



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

[Zoning Board of Appeals] Meeting Minutes

Date / Time / Location of Meeting

Monday, January 29, 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 (PARTICIPATED REMOTELY), Barur Rajeshkumar(PARTICIPATED REMOTELY) and Secretary Toby Goldstein

Members NOT Present

Andrew Feland, Christopher Mitchell and Mark Wyatt (Associate Members)

Invited Guests

Jennifer Kurzon (Attorney for Petitioner) (PARTICIPATED REMOTELY), Carol McAdam (PARTICIPATED REMOTELY), Robert Gallo (PARTICIPATED REMOTELY) and Steven Gallo (PARTICIPATED REMOTELY)

Welcome – Call to Order

Time: 7:01 p.m.

Approval of Previous Minutes November 16, 2023

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 November 16, 2023 Meeting:

After review of the draft minutes by the board members, Mr. Femia made a

motion to approve the minutes as written. Mr. Orciani seconded. Due to the meeting also being held remotely, Mr. Olson took a voice vote:

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

The vote was 5 “yes”, 0 “no”, therefore the minutes were approved as drafted.

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

(Representing were Attorney Jennifer Kurzon, Robert Gallo, Steven Gallo, and Carol McAdam, all via Zoom). Mr. Olson noted that this continued public hearing was continued from the November 16, 2023 meeting; he handed over the floor to someone representing the petitioner. First to speak was Robert Gallo. He noted that he spoke with Mr. Olson before the meeting briefly. (Prior to the meeting, Ms. Kurzon had sent an email to Mr. Olson, requesting a continuance of this hearing to February, as there was information that she still needed to work out due to an injury). Mr. Gallo opined that the only thing that seemed to be a “stumbling block” was the second crosswalk that was discussed at the last meeting and where it would go. He asserted that the property is owned by three separate entities and leased by three separate entities. He said that he did research before the proposal of the project and spoke to the State and determined that the petitioner cannot work in the right-of-way. He noted that the width of it is 80 feet, 40 feet from the center line to the property line. Mr. Gallo proposed that, on their own property, at each end, keeping the crosswalk on the Classic Suites property and right on the perimeter itself, and he asserted that they can paint the lines for the crosswalk and take it up to the property line, but that is as far as they can go. He acknowledged that people are crossing now from the hotel but opined that what they do will decrease crossing of people across West Boylston Street since, if they stay at the hotel, they will be able to get a \$1.00 coffee at the coffee shop, and he thought that there would be no purpose crossing the street to get coffee if they stay at the hotel.

Ms. Kurzon continued; she explained that, even though she requested a continuance before the meeting, her client wanted to go forward. She noted that, at the last meeting, there were issues with installation of the crosswalk. She asserted that the only option was to utilize the drive-through property because the Mill Restaurant objected to one of their options which was of putting the crosswalk from the end of the walkway of the hotel to the Mill Restaurant then a second crosswalk up to the existing sidewalk which was put in for the crosswalk on West Boylston Street which was put in when Cumberland Farms was built. So, she asserted that the only option was to continue straight off of the existing sidewalk that goes from the hotel to the drive-through and paint it as a crosswalk. She reiterated that there is a question of who owns the property that is right in front of the parking spaces for the drive-through (there are seven), and added that on the left-hand side there is the sidewalk that they just built. Ms. Kurzon mentioned that Steven Gallo verified that it is part of the right-of-way for the State. She asserted that, if they put in any sidewalk for the crosswalk, they would have to go through the State and it would be a cumbersome process to obtain permission, noting that the petitioner would bear the burden of installation and maintenance. She added that another issue would be the existing crosswalk signal that is right in the middle of that strip of land and the sidewalk could not even be brought all the way over to the crosswalk because the “do not cross” signage was already in the way. She responded to the board that they had not yet determined the timeline for petitioning of the State and obtaining of a decision. She asked Steven Gallo to show the property line on the screen.

