



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

June 13, 2017

Room 222, Town Hall

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

Absent: Andrew Rice.

Additional Attendees: Mathew & Margaret Dunn, Dan Bartkus, Rick & Gail Branson, Chris Mossman, Ned LaFortune, Brad Dufour, Alan Wiktorski, Martha Robertson, and Steve Ballard.

Chairman Wyman opened the Planning Board meeting at 7:05 PM and informed those present the meeting was being audio recorded.

The first order of business was approving the meeting minutes for the following dates: May 9 & 23, and June 6. The Board voted all in favor (3 – 0) to approve the meeting minutes.

Next up was an Approval Not Required (ANR) Plan for the Woods at Westminister Golf Course, 154 Bean Porridge Hill Road. The plan as presented would split off the open space parcel from the larger subdivision. Owner Dan Bartkus explained that having a homeowner association manage the open space was impractical and would complicate the house lot sales. He further stated that such an association was no longer needed as the lots would be served by on-site wells and septic systems instead of a common water supply and sewage disposal system which the association was intended to manage. The Planning Board reviewed the language in the original subdivision decision and the cluster housing bylaw language within the Zoning Bylaw. The Board determined that the subdivision decision needs to be modified, specifically Item #7 in the conditions of approval, as this condition spelled out that the open space would be owned and managed by a homeowner association. Planning Board member Marie Auger further pointed out that there needs to be a conservation restriction on the open space and said restriction must be held by a State, regional or local conservation entity and could not be held by a private landowner. Further, there needs to be an open space plan that delineates public access, trail maintenance and management. While the Planning Board was willing to endorse the ANR plan before them, they did suggest that the owner work with his lawyer to draft an appropriate conservation restriction and identify an appropriate entity to hold it. It was further suggested that the owner develop an open space plan that delineates public access, trail maintenance and management. Mr. Bartkus said he would return at a later date with the requested materials. The Board voted all in favor (3 – 0) to endorse the ANR plan as presented.

The next matter was an Approval Not Required Plan (ANR) for J.P. Dell LLC, for five new lots with frontage on Bean Porridge Hill Road. The Board went through the three-part criteria for plans seeking ANR endorsement: the lots front on a public way, the lots have the frontage required by zoning, and the buildable portion of the lots can be accessed via said frontage. The Board voted unanimously (3 – 0) to endorse the plan.

Next up was a site plan Public Hearing for Wachusett Brewing Company to add a new building addition and outside seating, 175 State Road East. The Town Planner stated that the plan had been submitted on May 22 and distributed to the other municipal review entities for review and comment. He further stated that all municipal review comments had been satisfactorily addressed by the applicant and that there were no further outstanding issues to resolve. The applicants presented their plans and answered several questions posed by the Planning Board. Once the Board had exhausted its questions, the Chairman asked if the audience had any questions. Only one audience member spoke, and that was abutter Chris Mossman speaking in favor of the project. The Board believed they had enough information to make a decision on the site plan and voted unanimously (3 – 0) to close the public hearing. The Board then voted unanimously (3 – 0) to approve the following waivers requested by the applicant:

2.1.2 Mapping of site topography.

2.16 Signage.

2.1.8 Location and description of proposed open space and recreation areas.

2.1.12 Evaluation of impact on water resources.

2.1.13 Evaluation of impact on landscape.

2.1.14 Evaluation of traffic impacts.

2.1.15 Environmental impact analysis.

The Board then voted unanimously to approve the site plan with the following conditions:

1. 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.
2. The Site Plan Approval applies only to the site which is the subject of this Application. All construction to be conducted on the site shall be conducted in accordance with the terms of this Approval and shall be limited to the improvements shown on the Plan.
3. 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 Zoning Bylaw or with the terms of this Approval.

4. This Approval shall lapse on June 13, 2019 if a substantial use thereof has not sooner commenced for good cause. 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 June 13, 2019 and the Board reserves its rights and powers to grant or deny such request without a public hearing.

5. The Applicant should provide information on whom to contact during the construction phase, should any problems arise. This information should be provided to the Building Department.

The next matter before the Board was the continued Public Hearing for Earth Removal Permit for Lead the Way Development Corporation on Narrows Road. The Town Planner provided a brief update on the project, stating that he had met with the applicant's engineer and the Town's engineering consultant (Tetra-Tech) the previous morning to discuss the project. The Town Planner had directed Tetra-Tech to put together a work program that would accomplish three tasks:

Task 1: Review the applicant's grading plan against the grading standards in the Board's Earth Removal & Placement of Fill Regulations. For those areas where the applicant's grading plan is found deficient, the applicant will either request a waiver or commit to addressing the deficiency in the subdivision plan he intends on filing after the earth work is complete.

Task 2: Review the applicant's nuisance mitigation plan.

Task 3: Conduct three inspections during the 6-month project period.

Tetra-Tech will prepare a scope of work and a price for the items above. If acceptable to the applicant, the Town Planner will authorize TT to begin the work, with the expectation that a report will be issued prior to the next Planning Board meeting on Monday June 26, 2017. The Board voted all in favor (3 – 0) to authorize the Town Planner to sign Tetra-Tech's price quote on their behalf once it is ready. The hearing was continued until Monday June 26, 2017 at 7:00 PM.

The next matter before the Board was Martha Robertson and her engineer Chris Mossman. They were seeking guidance on Martha's plans for a two-lot subdivision at 176 Minott Road. The plan is for a reduced road standard subdivision that would provide frontage for Mrs. Robertson's existing lot and a newly created lot. The draft plans were reviewed by the Board and found to be acceptable. Mr. Mossman will try to file an application for definitive subdivision approval in time to be placed on the Planning Board's July 11th agenda.

Next on the Board's agenda was a lot release request on behalf of the Westminster Business Park. The lot in question is identified as Lot I-4B on the Park's master plan and Tax Map 77, Lot 12.1 on the Town's Assessor maps. The Planner informed the Board that Tetra-Tech and the Department of Public Works had recently inspected the site, but had yet to prepare a recommendation on the requested lot release. The Board voted all in favor (3 – 0) to postpone this matter until its next meeting on Monday June 26, 2017.

The next matter was making a recommendation to Selectmen regarding Peggie Becker's request to withdraw 13 acres of land from the Chapter 61A program at 1 Minott Road. The Board voted unanimously (3 – 0) to recommend that the Town *not* exercise its right of first refusal on the property and allow the withdrawal to go forward.

The last two items before the Board were reviewing the Westminster Business Park earth removal project's monthly inspection report for May and the Town Planner's monthly status report for May.

Meeting adjourned at 8:48 PM.