



Zoning Board
of Appeals

ZONING BOARD OF APPEALS

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

MEETING MINUTES Monday, July 18, 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 6:37 p.m. The Board reviewed the minutes of June 13, 2022. Mr. Wyatt motioned to approve as amended and Mr. Cotter 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 that he did not request Graves Engineering to attend tonight's meeting. They still have one more review. There was a brief discussion/explanation of deadline for public hearing to close and issue a vote. Attorney Costa contacted Mike Andrade and Phillip Cherry regarding any outstanding issues. Mike Andrade had a few outstanding issues which Attorney Costa incorporated into the draft decision. He will have to do a review of the new plan and Phillip Cherry of WSP has no issues. There was a brief discussion regarding if staff should review the final plans and advise if they are all set. Mr. Peznola stated that full completeness of the Stormwater analysis needs to be finalized with ConCom and they need to file with the State as proposed in the final plans. Mr. Dell'Aquila discussed if there are any stipulations regarding no building permits should be issued until staff reviews have taken place specifically, tied to issuance of permits and occupancy. Attorney Costa stated there are 54 Conditions and one-third of them are specifically tied to prior to issuance of permits and occupancy what must be completed.

Mr. Healy submitted the lighting plan and reviewed it with the Board. Graves will need to review the new plan. Mr. Peznola agreed with the lighting plan. Stormwater is the only item that needs to be addressed.

Attorney Costa presented an amended Draft Decision based on deliberations with Attorney Levine. Mr. Filsinger stated it was good to see the cooperation between parties. Ms. Lombardi asked about the deadlines for the Decision. The timeline has been extended until August 17, 2022. Mr. Filsinger would like the hearing to remain open until the Board has voted. Attorney Costa reviewed the 40B regulations pertaining to public hearing. They provide for the Board to close the hearing and then there is 40 days to deliberate.

Attorney Costa reviewed the Draft Decision with the Board. He read the Procedural History of the application and stated he would summarize most of the Decision. The Conditions will be looked at more closely with the Board. Item #6 will be filled in when the hearing is closed and Item #7 "Exhibit A" will be included once the list and documents are finalized that have been submitted for this project.

Findings:

Attorney Costa briefly explained:

Item #1 regarding applicant's qualification to apply for this project.

Item #2 on Page 3 was discussed. The Town has not met the 40B requirements for affordable housing according to DHCD. According to SHI (Subsidized Housing Inventory) the Town has not satisfied the 10% housing number. It was at 1.7%. SHI last updated their report on 12/21/20. Attorney Costa will confirm updated numbers with DHCD.

Waivers:

The waivers listed in the Decision (a-n) are based on the updated waiver list and there is nothing significantly different from waivers previously discussed.

The applicant has no objections to the waivers listed in the draft decision.

The Board should review each waiver one at a time and then vote.

Conditions:

The Conditions are separated into subcategories. A. Documents and Plans, B. Regulatory/Legal and C. Site Design, Maintenance & Engineering. Attorney Costa explained this makes it easier to refer to if necessary.

#1.a. After the lighting plan was submitted, it was requested that the List of Sheet numbers be updated by Thompson Liston with revised dates.

The Lighting Plan will be C6. The wording on the plan submitted will be corrected from Landscape Plan to Lighting Plan. The words, "revised through July 12, 2022 consisting of thirteen (13) sheets will be deleted and Attorney Levine will change the date to read July 18, 2022.

Item #3 was discussed briefly regarding no area shall be converted into a bedroom.

Item #4 -There are 122 parking spaces provided on the plan

There was a discussion regarding affordable housing and how it is determined who is eligible. Twenty-five percent of the units (16 units) shall be reserved for rent to eligible applicants. The Town gets credit for all sixty-three units pursuant DHCD so 100 percent of the units would qualify under SHI. The Town will then have safe harbor for two years. The requirement is only to have 25% affordable and the town requires 10% under inclusionary zoning. There was discussion as to how the affordable housing lottery works. The Board did indicate they would like preference to go to Boylston residents. The average rent for an affordable unit is 1471 to 2042 and regular rent average is 1950 to 2700. A third party, MCO, administers the lottery for affordable units and records have to be submitted. There must be 16 units at all times that are affordable. Affordable units are determined on a yearly basis.

Item #6 refers to Condition #26 and shall identify location of affordable units on the final plan

Attorney Costa reviewed Section B Regulatory/Legal with the Board:

Items #7-14 are in the Decision out of an abundance of caution so that Zoning Boards that affordable provisions are satisfied.

Item #8 - affordable housing restrictions overseen by DHCD

Item #9 - A brief discussion took place regarding preference categories. The applicant will cooperate with local preference lottery numbers approved by DHCD. DHCD is critical about the process for local preference and the Town needs to prove justification before the lottery is approved. Attorney Costa read the guidelines for DHCD justification of lottery. Documentation must be provided to DHCD. There was discussion as to whom in Town of Boylston would put together the documentation for DHCD. The Housing Production Plan was approved and that committee received outside consultation from CMRCP. Since the Town does not have a Housing Committee, it was discussed that Mr. Dell'Aquila, the Town Planner, would be the most logical person to work with CMRCP. Mr. Filsinger feels it is better to leave the lottery preferences as is for the time being.

Item #12 - was mentioned briefly

Item #14 - remove the word affordable in the second line so it reads "all units"

Section C was reviewed and changes were noted in some Item numbers:

Item #16 - change the word maintain to preserve.

Item #17 - take out reasonable times in the last line and replace with dawn to dusk.

Item #20 - SWPPP will be submitted to ConCom for approval

The Board reviewed the rest of the conditions with Town counsel and traffic mitigation was briefly discussed with Mr. Venincasa. The Board will discuss Item #28 further.

A preconstruction meeting must take place with all Department Heads.

It was also mentioned that if a detail is needed for construction vehicles, the Police Department will determine that. Obtaining a bond was mentioned and Mr. Peznola clarified that a bond would be a surety bond for occupancy when not done.

Mr. Venincasa stated that septic, drainage and access are all completed for occupancy.

The second lot was mentioned regarding commercial use. The applicant would have to appear before the Planning Board if and when they seek to do a project on that property.

Mr. Wyatt motioned to continue the public hearing until Monday, August 1, 2022 at 6:30 p.m. Mr. Cotter seconded; all voted in favor.

Ms. Gardner will check the balance of the 53G account for the applicant and let them know if there are any outstanding invoices.

Mr. Wyatt motioned to adjourn at 9:20 p.m. and Mr. Cotter seconded; all voted in favor.

Meeting Materials:

Draft Decision (on file in Bldg. Dept)

Lighting Plan dated 7/18/22 (on file in Bldg. Dept)