



MEETING MINUTES

April 7, 2014

CHAIRMAN: William Manter

MEMBERS PRESENT: Kim Ames, Richard Baker, Laurie Levy, Ralph Viscomi

MEMBERS ABSENT: None

RECORDER: Nina Gardner

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

The Board reviewed the meeting minutes of March 3, 2014, and Mr. Baker motioned to approve as written. Mr. Viscomi seconded and all voted in favor.

Mr. Manter informed the Board and the audience there will be two Public Hearings on Monday, April 28, 2014 on zoning articles sponsored by the Board of Selectmen. The first will be at 6:00 p.m. regarding a change to the dimensional requirements to the Industrial Park District. The second hearing will be at 6:30 p.m. to consider a Medical Marijuana Dispensary overlay district along Rt. 140. Mr. Manter attended the West Boylston Public Hearing on Medical Marijuana. No one from the public attended, and it was recommended for approval as drafted. The Board received information regarding the proposed zoning amendments.

Jim Venincasa – Compass Pointe update - Mr. Venincasa stated the catch basins are 50 percent completed and will be finished by the end of the week. Landscaping and road cleanup will commence pending Conservation Commission approval. The asphalt plants should be open next week, and they will be prepping the sidewalks and dressing up the roadway by the end of next week.

Mr. Manter discussed the state permit extension act. Mr. Venincasa has until August, 2017 to finish the entire project, including the loop road and the two cul-de-sacs. Mr. Venincasa stated he will be connecting the loop road by the end of 2014, depending on sales. The cul-de-sac will be complete in 2015. The catch basins will be raised by the end of May.

Mr. Baker discussed the status of bond renewal. Mr. Venincasa will submit something in writing from his insurance agent or bond agent confirming renewal.

The Board informed Mr. Venincasa that the 53G account for peer review is depleted. Mr. Venincasa will replenish that account with \$2,500. There was discussion regarding the next

Phase of the project and a bond for that part. A specific plan explaining the phasing would be required, and the bond would have to reflect construction costs for the entire loop and stormwater drainage for the road. Discussion should take place regarding traffic flows before any additional lots are released. Mr. Manter will speak to Steve Mero regarding sidewalks for the project. Mr. Baker feels the Board should discuss any safety concerns and traffic issues with the Police Chief and the Highway Superintendent.

Barnard Hill Subdivision Review – James Tetreault of Thompson Liston was present along with Mr. Richard Chehade. Mr. Tetreault stated they have reached agreement with the Conservation Commission regarding the wetland crossing. They also received a letter from National Heritage with their sign-off regarding endangered species. The Board reviewed the engineering review dated March 7, 2014. Mike Andrade and James Tetreault exchanged emails regarding item 22 and details of what should be completed before the 11th house was built. Also, item 24 regarding sight distance was discussed. Mr. Tetreault explained there was confusion as to the correct procedure for verifying the sight distance. Mr. Baker asked for clarification, and it was explained that measurements met the requirements of the 2002 subdivision rules. Measurements and notations have been made on the plan as required.

Improvements to the H intersection at School St. and Rt. 140 were discussed. At the original hearings, it was agreed that improvements would be made including widening the queuing area and adding a median strip in the middle. It is the Board's responsibility to bring any road improvements to the attention of the Police and Highway Departments and to the Selectmen. Only a concept plan was included in the original definitive plan set. A traffic engineer may be required.

Mr. Viscomi stated concern that if the Board endorses the plans, they are acknowledging that all conditions have been met. Details regarding the bridge, retaining walls, catch basins, and off-site road improvements still require clarification. There was a brief discussion regarding retaining walls and placement of stormwater structures.

Mr. Lane of 627-629 Cross Street recently purchased the Brendisi property and stated he did not receive notification of hearings regarding the subdivision. Mr. Tetreault explained the notices were mailed to the Brendisis. He reviewed the plans with Mr. Lane.

Mr. Baker motioned that the Board endorse the Barnard Hill Subdivision Plans dated March 21, 2014. Mr. Viscomi seconded and all members voted to approve. The Board will sign the mylars and copies at the special meeting on April 28, 2014.

