



Town of West Boylston
140 Worcester Street, West Boylston, Massachusetts 01583

[Zoning Board of Appeals] Meeting Minutes

Date / Time / Location of Meeting

Monday, February 15, 2024/7:00 p.m./THIS MEETING WAS HYBRID, HELD IN PERSON AND HELD REMOTELY VIA ZOOM.

Members Present
Christopher Olson (Chair), John Benson (Vice-Chair)(PARTICIPATED REMOTELY), David Femia (Clerk), Nathaniel Orciani, Barur Rajeshkumar and Secretary Toby Goldstein
Members NOT Present
Andrew Feland, Christopher Mitchell and Mark Wyatt (Associate Members)
Invited Guests
N/A

Welcome – Call to Order Time: 7:01 p.m.

Approval of Previous Minutes January 29, 2024

Motion Originator: David Femia

Motion Seconded: Nathaniel Orciani

Treasurer – Financial Report Not discussed at this meeting.

Motion to Accept N/A

Seconded N/A

Mr. Olson called the meeting to order at 7:01 p.m.

Minutes of January 29, 2024:

After review of the draft minutes by the board members, Mr. Femia made a motion to approve the minutes as written. Mr. Orciani seconded. As all members present were attending in-

person (Mr. Benson arrived later), Mr. Olson did not need to take a voice vote. There were 4 "yes" votes and 0 "no" votes, therefore the minutes were approved as drafted.

Public Hearing to act on the petition of Ricciardi Bros. Inc., for Special Permit, Lot 1 Century Drive:

(Representatives were Jim Ricciardi and John Grenier; Mr. Olson called them forward to address the board). (Mr. Femia read aloud the public hearing notice). Mr. Olson explained to the representatives the procedure involved; they needed to explain their proposal and what they are seeking, the board will ask any questions that they have and the public will be given time for questions and comments as this is a public hearing. He instructed everyone to direct their comments to the Chair to keep everything organized. Mr. Ricciardi, owner of the property, introduced himself and said that he has been in business 40 years as a site utility contractor with a heavy emphasis on water and sewer. Presently located in Worcester, he is proposing to move his operations to West Boylston, opining that this location will be a good site out of which to operate. He noted that there would be about 30 people working there, 6 to 8 in the office and a field staff of about 25, with more staff in the summer. He then introduced his engineer Mr. Grenier to talk about the site.

Mr. Grenier explained that he has been working with Mr. Ricciardi at the back half of Century Drive. He gave an overview of the history. He mentioned that Mr. Ricciardi and his partner had a contract with the St. Pierre family, who owned this acreage (about 25 acres). As part of their process, Mr. Grenier explained that the back half of Century Drive was not built out, and described the horseshoe shape of Century Drive and where the sidewalk ends. Mr. Grenier described the layout of Century Drive, showed those present an overall site plan which shows the overall development of the site and explained the development of the site. He mentioned that, since purchasing his property, Mr. Ricciardi constructed the balance of Century Drive and developed it so that the roadway goes all the way around the loop. He noted that he constructed all the infrastructure, drainage, sewer, water and top coat. Mr. Grenier stated that they received permitting from Planning Board (Site Plan Review) and it was also reviewed by their consulting engineer, VHB; he noted that everything on the plan was reviewed and vetted by them. Mr. Grenier explained that right now Mr. Ricciardi is looking to have the left side (north part of the site), 8 acres (he pointed this out on the map) for his operation (he pointed this out on the map). He added that he plans to construct a 20,000 square-foot building, in two phases, the northerly side and southerly side. The front facing Century Drive will contain the office space and parking, the rear will have garage doors, and the very rear will have the yard area, outdoor storage and processing of materials. Referring to the site plan, he noted that the phase with the largest cut will be needed to build the building and grade the yard, with 44,000 yards of material to remove just in that portion of the site. Other areas of the site will have smaller cuts and fills. Mr. Ricciardi opined that the process will take about four to five years just to get to the point of being able to build the building, explaining to Mr. Olson that they need to prepare the site and have Earth Removal approval also.

