



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

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MEETING MINUTES JUNE 2, 2014

CHAIRMAN: William Manter, Ralph Viscomi

MEMBERS PRESENT: Kim Ames – 7:11 arrival, Richard Baker, Laurie Levy

MEMBERS ABSENT: None

RECORDER: Nina Gardner

Mr. Manter called the meeting to order at 7:05 p.m. The Board reviewed the meeting minutes from April 7, 2014 and Ms. Levy motioned to approve. Mr. Baker seconded; all voted in favor. The Board reviewed the meeting minutes of April 28, 2014 and Mr. Viscomi motioned to accept the minutes and Mr. Baker seconded; all voted in favor.

TM Electronics – 45 Main Street, Boylston, MA – Extension Letter- Doug Small, Owner of TM Electronics was present represented by Attorney James Stanton. They presented a letter requesting a one year extension of the special permit approved on July 8, 2013. Mr. Viscomi motioned to approve the requested extension of one year and Ms. Levy seconded; all voted in favor, none opposed.

As customary after the May Town Election, the Board reorganized member responsibilities. Mr. Manter announced he would prefer to step down as Chairman, but he intends to remain active, especially on the matters of solar and Industrial Park zoning. Mr. Baker nominated Mr. Viscomi as Chairman. Mr. Manter seconded; all voted in favor. Mr. Manter nominated Mr. Baker as Vice Chairman and Mr. Viscomi seconded; all voted in favor. Mr. Baker nominated Mr. Manter as Clerk and Mr. Viscomi seconded; all voted in favor. Mr. Manter nominated Mr. Baker to be the CMRPC delegate and Mr. Viscomi seconded; all voted in favor. Mr. Manter nominated Ms. Ames to be the representative for the Earth Removal Board. Mr. Baker seconded; all voted in favor. Mr. Baker recommended that Howard Drobner be recommended to the Selectmen as the alternate delegate. Mr. Viscomi will send an email to the Selectmen with that recommendation

| At 7:15 p.m. Mr. Viscomi presided as Chairman for the remainder of the meeting.

Public Hearing – The Other Place Pub, 71 Shrewsbury Street, Boylston, Ma. – Electronic Sign Waiver - Robert Shaughnessy, the owner was present with Kevin Connor of Connor Sign.

Mr. Viscomi read the Public Hearing Notice, and Mr. Baker reviewed the required findings for the special permit. The Building Inspector approved the top part of a new sign for the Other Place Pub; however, he denied the electronic portion proposed for underneath the main wooden sign. The proposed addition would be a 1' x 5' electronic display installed directly below the existing sign. Information to be displayed on the electronic sign would be visible from both northbound and southbound sides of Rt. 140. It will show daily specials, time, temperature, important notices. Mr. Connor explained the sign will not be a flashing sign. It will be sliding text. There was a brief discussion about the sign at Fuller Motor Home and the differences between that and the proposed Pub sign. The Fuller sign has a restriction of a 5 second or more delay in display changes. The sign intensity can be controlled to coincide with daylight or evening. The main concern of the Board is that the display not be a distraction to drivers and that it not be flashing. Mr. Baker stated the sign is consistent with the area and it should have the same five second restriction as the Fuller sign. There was a brief discussion regarding this being the first sign since the new bylaw took effect and therefore, would set a precedent. Ms. Ames motioned to close the Public Hearing and Ms. Levy seconded. All voted in favor. Mr. Viscomi motioned to grant the Special Permit for the Electronic Sign for the Other Place Pub with conditions that there be at least a 5 second delay between changes, there be no streaming or flashing messages, and no video images. Ms. Levy seconded; all voted in favor, none opposed. Mr. Baker explained to the applicant that the decision will be filed with the Town Clerk and that there is a 20 day appeal period, after which the Town Clerk will mail the permit to the applicant.

Ms. Levy asked Mr. Connor his opinion of the new Sign Chart and bylaw and his response was positive.

Public Hearing – Barnard Hill Subdivision Amendment – James Tetreault of Thompson- Liston

At 7:45 p.m., Mr. Viscomi opened the Public Hearing and read the hearing notice. Mr. Tetreault requested a continuance to July due to ongoing negotiations with an abutter. Mr. Baker suggested that, as a courtesy to members of the public in attendance, Mr. Tetreault summarize the requested changes and answer general questions.

