



# Town of Westminister

MASSACHUSETTS 01473  
FROM THE OFFICE OF THE  
**PLANNING BOARD**

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Jon Wyman, chairman

Marie N. Auger, vice chairman

Dan Bartkus

Andrew Rice

Linda Wiest

## Planning Board Meeting Minutes October 9, 2018

Meeting Room 222

Members present: Jon Wyman, Marie Auger, Linda Wiest, Dan Bartkus and Town Planner, Stephen Wallace.

Staff: Andrea Mastrototaro, Recording Secretary

Additional Attendees: Demetri Typadis, Rick Bartlernes of Cornerstone, Mary & Keith Miller, Julianna Hanscom, Michael Conway, Paul Aldrich, Brad Dunfour, Weston Standish, Dean Smith, Jamie Rheault, Christine Tree and Lisa Longley

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 September 25, 2018 with corrections, L. Wiest seconded, All in favor, motion carried (3-0)

Continued public hearing:

Next order of business: Oak Square Partners, Site Plan approval for ground-mounted solar on Sargent Road. The Town Planner stated the DPW still has one concern, the run off discharging to Sargent Road. The Town Planner feels the amount of \$20,000 for the decommissioning bond is satisfactory.

R. Bartlernes gave a brief overview of the project for the abutters who were absent last meeting.

R. Bartlernes states that #21 item (stormwater data in Tetra-Tech's report) is still an issue they are working on. There are 3 new ponds and the ponds have been sized for the project.

J. Wyman questioned the location of the entrance being changed. R. Bartlernes stated they will need MassDOT approval for a curb cut. They are in the process of trying to obtain an access permit for Sargent Road. The Town Planner asked if they do receive their MassDOT permit they will be back for a revision. R. Bartlernes stated yes.

D. Bartkus asked if the perc tests would be done for the determination of the detention ponds. R. Bartlernes stated they will be done. The Town Planner asked if the perc tests could be done in the next couple weeks. R. Bartlernes stated yes.

The Town Planner noted the outstanding items needing to be addressed:

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- The Town Planner will need the perc test results for the detention basins . He will then forward them to the Board, Conservation Commission, Tetra-Tech and the DPW.
- The drainage across Sargent Road to the satisfaction of the DPW.

M. Auger made a motion to continue the public hearing to October 23, 2018, D. Bartkus seconded, All in favor, motion carried (4-0).

Borrego Solar Systems Inc., major modification of two previously approved Site Plans on Livermore Hill Road. Dean Smith and Mike Conway represented Borrego Solar.

D. Smith noted some key points and revisions to the plan.

- The Stormwater management has been revised.
- The noise calculations have been done and the reading is 43 decibels at the property line, which is within reason.
- There are string inverters.
- Added a driveway
- Stabilized the road for emergency vehicles on the South side.
- Added landscape screening on the North boundary.

D. Bartkus asked if the basins were revised. D. Smith stated yes they were revised per the Conservation Commission. The Town Planner asked if they had their Order of Conditions. D. Smith stated they were meeting with Conservation Commission on Thursday October 11, 2018.

D. Smith informed the Board there was an old water line on the property. They will be doing test pits to determine the size of the water line. They will install a new line which will run parallel to the street.

*Public Comment:*

A resident asked if the runoff would affect the neighbors well. W. Standish of Borrego Solar explained the basins were designed long and skinny to capture the runoff. He noted there would be no excess runoff to what is there now.

J. Normandin questioned the buffer. D. Smith stated it has not changed. The Town Planner asked if they could beef up some of the buffers. D. Smith it is where the staging area was, he can reach out to the construction people.

The Town Planner asked for the submittal of their emergency response plan. D. Smith will submit the plan on Borrego Solar letterhead.

M. Auger made a motion to continue the public hearing to October 23, 2018, D. Bartkus seconded, All in favor, motion carried (4-0).

Nest order of business, ANR plan Mary and Keith Miller, Lot line adjustment. M. Miller presented the plan and explained to the Board the lot line adjustment will make a non-conforming lot conforming. The Board reviewed and discussed.

M. Auger made a motion to move to endorse as presented, D. Bartkus seconded, All in favor, motion carried (4-0).

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## Public Hearing:

Next order of business, Wachusett Brewery, site plan approval to add outdoor seating space, new structure for covered seating. J. Wyman read the notice into the minutes.

The Town Planner informed the Board this plan was presented to the other departments and no comments were received back.

B. Dunfour presented the plan and explained the location of the tent that is currently there until December 25, 2018 will become a structure in the Spring. He also noted there will be 4 tanks out back and an addition where the railroad tracks are.

The Board reviewed and discussed.

D. Bartkus made a motion to move to approve the site plan application as presented, M. Auger seconded, All in favor, motion carried (4-0).

Next order of business, Lot release request for Ashoryn LLC, Lighthouse Lane subdivision.

J. Rheault approached the Board and informed them the covenant agreement has been recorded. The bond amount remains to be determined, Whitman & Bingham are working with McCarty Engineering to solidify a bond amount.

J. Wyman asked what progress has been made. J. Rheault stated the binder is down, the sidewalks are in.

Lot release request for Ashoryn LLC to be revisited at November 13, 2018 meeting.

