



Town of Westminister

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD

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Jon Wyman, chairman

Marie N. Auger, vice chairman

Jill Normandin

Andrew Rice

Linda Wiest

Westminister Planning Board Minutes for July 11, 2017

Meeting Room 222

Members present: Jon Wyman, Marie Auger, Andrew Rice, Linda Wiest and Jill Normandin.

Staff: Town Planner Stephen Wallace and Andrea Mastrototaro, Minute Secretary

Attendees: Paul & Dan Bartkus, Pete & Peg Romano, Martha Robertson, Paul Vardakis, Jeff Aseni, Chris Mossman, Cindy Bouvin, Ann McGee, Bob & Joan Wotton, Marissa Chapman, Matt & Margaret Dunn, Robert Leger and Wes Flis

J. Wyman, Chairman called the meeting to order at 7:00PM and informed those present the meeting was being recorded.

First order of business M. Auger made a motion to accept the minutes for July 26, 2017 A. Rice seconded, All in favor, motion carried (5 - 0)

Next order of business, Public Hearing: J. Wyman read the Public Hearing notice into the minutes. The Town Planner explain the background of a non-frontage lot and the creation of a new private road known as Henry Lane to accommodate Martha Robertson's house and the new house lot. The Town Planner stated the plan has been review by the other departments and none of them have any issues with the plan as presented. The existing driveway with some improvements will be used for the road. The road will have an apron be 60 feet wide and gravel to include a 100 foot diameter cul-de-sac. The steepest grade is 9% and the Town requires 6%, a waiver will be requested for this percentage. There will be a swale on the right and a detention pond.

Questions from the Board:

M. Auger questioned the drainage of the detention pond. The Town Planner stated it was ok with Bob Maki. L. Wiest asked who will be responsible for the upkeep. C. Mossman stated there will be a homeowners' agreement and will be solidified before pulling a building permit. The Town Planner stated they will need it in its final form and be reviewed by Town Counsel.

Jill questioned if there will be tree cutting for the road and the will privacy remain for the neighbors. C. Mossman confirmed no tree cutting and the level of privacy the neighbors have will remain the same. The Town Planner confirmed with C. Mossman that Henry Lane will be with M. Robertson's house and that will be reflected on the final plan.

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L. Wiest asked if the Town would be responsible for plowing the road. C. Mossman responded no the road is private. The Town Planner stated in the intention of a reduced road subdivision is that the road remains private and privately maintained. J. Wyman asked about the right of way that was shown on the plan. C. Mossman stated it was not a road.

Jill asked if there were restrictions, could it be further developed. C. Mossman stated if the road were brought up to Town specs he could. The Town Planner read the policy aloud and stated no. M. Auger stated if there were a new subdivision plan it would override this and it could be done. Jill asked if it was mostly treed. C. Mossman stated there is a mix of trees and field. Jill asked if someone could come in and clear cut the lot. C. Mossman stated yes.

Questions from the Public:

C. Bowvin asked if this was going to contribute to flooding. C. Mossman noted that he designed this so the water will shed as you drive into the property on the right hand side and a swale on the right and will be away from C. Bouvin's house. B. Wotton had a concern about his well running dry. He doesn't know where the well, house or septic would go. C. Mossman showed him the plan and that the well would be located 100 feet from the septic. Other residents voiced concerns regarding the potential of their wells running dry. The Town Planner suggested documenting their water pressure before the new house goes in and then after. M. Auger said it is hard to prove cause.

M. Auger made a motion to close the public hearing. A. Rice seconded. All in favor, motion carried (5 - 0). The Board then voted to approve the following waivers requested by the applicant:

231-12 A 5 Environmental Impact Analysis

231-12 F Performance Guarantee

231-12 H As-Built Plans

231-14 Roadway Grade, 6% required, 9% proposed

231-15 Cul-de-sac paving 51 foot radius required a turn-around is proposed

231-15 Cul-de-sac 59 foot radius required, 50 foot proposed

231-16 Right of Way requires 26 foot radius, 15 foot with 5 foot shoulder proposed

231-16 Roadway flares 25 foot radius required, none proposed

271-27 & 28 Roadway construction paved required, gravel proposed

271-29 Sidewalks, no sidewalks

231-32 Street trees, no street trees

Filing fee \$600 proposed, per linear foot required

J. Wyman questioned if the Fire Department was ok with the waivers. The Town Planner responded, yes. M. Auger made a motion to accept. L. Wiest seconded, all in favor, motion carried (5-0)

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Conditions of Approval:

