

Town of Westminster
Planning Board
Phone: (978) 874-7414
Tracy Murphy, Town Planner

Gregg Buckman, Chair Marie N. Auger, Vice Chair Dan Bartkus Jodi Snyder
Jacky Nally

March 7, 2023

MINUTES Planning Board AMENDED

Members present: Gregg Buckman, Jodi Snyder, Jaclyn Nally, and Dan Bartkus

Town Planner, Tracy Murphy

Absent: Marie Auger

Andrea Mastrototaro, Recording Secretary

Additional Attendees: Patrick McCarty, Paula Burgess, Tom Rutherford, Alex Szoc, Adam Hurd, Brian Marchetti, Matt Chakals, John Hennessey, Adam Goldberg, Barry Simmns, Jeff Avent, and Corrinne Tobias.

G. Buckman called the meeting to order at 7:00 PM.

New Business

ANR – Wuott Living Trust Worcester Road

J. Nally made a motion to endorse the plan as presented. J. Snyder seconded. All in favor, motion carried (4-0).

Continued Public Hearing – 6 Village Inn Road

Site Plan & Special Permit applications submitted by TJA Clean Energy, LLC for solar array on property located at 6 Village Inn Rd. Also known as Assessors map Map 113-Lot 126 (portion thereof) The Applicant has requested an extension to March 14, 2023.

J. Snyder made a motion to continue the public hearing to March 14, 2023 at 7 pm. J. Nally seconded. All in favor, motion carried (4-0).

Public Hearing

Concurrent hearings for applications submitted by McCarty Engineering, Inc. on behalf of Westminster Owner LLC to modify the Site Plan Approval and Stormwater permit dated Feb. 22, 2022 for a proposed 600,000 sq. ft. building on Lot I-7, Theodore Drive. Modification seeks to add outdoor storage and an additional railway spur. Further, an application submitted seeks to modify the Definitive Sub-division approval dated April 9, 2007. The modification seeks to adjust the alignment of Theodore Dr. as a result of the proposed modification affecting the size and shape of lot I-7. Further details include the

addition of a turnaround and the extent of the gravel portion.

T. Murphy read the notice into the minutes, J. Snyder made a motion to open the hearing. J. Nally seconded. All in favor, motion carried (4-0).

P. McCarty gave an overview of the first project, the relocation of the roadway.

B. Marchetti discussed the relocation of the subdivision roadway known as Theodore Drive, modifications to enlarge the size of Lot I-7.

- Stormwater is rerouted.
- Additional basin added.
- All utilities will be relocated.
- A cul-de-sac has been added.
- The entire roadway is 34 feet wide. Past the Lot I-8 entrance the roadway is reduced to 24 feet wide and remain gravel.
- DPW has reviewed the plans and commented.
- Sewer pump station is now located on the plan.
- The residential lots originally design for septic will now be served by sewer.
- Relocated 1400 feet of roadway.

B. Marchetti stated comments have been received from Tetra-Tech and Town departments, all comments have been addressed.

D. Bartkus asked if water will be installed on the residential side. B. Marchetti stated yes it is already installed.

P. McCarty stated a Notice of Intent was submitted to the Conservation Commission (CC), CC voted to issue an Order of Conditions.

P. McCarty stated the final set of plans for approval will no longer show the old farm roads or the Right of Way.

P. McCarthy addressed the intersection improvement condition of the Site Plan Approval with the Board. P. McCarthy would like more definition/clarifications to the "temporary measures" of the condition.

D. Bartkus asked if stop signs can be installed. P. McCarty stated no it needs MassDOT approval.

C. Tobias stated sign improvements or police control could be a quicker approval from the MassDOT than the traffic light or the roundabout.