Mr. Grenier continued that they will be leasing next door for offices. He asserted that, since the project will be a long process, there will not be large traffic of trucks in and out of the site, and he added that they will find places to bring the fill. Mr. Ricciardi discussed with Mr. Rajeshkumar that they want to remove the fill first so that they can construct the building there. Mr. Grenier explained that they want to use the contractor's yard for stockpiling material and machinery. He said that there might ultimately be several buildings there and they may have tenants who want to have a building built. He added that, regarding tenants and leases for buildings, he knows that this is a long-term process. He said that he knows that Mr. Ricciardi wants to move his business there, so he wants to work the site, they need to get it to grade, then he can operate his business. Mr. Grenier replied to Mr. Rajeshkumar that this will be the first building to be built. Mr. Ricciardi added that half the building will be Phase 1, and Mr. Grenier added that then there would be addition to that which would be Phase 2. Mr. Ricciardi and Mr. Grenier noted that they need to obtain the special permit from ZBA for use as a contractor's yard, then must get approval from Earth Removal, but do not need a building permit now. Mr. Grenier added that there is a lot of interest in the site but it is challenging because of all the material to be removed and Mr. Ricciardi said that he needs to get the site in condition so that they can build on it. Mr. Olson noted to Mr. Ricciardi that the filed petition and feedback from the Building Inspector stated that he needs to obtain a special permit from the ZBA,

pursuant to construction contractor's use is in the bylaws. Mr. Grenier added that this is needed so Mr. Ricciardi can operate his business.

Mr. Ricciardi noted that they leased space from Red Cross for their office and will operate out of there and watch over the site. Mr. Femia asked if Lot 1, which on the map occupies 517,000 square feet, included outside storage and processing? Mr. Grenier replied that it is the square footage of the entire lot. Mr. Femia then referred to the back of the lot and asked if there will be an incline there or if a fence will be installed? Mr. Ricciardi replied that they will slope it. Mr. Ricciardi replied to Mr. Orciani that Worcester County Jail will be their neighbor. In response to Mr. Femia, Mr. Ricciardi replied that there will only be a fence at the bottom of the storage area to enclose the area if there are problems. In response to Mr. Femia, Mr. Ricciardi replied that there will be some tractor trailers in back (he showed him the area on the site map), and that there will be no loading docks; vehicles will go directly into the building unless they have a request from a tenant for a loading dock.

Next, Mr. Femia addressed comments from the Conservation Commission; he mentioned that the Commission wants the project done in four parts and not totally stripped at one time, and suggested that there should be a bond. Mr. Femia asked Mr. Olson if the ZBA is authorized to ask for a bond? Mr. Rajeshkumar responded that he thought this will be done when the petitioner goes before Planning Board. Mr. Grenier responded that they saw Concomm's letter, and their understanding was, as part of the Earth Removal permit, there might be some bonding in case the site was abandoned after it was opened up already. He asserted that, in other towns, petitioners do not have to obtain a use permit such as in this case. In response to Mr. Olson, Mr. Grenier replied that they made an application to Earth Removal. Mr. Ricciardi added that a representative was supposed to be present at the meeting this evening and tried to contact them but haven't received anything yet. Mr. Rajeshkumar suggested that they follow up with Earth Removal. Mr. Femia asked Mr. Olson if the ZBA could approve the special permit before the petitioner goes before Earth Removal? Mr. Olson opined that the ZBA could make that a condition of approval. Mr. Rajeshkumar responded that there is an application in for Earth Removal, and they will be setting up a meeting.

Mr. Femia then noted that there are four lots in the parcel, and asked if they are not all being done at once? Mr. Grenier replied that Earth Removal does not want to open up all 25 acres at once. He said that Mr. Ricciardi is looking to open 8 acres at once. He explained that they will make cuts, stabilize, and move across the site and they will transition between the lots. They will take out fill, take it over to another area and put it down. Then, according to plans approved by Planning Board, Mr. Grenier described that there will be entrance aprons, erosion controls, temporary basins within the site and ponding areas, and reiterated that they will transition through the site. He reiterated that Mr. Ricciardi is looking for a permit for this use from ZBA, they have already met with Planning Board and the meeting with Earth Removal will entail bonding so that the site can get stabilized. Mr. Olson verified with Mr. Grenier that there will be contour lines and no retaining wall but they will be grading to stabilize? Mr. Grenier replied, referring to the map with the contour line, explaining that they will tier the property at the top so water will run down and be slowed down, and grind stumps which will work to stick to the soil and stabilize it. In response to Mr. Femia, Mr. Ricciardi replied that they do not plan to cover any of the outdoor materials at this point. In response to Mr. Femia, Mr. Ricciardi replied that Phases 1 and 2 will be all on Lot 1 for now.

