



Zoning Board
of Appeals

ZONING BOARD OF APPEALS

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

MEETING MINUTES Monday, June 13, 2022

CHAIRMAN:	William Filsinger
MEMBERS PRESENT:	Janet Lombardi, Brad Wyatt, Robert Cotter, Arlene Murphy
MEMBERS ABSENT:	None
OTHER ATTENDEES:	Adam Costa, Special Town Counsel, Paul Dell'Aquila, Town Planner, Joe Peznola, Hancock Associates
RECORDER:	Nina Gardner

Mr. Filsinger called the meeting to order at 6:32 p.m. The Board reviewed the minutes of May 11, 2022. Ms. Lombardi 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. Also present were Steven Venincasa, applicant and Lou Levine, Esquire, for the applicant. Mr. Filsinger stated to the audience that the Board would not be discussing traffic at this meeting. He informed those present that the Board was in receipt of the petition presented asking that the Commercial property adjacent to the proposed Trailside Apartments be eliminated from the planned development. Mr. Filsinger and Ms. Lombardi explained that this is not part of the development or application before the Board at this time. If the applicant chooses to bring an application to the Town, it will be up to the Planning Board to review and approve. The Zoning Board has no authority to act on it and it is not part of the development being heard this evening. Mr. Dell'Aquila confirmed the commercial property was discussed, but there is no proposal.

Paul Dexter, 19 Foxtail, questioned how the peer review of traffic relates to the apartment building. Mr. Filsinger stated it was only a two percent increase. Ms. Lombardi stated that as the Board previously discussed, a condition can be part of the approval that if traffic becomes worse in the future, it can be remedied. There was discussion regarding number of trips reported as 400 and residents questioned how that can be 2 percent. In 2009, the Sewall/Route 140 intersection was given an F rating. Mr. Dell'Aquila stated that the Town has been discussing options. There is a redesign for North and South Sewall Streets. The Town has received a grant from MASS DOT for pedestrian infrastructure and roadway enhancements.

There are also other funds the town has to put towards a new design. Elaine Jones, 250 Sewall Street, asked if the developer could consider making the commercial property part of the 40B application so that the Zoning Board would have authority over the approval.

Attorney Costa explained the applicant chooses the site for which they want to develop. This site is larger than needed. The property that is remaining has not been proposed as part of the 40B nor proposed for any other use at this time. If the applicant chooses to develop the commercial property in the future, they will have to come to the town for a Site Plan or Special Permit from the Planning Board.

Mr. Peznola stated the Board can condition the approval. The Board should not make any condition regarding traffic too vague. That could render the project unfinanceable. Mr. Peznola stated they could discuss what additional mitigation could be done if traffic exceeded present numbers. Basically, monitor traffic, then mitigate as specifically outlined in approval. They have to be specific. Attorney Levine agreed milestones would be agreeable. The permit can have a condition that if traffic numbers exceed “X”, then mitigation would be “Y”. Mr. Peznola will work with WSP and come up with future plan and numbers.

Mr. Peznola reviewed Open Action Items:

- Green identified exhibits with follow up reports with triangles

- Driveway on South Sewall has clearer site lines in both directions

- Grant received for sidewalk and crosswalk improvements from MASS DOT

- Turning lanes on North and South Sewall were mentioned and they will be Northbound, Southbound and left onto Sewall.

- WSP to confirm all prior issues have been resolved

- Address remaining issues in Graves letter dated June 7, 2022

- The Board discussed an extension beyond the cut-off date to close the hearing of July 8th which will be the 180th day. Graves needs time to respond to Thompson Liston’s response to the Graves June 7, 2022 review.

Mr. Peznola reviewed things to be completed:

He stated the Board needs a final waiver list from applicant.

Mr. Peznola reviewed Graves Engineering letter dated June 7, 2022 with Mr. Healy and the Board – he pointed out some of the following:

Items #11, 25 and 26 require more work to resolve.

Item #3 – waiver is being sought – the Town has two different dimensional figures in requirements – need to agree 9 x 18 feet. Parking spots were discussed and due to the discrepancy in the bylaw, the board agreed with the 9 x 18 size and for 122 spots.

Mr. Healy reviewed the rest of Graves comments and responded accordingly. They are also seeking a waiver from Item #8 and calculations are needed for Item #11.

There was a discussion regarding Item #19 fencing – it is required per the bylaw. They do not place fencing around basins. There are typically not children at these types of apartments. There is no fencing at Brookside. The fence is used as a deterrent. Mr. Andrade continue to review his report with the Board addressing items where necessary such as lighting and wheel stops between parking spaces. Mr. Healy responded to Graves comments on the items as they were reviewed. These items will be shown on new plans.

Mr. Healy briefly described the septic system. He stated it will be raised but covered by grass. It has been relocated approximately 30 feet away from Pond 1. There was brief mention the applicant will have to go to ConCom and Board of Health for a Title 5. They are not seeking any waivers from Board of Health. Mr. Healy presented an updated list of waivers dated June 13, 2022 and discussed briefly. Ms. Lombardi discussed the Earth Removal waiver for requirements from the bylaw. Mr. Healy stated they are not planning to remove any earth. The applicant would like the Zoning Board to have jurisdiction over the Earth Removal and driveway permits. That can be a condition of the approval.

Attorney Levine stated they will be seeking a waiver for bonding, application and fee requirements from stormwater. The bylaw was discussed. Mr. Venincasa stated the drainage is the first thing that will be completed. That has to be completed before occupancy is issued. After discussion regarding waiver of bonding, Attorney Levine withdrew the request for a waiver for bonding of Stormwater Control.

Mr. Peznola stated the nature of the comprehensive permit is for the Zoning Board to issue all permits. Attorney Costa recommended that Thompson Liston resubmit waiver requests and list what fees they are seeking waivers for.

The Board discussed timeframes with Mr. Andrade and it was agreed Graves and Thompson Liston would have their documents ready in a few days, but that does not give enough time for a draft decision to be reviewed by all parties. The tentative meeting date of June 28th will not take place.

Mr. Peznola will start to work on a draft Decision with Attorney Costa. The applicant's team can be involved to help with deliberations in the event there are conditions that need to be addressed. Attorney Costa will start to circulate the draft decision to the applicant's Counsel to make changes or respond before the public hearing. There was brief mention about water for the project. Ms. Murphy expressed concern regarding the aesthetics of the septic. It will not really be seen and grass will blend together and be graded. The Board agreed they will move forward and review the draft decision with the conditions. The Board discussed an extension. They have 40 days after the July 8th deadline, which is August 17, 2022. Once the

hearing is closed, a letter will be sent to the Town Clerk. Attorney Levine, on behalf of the applicant has granted an extension of the 180 days.

Mr. Filsinger motioned to extend the public hearing deadline until August 17, 2022 and Mr. Wyatt seconded; all voted in favor. Mr. Wyatt motioned to continue the public hearing until Monday, July 18, 2022 and Ms. Lombardi seconded; all voted in favor.

Ms. Lombardi motioned to adjourn at 8:07 p.m. Mr. Wyatt seconded; all voted in favor.

Meeting Materials:

Letter dated June 10, 2022 from Hancock Associates (on file in Building Dept)

Waivers dated June 13, 2022 (one file in Building Dept)

Graves Engineering Review #2 dated June 7, 2022 (on file in Building Dept)

WSP email dated June 13, 2022 (on file in Building Dept)

MASS DOT letter dated May 20, 2022 (on file in Building Dept)

Petition from residents dated June 8, 2022 (on file in Building Dept)

Thompson Liston letter dated May 27, 2022 (on file in Building Dept)