



Town of Westminster

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD

Phone: (978) 874-7414

swallace@westminster-ma.gov

Jon Wyman, chairman

Marie N. Auger, vice chairman

Michael Fortin

Andrew Rice

Linda Wiest

MINUTES OF REGULAR MEETING

August 09, 2016

Room 222, Town Hall

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

Absent: none

Additional Attendees: Mr. Chris Mossman/Trowbridge, Mr. Gene LeBlanc(did not sign in), Mr. R J Walsh/Nexamp, Mr. Chuck Scott/CFS Engineering

7:00 p.m.

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

7:00 p.m. - *Minutes*

Jon asked PB members to review the July 12, 2016 meeting minutes. Andrew motioned to approve the minutes. Seconded Linda. Voted AIF. Marie and Jon abstained, not being present at that meeting.

7:03 p.m. - *ANR plan for Jonathan C. Raymond: lot line adjustments involving five existing lots on West Princeton Road.*

Mr. Chris Mossman presented and described the ANR plan showing lot line adjustments to five lots located on West Princeton Road. Mr. Mossman told the Board the lot lines were being adjusted to accommodate perc tests that had been performed on the properties. There was discussion concerning a legal reduced frontage lot (with 2 ½ times the required lot area) that had been created and what will happen to the large parcel of land to the rear of the lots. There is a 54' wide access strip to the rear land. Mike made a motion to endorse the plan as presented. Seconded Marie. Voted AIF to endorse.

7:10 p.m. - *Request from Theodore Drive Solar LLC (NEXAMP) to modify an approved site plan (originally approved 4/14/2015) to reduce the amount of cut and fill from 50,900 cubic yards to 25,600 cubic yards.*

Jon asked Mr. Chuck Scott to explain the request to modify the final grading plan. Mr. Scott explained the reasoning behind the revised proposal. The original approved plan showed grading strictly east to west with a 1% grading from south to north to accommodate the slope of the lot. Since the time that plan was created, Nexamp has determined that the land the panels sits on could be graded in a warped arrangement and still achieve the same east west sun angles on the panels. He showed the Board a revised plan that would reduce the total amount of earthwork needed by half thus speeding up the construction cycle of the panels. The revised grading will soften the contours seen from the street in comparison from the originally submitted plan. Mr. Scott told the Board they hoped to be submitting construction plans by the end of the month.

Stephen asked when they would be posting the Decommissioning Bond and reminded them the bond would need to be posted as part of the sign off procedure before a building permit was issued. Mr. R J Walsh/Nexamp introduced himself to the Board and told Stephen he will be the project engineer/emergency contact person for the project and would be providing the Bond when the plan package was submitted.

Jon read Condition 8.3 of the original site plan decision (dated April 14, 2016) which allows the PB to revise their decision without re-opening a public hearing for items they deem not significant to the public interest and are not inconsistent with the purpose and intent of the Zoning Bylaw or the terms of the original site plan decision. Jon asked the Board for any further discussion on it.

Marie made a motion to that the revised site plan be deemed in compliance with condition 8.3 and to approve the revised site plan without reopening a public hearing. Seconded Linda. Voted AIF to approve the revised site plan.

7:24 p.m. - Planning Board draft policy discussion: minor subdivisions and road standards.

Stephen presented the second draft of a possible policy for minor two house lot subdivisions. Stephen told the Board the Fire Chief was concerned about shared driveways and their maintenance.

Marie mentioned that the Fire Chief may be concerned because existing shared driveways without a maintenance agreement have presented problems in the past. Jon asked for further discussion. Marie requested language that required the Articles of a Residential Homeowners agreement be attached to the deeds of both properties. Marie moved to accept the amended policy. Seconded Mike. The Board voted AIF to accept the policy as amended. Stephen will revise and send out to members for inclusion in members policy books.

7:30 p.m. - Inspection Reports:

June inspection report for Westminster Estates.

There were no questions or comments on the first monthly report owners for Westminster Estates (near Westminster Woods Golf Course).

June inspection report for Westminster Business Park earth removal project; .

The PB reviewed the monthly report for the Park and had no questions or comments.

7:33 p.m. - Town Planner Report.

Stephen told the PB he thought it would be worth the Boards attention to remind the BoS about Master Plan Implementation meetings. He was concerned that they had not picked back up on interviews after budget season and the Town meeting. Mike agreed and told Board he thought it was a good idea since the Selectmen's meetings he had recently attended were only 4 to 15 minutes in length. With such light agendas it would seem to be the perfect time. Stephen told the Board he did not think the once a month Master Plan interviews would last more than 15 minutes per review. There are 5 more Departments to go. The Board asked Stephen to write a letter on their behalf reminding the Selectmen of their progress and that there are 5 more Departmental interviews to go as part of the Master Plan Implementation.

