



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

221 Main Street, Boylston MA 01505 \*\* Telephone (508) 869-6019 \*\* Fax (508) 869-

## MEETING MINUTES

**Tuesday, December 7, 2021**

**CHAIRWOMAN:** Kim Ames  
**MEMBERS PRESENT:** Richard Baker, Peter Caruso, Corinna Javier, Mark Johnson  
**OTHER ATTENDEES:** Paul Dell'Aquila, Town Planner, Stephen Madaus, Town Counsel  
**MEMBERS ABSENT:** Homaira Naseem  
**RECORDER:** Nina Gardner

Ms. Ames called the meeting to order 6:35 p.m.

**Barnard Hill** - Rich Chegade was present to give an update on the project. They are still waiting for delivery of the block. They are preparing to get Perry Road ready for future completion. They will not be ready by Spring, 2022.

Mr. Chegade also presented an ANR for approval. The Board reviewed the ANR. Patrick Healy, Thompson Liston was present on behalf of the applicant. He stated the frontage on Lot 24, Parcel B was increased to make it a buildable lot. There will be no through road. Mr. Caruso motioned to approve the ANR Lots 24R, 25R, 26R and 27R as amended on drawings dated 11/18/20. Ms. Javier seconded; all voted in favor by roll call vote:

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

Mr. Caruso motioned to authorize the Clerk to sign the ANR. Mr. Johnson seconded; all voted in favor.

**750 Main Street-Keith's Music** - Mr. Lewis requested by email to withdraw his application without prejudice and will come back to the Board at a later date.

Mr. Johnson motioned to accept Mr. Lewis's request to withdraw his application without prejudice. Mr. Caruso seconded; all voted in favor by roll call vote:

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

**21 Brookside Avenue** - Robert Duff of Halnon, Guiguere was present on behalf of the applicant, Mark Wagner who was also present. The applicant is seeking to modify the approved subdivision plan from 1988. The drainage easement on Lot 5 to Lot 4 is no longer needed. Graves Engineering has reviewed the modification and has agreed there are no issues. Mr. Wagner would like to be able to develop the lot and the modification will allow the new home to be positioned correctly.

Mr. Dell'Aquila informed the applicant that due to revamping of the records area, the original plan is not available. The process for this modification is Release of the Easement by Town Counsel and then approval by the Board of Selectmen. Then, it must be recorded. The plans are the same as 2006 and there is no drainage just an easement. Tim Houlihan, Board of Housing Authority asked to be shown the location as it relates to Sunbank property. He has no issues. Mr. Johnson motioned to approve the modification to the easement for 21 Brookside Ave and Mr. Caruso seconded; all voted in favor by roll call vote:

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

Town Counsel will draft the appropriate documents. There is a 20-day appeal period. The applicant will submit the appropriate documentation to the Board of Selectmen, modify the plan and record the modification. The original easement shall be referenced on the modification with the Registry of Deeds.

**160 Shrewsbury Street** -The Board closed the public hearing at the last meeting on the application for an amendment to the plan originally approved. The original Plan has not been recorded at the Registry of Deeds. After brief discussion about attaching and referencing the original decision to the amended decision and recording together, Mr. Johnson motioned to accept the amendments to the Decision of 160 Shrewsbury Street. Mr. Baker seconded; all voted in favor by roll call vote:

Mr. Johnson-yes  
Ms. Javier-yes  
Mr. Caruso-yes  
Ms. Ames-yes  
Mr. Baker-yes

**Gulf Street** – The Board reviewed a draft of a potential Decision if they approve This project. It was modeled after the Lilymere project . Mr. Baker stated he would like to get a sense from his fellow board members as to how they feel about this project. There have many concerns expressed from residents regarding this project. If the Board chooses not to approve this project, the Decision would have to be very carefully drafted. Mr. Caruso spoke about his concerns of this project which included over development of this area and this development not fitting in with the fabric of the neighborhood. He is concerned about the traffic analysis not addressing the safety of the intersection at Sewall, Gulf and Mill. The Fire Chief has expressed no issues with the plan, but Mr. Caruso feels that in the event of a holiday, there could be a significant amount of extra vehicles