1. Town Counsel to review and Homeowners Association documents and outline the maintenance responsibilities for Henry Lane, 1 owner per lot and road to be deeded to one lot.
2. Prior to the Boards endorsement of the plan the applicant shall submit written confirm from the Tax Collector all the taxes have been.
3. Proof of all submission fees to the Planning Board and it's consultants have been paid.
4. Applicant shall record the plan and submit proof of recorded plan to the Planning Board.
5. Applicant to submit 5 full size copies, 1 - 11x17 size and a PDF version of the plan.
6. Any road work on a public way need Public Works approval.
7. Submit plans for the proposed fire protection system in accordance with the fire protection and water supply regulations with review and approval by the Fire Department.
8. Hours of operation 7 am - 5 pm, no Sunday or Holidays.
9. Subdivision roadway to be constructed within 2 years unless an extension is obtained through the Planning Board. If the subdivision roadway is not constructed within 2 years the plan and decision will be automatically rescinded. The definitive subdivision plan and decision are not valid until they are recorded at the Worcester Registry of Deeds and the 20 day no appeal has been filed with the Town Clerk
10. Any modifications must be submitted in writing to the Planning Board for review and approval. The request shall include the proposed modification, reasons the modification is necessary and any supporting documentation. Additionally no additions, corrections, substitutions, changes, alterations or any changes on any plans, proposals or supporting documents and endorsed by the Planning Board without the Boards approval.
11. The final revised plan shall be endorsed by the Planning Board unless submitted
12. A copy of the decision shall be kept on site and made available to all site contractors. Contractors shall sign a memo indicating they have read and understood the conditions of the decision prior to commencing any work. Prior to commencing site activity the applicant shall provide to the Planning office a list of the name address and phone number of the individuals who shall be responsible for all activity on site. Additionally the Police and Fire Department shall be provided an emergency notification sheet.
13. The road shall remain private until the road has been brought up to Town standards and has been accepted by the Town at Town Meeting.

M. Auger made a motion to approve the subdivision plan with the conditions A. Rice seconded, all in favor, motion carried (5-0)

Next on the agenda the continuation of the Public Hearing for Earth Removal Permit for Lead the Way Development Corporation on Narrows Road. C. Mossman stated he has redrawn the plan to show more earth removal on the south west part of the property. C. Mossman will have Gene take one more look at it and email a copy to The Town Planner in the morning and have Tetra Tech for a revised estimate. The Town Planner questions if they are in agreement to having Tetra-Tech review. C. Mossman stated yes.

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The revised plan reflects the increase from 6,000 cubic yards to 28,000 cubic yards. The Town Planner asked what their status was with the Zoning Board of Appeals (ZBA). Gene said he think they did continue the hearing. The Town Planner stated he believes the meeting was rescheduled for Thursday July 13, 2017. Gene needs to verify that with the ZBA. The Town Planner stated this hearing will be continued to July 25, 2017. The Town Planner would like to see the revised plan, Tetra-Tech's review, the ZBA decision all by the next meeting.

C. Mossman stated he had walked the site with Sean of Tetra-Tech they discussed the drainage funneling into one low spot in the center of the site. Sean suggested a temporary detention pond towards the end of Narrows Road. C. Mossman stated all the grading he has done was to keep the stormwater on site. L. Wiest questioned if there were only two houses there. C. Mossman stated if it is a subdivision there will be more. J. Normandin asked if they were single family. C. Mossman stated, yes. L. Wiest asked how many more houses. C. Mossman could not say at this time, he does not know.

Dennis of 177 Narrows Rd voiced his concern about the increase of gravel and the timeframe. M. Auger stated that if it does not turn into a subdivision it will get loamed and seeded and turned back to woods again. C. Mossman stated he will be working on a subdivision plan over the winter. The Town Planner stated Tetra-Tech will review their grading plan against the grading standards in our earth removal regulations. For the standards they don't meet the will either ask for a waiver or the will note they will address it in the subdivision submittal process.

General Business: The next matter on the agenda is the Woods of Westminster and a discussion regarding disposition of open space. W. Flis informed the Board that since there will be no sewer and no common well, there is no longer a need to have a homeowners association (HOA). The open space will be maintained by D. Bartkus/ Barrows Properties. Barrows Properties are the owners of the property.

W. Flis noted that they would like to revise the covenant to update the trails. M. Auger stated that ownership changes be the conservation restriction (CR) does not, it is held by the Conservation Commission, which is permanent. W. Flis stated there is nothing in the cluster bylaw that says there has to be a CR over the property. W. Flis does not want a CR on the open space he states the it will devalue the property. W. Flis states the land can never be built on. M. Auger would like to get Janet Morrison's opinion on this CR issue. The Town Planner asked the Bard if they would like Janet Morrison, consultant to review. The Town Planner will need the decision, plan dated 2007, the covenant and the request to send to J. Morrison, he believes he has all the files digital.

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

Meeting adjourned at 8:48 PM.

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