Mr. Olson noted that greater than two acres are required in the industrial zone, and that the petitioner is looking to have multiple lots. Mr. Ricciardi responded that, according to Planning Board, Lot 1 is an industrial park and multiple buildings can be put there. Mr. Grenier added that Lot 2 is smaller, will stand alone, and Lot 3 is next to it, along the frontage. Mr. Grenier replied to Mr. Olson that all went through Site Plan Review, with permit for an industrial park on Lots 1 and 4. In response to Mr. Olson, Mr. Ricciardi replied that they did receive Planning Board's opinion letter of the petition filing, and that they are in the process of going through the ANR process; Beals and Thomas is involved, and it will take about 3 to 4 months to get through land court and have the stamped ANR. Mr. Grenier explained that, if the proposal goes into land court, it is not litigation, but they will subdivide by land court rules and regulations, and it is more intense (he explained the process); land court will then submit a certificate. Mr. Ricciardi noted that land court said there were no issues, but they must verify all the lot lines, degrees, etc. Mr. Grenier continued that Planning Board then has to sign the ANR, and it will then be recorded with land court.

Referring to the map, Mr. Femia noted empty space but on a map just given to the board there are two buildings. Mr. Grenier replied that the long-term intent is to construct two buildings. Mr. Femia suggested that they need to landscape first before building the two buildings and asked if they will need to come back before the

ZBA? Mr. Olson replied that they would not have to do that and opined that this is what they are doing now. Mr. Ricciardi replied that, right now, they need to obtain contractor's yard use for his building, but later they might want to build more buildings and lease them. Mr. Olson noted to Mr. Femia that the petitioner wants approval from ZBA to use this land for the construction contractor's use, but if they eventually want to build, zoning compliance will still be part of it and depending upon what they want to do with it, they might need zoning relief.. Mr. Femia asked if they can make a condition to approve the special permit? Mr. Olson replied that it will depend on what the other use is, and the special permit that the petitioner wants will not give permission for other activities.

Mr. Olson then read aloud Zoning Bylaw Section 3.3B aloud, in response to Mr. Grenier, and noted that the applicant is coming before the board for a use permit for contractor's yard use, and the board wants to hear if the use will result in any of the things listed in this bylaw section such as smells, dust, waste, vibration, noise or industrial waste, because the board would have to include as a condition that the use will not result in any of those things from taking place. Mr. Grenier replied that they understood this, and regarding the material processing, he said that there will only be inert substances and soil, and anything that would be stockpiled would have no odor or fumes, and regarding whether it will impact the other parcels or abutting properties, he replied that they are all of commercial use, and no residences abut the property. He does not anticipate any negative effects on abutting properties, and no smoke, noxious fumes or waste. Mr. Olson noted that they appeared to have addressed ingress and egress from the property. Mr. Grenier replied that part of the Planning Board process was that they have auto-turn, where they can model electric vehicles and tractor trailers so that they have the ability to maneuver around the site and out of the site. Mr. Olson noted that Board of Health's opinion was that they have no involvement in the proposal. Mr. Grenier explained that the site has Town sewer and water and no septic. Mr. Olson continued that there was said to be no excessive noise, vibration, glare, smoke, dust, heat or odor. Mr. Grenier continued, that in the rear of the property will be processing of materials, furthest away from Century Drive and neighbors wouldn't see it with the grades. In response to Mr. Olson, Mr. Grenier replied that there will be regular servicing for refuse. Mr. Olson noted that the required setbacks appeared to be there (referring to the map) and frontage. In response to Mr. Rajeshkumar, Mr. Ricciardi replied that VHB will be overseeing the project for the Town. Mr. Grenier replied to Mr. Rajeshkumar what areas have been paved and that the only area not in is the street lights. He replied that all of this work has been inspected by VHB.