P. McCarthy suggested adding "striping, signage and tree trimming" to condition 8.7.

After discussion T. Murphy read proposed conditions for the modification to the Sub-division approval to the Board should they approve the application. They are as follows:

- 8.1. 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.
- 8.2. 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 the applicant, or on the Application of the owner or applicant. 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, Subdivision Control or with the terms of this Approval.
- 8.3. Approval shall lapse on March 7, 2025 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 March 7, 2025 and the Board reserves its rights and powers to grant or deny such request without a public hearing.
- 8.4. Except as otherwise set forth in this decision, Theodore Dr. shall be constructed in substantial conformance with the application documents submitted, including without limitation the plans entitled, "Sub-division Modification Documents," dated January 31, 2023, revised, February 1, 2023 and March ,2023 prepared by McCarty Engineering, Inc.
- 8.5. The Applicant will work with the Town to establish an inspection schedule based on construction milestones. The Town's engineering consultant will perform the inspections on behalf of the Board and the cost will be borne by the Applicant who will provide the Town with a check to cover the cost of this effort. The check will be deposited into an MGL 53G consulting account and any balance that remains after the inspection effort will be returned to the Applicant. The Planning Board will provide copies of the inspection reports to the Applicant.
- 8.6. The Applicant will continue to work with the Town and MassDOT as to the design, permitting and construction of improvements to the intersection of Route 2A and Depot Road. Such improvements shall be subject to approval from MassDOT, the Planning Board and its peer review traffic consultant.
- 8.7. In the event that the traffic signal installation is not completed prior to the request for occupancy of Lot I-7 or Lot I-8, the Applicant shall install interim (temporary) traffic control measures (trimming, signage, striping) at the Depot Rd/Route 2A intersection, and such temporary measures should continue until such a time that a traffic signal or similar significant improvement can be installed. Such temporary measures are subject to review and approval by MassDOT and the DPW Director.
- 8.8. All truck traffic exiting the site will access Route 2 via Depot Road. All truck traffic from Route 2 will use Exit 94 to access Depot Road and then access the Westminster Business Park from the Route 2A/Depot Road intersection.

8.9. In the event that a traffic light is installed at the Route 2A/Depot Road intersection, the Westminster Business Park owners will work with MassDOT to install preemption devices for the benefit of emergency vehicles.

8.10. The Applicant shall design and construct intersection geometric and traffic control improvements at the Bathrick Rd./Theodore Dr. intersection prior to occupancy of Lot I-7 or Lot I-8. The design of such improvements shall be reviewed and approved by the DPW Director prior to construction.

8.11. The Applicant shall create an inventory of all existing conditions information for the intersection of Village Inn Road/Narrows Road intersection to identify safety deficiencies and propose necessary improvements to reduce crashes. Any improvements to the Village Inn Rd./Narrows Rd. intersection are subject to review and approval by MassDOT and the DPW Director.

D. Bartkus made a motion to close the public hearing for the Subdivision Modification. J. Snyder seconded. All in favor, motion carried (3-0-1).

D. Bartkus made a motion to approve the Subdivision Modification. J. Snyder seconded. All in favor, motion carried (3-0-1). Chairman G. Buckman abstained.

Modification of the Site Plan Approval

B. Marchetti discussed being before the Board for the Modification of the Site Plan Approval and noted the following:

- There is a new applicant, Home Depot
- The building will be serviced by rail coming in from the North and out on the West side of the building.
- The Conservation Commission has issued an Order of Conditions.
- All stormwater design calculations were review by Tetra-Tech.
- New lot is 50.7 acres
- Truck entrance has a security gate and is guarded 24/7.
- A separate driveway for the employee entrance has a security gate.
- Modification is to add outdoor storage to the approved building.
- Meeting with the ZBA for a Special Permit for the outdoor storage.
- 299 employee parking space and 238 in reserve.
- All trucks are loaded inside the building.

B. Marchetti discussed and reviewed the stormwater design.

B. Marchetti discussed the utilities plan and indicated Theodore Drive has public water, sewer, gas, electric and stormwater. Utility connections will be made the same as the previous Lot I-7 approval.