The waivers being requested are:

1. Eliminate the sidewalk on one side of the street.
2. Reduce the width of Perry Road to 24'.
3. Requirement for additional Project review fees, as ample funds remain from the initial \$12,000 deposit.

The waiver requests are the result of an agreement reached with the Conservation Commission and the National Heritage and Endangered Species Program. One of those items was to narrow the roadway and eliminate sidewalks from Cross Street to Stations 15+0, 5+0 and 2+0.

Richard Vachon, 639 Cross Street, Boylston asked for explanation as to where the entrance would be located and the proximity to his property. Mr. Tetreault invited him to come to Thompson Liston to review the plans. He agreed to do so.

Judith White, 139 Green Street, Boylston, Ma requested an explanation as to where Perry Road was. It is the proposed subdivision street. There will be up to 46 homes constructed.

Kirsten Las, 15 Duffy Road, Boylston asked if there has been an updated traffic study for the intersection of Colonial Drive in Shrewsbury and Rt. 140. Mr. Manter explained that the original approval in 1999 was appealed by Shrewsbury abutters, and the court ruled in favor of the applicant. Massachusetts DOT will not allow a traffic light at Colonial Drive due to the I-290 off-ramp. The developer is proposing to improve two intersections, the "H" intersection at School St. and Rt. 140, and the "Y" intersection opposite the Boylston Sportsmen Club at School and Cross Streets. They have traffic studies for those intersections. Mr. Baker stated that the Court made clear the limits of what the Planning Board may require in the way of off site traffic improvements.

Frank Reale, 57A Twin Spring Road, Boylston asked if there had been any input from the Water Department regarding water pressure. Mr. Tetreault stated there will be no booster station. He has spoken with the Fire Chief regarding pressure for the homes.

Ms. Ames motioned to continue the Public Hearing on July 7, 2014 at 7:45 p.m., and Ms. Levy seconded. All voted in favor.

Compass Pointe Correspondence-Mr. Manter explained there is a tax issue with the developer, and the Conservation Commission had issued a stop work order due to violations of the Order of Conditions. Mr. Manter referred to discussions he had with Town Counsel regarding rescinding the Bond. He stated that Town Counsel advised that the Planning Board send a certified letter to Mr. Venincasa identifying construction issues within the subdivision. The Board needs to know the status of the cease and desist order from the Conservation Commission and the delinquent taxes. Mr. Baker stated his opinion that the Board should not rescind the subdivision approval. There was consensus that a certified letter should be sent stating the Board's concerns and demanding a response in writing. If the Board does not receive a satisfactory response, it could initiate steps to use the bond to finish the road. There was also concern that Mr. Venincasa has not provided proof that the Bond will continue in effect after an apparent expiration date in August.

Laurie and David Esposito, 2 Compass Circle, Boylston were present with their attorney, Tom Atkins. They stated that they would like to erect a fence, but when they walked their property, they discovered the property line does not agree with the plan on file. They paid \$10,000 for an additional driveway, and they believe it is not on their property. They do not believe a permit was obtained for the additional driveway, and it is not shown on the plan. They have no road or sidewalk and there is dirt and sand runoff.

The attorney representing Jessica and Eric Rubinow, Lot 55/ 1 Northeast Way, stated they would like to pay the taxes due on their property to allow issued permits to be released and also to request the Conservation Commission release the property from the stop work order. Mrs. Rubinow has spoken to the Conservation Commission and the outstanding issues are not with her lot.

There was discussion that perhaps the Town Administrator could coordinate a meeting with Town Counsel, Board of Health, Planning Board, Conservation Commission, and the Building Inspector to discuss the Compass Pointe project and to resolve issues that are of concern to the homeowners.

