



Town of Westminster

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD

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Jon Wyman, chairman

Marie N. Auger, vice chairman

Michael Fortin

Andrew Rice

Linda Wiest

MINUTES OF REGULAR MEETING

September 13, 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. Scott Eriksen, Mr. James Patierno, Mr. Justin LeClair, Mr. Anthony Cleaves/Whitman & Bingham, Mr. Brian Marchetti/McCarty Engineering, Mr. M. Donald Barry/C.O.A., Mr. John Bowen (did not sign in).

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 August 23, 2016 meeting minutes. Marie motioned to approve the minutes. Seconded Linda. Voted AIF. (Note Andrew was not at the 8/23 meeting and abstained)

7:03 p.m. - *Minor Modification to an approved site plan – adding handicapped spaces to the Senior/Community Center, 69 West Main Street.*

The PB reviewed the new drawing showing the location of the six (6) additional handicapped parking spaces. Jon noted the PB had discussed this at the last meeting and was just waiting for the corrected drawing to be submitted. He asked Board members if there was any further discussion. Motion by Marie to approve the minor Site Plan modification as presented. Seconded Linda. Voted AIF. Stephen will type up a letter for the Council of Aging informing them of the decision.

7:15 p.m. - *Retroactive time extension request for the Brookside Farm Subdivision, Bean Porridge Hill Road, owner: Brookside Farm LLC.*

Stephen told the Board the owners were seeking a retroactive extension of their subdivision approval which had lapsed in April 2016. Attorney Scott Eriksen spoke for one of the Brookside owners Mr. James Patierno telling the PB he had submitted a request letter to the PB for the retroactive time extension. Marie moved to grant a retroactive time extension from April 16th 2016, and a three year extension starting September 13, 2016 and ending September 13, 2019. Seconded Mike.

Andrew asked if anything has changed in regards to the subdivision. Mr. Patierno noted that the Fire Department was now requesting there be individual sprinkler systems in each home instead of the cistern system that had originally been proposed.

The PB voted AIF to grant the extension.

7:12 p.m. - *Public Hearing for Site Plan Review – M & P Realty Group Inc. to add a handicap ramp and outside stairs to the existing funeral home building at 123 Main Street.*

Jon read the public notice and opened the public hearing. Stephen introduced the proposal: Minor site plan review, there was no technical review meeting, plans had been distributed to all major departments, Stephen reviewed plans with Fire Chief, no comments received from other boards and departments, they are requesting waivers. Mr. Anthony Cleaves/Whitman & Bingham asked if there were any questions on the proposal. None. Jon asked the PB if they had enough information to make a decision on the site plan. Marie moved to close the public hearing. Seconded Mike. Voted AIF to close public hearing. Marie motioned to approve all waivers listed in the applicants September 13th 2016 request letter. Seconded Linda. Voted AIF to approve all requested waivers.

Stephen read the PB standard four conditions that are added to all site plan approvals:

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 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.
4. This Approval shall lapse on September 13, 2018 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 September 13, 2018 and the Board reserves its rights and powers to grant or deny such request without a public hearing.

Marie moved to approve the site plan as presented with the 4 listed conditions. Seconded Mike. The PB voted AIF to approve the site plan.

7:20 p.m. *Public Hearing for Site Plan Review - Clean Footprint LLC (Applicant) on behalf of Westminster Business Park LLC (Owner) to install a ground-mounted solar array at property located on Theodore Drive.*

Jon read the public notice and opened the public hearing. There was no technical review meeting, plans had been distributed to all major departments with comments received from Fire Department, applicant is requesting waivers.

Mr. Brian Marchetti/McCarty Engineering described the proposal: Mr. Marchetti/ McCarty Engineering is representing Clean Footprint LLC, leasing the lot from Westminster Business Park who will still own the land. 1730 panels/605kW system on Lot I4-B. Eleven acre lot, half occupied by solar panels. Drainage report submitted and reviewed by Bob Maki. Mr. Marchetti told the Board the Business Park owners are aware they will need to install and complete the roadway paving and utilities (gas and electric) up to the end of Clean Footprints entrance as part of this project (Station 40).

Stephen told the PB Tetra Tech has reviewed the plans and has comments on the decommissioning plan and bonding. The Fire Department reviewed the plans and has four comments.

