



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

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## MEETING MINUTES Thursday, March 2, 2017

**CHAIRMAN:** Richard Baker  
**MEMBERS PRESENT:** Kim Ames, William Manter, Judith White  
**MEMBERS ABSENT:** Laurie Levy  
**RECORDER:** Nina Gardner

Mr. Baker called the meeting to order at 7:04 p.m. Mr. Baker reconvened the Public Hearing for Secured Financial, LLC which was continued from February 16, 2017. He reviewed the prior history. The Board had agreed to all requested waivers, but there were outstanding issues from the Graves Engineering review that required response and/or changes to the plan.

The Applicant responded directly to Graves on March 2<sup>nd</sup>, and Mike Andrade of Graves Engineering issued a 2nd review in response. Mr. Baker asked Bill Hannigan of Hannigan Engineering, representing the applicant, to respond to the comments that are still open in the latest Graves review of March 2, 2017.

#17: Separation of sidewalks from roadway: Mr. Hannigan stated that sidewalk locations are limited by property lines and Rt. 140 design. They will be seeking additional easements and are open to redesigning the sidewalks after finalizing the street layout. Mr. Baker noted that full construction of street would be conditioned upon MEPA review. He asked if sidewalks would be considered under that review. Mr. Hannigan stated it would fall under the purview of Mass DOT.

#20: Mike Andrade is requesting submission of final plans prior to construction. The applicant is amenable with that condition.

#21: Mr. Hannigan confirmed the requested change.

#22: Conflict of current proposed subdivision with previously approved Scannell plan with regard to roadway layout and utilities. The applicant responded that he and Scannell reached agreement regarding road construction, and construction of the present plan will not affect Scannell's roadway. The applicant is aware that the Scannell street may be modified in the future at Bovenzi's expense.

#25: Mr. Baker discussed waiver #11 with Town Counsel who suggested adding additional wording to the waiver if approved. The concern is that the temporary cul-de-sac proposed in the

present plan would become permanent if the roadway is not extended into the Shrewsbury property. Mr. Baker read the suggested waiver:

*Waiver of Section 6.2.6 (d) to allow the pavement centerline grade to be greater than two percent for the last one hundred feet at the closed end (temporary) as the roadway grade will continue into the future portion of the roadway to be developed in the Town of Shrewsbury; provided and conditioned, however, that this Waiver of Section 6.2.6 (d) shall not be applicable and is not granted if the Applicant, its successor or assigns, commences construction of the roadway extension beyond Station No. 11+00 without having first filed for MEPA review as described in Conditions of Plan Approval No. 19, below (in which case the grade of the cul de sac shall be constructed in accordance with the standards of Section 6.2.6 (d)).*

Attorney Bovenzi stated the applicant will agree with Town Counsel recommendation.

Christopher McGoldrick, Assistant Town Planner for Shrewsbury, addressed the Town of Shrewsbury's concerns as expressed previously. He read a letter dated March 1, 2017 from Selectmen DePalo to the Boylston Board of Selectmen and Planning Board, in which he requests the Board not grant approval for the Subdivision unless MEPA is involved. Mr. Baker questioned why Mr. DePalo is now questioning the Dipilato property triggering MEPA when Shrewsbury did not appeal the Scannell plan.

Mr. McGoldrick stated that Shrewsbury wants the whole site reviewed holistically, not piece by piece. The true impact will not be assessed if approved in phases. Mr. Baker stated he does not understand the concern, because nothing can be developed in Boylston without a Special Permit under the Boylston Subdivision Control Law. There would have to be a Public Hearing, and Shrewsbury could express their opinion at that time. Also, it is highly unlikely that the Board would not require a traffic study for the whole Route 140 Corridor if an intense development were to be proposed. This Subdivision does not permit development of land, most of which lies in Shrewsbury and would be under the control of Shrewsbury permitting.

Martin McNamara, Town Administrator, addressed the Board and questioned Mr. McGoldrick as to why they would single out the Dipilato land for imposing this condition. Shrewsbury was informed they would be included in any permitting and development of land. Mike May, Board of Selectmen urged the Planning Board to reject the letter from Selectmen DePalo stating that Boylston shares the traffic concern, and the language in the letter could potentially have a bad outcome. The Fed Ex project is outside the scope of the Secured Financial project. It is wrong to impose MEPA review on an owner who has the right to develop their property.