Paul Baril, 8 Compass Circle, spoke stating how bad the situation is at Compass Pointe and that Sue and Ed Sleczkowski, Jessica Rubinow's parents, need to have resolution to their situation. Bob Clark, of Clark and Mott stated he has tried to help resolve issues at Compass Pointe. Sue Sleczkowski, Mrs. Rubinow's mother, stated she is ill and that they have spent \$30,000 so far for hotel and restaurant expenses. They were supposed to close on the property last November. Mr. Manter spoke with the Town Administrator, and they are working with the Developer's Attorney to try and resolve the tax issue. Nicholas Alexiades, 4 Compass Circle, spoke regarding the condition of the road and items that were not completed by the developer as promised. Some of his concerns are that the sidewalks are rough and residents are paying taxes on fully assessed homes that are not complete. He felt this is unfair.

Attorney Atkins, representing the Espositos, questioned if the meeting between the different departments would be a public meeting or just a town personnel meeting. Mr. Baker stated that the Planning Board will request the Town Administrator set up an internal meeting. If the residents wish to attend a Selectmen's Meeting, it was advised they send a letter requesting they be placed on the agenda. Bob Clark spoke regarding Lot 55, 1 Northeast Way, stating they were working on the septic, water, and electric service before work was stopped and his employees were told to leave.

Mr. Baker motioned to compose a letter to be sent to the developer listing the issues and ask for a response in writing within seven days from the date of the letter. The issues to be included are the following:

1. Delinquent taxes
2. Failure to finish work promised last Fall
3. No action regarding the Bond as requested at the April 7, 2014 meeting
4. Update on Conservation Commission stop work order

Ms. Levy seconded; all members voted in favor, except for Ms. Ames who abstained. Mr. Viscomi stated the Board will contact the Town Administrator to inform him of the seriousness of the matter and to coordinate a meeting with other departments.

Judith White, 139 Green Street, Boylston, MA sent a letter of interest to become an associate member of the Planning Board. The Board explained that the associate member may only vote on a special permit when another member is ineligible to vote or recuses him/herself. The associate member cannot be counted to make a quorum. Mr. Manter motioned to recommend Ms. White as an associate member and to proceed with the process for appointment by setting up a joint meeting with the Board of Selectmen where both boards would approve simultaneously. Ms. Levy seconded, and all voted in favor.

Ron Aspero, Shrewsbury Homes - Mr. Aspero is in the process of renovating a home at 99 Main St. on the corner of Highland St. He has a potential buyer, a psychologist, who would like to use the property as an office. The property is zoned Village Business. There is sufficient parking for 3 vehicles. He would require 2 additional spaces and a handicap ramp on one side. It is a pre-existing non-conforming lot. A professional building requires 30,000 square feet; the lot is 20,000 square feet. He would like a waiver. After discussion, the Board agreed a professional office would require a variance for lot area. After brief discussion about variance and special permits, the Board agreed Mr. Aspero could come to Planning Board with a site Plan review for the property after receiving the variance. The Planning Board can waive parking requirements if necessary.

Discussion regarding Industrial Park Zoning and Model for Zoning for Solar Panels

Mr. Viscomi feels the Board should look at the medical marijuana overlay in depth. He feels it may be exclusionary if the 500 foot setback is in effect. It is restricted to IP, MUI and Flexible Business.

Mr. Baker informed the Board that Tim Wheeler, of the Berlin Planning Board used the state model for solar panels and that perhaps Boylston do that as well. The Board discussed mechanisms for drafting bylaw changes between meetings. Mr. Baker recommended restoring the uses from the former Watershed Protection District to the IP zoning chart. There was brief discussion of uses and adding self-storage facilities to Flexible Business Development. Mr. Baker will redraft the use table and send to all members. Some uses may not transfer from Rt. 140 to IP. He would like to act on this in July and send recommendations to the Board of Selectmen for a possible special Town Meeting. There was discussion regarding a solar panel bylaw draft and what residents would like. One issue is glare from the solar panels.

Mr. Baker motioned to adjourn at 9:10 p.m. and Mr. Manter seconded; all voted in favor.

Meeting Materials:

Letter dated May 28, 2014 from Judith White (on file in PB office)

Letter dated May 29 from TM Electronics (on file in PB office)

Correspondence dated May 23, 2014 between Town Counsel and Mr. Manter (on file in PB office)

Public Hearing Notice – The Other Place Pub (on file in PB office)

Public Hearing Notice – Barnard Hill (On file in PB office)