## Public Hearing:

Next order of business: Definitive Subdivision plan for a two lot subdivision Kirali Court.

J. Wyman read the notice into the minutes.

Attorney Christine Tree, representing Gerard & Renee Fagnant explained the subdivision plan. The plan consists of 5 lots which will include 1 new building lot. The private road will be extended for access.

J. Rheault explained the plan further with the following key points;

- Parcel A will be deeded to the Rheault family.
- Parcel B will be deeded to Steve & Julianna Hanscom.
- No changes to Kirali Court.
- Driveway to be widened to 15 feet per the Fire Department. There will be a 2-½ feet gravel shoulder on each side.
- 20 foot clearing in total
- The representative has met with Building Inspector, Fire Chief, DPW and Planning Board.
- Fire Protection system, the new house will be sprinkled.

The Town Planner questioned the new extension. J. Rheault stated lot 2 will have an easement. The Town Planner stated the easement agreement has been forwarded to Town Council. The owners attorney has revised the agreement per Town Council's comments, Lot 2 is not to obstruct Lot 1's driveway.

M. Auger requests the term "common driveway" not be used, as it's a private road and common driveways are not allowed in subdivisions.

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M. Auger questions the easement to Town owned land in back. J. Rheault stated the easement is not changing, it will remain as is.

M. Auger suggests the extended road not use the name Kirali Court Extension, drop the "Extension", it is too confusing.

A resident noted the 10 foot easement is not marked. M. Auger asked if the easement could be mark. J. Rheault stated yes, they will have it marked. M. Auger asked if the easement could be moved to follow the tree-line. Attorney Tree stated if the easement were to be changed it would have to be accepted again at Town Meeting as a gift.

D. Bartkus made a motion to close the public hearing, L. Wiest seconded, All in favor, motion carried (4-0).

The Waivers requested are as follows:

1. Environmental Impact study.
2. Drainage calculations.
3. Scale of plan required 1"-40', 1"-50' scale proposed.
4. Elevations - no grading to be done.
5. Profiles of streets
6. Topography - not needed, existing.
7. Topography-proposed
8. Utilities - underground
9. Wetlands, intermittent stream - 100 foot buffer required, 200 feet proposed.
10. Bond - No Certificate of Occupancy until road upgrades are complete.
11. As-builts
12. Road width 26 feet
13. Curve radius 20 feet
14. 300 foot roadway - 500+ feet proposed.
15. Intersection
16. Stormwater management - none
17. Construction of roadways
18. Street trees - none.
19. Sidewalks - none.

D. Bartkus made a motion to approve the waivers as read, M. Auger seconded, All in favor, motion carried (4-0).

Conditions to the subdivision are as follows;

1. Name of the street
2. Homeowners Agreement to be recorded in the Registry of Deeds
3. Neither lot shall be further divided.
4. Submit 6 large scale sets of plans, 1 reduced (11x17) and a digital copy.
5. DPW approval required for any work in the town's right-of-way.
6. Decision to be supplied to an purchaser.
7. Fire Protection plan must be submitted to the Fire Department.
8. Mandatory meeting with Fire Department , Board of Health and Conservation Commission before applying for a Building permit.
9. No Occupancy Permit will be issued until Tetra-Tech verifies project done to specifications.
10. Inspection agreement with McCarty Engineering.
11. Hours of operation are 7am - 5pm Monday - Friday, no Sundays or holidays.
12. Construction to be completed within 2 years.

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13. Valid upon recording and after the 20 day appeal period.
14. Any modifications must be submitted in writing to the Planning Board.
15. Construction is based on endorsed plan and Decision.
16. Decision to be kept on site
17. Responsible person and emergency contact information to be submitted to the Planning Board, Police and Fire Department.

D. Bartkus made a motion to approve the conditions as amended, L. Wiest seconded, All in favor, motion carried (4-0).

Next item on the agenda, Lisa Longley permit to allow fill on property located at 39 Carter Road. The Board reviewed and discussed.

D. Bartkus made a motion to close the public hearing, M. Auger seconded, All in favor, motion carried (4-0).

Conditions of the permit are as follows;

1. Erosion control plan
2. Permit is valid October 9, 2018 through October 9, 2019.
3. Hours of operation are 7am - 5pm Monday - Friday, no Sundays or holidays.
4. A log for all deliveries must be kept and reports given monthly to the Planning Board.
5. No toxic or tainted materials to be placed on property.
6. No standing water.
7. Two inspections to be performed by Parker Engineering, the last inspection at the end of the permit period.
8. Permits for other Town departments is not implied.
9. All fill to meet with grading plan.
10. Replace/maintain silt fencing.
11. The Board reserves the powers to amend or modify the permit.
12. The permit will lapse on October 9, 2019 unless an extension request is received in writing.

D. Bartkus made a motion to approve the conditions, L. Wiest seconded, All in favor, motion carried (4-0).

D. Bartkus made a motion to allow J. Wyman, Chairman to sign on behalf of the Board, M. Auger seconded, All in favor, motion carried (4-0).

L. Wiest made a motion to allow the Town Planner to revise solar applications to not allow in an Industrial zone or the Town Center, D. Bartkus seconded, All in favor, motion carried (4-0).

Adjourned: 9:30 pm.

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