



Town of Westminster

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: March 26, 2019

Meeting Room 205

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

Staff: Andrea Mastrototaro, Recording Secretary

Additional Attendees: Kristina & Marc Picariello, Jill Normandin, Mike Arsenault, Michele Duprey, Jesse & Aimee Hammerol, Heather Billings, Leola Leger, Kim Gannon, Demetri Typadis, Nick Clini, Karl & Barbara Cudak, N Arsenault, Doug Thomas, Lillian & Ron Gamble and Joe Busch.

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

First order of business, L. Wiest made a motion to accept the minutes for March 12, 2019, D. Bartkus seconded, All in favor, motion carried (3-0)

Public Hearings

Next order of business: amendments to the Zoning Bylaws. J. Wyman read the notice into the minutes.

J. Wyman noted the rezoning of Simplex Drive will be tabled.

First amendment: Replace Article X with a new sign bylaw. The Town Planner opened the discussion to explain some background on the sign bylaw. The Town Planner stated in 2014 the Master Plan noted the preservation of the Town's character and need to have a comprehensive and enforceable sign bylaw. The Town Planner noted he, Town Council and the Building Commissioner have worked on the revised bylaw. The bylaw has not been revised since its inception the 1970s.

The Board members received the comments from the other Departments, Board and Committees regarding the amended bylaw.

Public Comment:

H. Billings asked for an explanation of "sign cabinet". J. Wyman explained a cabinet is a sign that is freestanding which is encased by glass and internally illuminated.

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H. Billings expressed concern with the sign cabinet being prohibited in the bylaw and asked where that leaves the Town's message board. J. Wyman stated the Town is exempt from the sign bylaw.

D. Bartkus questioned the wording in section C-1 regarding the 5 foot setback from the edge of the road and 5 feet from the property line. The Board discussed and agreed it should read, 5 feet from the property line and remove "5 foot setback from the edge of the road".

M. Auger made a motion to move the Article to Town Meeting, D. Bartkus seconded, All in favor, motion carried (4-0)

Next amendment: Offer Town Meeting voters two choices on how to zone for retail sales of recreational marijuana: The Town Planner opened the discussion to explain some background on the history. The Town Planner stated in November 2016 the Town of Westminster voted to allow retail marijuana sales, therefore; Westminster is considered a "yes" community.

Westminster passed a moratorium on retail marijuana sales until December 2018 which would enable the Town time to put together a bylaw. Westminster was granted an extension on the moratorium until May 2019, there will be no further extensions.

The Town Planner noted at a meeting in January 2019 the Board of Selectmen, Town Council and the Planning Board could not come to an agreement on how to zone for retail marijuana sales and decided it would need to go to May Town Meeting and let the residents decide.

The Town Planner stated either Article must pass by a two-thirds vote at Town Meeting.

The two choices are as follows:

Choice# I: Add a new Section 205-41.2 that will ban the retail sales of recreational marijuana, and amend the Table of Uses accordingly.

Choice #2: Add a new Section 205-41.2 that will regulate retail sales of recreational marijuana, and amend the Definitions section and Table of Uses accordingly.

The Town Planner explained choice #2 would require the applicant to obtain Site Plan Approval and a Special Permit through the Planning Board and a Host Agreement with the Board of Selectmen. The Town Planner explained the quantity of allowable retail marijuana sales establishments is based on the amount of retail liquor licenses the Town holds, per the State. Westminster has 7 retail liquor licenses, The Town Planner explained the equation is 20% of liquor licenses held in Town, which equates to two (2) maximum allowed for Westminster.

Public Comment:

There was some discussion regarding the location of the establishments and the potential drop in property value. M. Auger noted the Economic Development Committee was in favor of retail marijuana sales in Town. Also noted, retail marijuana would be allowed in the Industrial Zone not a residential zone per this Article.

The question arose that the Articles were a bit confusing and thought there should actually be three (3) options. Option #3 should be the option to vote to allow retail marijuana sales anywhere retail is currently located in Town. The Town Planner explained that option is the default option if neither #1 or #2 pass by a two-thirds vote.

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The Town Planner explained that all options are explained in the memo that will be available at Town meeting and again be explained on the floor at Town Meeting.

The Town Planner stated Town Council suggests the Article banning recreational marijuana sales be voted on first and then the regulatory Article. The Board agreed that should be the order of the Articles.

M. Auger made a motion to move the Articles to Town Meeting, D. Bartkus seconded, All in favor, motion carried (4-0)

Last amendment:

Add a new Section 205-41.1 that will regulate industrial-scale recreational marijuana, and amend the Definition section and Table of Uses accordingly.

The Town Planner explained the industrial-scale encompasses items such as growing, processing, testing and distribution. Industrial-scale recreational marijuana would be allowed in the Industrial Zone.

No public comment.

M. Auger made a motion to move the Article to Town Meeting, L. Wiest seconded, All in favor, motion carried (4-0)

The last item on the agenda, Public hearing for Deborah A. Johnston (Owner) on behalf of Oak Square Partners LLC (Applicant): major modification of an approved site plan: move the entrance to a ground-mounted solar array from Sargent Road to West Main Street.

J. Wyman read the notice into the minutes.

The Town Planner reminded the Board the applicant has an approved site plan from October 2018 with existing conditions. The Town Planner stated he and the applicant have spoken with the Police and Fire Chiefs and agree upon a new condition which will require a police detail during the construction phase.

D. Typadis presented the revised plan and stated that originally they had planned to locate the access road on West Main Street but were not sure they would get approval from Mass DOT. The 2018 approved plan showed the access road located on Sargent Road.

D. Typadis noted the following changes:

- The Fire Chief requested the roadway to the gate be 40 feet, it will be 50 feet.
- The Police Chief expressed concern with the delivery of heavy equipment, etc. and therefore will be required to have a detail officer.
- There is a 50 foot undisturbed buffer all along the solar array.

Public Comment:

A resident wanted further clarification to the setback from the abutting driveway. N. Clini reiterated there will be a 50 foot undisturbed buffer.

J. Normandin asked about the location of the electrical apparatus. D. Typadis reiterated they have only relocated the access road on the plan, no further changes.

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D. Typadis asked the Board that the condition for the Police detail be more specific to large equipment and flatbed deliveries. The Town Planner stated it would be for land clearing and site prep equipment. The Town Planner noted he wrote it as, "a detail is required for entry and exit". J. Wyman noted the State permit requires a detail.

D. Typadis read an email from the Police Chief dated March 13th, which the Board has a copy.

The Town Planner read the revised wording of the condition, which reads:

A Police detail shall be required when construction equipment will be brought to or picked up from the site. The applicant will be required to give the Police 24 hours advanced notice when construction equipment will be brought or removed from the site so they can arrange for an officer to be present. The cost of the detail shall be covered by the applicant.

M. Auger made a motion to approve the plan with the major modification, D. Bartkus seconded, All in favor, motion carried (4-0)

Adjourned: 7:58 pm.

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