Stephen updated the Board on the Grant progress on the Governor's Community Compact program economic self-assessment project. Northeastern University's Dukakis Center will participate in assessing the results of a 220 page questionnaire that will be filled out by various boards and departments. Northeastern will then compare the data we send back with the other 100 plus communities who have participated. Stephen will receive the questionnaires, distribute them, and return the results to Northeastern.

The Old Town Hall survey is now out in the mail with numbered self addressed postcards and people will be asked to return them by the end of September.

Stephen also pointed out in his report he has expressed his concerns about the Building Department in his report and is grateful they have just appointed another part time Building Commissioner who will be working 20 hours per week for the month of August and then start full time in September.

7:38 p.m. *Definitive Subdivision Plan and Application for Pricilla Harrington, Harrington Living Trust and the Worcester Road Realty Trust for a two-lot subdivision off Worcester Road.*

Jon read the public notice that had been published in the Gardner News for two consecutive weeks. Jon opened the public hearing and asked Stephen to describe the project. Stephen told those present that the owners of the properties have been trying to develop the property subject to this application since 2011. The two lot Subdivision Plan and Application were subject to a Departmental Technical Review meeting with DPW, Fire and ConCom in attendance.

Mr. Chris Mossman described two separate plans. One plan was the definitive subdivision plan drawn Szoc surveyors and the other an engineering plan drawn by Trowbridge Engineering.

The subdivision is off Worcester Road. There will be two lots served by a reduced 553 foot long standard road serving both lots. The applicant will be asking for a number of waivers in an attempt to keep the project cost conscious. The road will be 15 feet wide on a 54 foot private right of way and will be maintained by the owners.

Mr. Mossman reviewed each of the requested waivers requested with the Board.

There was much discussion about homeowners agreements and road maintenance agreements. Stephen suggested the Board make approval conditional on an agreement that Town Counsel would review and agree to. Mr. Mossman was concerned about the cost if there was a lot of back and forth with Town Counsel.

Stephen told the Board he has reviewed previous standard conditions for subdivision approvals and there are 11 he would like to see included.

Jon asked if the Board members had enough information to make an informed decision. Marie moved to close the public hearing. Seconded Linda. Voted AIF to close the hearing.

Marie made a motion to approve all the requested waivers:

231-12 (A.5)	Environmental Impact Analysis
231-12 (F)	Performance Guarantee
231-12 (H)	As-built plans
231-15	Right-of-way length: 500 feet required, 553 feet proposed.
231-15	Cul-de-sac paving: 51-foot radius required, turn-out proposed.
231-15	Cul-de-sac right of way: 59-foot radius required, 51-foot radius proposed.
231-16	Right-of-way flares: 25-foot radius required, 20-foot radius proposed.
231-27 & 28	Roadway construction: paved required, gravel proposed.
231-29	Sidewalks required, none proposed.
231-32	Street trees required, none proposed.

Seconded Mike. The Board voted to approve all the waivers.

Stephen read the conditions for Board review:

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- 1 Town Counsel shall review and approve the homeowner association documents that outline the maintenance responsibilities for Jordan Road. There will be one landowner per lot and the new subdivision road (Jordan Lane) will be owned jointly by both lot owners in common through a homeowner association.
 2. Prior to the Board's endorsement of the plan prepared for recording, the applicant shall submit written confirmation from the Tax Collector that all taxes, including any roll back taxes if applicable, have been paid in full. In addition, the applicant shall provide proof that all fees associated with plan submission and approval have been submitted to the Planning Board and/or its consultants. The applicant shall record the endorsed plan prior to the commencement of authorized site activity and shall submit proof of recording to the Planning Board.

