



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

Mike Smith

April 14, 2020

Planning Board - Meeting Minutes

Meeting conducted remotely via www.freeconferencecall.com

Members present: Jon Wyman, Dan Bartkus, Andy Rice and Mike Smith.

Staff: Town Planner Stephen Wallace and Andrea Mastrototaro, Recording Secretary.

Absent: Marie Auger

Additional Attendees: Jill Normandin, Peter Normandin, Chris Mossman, Wes Flis, Steve Powell, Brian Marchetti, Steve Hearn, Wilfredo Melendez, Elizabeth Harris, Jane & David Ferazza, and Larry Skamarycz.

Chairman Wyman called the meeting to order at 7:00 PM.

First order of business was the Chairman reading the following statement for the record:

“Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen to this meeting while in progress may do so by following the directions contained in the meeting posting. However, if despite our best efforts, we are not able to provide for real-time access, we will post a record of this meeting on the town’s website as soon as we are able.”

Second order of business: approving the minutes for March 24, 2020. D. Barkus made a motion to accept the meeting minutes, M. Smith seconded. All in favor, motion carried (3-0).

First order of business: the minutes for March 24, 2020.

D. Bartkus made a motion to accept the minutes for March 24, 2020, M. Smith seconded. All in favor, motion carried (4-0)

Next order of business: Time extension request for Westminister Business Park, Phase II Definitive Subdivision plan.

B. Marchetti explained that the subdivision roadway is currently installed up to the MBTA layover station driveway. Now that Home Depot has agreed to develop Lot I-7 for a distribution warehouse, they can now move forward with putting in the remainder of the road and are thus asking for a two year time extension that will take them through April 9, 2022. B. Marchetti also explained that the Park owners have delayed filing for its 5-year MEPA (Massachusetts Environmental Protection Act) Certificate because they were waiting to finalize their plans with Home Depot. The Park's last MEPA Certificate was issued in 2014 and is required to be updated every five years.

Public Comments

J. Normandin expressed concerns that the Park was violating its 100-foot buffer requirement based on her interpretation of aerial photographs. B. Marchetti explained that aerial photos cannot be used for site specific boundary measurements and that the Park owners only flag the boundaries of the lots that are actively being worked on. Once Home Depot starts developing Lot I-7, its boundaries and buffers will be flagged and verified by the Town's consulting Engineer (Tetra-Tech). Ms. Normandin also expressed concerns about dust from the earth removal operation.

D. Bartkus made a motion to extend the timeline for road completion for nine months (January 14, 2021) on the condition that the Park owners file for renewal of its MEPA Certificate during the interim. M. Smith seconded, all in favor, motion carried (4-0).

Continued Public Hearing

Next order of business, Definitive Subdivision Plan for a new private way (Kiwi Court) coming off 66 Ashburnham State Road that will serve one existing home and one new house lot. The owner/applicant is BRNG LLC. The Town Planner explained that this was one of the last pending applications for a reduced road standard subdivision. This matter has been pending for some time and the holdup has been obtaining MassDOT's approval for an Access Permit. DOT typically waits for local subdivision approval before acting on an Access Permit request, but in this case, DOT needs to approve the driveway access location before the applicant's engineer can finalize the property's grading plan. The applicant's engineer (Chris Mossman) said he would follow up with DOT next week and requested that the public hearing be continued to Tuesday night May 12, 2020.

Public Comments

E. Harris asked who was responsible for the drainage repair and the maintenance. The Town Planner stated that maintenance responsibilities are outlined in the Homeowner's Agreement (HOA). The Town Planner asked C. Mossman to send him the HOA documents which he would forward to Ms. Harris.

E. Harris asked about the grindings used for driveway construction and expressed concerns that they may erode over time. C. Mossman stated that grindings are only being used for a small portion of the driveway.

J. Normandin said that the applicant should have submitted an environmental and community impact analysis as specified in Section 231-38 of the Subdivision Regulations. The Planner noted that such reports are typically not required for small-scale projects such as this (a two lot subdivision).

J. Normandin expressed concerns about the driveway's slopes and stated that she believes the applicant needs to file for an Earth Removal Permit from the Planning Board. The Town Planner suggested sending the plan to the Building Commissioner to determine if an Earth Removal Permit was necessary. The Board was in agreement.

A. Rice made a motion to continue the public hearing to 7:00 PM on May 12, 2020, M. Smith seconded, all in favor, motion carried (4-0).

Next order of business: continued public hearing for JEKN, LLC, seeking Definitive Subdivision Plan approval for a private road coming off Adams Street that will serve two new lots. This project is also one of the last pending applications for a reduced road standard subdivision.

The Town Planner explained that there are two outstanding items to be addressed. First is the legal settlement between the Planning Board and the applicant for denying endorsement of his ANR plan submitted last summer. The Town Planner explained that Town Counsel and the applicant's legal counsel has finally reached agreement on the wording of the legal settlement and the final draft was received by the Town Planner earlier in the day. The Town Planner said he would forward the legal agreement to the Planning Board members for review. The second issue to address is the need for a set of drainage calculations, both pre and post-development. The drainage calculations need to document how much stormwater currently flows off the property and where it's going, and provides post-development drainage calculations that show that the project, once built, does not increase stormwater runoff onto abutting properties. The applicant's engineer, Wes Flis of Whitman & Bingham, said his client has authorized him to begin the drainage study now that the legal agreement is ready for the Board's consideration.

Board members Wyman and Bartkus both expressed a desire to finalize the legal agreement before approving this subdivision application.

W. Flis requested a continuation of the public hearing to April 28, 2020

The Town Planner noted the drainage calculations will have a peer review. He stated that the drainage report might not be ready then, but at least the Board could discuss the legal settlement. The Town Planner stated that the applicant's drainage report would need to be peer reviewed and this was understood by the applicant's engineer.

J. Wyman asked if the legal agreement would be done by April 28, 2020. W. Flis stated yes.

Public Comments

Jane Ferazza asked when and if the public would be able to see the legal agreement. The Town Planner said the Board needed to review it first, but the parameters of the agreement are as follows:

If the Planning Board approves the subdivision plan currently before them, the applicant will drop his lawsuit, will not further subdivide either parcel (the master lot or the newly created lot), will not build anything larger than a duplex on either lot, and will not attempt to punch in a driveway coming in from Main Street.

Jane Ferazza asked if the agreement would preclude the further development of 112 Main Street and Mr. Flis said yes, further development would be precluded.

J. Normandin asked about the landscaping requirement, specifically street trees and was informed that the applicant has asked for a waiver of the requirement for street trees as this is a private road serving only two lots. Any additional landscaping will be discussed at the next hearing.

A. Rice made a motion to continue the public hearing to 7:00 PM on April 28, 2020, M. Smith seconded, all in favor, motion carried (4-0).

Last item on the agenda, Town Planner report for March

Adjourned: 8:00 PM