



Town of Westminister

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD
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Jon Wyman, chairman

Marie N. Auger, vice chairman

Michael Fortin

Andrew Rice

Linda Wiest

MINUTES OF REGULAR MEETING

February 14, 2017
Room 222, Town Hall

Attendees: Jon Wyman, Andrew Rice, Mike Fortin, Linda Wiest, Town Planner Stephen Wallace.

Absent: Marie Auger.

Additional Attendees: Mr. David Murphey, Mr. Donald Leger, Mrs. Jessica Leger, Mr. Wesley Flis/Whitman & Bingham, Mr. Gordon Martin, Mr. Lucas Leger, Mr. Daniel Gilbreath, Mr. Peter Normindin, scribble scribble?.

7:00 p.m. - Approve meeting minutes from January 10, 2017.

Jon opened the Planning Board meeting and informed those present the meeting was being audio recorded.

Jon asked members to review the January 10, 2016 meeting minutes. Linda motioned to approve the minutes. Seconded Jon. Andrew abstained. Voted AIF to approve the minutes.

7:02 p.m. - Approval Not Required (ANR) Plan for Edgewater Construction, two new lots on Willard Road.

The PB reviewed the ANR plan presented by Mr. Gordon Martin. He told the Board the numbering will be 71,73 and 75 Willard Road. Mr. Martin showed the Board a plan with the elevation contours. Mike made a motion to endorse the plan. Seconded Linda. Voted AIF to endorse.

7:08 p.m. - Public Hearing for Newton Road Definitive Subdivision and Cluster Design Special Permit. (16 New lots on new road that will connect to Newton Road.)

Jon read the legal public notice for the Public Hearing(attachment) and gave the PB a quick overview of the proposed project: A division of 48.89 acres into 16 house lots on between 29,000 and 40,000 square foot lots on a roadway of approximately 1391 feet with approximately 31 acres of open space which borders State protected watershed land. The land is in the R-II zoning district and is owned by West-Hubb Realty Trust. Plans prepared by Whitman & Bingham Assoc. LLC(attached).

Stephen told the Board that previous Subdivision Plans have been presented but have never been brought to fruition.

Mr. Wesley Flis/Whitman & Bingham introduced himself and Mr. David Murphy the applicant (Westhub Realty Trust).

-Mr. Flis: The project was before the PB in early 2016 and a technical review had been held at that time. Whitman & Bingham had revised those plans to meet the safety concerns of the Fire Department and Public Works comments received at that time. At that time Public Works requested a 28 foot two lane road to replace the proposed boulevard. There was a technical department review on February 10, 2017 and comments from that review are written in the Town Planner project memo(attachment).

The fire department has requested an on site fire suppression system. Sprinklers may be used to meet that requirement. There are a list of waivers, the two most important are the length of the road and sidewalks

located on one side of the road. The Fire Department also requested a larger cul-de-sac to meet the needs of their equipment.

The smaller width 28 foot roadway has been moved out of the wetlands area(as compared to the previous boulevard. Mr. Flis described the credit land for a nitrogen aggregate loading plan which the BoH will review on February 15th and expects that approval of the plan would be conditioned on BoH approval of septic systems for each lot.

Mr. Flis described storm water basins and they are revising the plan per Josh Hall/Public Works requests to move the access road to the basin off the cul-de-sac.

The open space can be accessed thru a 10 foot right of way strip of land at the end of the cul-de-sac.

-Jon asked Mr. Flis to review the land distribution numbers:

-Mr. Flis: A little over 80 acres in Westminster & Hubbardston combined. 48.89 acres in Westminster for the proposed subdivision of which 31 acres will be open space bordering Westminster State Forrest land. The remaining land in Hubbardston will be retained by the owner as one lot.

-Linda asked about the wetlands on the property.

-Mr. Flis described the wetlands area and described the value of a cluster subdivision was to protect the wetlands and preserve open space for all.

Stephen reminded the Board that this project was both a Subdivision Approval and a Cluster Special Permit. The Cluster Permit would need to meet the purpose section and finding requirements of the Cluster Subdivision Section of the Zoning Bylaws 205-38 and be acted on concurrently but seperately from the Subdivision Approval. Comments and recommendations from the BoH, ConCom and Zoning Board must be received as part of the Cluster Special Permit.

-Andrew asked about the State Forrest and if any trails have been proposed to tie into the State Forrest Land.