With no further comments or questions from the board, Mr. Olson then asked for public comments, but first asked if someone was present representing the Earth Removal board; he took a comment from Marc Frieden, member of Earth Removal and the Selectboard. He explained that he went to the site, but did not have all the information needed. They needed information on the water and any wells to establish ground water level, and a bond amount. He opined that it is up to the engineer to figure that out, and that they have to establish a level to dig. Mr. Grenier responded that he has been involved, and opined that he did not want to excavate 30 feet. He asserted that here, they are plateauing a large hill, and there may be seasonal ground water but it's not the ultimate ground water. Mr. Frieden responded that they need a target number so that they will not suddenly dig into mud. Mr. Frieden added that another member of the Earth Removal board commented that the project should be phased so that they do not level all of the property at once, but one phase at a time, in case they decide not to finish the project. Mr. Ricciardi described that they would start work in the back corner, and stabilize as they come down the slopes until they come down to grade, at which point they would apply for a building permit. Mr. Frieden added that they can then establish the ground water level. Mr. Grenier added that, as they stabilize one area, they will migrate over to another area. Mr. Frieden responded that they are hoping for progress on what will be going there before the applicant starts digging down. He suggested that they be careful in the phasing so that they are not opening the area all at once. Mr. Ricciardi responded that there is a lot of interest in building on the proposed property, but they need to get the site graded so that a building can be built there. Mr. Grenier added that they will work with Earth Removal and their engineer. In response to Mr. Olson, Mr. Frieden replied that the Earth Removal board will set up a meeting this month. In response to a question from Mr. Frieden regarding the phasing, Mr. Grenier replied that, in earlier conversations, they decided that it will not be necessary to do Lot 1 first. He said they will stabilize as they go along, and described that, as they migrate, they will take some fill and put it in, and they will not have any more than 8 acres open at a time. Mr. Frieden added, as a member of Planning Board, that there is not actually a separate lot yet, and Mr. Ricciardi explained that it is still going through land court. Mr. Olson responded that they had talked about that. In response to Mr. Frieden, Mr. Ricciardi replied that they have not run into something that they cannot move.

With no further questions or comments from the petitioner or the board, Mr. Olson opened the hearing to public comment, and instructed those present from the public to give their names, addresses, then their comments. First to speak was Olivia Rossetti, 49 Cutler Road, Boylston, MA. Ms. Rossetti stated that she is an abutter on the other side of the town line, and described that she lives in a residential neighborhood in Boylston, and said that she was concerned about the back lot and what kind of processing and what kinds of materials will be there. She anticipated different kinds of materials and machinery there, and had concerns about things such as noise and property values going down. She opined that Mr. Ricciardi's business will not benefit Boylston but will only be detrimental to them. She gave a brief history of her time living there, and was concerned that there should be environmental audits and noise assessments.

Next to speak was Todd Rodman, an attorney from Seder and Chandler in Worcester, on behalf of St. Pierre Associates, who were the original developers and he explained that they control the park's covenants. He said that he recognized that Mr. Grenier specifically told them they wanted a contractor's yard, and wanted to know what a contractor's yard is and what the equipment and activities would be? Mr. Ricciardi responded that, initially, there would be a lot of heavy equipment there in order to move the land down, but the site would end up being 90 feet below where the rest of the park would be. He believed the noise would be minimal. He invited Mr. Rodman to come and see the site. Mr. Ricciardi added that he had lived in Boylston for many years and still owns property there. He continued, that in the beginning, they will crush rock, and once that is done, put down loom, sand and gravel, concrete and asphalt. Once they get down to that elevation, their building will consist of a repair shop so trucks will be parked at night. He noted that, during construction season, most of the equipment is gone, and it comes back in the fall. Working presently in the inner city in Worcester, he asserted that there have been no complaints about noise or dust. He noted that the hours of operation will be 6 or 6:30 a.m., with some workers taking trucks from the property, to 5 or 6 p.m., and they could work in the garage late at night but that should not bother anyone. In response to Mr. Orciani, Mr. Ricciardi replied that these will be the hours of clearing the land and that will be from Monday through Saturday. Mr. Ricciardi added that sometimes an industrial operation will have an emergency and they will need to use trucks but they will not be working on the site itself at that time. In response to Mr. Rajeshkumar, Mr. Ricciardi mentioned that he believed that the regulation bylaw states that they can work from 7 a.m. To 5 p.m., Monday through Saturday. Mr. Grenier added that he thought it was 7 to 7, and they are not to work Sundays or holidays or they need to tell the Police Dept. in case anyone was to call about it. Mr. Ricciardi wanted to assure everyone that they want to be good neighbors and did not want to upset anyone, and he said that he knows most of their neighbors and opined that his work record is conducive to the neighborhood. Mr. Frieden asked him if there will only be equipment there? Mr. Ricciardi replied that there will be some stock there, such as loom, sand and gravel, but no hot asphalt.

