



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, Andrew Rice

MINUTES OF REGULAR MEETING

Tuesday, October 27, 2015

Room 222, Town Hall

Attendees: Marie Auger, Mike Fortin, Andrew Rice, Town Planner Stephen Wallace

Absent: Jon Wyman

Additional Attendees: Ms. Courtney Starling/ Communities Opportunities Group LLC.

7:03 p.m.

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

7:03 p.m. - Minutes

Marie asked PB members to review the September 8, 2015 revised minutes, the September 22, 2015 minutes, and the October 21, 2015 minutes. Mike motioned to approve the minutes. Seconded Andrew. The PB voted AIF to accept the minutes.

7:04 p.m. *Request for a two-year retroactive extension of site plan approval for Cumberland Gulf Group of Properties (Cumberland Farms), 68 Main Street.*

The Board reviewed the letter from Cumberland Farms law firm requesting a two year retroactive extension for the site plan approval for 68 Main Street. Mike made a motion to extend the site plan approval for two years to September 24, 2017 retroactive from September 24, 2015. Seconded Andrew. The PB voted AIF.

7:06p.m. *Community Opportunities Group – Village Center Zoning Initiative.*

Ms. Courtney reviewed the following with the Board and the following changes were decided on:

Section 205 Attachment 1 – Table of Uses Change: C-III District Heading to VC (Village Center)

Footnote the Table of Uses language on Kennels to refer to the State source.

Sale and rental of boats E(6) will now be by special permit in the VC and marinas E(7) will be not allowed.

Change auto glass E(13) from Y to SP and allow it by SP in industrial areas.

Business or professional services E(14) strike out *such as copy center or office machine repairs*.

Automobile and motorcycle repair F(3) change from N to SP.

Drive in eating places where the motorist does not have to leave his car E(19) change to SP (Dunkin Donuts

queuing issue of traffic onto Main St.) Add *Artisanal manufacturing with retail* G(9) with N in R-I, R-II, R-III and Y in C-I, C-II, VC(CIII) and I-I and I-II.

Article II

Section 204.5 – Terms Defined

Add:

Upper Story Residential – i.e. mixed use by another name

Artisanal Manufacturing – i.e. bakery, chocolatier, custom carpentry or framing, metalwork, or other artistic type small scale manufacturing with a retail component.

Shared (dual) Use parking spaces

Article III

205.5 – Commercial Districts

Change: Commercial III (Downtown) to VC (Village Center)

Article VIII

205.33 – Number of Spaces Required

Change: Reference to Commercial III for retail stores & services to VC

Reference to Commercial III for Restaurants, theaters and other places of assembly exclusive of churches to VC

Reference to Commercial III for Offices to VC

Clarify: Parking requirements in VC for the above uses.

Add: Parking waiver by Special Permit for VC district for shared use spaces, off-site parking under agreement, within a radius of public parking, as a % of required parking, reduced residential parking requirements, etc.

205.34(A) – Site Plan Requirements

Add: Language to address building modifications to include residential and commercial uses within one structure.

Article IX

205.XX – Village Center District Regulations

A. Purpose

The purpose of the Village Center District is to protect and *strengthen* the aesthetic character of the *traditional* Westminster Village Center, encourage sustainable and attractive site design, and promote a diverse and vibrant mix of commercial, residential, institutional and recreational opportunities in support of the health, safety and welfare of Westminster.

B. Special Use Requirements in VC District

The regulations within this section shall apply to those lots located in whole or part within the Village Center Zoning District. The regulations established herein shall be considered controlling wherein they should be found to be in conflict with other sections of this bylaw. The invalidity of any section or provision of this bylaw, or its application to any development proposal, shall not invalidate any other section, provision or application of this bylaw.

C. Special Use Regulations in VC District

1) Upper story Residential

Foregoing the limitations established for residential units in other sections of this Bylaw, this section shall control dimensional and density requirements for upper story residential units in the Village Center district. In order to encourage increased housing opportunities in Westminster, upper story residential uses above existing first floor commercial or institutional units may be created subject to the following limitations:

a) Existing buildings

Upper story residential units may be created in buildings that existed at the time of the adoption of this bylaw (xx/xx/2016) provided that the following criteria are met:

- i. The lot contains at least 7,500 square feet of area.
- ii. The provisions of Section 205.33 shall not apply to Upper Story Residential units. The parking requirements shall be one (1) parking space per unit
- iii. Parking for any commercial uses shall be provided as established under Section 205.33. Spaces provided may be shared use spaces provided it can be demonstrated that the combination of uses do not have concurrent peak parking demands.
- iv. Any exterior alterations to provide adequate ingress or egress must be reviewed by the Planning Board as part of site plan review.
- v. Dwelling units created must contain a minimum of 500 square feet of gross floor area.

b) New Construction

Upper story residential units may be provided as part of new construction provided that the following criteria are met:

- i. The lot contains at least 15,000 square feet of area.
- ii. The proposed building does not contain more than 25,000 square feet of gross floor area. Dwelling units created must contain a minimum of 500 square feet of gross floor area.
- iii. The provisions of Section 205.33 shall not apply to Upper Story Residential units. The parking requirements shall be one (1) parking space per unit
- iv. Parking for any commercial uses shall be provided as established under Section 205.33. Spaces provided may be shared use spaces provided it can be demonstrated that the combination of uses do not have concurrent peak parking demands.