Fire Department comments addressed by Mr. Marchetti: 1. Fire Department has requested a Knox Box on the gate. It has been added to the plans. 2. FD requested a vegetative management plan. Notes have been added to site plan. A property management company will maintain the site including all improvements and utilities. 3. Site safety Emergency Management Plan with contact information has been submitted. It received no comments. A copy will be kept onsite for first responders per FD request. 4. Final contact information of owners will be kept on site.

Tetra Tech comments addressed by Mr. Marchetti: 1. Decommissioning Plan and Bonding. A new Decommissioning Plan with revised Bonding amount was submitted per Tetra Tech recommendations. The revised Decommissioning Bond amount will be \$40,000.

Stephen noted that the PB request for Non reflective panels has been met and a note added to plan. Mr. Marchetti will provide updated PDF Site Plans to the PB. The applicant has agreed to provide the contact names for the site project manager during construction and a pre-construction meeting will be held before work commences. Proof of payment for public hearing advertising costs will be provided. Andrew asked about the size of the lot, lot coverage and where the lot is in reference to the MBTA lot.

There were no further questions from the PB or the public. Jon asked the PB if they had enough information to make a decision on the site plan. Marie moved to close the public hearing. Seconded Mike. Voted AIF to close public hearing.

Stephen read the requested waivers from a letter from McCarty Engineering dated September 6, 2016. Marie motioned to approve all waivers listed in the applicants request letter. Seconded Mike. Voted AIF to approve all requested waivers.

Stephen read the PB standard conditions that are added to all site plan approvals in addition to two additional conditions:

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 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.
4. This Approval shall lapse on September 13, 2018 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 September 13, 2018 and the Board reserves its rights and powers to grant or deny such request without a public hearing.
5. The Applicant will post a decommissioning bond with the Town in the amount of \$40,000 prior to the Planning Department's sign-off on the Building Permit for this project.

Mike asked to have construction deliveries not coincide with Monty Tech bus/student drop off and pickup times.

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).

Marie moved to approve the site plan as presented with the 6 listed conditions. Seconded Andrew.

The PB voted AIF to approve the site plan.

Review & Comment - three Zoning Board cases:

7:46 p.m. Special Permit application for Gordon Martin to open a bed & breakfast operation at 164 South Ashburnham Road

The PB reviewed the request for comment from the ZBA for a special permit for a Bed & Breakfast. Mr. John Bowen asked the Board if the Town Clerk had passed on a letter received from Mr. Bob Francis. The Board had not received the letter. The letter may reference a covenant on the lot. After discussion, Marie moved that the Board write an email of support. Seconded Linda. Voted AIF.

7:50 p.m. *Finding request for Barbara Robbins to tear down a single family home and replace with slightly larger home at 16 Beach Circle - Baker's Grove.*

The PB reviewed the request for comment from the ZBA for a finding to replace an existing home with a new home. Jon noted the camp was built in 1933 and was damaged during the ice storm of 2008. There was a letter of support from the Baker's Grove. A similar finding was granted previous but never executed before it expired. After discussion about proximity to the pond and proximity to other homes, Marie moved that the Board write an email of support. Seconded Linda. Voted AIF.

7:57 p.m. *Appeal of Building Commissioner decision determination regarding a previous Variance for property at 22 South Street (allowing overnight stays in a commercial structure) for Daniel Ervin.*

The PB reviewed the request for comment from the ZBA for an appeal to a determination by the Building Commissioner regarding a previous variance. Stephen told the Board the owner of the Medical Office building would like to offer a place for overnight stays for staff.

After discussion about the variance and the proximity of the lot to the newly created Village Zoning District, and discussion from Mr. Bowen, Marie moved that the Board write an email of support citing the concept of mixed use. Seconded Mike. Voted AIF.

8:12 p.m. *Westminster Business Park Progress Report.*

The PB reviewed the Tetra Tech Progress report for August. There was discussion about the action items and how the PB conveys its desire to have them acted on. Mike suggested the PB adopt a policy to automatically send a memo to the owners asking them to act on the action items after PB review each month. The Board agreed it should send a monthly email/memo.

8:22 p.m. *Town Planner Report.*

Stephen told the PB the BoS has resumed its Master Plan Implementation Meetings starting with the Energy Advisory Board and working to have the Economic Development Committee in for review next. The PB will follow them.

The Economic Development self assessment is in progress. Stephen has the survey in hand and will work to have it completed by the end of October.

MRPC work is finalizing the assessment of the senior housing site and they will conclude that there is land for the 72 units being planned for.

Any money award from the MassWorks funding request for the inline sewer application will be applied to the amount borrowed.

