



Town of Westminster

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD
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Jon Wyman, chairman

Marie N. Auger, vice chairman

Michael Fortin

Andrew Rice

Linda Wiest

MINUTES OF REGULAR MEETING

March 21, 2017

Room 222, Town Hall

Attendees: Jon Wyman, Andrew Rice, Linda Wiest, Mike Fortin, Town Planner Stephen Wallace.

Absent: Marie Auger

Additional Attendees: Mr. Paul Aldrich, Mr. Don Leger, Ms. Jane Ferrazza, Mr. David Ferrazza, Mr. John Bowen, Mr. Lucas Leger, Ms. Eileen Aldrich, Ms. Janet Nikitas, Ms. Kate Conway Bjorkman, Ms. Patricia Humphrey, Mr. Daniel Gilbreath, Ms Laurie Ciccolini, Mr. Jamie Rheault/Whitman & Bingham.

7:00 p.m. - Approve meeting minutes from February 28, 2017.

Jon opened the Planning Board meeting and informed those present the meeting was being audio recorded.

Jon asked members to review the February 28, 2017 meeting minutes. Mike motioned to approve the minutes. Seconded Linda. Andrew abstained. Voted AIF to approve the minutes.

7:01 p.m. - Four Season Realty Trust: Request to rescind the Pheasant Ridge Estates subdivision.

Ellis Road Development Trust: request to rescind the Deer Run subdivision.

The PB reviewed the Erb & Southcotte letter of request asking the PB to vote to rescind conditional approval of the subdivision(s). There was no representative to explain the unsigned request(s). The PB asked Stephen to obtain proof that the Erb & Southcotte law firm has the authority to act on behalf of the owners of the property(s).

7:05 p.m. - Continued Public Hearing for Newton Road Definitive Subdivision and Cluster Design Special Permit. (16 New lots on new road that will connect to Newton Road.)

Jon re-opened the public hearing. Stephen updated the Board on the February 14th 2017 hearing and asked Mr. Jamie Rheault/Whitman & Bingham to provide answers to how they have addressed the comments that had been generated on the project:

Department of Public Works (e-mail dated February 9):

- 1. We request that clear sight distance triangles be shown on the plan(s) at the intersection with Newton Road. All obstructions must be shown within the triangle.
- Mr. Rheault: Plans revised on pages 2 and 4 Sight distance Newton Road heading to Town is clear for 500 feet plus. Newton Road to Hubbardston is deficient because of two trees. Note on plan shows removal of trees and sight distance will be met or exceeded.
2. We request that the easement between Lot #'s 8 & 9 be regraded to allow vehicular/equipment access to the drainage line as well as the basin.
- Mr. Rheault: Sheet 3 of 11 shows revised easment to drainage and basin.
3. We request that a gate be proposed at the gravel access driveway (between Lots # 10 & 11) at the end of the cul-de-sac.

- Mr. Rheault: A gate is shown on the plans.

4. We request that the Planning Board's engineer inspect the construction of the roadway at various stages, i.e. drainage installation, gravel subbase inspection, binder pavement inspection, etc.

- Stephen: The proponent will work with the PB engineer Tetra Tech to determine the inspection schedule and determine the cost which will the applicant will place in a 53G account to pay for inspection services, the balance to be returned at the end of the project.

- Mr. Rheault: We ask that be made a condition of approval.

5. We request that compaction tests of the roadway 18-inch gravel subbase be conducted at intervals of at least every 150 to 200 feet.

- Mr. Rheault: We request a comment noting such will be added as a condition of approval.

Fire Department (e-mail dated February 7):

1. The road needs to have a name.

- Mr. Rheault: We ask that be made a condition of approval. The name will be submitted to PB, Fire and Police for approval as part of the 911 system.

2. The project needs to meet the fire department fire protection policy.

- Mr. Rheault: We ask that be made a condition of approval.

3. Any type of gate will need a Knox lock on it.

- Mr. Rheault: A note requiring this has been added to sheet 3 of the plan.

4. The access road needs to be able to handle weight of fire trucks.

- Mr. Rheault: We ask that be made a condition of approval.

Planning Board Engineering Consultant Tetra-Tech (letter dated February 8):

1) The applicant has not provided the Stormwater Checklist which is typically included in Stormwater Reports. Each standard should be clearly identified and a description of how the project meets each standard should be provided.

- Mr. Rheault: Whitman & Bingham has submitted the report and checklist to the Planner. Typically that is submitted as part of the ConCom Notice of Intent as well.

- Stephen read from a Tetra Tech letter from Stephen Bouley dated March 13, 2017 addressing the rest of the comments:

2) The applicant has not provided test pit information at the location of the proposed basin. Depth to groundwater at the proposed basin location shall also be provided to ensure the basin meets the Stormwater Standards.

- Tetra Tech comment: TT 3/13/17 Update: This item has been addressed to our satisfaction.