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3. Following plan endorsement by the Planning Board, the Applicant shall supply five (5) full sized plan prints and one (1) 11x17 reduced-size of the signed plan. Additionally, a digital copy of the plans shall be provided in PDF format.
 4. Any road work performed within the Town's right-of-way shall require Public Works approval.
 5. The applicant shall submit plans for the proposed fire protection system in accordance with the "Fire Protection Water Supply Regulations" for review and approval by the Westminster Fire Department.
 6. Site construction activity shall be limited to the hours of 7:00 a.m. – 5:00 p.m. and shall not be allowed on Sundays and legal holidays.
 7. The subdivision roadway shall be constructed within two (2) years from the date of plan endorsement unless the applicant obtains a written extension from the Planning Board. If the subdivision roadway is not constructed within two (2) years from the date of plan endorsement, the plan and decision shall automatically be rescinded.
 8. This Definitive Subdivision Plan and Decision are not valid until they are recorded and indexed at the Worcester North Registry of Deeds in accordance with the provisions of M.G.L., Chapter 40A, Section 11. The copy of the decision to be filed shall contain a certification by the Town Clerk that 20 days have elapsed after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.
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9. Any requests for modifications shall be made in writing to the Planning Board for review and approval. The request shall include a description of the proposed modification, reasons the modification is necessary and any supporting documentation. Additionally, no corrections, additions, substitutions, alterations or any changes shall be made in any plans, proposals and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board. The plans approved as part of this Definitive Subdivision are specified in Exhibits 6.1 and 6.2.
 10. The final revised plan shall be endorsed by the Planning Board. Unless amended with the approval of the Planning Board, the endorsed plan set shall be the plan of record and construction shall proceed in accordance with the improvements on said plan and this Decision.
 11. A copy of this Decision shall be kept on site and shall be made available to all site contractors. The site contractor(s) shall sign a memo indicating that they have read and understand the conditions of this decision, prior to commencing any work.
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12. Prior to commencement of authorized site activity, the Applicant shall provide to the Planning Office the name, address and phone number of the individual(s) who shall be responsible for all activities on the site. Additionally, the Police and Fire Departments shall be provided with an emergency notification sheet.

Marie made a motion to approve the subdivision plan as presented with the above 12 conditions listed. Linda seconded. The PB voted AIF to adjourn.

8:24 p.m. *Adjourn.*

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

5 Pages of Minutes
Respectfully submitted,
Michael Fortin

- 1) ANR Plan of Lots Prepared for Jonathan C. Raymond (owner Book 761, page 414) Westminister MA by Szoc Surveyors dated July 8, 2016. 1 page.
- 2) Town Planner package for Jonathan Raymond Joanne Blood, 73 North Common Road including Form A, tax cards and Trowbridge Engineering Mass GIS Site Locus Map. Form A dated 20 July, 2016. 8 pages.
- 3) CFS Amendment Request letter for Nexamp Solar project at Westminister Business Park dated August 3, 2016. 1 page.
- 4) Revised Grading and Drainage Plan for Solar Development at Westminister Business Park dated 2/27/15 page C3 prepared by CFS Engineering. 1 page.
- 5) Second Draft of minor subdivision and road standards policy. No date. 1 page. (*draft policy - reduced road standard subdivisions 2.pdf*)
- 6) July Inspection memorandum for Westminister Estates prepared by McCarty Engineering, Inc. dated July 22, 2016. 2 pages. (*Westminister Estates Inspection Letter 072216.pdf*)
- 7) June Progress Report for Westminister Business Park and cumulative gravel removal table from Tetra Tech dated July 06, 2016. 3 pages. (*2016-07-06_progress.pdf*) (*2016-07-06 Aerial Photo PDF.pdf*) (*2016-07-06 YTD Cumulative Gravel Removal.pdf*)
- 8) Town Planner Update memo to BoS Dated July 29, 2016. 2 pages. (*Planner Update July 2016.pdf*)
- 9) Gardner News Public Hearing Notice for Jordan Lane Worcester Road Subdivision. 1 page.
- 10) Town Planner Hearing Memo for Jordan Lane Subdivision dated August 5, 2016. 4 pages. (*Hearing Memo - Jordan Lane Sub Aug 2016.pdf*)
- 11) Application for Definitive Subdivision Approval for Jordan Road prepared by Trowbridge Engineering LLC, Westminister, MA, Dated July 15, 2016. (*Worcester Realty Trust - 2 lot def sub application - worcester rd.pdf*)
- 12) Definitive Plan for Jordan Road Subdivision prepared by Szoc Surveyors, Gardner, MA, dated July 14, 2016. (*Szoc plan for Leblanc Worcester Road def sub.pdf*)
- 13) Definitive Subdivision Plan (Jordan Lane Subdivision) prepared by Trowbridge Engineering LLC, Westminister, MA, Dated July 15, 2016. (*Worcester Road Realty Trust def sub plan - road profile 18July2016.pdf*)
- 14) Drainage Analysis for Jordan Road Subdivision prepared by Trowbridge Engineering LLC, Westminister, MA, Dated July 15, 2016.
- 15) Tax card for the properties for the Jordan Road subdivision properties from the Westminister Assessor's office.