Mr. Baker stated he is not inclined to reject the letter from Shrewsbury and is happy to cooperate with the Town of Shrewsbury. Mr. McGoldrick stated they are not trying to create an undue hardship, and they support economic development. They just want adequate studies and mitigation for all parcels in Shrewsbury and Boylston that could be developed. Mr. Baker feels there could be a legal issue. The Board may not have authority under Subdivision Law to limit what a landowner can develop on his land. Mr. Bovenzi provided Shrewsbury with the language of the condition relating to MEPA review. He will take Shrewsbury's concerns into account. Mr. Hannigan stated the Dipilato, Secured Financial, and Fed Ex land will all be included under

301 CMR 11. When they apply, they must include the entire undeveloped parcel. For the record – Mr. Bovenzi will not include existing uses on land in Boylston in the scope of MEPA review. Mr. Bovenzi knows they cannot restrict Dipilato's property. There was brief discussion regarding Pine Hill Drive. Mr. Hannigan explained smaller parcels are not an issue. They already have access to Route 140.

John Dipilato stated he felt his hands were being tied in the matter, and he would have to spend a lot of money to get MEPA involved when he doesn't have to. Now that there is a plan in place, Mr. Bovenzi comes forward after 8 years of not doing anything. Mr. Hannigan explained that MEPA thresholds are based on use. Traffic generation would trigger MEPA, for example if a hotel were to be built. There was further discussion regarding the MEPA process, thresholds, and uses that would trigger MEPA.

Mr. Bovenzi spoke and stated that it would be difficult to convince the Dipilatos why triggering MEPA would benefit them. He will move forward with MEPA review for his land, and he thanked Scannell Properties for their contribution of \$350,000 for a traffic study of the corridor from the intersection of Route 290 to Shrewsbury Center.

The Dipilatos will not use or access the extension road for three years to enable Mr. Bovenzi to complete the MEPA process.

Mr. McGoldrick addressed the Board again and stated the draft language is not intended to limit the Dipilatos, and he thanked the Board for hearing the Town of Shrewsbury's concerns. They may still seek further action to prevent piecemeal development of the Dipilato property.

Mr. Bovenzi stated for the record that he believes the Scannell project should have triggered MEPA review.

Mr. May stated the Dipilatos have no objection to submitting to MEPA and disagreed with Mr. Bovenzi's previous statement. MassDOT attended a meeting with the Secretary of Economic Development Jay Ash and Karen Polito. They confirmed that the Scannell Properties Development was outside of MEPA review.

Mr. Manter motioned to close the public hearing. Ms. White seconded; all voted in favor.

The Board deliberated and discussed the wording contained in the draft decision. Ms. White motioned to approve the application of Secured Financial and Mr. Manter seconded. A roll call vote was taken:

Ms. White-yes  
Mr. Baker-yes  
Mr. Manter-yes  
Ms. Ames-yes

The Subdivision is approved for Secured Financial and the decision will be delivered to the Town Clerk as soon as possible.

**Scannell Properties Approved Subdivision**-Mark Donohue requested the Board endorse the Subdivision Plan and Covenant for Scannell Properties. Mr. Manter motioned to endorse the plans. Ms. White seconded; all voted in favor. Mr. Manter motioned to execute the Covenant and return to Attorney Donohue. Ms. White seconded; all voted in favor.

**ANR Scannell Properties**-Patrick Healy presented an ANR for the property owned by the Dipilatos and D & P Realty. The Board reviewed the ANR Plan. Scannell Properties will be leasing the land to Fed Ex. The remaining portion will also remain in Scannell's ownership. Triboro Crane has been given notice to vacate the land. There are two parcels, owned by D & P Realty and Dipilato to be retained by Scannell. It is 266,000 square feet. Mr. Healy added a note to Plan: "Lot 3B not to be considered a buildable lot".

Mr. Manter motioned to approve the ANR for D & P Realty, John P and Vincent Dipilato and Nancy Germain for land in Boylston, MA creating Lots 3A and 3B to be combined with Lot 3. Ms. Ames seconded; all voted in favor.

Mr. Manter motioned to adjourn at 8:20 p.m.  
Ms. Ames seconded; all voted in favor.

**Meeting Materials:**

Letter from Graves Engineering dated March 2, 2017 (on file in PB Office)  
Letter from Town of Shrewsbury dated March 1, 2017 (on file in PB Office)  
Hannigan Engineering response dated March 2, 2017 (on file in PB Office)  
Subdivision Plans Secured Financial dated March 2, 2017 (on file in PB Office)  
Draft Certificate of Approval dated March 2, 2017 (on file in PB Office)