



# Town of Boylston Planning Board [planning@boylston-ma.gov](mailto:planning@boylston-ma.gov)

## MEETING MINUTES

Tuesday, May 9, 2017

**CHAIRMAN:** Richard Baker

**MEMBERS PRESENT:** Kim Ames, William Manter, Homaira Naseem

**MEMBERS ABSENT:** Judith White

**RECORDER:** Nina Gardner

Mr. Baker called the meeting to order at 7:00 p.m. The Board reviewed the meeting minutes of April 3, 2017. Mr. Manter motioned to approve and Ms. Ames seconded; all voted in favor. Ms. Naseem abstained. Ms. Ames pointed out resident, Kevin Schiavone's name was misspelled.

The Board reviewed the meeting minutes of April 24, 2017 and Ms. Ames motioned to approve. Mr. Manter seconded; all voted in favor. Ms. Naseem abstained.

Mr. Baker welcomed Homaira Naseem to the Board as the newest member as a result of the Town Election. He also introduced resident, Peter Caruso who is interested in becoming an Associate Member of the Board. Mr. Caruso told the Board he moved to Boylston last January with his wife and three-year-old daughter. He is an architect and received his license in 2010. He has worked for Lemeroux Pagano for 19 years. He was the OPM for the Boylston Library project. He was a member of the Millbury Planning Board and resigned when he moved. He hopes to be appointed an Associate Member of the Planning board and eventually become a Board member. The Board will discuss his appointment and ask for a joint meeting with the Selectmen to appoint Mr. Caruso. Mr. Baker recommended the Board elect new officers at the June meeting and fill out the document for the Registry of Deeds. He stated his willingness to continue as Chairman if the Board would like him to.

**Conservation Use**-Joe McGrath informed the Board that lots in the "East Woods" have been placed into Conservation under Section 157 of the State regulations. He referred to map of the properties; Lots 56-8 and 56-9 are not included. He is in the process of reviewing suggested uses for this property with each Board in town to get recommendations and input. Under Act 157-2, there are categories of allowed uses such as dog walking, etc. There are 6 lots not suitable. Use regulations will be written. There will be a meeting to receive input from the public and eventually approval from the Selectmen.

Mr. Baker asked about the proximity of the properties to the Summer Star Wildlife Sanctuary. It is closer to Berlin. There was discussion about the other lots indicated on the map presented. There will be trails into Berlin. All lots are landlocked except 68-8. Lots are non-buildable and would not produce tax revenue. Mr. McGrath asked that any additional comments be sent to him by email at [jmcgrath@boylston-ma.gov](mailto:jmcgrath@boylston-ma.gov).

**313 Main Street-Site Plan**-John Grenier, representing Mike May, presented a Site Plan for a proposed development for 313 Main Street Realty Trust. Proposed is an 18,500 square foot commercial building northeast of Frito Lay. There will be 3,000 sq. feet of office space, along with staging area, a warehouse, and a loading dock. There will be 25 parking spaces, 20 located near the office space and 6 in closer proximity to the warehouse. The storm water basin is located at the lowest point near Ross Pond and was discussed briefly. Mr. Grenier referenced the Graves's report of April 28<sup>th</sup>, and noted that nothing has changed insofar as drainage and overall design. Mr. Grenier showed a sketch of the property layout and stated they will have foundation plantings at the Board's direction. There will be lantern type lighting at the driving aisle, entrance, exit, and loading docks.

They are not seeking waivers from the Site Plan requirements. They have a specific tenant, Matt Mecum, who will move his business to town and who was acknowledged at the meeting. Mr. Baker stated there will be waivers required regarding plan requirements, specifically landscape design and building elevations. Mr. May stated no special permit under Wellhead Protection is required per the Building Inspector. It is a priority development site, and the proposed use is allowed by right. Mr. May will seek confirmation from Tony Z.

Mr. Baker reviewed the Graves report. Regarding comment #1, the site was previously approved for a 60,000 sq. ft. building. Mr. Mecum's business is laptops and storage for IT equipment. Mike Andrade stated it does not appear that a Special Permit under Wellhead Protection is required.

A security system will be put in place with cameras and lighting. The public will not be coming to the office space. It is being designed by D.R.Pulman out of Fitchburg. The Board discussed the design. Mr. Manter asked about lighting and a potential gate. There will not be a gate. Traffic was discussed. There will be 8-10 employees, UPS and Fed Ex delivery trucks in the morning and afternoon, with summer being the most active time.

