

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 William C. Taylor, II

MINUTES OF REGULAR MEETING

Tuesday, May 12, 2014

Room 222, Town Hall

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

Absent: Bud Taylor

Additional Attendees: Mr. John Walters, Mrs. Diane Walters, Mr. Chuck Scott/CFS Engineering/representing WBP. Mr. Steve Powell/Westminster Business Park, Mr. Steve LeBlanc, Mr. Gary Litchfield/Old Mill Circle, Mr. John MacMillan, Mr. Remie Denault, Mr. Paul Brown, Mr. Peter Tomasello.

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 April 28, 2015 minutes. Marie motioned to approve the minutes.

Seconded Jay. The PB voted AIF to accept the minutes.

7:02p.m. *Approval Not Required (ANR) Plan for John & Diane Walters, 100 Town Farm Road (two new lots).*

Jon asked Stephen to describe the ANR plan. The plan showed one lot with existing structures and house being divided into two lots with frontage on Town Farm Road, and a parcel behind those lots with 50 feet of frontage on North Common Road. Mr. John Walters told the Board he thought everything was in order. Mr. Steve LeBlanc told the Board he planned to purchase the lot that was being created shown on the ANR plan and asked if the lot behind would have a home built on it. The lot in question was labeled "not a building lot" on the plan.

After review, Marie made a motion to endorse the plan, seconded Jay. The PB voted AIF to endorse.

7:02p.m. *Westminster Business Park: Extension Request for Phase II Roadway.*

Jon asked Mr. Chuck Scott to present the Phase II roadway extension request. Mr. Scott told the Board the original roadway permit had been issued on April 9, 2007 for two years. WBP had asked for and received another two year extension in April of 2009 and the Permit Extension Act of Massachusetts had added another four years onto that extension validating the permit thru April 9, 2015. WBP was seeking an extension of at least two years. Mr. Scott asked if the PB would consider a five year extension that would be more in line with the completion of Lot I-7. The Phase II roadway permit was for completion of the road all the way to North Common Road. Marie asked about the future plans for the residential section and asked that the right of way for the Mid State Trail does not end up going through any future residential property back yards. Mr. Scott showed the right of way that had been included on the existing plan. Mr. Scott also mentioned that they (WBP owners) also had discussed ending the boulevard road at the beginning entrance to Lot I-9 with a turning radius large enough to accommodate the trucks that would be using the business park. Mr. Steve Powell told the Board he estimated to have the road completed through to North Common Road in 10 to 12 years. After further reviewing the plan, and discussing the work that has been completed in front of Lot I-7, Marie made a motion to retroactively extend the permit for the Phase II road from April 9, 2015 until April 9, 2020. Seconded Jay. The PB voted AIF.

7:20p.m. Westminster Business Park: TetraTech Change Order Request

The PB reviewed the change order with Mr. Scott and Mr. Powell. The change order would cover work to be performed by TetraTech on behalf of the PB for the next three years. Marie made a motion to approve the change order as presented. Seconded Jay. The PB voted AIF to have the Chair(Jon) sign the change order.

7:25p.m. Westminster Business Park: Un-bonded Section of Roadway.

Stephen described the section of road (Theodore Drive) that TetraTech had identified in 2012 as having no bond covering its completion (from station 17+00 to 26+50). Stephen had researched the Lehtola Escrow Account (roughly \$57K) and had determined that account covered outstanding work (final binder) from station 6+15 to 17+00. Stephen also mentioned he had the 2012 TetraTech estimate of work to complete that section of roadway and that the DPW Director has expressed concerns that the remaining amount may not cover the remaining work.

Stephen told the Board that Tetra Tech has suggested a bond amount of \$77,735 to complete work between station 17+00 to station 25+50. Mr. Scott told the Board that there are presently bonds totaling \$900,000 of which almost one quarter million is in cash. After describing the bonding in place, Mr. Scott asked the PB to think about holding a lot of comparable value (perhaps I-4B) rather than request another bond for the un-bonded section. Mr. Powell expressed concerns about having invested millions of dollars in permitting and inspections, only to be told that the park does not have sewer capacity which has prevented them from selling lots. Stephen asked how much of the TetraTech bond estimate was work that would be potentially completed this construction year. After consultation with Mr. Powell, Mr. Scott told the Board about \$45K outstanding work would remain in top coat and raising sewer structures after all the other work was completed. Stephen asked if any of the Lehtola Escrow Account work would be completed this year to which Mr. Powell replied none because the money was for the top coat which both the PB and Mr. Powell agree should not be done at this point because of the heavy truck traffic. Jon asked what will happen if the PB does nothing? After further discussion, Mike asked the Board to consider a gentlemen's agreement that would require the WBP owners to agree to bond the un-bonded section when money from other presently bonded sections becomes available for release. The end result the PB was trying to achieve is all infrastructure in place with enough money to complete final paving when all the sites are pad ready to be built on to provide living wage jobs and tax revenue. Mike went on to say that since he has served on the PB, the park owners have kept the infrastructure in good shape and have repaired any problems promptly. Mike also asked the Board to consider the living wage jobs that Mr. Powell presently provides the region with trucking and equipment related to the earth removal and construction of the infrastructure in the park. Mike told the Board while he believes that to dot every "i" and cross every "t" that all the roadway should be bonded, he did not believe the owners would walk away from it at this point, and that financially now was probably not the right time to be asking for more bond money on top of what was already in place. Stephen suggested the PB could table the bond request until the park owners seek another lot release and ask for the bonding at that point. Stephen reminded the Board that he just wants the PB to understand two things: the Lehtola Escrow amount does not cover the remaining estimate in that section of the road and if there will still be a section of road un-bonded if the Board tables the present bond request discussion. The Board unanimously agreed to table the bond request.

