



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

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MEETING MINUTES Monday, February 1, 2021

CHAIRWOMAN: Kim Ames
MEMBERS PRESENT: Richard Baker, Assoc. Member, Peter Caruso, Corinna Javier, Judith White, Homaira Naseem
MEMBERS ABSENT: None
OTHER ATTENDEES: Paul Dell' Aquila, Town Planner, Stephen Madaus, Town Counsel Tony Zahariadis, Building Commissioner,
RECORDER: Nina Gardner

Ms. Ames called the meeting to order at 6:31 p.m. The Board reviewed the minutes of January 4, 2021. Ms. Naseem motioned to approve the minutes as presented with corrections and Mr. Caruso seconded; all voted in favor by roll call vote:

Ms. Javier-yes
Mr. Caruso-yes
Ms. Naseem-yes
Ms. Ames-yes
Ms. White was not present for this vote

Barnard Hill Update-Richard Chehade was present to give an update on the progress of the project at Perry Road. Ms. Ames read letter from Mark Barakian of the Light Department regarding lights at Barnard Hill. He stated the Boylston Light Department will place additional lights on Perry road bringing the total to 5 lights and Mr. Chehade stated he will be paying for the lights. Mr. Chehade reported the lights were the only change this month. He plans on walking the property with the light department and Mr. Dell' Aquila requested to be part of the walk through. Mike Andrade will do a site visit and Mr. Chehade would like him to inspect the silt sacks that are causing the culvert to back up.

Mr. Chehade would like to eliminate the silt sacks and if Mr. Andrade agrees, Ms. Ames would like that in writing. The Board discussed the next phase of Barnard Hill with Mr. Chehade. There are two houses left to be built on Perry Road. He plans on completing the road in one shot and removing the breakaway gate between Perry and Jacobsen roads. Mr. Dell' Aquila requested that any future correspondence refers to developers not homeowners and that none of the land is in Shrewsbury. He also requested a timeline stating a specific timeframe that items will be completed.

Avery Way Public Hearing Continued-Vito Colonna was present on behalf of Shrewsbury Homes. He stated that a two-lot subdivision approved a few years ago was being amended because the developer has acquired additional land. The developer was waiting to hear from BOH. Mr. Colonna reviewed Mike Andrade's review #3. There was one comment from Graves regarding soil testing and there were no issues regarding that and 45 days have passed since the application was referred to the BOH. Soil testing has been added to the plans. There was an outstanding comment regarding an outlet to a new, small infiltration basin and that has been resolved with the updated plan (comment #7).

Mr. Caruso requested to see changes to the plan related to the small infiltration area. There is a low-level drain which has been modified with a valve and added to plan. The Board reviewed the waiver list with Mr. Colonna. One change was the previous waiver for 18 feet of pavement and now it is 20 feet in the first section of the street. The rest of the street will remain the same.

Paul Dell' Aquila relayed an inquiry from Light Department. There may be an easement needed on lot 4 if electric utilities are connecting from street. Mr. Aspero responded if necessary, they would take an easement since they own the lot. Mr. Aspero stated he would get input from Water and Light departments before they proceed. Mr. Baker questioned the stormwater report. One was submitted previously and an application for an amended stormwater permit was submitted. There will be a public hearing with ConCom. A Homeowner's Association for maintenance of street was discussed. Mr. Aspero stated prior to finishing last project, they will record a Homeowner's Association document and that will remain a condition of the approval.

Mr. Caruso motioned to close the public hearing and Ms. Javier seconded; all voted in favor by roll call vote:

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

Ms. Naseem motioned to approve the Modified Subdivision on Avery Way as shown on the draft decision. Mr. Caruso seconded. Mr. Baker suggested the board review the waivers set forth in the draft. Applicant will establish a Homeowner's Association for maintenance of the street. Only one additional lot, Avery Way was widened as recommended by Graves, and plan converts a pre-existing non-conforming lot to a conforming lot. The Board could consider the specific waivers as requested. All original conditions should remain in effect unless modified at this meeting. A new expiration date can be set for two years as the original approval is about to expire. Mr. Dell'Aquila asked about the timing of the HOA and when it should be established. The Board would like it to be recorded at the same time as the plan and before construction. Mr. Aspero stated that is not a problem.

Town Counsel reminded the Board to vote on the waivers individually as part of the procedure. The Board voted on each waiver individually as follows:

1. Mr. Caruso motion to approve Waiver 1 Section 6.2.4. to allow a pavement width of 20 feet from Station 0+00 to 1+00, and a width of 18 feet from Station 1+00 to the cul-de-sac and Ms. Naseem seconded; All voted in favor by roll call vote:

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

2. Mr. Caruso motioned to approve Waiver 2 Section 6.2.6.c to allow a cul-de-sac diameter of 90 feet and Ms. Naseem seconded; Ms. Javier questioned 60 feet of paved diameter noted in the waiver. Mr. Colonna confirmed the drawing shows 90 feet. The Board voted in favor by roll call vote:
 - Mr. Caruso-yes
 - Ms. Naseem-yes
 - Ms. Javier-yes
 - Ms. Ames-yes
 - Ms. White-yes
3. Mr. Caruso motioned to approve Waiver 3 Section 6.2.6.d to allow a cul-de-sac grade of 3.75%. Ms. Naseem seconded; all voted in favor by roll call vote:
 - Mr. Caruso-yes
 - Ms. Naseem-yes
 - Ms. Javier-yes
 - Ms. Ames-yes
 - Ms. White-yes
4. Mr. Caruso motioned to approve Waiver 4 Section 6.2.7.a to eliminate curbing at the intersection of Mill Street. Ms. Naseem seconded; all voted in favor by roll call vote:
 - Mr. Caruso-yes
 - Ms. Naseem-yes
 - Ms. Javier-yes
 - Ms. Ames-yes
 - Ms. White-yes
5. Mr. Caruso motioned to approve Waiver 5 Section 6.2.9.a to eliminate the sidewalk requirement. Ms. Naseem seconded; all voted in favor by roll call vote:
 - Mr. Caruso-yes
 - Ms. Naseem-yes
 - Ms. Javier-yes
 - Ms. Ames-yes
 - Ms. White-yes
6. Mr. Caruso motioned to approve Waiver 6 Section 6.3.0 to allow a 2:1 slope within the right-of-way. Ms. Naseem seconded; all voted in favor by roll call vote:
 - Mr. Caruso-yes
 - Ms. Naseem-yes
 - Ms. Javier-yes
 - Ms. Ames-yes
 - Ms. White-yes

7. Mr. Caruso motioned to approve Waiver 7 Section 7.5.1 to allow the lots to be served by the existing hydrant on Mill Road. Ms. Naseem seconded; all voted in favor by roll call vote:

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

Ms. Ames called for a vote on the original motion to approve the subdivision Avery Way.

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

Gulf Street Public Hearing Continued-John Grenier was present on behalf of the applicant, Boylston CP, LLC. Their attorney, Matthew Watsky was also present. Mr. Grenier referred to the Graves Review that was just received. The applicant is seeking to develop a senior residential development of 20 units on 11 acres of land. There will be 14 single-family units and 3 two-family units. Access to the property will be from Gulf Street as a double barrel entrance and exit. Mr. Grenier described the project as having one sidewalk and 20-foot-wide road. There will be visitor parking in the center and each unit will have a garage. There is 7.2 acres of common land. The units may sell for approximately 400-500 thousand dollars.

Mr. Dell'Aquila relayed questions from the fire chief regarding hydrant location and emergency access. There will be a hydrant on Gulf at entrance and will run to across from unit 11 on the plan and to unit 15 which will be the end of the line. Mr. Grenier stated he could meet with the fire chief regarding radius of turn around. Affordable Housing payment in lieu of constructing homes to be available, for rent or purchase, based on income was discussed. Attorney Watsky stated they would discuss a payment in lieu of affordable units, which seems to be the preferred option. There will be lamp posts on the road of the development. One of the biggest concerns for several residents on Gulf Street who spoke was the width, safety and condition of the current road. The developer will look at width and possible improvements to the road. Attorney Watsky and John Grenier will ask their traffic engineer for recommendations for road mitigation. Culverts were discussed and Mr. Grenier stated it was up to ConCom what the criteria would be for location of the culverts. Dave Baker, 187 Mill Road, questioned how this land could be developed on one parcel and Mr. Grenier explained it falls under the criteria of age restricted development on one single parcel of 10 acres or more with one unit per every 15,000 sq. feet of area. The issue of a school bus stop located at the corner arose and Mr. Grenier stated again the traffic engineer will offer recommendations for road mitigation. He stated there are good sight distances.

Ms. Naseem motioned to continue the public hearing until Monday, March 1st at 6:30 p.m. Mr. Caruso seconded; and the board all voted in favor by roll call vote:

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

Mr. Grenier will return on March 1st with Attorney Watsky to discuss an amended plan and traffic study which they hope to have resolved by April 5th meeting.

Morgan Circle Affordable Housing-Tony Zahariadis, Building Commissioner informed the Board that the Morgan Circle project was approved by Special Permit and the project is coming to a conclusion. There are 6 houses that do not have occupancy permits. Stephen Madaus, Town Counsel, discussed inclusionary zoning in the bylaws. The bylaw applies to developments of eight or more units. The developer must submit in writing a request to pay cash in lieu of building affordable units. There is a formula set forth in the bylaw. The Bylaw requires approval of the request by the Board of Selectmen and cash to be turned over to an account for affordable housing. This is required to take place prior to any construction of units. The Morgan Circle development requires three units to be affordable based on the formula. Attorney Watsky was unaware there was an issue regarding the amount being paid in lieu of units for Morgan Circle. He will speak with the developer regarding the matter and work out the details for the Gulf Street project prior to approval of the Special Permit. The preferred method is for payment in lieu of affordable units. It appears that the developer has a plan for payment in lieu of affordable units for Morgan Circle, but it was not properly approved with compliance of the bylaw, Section 16, and there is no written agreement between the Town and the Developer.

Mr. Baker explained to the Board that the Special Permit for the Morgan Circle development under the Senior Residential Development Bylaw was issued by the Planning Board, but that zoning cannot be enforced by the Planning Board and a consultant should have been hired to work out the affordable housing details, and some type of agreement with the Town with approval from the Selectmen should have been negotiated. Mr. Zahariadis expressed concern for performing inspections and issuing occupancy permits for the remaining units until an agreement is reached. An agreement in lieu of building affordable units is a condition of the Special Permit prior to any construction taking place and an no agreement was ever submitted and approved.

Attorney Watsky will reach out to the Developer and follow up with Attorney Madaus as to how to rectify this situation within the next few days.

Mr. Caruso motioned to adjourn at 8:51 p.m. Ms. Naseem seconded; all voted in favor.

Meeting Materials:

Letter from Light Department (on file in PB Office)

Avery Way Decision (on file in PB Office)

Gulf Street Plan (on file in PB Office)

Graves Review #1 Gulf Street (on file in PB Office)