183 Main Street – ANR - James and Sharon Ricciardi were present. Mr. Manter is an abutter of the property, and so he recused himself from the proceedings. Mr. Baker presided as Chairman. Mr. Ricciardi presented an ANR Plan to divide his property into three lots. There was discussion regarding an additional driveway. Mr. Baker stated his opinion that the plan does not qualify for ANR endorsement due to lack of frontage. The Building inspector suggested a road be constructed to obtain frontage, but that would be a subdivision, not an ANR.

Mr. Ricciardi presented a document from his Attorney highlighting zoning requirements in the IP district and justification for an ANR endorsement. Dimensional requirements for the IP District are missing from the Town Zoning Bylaw, and when that is the case, a requirement of 50 feet of frontage and 5,000 square feet of area would apply. However, if the buildings were in existence before the Subdivision Control Law went into effect, the frontage requirement would be only 20 feet. There was discussion as to what year that may have been and when the existing structures were built. The Board has 21 days to act on the application. Mr. Ricciardi agreed to withdraw the application to allow the Board to discuss the matter with Town Counsel.

Mr. Viscomi motioned to accept the applicant's request to withdraw his application without prejudice. Ms. Levy seconded and all voted in favor, none opposed.

Ms. Levy made a motion instructing Mr. Baker to forward the matter to Town Counsel for an opinion; Mr. Viscomi seconded. All voted in favor, none opposed.

The Board composed questions for Town Counsel:

1. What is the applicable minimum frontage when the bylaws lack specific dimensional requirements?
2. How does the Board interpret section 2.1.25 of the Town of Boylston Subdivision Rules (ANR) given that the frontage of the property is in the Village Business District and there are pre-existing buildings?
3. What evidence is required to verify the construction date of the pre-existing buildings?
4. What is the Subdivision Rules and Regulations effective date?

Mr. Ricciardi will speak with his Engineer and Attorney regarding a new road. The Board could take action on April 28, 2014 should Mr. Ricciardi resubmit the ANR.

Mr. Manter resumed as Chairman for the remainder of the meeting.

200 Shrewsbury Street – Mike May- Mr. May was present to bring the board up to date regarding his proposed purchase of the former Iaccarino property on Rt. 140. He is seeking guidance from the Board on concerns or questions regarding the property so that they can be addressed when he meets with Waterman Design. There are 3 streams surrounding the property. Ross Associates is designing a septic system. Mr. May will be using the property for his security company. There are 18,000 square feet of office space and approximately 3,000 square feet of retail space in the rear, which will be a year-round farmer's market every Saturday. There is one tenant going into the office space on the left. The structure will remain the same with minor exterior improvements. The property falls off to the rear, so lighting will not pose a nuisance to abutters, and some additional lighting will be added. They plan to redo the signs and add one for the farmer's market. Waterman Design is working on a site plan for the lot. Mr. May reviewed the initial plan with the Board. He will return with a finished plan from Waterman and apply for site plan approval.

There was a discussion regarding how many people would be in the building at one time and parking capabilities. Mr. May's security company will operate on a 24/7 basis. The biggest

concerns are parking, drainage and conservation. The retail space will have water and restroom facilities. Waterman Design should verify the requirements for site plan review. Mr. May will return to the Board on April 28, 2014 or May 12, 2014 and submit a Site Plan.

Ms. Levy expressed her thanks to the Board of Selectmen for working with the Planning Board on the public hearings for Medical Marijuana and Industrial Park Zoning.

Mr. Viscomi motioned to adjourn at 9:03 and Mr. Baker seconded; all voted in favor.

Meeting Materials:

Page 3 of the Subdivision Rules and Regulations presented by Mr. Ricciardi (on file in PB office)

Public Hearing Notice Copies for Board Members (on file in PB office)

Memo dated March 24, 2014 re Barnard Hill from Mr. Manter (on file in PB office)

Post Approval Plan Review - Graves Engineering dated March 7, 2014 (on file in PB office)

Letter from Thompson Liston dated April 7, 2014 – Barnard Hill (on file in PB office)

Letter to Jim Venincasa dated March 10, 2014 from Mr. Manter (on file in PB office)