7:48p.m. Westminster Business Park: Review Earth Removal Progress Report from TetraTech

Mr. Scott noted that there has been almost a 100% increase in earth removal amounts from 2014 to 2015. Stephen asked the owners to discuss their request to discontinue well readings on well #201. The well readings have been read since 2005 and have not showed any variation of concern. Well #201 is in an area of the completed work in the park. Jay made a motion to discontinue readings of well #201. Seconded Marie. The PB voted AIF to discontinue #201 well readings and asked Stephen to send a memo to TetraTech advising them as such.

Mike asked Mr. Scott when the "as built plan for Phase II" would be ready since it had appeared as and "action item" on every report the PB had received since May of 2014 when they took over the earth

removal permitting from the BOS. Mr. Scott told the Board there were three monitoring wells that still needed replacement and inclusion on the plan, a bit of survey work and an “as built” would be supplied to TetraTech a week before the first PB meeting in June.

7:54p.m. Request to Amend the Definitive Subdivision Plan for the Village at Old Mill.

Jon asked Mr. Litchfield to explain the waiver request the Village at Old Mill was requesting. Mr. Litchfield told the Board that the owners association was requesting that sidewalks be eliminated on Old Mill Circle and Kimberly Lane. Marie asked about where the original subdivision plan had indicated the sidewalks would be places. Mr. Litchfield produced the recorded waiver request that was part of the the subdivision that specified where the sidewalks were required (and not required). The owners association represented by Mr. John MacMillan produced a signed petition from all the present home owners (22) of property in the subdivision requesting the elimination of the sidewalks and wanted to make it clear it was the homeowners who had made the request. Most of the lawns were already in and there were concerns that adding the sidewalks would change the character of the already established neighborhood.

Stephen reminded that Mr. Litchfield had this year and next to complete the project. Mr. Litchfield explained that an electrical crossing and two gas services had prevented them from continuing final construction. The electric company had returned their 6 year old check for service and asked then to resubmit their request. Mr. Litchfield also described finishing the cape cod berms and finishing loam.

Mr. Litchfield also noted that a section of Kimberly needed replacement per Josh Hall/DPW recommendation.

After further discussion of when the remaining work would be completed and the remaining bond amount, Mike made a motion to waive sidewalks on Kimberly Drive and Old Mill Circle noting the minutes reflect 100% unanimity of the homeowners of a 55+ community requesting the sidewalk waivers. Seconded Jay.

Voted AIF.

8:18 p.m. April Town Planner Report.

Mike asked Marie, Jon, and Jay to consider volunteering to be a part of the Master Plan implementation committee. Stephen told the Board he envisions 5-7 members who will meet quarterly, with homework assignments of meeting with responsible entities to remind them and be updated by them of their progress implementing the MP recommendations. Once a year the committee would update the Selectmen and PB of their progress.

Mike also requested that the PB consider adding an invitation for the Building Committee of the Senior/Community Center to discuss the berm and trees that the abutter had requested but remain incomplete be added to the next agenda. The Board agreed to ask the Committee to appear at the next meeting.

Stephen told the Board he hopes to have an analysis of existing businesses that may be affected by the recent PB work on the table of uses available at the next PB meeting.

8:34 p.m. Reorganization of Planning Board officers.

After discussion, Jon was asked to remain as Chair, Marie was asked to remain as Vice-Chair and Mike agreed to continue preparing the minutes. All members agreed.

8:38 p.m. Adjourn.

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

4 Pages of Minutes
Respectfully submitted,
Michael Fortin

11 Attachments :

- 1) ANR Plan for Wallace property on Town Farm Road. 1 page.
- 2) Town Planner package for Wallace/100 Town Farm Road including Form A, tax cards and Town Planner GIS map dated May 5 2015. 5 pages.
- 3) CFS Letter requesting WBP Phase II Definitive Plan time extension dated April 16, 2015. 1 page
- 4) TetraTech Change Order on WBP Earth Removal Activities dated April22 2015. 1 page.

- 5) Tetra Tech Bond Estimate for WBP station 17+00 to 26+50 dated May 6, 2015. 1 page.
- 6) TetraTech Progress Report for WBP dated April 24, 2015. 3 pages.
- 7) Tetra Tech Bond Estimate for The Village at Old Mill dated March 10, 2014. 1 page.
- 8) Tetra Tech memorandum on The Village at Old Mill dated March 11, 2014. 1 page.
- 9) Highlighted in orange 11x17 Subdivision Plan of land of Village of Old Mill. Submitted by Gary Litchfield showing sidewalk locations(eliminations). 1 page.
- 10) Amendment to Village at Old Mill subdivision plan dated July 24, 2006. 4 pages.
- 11) Formal request to amend The Village at Old Mill subdivision email dated April 30, 2015 1:20PM 1 page.