



Town of Westminster

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD

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Jon Wyman, chairman

Marie N. Auger, vice chairman

Dan Bartkus

Lawrence Skamarycz

Mike Smith

Planning Board Meeting Minutes, September 22, 2020 Westminster Senior/Community Center

Members present: Jon Wyman, Mike Smith and Dan Bartkus

Staff: Town Planner Stephen Wallace

Absent: Larry Skamarycz, and Marie Auger

Additional Attendees: Elizabeth Harris, Wilfredo Melendez, Stephen Campbell, Jill Normandin, Mike Vittiglio and Chris Mossman.

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

First order of business: the minutes for September 8, 2020. The Board moved this matter to the next meeting agenda as only two of the members were present at this meeting.

Next order of business: Site Plan approval time extension for Sargent Road solar project. Applicant: Navisun LLC.

Mr. Campbell stated procurement of some of the construction items took longer than expected, labor shortages and COVID-19 complications. National Grid interconnection will be sometime in December 2021.

D. Bartkus made a motion to extend to March 31, 2021, M. Smith seconded, all in favor, motion carried (3-0)

Next on the agenda was the continued public hearing for the Kiwi Court subdivision at 66 South Ashburnham Road. The applicant's engineer, Chris Mossman of Trowbridge Engineering, provided the Board with an update: MassDOT District #3 has issued an Access Permit for the project and a revised subdivision plan has been prepared. He has redesigned the plan to move the subdivision road further away from the abutter's property and will not have to touch the existing slope. He will hire a contractor to clean out the culvert along Ashburnham State Road which has been clogged for quite some time and caused problems for the abutters. The abutters have agreed to this work but have asked that Chris provide them with a scope of work and contractor's proof of insurance (he is currently rounding up these materials).

Ms. Harris, an abutter to the project, stated that the project should be required to obtain a Construction General Permit under the EPA's National Pollution Discharge Elimination System (NPDES) program. She went on to express her frustration with the project, the process, the Board's attention to her concerns, the Board's behavior and the Town's handling of the matter in general. She then left the Planning Board meeting along with her husband Wilfredo Melendez.

Citizen Jill Normandin stated that she still believes the original driveway for 66 Ashburnham State Road should have obtained an Earth Removal permit and, even if one wasn't required (which the Building Commissioner has stated and the Planning Board concurred), the project still ran afoul of the Earth Removal Bylaw's provisions for projects not requiring an Earth Removal permit. She believes the driveway's installation ran afoul of Section 97-7, Item C of our Earth Removal bylaw which, at the time of installation, imposed the following conditions on earth removal projects that did not require an Earth Removal permit:

C. An earth removal or filling operation that does not exceed any of the above thresholds shall not require a Permit, but is subject to the following requirements **(unless otherwise agreed to, in writing, by the abutting property owner):**

1. **The operation shall not encroach closer than ten feet to a property line, and**
2. **No greater than a 1:1 slope shall exist between the operation and the ten foot buffer.**

The Town Planner said he would discuss this specific issue with the Building Commissioner yet again. Town Planner suggested to the Board that the revised subdivision plan be sent to the Building Commissioner, Conservation Agent and Fire Department for review and comment. He also suggested sending the abutters the homeowner association documents for this subdivision and give them a chance to review the driveway maintenance provisions contained therein, including maintenance of the shared slope. The Town Planner said that the EPA Construction General Permit be made a condition of approval, to be obtained prior to construction, as has been the practice with previous subdivisions. The Board concurred with the Planner's recommendations and voted unanimously (3 - 0) to continue the public hearing to Tuesday October 13, 2020 at 7:00 PM.

Adjourned: 7:42 PM