



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

April 11, 2017

Room 222, Town Hall

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

Additional Attendees: Mr. Ross Barber, Mr. Peter Russell, Mr. Alan Wilcox, Mr. David Murphy, Ms. Jessica Leger, Mr. Wesley Flis/Whitman & Bingham, Mr. Lucas Leger, Mr. Andre Ouellet, Mr. Daniel Gilbreath, Mr. Al Hatch, Mr. Bruce Seibert. Three unidentified guests.

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. Mike informed those present that the March 28th meeting minutes were not completed for approval yet.

*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). Board members reviewed the documents and signed them rescinding both subdivisions as requested.

7:04 p.m. - Approval Not Required (ANR) plan for Andre Ouellet, lot line adjustment on Batherick Road.

Stephen explained the plan was a simple lot line adjustment. Mr. Andre Oulette explained the purpose of the plan was to split off some land to the Olsen's and the second parcel was being sold. After review, Marie made a motion to endorse the plan as presented. Seconded Mike. Voted AIF to endorse the plan.

7:09 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 progress made by the applicant since the March 14th 2017 Public Hearing. Twenty-nine conditions of approval had been drafted as a result of the meeting and they had been circulated to the applicant, their engineer, and among all the Boards and Committees for their review. All were in agreement with 28 of the 29 conditions. The outstanding issue was the land required where the subdivision road would intersect with Newton Road.

Mr. Wesley Flis/Whitman & Bingham told the Board there was a conflict with two draft conditions regarding the open space. Condition 20 appeared to contradict condition 18.

(18. The open space shown on the Plan shall be owned by the Westminster Conservation Commission. A deed, describing the open space land, shall be submitted to the Planning Board for review and approval prior to Plan endorsements. No building permits shall be issued for this project until the open space is conveyed to the Town.

20. The open space shall not be conveyed until all the work within the open space including the creation of trails, the removal or debris, and the construction of all stormwater management areas after six months after the binder and berm have been installed and certified by the "Clerk of the Works".)

Draft condition 20 specified the open space shall not be conveyed to the Town until 6 months after the binder and berm had been installed. Draft condition 18 states no building permits would be issued until the open space was conveyed to the Town. Mr. Flis explained typically building permits are issued as soon as the binder coat and berm are installed. Stephen agreed and noted it was an error on his part creating the draft list of conditions. Mr. Flis noted that when they had met with the ZBA the week before, the ZBA had recommended the open space turned over to the Town prior to any building permits being issued so open space would not get lost in the shuffle. Mr. Flis stated the applicant was agreeable the open space would be conveyed before any building permits were issued. Condition twenty will be updated. The wording "after six months after the binder and berm have been installed and certified by the "Clerk of the Works" will be removed from condition 20.

Mr. Flis told the Board that draft condition 22 originally had land from the abutter Gilbreath's depicted on the plan. A new agreement with abutters to the right side of the entrance, the Ledger's was being negotiated and updated plans depicting that agreement were presented to the Board. Mr. Flis noted that there had been sight distance issues due to trees on the Gilbreath's land noted by the DPW. Moving the road towards land from the Leger's parcel would be similar to a preliminary roadway plan for the project that had been before the Planning Board ten years prior.

(22. Prior to the removal of any trees along Newton Road (tree removal as depicted on the Subdivision Plan) the Applicant will execute an agreement with the abutter at 22 Newton Road (Tax Map 156, Lot 1) for the removal of existing trees and installation of new trees. This agreement shall be provided to the Planning Board and Department of Public Works.)

Mr. Flis described how a portion of land of the Leger's would be used (part of a land swap) to make the project work. Mr. Flis described the turning radius requirements where the new subdivision road met Newton Road would meet the requirements presently in place foregoing a request for a waiver.

Mr. David Murphey told the Board he was presently working out an agreement with Mr. Leger for the land swap.

Stephen asked that the DPW review the new proposed entrance plan before the next public hearing to comment on the proposed changes and to review the sight lines in regards to the two trees on the Gilbreath property that had been a concern with the original plan presented to the Board. Mr. Flis

noted by moving the roadway centerline 26 feet further away from the Gilbreath property, the sightlines exiting the subdivision road would be improved.

There was discussion that the land swap would become part of the meets and bounds of the subdivision plan and would be noted on the updated subdivision plan.

Jon asked for any comments from the public.