B. Marchetti stated the lot will require a 240,000 gallon water storage tank and a fire pump house for fire suppression.

B. Marchetti noted there is a waiver request letter for the scale of the site plan

- Plans 1" = 40 scale , proposed 1" = 50
- Required Locus 1" = 200 feet, Provided 1" = 1500 feet
- Building elevation plans 1/4" = 1 foot, provided 1/8" = 1 foot and 1/32" = 1 foot.

After discussion on the waivers, T. Murphy read proposed conditions to the Board should they approve the applications, they are as follows:

8.1. 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.

8.2. The Site Plan Approval apply only to the site that is the subject of the 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.

8.3. 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 the applicant, or on the Application of the owner or applicant. 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.

8.4. The Site Plan Approval shall lapse on March 7, 2025 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 March 7, 2025 and the Board reserves its rights and powers to grant or deny such request without a public hearing.

8.5. Except as otherwise set forth in this decision, the facility shall be constructed in substantial conformance with the application documents submitted by the applicant, including without limitation the plans entitled, "Site Plan Approval Documents," dated January 17, 2022 and revised February 1, 2023 and March , 2023 prepared by McCarty Engineering, Inc. Any substantial deviation from such documents shall require approval by the Planning Board.

Site Specific Conditions

8.6. The hours of operation during the construction phase shall be from 7:00 AM to 5:00 PM Monday through Saturday. The Board recognizes that part of the project may require after hour and/or off hour construction needs including, but not limited to, concrete pours and other related activities. In such case, the applicant shall give the Building Commissioner not less than forty-eight (48) hours' notice prior to any after hour and/or off hour construction needs that are different from the hours of operation as referenced above.

8.7 The Applicant agrees to schedule a pre-construction meeting with all relevant Town departments prior to breaking ground and to provide the Town information on whom to contact during the construction phase, should any problems arise.

8.8. The Applicant will work with the Town to establish an inspection schedule based on construction milestones. The Town's engineering consultant will perform the inspections on behalf of the Board and

the cost will be borne by the Applicant who will provide the Town with a check to cover the cost of this effort. The check will be deposited into a MGL 53G consulting account and any balance that remains after the inspection effort will be returned to the Applicant.

8.9 The Applicant shall provide the CSX (Rail) Design Documents for review prior to starting construction.

8.10 The Applicant shall revise plans to remove the Language "optional" from the Stormtech detail note on Detail Sheets 26-30.

8.11 The Applicant shall provide final design plans prior to construction if underdrains are required as a result of the Geotechnical Engineer review process.

Stormwater Management Conditions

8.12. Prior to construction, the Applicant shall prepare a complete Stormwater Pollution Prevention Plan (SWPPP) for the project, as well as apply and receive a Construction General Permit under the EPA's NPDES program. Copies of both the permit and plan will be provided to the Planning Board.

8.13. The Applicant shall permanently maintain the stormwater management system on their site in full working order by the property owner. As required by the project's Storm Water Pollution Prevention Plan (SWPPP), the owner shall submit periodic inspection reports to the Town as a condition of this approval. The owner shall properly maintain all components of the system for the life of the facility.

8.14. The Applicant or owner shall clean all catch basins and drainage structures on their site at the end of the facility's construction. The applicant's engineer shall conduct an inspection of the stormwater basins once construction is complete to ensure they are functioning as designed.

Traffic-Related Conditions

8.15. In the event that the traffic signal installation is not completed prior to the request for occupancy of the I-7 facility, the Business Park owners shall provide interim (temporary) traffic control measures (trimming, signage and stripping) at the intersection of Route 2A/Depot Road prior to occupancy and such temporary measures will continue if necessary until such a time that a traffic signal or similar significant improvement can be installed. Such temporary measures are subject to review and approval from Mass DOT and the DPW Director.

8.16. All truck traffic exiting the site will access Route 2 via Depot Road. All truck traffic from Route 2 will use Exit 94 to access Depot Road and then access the Westminster Business Park from the Route 2A/Depot Road intersection.

