



Town of Boylston Planning Board planning@boylston-ma.gov
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MEETING MINUTES
Monday, January 7, 2019

CHAIRMAN: William Manter,
MEMBERS PRESENT: Richard Baker, Peter Caruso, Homaira Naseem, Judith White
MEMBERS ABSENT: None
RECORDER: Nina Gardner

Mr. Manter called the meeting to order at 7:02 p.m.

Mr. Caruso motioned to approve the minutes of December 3, 2019. Mr. Baker seconded; all voted in favor. Ms. Naseem abstained.

Mr. Manter read a letter from NGI regarding Compass Pointe. As a condition of approval of the Compass Point subdivision, the former developer agreed to deed the land to the Town. The letter requests the Planning Board help in getting the present developer, Mr. Haynes, to expedite the transfer. Mr. Manter explained there are septic issues with the Board of Health, and that has caused delay in turning over the land. It has nothing to do with the Planning Board.

After brief discussion, the Board agreed they will respond to NGI and state they are aware of the issue and they will do whatever they can to accelerate compliance. Mr. Manter will ask Mr. Haynes to contact Town Counsel regarding future maintenance of the septic systems.

Burkhardt Farms- The applicants of this 3-lot subdivision have requested an extension of their original approval for another two years. The current approval expires on February 15, 2019. After discussion, Ms. White motioned to approve the request for a two-year extension on the Burkhardt Farm Subdivision to February 15, 2021. Mr. Baker seconded; all voted in favor. Mr. Baker will check with Town Counsel to determine if this extension should be recorded.

Barnard Hill-Richard Chehade and Mike Fam were present to discuss School Street improvements with the Board. Condition #22 of the decision required the developer to construct improvements at the School St./Rt. 140 "H" intersection. Due to uncertainty regarding the future of this intersection, no action had been taken by either the developers or the Town. The former Town Administrator offered an agreement with the developer to accept a cash contribution in the amount of \$30,000. More recently, \$18,000 was agreed upon with the new Town Administrator. The Planning Board was not a party to these negotiations. Present plans call for the H-intersection to be closed when the fourth leg of the new intersection of Route 140 at Fed Ex is completed.

Mr. Chehade is willing to work with the Town. He is seeking to obtain building permits for three lots (lots 3, 18 and 47) that he has recently sold in good faith per the previous negotiations with town officials. Mr. Chehade argued that the Town's indecision regarding the H intersection hindered his ability to satisfy condition #22 in a timely manner. Mr. Baker motioned that the Board find that due to conditions beyond

applicant's control, they are unable to complete condition #22 of the decision. Mr. Caruso seconded; all voted in favor.

The Board then discussed an alternate means of fulfilling the condition that would satisfy both the Town and the developer. The purpose of the condition was to mitigate traffic congestion resulting from the development of the subdivision. Members agreed that a cash payment to the Town to be used for mitigating Route 140 traffic anywhere along Route 140 would be a reasonable alternative. Mr. Chehade previously obtained construction estimate of \$8,000-10,000 for the planned improvements. The Town, represented by Mr. McNamara at the time, suggested \$30,000 and a final figure \$18,000 was agreed to by the developer in discussions with Ms. Steward. There was mention of sending that estimate to Mike Andrade for his opinion. Mr. Chehade asked to receive assurance from the Board that he can continue home construction in the subdivision. Mr. Baker suggested an amount of \$18,000 would be appropriate. Mr. Baker motioned that the Board find that \$18,000 is the approximate cost of the improvements required by condition #22 and to accept payment to the Treasurer in that amount as satisfying condition #22 of the decision. Mr. Caruso seconded; all voted in favor. No Certificate of Occupancy will be issued if the amount is not paid by March 31, 2019.

Warren Street Subdivision Public Hearing-Vito Colonna and Ron Aspero were present. The applicant has filed for a waiver for the stormwater permit from ConCom. There will be no rain garden and just a single driveway without a basin. Mr. Baker pointed out that no response has been received from the Board of Health. Mr. Aspero requested the Board extend the time for a decision to February 4, 2019 with the decision to be filed by February 11, 2019. Mr. Baker suggested the Board prepare a draft decision for the February 4 meeting. Mr. Baker motioned to accept the applicant's request for an extension of the time for a decision and continue the public hearing until February 4, 2019 at 7:30 p.m. Ms. White seconded; all voted in favor. Mr. Colonna will send a new response to Mr. Andrade for comments before the next meeting.

15 Boulder Way/Accessory Apartment-Kyle Sydow was present on behalf of his father, Kenneth Sydow. The Board reviewed the accessory apartment plan presented, which shows a kitchen added to an already existing living space above the garage which is attached to the house by a breezeway. The home is approved for a four-bedroom septic system. Mr. Caruso motioned to close the public hearing and Mr. Baker second; all voted in favor. Mr. Baker motioned the Board find the proposed accessory apartment meets the purpose and requirements of the bylaw and approve the special permit. Ms. White seconded; all voted in favor.

The Board discussed special permit application fees. Some special permits require a site plan which includes the fees. A fee schedule needs to be established for special permits that do not require site plan approval. The fee should cover postage, newspaper advertising, and administrative costs. A fee of \$500 was discussed for these permits. Mr. Baker will check for past documents which may have addressed this issue previously.

Ms. White motioned to adjourn at 8:30 p.m. and Mr. Caruso seconded; all voted in favor.

Meeting Materials:

Letter from NGI re Compass Point (on file in PB Office)
Email Burkhardt Farms request for extension (on file in PB Office)
Barnard Hill Item #22 (on file in PB Office)
Warren Street (on file in PB Office)
15 Boulder Way Accessory Apartment application (on file in PB Office)