



Zoning Board
of Appeals

ZONING BOARD OF APPEALS

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

MEETING MINUTES Monday, March 14, 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, Paul Dell'Aquila, Town Planner
RECORDER:	Nina Gardner

Mr. Filsinger called the meeting to order at 6:39 p.m. The Board reviewed the minutes of January 31, 2022. Ms. Murphy motioned to approve as amended and Mr. Wyatt seconded; all voted in favor.

100 Shrewsbury Street-Trailside Apartments- Public Hearing Continued-Patrick Healy, Thompson Liston, was present on behalf of the applicant. Leo DaSilva, owner/applicant was present, along with Steven Venincasa, owner/applicant, via telephone.

Mr. Filsinger reviewed action items discussed at previous meeting:

- 53G Account set up
- All paperwork has been submitted by Peer Reviewers-Graves Engineering and WSP.
- Town Planner requested feedback from Departments and Boards Planning Board discussed at their February meeting, ConCom will discuss. There are general concerns with traffic. Planning Board will discuss after reading Peer review reports at their next meeting. Graves should submit something next week and WSP has a new person assigned to the project, Debbie Finegan, and she will submit something by end of next week.
- Patrick Healy, Thompson-Liston to discuss moving location of garage units – waiting on report from Graves – Unresolved to date
- Boylston Zoning Bylaws – to be enumerated, depends upon compliance with bylaw.
- Improvements on Site Plan to be clarified – waiting for Graves Review before it is addressed.

- Relocation of Septic was discussed with the Developer and they are not proposing to do so because it would affect garages to meet setback and would take up the whole front of the property. This was discussed with Mike Andrade.
- Joe Peznola referred to Hancock letter – applicant is in compliance with submission – there is a disparity between areas and what they are asking the board to do and the board’s power to endorse the ANR.

Mr. Healy intends to respond to the letter.

Mr. Dell’Aquila has nothing in writing from the Police Chief, however, there was some feedback on the traffic exiting perpendicular to Route 140 instead of angled. Teresa Prunier, Water Dept, addressed the Board. She stated the water main is on the other side of Sewall St from the development so the water connection will have to cross the road. She stated the Water Department’s number one concern is to protect the water. She stated that the Water Department met with Mr. Venincasa and addressed their concerns. They are concerned about the wear and tear on water supply and disturbing wells. Mr. Venincasa stated he is willing to address the problem. Ms. Prunier reiterated several times that the increase of the use of water on five wells will be a strain on the infrastructure and anything Mr. Venincasa can do to remedy this would be appreciated. The cost to upgrade and maintain is quite large and the system is 70 years old. There was a brief discussion regarding public and local concerns regarding the water and the infrastructure. Attorney Costa stated those concerns can be considered. He advised the Board they are the permitting authority and the applicant will address any need as a direct consequence of the project, i.e.; deficiency. Ms. Prunier was asked what is the deficiency and her response was they want to be sure that the maintenance of the system is kept up. After brief discussion, Mr. Filsinger requested a letter from the Water Department stating where the deficiencies would be on the water system when the units are added.

Mr. Healy stated that the applicant did meet with the Water Department and agreed to make improvements to the water system that are directly related to the project. Attorney Costa stated that the Developer did agree to a monetary gift to the town of \$140,000 (item g) in the Development Agreement. The funds are only due and payable upon issuance of occupancy permits for the project. The funds may be used for mitigation of issues related to the project. The agreement was signed by the Selectmen and Attorney Costa will provide a copy for the Board.

Mr. Dell’Aquila stated he will reach out to Ms. Steward regarding any notes or documents relating to any conditions that may be part of the Development Agreement. He stated this was the first he was hearing there was an issue with the Water Department. He reiterated the importance of departments and boards giving feedback on this project. He will follow up with Scott McCubrey and other departments.

Seth Ridinger, 102 Shrewsbury Street, member of Board of Selectmen and abutter to the project, spoke and stated he recused himself regarding this project, but the Board of Selectmen discussed the water and the capacity of the pumps. His recollection of the donation of the money is that it is a general donation to the Town. It is not earmarked for anything specific. Attorney Costa will send the final version of the agreement and follow up with Ms. Steward as to whether there are any notes pertaining to the water system.

Route 140 Guidelines - William Manter, 178 Main Street, gave an overview of the Route 140 Corridor. The Plan is dated March 2010. This shows the major parcels and how it relates to the traffic in the area. Mass DOT created the highway in the 1950's creating Shrewsbury Street. That is why Sewall Street was not created as a four-way intersection. He asked the Board to just be cognizant of the setbacks and come up with a design perhaps similar to Kelly Square. He feels the State should be helping to redesign this intersection and Route 140/70.

Mr. Healy reviewed the Route 140 Guidelines; They are seeking waivers for B & C.

Section 10.04.03 B (front yard treatment) - they are continuing front yard strip and evenly distributing trees.

Section 10.04.03 C (landscaped buffer) - the applicant will maintain the natural vegetation.

Mr. Healy met with Mike Andrade of Graves Engineering. There is going to be an irrigation system. Teresa Prunier asked if there were rain sensors and Mr. Venincasa confirmed they use rain sensors. There will be a well onsite to provide for the irrigation system.

Section 9.02 – Dimensional waiver of 19.2 feet side setback for proposed garages - The applicant is seeking a variance for setback for two garages. They are considering moving the location of the garages. Seth Ridinger, 102 Shrewsbury Street, expressed his concern for the location of the proposed garages. If they do not relocate them, he asked that they do a berm or a fence along the edge of his property as a buffer. Ms. Murphy discussed the necessity of garages. A brief discussion regarding this took place. This property has been for sale for many years and this is an opportunity for the Town to meet their requirement for affordable housing. The developer will take a look at the number of garages that are planned. The applicant is seeking a waiver from Section 16 on inclusionary zoning, but it is not applicable in this situation as they will be allowing 25% affordable units. The town will get credit for those rentals. Elaine Jones, Sewall Street, expressed her concern for the amount of traffic that will be generated from these apartments.

Mr. Filsinger stated that the review has not been received from the traffic consultant yet so we do not know what the recommendation for mitigation will be. Funds have been received from other Developers for mitigation. To date, the amount is 61,000. Mr. Dell'Aquila stated there are grants through Mass DOT for traffic mitigation. Mr. Venincasa stated that Millbury got 1.1 million from the state for his project on Canal Street.

Mr. Filsinger motioned to continue the public hearing until Monday, April 11, 2022 at 6:30 p.m. Mr. Wyatt seconded; all voted in favor.

Mr. Wyatt motioned to adjourn at 8:30 p.m. and Ms. Lombardi seconded; all voted in favor.

Meeting Materials:

Route 140 Guidelines (on file in Bldg. Dept.)

Application and documents (on file in PB Office)