



Town of Westminster

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD

Phone: (978) 874-7414

swallace@westminster-ma.gov

Jon Wyman, chairman

Marie N. Auger, vice chairman

Dan Bartkus

Andrew Rice

Mike Smith

PLANNING BOARD MEETING MINUTES - August 13, 2019

Meeting Room 205

Members present: Jon Wyman, Dan Bartkus, Marie Auger, Mike Smith, Andrew Rice and Town Planner, Stephen Wallace.

Staff: Andrea Mastrototaro, Recording Secretary

Additional Attendees: James Damon, Tom Bovenzi, Jane & David Ferrazza, Steve & Shannon DiPasquale, Gene LeBlanc, Brian Marchetti, Patrick McCarty, Mindy & Connor Lordan, Brian C., Pete Normandin, Suzanne Farias, Nancy Loiselle, Dave & Carol Iacombe, Rick & Karla Brown, Ken Heffernan and Jill Normandin

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, M. Auger made a motion to accept the minutes for July 23, 2019, D. Bartkus seconded, all in favor, motion carried (5-0).

Next order of business: ANR Plan for JEKN LLC, eight new house lots (six on Adams Street and two on Main Street). J. Wyman read Town Council's comments regarding this ANR plan into the minutes. The Board agreed with Town Council's findings and denied the endorsement.

The Board determined that the plan does not satisfy the statutory requirement because:

1. Each of the lots shown on the plan, with the exception of Lot 7, has less than ten feet of frontage on any qualifying way.
2. The buildable portions of Lots 1 – 6 are located within the R-1 Zoning District, which requires each lot to have a minimum of 150 feet of frontage.
3. Lots 8 and 9 are located in the Village Center District. Per a Zoning Determination, dated June 18, 2019 (regarding the same property), the Building Commissioner determined that lots located within the Village Center District require at least 50 feet of frontage. The Applicant did not appeal this Zoning Determination.
4. Even if the Zoning Bylaws contained no frontage requirement for the proposed lots, the plan would not be entitled to endorsement, because G.L. c.41, §81L requires that the frontage of each lot "shall be of at least twenty feet" even where the local bylaw contains no specific frontage requirement.

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swallace@westminster-ma.gov

5. The plan shows numerous lots created with long, narrow necks extending either to Adams Street or Main Street. These necks extend for several hundred feet, turn at angles insufficient to allow for fire access and are of insufficient width to allow for such access. "If the purpose of a frontage requirement is to make certain that each lot 'may be reached by the fire department, police department, and other agencies charged with the responsibility of protecting the public peace, safety and welfare', then the plan [before the Board] fails conspicuously to perform its intended purpose". *Gifford v. Planning Board of Nantucket*, 376 Mass. 801, 808 (1978).

M. Smith made a motion to deny the endorsement, M. Auger seconded, all in favor, motion carried (5-0).

Next order of business: Earth Removal Permit time extension request for Robert Francis, Oakmont Avenue. The Town Planner will ask the DPW to do an inspection. The Board will revisit the extension request August 27, 2019.

Public Hearing

Next item on the agenda, West Acres Realty Trust, Definitive Subdivision Plan for a 2-lot subdivision that will be served by a private road (Jordan Lane) coming off the cul-de-sac at the end of Mark Newton Road. J. Wyman read the notice into the minutes.

B. Marchetti presented the plan and informed all present that Tetra-Tech has reviewed and commented twice on this plan. B. Marchetti stated all comments have been addressed.

B. Marchetti noted the following main points of the subdivision:

- One lot is 42.5 acres and the other is 5.5 acres.
- The grade is 1.5% up to 7.5%.
- The large lot has an intermittent stream
- A 3 foot culvert will be installed, 25% will be in the ground.
- Private water wells and septic systems.
- There will be a Homeowners Agreement for driveway maintenance.

Board Comments

A. Rice asked if the DPW will have a problem with snow removal and snow storage. B. Marchetti stated he doesn't see it as a concern.

M. Smith asked if the perc tests have been done. B. Marchetti stated not yet.

M. Auger asked if they would consider donating the back land for open space.

D. Bartkus suggested the applicant speak with Janet Morris.

Public Comment

A resident had concerns with using the large parcel for access to the 54 acres in the rear of the land for future development. B. Marchetti explained the note on the plan does not allow for any further subdivision of the property.

A resident asked if the house would be single family. D. Bartkus explained an R-2 zone allows for 1 and 2 family. B. Marchetti noted the subdivision is for residential lots.

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A resident expressed concern regarding snow removal. The Town Planner read the DPW comments to all in attendance.

J. Normandin asked about the original subdivision. M. Auger stated there was no subdivision. The lots were ANR lots off the road. M. Auger noted the road has since been brought up to Town standards.

J. Normandin asked the Chairman to read the Reduced Road Standard Subdivision Regulation. J. Wyman read the regulation to all present. The subdivision must meet the following conditions:

- The new subdivision road will remain private until such time that it is brought up to Town standards and accepted by the Town voters at a Town Meeting.
- The Planning Board will review and approve the articles of a residential homeowner's association (where the association is comprised of the owners of the master lot and the newly created house lot) that includes a maintenance agreement for the new subdivision road. The articles of association shall be referenced in and attached to the deeds for both properties.
- The master lot and the new house lot will both have enough frontage on the new subdivision road to comply with the Zoning Bylaw's frontage requirement.
- A note shall be written on each page of the Mylar for the definitive subdivision plan that states that neither lot (the master lot and the new house lot) will be further subdivided.
- For subdivisions of three or more lots (including the master lot), the Town's road standards as set forth in the Planning Board's Subdivision Regulations (Chapter 231 of the Town Bylaws) shall be complied with in full.

A resident asked if there would be a lot of excavation and trucking. B. Marchetti stated it would be minimal.

M. Auger made a motion to continue the public hearing to August 27, 2019, M. Smith seconded, all in favor, motion carried (5-0).

Next item on the agenda: Alan Belanger, Definitive Subdivision Plan for two private ways coming off Narrows Road, each serving two new house lots.

B. Marchetti presented the plan and informed all present that Tetra-Tech has reviewed and commented twice on this plan. B. Marchetti noted they have had their technical review with all departments.

B. Marchetti noted the following main points of the subdivision:

- 2 private roadways with 2 house lots each.
- Private water wells and septic systems.
- 10% maximum slope for the road.
- There will be drainage along the roadway.
- Wildflowers will be planted on the slope.
- The property is a R-1 zone

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Board Comment

A.Rice stated this proposal seems as it is circumventing the Subdivision Regulations. The Town Planner added the approval of this plan would set a precedent. The Town Planner also noted there would be 100,000 cubic yard equal to 2000 truck trips of material being removed from the site. This amount of material would require an Earth Removal permit.

The Town Planner stated he would like to see 1 Reduced Road Standard Subdivision on the lot.

M. Auger made a motion to continue the public hearing to August 27, 2019, M. Smith seconded, all in favor, motion carried (5-0).

Next item on the agenda, Planning Board review and comment: Request of Lorraine Flanagan, Trustee of the Lorraine Flanagan Living Trust to remove 20 acres of land from the property on State Road West from Chapter 61B tax program. The Town has the right of first refusal - comments go to the Board of Selectmen.

M. Auger made a motion to not exercise the right of first refusal, M. Smith seconded, all in favor, motion carried (4-0). A. Rice abstained

Last two items on the agenda, July inspection report for Westminster Business Park and Town Planner report for July.

Adjourned: 9:23 pm

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