8.17. The Applicant will develop a Transportation Demand Management (TDM) program for the site that will include preferred truck travel routes. The TDM will be reviewed by the Town prior to occupancy of Lot I-7.

8.18 The Applicant will include the stopping sight distance and intersection sight distance plans and profiles on the final site plans and reviewed by the Town prior to construction to ensure that adequate

sight distance will be provided and/or identify any required remedial measures (i.e., installation of advanced warning signage).

8.19 The Applicant will provide a traffic and rail management plan for the site and the proposed rail spur including a description of planned safety measures to the Town for review and approval prior to construction.

Grading and Landscaping Conditions

8.20. The owner shall permanently maintain all landscaping, berms walls and fencing shown on the approved plan for the project site. Landscaping shall be replaced as needed.

8.21. The Applicant is responsible for litter control both during and after facility construction on project site.

Noise-Related Conditions

8.22. No-idling signs shall be placed around the building so as to be clearly visible to all trucks. No vehicles shall be allowed to idle for more than 5 minutes.

8.23. Should noise levels from air conditioning units exceed Massachusetts State Building Code levels, the units shall be shielded to prevent noise impacts to abutting residences. The specifications for such screening shall be presented to the Building Commissioner for review and approval prior to installation

8.24 Owners shall permanently maintain landscaping, walls and berms as shown on the plan.

8.25 Property owners and/or tenants are responsible for litter control during and after construction.

8.26 No-idling signs shall be installed around the building.

J. Snyder made a motion to close the public hearing. D. Bartkus seconded. All in favor, motion carried (3-0-1). Chairman G. Buckman abstained. J. Snyder made a motion to approve the Site Plan Approval and Stormwater permit and grant all of the waivers. J. Nally seconded. All in favor, motion carried (3-0-1). Chairman G. Buckman abstained.

Potential Zoning Bylaw Amendments: after a quick discussion on the *lack of time to research the proposed change*, the Board decided to table the cluster development proposed zoning bylaw amendment

Next Meeting: March 14, 2023, 7:00pm

Adjourned 8:30 pm

Respectfully Submitted,

Tracy Murphy, Town Planner

Materials Discussed at this meeting include:

Site Plan submittal letter prepared by McCarty Engineering Inc., dated February 1, 2023.
Site Plan application prepared by McCarty Engineering Inc., dated February 1, 2023.
Set of Site Plans prepared by McCarty Engineering Inc., dated January 17, 2022, modified February 1, 2023 and February 27, 2023.
Application for Stormwater Management Permit prepared by McCarty Engineering Inc., dated February 1, 2023.
Stormwater Management Report prepared by McCarty Engineering Inc., dated January 31, 2023.
Traffic Study prepared by Green International Affiliates Inc., dated January 12, 2023.
Planning Department review memo dated February 23, 2023.
Planning Board consulting engineer review memo dated January 31, 2023.
Applicant's response to consulting engineer review memo for site plan and stormwater management report dated February 27 2023.
Planning Board consulting engineer review memo dated March 6, 2023
Applicant waiver request letter dated February 1, 2023.
Property tax card from Assessor's office.
300' Certified Abutters List.
Subdivision modification submittal letter prepared by McCarty Engineering Inc., dated January 31, 2023.
Subdivision modification application packet "FORM B" prepared by McCarty Engineering Inc., dated January 31, 2023.
Set of Plans titled "Subdivision Modification Documents" prepared by McCarty Engineering Inc., dated January 31, 2022, modified February 27, 2023.
Stormwater Management Report prepared by McCarty Engineering Inc., dated January 31,
Planning Department review memo dated February 23, 2023.
Planning Board consulting engineer review memo dated February 21, 2023.
Applicant's response to consulting engineer review memo for site plan and stormwater management report dated March 2, 2023.
Planning Board consulting engineer review memo II dated March 6, 2023.
Copy of proposed Draft Zoning Bylaw amendments, Short Term Rental, Use Table (Chapter 205), Cluster Development