-Mr. Flis. None are proposed.

-Linda noted it seemed like an awful lot of houses in a very small space.

-Mr. Flis answered there are a number of ways to develop land and in this case the homes are clustered together to protect the remaining property and wetlands as open space.

-Stephen noted the trade off in Cluster was smaller lot sizes in trade for more open space for all.

-Linda asked about number of bedrooms.

-Mr. Flis: The septic systems have been designed for a maximum of four bedrooms or less.

-Mike asked about the width of the strip of land accessing the open space.

-Mr. Flis: 10 feet wide.

-Mike asked about progress with road names and other unresolved items on the review memo.

-The developer has no preference at this time.

-Mike asked where a cistern would be located.

-Mr. Flis: If that option was decided on, the cistern would be part of the roadway and would contain enough water to protect the development. The cost was close to the cost of individual fire suppression sprinklers in each home which had the advantage of pay as you go vs. an up front cost.

-Jon asked for a description of the open space.

-Mr. Flis: As far back as 2006 the Town had requested the open space have access off the development road and that it border the state forrest.

-Jon asked about the stormwater basin and the access road to it.

-Mr. Flis: The road will remain gravel, 10 feet wide to provide the Town DPW access to maintain it.

-Mike asked about the grading around the stormwater basins.

-Mr. Flis noted that the grading was shallower than normal because of the flatness of the land: 10 to 1 and 15 to 1 as compared to a normal 3 to 1 slope. (less than 10% slope) There will only be about 3 feet maximum of water in the basin.

Jon opened the questions up to the public.

-Mr. Daniel Gilbreath 22 Newton Road: What are the benefits to the Town with a development like this?
-Stephen: Permanently protected open space that abutts other protected land. Smaller lots with less frontage mean less road to maintain and repair.
-Ms. Jessica Leger: Asked what a “finding” at the end of the project hearing was and what interaction or discussion they have as major abutters to the project.
-Stephen: What it means is the PB has to find that the project meets the purpose section of the Zoning Cluster Bylaw. Stephen read the section: “For the purpose of encouraging the preservation of open space and promoting the more efficient use of land and to protect and promote the health, safety, convenience and general welfare of the inhabitants of the Town, an owner or owners of a tract of land containing five acres or more located in a residential district, or a duly authorized agent thereof, may, in connection with the submission of a subdivision plan for Planning Board approval under the Subdivision Control Law,[\[1\]](#) concurrently submit a special permit request to the Planning Board excepting his plan from the lot area and frontage requirements of Article VII of this chapter.”
-Ms. Leger: What about the variances and special permits and waivers and will they be allowed input on those?
-Stephen: It’s not a variance, it is waivers from the subdivision regulations and there is a list of those and you can certainly weigh in on those also.
-Ms. Leger: Where do we get a copy of those? Jon handed her his copy of the waiver list.
-Mr. Don Leger: We have been in touch with Mr. Flis and Mr. Murphy in the past as this project has developed and they have adressed some of their concerns. They were concerned about water and runoff and the plans show a well thought out drain system. Ms. Leger pointed out the wetlands that are near their property. Ms. Leger told the Board her primary concern was the water and the affect the development would have on her nearby septic system and property. Mr. Leger noted his concerns about water runoff, and adding septics on the new lots. He noted there are existing trails. Mr. Leger also noted that his lot was 2000 feet deep and boarded the State Forrest in the rear. He told the PB that in the spirit of minimizing roads, Mr. Murphy was working on a transfer of land that would give him access to the backland that would allow him to build another home when he retires. He did not want to put anyone on the spot but asked the Board to review if the plan as drawn would allow him to have lot off of the subdivision road. After discussion and review of the plan, it was determined that there was enough land that Mr. Legers existing lot could be divided into two roughly 4 acre lots with the rear lot having access as a “flag” lot through the subdivision road frontage that will be reserved and transfered. Ms. Leger was concerned and asked questions about how the road would get accepted by the Town.

The Board then decided to continue the Public Hearing to a later date to allow the comments and conditions of approval to be worked on and received.

Mike made a motion to continue the Public Hearing for the Cluster Special Permit and the Subdivision Approval to 7pm March 14th 2017. Seconded Andrew. Voted AIF.

7:54 p.m. - Discussion: Pete Normandin: Hager Park affordable housing project - Worcester Road.

