



Town of Westminster

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

July 25, 2017

PLANNING BOARD MINUTES

Meeting Room 222

Members present: Jon Wyman, Marie Auger, Jill Normandin, Town Planner Stephen Wallace.

Staff: Andrea Mastrototo, Recording Secretary

Additional Attendees: Rick, Brannon, Paul, Doris & Dan Bartkus, Jeff Aseni, Chris Mossman, Gene LeBlanc

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 11, 2017

J. Normandin seconded, All in favor, motion carried (3 - 0)

Next order of business, Woods of Westminster discussion regarding disposition of open space. S. Wallace received the opinions of Janet Morrison and Town Counsel and there does not seem to be a problem with preserving the open space and the Bartkus' remaining the owners of the open space. The Bartkus' will be responsible to maintain the open space. S. Wallace recommended Town Counsel work with the Bartkus' lawyers to put something in writing. Conservation Commission will still hold something against the open space but it will not be a Conservation Restriction. J. Aseni confirmed the attorneys have already been in touch. The Board is ok with this compromise.

Next on the agenda, Recommendation to Selectmen for the removal of land from Chapter 61A & 61B land owned by the Barro Properties Limited Properties on Bean Porridge Hill Road. The Board of Selectmen did not exercise their Right of First Refusal. The Board does not have to make a recommendation.

Next on the agenda the continuation of the Public Hearing for Earth Removal Permit for Lead the Way Development Corporation on Narrows Road. S. Wallace stated Tetra-Tech has reviewed the plan and he has received a letter dated July 13, 2017. S. Wallace submitted his memo to the Board dated July 19, 2017. The Town Planner has met with the applicant and engineer to discuss the violations Tetra-Tech had noted in their letter. J. Normandin asked C. Mossman if they were in agreement. C. Mossman stated yes.

The Town Planner stated he would like to go through letter with the Board and address the items.

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Items are as follows:

#3 - The applicant shall provide a written statement regarding how each of the items listed under §97-10 will be addressed and/or mitigated. *C. Mossman stated he has sent that.*

#4 - The applicant shall provide a completed application with the PB for Earth Removal at the direction of the PB. *C. Mossman stated the complete application and revised plans satisfy that requirement.*

#6 - The applicant had not provided detailed means of erosion control at the site. *Applicant will provide on the subdivision plans during the subdivision process.*

#7 - Applicant has not provided provisions for construction entrance (s) where truck traffic will exit onto public way. *C. Mossman will add this to the plan.*

#8 - Applicant has not provided a plan for observation wells for groundwater monitoring. The Town Planner stated one well will be installed.

#9 - Applicant has not supplied necessary information to determine groundwater. *The well to be installed will satisfy this requirement.*

#10 - Proper drainage design shall be implemented. *C. Mossman stated drainage has been added to the revised plan.*

#11 - Applicant shall provide Pre- vs. post construction stormwater analysis. The Town Planner stated the applicant will provide during the subdivision process.

#12 - A conflict exists in the hours of operation. The Bylaws state start time of 7:30 A.M. and the Regulations state 7:00 A.M. A the bylaw supersedes the regulations, the hours of operation will be 7:30 A.M. to 5:00 P.M.

#13 - An Order of Conditions (OOC) shall be acquired from the Conservation Commission prior to Earth Removal activity. This will be addressed during the subdivision process.

#15 - The applicant needs to apply for a NPDES when applying for the subdivision.

#16 - Earth removal appears to be extended north beyond the limits. The Town Planner notes this property is owned by Belanger.

#17 - "Left Turn Only" sign is recommended. *C. Mossman stated the location for the sign is noted on the plan.*

J. Normandin asked what the acreage was. C. Mossman replied there are 11.5 acres, 9.2 acres are active and roughly 3.2 acres have been proposed for the reclamation process.

J. Normandin asked about the boundaries, acreage and slopes. C. Mossman spoke about the background of the operation. C. Mossman proceeded to present the plan, there was review and discussion.

J. Wyman asked the Town Planner what was next to do. The Town Planner stated a new plan with the new erosion control measures and application were received and need to be reviewed by the Board and Tetra-Tech. The nuisance mitigation plan also needs to be reviewed. Bob Maki also needs to review the

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erosion control. The Town Planner stated a list of waivers is also needed. C. Mossman stated he included a list of waivers with the application.

J. Normandin asked if the Building Inspector issued a permit. G.LeBlanc stated he remembered filling out an application but there is no record and he does not have a copy. G.LeBlanc also stated the permit is only valid for 3 years, point is moot.

J. Wyman would like Tetra-Tech to review the revised plan to ensure it meets the requirements of the bylaws. The Town Planner will ask Tetra-Tech to attend the next meeting August 8, 2017.

Questions from the Public:

R. Brannon of 192 Narrows Rd. asked what is the yardage. C. Mossman stated they will be removing 28,000 cubic yards and there is approximately 10,000 cubic yards of stockpiled material they would like to remove as well. R. Brannon questioned the duration. C. Mossman stated they started at 6 months but now they are up to a year. The Town Planner asked if their plan is to ask for a permit to take them through December 2018. C. Mossman stated it would be a year from the time the Board grants it. C. Mossman plans on having a subdivision plan in by the end of 2018.

R. Brannon questioned the waiving of the erosion control until the subdivision. What happens when the applicant is under 6 acres and decides he will not do the subdivision? How is that enforced. R. Brannon feels the requirement should not be on there if it is not enforceable. R. Brannon reminded the Board he requested a bond be put into place.

J. Normandin questioned the intent of the bond. The Town Planner explained a bond would be used to clean/reclaim the site if the owner were to back out of the project.

R. Brannon likes the recommendation of the sign and would like the applicant also to inform the truck traffic not to use jack brakes. C. Mossman stated they would agree to that.

J. Normandin had questions regarding the boundary line 50 foot setback. C. Mossman stated this work was done prior to the bylaw. C. Mossman again reviewed the plan with the Board. The Town Planner stated while there was a bylaw regarding earth removal in 2004 there were no regulations that went with it until the Town Planner wrote some in 2011.

The Town Planner recaps for the Board and applicant. Tetra-Tech to review the new plan and erosion controls, as well as revised application and nuisance mitigation. The Town Planner will have Bob Maki review the erosion control plan.

M .Auger made a motion to continue the Public Hearing. J. Normandin seconded.

General Business: The last matter on the agenda is the Zoning Work for November Special Town Meeting. The Town Planner is going to put aside the second meeting of the month to work on the following issues:

- There is a discrepancy in the Zoning Table uses, the Village center changes did not get incorporated.
- Temporary moratorium on Retail Marijuana sales.

Meeting adjourned at 8:15 PM.

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