In response to Mr. Femia, Mr. Olson noted that, if they are inclined to put in sidewalk, there are reasons prohibiting them from connecting it to the existing crosswalk. Mr. Femia questioned if a sign could be used instructing people to use the crosswalk instead of just crossing the street and mentioned his concern that people

from the hotel could get hurt by fast-moving traffic and also reiterated from the last meeting the opinion of the board that there should be no left turn by exiting vehicles. Ms. Kurzon responded that she and Steven Gallo discussed signage directing people to the existing crosswalk or a notice that could perhaps be placed in the hotel about this. She opined that it should not be an issue as the crosswalk would only be about 200 feet away from the hotel entrance. Robert Gallo responded, opining that there will be nothing that they will be doing to increase traffic, and that they are probably going to be decreasing the crossings; he thought putting in a crosswalk should enhance the situation. but they cannot work in the right-of-way and can only go up to the property line. He opined that the crosswalk will not be expensive, and even though they cannot change the situation that is there with people crossing over West Boylston Street, he thought that it will improve the situation.

Mr. Femia reiterated that he still did not want a left turn allowed upon exiting. Ms. Kurzon responded that this was agreed upon at the last meeting and Steven Gallo responded that they can live with that. Robert Gallo added that he opined that anytime a left turn is taken out of a parking lot there is a problem. Mr. Olson then summarized that it seemed as though the board was in agreement about no left turn being allowed, and the crosswalk was the principal grounds to continue the public hearing before. He thought that it sounded like some type of crosswalk on the property of the hotel and the proposed coffee shop makes sense, at least to the front of the paved area, to give people inclined to walk there some added safety with respect to the drive-through lanes. He said that he understands the point that it is not feasible that this crosswalk leads to the existing crosswalk on West Boylston Street, but he did not think that is an issue and thought that they can work around that.

Ms. Kurzon responded that they will file an amended site plan and it will indicate the painted-in crosswalk on the parking lot at the drive-through. Mr. Olson agreed with that and explained that it will be helpful to him and for the record, if the special permit is approved, to make it clear exactly what is being voted upon and approved. He asked the board if there is any other information to preclude their making a vote once they have the amended plan? In response to Mr. Femia, Mr. Olson replied that he thought since this would be part of what they vote on, then they would want it before they vote. In response to Mr. Olson, Ms. Kurzon replied that the board should have this within a week. He replied to Ms. Kurzon that the next meeting (February 15) will be hybrid also. Ms. Kurzon added that they should have a hard copy and electronic copy of the amended site plan next week; Mr. Femia and Mr. Olson noted that the board must have it 10 days before the next meeting, or by February 5 (or as close to that as possible). Mr. Olson summarized that his understanding was that the board will vote to consider the special permit, with the conditions of the discussed crosswalk and no left turn allowed signage when exiting the parking lot onto West Boylston Street. Ms. Kurzon added that the no left turn will also be on the revised site plan.

With no further questions or comments, Mr. Femia made a motion to continue the public hearing for CAM Hospitality LLC, petition for special permit, 181 West Boylston Street, to Thursday, February 15, 2024, at 8:00 p.m. Mr. Orciani seconded. (Mr. Olson explained to Ms. Kurzon that the board has two other public hearings scheduled before this on that night, and that they may begin this continued hearing shortly after 8:00 if necessary). Mr. Olson took a voice vote:

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

The vote was 5 “yes”, 0 “no”, therefore the public hearing was continued to February 15, 2024, at 8:00 p.m.

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, February 15, 2024. (This will be a hybrid meeting).

With no further business to discuss, Mr. Femia made a motion to adjourn the meeting at 7:24 p.m. Mr. Rajeshkumar seconded. A voice vote was taken by Mr. Olson:

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

The vote was 5 “yes”, 0 “no”, and the board adjourned at 7:24 p.m.

Submitted by: _____

Date: _____

Reviewed by: _____