Next to speak was Julia Criscione of 49 Cutler Street in Boylston. She wanted to find out about any impact on Wachusett Reservoir and the watershed area. Mr. Ricciardi opined that they are in the Blackstone River watershed area. He opined that the water from this site will flow down through St. Pierre's property, will be cleaned and filtered with a major sediment-filtering system which will be installed, and the water will eventually flow down to Lake Quinsigamond, into the Blackstone then to the Wachusett. Mr. Grenier continued that part of the Planning Board process was that they need to treat the water; he explained that they will limit solids and the water then goes through a conveyance channel on the shoulder and gets treatment, and ultimately into a detention basin which holds the water and services the entire development. The basin captures the water and recharges it into the ground. This will hold the water back so that they are not increasing the flow of water off the overall site compared to what it is now. Mr. Grenier added that they provide pre- and post-development drainage, calculations for the treatment and that all goes to Planning Board and their consulting engineer.

With no further public comment, Mr. Olson continued; he said that, before closing the public hearing, he summarized that, first of all, there are ongoing Earth Removal issues and progress is intended to happen within a month. Second, he noted that there are only four board members present this evening out of a five-member board, and told Mr. Grenier that, in order to grant a special permit, there need to be four "yes" votes, and hopefully in March, if they continue the public hearing, there will be five members present and it would increase the chance of obtaining enough "yes" votes. Also, hopefully the board will have more information from Earth Removal by then and this might be helpful for voting. Mr. Ricciardi and Mr. Grenier discussed this, and Mr. Frieden noted that the Earth Removal board will meet before March 21 (date of next ZBA meeting) to work out groundwater level and a bond estimate; the applicant decided that it would be best to continue the public hearing to March 21 even though it is costing him money each month. Mr. Femia then made a motion to continue the

public hearing of Ricciardi Bros. Inc., Lot 1 Century Drive, petition for special permit to the next ZBA meeting, Thursday, March 21, 2024, at 7:05 p.m. Mr. Orciani seconded. The vote was 4 "yes", 0 "no", therefore the public hearing was continued to Thursday, March 21, at 7:05 p.m.

Public Hearing to act on the petition of Orange RA LLC, for Special Permit, 114 Worcester Street:

(Murilo Silva and Alexis Garcia represented). (Mr. Femia read aloud the public hearing notice, and Mr. Olson explained to the representatives the aforementioned public hearing procedure). Mr. Olson explained that David Sadowski, who would have represented, was not able to join the Zoom meeting this evening from where he was located out of the United States, and he advised the representatives who were here this evening that they can start the public hearing this evening, or plan to continue it to when Mr. Sadowski will be available. Mr. Silva, the construction supervisor, introduced himself and Mr. Garcia, the owner of Orange RA LLC, and acknowledged that Mr. Sadowski, the surveyor, could not be there this evening or connect to Zoom. He explained that they want to create more off-street parking with this proposal. He described that the roads are busy and this lot is squeezed between a convenience store and a gas station. He explained that Mr. Garcia is a plumber and is thinking of moving to the house on the property. Mr. Silva suggested that, with the extra parking, vans could be parked there, or if he decides not to live in the house other people could rent out parking spaces such as from the store, gas station or neighbors. He opined that it would add value to the property.

