction of sidewalk on one side only on Perry Road from station 0+00 to 16+25.*
2. *Allow the construction of Perry Road without a 4-foot wide grass plot between the traveled way and the sidewalk in order to have a narrower cross section at the wetland crossings at stations 2+40, 5+00 and 15+00.*
3. *Allow street trees to be spaced more than 65 feet apart at the Perry Road wetland crossings where roadway cross section will not accommodate street trees.*
4. *That no additional administrative fees be collected since the 53G account still has a significant balance remaining from the original deposit of \$12,000.*

There was discussion regarding the request to reduce the width of Perry road from 28 feet to 26 feet. The Conservation Commission's only concern was to be sure there would be sufficient area for snow storage. Steve Mero of the Highway Department questioned the distance between the street and the Vortecnics catch basins. He requested they be as close as possible to the road, and the placements have been revised. It was noted that this subdivision will contain Boylston's first bridge.

Mr. Baker expressed concern that the most recent plan had not been reviewed by Mike Andrade at Graves Engineering. Mr. Manter and Ms. Levy were satisfied that the plan was acceptable, since very little has changed from the recently reviewed and approved March plan except for the changes made to minimize wetland impacts and the Perry Road crossing, and those changes were previously accepted by the Board during preliminary discussions in May.

Mr. Manter motioned to close the Public Hearing. Ms. Levy seconded and all voted in favor. The Board would like the new Plans sent to Mike Andrade to be reviewed for technical compliance to the 2013 Subdivision Rules. There was discussion regarding surety, recording details, and possible outcomes of the Graves review. Mr. Baker motioned to approve the requested waivers as set forth on the title sheet of the plan. Mr. Manter seconded; all voted in favor. After further discussion regarding the need for a Graves review, Mr. Baker motioned to approve the amended Barnard Hill Subdivision Plan dated June 16, 2014, provided the Board receive certification from Graves Engineering that the revised Plans are free of drafting errors and meet the specifications of the 2013 Rules; or, that they be corrected prior to endorsement. Mr. Manter seconded; all voted in favor.

Mr. Baker motioned that a condition be added to the approval that all conditions of the prior subdivision approval remain in effect. Mr. Manter seconded; all voted in favor.

Compass Pointe Discussion - Michael Venincasa – Mr. Viscomi reviewed the following items with Mr. Venincasa.

- A check for \$2500 was received for the 53G account.
- Proof that the bond was current was received.
- The Board's concern about lack of progress and the level of discontent from the current residents of Compass Pointe. Of particular concern, was the lack of progress on Lot 55 (5 Northeast Way) and the adverse impact it was having on the prospective owners.
- Town Counsel had advised the Board that the Performance Agreement not be renewed for 12 months without specific milestones being included. Mr. Venincasa's attorney was informed of this by Town Counsel. The overall progress of the development has been unsatisfactory and needs to progress in a more consistent fashion.
- There is an issue with the second driveway at 2 Compass Circle, owned by the Espositos who were present at the meeting. It appears the driveway encroaches on the neighboring lot, and there was no permit issued for the extra driveway.
- The tax issue has been resolved with the Tax Collector.
- Lot 55/5 Northeast Way – updated status – septic, gas and electricity will be in and closing is expected to be July 25th.

Laurie Esposito, 2 Compass Circle, stated that the soil on her property was not stabilized.

Other issues discussed were street lighting and the supervision of adequate snow removal. Mr. Manter and Mr. Viscomi attended a meeting with the elementary school Principal, the Police Chief, a member of the School Committee, and the Superintendent regarding the proposed path from the Phase 2 portion of Compass Pointe to the elementary school. The consensus was that a path through the woods had safety, as well as maintenance issues, and should not be built. They also felt that a connector road from the rear of the school to the development's loop road behind the school would provide a safer alternative for foot traffic, as well as relieve vehicular traffic at the school. Mr. Venincasa will consider installing such a road.

A list of milestones to be completed during next 90 days were agreed to by the Board and Mr. Venincasa as follows:

- Finish houses on lots 30 and 36 in a timely fashion and complete construction of the Rubinows' house on Lot 55 before the end of July.
- The area of road in front of the Espositos will the binder coat applied.
- Lot stabilization would be completed as recommended in the most recent report from Graves Engineering.
- Resolution on the issue of the Esposito second driveway location and the potential movement of lot lines to accommodate it.
- Raise catch basins at station 8+60.
- Timely communication from the developer to the Planning Board if difficulties arise in completing any of the agreed to items.

Ms. Levy motioned to extend the Performance Agreement for 90 days from July 7, 2014. Mr. Manter seconded; all voted in favor. Mr. Manter noted that since the Performance Agreement does not

formally expire until September, the effect of the Board's action is to provide the developer 90 days to prove a longer extension would be in the Town's best interest.

There was a brief discussion of which lots were included in Phase I and have been released, and which lots were included in Phase 2. The limits of Phase 1 were established, and Mr. Venincasa will return to the Board at the October meeting.

ANR – Poe and Nicholas Ave – Eric Johnson- Mr. Johnson has submitted an ANR plan to convert 6 non-conforming lots into 2 non-conforming lots. Lots 1-4 on the plan would become lot A, and lots 5-6 would become lot B. The lots meet the required setbacks for septic, and meet the frontage requirement of the Residential District. After reviewing the statutory requirements for ANR endorsement, Mr. Baker stated his opinion that the requirements are met. The Board explained to the applicant that it is the Building Inspector who will determine if the 2 new lots conform to zoning regulations. If he determines they do not conform, Mr. Johnson may have to appeal to the Zoning Board of Appeals. Mr. Viscomi added the following notation to the plan: ***"No Determination of Compliance with Zoning Requirements has been made or intended"***.

Mr. Baker motioned that the Board find that the property owned by Mr. Eric Johnson on Poe/Nicholas Ave is located in a public way and both have the minimum 150 feet of frontage; and further, that the Board endorse the plan as amended by the Chairman. Ms. Levy seconded and all voted in favor.

Industrial Park Zoning Use Table – Mr. Baker presented the results of his comparison of the uses table between the current Bylaw and that of 2006. There are new uses listed for the IP zone and some that were deleted during the Rt. 140 rezoning process. When those changes were made, the chart itself was omitted until it was re-instated by vote of the May, 2014 Town Meeting. Mr. Baker provided a new chart showing both current and previous IP zone uses, which the Board reviewed and discussed. One of the items not included was "self-storage facility". There was a brief discussion regarding that and the wellhead protection overlay zone. Mr. Baker will correct the chart to include the changes agreed to during the discussions. The Board will attempt to finalize the new use table at the August meeting and forward their recommendations to the Board of Selectmen. The Board will also try to work on a Solar Panel bylaw at the August meeting.

Ms. Ames motioned to adjourn at 9:21 p.m. and Ms. Levy seconded; all voted in favor.

Meeting Materials:

Public Hearing notice and Plans- 524 Green Street (on file in PB Office)
Barnard Hill Correspondence dated 5-13-14 and 6-27-14 (on file in PB Office)
Barnard Hill Definitive Plans dated 6-16-14 (on file in PB Office)
Letter from Bond Company re: Compass Pointe received 6-23-14 (on file in PB Office)
ANR Eric Johnson Nicholas/Poe Ave (on file in PB Office)
Schedule of Use Regulations for IP Zoning (on file in PB Office)