Members expressed general satisfaction with the Plan. The applicant will address hydrology and stormwater with ConCom. There are no major issues. Mr. Grenier will amend the plans to address technical issues and the Board will render a decision at the June meeting. Mr. Baker will draft a decision. There will be no appeal period unless a Special Permit is required. Mr. Grenier will confirm with the Building Inspector.

**85 Sewall Street 40B Housing**-Mr. Baker gave the Board an overview of the potential 40B Housing project. The property owner has contacted the Massachusetts Housing Finance Agency to determine eligibility. Mr. Baker expressed his opinion that a better plan should be brought forward. There was a brief discussion of the development pattern. Mr. Baker read from pp. 16-17 of the recently released Chapter 40B Comprehensive Permits Handbook and presented a draft response to Michael Busby of the Housing Agency. Mr. Manter stated the draft letter from Mr. Baker was a good letter. He stated the plan was maximized at 92 units, just under the amount for town to appeal as a too-large project.

**Site Plan Amendment/FedEx**-Patrick Healy of Thompson Liston was present representing Scannell Properties seeking to amend the Site Plan for Pine Hill Drive. Scannell is proposing a driveway stub be that runs from the FedEx driveway to the Rand Whitney property line. Plans and letter to amend per bylaw 10.03.02 (no modification without approval) were submitted. He is seeking the Board's approval for the driveway stub. Mr. Baker would like the plan to be reviewed by Graves, but stated it does not require a public hearing. Mr. Manter agreed that it is only a small change in elevation and it does not give additional access to

Rand Whitney. The easement was an agreement between Scannell and Rand Whitney to avoid an appeal of the special permit.

Mr. Manter motioned to approve amendment to the site plan to reflect the new design of the driveway stub. Ms. Ames seconded. Mr. Manter stated it is in the best interest of the Town to have another access road to the two properties in case of emergency. All voted in favor. Mike Andrade will review the plans.

**Pine Hill Drive Utilities**-Mr. Healy discussed utilities on Pine Hill Drive. Scannell is concerned about possible interruption of electric service when Secured Financial constructs the 80 ft.-wide road approved in their Subdivision Plan. An option is to install the utilities overhead now and move them underground when the Secured Financial road is constructed. Scannell did not seek a waiver for overhead power lines in the original application. Mr. Healy asked for the Board's input. A decision must be made in order to meet the construction schedule for the FedEx project.

Mr. Baker stated the Board approved the subdivision road for the other developer with the intent to expand, not to remove any existing utilities. Mr. Barakian of the light department feels overhead power lines is the best solution for avoiding interruption of service to the distribution center. Overhead utilities were approved for the FedEx driveway, but not the subdivision street. Mike May, Board of Selectmen stated his opinion that Scannell should build their plan as approved. Mr. Bovenzi (Secured Financial) can either install utilities now or deal with it later on when he improves the street. He suggested underground utilities would look better. Mr. Bovenzi's plan is subject to MEPA and Scannell is not.

Mr. Manter motioned to take the request under consideration and discuss further at the June meeting after consultation with Town Counsel regarding the necessity for a public hearing. Ms. Ames seconded. Mr. Healy would like to request a waiver and a public hearing. Mr. Manter motioned to rescind his prior motion and deny the waiver request if Town Counsel determines a public hearing is needed. Ms. Ames seconded; all voted in favor. Board will discuss at June Meeting after consulting with Town Counsel.

**Barnard Hill**-Nick Sivieri was present to ask the Board to release Lot 13. He mistakenly thought it was released at an earlier date. He has a buyer for that lot. The road is bonded to that point. Mr. Manter stated that more work has been completed.

Mr. Baker asked to suspend the rules and have Mr. Manter Chair the rest of the meeting because he had specific points he wanted to bring up and did not want to make them from the Chair so as not to unduly influence. Members agreed, and Mr. Manter assumed the Chair.

