



**Zoning Board
of Appeals**

ZONING BOARD OF APPEALS

221 Main Street
Boylston, Massachusetts 01505
Telephone 508-869-0143

MEETING MINUTES Monday, January 31, 2022

CHAIRMAN:	William Filsinger
MEMBERS PRESENT:	Janet Lombardi, Brad Wyatt, Robert Cotter, Arlene Murphy
MEMBERS ABSENT:	None
OTHER ATTENDEES:	Adam Costa, Special Town Counsel, Joe Peznola-MHP Consultant
RECORDER:	Nina Gardner

Mr. Filsinger called the meeting to order at 6:34 p.m. The Board reviewed the minutes of January 10, 2022. Mr. Filsinger motioned to approve as amended Ms. Lombardi seconded; all voted in favor by roll call vote:

Mr. Wyatt-yes
Ms. Lombardi-yes
Mr. Cotter-yes
Ms. Murphy-yes
Mr. Filsinger-yes

100 Shrewsbury Street-Trailside Apartments-Patrick Healy, Thompson Liston, was present on behalf of the applicant. Leo DaSilva, owner/applicant was present, along with Attorney Lou Levine, via telephone. The Board discussed Peer Reviewers. Graves Engineering submitted a work order for the job and they do all the reviews for the Town. WSP was discussed for the traffic review. The Board discussed Peer Review 53G Account and a fee of 14,000 from the applicant to pay for review fees. The applicant and their attorney agreed Graves and WSP could do the reviews. The Board would like the Peer Reviewers to meet with the Board to discuss the project. Mr. Dell'Aquila will get a revised bill from Graves and WSP to include the hours for those meetings.

Mr. Healy reviewed the LIP Permit on Page 2 of the application packet. The Permits to be granted are Site Plan Approval, Special Permit Wellhead Protection District, Earth Removal Permit, Driveway Permit and Stormwater Control Permit. These permits normally fall under other Boards

or Departments. Zoning Board will seek input from these Boards. Route 140 is under the jurisdiction of the Town. It is a numbered route.

Mr. Healy reviewed the waivers on page 3 of the application. There are eight (8) requested waivers. The Board discussed these and will seek input from the appropriate Boards and Departments. Ms. Lombardi inquired, for clarification, as to what would the appeal process be if the Board denied the waivers being sought. Attorney Costa explained the Town would lose control of the process and the State would take control of the proceedings. The Board can approve the waivers with conditions.

Attorney Costa informed the Board that this application calls for 25% of the units to be affordable. That will give the Town opportunity to meet some goals for affordable housing. It will give them safe harbor for a period of time. The State put new regulations into place in 2008 and they would be the agency that deals with subsidizing process.

Mr. Peznola stated the Board really should have additional comments from Departments regarding the waiver requests. Mr. Dell'Aquila will reach out to Boards and Departments heads for new comments. Chief Annunziata has commented. Attorney Costa stated that Boards are under no obligation to comment, however, Board of Health and Conservation should be made aware for the waiver list and ask for updated comments. This subject will be added to the next Planning Board agenda for discussion.

Ms. Murphy is concerned about the septic and requested the applicant relocate it closer to the street. The portion of the property where it is shown on the plan is the nicest part of the property and she feels that should be preserved. There was a brief discussion regarding this and the possible future commercial use of the property. The applicants will look at the plan. Ms. Murphy requested permission to walk the property again on her own and Mr. DaSilva agreed. Mr. Cotter will also walk the property. There was a brief discussion about parking for the project and future commercial use. Mr. Peznola stated there is no preliminary drainage report, but it is not required. Mr. Peznola would like a little more information regarding detail regarding stormwater and septic design. Notes can be made to the plan or an email. The Developer is not required to submit final plans per housing and Development regulations. There was mention of distance to wells and public water. Mr. Healy informed the Board public water is at Routes 70 and 140 – there are two wells in Zone 2. They are 1500 to 2000 feet away from the land.

The Board agreed Peer Review inputs would be the agenda item for the next meeting. Mr. Filsinger motioned to continue public hearing to Monday, March 14, 2022 at 6:30 p.m. and Mr. Cotter seconded; all voted in favor. The applicant agreed to the continuation.

The following action items were assigned at the hearing:

1. Applicant to provide a check for \$14,000 to establish a Chapter 53G account.
2. Town Planner to request revisions to peer review proposals from WSP and Graves to include meeting attendance and then engage both engineering companies to begin their reviews.

3. Town Planner to follow up with town boards, commissions and departments reinforcing request for comments on the project plans and requested waivers.
4. Applicant to review the garages or all the proposed site features to meet sideline setback to residential neighbors to the north or as far away as possible.
5. Applicant to review Boylston Zoning Bylaw Section 10.04 Route 140 Development Guidelines and provide a detailed list of where the project does not meet specific requirements.
6. Applicant to clarify the improvements shown on the site plan within the commercial out parcel with regard to compliance with underlying zoning.
7. Applicant to consider relocation of the proposed septic system to between Route 140 and the proposed garages to preserve as open space the pristine area of the site currently proposed for the septic.
8. Applicant to provide written response to Hancock original letter dated 1-4-22.

Mr. Filsinger motioned to adjourn at 8:00 p.m. Mr. Cotter seconded; all voted in favor.

Meeting Materials:

Trailside application (on file in Building Department)