Mr. Olson continued, referring to a letter from the Building Inspector, stating that the petitioner needed zoning relief to do what he proposes, but Mr. Olson noted that two different sections of the zoning bylaws were listed and it seemed as though he is not sure which one applies. One was written Section B12, but Mr. Olson thought the Building Inspector meant F12 (there is no schedule of use regulations B12), for what is considered a business center, and this lines up with what was mentioned, offering of offsite parking to three or more businesses in the area. Mr. Olson said that F12 seemed relevant to him in this case. The other bylaw section was use G6, an industrial use, for a construction contractor's use. Mr. Olson explained that the first section does not need ZBA relief, but from Planning Board, and the second one is relevant to the ZBA, in the business section. Mr. Olson noted that this question must be cleared up. Mr. Garcia responded that they received an email from the Building Inspector. Mr. Olson responded that the way he reads the Zoning Interpretation Form is that the proposed work can be done, but in the right way, with zoning relief by one board or the other depending on which use regulation applies. The way Mr. Olson reads it is that he thought that offsite parking seemed more like the business center situation (F12), which would need Planning Board approval if that is the case, rather than the construction contractor situation.

Mr. Femia then asked, if G6 applies, is the property residential? Mr. Olson replied that it is residential use but business zoned. In response to Mr. Rajeshkumar, Mr. Silva replied that the residence is single-family, with the 14 parking spaces separate. In response to another question from Mr. Rajeshkumar, Mr. Silva and Mr. Garcia replied that they will pave the lot for the house, but not the other spaces. Mr. Garcia explained to Mr. Silva that they would need a drain for water if they paved the 14 spaces. Mr. Rajeshkumar asked how they will do striping and 14 parking spaces if it is not paved or striped? Mr. Garcia replied that they would use gravel; Mr. Silva added that there are concrete strips for gravel. Mr. Rajeshkumar asked what kind of use the parking lot will have? Mr. Silva and Mr. Garcia discussed a few examples of restaurants in the area that could use the parking. Mr. Femia then verified that the 14 parking spaces will be in the back of the property. He expressed concern that there is a curb cut on West Boylston Street, and to use it, the applicant may have to go to MA DOT for cars to go from West Boylston Street to the parking area.

Mr. Olson praised the representatives for doing the best that they could to present the information without Mr. Sadowski (also due to language problems), but he suggested that it might make sense for them to continue the public hearing to the next meeting, on March 21, for the board to obtain additional details when Mr. Sadowski can attend. Mr. Silva agreed. Mr. Olson then opened the hearing to public comment, explaining to them the procedure that was discussed earlier this evening for the public.

First to speak was Pete Murphy, 128 Worcester Street. He wanted to clarify, verifying that the house will be renovated to single-family, and the applicant plans to put parking spaces behind it with egress to Route 12, he is not paving and the use is still uncertain. Mr. Rajeshkumar responded that it is zoned for business. Mr. Murphy responded that he does not know who is parking there, or if there will be trucks or cars. Mr. Rajeshkumar asked if other businesses will lease the spaces? He opined that restaurants and the church there probably won't do that.

He opined that they do not have a business center there. He asked what would be the use for 14 spaces, and how they would do the number of spaces without paving? Mr. Murphy added that they will have to have drainage if they pave it. Mr. Rajeshkumar and Mr. Olson both opined that the number of spaces requested may be 14 in order to avoid Site Plan Review. Mr. Olson added that, with a single-family house, the bylaws direct that there must be two off-street parking spaces for each dwelling unit, so if two are added, Site Plan Review will be needed. He said that they will follow up with Mr. Sadowski next time about this. He added that, for business center use, Planning Board and Site Plan Review will be needed.

Marc Frieden of Planning Board, who was present in the audience, asserted that, regarding bylaw Section G6, if the property is zoned business, it is not allowed and industrial use only is allowed, so he did not think that the petitioner could do that. Mr. Olson responded that, according to Section 3.2, both business and industrial use are allowed with special permit by ZBA. Regarding G6, special permit next to it. Mr. Frieden opined that, if it is a general use parking lot for area businesses, they should ask the developer to do more such as putting a sidewalk on the property and a crosswalk for safety. Mr. Murphy then mentioned that there is a lot of lumber on the site. Mr. Silva responded that it is just temporary, due to the weather.

