



Town of Westminister

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD

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Jon Wyman, chairman

Marie N. Auger, vice chairman

Andrew Rice

Linda Wiest

MINUTES OF REGULAR MEETING

May 23, 2017

Room 222, Town Hall

Attendees: Jon Wyman, Marie Auger, Linda Wiest, Andrew Rice, Town Planner Stephen Wallace.
Additional Attendees: Town Clerk Ellen Sheehan, Dan & Paul Bartkus, David Thomas & Pedro Rodriguez from Seaboard Solar, Wes Flis and James Rheault of Whitman & Bingham, Alan Belanger, Peter Normandin, Chris Mossman, Eugene LeBlanc, Tina & Chad Streeter, Kevin Byrne, Rick & Janet Nikitas, Rick Brannon, Ed & Denise Mann, Mathew & Margaret Dunn, David & Joan Dufort, David & Carol Iacobone, Ryan Smith Larry Streeter and Kate Bjorkman.

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

In the presence of the Town Clerk, the Board took up two matters: the first was affixing their signatures to the decision for the Cluster Housing and Definitive Subdivision approval for the Newton Road subdivision. The Board then voted unanimously (4 – 0) to approve the lot release request for the first phase of the Westminister Estates subdivision, having received favorable recommendations from both the Board's consulting engineer (McCarty Engineering) and the Town's Director of Public Works.

The Board agreed to hold a meeting at 7:00 PM on June 6th to make a recommendation on the citizen petition to abandon Old Road #3. This citizen petition will be considered at a Special Town Meeting at 7:30 PM on June 6th.

The Board then reviewed an Approval Not Required (ANR) Plan for Greenstone Realty that would create two new building lots on Bolton Road. After discussing the plan with the applicant's surveyor (Brian Szoc), the Board voted unanimously (4 – 0) to endorse the plan.

Next up was a public hearing for Ellis Road Development LLC, for a ground-mounted solar farm on Ellis Road. This project will involve the ground-mounted installation of approximately 20,000 solar panels covering eight acres of land. Once complete, it will generate approximately 6.8 million kilowatts of power, making it the largest solar farm in the Town. While a meeting with the Town's Technical Review Committee was able to iron out most of the issues raised by this project, there were two issues that needed additional clarification. The applicant expressed a desire to do away with the Ellis Road point of access and instead have its primary access off West Main Street. The

Town Planner wanted to check with the Fire Department whether or not this would be acceptable. The Fire Department did approve the applicant's Emergency Response Plan, yet it was unknown whether the Fire Department predicated their approval on the idea of having Ellis Road as a secondary point of access. Secondly, the Board's engineering consultant (Tetra-Tech) had requested that the applicant provide additional information to them so that TT could recommend an appropriate amount of money to be set aside in a bond to decommission the project should the applicant simply walk away at some point in the future. The applicant was alerted to TT's request for additional information, but has yet to provide it. Thus, the Board did not have a recommended decommissioning bond amount to discuss and review with the applicant. The applicant expressed a willingness to agree to whatever amount TT would recommend for the decommissioning bond, but the Board's practice is to wait for TT's recommendation and state the dollar figure for the decommissioning bond right in the decision's conditions of approval. The Board voted unanimously to extend the public hearing until Tuesday night June 6 at 7:00 PM.

The Board's next matter was a Continued Public Hearing for Earth Removal Permit for Lead the Way Development Corporation on Narrows Road. The applicant was in attendance along with his engineer Chris Mossman of Trowbridge Engineering. Having heard the abutter's concerns at the last public hearing, the applicant came back with a revised request for a 6-month Earth Removal Permit to remove 6,000 cubic yards of material. The applicant proposed to remove some of the material stockpiles from the site, and regrade the property in advance of an eventual filing for a seven lot subdivision plan. The applicant also proposed several nuisance mitigation measures designed to minimize the impact of this project on nearby abutters. The abutters again expressed a concern regarding the open-endedness of this project and whether the applicant would actually follow through on his revised plan. The abutters again expressed numerous nuisance concerns: truck traffic, noise, dust, hours of operation, the visual appearance of the site, and the duration of the operation. One abutter requested that the Board insist on strict compliance with the Town's Earth Removal Bylaw, including regular inspections and posting a bond. The Board agreed with the suggestion of the Town Planner that the applicant revise his grading plan to reflect his plan of action that was explained this evening. The Board would like to have its consultant engineer (Tetra-Tech) review the revised grading plan, nuisance mitigation plan and come up with an inspection protocol for the project's duration. The Board voted unanimously (4 – 0) to continue the public hearing to Tuesday night June 13th.

Next up was Ryan Smith to discuss a potential division of land off Davis Road. Mr. Smith has met with Town staff on several occasions to review development options for his property. While the initial plan was to utilize a portion of Old Road #3, he has since revised his plans to start off with an Approval Not Required (ANR) plan to divide his property into two parcels, and then come back before the Board with a proposal for a reduced road standard subdivision that would allow him to further divide one of the parcels into two lots that would obtain their frontage from a new private road that would be maintained by the owners of the two lots. James Rheault of Whitman & Bingham explained to the Board how these options would allow the landowner to create the new lots without having to make use of Old Road #3. The Town Planner told the Board that the plan before them had been reviewed by the Town's Technical Review Committee earlier that day and was determined to be feasible. Mr. Smith told the Board he wanted to consult with Town Counsel prior to filing his plans with the Board and would return at a later date.

The Board then reviewed the monthly inspection report for the Westminster Business Park's earth removal project. No comments were offered.

The Board was informed that the job advertisement for a Planning Board minutes taker has been posted on the Town's website, the MA Municipal Association website, and advertised in the Gardner News.

The Board agreed to move its second hearing night in June from Tuesday June 27 to Monday June 26 so as to accommodate the Town Planner's schedule.

Meeting adjourned at 9:20 PM.