



Town of Westminster

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD

Phone: (978) 874-7414

swallace@westminster-ma.gov

Jon Wyman, chairman

Marie N. Auger, vice chairman

Michael Fortin

Andrew Rice

Linda Wiest

MINUTES OF REGULAR MEETING

May 9, 2017

Room 222, Town Hall

Attendees: Jon Wyman, Marie Auger, Linda Wiest, Mike Fortin, Town Planner Stephen Wallace.

Absent: Andrew Rice

Additional Attendees: Wes Flis of Whitman & Bingham, Donald Leger, Mathew & Margaret Dunn, Mark Le Blanc, Rick & Gail Brannon, Lucas Leger, Mark ?, Paul Morin, David Crowley, Daniel Gilbreth, Patricia McCurry, Eugene LeBlanc, Chris Mossman, David & Carol Iacobone.

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

7:00 p.m. – Board voted unanimously (4 – 0) to approve meeting minutes from April 25, 2017.

7:01 PM – Continued Public Hearing for Newton Road Definitive Subdivision and Cluster Design Special Permit. The Board heard an update from the Town Planner on this project and then the applicant's engineer, Wes Flis from Whitman & Bingham explained the updated plans to the Board and the public. The Board discussed the last remaining issues, including tree removal at the front of the property. The new plans show that the subdivision roadway will connect to Newton Road in a way that the sidewalk is very close to the existing driveway at 22 Newton Road. The applicant offered to allow the owner of 22 Newton Road to relocate his driveway so that it connects to the subdivision's interior roadway instead of Newton Road. It was agreed that the applicant and owner of 22 Newton Road would discuss this possibility at a later date. The applicant agreed to revise the plan to show the tree to be removed at the front of the property. The Board also reviewed the land swap agreement signed by the applicant and the Legers that would allow the subdivision's interior road to be constructed at the location depicted on the plan. Believing they had enough information to make an informed decision, the Board voted unanimously (4 – 0) to close the public hearing. The Board then voted unanimously (4 – 0) to approve the waivers requested by the applicant. The Board and the applicant reviewed and agreed upon 28 conditions of approval.

The Planning Board took two votes to approve the Newton Road project. The first vote was to GRANT the Special Permit to allow this development as a cluster housing project and was unanimous (4 – 0) after making the finding that this proposal was consistent with the goals of the Town's cluster housing bylaw. The second vote was to APPROVE the project as a Definitive Cluster Subdivision for Newton Road and was also unanimous (4 – 0). The voting record is as follows:

Jon Wyman	Yes
Marie N. Auger	Yes
Mike Fortin	Yes
Linda Wiest	Yes

Marie Auger was absent for the opening public hearing on February 14, 2017 and the continued public hearing on March 21, 2017 and has invoked M.G.L. Chapter 39, Section 23 D, whereby she has certified that she has examined all of the evidence received by the Board via digital audio transcripts from the meeting she was absent from. The Certification that she signed (attached) has been executed prior to participating in a vote on the matter and shall be part of the record of the hearing.

The next matter before the Board was a Public Hearing for Earth Removal Permit for Lead the Way Development Corporation on Narrows Road. The applicant has been removing gravel from the subject properties for close to 15 years without ever obtaining an Earth Removal Permit from the Town. A recent site visit from the Building Commissioner resulted in the issuance of a cease and desist letter that directed the applicant to obtain an Earth Removal Permit from the Planning Board. The initial application filed with the Planning Board requested permission to remove approximately 100,000 cubic yards of material off three lots totaling 9.6 acres. The applicant has since revised his plan to remove 69,000 cubic yards. The Board asked how much earth material has been taken off the properties so far and the applicant responded that this was impossible to calculate. The Board then heard from nearby abutters who expressed numerous nuisance concerns: truck traffic, noise, dust, hours of operation, the visual appearance of the site, and the duration of the operation. Several abutters expressed the concern that this project has been going on for years with no end in sight. At the suggestion of the Town Planner, the Board directed the applicant to prepare a nuisance mitigation plan. The Town Planner would then obtain a price quote from the Board's consulting engineering (in the case, it would be Tetra-Tech) to review the applicant's proposed grading plan and nuisance mitigation plan. The hearing was continued until May 23rd.

Next up was a lot release request for Phase I of the Westminster Estates (Woods of Westminster) subdivision, Bean Porridge Hill Road, Owners: Paul Bartkus Sr., Paul Bartkus Jr., Dan Bartkus & Baro Properties LTD. The Board voted unanimously (4 – 0) to authorize the Town Planner to direct the Board's engineering consultant (McCarty Engineering) to review the subdivision's progress and make a recommendation to the Board regarding the lot release request. The Town Planner will have McCarty coordinate an inspection with the Director of Public Works so that both parties can agree on a recommendation and report back to the Board at its next meeting.

Next up was the Selectmen's request for Planning Board input: petition from Lorraine Flanagan to withdraw land on State Road West from the Chapter 61B taxation program. The Board voted unanimously (4 – 0) to recommend to the Selectmen that the Town *not* exercise its right of first refusal on the property and allow it to be withdrawn from the Chapter 61B taxation program.

Planner monthly report for April: Town Planner Stephen Wallace gave the Board an overview of his department's activity for the month of June.

Meeting adjourned at 9:35 PM.