Next to speak was Brian Vautour of 118 Worcester Street. He asked if there is to be a second garage? Mr. Silva replied that there would not be a second garage, there would just be the existing two-car garage. In response to Mr. Benson, Mr. Silva replied that there will be clearing of trees from the convenience store to the gas station, but just enough to open up the 14 parking places and there will be no passing through of cars from one street to the other. Mr. Silva explained that he is a licensed real estate broker and licensed construction supervisor. He explained that the house faces two busy roads (Routes 12 and 140). Mr. Silva described that if someone wants to move in, or Mr. Garcia wants to park his vans, it will not disturb the single-family atmosphere and opined that it would add value to the property. He added that there could be overflow also for the gas station or if the neighbors or extra trucks from local businesses want to rent space there. Mr. Olson asked if they plan something to separate the home from the parking spaces? Mr. Silva replied that it is behind the garage, there are trees and it is at a higher level so it is already separated; he said that possibly they could put down a path or walkway but nothing much. Mr. Frieden asserted that, if people rent parking spaces, all vehicles must be registered and not simply stored. Mr. Garcia agreed with this. He and Mr. Silva, in response to Mr. Frieden, acknowledged that they have to tell people this. Mr. Orciani then asked who monitors this activity? Mr. Silva replied that he is not sure if Mr. Garcia will be living there, but knows that he is a plumber and he has working vans which are all registered. In response to Mr. Femia's question regarding how the Town would be sure that all vehicles that might be renting there are registered, Mr. Rajeshkumar suggested that there be a condition in the special permit.

With no further questions or comments, Mr. Femia made a motion to continue the public hearing to act on the petition of Orange RA LLC for special permit, 114 Worcester Street, to March 21, 2024 at 7:30 p.m. Mr. Orciani seconded. (Mr. Olson hoped that Mr. Sadowski will be back, and Mr. Orciani asked Mr. Silva to let the board know if he cannot attend the meeting). The vote was 4 "yes" to 0 "no", therefore the motion was approved to continue the public hearing to the above date and time. (A short recess was taken to 8:52 before reopening the next public hearing; the 114 Worcester St. public hearing ended at 8:40 p.m. Mr. Benson joined the meeting about 8:00p.m.)

Continued Public Hearing, to act on the petition of Carol McAdam, General Manager, CAM Hospitality, LLC, for Special Permit, 181 West Boylston Street:

(Representatives were Jennifer Kurzon, Carol McAdam, Robert Gallo and Steven Gallo, all participating remotely). (Mr.Olson read the continued public hearing topic to those present). Ms. Kurzon began by informing everyone that they submitted the final site plan as was discussed at the January 29 meeting, and she said that everything that was requested from them at that meeting was included. First, she mentioned the crosswalk from the hotel, down the shared sidewalk, down the length of it and within feet of the crosswalk that goes across West Boylston Street to the Cumberland Farms plaza. Next was signage for the crosswalk. Then, there is also a "no left turn" sign. Next, at the top of the plan, a note that there will be a sign in the hotel will instruct patrons to use the crosswalk to go across West Boylston Street. Ms. Kurzon believed that they have addressed everything requested of them and added that now they are waiting for a vote by the board.

Mr. Olson asked the board for questions and comments. The board looked over the revised plan for the addressed items. Ms. Kurzon reiterated the presence of the two signs. In response to Mr. Femia, Ms. Kurzon

replied that there is enough space to turn around. Mr. Rajeshkumar opined that, even though the petitioner made these changes, it will be hard to enforce the “no left turn” regulations. He thought that it would be impossible to regulate the traffic unless someone is physically there to do so. He opined that a customer would want to get his/her coffee and hurry to cross over to Cumberland Farms and there would be accidents there. Ms. Kurzon responded that she understood what he said, and she was in agreement with that until recently, as she had a knee issue and would previously go out of an active intersection with a “no left turn” sign and take a left, but she has never done that now from her therapy office. Robert Gallo said that he did not see how there can be any exit with a “no left turn,” but he thinks that they have addressed it by putting up the sign, and noted that a business in Holden does that and it seems to work. Mr. Femia added that he proposed this originally, and described how drivers speed up the hill there and the driveway into the Classic Suites has a lane for left turn into the restaurant and if that gets backed up at the signal then there would be a problem; he wants the “no left turn” sign to remain. Ms. Kurzon responded that they were in agreement with that.

