



Town of Westminister

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD

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Lawrence Skamarycz, Chair

Marie N. Auger, Vice Chair

Dan Bartkus

Gregg Buckman

Jodi Snyder

Planning Board Meeting Minutes: April 26, 2022

Members present: Marie Auger, Dan Bartkus, Jodi Snyder and Gregg Buckman
Town Planner, Stephen Wallace.

Absent: Larry Skamarycz

Staff: Andrea Mastrototo, Recording Secretary

Additional Attendees: Brian Marchetti, Justin LeClair, Steven Powell, Ross Barber and Jill Normandin.

M. Auger called the meeting to order at 7:00 PM.

Administrative Matters

First item on the agenda, approval of minutes from March 29, 2022.

G. Buckman made a motion to approve the minutes from March 29, 2022 as presented. D. Bartkus seconded. All in favor, motion carried (4-0).

Next item on the agenda, Review bond consolidation plan for Westminister Business Park LLC.

The Town Planner explained the bond for \$3,176,593.75 will cover the three bonds and the residential road and items that need to be repaired.

J. LeClair stated they have met with Josh Hall, DPW to work out the final details.

The Town Planner listed the bonds to be release as:

\$75,735.00 - Phase 1.5, bond with the Town Clerk

\$234,278.00 - Phase 2, Roadway cash bond with the Treasurer

\$1,925,123.77 - Phase 3, Earth Removal bond with the Town Clerk

J. LeClair noted the correct bond amount is \$4.573 million.

D. Bartkus made a motion to accept the bond amount. G. Buckman seconded. All in favor, motion carried (4-0).

Public Hearing

Applications for Stormwater and Earth Removal Permits to remove 965,000 cubic yards of material for Lot I-8 within the Westminister Business Park (Tax Map 72, Lot 2).

M. Auger read the notice into the minutes.

B. Marchetti explained the project and noted some main points.

The Westminster Business Park has signed a Purchase and Sales agreement and the applicant will be moving forward fast. B. Marchetti stated they will be looking for a bond reduction.

B. Marchetti indicated Tetra-Tech has reviewed the plan and provided some comments.

B. Marchetti noted the entire parcel is 45.5 acres and the impacted area is 23.2 acres.

B. Marchetti reviewed the plan with the Board and explained they are requesting a 3 year permit.

B. Marchetti explained Tetra-Tech's comment and the response as follows;

- Applicant did not provide and estimate for the amount of fill, 965,000 yards of fill to be exported.
- Anticipated annual volume of activity, 350 trips per day, which is 175 trucks, the same as Lot I-7.
- Start date, the applicant will start as soon as the permit is received.
- Completion, within 3 years of obtaining the permit.
- Fill analysis, an environmental site assessment has been provided.
- Stormwater Management Permit, the applicant will be requesting two waivers.
- Slope stabilization, This has been noted on the plan.

Public comment

J. Normandin asked about the \$5,000/acre requirement and its use. --- believes the funds are for a reclamation bond. The Town Planner stated there is a bond in place for lot I-7 for \$1,925,123.77.

J. Normandin expressed concern with damage to the roadway and the responsibility to repair damages.

The Town Planner indicated he spoke with the DPW and was assured there is a bylaw that addresses the issue.

J. Normandin asked the grade of the slopes. B. Marchetti stated the maximum is 2:1.

J. Normandin asked for number 3 of the regulations, under applicability, to be read. J. Snyder read the section aloud.

J. Normandin asked who prepare the wetland delineation plan. B. Marchetti stated Mary Ann Dipinto.

G. Buckman made a motion to close the public hearing. J. Snyder seconded. All in favor, motion carried (4-0).

The Waivers requested: 7.2.14 and 7.3(5) of the Stormwater Regulations.

D. Bartkus made a motion to approve both the waivers. G. Buckman seconded. All in favor, motion carried (4-0).

The Conditions to Earth Removal Permit for the Westminster Business Park are as follows:

1. The permit period will be three years from April 26, 2022 through April 26, 2025. Any request for an extension of the time limitation set forth herein shall be made in writing to the Board at least 30 days prior to April 26, 2025 and the Board reserves its rights and powers to grant or deny such request without a public hearing.