Mr. Peter Russell representing the Lovewell Pond Sporting Pond Inc. asked what assurances the Town or developer would give his corporation that access to the pond would not be marketed or allowed through the open space that would be deeded to the Town. Mr. Richard Seward noted he lived on Streeter Road and shared the same concerns. Mr. Flis noted that Mr. Seward was actually not an abutter to the project due to the project open space ending at the Town line with Hubbardston. The land owned by WestHub Realty Trust Inc. would remain in their possession and was not part of the subdivision in Westminster. Mr. Flis noted that there was no access to the pond was intended. The open space of the Town would abut State forest which could be accessed through the open space. Mr. Russell stated that his concern was that the project was nearby the undeveloped end of the private pond that had been trespassed on for years and was difficult to police. He did not want anyone buying into the new development to think they had any rights to access the pond. Mr. Flis assured there was no intent to advertise access to the pond as part of the project.

Mr. Alan ?? noted he lives on Partridge Pond about the same distance to the development as he is to the Westminster Rod and Gun Club. He asked if any consideration had been given to the noise level coming from the Club. He stated he has been in Town for ten years and is very much aware of the rod and gun club and their normal activities and stated anyone buying one of the houses would be in close proximity to the active firing range at the club. Mr. Wilcox??stated he was close enough to the development that he could attest that sound issues would not be an issue at the development. He stated that from a point of real estate law, there was a caveat emptor, buyer beware, law that anyone that wanted to purchase one of the 16 houses within that short a distance should be well informed that they would be making a purchase within that distance to an active gun range. He noted it would be a consideration at some point.

Marie noted it was irrelevant and Mr. Flis noted that it had nothing to do with the property.

There was brief discussion about whether notifying purchasers of their proximity to the rod and gun club could be made a condition of the plan approval. Stephen noted that conditions of approval were secured by a bond to guarantee their execution. There would be no way that a condition of approval notifying purchasers of property of a nearby rod and gun club could be enforced as a condition of approval. Mr. Wilcox?? expressed his desire to have the rod and gun club proximity to the subdivision noted as part of the record.

Mr. Gilbreath asked for a copy of the revised roadway drawings which Mr. Flis provided him.

Mike made a motion to continue the public hearing to May 9th, 2017 at 7pm in Room 222.
Seconded Linda. Voted all in favor.

7:40 p.m. - Planners Monthly Report

Stephen awaits word from the MRPC in regards to a District Local Technical Assistance Grant to update the Town's Housing Production Plan.

He has applied to Mass-Development's new Site Readiness grant program for funding to investigate the infrastructure needs of our two primary industrial areas: the Westminster Business Park and the Simplex Drive industrial district. We should learn the fate of this grant request sometime in early May.

Senior Housing-

Stephen has assembled cost estimates for bringing utilities to the senior housing site behind the new senior center. Cost estimates were prepared for gas and electric, as well as municipal water and sewer. Whitman & Bingham have been engaged to perform the following tasks: 1) prepare a proper set of as-built plans for the senior center; 2) lay out the senior center driveway for eventual acceptance as a Town road which the senior housing can use for its frontage required by zoning, and; 3) prepare a plan to split the senior housing lot from the senior center lot. We are now awaiting further instruction from the Massachusetts Housing Partnership on how to proceed.

The Old Town Hall consultant hired to create the RFP has bowed out of the project due to work conflicts. Stephen has his RFP template and will attempt to put together a draft for the committees review.

7:45 p.m. - Adjourn.

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

3 Pages of Minutes

Respectfully submitted,

Michael Fortin

8 Attachments:

- 1) *Certificate to rescind Pheasant Ridge Estates Subdivision dated April 11, 2017. 1 page.*
- 2) *Certificate to rescind Deer Run Subdivision dated April 11, 2017. 1 page.*
- 3) *ANR Plan of Land for Lots 6.1 and 6, Batherick Road, Westminster for Ouellette & Olsen prepared by Graz Engineering, LLC dated April 3, 2017. 1 page.*
- 4) *Town Planner package for Ouellette, Batherick Road, including Form A, tax card and GIS map dated 4/4/2017. 4 pages.*
- 5) *Town Planner project memo for Newton Road Definitive Subdivision and Cluster Design Special Permit dated February 10, 2017. 6 pages.*
- 6) *Definitive Subdivision Plan in Westminster, Massachusetts off Newton Road for WESTHUB Realty Trust. Dated December 15, 2016. Proposed Site & Grading revised 4/11/17 revised Newton Road entrance.*
- 7) *Newton Road Cluster Subdivision – Draft Conditions of Approval (3/23/2017) 3 pages, 29 draft conditions.*
- 8) *Town Planner Memo to BoS for March dated March 30, 2017. 2 pages.*