The Town Hall Survey cards are coming in. There was discussion that 4 out of 5 PB members did not receive a survey. The mailing list is the Town Hall Census list which has 2700 entries. The Post Office has returned many as un-deliverable. There is discussion between Stephen and BoS that a re-mailing might be done.

8:31 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

24 Excruciatingly Long Attachments :(

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- 1) Senior Center Handicapped Parking Plan. Dated September 13, 2016. 1 page. (*Senior Center additional HC parking modification to site plan 2016.pdf*)
 - 2) Brookside Conditional Subdivision Decision Dated Nov. 29, 2011. 9 Pages. (*Brookside Decision - Signed 2010.pdf*)
 - 3) Letter – Extension Request for Brookside Farms from Perkins & Anctil dated September 6, 2016. 2 pages. (*Brookside Farm - Extension Request.pdf*)

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- 4) Town Planner Hearing Memo for M&P Realty Group, 123 Main Street. Dated September 9, 2016. 3 pages. (*Site Plan Hearing Memo - Funeral Home.pdf*)
- 5) Gardner News Public Hearing Notice for M&P Realty Group. 1 page.
- 6) Application for Site Plan Approval prepared by M&P Realty Group /Whitman & Bingham Associates LLC, Leominster, MA, dated 8/19/2016. (*Funeral Home site plan app – ramp.pdf*) includes Tax card for the property from the Westminister Assessor's office.
- 7) Site Plan for M&P property prepared by Whitman & Bingham Associates LLC, Leominster, MA, dated 8/26/2016. 6 pages 11x17. Includes manufacturers design of ramp.
- 8) Waiver request letter prepared by Whitman & Bingham Associates LLC, Leominster, MA, dated September 13, 2016.
- 9) Town Planner Hearing Memo for Clean Footprint LLC. Dated September 9, 2016. 4 pages. (*Hearing Memo - WBP Solar Part II.pdf*)
- 10) Gardner News Public Hearing Notice for Clean Footprint LLC. 1 page.
- 11) Application for Site Plan Approval prepared by Westminister Business Park/McCarty Engineering LLC. Dated 8/19/2016. 7 pages. (*Clean Footprint solar site plan app - WBP 2016.pdf*) includes Tax card for the property from the Westminister Assessor's office.
- 12) Site Plan for Solar Development, Lot I4-B Theodore Drive prepared by McCarty Engineering LLC. Dated 8/24/2016 and revised to include fire department notations. 7 pages 11x17.
- 13) Stormwater Report prepared by McCarty Engineering LLC for Solar Development Lot I4-B Dated August 24, 2016. 122 pages. (*2016-08-24 Complete Drainage Report.pdf*)
- 14) McCarty/Clean Footprint Cover letter dated August 24, 2016. 2 pages.
- 15) 26 Theodore Westminister Solar (Clean Footprint) Emergency Response and Communications Plan No Date. 5 pages. (*ERCP 8-25-16.pdf*)
- 16) 26 Theodore Westminister Solar (Clean Footprint) Decommissioning Plan not dated. 6 Pages. (*Draft Decommissioning Plan v2.pdf*)
- 17) Waiver request letter prepared by Clean Footprint – Solar Development dated September 6, 2016. 2 pages.
- 18) Town Planner Summary Spreadsheet on existing Westminister Solar Projects. Dated 3/18/2016. 1 page.
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- 19) ZBA Request for Comment Martin/ Bed & Breakfast ZBA Application (16-07) dated August 19, 2016. 16 pages. (*Martin ZBA Application (16-07).pdf*)
- 20) ZBA Request for Comment Robbins Finding 205-16-B House Rebuild (16-05) dated August 18, 2016. 20 pages. (*Robbins - Zoning Bd of Appeals – (16-05).pdf*)
- 21) ZBA Request for Comment Ervin ZBA Application (16-06) Appeal of BC Determination dated August 19, 2016. 17 pages. (*Ervin ZBA Application (16-06).pdf*)
- 22) Tetra Tech Monthly Progress Report for Westminister Business Park. Dated September 08, 2016. 2 Pages. (*2016-08-05_progress.pdf*)
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- 23) Tetra Tech Monthly Cumulative Gravel Removal Report for Westminister Business Park. 1 page, no date. (*Lot I-7 gravel plan NOTES7-11-12.pdf*)
- 24) Town Planner Update memo to BoS Dated August 29, 2016. 2 pages. (*Planner Update August 2016 2.pdf*)