lining the road and emergency vehicles will not be able to access the road. The Bylaw states this development may be allowed, but if the Board denies, there could be an appeal and Mr. Caruso did express concern regarding whether the Selectmen would wish to pursue a court case. Mr. Johnson and Ms. Javier both expressed similar concerns to Mr. Caruso. Mr. Johnson questioned if a court would look at the Fire Chief's statement of no concern and dismiss the Board's opinion. Ms. Javier expressed concern about common land and there not being enough designated and this project not being in harmony with the neighborhood. Mr. Caruso pointed out that Attorney Watsky previously stated common land would be determined by the HOA. It should be shown on the plan. Mr. Baker expressed that his main concern is the common land. The whole purpose of the bylaw was to provide less expensive housing and reserve space as an amenity for the people who live there. Mr. Baker would like a condition in the Decision if approved that a percent from the sale price of a unit be given back to use towards amenities of common land. There is no plan for how the common land would be used. Wetlands were discussed. The strongest reasons for denying approval would be common land and wetlands. Mr. Baker is concerned that the plan as presented and designed does not meet design standards of the bylaw.

Town Counsel explained that a Special Permit application under the bylaws of the town can be discretionarily approved or denied. There was a brief discussion regarding this. Objective standards must be met under the SRD bylaw. There are criteria under the bylaw 5.04.07 that must be met. Town Counsel read from the bylaws from Section 5.04.07, Section B 1-4.

Town Counsel and the Town Planner will draft a denial of the project for the Board to review and Town Counsel told the Board not to let a possible appeal of a denial to influence their decision. The hearing for this project was closed on November 15, 2021. The Board has 90 days to issue a decision. Therefore, they would like to deliberate at the next meeting and make a decision then. Ms. Ames asked about the HOA being included in the Decision as part of the bylaw requirement. Town Counsel explained that the Court does not accept approval or denial. They need to know how did the Board arrive at that decision. A brief discussion took place regarding no issues from the Fire Chief and Highway Superintendent. The court would look at that and refer to that, not the Board's opinion. Mr. Caruso motioned to instruct the Town Planner and Town Counsel to draft a denial based on deliberations tonight. Mr. Johnson seconded; all voted in favor by roll call vote:

Mr. Johnson-yes  
Ms. Javier-yes  
Mr. Caruso-yes  
Ms. Ames-yes  
Mr. Baker-yes

The Town Planner asked the Board to email him individually with their concerns and comments to enable the draft of a denial.

**500 Main Street** – Patrick Healy, Thompson Liston was present on behalf of the applicant.

There was a question regarding a split lot. The Building Inspector and engineer have reviewed the plan and there is a question about lot 2 lacking sufficient depth. A new plan was presented that the Building Inspector has not seen. Mr. Johnson motioned to accept the draft decision for 500 Main Street as revised and discussed. Mr. Caruso seconded; all voted in favor by roll call vote:

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

**Town Planner Report** – Mr. Dell’Aquila informed the Board that at his review he discussed goals with the Selectmen. He is working on updating forms and deadlines for applications. He will look into a software that could link building permits with Planning Board approvals.

He informed the Board that a 40B has been applied for at the corner of route 140 and Sewall Street. The Planning Board would like to give their feedback to the ZBA for the January 10<sup>th</sup> public hearing. CMRPC hours were discussed to see what is available to use.

Ms. Ames mentioned she had received an email from Jim Ricciardi regarding Pine Street. He requested rear bounds in the swamp be waived. Graves has reviewed the As Built.

Ms. Ames motioned to adjourn at 8:28 p.m. and Mr. Caruso seconded; all voted in favor.

### **Town Planner Update-**

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#### **Meeting Materials:**

Draft Decision 500 Main (on file in PB Office)

Draft Decision 8 Gulf Street (on file in PB Office)

ANR Barnard Hill (on file in PB Office)

21 Brookside easement (on file in PB Office)

160 Shrewsbury Street Decision (on file in PB Office)