Mr. Olson then asked if there were any comments or questions from the public, either in-person or online? As there were none, Mr. Femia made a motion to close the public hearing. Mr. Orciani seconded. Mr. Olson took a voice vote, as Mr. Benson attended remotely:

Mr. Benson – “yes”
Mr. Orciani – “yes”
Mr. Rajeshkumar – “yes”
Mr. Femia – “yes”
Mr. Olson – “yes”

The vote was 5 “yes”, 0 “no”, therefore the public hearing was closed.

Mr. Olson then asked for any comments by the board. He noted that, in the past, the board had discussed conditions to approve the special permit, which were the “no left turn” sign (on the plan, could include formally as a condition as well), and the crosswalk even though it is on the plan; they could add these two conditions to the vote. Mr. Femia noted that, on the latest plan that the board has, it still mentions “restaurant/coffee shop”. Mr. Olson responded that the board will make it clear that there will no longer be a restaurant but just a drive-through facility. Mr. Benson suggested, for phrasing purposes, that the special permit is granted per latest plan submitted, by reference. Ms. Kurzon suggested that they could do that, because it is in the record, or she could put it into language for the board. Mr. Olson noted that the date on the plan is still 7/20/22, but he would reference the plan in the special permit as the one they received which includes the limitations previously discussed that were for the approval of the special permit. Mr. Benson suggested that they might use the date the plan was submitted to Ms. Goldstein (2/5/24). Ms. Kurzon then responded to Mr. Orciani that the two signs that she mentioned refer to the one at the end of the crosswalk from the hotel, before the crosswalk that goes across West Boylston Street, and the “no left turn” sign, and added that there will also be notices in the hotel itself that people should follow the crosswalk signs. She described to him where the crosswalk from the hotel is located. In response to Mr. Orciani, Ms. Kurzon replied that, if the signs come down, the property owner is responsible for replacing them. Mr. Frieden asked if the plan is certified by their engineer, like an “as-built” plan required by many Town boards, before the Building Inspector issues a Certificate of Completion at the end of the project? Mr. Olson replied that this would lie with the Building Inspector’s office. (Mr. Olson and Mr. Frieden then discussed whether to make that a condition or if there were examples of this in the past; the board agreed that they have relied upon the Building Inspector, and Mr. Olson suggested the wording “per site plan drawing”). Mr. Olson then asked Mr. Benson for wording for the motion. He suggested “I move to approve the special permit as in accordance with the site plan submitted on 2/5/2024, regarding 181 West Boylston Street, West Boylston, MA, for special permit for drive-through coffee shop. (All agreed that the aforementioned sign conditions were referenced in the plan and did not need to be given as conditions in the motion. Mr. Olson added that they can add this information to the special permit language). Mr. Femia seconded the motion. Mr. Olson took a voice vote:

Mr. Benson – “yes”
Mr. Orciani – “yes”
Mr. Rajeshkumar – “no”
Mr. Femia – “yes”
Mr. Olson – “yes”

The vote was 4 “yes”, 1 “no”, therefore the special permit was granted. He noted that this includes reference to this particular plan, and instructed Ms. Kurzon to followup with the plan with changed date, which the board will incorporate into the final decision. He added that the board will have a decision submitted to the Town Clerk’s

office within 14 days. (Mr. Olson replied to Ms. Kurzon that she should provide electronic and five paper copies, in large size. Ms. Kurzon noted to Steven Gallo that the revised date on the plan should be 2/5/2024 so that there is no ambiguity even though he mentioned that the plan has a revision date on it of 1/29/2024).

Other Business:

ZBA Treasurer's Report – This was not discussed this evening.

Miscellaneous Mail and Paperwork Needing Signatures/Future Agenda Items/ZBA Reports: None were discussed this evening.

Next Scheduled ZBA Meeting – Thursday, March 21, 2024. (This will be a hybrid meeting).

With no further business to discuss, Mr. Rajeshkumar made a motion to adjourn the meeting at 9:18 p.m. Mr. Femia seconded. A voice vote was taken by Mr. Olson:

Mr. Benson – “yes”
Mr. Orciani – “yes”
Mr. Rajeshkumar – “yes”
Mr. Femia – “yes”
Mr. Olson – “yes”

The vote was 5 “yes”, 0 “no”, and the board adjourned at 9:18 p.m.

Submitted by: _____

Date: _____

Reviewed by: _____

