



Town of Westminster

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD
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Jon Wyman - Chairman, Marie N. Auger - Vice Chair, Michael Fortin, Jay Shenk

MINUTES OF REGULAR MEETING

Monday, December 09, 2014

Room 222, Town Hall

Attendees: Marie Auger, Jon Wyman, Mike Fortin, Jay Shenk, Town Planner Stephen Wallace

Absent:

Additional Attendees: Ms. Sandy Laserte, Mr. John Laserte, Mr. Gary Litchfield, Mr. Kirt Mayland, Mr. Joe Flanagan.

7:00 p.m.

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

7:00p.m. - *Minutes*

Jon asked PB members to review the November 25, 2014 minutes. Mike made a motion to approve the minutes. Seconded Jay. The PB voted AIF to accept the minutes.

7:02p.m. *Planning Board vote on adopting the 2014 Master Plan.*

Jon asked the PB to approve the 2014 Westminster Master Plan. Mike made a motion the PB adopt the 2014 Master Plan as voted on and approved at the Special Town Meeting, November 18, 2014.

Seconded Jay. The PB voted AIF to adopt.

7:03p.m. *Village at Old Mill Subdivision: progress report – Gary Litchfield.*

Mr. Gary Litchfield updated the PB on the progress in 2014 at the Village at Old Mill. Mr. Litchfield explained there are signed contracts for work to be done for final paving of the main road and continuing 300 feet off both sides at the circle including sidewalks and berms. The engineering and staking of the centerlines of the roads is complete and financing has been secured. A portion of Kimberly Lane that needs repair from wash-boarding is included in the financing. The DPW has indicated they do not want paving to take place after October 31. The contractor (Boucher) may attempt to complete sidewalk and berm work with final work to be completed in the spring.

Twenty one homes of 68 total are sold with 10 lots under contract by a private construction firm. The engineering on an electrical crossing on Kimberly Lane will be completed by spring before paving. Signs are in place that direct all truck traffic to Heritage Lane.

Mr. Litchfield will be seeking a bond reduction when work is completed.

Marie asked about the private firms building conforming to the 2 bedroom requirement. Yes. Mike asked how many were completed this year. 7 or 8. Jon asked about the nature trail. Not part of any bond but Mr. Litchfield is committed to complete the work with it roughed out by next fall. The trail will be on land eventually turned over to the Town as open space. Mr. Litchfield is hopeful the residents will take an active role maintaining the trail.

7:20p.m. *Updates and Liason Reports*

Stephen- EDC will meet Jan 7 with rough draft of promotional brochure. Marie noted Joe Serio is hoping to have a "Cracker Festival" with a 5K road race next year.

WBP has received their updated MEPA Certificate.

Stephen updated the PB concerning the PB letter to the BOS. A response has been received indicating the BOS has sent Article 11 to the Bylaw Review Committee. Stephen said he was asked by Selectmen to be on the BRC but has not been given a meeting date yet. Mike asked how Bylaws get referred to the BRC. Stephen said there does not appear to be a written procedure at this point. Stephen suggested that the PB ask Selectman Fairbanks to attend the next meeting to answer PB questions. The PB agreed to invite Selectman Fairbanks to the next meeting. There was further discussion about Article 11 and the BRC.

The PB discussed the process of how the PB and Selectman would choose a replacement for the vacant PB seat. There are at present two potential candidates to fill the remaining term of the vacant PB seat.

Public Hearing - Continued

7:36 p.m. – Housatonic Solar 1 LLC regarding a Site Plan Approval for a ground-mounted solar array to be located at 339 South Ashburnham Road in a Residential-II zoning district.

Jon read the notice and reopened the public hearing that had been continued from November 25th, 2014. Stephen asked Mr. Kirt Mayland to update the PB on what had happened since the last public hearing.

Mr. Mayland told the PB he had received an order of conditions from the Conservation Commission. The site plan had been revised to reduce the footprint of the project. A wetlands crossing had been eliminated and the electrical connection to the grid had been reduced from 499KW AC to 450KW AC.

The visual impact would be reduced also. The access issue has not been addressed yet, Mr. Redkey still owns both properties.

The ConCom also put a condition that the project not be expanded in the future.

An abutter, Ms. Sandy Laserte asked about fencing (6 foot chain link) and asked how the Town might benefit from the project. Mr. Mayland stated the Town would benefit from personal property taxes from the project and there had been discussions with the schools to buy power at a reduced rate from the project. Ms. also asked what happens when the panels no longer have a useful life. Mr. Mayland hopes to renew the project with new panels at that point but also noted that was the next discussion...a decommissioning bond.

Stephen stated that Tetra Tech had provided a decommissioning bond estimate of \$35K and asked Mr. Mayland to provide the PB a copy of the check as proof of payment. Mr. Mayland noted his estimate was \$13K and other projects had he had done were bonded at a lesser price. After review of the reduction of the site size and panel quantity and a review of the recent Borrego Solar project, Stephen calculated a proposed bond price of \$24,500. There was discussion about yearly notification of renewal of the bond. There was discussion about the access driveway to the site.