3) Peak flows for Design Point 2S in the post-condition are greater than existing for each storm provided. The applicant shall ensure that the Stormwater Standards are met and that post-condition peak flows are mitigated at each design point.

- Tetra Tech comment: TT 3/13/17 Update: This item has been addressed to our satisfaction.

4) Catch basin inspection frequency should be at a minimum two times per year, at the end of foliage and snow removal seasons. All operation and Maintenance (O&M) should be conducted per the Stormwater Standards.

- Tetra Tech comment: TT 3/13/17 Update: This item has been addressed to our satisfaction.

5) We recommend the applicant add a construction note to the plan which provides for the contractor to limit compaction within the limit of the proposed stormwater basin. Compaction of basin subsoils can limit infiltration and affect expected performance.

- Tetra Tech comment: TT 3/13/17 Update: This item has been addressed to our satisfaction.

6) The applicant proposes to conduct work within a buffer zone to a wetland resource area. The proposed work will require a Notice of Intent (NOI) to be filed with the Westminster Conservation Commission.

- Tetra Tech comment: TT 3/13/17 Update: This item has been addressed to our satisfaction.

7) Drainage figures included in the Stormwater Report are not labeled. The figures are difficult to read and review since necessary information (Design Points, Time of Concentration Lines, Catchment Areas, etc.) have not been included or are not labeled.

- Tetra Tech comment: TT 3/13/17 Update: This item has been addressed to our satisfaction.

8) The applicant proposes to include two drainage easements in the cul-de-sac area, one for drain pipe discharge to the basin and one for basin access. We recommend consolidating these easements into one to limit potential impact to abutting properties.

- Tetra Tech comment: TT 3/13/17 Update: This item has been addressed to our satisfaction.

Town Planner:

The Tetra Tech letter addressed three additional items 9, 10 and 11 (see Letter) which Mr. Rheault addressed making all an order of conditions. Mr. Rheault stated they had no problem digging test pits and having them witnessed where the storm basins will be located.

1. Per Section 205-38 of the Zoning Bylaw (Exception for Cluster Developments), the Planning Board needs to receive recommendations on the plan from the Conservation Commission, Board of Health and Zoning Board. As of the writing of this review memo, none of these entities have submitted their recommendations to the Planning Board.

- Stephen read letters received:

BOH: Condition that applicant will need to file and receive all permits for septic plans, wells and approval of a Nitrogen Aggregation Plan the site that meets current Title 5 requirements before work is begun. There will be no variances given.

ConCom: Reviewed plans and found them to be adequate.

ZBA: No letter received yet. Stephen will check with them to confirm when the PB will receive a letter.

2. The plan's zoning table as depicted on Sheet D-1 does not supply all of the information required by Section 231-12, Item D.2.n of the Subdivision Regulations.

- Mr. Rheault: Page 8 of the plans have been revised to show this.

3. The Applicant will eventually need to provide a performance guarantee per Section 231-12, Item F.

- Mr. Rheault: We ask that be made a condition of approval.

4. I recommend that once the plan is approved, the Planning Board hire an engineering consultant to periodically inspect the subdivision during its construction at the Applicant's expense. The Applicant and Planning Board will need to agree on an inspection program and schedule.

- Mr. Rheault: We ask that be made a condition of approval.

Jon asked Board members if they had any additional questions/comments.

Andrew had no questions.

Mike asked if there might be any problems meeting well setback requirements on lots 8 & 9 given the BOH asking that no variances to BoH regulations be made a condition of approval.

- Mr. Rheault did not believe there would be any problems meeting the well setbacks.

Mike also noted that in order to act on the cluster subdivision permit, the Board will need the comment letter from the ZBA as required in the Cluster Bylaw.

Linda asked about the waivers list.

- Mike answered that the waivers would be acted on after the Public Hearing was closed.

Jon asked about the Fire Department comments requiring Fire Department approval.

- Mr. Rheault told the Board that as part of the Building Permit process they meet with the Fire Department to review the most current fire regulations and decide on a fire prevention strategy that satisfies all parties.

Stephen will write up all the conditions for review by all parties before the next public hearing.

Mr. Daniel Gilbreath was concerned that the project might be encroaching more on his property and driveway area that originally proposed by the applicant.

- Mr. Rheault noted that a note to remove the line of sight trees had been added but he was unaware that there was any more land encroachment shown on the plans. He will review emails that had been exchanged and confirm that with Mr. Gilbreath.

Mr. Don Leger asked again if he would be allowed to use the 54 foot plus strip of land to access his back property as a possible building lot in the future. Mike noted that had been reviewed and discussed at the first public hearing and that would be possible after the road has been accepted by the Town.

Mike made a motion to continue the public hearing for the subdivision and cluster bylaw special permit to 7 pm April 11th 2017 in Rm 222 of the Town Hall.