2) Provisions for Multi Use Lots

Lots that contain more than one principal use in addition to accessory uses in the Village Center District provided that all dimensional and parking requirements are met for all uses subject to the following exemptions:

- a) The Planning Board, by Special Permit may waive up to 25% of the required parking spaces on lots containing more than one principal use.
- b) Shared use parking spaces are allowed to count toward the parking requirement provided that it can be demonstrated the combination of uses do not have concurrent peak parking demands.

The Board agreed there should be a definition of Gross Floor Area added to the Definitions section.

D. Additional Dimensional Requirements

The Planning Board may waive any additional setbacks by Special Permit provided that relief from such dimensions provides for site design that allows for additional landscaping, lighting, sidewalks, improved pedestrian or vehicular circulation, or other such amenities that provide a public benefit.

Table 205.39.1			
Dimensional Requirement	Front	Side	Rear
Maximum Building Setback	20'	-	-
Minimum Parking Setback	20'	10'	-
Minimum Landscape Buffer	5'	5'	-
Maximum Lot Coverage	80%		
Maximum Building Height for Upper Story Residential	35 feet		

Ms. Starling told the Board she will revise the draft language agreed on above and will begin to look at Sign language for the next meeting on November 24.

8:05p.m. *Zoning Work*

Stephen told the Board he had received comments back from Town Counsel regarding definitions for Public Service Corporations. After discussion, the PB agreed to combine the two previous draft types of Public Service Corporations into one line and also agreed to require a Special Permit in every Zoning District.

Stephen presented a definition for PUBLIC SERVICE CORPORATIONS – Those corporations located within the Commonwealth of Massachusetts that provide a public service or services, regulated by the MA Department of Public Utilities or the MA Department of Telecommunications and which may be exempted from local zoning in accordance with MGL Chapter 40A, Section 3, by said departments through a public hearing where the Town is notified as a party of interest.

8:13 p.m. *Building Commissioner Referral: Michael Longley, potential need of Fill Permit for property located at 39 Carter Road.*

The PB read the letter from the Building Commissioner and reviewed aerial photographs of the property from 2011 and 2014. The Board also reviewed complaints from abutters. After discussion, the PB agreed with the information supplied by Town Counsel and the Building Commissioner that Bylaw 97.8 had been triggered and Mr. Longley needs to apply for a fill permit. The Board asked Stephen to send a letter to Mr. Longley referencing the Building Commissioner/Mike Gallant's letter informing Mr. Longley that according to Town Bylaw 97 Section 8, the PB has determined that he needs to apply for a fill permit.

8:24 p.m. *September progress report for earth removal operation at the Westminster Business Park.*

The PB reviewed the progress report for earth removal and had no questions or comments for TetraTech.

8:25 p.m. *Selectmen's request: Planning Board appointment to Government Study Committee.*

Board members present showed no interest in serving on the Town Government Study Committee and will bring the subject up again when Jon is present.

The Board reviewed the monthly Town Planner Report memo. There was discussion about continuing work on the Brownfields Grant.

8:34 p.m. *Adjourn.*

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

4 Pages of Minutes
Respectfully submitted,
Michael Fortin

12 Attachments :

- 1) Letter from Cumberland Farms lawyers Lombardo DeVellis & Smith LLP dated September 24, 2015. 1 Page.
- 2) Communities Opportunity Group handout for Village Center Bylaw dated 10/19/2015. 8 printed pages.
- 3) Email from Town Counsel regarding definition for public service corporations dated 10/20/2015. 2 Pages.
- 4) Letter from Building Commissioner regarding PB request on Longley property / Carter Road dated October 22, 2015. 2 pages.
- 5) Two Mr. Mapper aerial photographs of Longley / Carter Road property from 2011 and 2014. 2 pages.
- 6) Five (5) separate e-mails from abutters and concerned parties regarding Longley / Carter Road property. 6 pages.
- 7) Tetra Tech monthly progress report on Westminster Business Park dated October 1, 2015. 3 pages.
- 8) Town Planner monthly memo to BOS dated September 28, 2015. 3 pages.