



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 28, 2020

MINUTES

Planning Board

Members present: Jon Wyman, Dan Bartkus, Mike Smith, Andrew Rice, Marie Auger (7:58) and Town Planner, Stephen Wallace.

Staff: Andrea Mastrototaro, Recording Secretary

Absent: none

Additional Attendees: Larry Skamarycz, Steven Hearn, Heather Billings, Emily Scerbo, Jane Ferrazza, Maryanne Smith, Brian Mygatt, Jeff Hollenbeck, Peter Normandin, Jill Normandin and Wes Flis

J. Wyman called the meeting to order at 7:00 PM and read the information regarding Open Meeting Law and remote participation.

First order of business: the minutes for April 14, 2020.

M. Smith made a motion to accept the minutes for April 14, 2020 with corrections, A. Rice seconded, All in favor, motion carried (4-0)

Next order of business: Approval Not Required (ANR) for Jeff Hollenbeck, creating two new non-buildable lots off the private portion of Syd Smith Road. The Town Planner explained that the first 370 feet of the road is public and the rest of the road was discontinued at a Town Meeting in 2016.

J. Hollenbeck explained the 2 lots are created for estate planning purposes. The Town Planner noted Town Council agrees the 2 lots on the plan should be labeled non-buildable and that would be sufficient for the Board to endorse.

D. Bartkus made a motion to endorse the plan as non-buildable, M. Smith seconded, all in favor motion carried (3-0). J. Wyman abstained, could not view the plan.

Continued Public Hearing

Next order of business: Definitive Subdivision Plan for JEKN, LLC, private road coming off Adams Street that will serve two new lots.

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W. Flis explained there were 2 issues:

1. The applicant has been in litigation with the Planning Board regarding the denial of two ANR plans submitted last summer. On April 14, 2020 a settlement letter was issued by the applicant's attorney and the Board was sent a copy.

2. Drainage calculations for lots B & C.W. Flis stated the drainage report has been submitted to the Town Planner for a peer review. The Town Planner confirmed receipt of the revised subdivision plan and the drainage calculations. The Town Planner will forward the documents to Tetra-Tech and McCarty Engineering. The Town Planner reiterated his expectations for the drainage report: accurately document the amount of stormwater leaving the property pre-construction, and make sure that there is not an increase in stormwater runoff post-construction.

The Town Planner asked the Board if they would like to vote tonight on the legal settlement or continue the hearing until they receive the subdivision plan. J. Wyman stated he would prefer to wait, M. Smith and D. Bartkus agreed.

Public Comment

J. Ferrazza asked the difference between stormwater and ground water. W. Flis noted it is surface water.

J. Ferrazza asked if the houses were to be single family or multi-family. W. Flis stated the houses would comply with zoning. The Town Planner noted there is an agreement in the legal settlement which allows for single family or duplexes.

The Town Planner asked W. Flis if he could arrange to meet with J. Ferrazza to discuss the set of comments she has submitted to the Town Planner. W. Flis reserved the day of May 7, 2020 at 10:00 am to meet with the Town Planner and J. Ferrazza for a site visit at Adams Street.

Public Comment

P. Normandin stated his discontent.

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

Next item on the agenda, Minor amendments to a previously approved site plan: relocate several poles, eliminate a few gravel access drives and narrow the width for the remaining access drives for the solar project on Ellis Road. Applicant: Ellis Road Solar, LLC, Owner: P-Renewable Holdings LLC (Tax Map 103, Lots 1, 1.1, 1.2, 3, 3.1 & 3.2, Map 106, Lot 2 and Map 107, Lots 14 & 14.1).

The Town Planner noted the site plan was approved in 2019 and the applicant will need to meet with the Conservation Commission for a new Order of Conditions.

W. Flis explained the amendments. The first change will be the removal of some of the gravel driveways and the width of the access driveway will now be 16 foot wide gravel, the fire Chief approved of the changes. The main access to the North Array will remain as well as the access on the side.

The style of fencing will be agricultural instead of chain link. The Town Planner asks if there will be space under for animals. W. Flis stated yes.

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The location of the poles will be at the intersection of Livermore Hill and State Road West. Pole #36 will be replaced and 4 new poles to be installed.

Existing poles will be replaced with new poles and new wiring. The utility company requested a 10 foot swath of vegetation for the new utility line.

W. Flis feels all these changes are minor.

D. Bartkus had concerns with the removal of some of the gravel roads and the fence poles not being cemented into the ground. D. Bartkus would like to see chain link fencing.

J. Wyman asked W. Flis to explain the fence. W. Flis stated the chain link post spacing is 8 feet with 15 foot maximum.

The Town Planner noted the Board of Health is in favor of the chain link, not the agricultural fencing.

J. Wyman asked W. Flis for his comments on D. Bartkus' opinion of the gravel roads removal. W. Flis reiterated the exterior driveways around the Northern Array will be removed and a couple of the smaller driveways on the Southern Array. The main driveway will remain.

The Town Planner suggests the hearing be continued to May 12, 2020. The Town Planner asked W. Flis to ask his applicant about keeping the chain link fence. W. Flis will check with the applicant.

Public Comment

H. Billings asked if the choice to use the agricultural was to allow critters underneath the fencing versus the chain link. The Town Planner stated chain link does also allow room.

H. Billings asked about the height of the gap on the bottom of the fence. W. Flis stated typically with chain link it is 6 inches but the agricultural fence will be 3 inches because there is room in the fence to let an animal through.

J. Wyman asked about the height of the fence. W. Flis stated it is a minimum of 7 feet. W. Flis stated the height of the fence is determined by the Electrical code.

J. Wyman asked if the removal of the roads was to allow more room for panels. W. Flis stated the layout of the panels has not changed.

D. Bartkus asked if the Fire Department would be able to access the perimeter with a fire truck. W. Flis stated his understanding is the Fire Department would not come fight an electrical fire, they typically let it burn out. They would access if they needed to get the ambulance into the array.

D. Bartkus asked the distance from the road to the furthest panel. W. Flis stated 550 feet to the fence. The rows of panels are 500 feet in length.

D. Bartkus made a motion to continue to May 12, 2020 at 7:30 pm, M. Smith seconded, all in favor, motion carried (4-0).

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Last item on the agenda, Planning Board review and comment: Zoning Board petition from 9 Village Road, LLC to amend the drug rehabilitation center's Special Permit to expand the number of beds and allow for increased out-patient treatment services.

The Town Planner explained the facility currently has 90 beds and would like to increase it by 29, also increase the out-patient services.

J. Wyman asked if they were increasing the footprint of the building. The Town Planner stated they would be using the cottages.

J. Wyman asked if the Board of Health and the Fire Department will be providing comments. The Town Planner noted the Fire Department has provided comments and the Board of Health will be providing comment.

M. Auger made a motion to continue to May 12, 2020, B. Bartkus seconded, all in favor, motion carried (5-0).

Adjourned: 8:00 pm

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