7:40 p.m. - Residential Zoning Amendments.

Stephen told those present that the PB had held two public forums and then had met with Town Counsel Attorney Jonathan Silverstein and Building Commissioner Paul Blanchard on March 8th 2017 to review the proposed Bylaws for Annual Town Meeting.

Stephen methodically took those present through the bylaw updates:

- The definition for Accessory Dwellings has been revised for consistency to reflect the language in the proposed bylaw (205-37.1(b)(2)) per Town Counsel and ZBA comments. The definition for Townhouses has also been revised.
- There have been no additional changes to the proposed lot size standards bylaw.
- Ag Com language asking that use of accessory structures for agricultural livestock purposes meet a 50 foot setback from property lines has been added.
- No changes to the bylaw changes removing descriptive language for temporary residential uses from table of uses and adding it to its own section.
- A new footnote requiring a 20 foot non disturbed vegetative buffer between industrial parcels and any lot used for residential dwelling purposes has been added.
- Table of Uses: After hearing comments from citizens at public forums, duplexes by right will be allowed in the Village Center District. Townhouse apartments will allowed by special permit in the Village Center. Townhouse Apartment will not be allowed in R-III, but will be allowed by special permit in R-II and by right in R-I.

Jon asked Stephen to comment on a question posed by Mr. John Bowen before the meeting asking why allow Townhouse Apartments in the district with the smallest lots with a concern it might lead to overcrowding. Stephen replied the R-I district is the most densely developed area. Traditionally you would add multi-family housing in a densely populated area. The R-I district also has municipal water and sewer service available to support it.

There was a robust discussion about: Townhouses, zoning districts, density of populations, school class sizes vs school capacity, affordable housing effects on school budgets, temporary growth control measures if there were school capacity problem, school population projections, school budgets, 40B developments through the comprehensive permit process because the town has not met its State mandated 10% affordable housing requirements, how affordable housing percentages are calculated, cost of community services as they relate to industrial commercial and various residential development, inclusionary housing bylaws, minimum lots sizes for Townhouses and Apartments, calculating lot size based on number of bedrooms, cluster subdivisions, open space, the sewer moratorium and sewer capacity fix.

After the discussion, the Board came to consensus to leave the bylaw changes as they were presented at the beginning of the meeting and to have Stephen post the final draft for review in preparation for the required Public Hearing on March 28th 2017.

8:40 p.m. - Town Planner Monthly Report.

The Board quickly reviewed the report. The inline sewer is still scheduled to begin in spring. The Housing Production Plan is due to be updated and a DLTA grant has been applied for. The Economic Self Assessment Project is completed and a final report has been posted on the Planning Board website. A site readiness grant has been applied for for lot I-7 in Westminster Business Park and for the Waterstone

Industrial lot at Simplex Drive. Senior Housing utility cost estimates have been forwarded to Mass Housing Partnership who will prepare the RFP for the land. The Historic Meeting House (Old Town Hall) RFP Committee has met and is working on the with the consultant.

9:05 p.m. - Adjourn.

Linda made a motion to adjourn. Mike seconded. The PB voted AIF to adjourn.

5 Pages of Minutes
Respectfully submitted,
Michael Fortin

10 Attachments:

- 1) *Erb & Southcotte request letter to to vote to rescind Pheasant Ridge Estates Subdivision dated 6 March 2017 1 page.*
- 2) *Erb & Southcotte request letter to to vote to rescind Deer Run Subdivision dated 6 March 2017 1 page.*
- 3) *Con Com comment letter for Newton Road subdivission. dated March 7, 2017 1 page.*
- 4) *Board of Health comment letter for Newton Road Subdivision. No date 1 page.*
- 5) *Public Notice of Public Hearing for Newton Road Definitive Subdivision and Cluster Design Special Permit. 1 page.*
- 6) *Town Planner project memo for Newton Road Definitive Subdivision and Cluster Design Special Permit dated February 10, 2017. 6 pages.*
- 7) *Definitive Subdivision Plan in Westminster, Massachusetts off Newton Road for WESTHUB Realty Trust. Dated December 15, 2016. Revised 03/07/2017 15 pages. Cover, D1,D2,D3, Index 1, Site & Grading 2-3, Street Plan & Profile 4-5, Drainage Plan & Profile 6-7, Construction Notes 8, Construction Details 9-11.*
- 8) *Tetra Tech letter dated February 2, 2017 and revised March 13 2017 to relect site related documents requested from WBA. dated Feb 2, and March 13, 2017. 3 pages.*
- 9) *Request for Waivers letter from Whitman & Bingham/Wes Flis dated February 13,2017. 2 pages.*
- 10) *Draft copies of Zoning Changes with Warrant Article xx numbers updated after March 8 2017 working meeting. No date 6 pages.*
- 11) *Town Planner Monthly Memo to BoS dated February 28, 2017.*