



Town of Westminster

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 26, 2017

Room 222, Town Hall

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

Absent: Marie Auger.

Additional Attendees: Thomas & Diane Moore, Joe Serio, Mark & Rachel LeBlanc, Mathew & Margaret Dunn, Jamie Rheault, Rick Branson, Brian Marchetti, Matt McGuirl, Pete and Susan ?, Dennis & Susan LeBlanc, Chris Mossman and Eugene LeBlanc.

Chairman Wyman opened the Planning Board meeting at 7:00 PM and informed those present the meeting was being audio recorded.

The first order of business was approving the meeting minutes for June 13. The Board voted all in favor (3 – 0) to approve the meeting minutes.

The second matter before the Board was an Approval Not Required (ANR) plan for Matthew McGuirl for a land division on Tommy Francis Road. Mr. McGuirl and his engineer, Jamie Rheault of Whitman & Bingham, explained the history of this property: Mr. McGuirl had previously tried to build on this lot, but was sued by an abutter. A legal settlement has since been reached and is predicated on Mr. McGuirl splitting off a portion of his lot and deeding it to the abutter, while retaining the remaining portion of the lot. Mr. McGuirl acknowledges that he may never be able to build on the land due to wet soil conditions, but having the ANR plan endorsed would settle the legal matter with his abutter. The Board voted all in favor (3 – 0) to endorse the plan.

Next was another ANR plan for Ellis Road Realty Trust. The Trust was recently before the Board for the Ellis Road solar project which the Board approved. One of the conditions of site plan approval was the transfer of 18-acres of land to the Town for use as future athletic fields. This ANR plan is the applicant's attempt to make good on this condition by splitting off the 18-acre parcel for eventual disposition to the Town. The Planner explained that accepting this land donation would require voter approval at the November Special Town Meeting. The Board voted all in favor (3 – 0) to endorse the plan.

Next up was a site plan proposed for Joe Serio, owner of the Westminster Pharmacy. Mr. Serio was seeking Site Plan Approval to rehabilitate an existing barn structure for use as a seasonal farm stand and ice cream parlor. Mr. Serio explained the details of his project and that the farm stand would be open from 9:00 am to 8:00 pm, Monday through Sunday, from April through October. The Town Planner explained that the Zoning Bylaw does not contain any parking requirements for the Village Center district, and that parking arrangements for projects in this district need to be made on a case by case basis. Mr. Serio explained that there are six existing parking spaces on the lot in front of the barn and that the Pharmacy has the same parking issue, which really isn't an issue because people patronizing the Pharmacy usually park on Main Street, Bacon Street or park elsewhere and walk to the Pharmacy. After deciding it had enough information to make an informed decision, the Board 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.

2.1.6 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 26, 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 26, 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.
6. The farm stand's hours of operation shall be from 9:00 am to 8:00 pm, Monday through Sunday, from April through October.

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) on June 12th 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 prepared the requested scope of work, which was subsequently rejected by the applicant as being too expensive. The applicant and his engineer, Chris Mossman of Trowbridge Engineering, made a request to the Board to continue the public hearing until July 11th to give them more time to explore other options for this site. Several abutters expressed concerns about work continuing on this site without a permit. There was also some confusion about the applicant's appeal to the Zoning Board. The Town Planner informed the abutters that the applicant was appealing the Building Commissioner's Cease and Desist order. The Zoning Board has met twice on this matter but could take no action due to the lack of a quorum. The Town Planner will contact the Zoning Board to make sure they understand exactly what is being appealed and their options for resolving the matter. It was also explained that the law allows the applicant to continue the operation while the matter is under appeal. While the applicant is exploring other options for resolving this matter, the Town Planner offered to contact the Board's other engineering consultant, McCarty Engineering, to have them draft up a price for the same three tasks described above. The applicant was agreeable to this offer. It was made clear that no matter which firm handles the review, having the grading plan reviewed by a professional engineer was a necessity and would not be waived. The Board voted unanimously (3 – 0) to continue the public hearing until July 11th.

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 and agreed that while the road does need some repair, they are willing to support the lot release request as long as the lot will be used solely for the solar power facility that the Planning Board approved for this site last September (applicant: Clean Footprint LLC). The Board voted all in favor (3 – 0) to approve the lot release request on this condition.

The last matter before the Board was making its annual appointment to the Montachusett Joint Transportation Committee (MJTC). Chairman Wyman has served as the Board's representative to the MJTC and was willing to serve again this year. The Board voted all in favor (3 – 0) to appoint Chairman Wyman to serve as the Board's MJTC representative.

Meeting adjourned at 8:15 PM.