Mr. Pete Normandin told the Board he is seaking a sight plan approval for the plan that he had shown the PB at a prior meeting. The project had received prior site plan approval. He told the Board he was going the 40B affordable housing route which would make 3 of the 12 proposed rental units be affordable housing rent controlled. Stephen noted that because the units were going to be rentals, all 12 would be counted towards the Towns Affordable Housing Inventory even though only three would be rent restricted.

Mr. Normandin told the Board he has a BoH permit for a Combined Septic System that is valid thru November of 2017 and hoped to start the project in April with the intent to build one duplex per month.

Stephen told Mr. Normandin that a 40B is approved thru the Comprehensive Permit Act and is approved by the Zoning Board. There is additional information that the State requires. Stephen will send the information he has on the State Comprehensive Permit process to Mr. Normandin.

8:05 p.m. - Town Government Study Committee Member Adam Collette will be attending to interview the Planning Board for the new Town Charter project.

Mr. Adam Collette told the Board about their charge to evaluate how Town Government works and to provide a path forward for the future of Town Government.

He asked the Board a series of questions that are being asked to all people who participate in Town Government and to the public at large.

Jon told the Board the questions were designed for Town Government employees and some might not be relevant to elected volunteers.

Mr. Collette told the Board they were basically in the information gathering mode: ears open, mouths shut!

The PB gave feedback for most all the questions.

The gist of the conversation was that the Board fully recognizes that a pro-active information sharing process where all voices are heard before any bylaw changes or documents are asked to be approved by the public is vital part to their mission to guide the Town forward. The Board also recognizes that we are essentially a customer/citizen service oriented group that operates under time restrictions of /and MGL and local bylaws laws. This is fully supported and made possible by having a knowledgeable, seasoned, pro-active Town Planner who believes in the idea that information sharing and inclusivity of all voices working towards a common solution is a vital part of all successful Town Government. Other Highlights: Buy Stephen a color copier!

8:52 p.m. - *Residential Zoning Amendments.*

Stephen told the Board he only has the ZBA to meet with regarding outreach for the Zoning Amendments. He reviewed the outreach: meetings with all Boards & Committees, paper flyers have been distributed, an e-alert, front page of the Town website, notice on public access TV, postcards sent to all home businesses alerting them to home occupation changes to the bylaw, newspapers have been contacted and have run articles, public forums on Saturday Feb. 25, 2017 and Tuesday Feb 28, 2017. Stephen hopes to have Town counsel comments by Feb 24.

8:57 p.m. - *Town Planner Monthly Report.*

The Board quickly reviewed the report and had no questions. The Town Planner Proposed Work Schedule for 2017 will be reviewed at a future meeting.

8:58 p.m. - *Adjourn.*

Linda made a motion to adjourn. Mike seconded. The PB voted AIF to adjourn.

4 Pages of Minutes
Respectfully submitted,
Michael Fortin

10 Attachments:

- 1) ANR Plan for Willard Road - Revised Plan of Land Prepared for Edgewater Construction Inc. dated Jan 9 2017 Szoc Surveyors. 1 page.
- 2) Town Planner Form A, Tax Cards & GIS Map for Willard Road. dated Jan 11, 2017. 6 pages.
- 3) Public Notice of Public Hearing for Newton Road Definitive Subdivision and Cluster Design Special Permit. 1 page.
- 4) Town Planner project memo for Newton Road Definitive Subdivision and Cluster Design Special Permit dated February 10, 2017. 6 pages.
- 5) Definitive Subdivision Plan in Westminster, Massachusetts off Newton Road for WESTHUB Realty Trust. Dated December 15, 2016. 15 pages. Cover, D1,D2,D3, Index 1, Site & Grading 2-3, Street Plan & Profile 4-5, Drainage Plan & Profile 6-7, Construction Notes 8, Construction Details 9-11.
- 6) Form B Subdivision Application for Westhub Realty Trust dated January 20, 2017. 8 pages.
- 7) Request for Waivers letter from Whitman & Bingham/Wes Flis dated February 13,2017. 2 pages.
- 8) 11x17 set of plans for Hager Park 40B / Global Eng. Consultants dated Sept 18, 2017. 3 pages.
- 9) Question sheet from Town Government Study Committee.
- 10) Town Planner Monthly Memo to BoS dated January 30, 2017.