



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

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MEETING MINUTES Tuesday, April 27, 2021

CHAIRWOMAN:	Kim Ames
MEMBERS PRESENT:	Richard Baker, Assoc. Member, Peter Caruso, Corinna Javier, Homaira Naseem
OTHER ATTENDEES:	Paul Dell'Aquila, Town Planner
MEMBERS ABSENT:	Judith White
RECORDER:	Nina Gardner

Ms. Ames called the meeting to order 6:30 p.m. Per the Governor's March 12, 2020 order this meeting was held remotely.

Public Hearing – Proposed Amendments to Boylston Zoning Bylaw

Paul Dell'Aquila, the Town Planner, presented changes to three Articles on the Warrant to amend language in the bylaws. The articles below were presented to the Board by Mr. Dell'Aquila with his comments and recommendations included:

Article 39-Amend Section 16 – Inclusionary Zoning

This proposed change would clarify some existing language and code references in the current bylaw. It clarifies the permitting authority in some sections ("Planning Board" vs. "Town"), corrects a code reference, and streamlines the language regarding the provision of an in-lieu fee.

One of the proposed fixes is to clarify whether the Board's original intent was to require 15% or 10% affordability (the existing language in the bylaw is unclear, although the common standard is 10%). "(Relatedly, I have also developed a form for the in-lieu payments - see attached)."

The Board discussed this change at length regarding what percentage should be used. Surrounding towns were mentioned as comparisons. Mr. Dell'Aquila stated the language will be clear for interpretations for Developers and the Building Inspector. The purpose is to have no discrepancies. Projects already applied for and in progress, will not be subject to this change in the bylaw. Mr. Dell'Aquila suggested keeping the percentage at 10% pending the final analysis of the Housing Production Plan.

The Board discussed "in lieu" of fee and Ms. Javier asked how the town utilizes the funds. The Board discussed payment in lieu of affordable housing. Seth Ridinger, Selectman, was present and stated the Town has set up a Trust for the funds and there is a Trustee Board. There are three

Selectmen and two Finance Committee members on the Board overseeing the Trust. The fees are obtained from different projects determined by the Board of Trustees.

Ms. Javier motioned to accept the revision to Section 16 Inclusionary Zoning of the Boylston Bylaws as presented tonight. Mr. Caruso seconded; all voted in favor by roll call vote:

Ms. Naseem-yes
Ms. Ames-yes
Ms. Javier-yes
Mr. Caruso-yes

The Board will approve a second motion after the changes are all presented and approved to recommend the proposed changes at Town Meeting.

Mr. Dell 'Aquila presented the next proposed change:

ARTICLE 40- Add "Outdoor Dining" to Schedule of Use Regulations 4.02.03

This proposed change will allow for business to continue outdoor dining after the end of the declared emergency. Regarding the draft as presented, I might also consider allowing outdoor dining by Special Permit in the Heritage District (e.g., Boylston Deli). Additionally, Counsel has suggested a note limiting the outdoor dining area to 3 parking spaces to make sure establishments will continue to comply with underlying parking requirements. My take is that we should not specifically limit the number of spots, but we should note that establishments must still comply with parking requirements (unless relief is sought via the special permit).

The Board discussed different locations in Town such as and how it would apply to them as they are in the Heritage District and much smaller and how the Building Inspector may define outdoor dining. All outdoor Dining will be subject to Board of Health approvals. Alcohol Licenses will have to be adjusted. There was a brief discussion regarding Town Counsel's recommendation of three parking spaces, but the board agreed to not include that in their recommendation.

Mr. Caruso motioned to accept the proposed changes to the bylaw to add Outdoor Dining to the Schedule of Use to Section 4.02.03 (Article 40) and strike not to occupy three parking spaces. Ms. Javier seconded; all voted in favor by roll call vote:

Ms. Naseem-yes
Ms. Ames-yes
Ms. Javier-yes
Mr. Caruso-yes

Mr. Dell'Aquila presented the third Article for changes as follows:

ARTICLE 41-New Zoning Bylaw for Common Driveways – ARTICLE 41

This proposed change would clarify the process and standards noted in the current General Bylaw (Section 7 – Driveways) and add a new section the Zoning Bylaws (new Section 17 – Common Driveways) “I believe the language as written is fine (especially differentiating residential and commercial uses), so I have nothing to add.”

The current bylaw mentions a Special Permit is needed from the Planning Board for a common driveway. It was recommended by Town Counsel to move the bylaw from General bylaw to Zoning Bylaw and have a new Section 17. “Process for Common Driveway” The Board discussed briefly and agreed they just want to lay out the process, not make it any more difficult.

Mr. Dell'Aquila stated while not a matter for zoning or Town Meeting, if approved, he would recommend that the Board set a clear application procedure and set an appropriate fee.

Mr. Dell'Aquila stated he had no recommended changes to this Article.

Ms. Javier motioned to approve the new Zoning Bylaw language as proposed for Common Driveways as proposed in Article 41. Mr. Caruso seconded; all voted in favor by roll call vote:

Mr. Caruso-yes
Ms. Naseem-yes
Ms. Ames-yes
Ms. Javier-yes

Mr. Caruso motioned to adopt all Articles (39, 40 and 41) language as proposed and recommend approval of these changes at Town Meeting. Ms. Javier seconded; all voted in favor by roll call vote:

Ms. Naseem-yes
Ms. Ames-yes
Ms. Javier-yes
Mr. Caruso-yes

The Board quickly discussed June meeting date and will decide at the next meeting. Mr. Caruso motioned to adjourn at 7:50 p.m. and Ms. Javier seconded; all voted in favor.

Meeting Materials:

Zoning Bylaw Language changes to Art. 39,40 and 41 (on file in PB Office)