2. The hours of truck hauling shall be limited to the hours between 7:30 a.m. to 5:00 p.m. and shall not be permitted on any Saturday, Sunday, or Massachusetts legal holiday. Earth removal vehicles shall be restricted along Batherick Road during hours in conjunction with school bus pick up in the a.m. and drop-off in the p.m. A schedule of times of school bus pickup and drop-off shall be delivered to the Police Department prior to commencement of any earth removal. A copy of the restricted hauling times shall also be provided to all gravel removal operators. In addition, trucks exiting the property are prohibited from taking a right turn onto Batherick Road, unless making a local delivery along Batherick Road. The applicant shall erect a "No Right Turn" sign at the intersection of Industrial Way and Batherick Road. In

addition, no truck proceeding to or from the site shall travel along Batherick Road to the west of the intersection of Industrial Drive. Any vehicle that violates the conditions shall be issued a \$100 traffic violation fine for each violation.

3. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load.
4. The Planning Board's consulting engineer shall inspect the property periodically or as needed during the permit period. The cost of inspections shall be covered by the Applicant by way of deposit of a check with the Town sufficient in amount to cover the inspection services.
This check will be deposited into a 53G consulting account for this project.
5. In an effort to mitigate dust created by the project, the Applicant should have a water tank on site and use it to spray down the excavated areas as needed.
6. With the exception of where a waiver has been granted by the Planning Board, the applicant shall fully comply with the Earth Removal Regulations Operational Standards (Section 5) and Restoration Standards (Section 6).
7. Other approvals or permits required by the Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.
8. This permit applies only to the properties that are the subject of this Application. All excavation and grading to be conducted on the properties shall be conducted in accordance with the terms of this Approval and shall be limited to what is shown on the excavation and grading plans.
9. The Board hereby reserves its powers to modify or amend the terms and conditions of this Approval upon its own motion with consent from the owner or the applicant, or on the Application of the owner or applicant. The Board further reserves its powers to amend this Approval without a new public hearing provided that the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Town's Earth Removal Bylaw, the Planning Board's Earth Removal Regulations, or with the terms of this Approval.
10. No earth removal will occur within any elevation 6 feet above the high ground water elevation as shown on the revised plans.
11. All loam stripped from the limit of work area shall be stockpiled for re-spreading upon establishing proposed contours.
12. The number of trips per day will be limited to 350 vehicle trips per day. A trip is defined as one vehicle entering the site or one vehicle exiting the site. There shall be no overnight parking of gravel trucks on site.
13. Except where waivers have been granted above, no excavation shall occur within 100 feet of a public way. The boundary of the earth removal operation shall be clearly marked in the field so that inspectors and vehicle operators can easily determine the boundaries of the earth removal operation. There shall be no encroachment outside of the designated limit of work.
14. Trucking routes and methods shall be approved by the Police Chief and the Director of Public Works in order to minimize travel on local roadways.
15. There shall be no on-site stump burial.

16. The Applicant shall designate a contact person who will be responsible for addressing all earth removal questions and complaints. The name, address, and telephone number of the contact person shall be submitted to the Planning Board before the commencement of any work.

17. All earth removal vehicle operators shall be given a copy of these conditions, and shall be required to sign an acknowledgement, in a form acceptable to the Planning Board, of the receipt of such copy of these conditions.

D. Bartkus made a motion to approve with conditions. G. Buckman seconded. All in favor, motion carried (4-0).

New Business

Last items on the agenda, Planning Board discussion of warrant articles for the May Annual Town Meeting and Town Planner report for March.

Adjourned 7:55

Documents & Materials Discussed at meeting:

- Draft meeting minutes from March 29, 2022.
- Bond consolidation request letter and bond estimate for the Westminster Business Park, submitted by McCarty Engineering, dated March 22, 2022.
- Town Planner monthly report for March 2022.
- Annual Town Meeting 2022 list of warrant articles.

Lot I-8 Earth Removal & Stormwater Project:

- Project cover letter submitted by McCarty Engineering Inc., dated March 21, 2022.
- Earth Removal & Stormwater applications submitted by McCarty Engineering Inc., dated March 22, 2022 Waiver request letter dated April 6, 2022.
- Earth Removal and Restoration Definitive Plan prepared for Lot I-8 of the Westminster Business Park, prepared by McCarty Engineering Inc., dated March 21, 2022 and revised April 6, 2022.
- Drainage Report prepared by CFS Engineering, dated May 14, 2007.
- Tax card for the properties from the Westminster Assessor's office.
- Review memo from Planning Board consulting engineer (Tetra-Tech) dated April 5, 2022 and revised April 11, 2022.
- Applicant's response to Planning Board consulting engineer comments, prepared by McCarty Engineering Inc., dated April 6, 2022