Mr. Manter asked Mr. Sivieri how many permits have been issued to this point. Ten have been issued. The Board questioned if ten lots were released and ten building permits issued, why was Lot 13 marketed. Mr. Sivieri stated they routinely take lot reservations and this was an oversight on his part. Mr. Baker expressed his concern regarding the apparent ongoing marketing of unreleased lots and expressed additional concern about condition #22 of the subdivision approval which requires improvements to the Route 140/School Street intersection before building permits in excess of 10 be issued. Mr. Sivieri stated he has had three to six meetings with Steve Mero. There is a plan in place for the improvements, and he is ready to start when the Town is ready. Mr. Baker stated he is not as concerned with the present request for release of one additional lot as he is with the fact that there is no definite plan for the rest of the project insofar as bonding. Mr. Baker feels other Boards and Town officials should be consulted to determine how many houses on the uncompleted street are acceptable. The Town also needs assurance the road will be completed all the way to Shrewsbury. The Developer should consult with Shrewsbury officials as well. Mr. Sivieri is open to any plan. The Board will not release any more lots until a definite surety plan is in place. Mr. Manter will request an answer from

Selectmen as to the timeline for the School Street H Intersection improvements. Mr. Sivieri is agreeable to guidance or dollar recommendation from the Board.

Mr. Baker clarified that the Board never required the developer to create a second access during phase one of the construction. That was something that the developer chose to do to reduce the overall cost of his bond. As the number of homes increases on the dead-end street, safety will be an issue, and a 2<sup>nd</sup> egress will be required. Also, a decision to pave binder to Jacobson Drive is up to the developer, not a recommendation by the Board. Mr. Sivieri would like to continue to sell homes as they are doing and bond the road to get more lots released. He questioned why the phases were recorded at the Registry if it was not what was intended. There is some language in question. Mr. Baker disagreed that the recorded plan showed phases. Mr. Sivieri would like the members of boards to meet at the site and review the plans. He would like to create the second means of egress, but if there is another way to be in compliance, he would entertain that. He needs more road to build more homes. Mr. Baker motioned to release Lot 13 with no additional surety. Ms. Ames seconded; all voted in favor. Mr. Sivieri will be in contact to meet with Steve Mero, the Selectmen, and other boards for agreement on a plan to move forward.

**85 Sewall Street Project Discussion**-Mr. Manter invited Scott Goddard to present the plan for the 40B development on 57 acres of land with frontage on Sewall Street, Route 140 and School Street. The property is next to FSI and across from Premiere Storage. A Comprehensive Permit from the ZBA will be required with 25% affordable units. The plan calls for duplexes clustered towards Route 140, 36 dwellings, 18 units with shared septic systems. At the rear, would be single family homes with 56 proposed. There would be road access from Route 140 either a dead end or through street. The average lot size would be 30,000 square feet. The property owners have applied to Mass Housing and walked the site with Town board members. Mass Housing approval takes place after receiving feedback from the Town. Thompson Liston is the design engineer for the project. The planned use of the property has changed since the church purchased it. Mr. Manter asked Mr. Goddard why the church didn't talk to the Planning Board before they chose this route. A zoning change allowing Senior Residential Developments in the rural residential district would allow them to develop a 55-and-over development similar to that proposed. The Board discussed the number of units, shared systems, and affordable units. Affordable units will be throughout the project. Mr. Goddard stated he is receptive to a zoning change in this location. Zoning was changed in 2016 for the Fed Ex project. This piece of property could have the zoning changed to allow a better plan. The front of the land is closer to commercial zoning and the back is more wooded. It could be mixed use industrial. Mr. Manter asked if 85 Sewall Street, LLC would be receptive to meeting with the Town before this becomes contentious. The purpose would be to discuss rezoning the property so that a different plan could be designed. There was additional discussion about traffic mitigation on School and Sewall Streets. The Town has a responsibility to look at other viable options. Mr. Manter expressed sympathy with the church in that they are trying to develop the property to offset the financial impact. He suggested something different could be done with the property if it were zoned differently. Mr. Goddard will speak with Church members to come up with a different plan or strategy.

Mr. Baker motioned to submit the draft letter to the Mass Housing, and Ms. Ames seconded; all voted in favor.

The Board received a letter from the School Committee seeking volunteers to join a regional subcommittee for to discuss regionalization. They are meeting on Thursday, May 8<sup>th</sup>. Mr. Manter asked Ms. Naseem to attend and she accepted.

Mr. Baker motioned to adjourn at 9:00 p.m. and Ms. Ames seconded; all voted in favor.

**Meeting Materials:**

Graves Report dated 4/28/17 (on file in PB Office)

Map of Conservation Land (on file in PB Office)

40 B Draft letter (on file in PB Office)

Thompson Liston letter dated April 27<sup>th</sup> re: stub road (on file in PB Office)

Thompson Liston letter dated April 27<sup>th</sup> re: lighting on Pine Hill Drive (on file in PB Office)