Jon asked if all the outstanding issues have been addressed. Stephen reviewed the prior outstanding issues.

After Jon asked PB members if they had enough information to make an informed decision, Jay made a motion to close the public hearing. Seconded Marie. The PB voted AIF to close the hearing.

Stephen then read the list of seven requested waivers:

- 2.1 The submitted Site Plan was drawn to a scale of 1" = 50', instead of the 1" = 40' required under Section 2.1 of the Site Plan Regulations.
- 2.1.4 The location of all proposed septic systems, water supply, storm drainage systems, utilities, refuse and other disposal methods. - None
- 2.1.9 The locus maps on the submitted Site Plan were drawn to a scale of 1" = 250' and 1" = 500', instead of the 1" = 200' required under Section 2.1.9 of the Site Plan Regulations.
- 2.1.11 Building elevation plans showing elevations of all proposed buildings and structures and indicating the type and color of materials to be used on all facades. None.
- 2.1.12 Evaluation of impact on water resources.
- 2.1.14 Evaluation of traffic impacts.
- 2.1.15 Environmental impacts.

Mike made a motion to approve all 7 of the requested waivers. Marie seconded. The PB voted AIF to grant the requested waivers.

Stephen then reviewed the conditions of approval.

1 Other approvals or permits required by the Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.

2 The Site Plan Approval applies only to the site which is the subject of this Application. All construction to be conducted on the site shall be conducted in accordance with the terms of this Approval and shall be limited to the improvements shown on the Plan.

3 The Board hereby reserves its powers to modify or amend the terms and conditions of this Approval upon its own motion with consent from the owner, or on the Application of the owner. The Board further reserves its powers to amend this Approval without a new public hearing provided that the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Zoning Bylaw or with the terms of this Approval.

4 This Approval shall lapse on December 9, 2016 if a substantial use thereof has not sooner commenced for good cause. Any request for an extension of the time limitation set forth herein shall be made in writing to the Board at least 30 days prior to December 9, 2016 and the Board reserves its rights and powers to grant or deny such request without a public hearing.

5 The Applicant shall provide information to the Police Department on who to contact during the construction phase, should any problems arise.

6 The Applicant shall not schedule construction deliveries during school drop-off (7:00 AM to 9:00 AM) and pick-up hours (2:00 PM to 4:00 PM).

7 The Applicant shall schedule a pre-construction meeting with all relevant Town departments prior to breaking ground.

8 The Applicant will post a decommissioning bond with the Town in the amount of \$24,500 prior to receiving a Certificate of Occupancy from the Building Commissioner. The bond shall be renewed by the Applicant on an annual basis for the life of the project, with the Applicant submitting proof of renewal to the Planning Board annually.

Marie made a motion to approve the site plan with the 8 (above) conditions. Seconded Jay. The PB voted AIF to approve the site plan.

8:16p.m. Discussion - Rowtier Drive

Stephen told the PB he had received a letter from the Saw Mill Pond Association on Rt 31. After discussion, there was a question about whether the condo association had been notified of the site plan review. Stephen told the Board that the condos are not within the required 300 foot notification zone, and are located in Fitchburg. There are no requirements to notify. After discussion Stephen offered to write the Association a letter outlining the following:

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1. The Zoning Board approved the requested use of this property by issuing a Special Permit on July 19, 2012 .
 2. The applicant came back before the Planning Board for Site Plan approval in June 2014.
 3. The Planning Board's Site Plan Review regulations require notification of abutters within 300-feet of the subject property.
 4. The applicant will be moving his current business operation to this location, but will not be constructing an actual building at this time. Once a building is proposed, he will have to go through the Site Plan review process with the Planning Board all over again.
 5. The Saw Mill Association will be added to the PB agenda distribution list.

8:35p.m. Adjourn.

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

3 Pages of Minutes
Respectfully submitted,
Michael Fortin

6 Attachments :

- 1) Town Planner Site Plan Review memo for Housatonic Solar 1 LLC dated December 4 , 2014. 5 pages.
- 2) Tetra Tech Bond Review Services proposal letter to PB for Housatonic Solar 1 LLC bond estimate review dated October 2, 2014. 2 pages.
- 3) Proposed Solar Panel Array – Proposed Site Development Plan for Reservoir Road Holdings LLC (also known as Housatonic Solar 1 LLC), for property located at 345 South Ashburnham Road, prepared by Whitman & Bingham Associates LLC, dated June 20, 2014, revised November 7, 2014.
- 4) ConCom Order of Conditions dated December 3, 2014.
- 5) Letter from Saw Mill Pond Association. 1 page.
- 6) Town Planner monthly BOS update dated December 1, 2014. 2 pages.